

**City of Greensboro Planning Department
Zoning Staff Report
December 10, 2007 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: G
Location: 3318 and 3320 Horse Pen Creek Road (south side of Horse Pen Creek Road between Laurel Run Drive and Four Farms Road)

Applicant: Bradford J. Deaton, c/o Derek J. Allen
Owner: Bradford J. Deaton and Hal Pickard

From: County RS-40 & RS-20
To: City CD-LB

- Conditions:** 1) Uses: All uses permitted in the LB zoning district.
 2) The primary building materials for the exterior façade shall consist of brick, stone, glass, masonry materials or similar product(s).

SITE INFORMATION	
Maximum Developable Units	N/A
Net Density	N/A
Existing Land Use	Two single family homes
Acreage	1.92
Physical Characteristics	<i>Topography:</i> generally flat <i>Vegetation:</i> couple of mature trees on residential lots <i>Other:</i> N/A
Overlay Districts	N/A
Historic District/Resources	N/A
Generalized Future Land Use	Mixed Use Residential
Other	N/A

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Apartments (under construction)	CD-RM-18
<i>South</i>	Scattered single family homes	Co. RS-40
<i>East</i>	Single family home	RS-12
<i>West</i>	Single family home	Co. RS-40

ZONING HISTORY		
Case #	Year	Request Summary

DIFFERENCES BETWEEN RS-40 & RS-20 (EXISTING) AND CD-LB (PROPOSED) ZONING DISTRICTS
<p>RS-40: Primarily intended to accommodate single family detached dwellings on large lots and is intended solely for properties having one (1) or more of the following characteristics: (a) Lies within the 60 DNL noise contour line; (b) Lies in a public water supply watershed and where an outfall to provide public sewer service is not available; (c) Lies in a portion of a watershed critical area to which an outfall to provide sewer service has been made available pursuant to an agreement, approved by the City and by another governmental jurisdiction, designed to limit development density to approximately that obtainable prior to sewer service.</p>
<p>RS-20: Primarily intended to accommodate low to moderate density single family detached dwellings in developments where public sewer service is required. The overall gross density will typically be 1.9 units per acre or less.</p>
<p>CD-LB: 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 and thoroughfares in areas which are otherwise developed with residences. See Conditions for additional limitation.</p>

TRANSPORTATION	
Street Classification	Horse Pen Creek Road – Minor Thoroughfare.
Site Access	All proposed access(s) must be designed and build to the City of Greensboro standards.
Traffic Counts	Horse Pen Creek Road ADT = 15,000.
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 Watersupply Watershed (WSIII)
Floodplains	N/A
Streams	N/A
Other	Maximum built upon area (BUA) per watershed density is 70% of the site acreage for high density development. If high density development (24%-70% of BUA) is proposed all the built upon area must drain and get treated by a State approved water quality device (pond or similar). If low density development is proposed site must meet score sheet requirements.

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

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.

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:

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

Mixed Use Residential: This designation applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced. Such use mixes are typically found in older, in-town neighborhoods that accommodate "corner stores" and other local services, as well as in newly developed traditional neighborhood developments (TNDs). This district is also applied in areas suited to a diverse mix of housing types and densities. Ensuring that buildings are of the appropriate scale and intensity is critical.

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

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

City Plans: N/A

Other Plans: N/A

STAFF COMMENTS

Planning: This property is within the Tier One Growth Area on the Growth Strategy Map in the Comprehensive Plan. This site currently contains two single family dwellings.

This property is located within the boundary of the City-initiated Annexation (2008-12). City services will be provided as part of the implementation of the annexation.

Staff has concerns about commercial uses locating further west on Horse Pen Creek Road. The intersection of Battleground Avenue and Old Battleground/Horse Pen Creek Road serves as the commercial node that serves the surrounding area. In the recent past this intersection went through a major transition to commercial uses and is still under development. The subject site appears to be surrounded by somewhat underutilized land that could reasonably transition to other uses in the future. Ideally the proposed site would develop in conjunction with surrounding parcels to create a larger integrated development that would allow for greater land use options, consolidated driveways and integrated design.

This proposed site is primarily shown on the Generalized Future Land Use Map as Mixed Use Residential (MUR) with a small portion of the site within the Low Residential classification. The MUR portion of the site is part of a much larger area that covers the intersection of Battleground Avenue and Old Battleground/Horse Pen Creek Road. The site is also located on the inside edge of the 60DNL noise cone. Due to the aforementioned factors staff feels that this site could best be utilized for office uses or as part of a larger integrated development that could include a residential component in the RM-5 or RM-8 density range for a portion of the site that meets the requirements of the noise cone ordinance.

If this site is to develop prior to its surroundings it will be important to provide opportunities for future cross-access to the adjoining properties. This area is an important transition area from the commercial node to the east and the residential/institutional uses to the west. As such if it is to develop it should respect the residential character of the area. This could be achieved by providing a height limit of approximately two stories and providing a pitched roof on any new buildings.

The applicant has informed staff of the intent to amend the first condition and add four new conditions to read as follows:

1. Uses: All uses permitted in the GO-M zoning district and the following LB uses:
 - a. Dance Schools
 - b. Martial Arts Instructional Schools
 - c. Clothing Alteration or Repairs
 - d. Computer Maintenance and Repair
 - e. Shoe repair or Shoeshine Shops
 - f. Television, Radio or Electronic Repair
 - g. Watch or Jewelry Repair Shops
 - h. Antique Stores
 - i. Arts and Crafts
 - j. Bookstores
 - k. Cake Decorating Supply Stores
 - l. Camera Stores
 - m. Candle Shops
 - n. Candy Stores
 - o. Cellular Telephone Sales and Service
 - p. Computer Sales
 - q. Fabric or Piece Goods
 - r. Florists
 - s. Gift or Card Shops
 - t. Hobby Shops
 - u. Jewelry Stores
 - v. Optical Goods Sales
 - w. Restaurants (no drive-thru)
 - x. Stationary Stores

3. The maximum height of any structure shall be limited to thirty (30) feet.

4. No more than twenty five percent (25%) of the total square footage of the buildings on the site may be used for uses not permitted in the GO-M zoning district.

5. The maximum square footage of any use not permitted in the GO-M zoning district shall be limited to 2,000 square feet.

6. All structures on the subject property shall be constructed with pitched roofs.

With these added conditions, staff remains concerned about allowing 25% of the site for retail use and the precedent that it could set for allowing retail to continue down Horse Pen Creek Road. Staff is also concerned about the future development of the area surrounding this site and the potential lost opportunity to create a larger integrated development that would allow for greater land use options, consolidated driveways and integrated design. Staff highly encourages the provision of cross-access stubs as an additional condition on this site to aid in future integrated development with the surrounding area.

GDOT: No additional comments.

Water Resources: No additional comments.

Housing & Community Development: Presently, commercial uses on Horsepen Creek Road do not extend more than 800 feet from Battleground Avenue. This proposal would introduce a commercial development between existing residential development, thereby promoting further

incursion of non-residential uses along Horsepen Creek Road extending from Battleground Avenue. This proposal would also demolish two existing single family homes. For these reasons, the proposal would have negative impacts on otherwise stable residential development, and would be incompatible with its surroundings.

STAFF RECOMMENDATION

Based on all the information contained in this report, the Planning Department recommends denial.

ADDITIONAL INFORMATION