



Z-12-05-001

Planning & Community Development
Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: April 9, 2012

GENERAL INFORMATION

APPLICANT	William P. Benjamin for Nostra Property, LLC
HEARING TYPE	Rezoning
REQUEST	O (Office) to CD-C-M (Conditional District- Commercial-Medium).
CONDITIONS	<ol style="list-style-type: none">1. Uses: All uses allowed in the C-M (Commercial-Medium) zoning district <u>except</u> bars, any use with a drive-thru and any use involving fuel pumps.2. No underground petroleum storage tanks will be placed or maintained on the property.3. No billboards will be erected on the property.
LOCATION	3925 Battleground Avenue , generally described as the west side of Battleground Avenue, north of Wayfarer Drive and south of Horse Pen Creek Road
PARCEL ID NUMBER(S)	7847324736
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). 130 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~0.75 Acres
TOPOGRAPHY	Slopes to the north
VEGETATION	Grass

SITE DATA

Existing Use

Parking lot (portion) and vacant (portion)

	Adjacent Zoning
N	CD-C-M (Conditional District-Commercial-Medium)
E	C-M (Commercial-Medium)
W	CD-RM-8 (Conditional District-Residential Multi Family)
S	CD-C-M (Conditional District-Commercial-Medium)

	Adjacent Land Uses
	Eating and drinking establishment
	Vacant
	Multi-family dwellings
	Retail establishment

Zoning History

Case #	Date	Request Summary
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This property has been zoned O (Office) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO), it was zoned GO-M (General Office-Moderate Intensity).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (O)	Requested (CD-C-M)
Max. Density:	N/A	N/A
Typical Uses	Primarily intended to accommodate office, institutional, supporting service and other uses.	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.

**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

Environmental/Soils

Water Supply - Site is located in Greensboro Watersupply Watershed. Site drains to Watershed Horsepen Creek.

Floodplains N/A

Streams N/A

Other: All new Built Upon Area (BUA) must be treated by water quality device and any existing BUA must be treated to the maximum extent practicable. If plan does not have TRC approval by August 1, 2012, site must meet Nitrogen & Phosphorus requirements.

Utilities

Potable Water Water Resources is not able to support this request until field investigations to confirm adequate capacity are completed.

Waste Water Water Resources is not able to support this request until field investigations to confirm adequate capacity are completed.

Airport Noise Cone

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

Landscaping Requirements

Battleground Ave. - Street Yard – minimum width 10’; 2 canopy trees per 100’, 17 shrubs per 100’

Adjoining Single-Family and Multi-Family - Type B Yard – average width 25’; 3 canopy trees per 100’, 5 understory trees per 100’, 25 shrubs per 100’

Adjoining Commercial – Not Applicable except as noted below.

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
0.75 ac.	1% of lot size

Transportation

Street Classification:	Battleground Avenue – Major Thoroughfare
Site Access:	All access(s) must be designed and constructed to the City of Greensboro standards.
Traffic Counts:	Battleground Avenue ADT = 21,405 (GDOT, 2009)
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 existing sidewalk along the frontage of this property.
Transit in Vicinity:	No
Traffic Impact Study: (TIS)	No TIS required per TIS Ordinance.
Street Connectivity:	N/A
Other:	This property is located within the limits of NCDOT’s US 220 widening project that is projected to begin construction in 2012.

IMPACT/POLICY ANALYSIS

Land Use Compatibility

The proposed **CD-C-M** (Conditional District- Commercial-Medium) 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 **Mixed Use Residential**. The requested **CD-C-M** (Conditional District- Commercial-Medium) zoning district is generally consistent with this GFLUM designation.

Connections 2025 Written Policies

Land Use, Goal 4.1 – Growth Strategy: 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.

Economic Development, Goal 7: 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: Ensure that city land use policies and regulations allow for an adequate supply of land to accommodate economic development.

Connections 2025 Map Policies

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.

CONFORMITY WITH OTHER PLANS

City Plans– N/A

Other Plans– N/A

STAFF ANALYSIS AND RECOMMENDATION

Staff Analysis

This 0.75 acre parcel, which is currently being partially used as a parking lot, is located on the west side of Battleground Avenue, north of Wayfarer Drive and south of Horse Pen Creek Road. This area of the city is generally developed with varying densities and intensities of residential, commercial and institutional uses. Most properties in the immediate area fronting Battleground Avenue are already zoned for some type of commercial or office use. Beyond these commercial properties away from Battleground Avenue are multi-family and single-family uses in well established neighborhoods. The subject property backs up to an existing multi-family dwelling complex. The applicant intends to redevelop this site as an infill project for possible retail, eating and drinking establishment or office uses.

The site is designated as Mixed Use Residential on the Generalized Future Land Use Map (GFLUM). This designation applies to neighborhoods or districts where the predominant use is residential but 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 buildings are of the appropriate scale and intensity.

Given that the subject site is adjoined to the north, south and east by the C-M (Commercial-Medium) zoning district, in addition to the proposed widening of this section of US 220, which is projected to begin construction in 2012, this proposal is in character with the existing development and trend in the surrounding area.

This rezoning request if approved will help promote a diverse mix of uses in the general area and along Battleground Avenue which is one of the major commercial corridors in the City. 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. New patterns and intensities of use will also be promoted to increase economic competitiveness and enhance quality of life in the general area.

Staff finds this rezoning request consistent with the applicable provisions of the Comprehensive Plan, the Zoning Ordinance and the development pattern of the surrounding area.

Staff Recommendation

Staff recommends **approval** of the requested **CD-C-M** (Conditional District- Commercial-Medium) zoning district.