



Z-17-07-003

City of Greensboro Planning Department Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: July 17, 2017

GENERAL INFORMATION

APPLICANT	William P. Benjamin for Mario Pugliese
HEARING TYPE	Rezoning Request
REQUEST	Rezone from CD-C-M (Conditional District Commercial-Medium) to CD-C-M (Conditional District Commercial-Medium).
CONDITIONS	<ol style="list-style-type: none">1. All uses allowed in the C-M district except: bars as a principal use 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
PARCEL ID NUMBER(S)	0080564
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). 118 notices were mailed to those property owners in the mailing area.
TRACT SIZE	.89 Acres
TOPOGRAPHY	Flat
VEGETATION	None

SITE DATA

Existing Use	Undeveloped
Adjacent Zoning	Adjacent Land Uses
N CD-C-M	Restaurant
E C-M	Vacant

W CD-RM-8 Multi-family dwellings
 S CD-C-M Retail

Zoning History

Case #	Date	Request Summary
3841	5/14/12	The subject property was rezoned from O (Office) to CD-C-M in May 2012. Prior to the adoption of the LDO in July 2010, the property was zoned GO-M (General Office Moderate)

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (CD-C-M)	Requested (CD-C-M)
Max. Density:	N/A	N/A

Typical Uses	All uses in C-M except bars, any use with drive-thru and any use involving fuel pumps.	All uses in C-M district except bars as a principal use and any use involving fuel pumps
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*These regulations may not reflect all requirements for all situations; see the City of Greensboro Land 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 Watershed Site drains Greensboro Watersupply Watershed WS-III, Horsepen Creek Sub-basin

Floodplains >2000FT

Streams N/A

Other: Site must meet current watershed requirements if any additional Built Upon Area (BUA) is proposed. Site is within the PTI 5 mile statue radius, no BMP's that hold a normal pool elevation are permitted unless engineering documentation is presented

Utilities

Potable Water Available

Waste Water Available

Airport Overlay District & Noise Cone

N/A

Landscaping & Tree Conservation Requirements

Landscaping:

Street Yards: Street planting yards must be installed abutting public street rights-of-way. The required street planting yard must have a minimum width of 10 feet (as measured from the outside edge of the right-of-way or the back of the sidewalk, whichever is further from the street centerline) and include at least 2 canopy trees and 17 shrubs per 100 linear feet of required street planting yard, not including allowed driveways.

Buffer Yards: Adjacent to multi-family residential: Type B buffer yard, with an average width of 25', a minimum width of 20', and a planting rate of 3 canopy trees, 5 understory trees, and 25 shrubs per 100 l.f.

Adjacent to commercial uses: Vehicular Use Area buffer yard (see below) between any parking lot or drive aisle and the adjacent property line.

On lots of records 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.

Parking Lots: 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 for required parking spaces: 1 canopy tree per 12 spaces, in islands or medians within the parking lot.

Tree Conservation:

1% of parcel size in critical root zone to be dedicated for Tree Conservation.

Transportation

Street Classification: Battleground Avenue – Major Thoroughfare.
Horse Pen Creek – Minor Thoroughfare.

Site Access: All access(s) must be designed and constructed to the City of Greensboro standards.

Traffic Counts: Battleground Avenue ADT : 23,000 (NCDOT, 2015)

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. Sidewalk does exist 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:	Site is within limits of a US 220 Widening project (R2309AB).

IMPACT/POLICY ANALYSIS

Land Use Compatibility

The proposed **CD-C-M (Conditional District – Commercial Medium)** zoning, as conditioned, 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, as conditioned, is generally consistent with the **Mixed Use Residential** 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 4A: Remove present impediments to infill and investment in urban areas.

Policy 4B: Target capital investments to leverage private investment in urban areas.

Policy 4C: Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

Policy 4D: Identify potential opportunities and selectively target, plan and promote development/reuse initiatives.

Community Character, Goal 5.2 – Man-Made Environment: Preserve and enhance the character and visual quality of Greensboro's built environment, including historic resources, private developments, and public landscapes.

Policy 5E: Improve the aesthetic quality of publicly owned and maintained landscapes.

Policy 5F: Implement and improve design standards governing the appearance of development from public roadways.

Housing and Neighborhoods, Goal 6: 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 6C: Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

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 7A: Target city investment and regulatory policies for economic development.

Policy 7C: Ensure that city land use policies and regulations allow for an adequate supply of land to accommodate economic development.

Transportation, Goal 8: Develop and maintain a safe, efficient, and environmentally sound transportation system that provides convenient choices for accessing destinations throughout Greensboro and the Triad, including a range of well-integrated transit, pedestrian, and bicycle linkages.

Policy 8A: Maintain a roadway network that safely and efficiently accommodates vehicular traffic while supporting other community objectives defined in the Comprehensive Plan.

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

Sustainability Action Plan

Element 1) Transportation and Land Use:

Policy 1) Encourage increased density, a mix of land uses and more integrated links between transportation and land use through changes to Greensboro's Comprehensive Plan, Development Ordinance and other related plans.

Element 2) Green Jobs and Buildings:

Policy 3) Develop a coordinated City program to provide technical support, energy audits and education and outreach to increase energy efficiency and conservation in commercial and residential buildings.

Policy 4) Use a combination of code changes, incentives, partnerships and education to promote green building in Greensboro.

Policy 6) Promote more efficient use of water through education, partnerships and pilot projects.

Element 3) Waste Reduction and Recycling:

Policy 7) Employ a combination of expanded recycling infrastructure, regulations and incentives to increase Greensboro's solid waste diversion and recycling rates.

Element 6) Education and Outreach:

Policy 11) Provide technical support, awards and recognition to individuals and organizations furthering Greensboro's energy and sustainability efforts.

Other Plans

n/a

STAFF ANALYSIS AND RECOMMENDATION

Community Outreach

Applicant is strongly encouraged to discuss this proposed rezoning and development with owners of surrounding properties.

Staff Analysis

The .89 acre subject site is currently undeveloped. North, east and south of the site are restaurant and retail uses and undeveloped property zoned C-M and CD-C-M. West of the site are townhomes zoned CD-RM-8.

The Comprehensive Plan's Future Land Use Map designates this area as Mixed Use Residential. The Mixed Use Residential classification applies to neighborhoods or districts where the predominant use is residential and where substantial, compatible local-serving nonresidential uses may be introduced.

This requested change to the current CD-C-M zoning is to allow the option for drive thru uses in addition to the variety of restaurant, retail, office and service uses currently allowed. Any new use on this property must be approved by the City's technical staff to ensure safe movement onto and off the site, as well as within the site itself. Any new development would also be coordinated with changes and improvements associated with the nearby Horse Pen Creek Road and Battleground Avenue intersection. Additionally existing conditions prohibiting underground storage tanks and off-premise advertising signs (i.e. billboards) would remain in effect if the request is approved.

This proposed rezoning request is consistent with the Economic Development goal to promote a healthy, diversified economy and the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas.

This request is consistent with the intent and purpose of the zoning code, the Comprehensive Plan (Connections 2025) and is generally compatible with the existing development and trend in the surrounding area.

Staff Recommendation

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