



Z-10-02-001

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

Zoning Commission Hearing Date: February 8, 2010

GENERAL INFORMATION

APPLICANT Su-Ming Chan & Ai-Feng Chan

HEARING TYPE Rezoning

REQUEST **CD-LO** (Conditional District-Limited Office) to **CD-GB** (Conditional District-General Business) *[**CD-C-M** (Conditional District-Commercial-Medium)]

**Denotes proposed LDO zoning designation*

CONDITIONS

1. Uses: All uses permitted in the "Retail Trade" sub category of the GB zoning district **except** any use with a drive- thru, restaurants and convenience stores (with fuel pumps).
2. A Type "A" planting yard shall be located along the northern boundary so long as the property across that boundary is in residential use.

LOCATION **4015 Battleground Avenue**, generally described as the west side of Battleground Avenue and north of Horse Pen Creek Road

PARCEL ID NUMBER (S) **00-03-0173-0-0835-00-059**

PUBLIC NOTIFICATION The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City 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). **31** notices were mailed to those property owners in the mailing area.

TRACT SIZE ~2.20 acres

TOPOGRAPHY Slopes to the east

VEGETATION Residential landscaping

SITE DATA

Existing Use 2 single-family dwelling units

	Adjacent Zoning	Adjacent Land Uses
N	RS-40 (Residential-Single Family)	Single-Family dwelling
E	CD-PDM(Conditional District-Planned Shopping Plaza Unit Development-Mixed)	
W	CD-RM-18 (Conditional District – Residential Multi Family)	Multi-Family dwellings
S	CD-GB (Conditional District-General Business)	Sherwin-Williams Paint Store

Zoning History

Case #	Date	Request Summary
3671-23	06/30/2008	This property was annexed into the City as part of the 2008 City-initiated annexation. County zoning CU-LO was changed to City zoning CD-LO with 2 conditions attached: <ol style="list-style-type: none"> 1. All uses permitted in the LO zoning district. 2. A Type “A” planting yard shall be located along the northern boundary so long as the property across that boundary is in residential use.

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (CD-LO)	Requested (CD-GB)
Max. Density:	N/A	N/A
Typical Uses	Primarily intended to accommodate low intensity medical, professional, administrative, and government office uses on small to mid-sized sites near residential areas	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 the actual requirements for all situations; see the City of Greensboro Zoning Code for actual regulations for site requirements for this zoning district.*

SPECIAL INFORMATION

Overlay District Ordinance/Historic Preservation – N/A

Environmental/Soils

Water Supply Watershed Greensboro Watershed Critical Area, tier 3. Site drains to Horsepen Creek

Floodplains >2000ft

Streams Possible stream onsite, stream identification must be performed. If stream is perennial, a 100ft buffer is required. If stream is intermittent, a 50ft buffer is required. A non-encroachment area is also required for non FEMA mapped streams, either 30ft or 5x's the channel width, whichever is greater.

Other: If High density development is proposed, a BMP will be required.

Utilities

Potable Water

Waste Water

Airport Noise Cone

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

Landscaping Requirements

Location	Required Planting Yard Type and Rate
North	Type A Yard – avg. width 50'; 4 canopy trees per100'; 10 understory trees per 100'; 33 shrubs per 100'
South	Type D Yard – minimum width 5'; 2 understory trees per 100'; 18 shrubs per 100'
East	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
West	Type A Yard – avg. width 50'; 4 canopy trees per100'; 10 understory trees per 100'; 33 shrubs per 100'

Tree Preservation Requirements

Acreage	Requirements
2.36 Ac.	All trees 4" or greater DBH which are located within the required planting yards

Transportation

Street Classification: Battleground Avenue/US 220 – Major Thoroughfare.

Site Access: All access must be designed and constructed to the City of Greensboro standards and/or NCDOT standards. The NCDOT US 220/Battleground Avenue widening project will restrict the access for this site to a right in right out only.

Traffic Counts: Battleground Avenue ADT = 28,693 (2007).

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 no existing sidewalk along the frontage of this development. NCDOT US 220 widening project will be constructing sidewalk on both sides of the roadway.
Transit in Vicinity:	No, there are no transit stops in the area.
Traffic Impact Study: (TIS)	No, not required per TIS Ordinance.
Street Connectivity:	N/A.
Other:	N/A.

IMPACT ANALYSIS

Land Use Compatibility

The proposed **CD-GB** (Conditional District-General Business) 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-GB** (Conditional District-General Business) zoning district is inconsistent with this GFLUM designation based on its purely commercial use with limited opportunities to connect with surrounding residential areas. As such an amendment to the Commercial designation has been requested.

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.

POLICY 4G.1: Promote compact development.

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

Existing

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.

Proposed

Commercial: This designation applies to large concentrations of commercial uses, such as recently constructed major shopping centers and "big box" retail. Such properties may not be expected to undergo redevelopment or a change in use over the plan horizon, and the immediate areas in which they are located may not be suitable for the introduction of mixed uses. While some new commercial centers are anticipated, in general new retail and commercial service uses will be encouraged within more diversified mixed-use centers rather than as stand-alone shopping centers or expanding highway commercial "strips."

Comprehensive Plan Amendment History

Case #	Date	Request Summary
CP-04-02	May 18, 2004	Request to amend GFLUM from Low Residential to Mixed Use Residential. Approved by City Council

Applicant Stated Reasons for Request

The existing zoning does not meet the needs to operate the proposed land use (nursery and garden center). The property needs to be changed to Commercial.

Explain in detail the conditions that you think may warrant a Plan Amendment – Per Applicant and Application

1. Existing zoning for this site does not allow property owners to operate a garden center and nursery.
2. The proposed business will improve the existing property and provide aesthetic benefits to the area.
3. There are no other similar land uses (garden centers) located in the area, thus the property owner will be providing a new service that is more cost beneficial for the surrounding area.

COMPREHENSIVE POLICY PLAN ANALYSIS

Need for Proposed Change

The applicant has requested a rezoning to facilitate a commercial only district within an area designated for mixed development. Given the severely limited ability of this site to be connected to nearby residential areas (as denoted by the current Mixed Use Residential Designation), an amendment to the Commercial future land use designation was deemed appropriate. This site is located in an area that has seen both significant residential and non-residential investment since the adoption of the City's Comprehensive Plan in 2003. The applicant's proposed commercial use directly fronting Battleground Avenue makes some sense given recent development patterns, but its size and location points to an emphasis to serve residences located much further distances away in addition to any nearby residential uses.

Staff has previously emphasized the benefit in concentrating purely commercial uses at key intersections throughout the city to avoid expanded "strip" development. Given growth trends in this area, a similar perspective is applicable to development around the Horse Pen Creek

Road/Battleground Road intersection and this proposed amendment is an appropriate opportunity to evaluate the reasonable edges of this commercial oriented intersection.

Effect of the proposed Change on the Need for City Services and Facilities (e.g. roadway level of service) – see Transportation comments.

Limited as existing and proposed roadway improvements will not be affected by this proposal and other infrastructure is currently available to the site.

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

As part of future Comprehensive Plan updates further definition of appropriate spaces for pure commercial and mixed development is needed in this area. This intersection is in an area of significant growth and future land use patterns will likely force additional development pressures north on Battleground Avenue. Appropriate land uses and land use transitions should be a part of the Plan update for this and other major intersections.

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

None

PLANNING BOARD COMMENTS

The City of Greensboro Planning Board reviewed this request at their January 20, 2010 meeting and made the following comments:

1. The Board felt the property will not likely develop residential – as currently designated in the GFLUM, given land use changes, access limitations, property size, surrounding land uses, etc. and generally felt that the proposed GFLUM amendment was appropriate.
2. The Board expressed concerns regarding types of traffic generated by the proposed land use.
3. Concerns over connectivity to adjacent properties. There is a significant grade difference between the subject property and the properties to the south that prohibits driveway or parking connections.
4. The Board wanted to clearly state that access to the property should be “right-in / right-out” only.
5. The Board asked that this intersection be examined as part of the Comprehensive Plan Update to ensure planning for the future of the entire Battleground Ave corridor to the north.

CONFORMITY WITH OTHER PLANS

City Plans – N/A

Other Plans - N/A

Staff/Agency Comments

Water Resources – N/A

Housing and Community Development

Applicant is encouraged to discuss this proposal with representatives of the nearby Laurel Run Neighborhood.

Planning

The 2.20 acre parcel under consideration is located at the west side of Battleground Avenue and north of Horse Pen Creek Road. The subject site currently comprises of 2 single-family structures, one of which is in a very bad shape and partly torn down. This part of the City is generally developed with varying densities and intensities of residential, commercial and institutional uses. More specifically, in the immediate vicinity, is a shopping plaza, a charter school, a Rite Aid pharmacy shop, a Sherwin Williams paint store and multi-family developments. The Generalized Future Land Use Map (GFLUM) designates this site as Mixed Use Residential, which is inconsistent with the requested General Business zoning district, and therefore this request is accompanied by a request to change the GFLUM.

The applicant proposes to redevelop this site as a garden center/retail nursery (non-binding). Staff believes that approving this infill request will help promote a more diverse mix of uses in the general area. It will also promote a healthy, diversified economy with a strong tax base and opportunities for employment and entrepreneurship, while at the same time encouraging “home-grown” and community-based businesses and entrepreneurs with special emphasis on increasing the number of minority-owned businesses in traditionally underserved parts of the community

Staff believes that this request is consistent with the intent and purpose of the zoning code and the Comprehensive Plan Policies (Connections 2025). Staff is also of the opinion that the request is generally compatible with the existing development and trend in the surrounding area.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested **CD-GB** (Conditional District-General Business) zoning district.