



Z-10-09-001

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

Zoning Commission Hearing Date: September 13, 2010

GENERAL INFORMATION

APPLICANT	Jeff Nimmer for Kotis Holdings, LLC
HEARING TYPE	Rezoning
REQUEST	CD-O (Conditional District-Office) and O (Office) to CD-C-M (Conditional District- Commercial-Medium)
CONDITIONS	1. Uses: All uses allowed in the C-M zoning district except recycling collection points, billiards parlors, bars, bingo games, bowling centers, coin operated amusement, fortune tellers, go cart racing, truck driving schools, golf course miniature, automobile repair- major, automobile parking, funeral homes/crematoriums, taxidermists, truck and utility trailer rentals, pawn shops, service stations, bus terminals taxi terminals, outdoor retail sales, convenience stores with fuel, convenience stores without fuel pumps, contractors (no outside storage), concerts, stage shows, convention trade shows, carnivals and fairs, sexually oriented businesses and billboards
LOCATION	3316 Battleground Avenue , generally described as the east side of Battleground Avenue and north of Westridge Road
PARCEL ID NUMBER(S)	7856043869
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). 33 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~1.46 Acres
TOPOGRAPHY	Generally flat
VEGETATION	Institutional landscaping

SITE DATA

Existing Use

Professional Offices

	Adjacent Zoning	Adjacent Land Uses
N	CD-O (Conditional District-Office) and RM-12 (Residential-Multi Family)	Choice Community Credit Union and multi-family dwellings
E	O (Office) and CD-C-M (Conditional District-Commercial-Medium)	Offices
W	R-3 (Residential-Single Family), C-H (Commercial-High) and CD-O (Conditional District-Office)	Shopping Center
S	O (Office), CD-C-M (Conditional District-Commercial-Medium) and C-H (Commercial-High)	Vacant bank building

Zoning History

Case #	Date	Request Summary
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07/01/2010	This property has been zoned CD-O (Conditional District-Office) with the following conditions; <ol style="list-style-type: none"> 1. Uses; All permitted uses in the office zoning district, provided no more than one bank may be constructed 2. Only one curb cut on Battleground Avenue and O (Office) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO), it was zoned CD-GO-H (Conditional District-General Office-High Intensity) and GO-H (General Office-High Intensity).	
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ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (CD-O)	Existing (O)	Requested (CD-C-M)
Max. Density:	N/A	N/A	N/A
Typical Uses	Primarily intended to accommodate moderate-to-high intensity office and institutional uses and supporting service and retail uses.	Primarily intended to accommodate moderate-to-high intensity office and institutional uses and supporting service and retail 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 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 Watersupply / Watershed, Site drains to Horsepen Creek

Floodplains N/A

Streams Possible stream onsite, 100ft buffer for perennial stream or 50ft buffer for intermittent stream

Other: Any new impervious surface is proposed, site must meet current watershed requirements

Utilities

Potable Water N/A

Waste Water N/A

Airport Noise Cone

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

Landscaping Requirements

If the site is to be redeveloped or the existing facilities are expanded then Landscaping requirements are as follows;

Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

North and South side property lines – NA

East property line - Type B Yard – average width 25'; 3 canopy trees per 100', 5 understory trees per 100', 25 shrubs per 100'

Parking Lot – 1 canopy tree per every 12 spaces

Tree Preservation Requirements

Acreage

Requirements

1.46 ac. If the site is to be redeveloped or the existing facilities are expanded then Tree Preservation requirements are as follows;

5% of lot size

Transportation

- Street Classification: Battleground Avenue – Major Thoroughfare.
- Site Access: Existing.
- Traffic Counts: Battleground Avenue ADT = 33,950 (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 sidewalk existing along the frontage of this property.
- Transit in Vicinity: Yes, route 8, Battleground Avenue route.
- Traffic Impact Study: No, not required per TIS Ordinance.
(TIS)
- Street Connectivity: N/A.
- Other: N/A.

IMPACT 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 Commercial**. The requested **CD-C-M** (Conditional District- Commercial-Medium) zoning district is consistent with this GFLUM designation.

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 4C.1: Establish standards for and promote new forms of 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.

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 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

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 proposed rezoning with representatives of the adjacent British Woods neighborhood.

Planning

The 1.46-acre subject site is generally located at the east side of Battleground Avenue and north of Westridge Road. The subject site is currently developed as an office plaza and current uses include real estate offices and other professional offices. The subject site is split by 2 zoning districts; O (Office) and CD-O (Conditional District-Office) to the north. Adjoining the subject site to the north is a bank and multi-family dwellings to the northeast. To the west across Battleground Avenue is a shopping center and to the south is a vacant bank building.

The applicant intends to rezone the property to take advantage of the C-M zoning district which offers a wider array of uses and more flexible development standards. This part of the city is well developed with varying densities and intensities of commercial, residential and office uses. This request is therefore not contradictory to the intent and purpose of the zoning code since the C-M zoning district is primarily intended to accommodate a wide range of retail, service, and office uses.

This rezoning request if approved will help promote a diverse mix of uses in the general area especially along Battleground Avenue. 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 believes that this request is consistent with the intent and purpose of the zoning code and the Comprehensive Plan (Connections 2025). Staff is also of the opinion that the request is compatible with the existing development trends in the surrounding area.

STAFF RECOMMENDATION

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