



**PLZ-19-21**

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

**City Council Hearing Date: May 21, 2019**

**GENERAL INFORMATION**

<b>APPLICANT</b>	ALB Enterprise Holdings LLC
<b>HEARING TYPE</b>	Rezoning Request
<b>REQUEST</b>	CD-C-M (Conditional District Commercial Medium) and R-5 (Residential Single Family - 5) to CD-C-M (Conditional District Commercial Medium)
<b>CONDITIONS</b>	<ol style="list-style-type: none"><li>1. All uses allowed in the Commercial Medium (C-M) district except the following: no drive through facilities of any type; multifamily dwellings; Group Living facilities; Auditoriums, Coliseums and Stadiums; Day Care Centers; Passenger Terminals; Shelters, Temporary and Emergency; Broadcast Facilities; Wireless Communication Utility Facilities; Indoor Shooting Ranges; all Outdoor Recreation; all Overnight Accommodations; Bars, Nightclub, Brewpubs; Special Events Facilities; Taxi Dispatch Terminal; Outdoor Advertising Services; Convenience Stores with Fuel Pumps; Pawnshops; Sexually Oriented Businesses; All Vehicle Sales and Service uses; Microbrewery; and Satellite Dishes/TV and Radio Antennae Towers.</li><li>2. A minimum 8 foot tall opaque fence shall be installed along the western property boundary</li><li>3. Maximum building height shall be 25 feet.</li><li>4. Vehicular access shall be limited only to Battleground Avenue</li><li>5. The maximum pole height for any outdoor lighting shall be 30 feet</li></ol>
<b>LOCATION</b>	2301 Battleground Avenue
<b>PARCEL ID NUMBER(S)</b>	7855761568
<b>PUBLIC NOTIFICATION</b>	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). <b>101</b> notices were mailed to those property owners in the mailing area.

**TRACT SIZE** 1.33 Acres

**TOPOGRAPHY** Slightly sloping to south

**VEGETATION** Partially wooded

**SITE DATA**

**Existing Use** Vacant Bank

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	C-M (Commercial Medium)	Retail and Services
E	C-M (Commercial Medium)	Vacant
W	C-M (Commercial Medium) R-5 (Residential Single Family – 5)	Restaurant and Single family dwelling
S	R-5 (Residential Single Family - 5)	Single family dwellings

**Zoning History**

Case #	Date	Request Summary
1363	July 2, 1973	Rezoned to CD-C-M (Conditional District - Commercial - Medium) with the following conditions: <ol style="list-style-type: none"> <li>1. All permitted uses except service stations, garages or drive-in type restaurants.</li> <li>2. For a 25 feet natural landscaped buffer zone between Markland Drive and the subject property.</li> <li>3. The subject property will access only from Battleground Avenue northwest of the intersection of Battleground Avenue and Markland Drive.</li> </ol>
N/A	N/A	The subject property is currently zoned R-5 (Residential Single-family - 8) and has been since the adoption of the Land Development Ordinance (LDO) in July 2010. Prior to the adoption of the LDO, the property was zoned RS-9 (Residential Single-family).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing (CD-C-M)	Existing (R-5)	Requested (CD-C-M)
Max. Density:	N/A	5 units per acre	N/A
Typical Uses	Allows all uses in C-M district except convenience stores with fuel pumps, drive through restaurants and vehicle repair and servicing	Primarily accommodates single family residential dwellings uses with a maximum density of 5 dwelling units per acre.	Conditioned to allow retail (no drive throughs), restaurants (no drive throughs), services, offices and assembly uses

*\*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 to N. Buffalo Creek, non-watersupply watershed

Floodplains > 2000LF

Streams N/A

Other: If >1acre is disturbed and the BUA is increased, site must meet Phase 2 requirements, Water Quality and Water Quantity control must be addressed.

**Utilities (Availability)**

Water available

Sewer available

**Airport Overlay District & Noise Cone**

n/a

**Landscaping & Tree Conservation Requirements**

Landscaping and Tree Conservation will only be required in the event of redevelopment of expansion of use.

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

Adjacent to single-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.

**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:**

For 1.33 acres, for redevelopment, 5% of parcel size to be dedicated in critical root zone for Tree Conservation. For expansion of use, 5% of disturbed to be dedicated in critical root zone.

**Transportation**

Street Classification: Battleground Avenue – Major Thoroughfare.  
Markland Drive – Local Street.

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

Traffic Counts: Battleground Avenue AADT = 26,000 vpd (NCDOT, 2017).

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 a portion of the frontage of this property.

Transit in Vicinity: Yes, GTA Route 8 (Battleground Avenue) is adjacent to subject property, along Battleground Avenue.

Traffic Impact Study: No TIS required per TIS Ordinance.  
(TIS)

Street Connectivity: N/A.

Other: N/A.

## **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** and **Low Residential (3-5 d.u./acre)**. The requested **CD-C-M (Conditional District – Commercial - Medium)** zoning, as conditioned, is generally consistent with the **Mixed Use Residential** designation, but is generally inconsistent with the **Low Residential (3-5 d.u./acre)** designation. However, per City Council adopted policy, a GFLUM amendment is not required for re-zoning requests of no more than 10 acres, if located within two or more future land use classifications, and at least 60% of the site lies within compatible future land use classification(s).

### **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**

**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.

**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**

#### ***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 and with representatives of the Guilford Hills neighborhood, within which the subject site is located.

**Staff Analysis**

The 1.33 acre subject property currently contains a vacant bank. North and east of the request are restaurant and retail uses, zoned C-M. West and south of the request are single family dwellings zoned R-5.

The Comprehensive Plan's Future Land Use Map currently designates this property as Mixed Use Commercial and Low Residential, with the Mixed Use Commercial designation covering most of the site. Per City Council adopted policy when more than 60% of a rezoning of less than 10 acres is within the appropriate future land use classification, an amendment to the Comprehensive Plan is not required for any remaining portions with other designations.

The Mixed Use Commercial 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. The Low Residential designation includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within the density range of 3 to 5 dwelling units per acre.

The proposed CD-C-M request, as conditioned, allows various restaurant, retail, office and service uses of a similar scale and intensity as other properties located along this section of Battleground Avenue. The request also includes conditions (fencing, building height, utility pole height, etc.) to limit potential negative impacts on surrounding properties. The proposed rezoning request supports both the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development goal to promote a healthy and diversified economy.

The 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.