



PL(Z)23-14

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

City Council Hearing Date: April 17, 2023

GENERAL INFORMATION

APPLICANT	Marc Isaacson on behalf of Tom Flanagan for BRC Ballinger, LLC
HEARING TYPE	Rezoning Request
REQUEST	R-3 (Residential Single Family – 3) and CD-O (Conditional District - Office) to CD-O (Conditional District - Office)
CONDITIONS	<ol style="list-style-type: none">1. Uses shall be limited to those found in Section 30-8-6.7 (Medical Facilities) (excluding hospitals and specialty hospitals), Section 30-8-8.2 (Office Uses), and Section 30-8-8.5 (Personal and Professional Services) of the Land Development Ordinance, except the following uses shall not be permitted: Communications and Broadcasting Office (except for dispatch purposes); Conference Center; Residential Office Conversion; Bank Branch with Drive Through; Barber Shop; Beauty Shop; Massage Therapist (as principal use); Tanning Salon; Bulk Mailing Service; Dry Cleaning Pick Up/Drop off Station; Funeral Home, Mortuary, Crematorium; Kennel; Laundromat; Pet Grooming; Shoe Repair and Shoeshine Shop; Tailor, Milliner, Upholsterer; Taxidermist; Veterinary Service and Animal Hospital; Courier Service; Satellite Office; Music Production and Recording; Photocopying, Blueprint and Duplicating Service; Quick Sign Service; and Taxi Dispatch Center.2. Building height shall be limited to up to 48 feet excluding architectural design features, rooftop equipment (e.g., HVAC equipment and the like) and any other non-structural components.3. All activities associated with principal uses shall be conducted fully indoors, except that mobile medical facilities/vehicles/equipment shall be permitted to remain on the subject property for a period of sixty (60) days at one time.4. Plantings with required “Type B” buffer along the western property line shall be of evergreen material. Any new vegetation to supplement existing vegetation shall be a minimum of 3 feet in height at time of planting.

5. Exterior façade of any building shall be constructed of at least 75 percent brick, glass, stone, cementitious (i.e. Hardieboard) or other materials of similar quality and appearance.
6. Freestanding signage shall be monument style. Any electronic message board must use a minimum hold time between messages of 6 hours.

LOCATION	5908 and 5912 Ballinger Road
PARCEL ID NUMBER(S)	7835661471 and 7835568402
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). 56 notices were mailed to those property owners in the mailing area.
TRACT SIZE	5.087 Acres
TOPOGRAPHY	Relatively flat
VEGETATION	Wooded with various types of vegetation

SITE DATA

Existing Use		Undeveloped and single family dwelling
	Adjacent Zoning	Adjacent Land Uses
N	R-3 (Residential Single-family -3)	Place of Religious Assembly
E	CD-O (Conditional District Office) CD-RM-12 (Conditional District Residential Multi-family - 12)	Credit Union Assisted Living Facility
W	R-3 (Residential Single Family - 3)	Single Family dwelling
S	R-3 (Residential Single-family) CD-RM-12 (Conditional District Residential Multifamily - 12)	Multi-family dwellings Fire Station Townhomes Single Family dwelling

Zoning History

Case #	Date	Request Summary
CD5220	March 16, 2021	A portion of the subject property was rezoned from R-3 (Single-family Residential - 3) to CD-O (Conditional District - Office) with the following conditions: <ol style="list-style-type: none"> 1. Uses shall be limited to those found in Section 30-8-6.7 (Medical Facilities) (excluding hospitals and

- specialty hospitals), Section 30-8-8.2 (Office Uses), and Section 30-8-8.5 (Personal and Professional Services) of the Land Development Ordinance, except the following uses shall not be permitted: Communications and Broadcasting Office (except for dispatch purposes); Conference Center; Residential Office Conversion; Bank Branch with Drive Through; Barber Shop; Beauty Shop; Massage Therapist (as principal use); Tanning Salon; Bulk Mailing Service; Dry Cleaning Pick Up/Drop off Station; Funeral Home, Mortuary, Crematorium; Kennel; Laundromat; Pet Grooming; Shoe Repair and Shoeshine Shop; Tailor, Milliner, Upholsterer; Taxidermist; Veterinary Service and Animal Hospital; Courier Service; Satellite Office; Music Production and Recording; Photocopying, Blueprint and Duplicating Service; Quick Sign Service; and Taxi Dispatch Center.
2. Building height shall be limited to up to 48 feet excluding architectural design features, rooftop equipment (e.g., HVAC equipment and the like) and any other non-structural components.
 3. All activities associated with principal uses shall be conducted fully indoors, except that mobile medical facilities/vehicles/equipment shall be permitted to remain on the subject property for a period of sixty (60) days at one time.
 4. Plantings with required "Type B" buffer along the western property line shall be of evergreen material. Any new vegetation to supplement existing vegetation shall be a minimum of 3 feet in height at time of planting.
 5. Exterior façade of any building shall be constructed of at least 75 percent brick, glass, stone, cementitious (i.e. Hardieboard) or other materials of similar quality and appearance).
 6. Freestanding signage shall be monument style. Any electronic message board must use a minimum hold time between messages of 6 hours.

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (R-3)	Existing (CD-O)	Requested (CD-O)
Max. Density:	3 dwelling units/acre	N/A	N/A

Typical Uses	Typical uses in the R-3 district include single family residential of up to 3 dwelling units per acre	Uses shall be limited to those found in Section 30-8-6.7 (Medical Facilities) (excluding hospitals and specialty hospitals), Section 30-8-8.2 (Office Uses), and Section 30-8-8.5 (Personal and Professional Services) of the Land Development Ordinance, except the following uses shall not be permitted: Communications and Broadcasting Office (except for dispatch purposes); Conference Center; Residential Office Conversion; Bank Branch with Drive Through; Barber Shop; Beauty Shop, Massage Therapist (as principal use); Tanning Salon; Bulk Mailing Service; Dry Cleaning Pick Up/Drop off Station; Funeral Home, Mortuary, Crematorium; Kennel; Laundromat; Pet Grooming; Shoe Repair and Shoeshine Shop; Tailor, Milliner, Upholsterer; Taxidermist; Veterinary Service and Animal Hospital; Courier Service; Satellite Office; Music Production and Recording; Photocopying, Blueprint and Duplicating Service; Quick Sign Service; and Taxi Dispatch Center	Uses shall be limited to those found in Section 30-8-6.7 (Medical Facilities) (excluding hospitals and specialty hospitals), Section 30-8-8.2 (Office Uses), and Section 30-8-8.5 (Personal and Professional Services) of the Land Development Ordinance, except the following uses shall not be permitted: Communications and Broadcasting Office (except for dispatch purposes); Conference Center; Residential Office Conversion; Bank Branch with Drive Through; Barber Shop; Beauty Shop, Massage Therapist (as principal use); Tanning Salon; Bulk Mailing Service; Dry Cleaning Pick Up/Drop off Station; Funeral Home, Mortuary, Crematorium; Kennel; Laundromat; Pet Grooming; Shoe Repair and Shoeshine Shop; Tailor, Milliner, Upholsterer; Taxidermist; Veterinary Service and Animal Hospital; Courier Service; Satellite Office; Music Production and Recording; Photocopying, Blueprint and Duplicating Service; Quick Sign Service; and Taxi Dispatch Center.
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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

The subject site is located within the New Garden Road Visual Corridor Overlay Zone, which prohibits establishment of new outdoor advertising signs therein.

The subject site is also located in the Guilford College/New Garden Heritage District. This designation is available to areas that are historically significant, but do not meet the criteria for listing in the National Register of Historic Places or local Historic District designation. The designation is commemorative and educational and has no effect on property rights, zoning, or taxation. The boundaries are general rather than precise, though the subject site is in the center of the general area.

The subject site is not:

- Located in a City of Greensboro Historic District
- Designated as a Guilford County Landmark Property
- Recognized as a State of North Carolina Historic Site
- Listed in the National Register of Historic Places
- Located in a National Register Historic District

Environmental/Soils

Water Supply Watershed Site drains to Greensboro WS-III Watersupply Watershed, Horse Pen Creek sub-basin

Floodplains N/A

Streams N/A

Other: Site must meet current Stormwater Phase 2 requirements for watersupply-watershed, Water Quality & Water Quantity control must be addressed. Max. HD Development with sewer is 70%, Low Density is 24% with water quality scoresheet. All new BUA must be treated by a State approved water quality device. Any existing BUA that would drain to the device must be treated to the maximum extent practicable. Site is within the PTI 5 statue mile radius. No BMP/SCM is allowed that holds a normal pool elevation unless engineering documentation is provided.

Utilities (Availability)

Water and sewer are available on Ballinger and Fleming Road. Private developer will need to extend water and sewer to City of Greensboro's Water and Sewer Design Standards.

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 single family residential uses: 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 religious assembly uses: Vehicular Use Area buffer yard (see below) between any parking lot or drive aisle and the adjacent property line.

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 5.087 acres, 10% of parcel size to be dedicated in critical root zone for Tree Conservation.

Transportation

Street Classification: Ballinger Road – Collector Street.
Fleming Road – Major Thoroughfare.

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

Traffic Counts: Ballinger Road AADT = 3,100 (NCDOT, 2019).
Fleming Road AADT = 7,500 (NCDOT, 2019).

Trip Generation: N/A.

Sidewalks: Sidewalks are a requirement of the Development Ordinance and shall be installed per the Streets Design Standards Manual. Sidewalk does not currently exist along the frontage of this property.

Transit in Vicinity: No.

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-O (Conditional District – Office)** zoning, as conditioned, would allow land uses that are compatible with the general character of the area.

GSO2040 Comprehensive Plan Policies

The Future Land Use Map designates this location as **Commercial** and **Residential**. The requested **CD-O (Conditional District – Office)** zoning district, as conditioned, would allow uses that are generally consistent with those described in the **Commercial** and **Residential** future land-use designations. The Future Built Form Map designates the location as **Urban General**. The Future Built Form Map also identifies the subject site as being partially located within an **Urban Mixed Use Corridor**. The subject site is also partially (consisting of 5912 Ballinger Road) located within the proposed boundary of the forthcoming **Fleming Road Area Plan**.

GSO2040 Written Policies

Filling In Our Framework – How we arrange our land uses for where we live, work, attend school, shop and enjoy our free time can create a more vibrant and livable Greensboro.

Goal A – Greensboro is recognized and admired for its attractive, walkable and compact mixed-use activity centers where people live, work and enjoy life.

Strategy 1 – Encourage higher density, mixed-use, walkable infill development.

Strategy 2 – Ensure mixed use projects both strengthen and add value to the Community.

Goal C – People choose to live in Greensboro because every neighborhood is safe and has convenient access to first-rate schools, services, shopping, parks, and community facilities.

Strategy 1 – Employ a problem prevention model to identify causes and solutions to neighborhood problems.

Creating Great Places – Creating interesting and attractive places and vibrant public spaces in neighborhoods, across Greensboro, in downtown and with our historic resources.

Goal A – Greensboro's citywide network of unique neighborhoods offer residents of all walks of life a variety of quality housing choices.

Strategy 1 – Protect and enhance the unique character of every neighborhood.

Becoming Car Optional – Expand quality transportation options beyond cars and maintain an efficient transportation system that allows people and goods to travel throughout Greensboro.

Goal A – Greensboro has unrivaled pedestrian, biking, transit and road networks that provide safe, comfortable, and convenient transportation options.

Strategy 2 – Encourage new development that is compatible with the intended use of the adjacent roadway.

Goal B – Everyone loves our interconnected green spaces, which provide recreation and transportation opportunities, promote active living, and protect our natural environment.

Strategy 1 – Expand the greenway network to connect all parts of the city as a key element of the transportation system.

Prioritizing Sustainability – Greensboro has a strong leadership role in environmental stewardship, social equity, and a resilient economy.

Goal A – Greensboro advances environmental stewardship, taking care of our natural resources and the natural systems that support all living things.

Strategy 1 – Promote resilient, efficient and environmentally beneficial patterns of land use.

Goal B – Greensboro embraces social equity, ensuring all residents benefit from fair and just treatment in the distribution of public services and have a voice in governance.

Strategy 2 – Work to ensure that all Greensboro residents have meaningful opportunities to participate in public decision-making processes.

Strategy 3 – Promote a just, ethical, and respectful community.

Goal C – Greensboro builds economic resilience, expanding the local economy's ability to withstand and adjust to disruptions and changes at the regional, national and global scales.

Strategy 2 – Cultivate a diverse range of industry sectors and scales of operation in the local economy to help minimize the impacts of major fluctuations within any single sector.

Building Community Connections – Greensboro is unique and memorable based on our quality of life, culture, arts and places and the ties that bind us together as a community.

Goal D – Our colleges, universities, and Career and Technical Education facilities play a leading role in the cultural, social and economic fabric of the community.

Strategy 1 – Building on existing partnerships between the City, neighborhoods, and colleges and universities, while creating new partnerships, so higher education campuses play an increasingly stronger role in the cultural life of the larger community.

Goal E – Everyone does their part to maintain stable, attractive, and healthy places to live and raise families.

Strategy 1 – Build upon successful community initiatives to improve housing conditions while encouraging community involvement and participation.

Strategy 2 – Build neighborhood association capacity to work collaboratively, assess conditions, and effect change.

Growing Economic Competitiveness – Greensboro will build a prosperous, resilient economy that creates equitable opportunities to succeed.

Goal C – Investment in cutting edge communications technology enhances the quality of life for all residents and helps businesses thrive.

Strategy 1 – Encourage fiber-ready infrastructure to reduce the need for costly future upfits, increase property values and promote economic growth.

Goal D – Education and workforce training opportunities empower residents to achieve financial security and career fulfillment and are matched to the needs of employers.

Strategy 1 – Work with our community partners to provide quality learning from early childhood to higher education through local schools and businesses.

Strategy 2 – Work with our partners to provide accessible and affordable career and workforce education.

Goal E – Greensboro promotes homegrown businesses, supports entrepreneurship, cultivates industry leaders, and welcomes major corporations and institutions.

Strategy 2 – Provide entrepreneurs at all stages of the business life cycle with connections to education, financing, and other resources and assets that support their growth.

GSO2040 Map Policies **Future Land Use Map**

Future Land Uses: Broad areas based on the main character of land uses that we want to see in the future. These are not intended to be exclusive; it is assumed that there are a variety of uses in each area, but the designation reflects the area's predominant character.

Residential: Includes both single-and multi-family residential. Other uses should generally be in the scale of a Neighborhood- or a District- Scaled Activity Center as described in the Future Built Form Map, in a form that is appropriate to the character of the area. Many residential areas include commercial corridors, and future development along these corridors should be oriented to the corridor to avoid negative impacts to adjacent residences.

Mixed Use Residential (New Garden Road Strategic Plan): 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.

Future Built Form Map

Place Types: Areas that have a consistency of character, identity or purpose and that are most often bounded by corridors, natural features, or parks that create transition or separation from other neighborhoods that may not share the same characteristics.

Urban General should reflect these characteristics:

1. Setbacks, building orientation, building materials, height, and scale of residential buildings are considered within the existing neighborhood context.
2. New housing helps increase the range of choice, supply, and adds additional appropriately-scaled density with: Missing Middle housing; mid-rise multi-family; and high-rise multi-family in Activity Centers and along Mixed-Use Corridors.
3. Transitions between neighborhoods and different land uses provide continuity in scale, density, intensity with adjacent uses.
4. Cut-through traffic is minimized.
5. New freestanding or expanded business areas are created within or adjoining an existing Activity Center or as part of creating a new Activity Center.
6. Exterior building materials are durable, sustainable, and contribute positively to the character of the public realm.
7. The size and impact of surface parking lots is minimized through landscaping, screening, narrow curb-cuts, and use of glare-free, no-spill lighting.
8. New sidewalks contribute to the completion of a sidewalk network.

Corridors: Corridors are the linear commercial and office developments typically along collector or arterial roadways. They include properties directly fronting on the road and may include properties having primary access to or in immediate proximity to the road. The character and function of the road and the uses within a corridor are highly correlated.

Urban (Mixed-Use) Corridors reflect these additional characteristics:

1. Consistency with adopted corridor plans.
2. Cross easements are provided for vehicular and pedestrian access.
3. They meet the existing need and convenience of the surrounding community.

4. Visual clutter and confusion caused by sign proliferation is minimized while maintaining safe and efficient wayfinding for both pedestrians and vehicles.
5. Landscaping, sidewalks, lighting, fencing, and building features are located so as to guide pedestrian movement on or through the site. On-site and on-building lighting at entrances and along walkways is maintained at safe lighting levels.

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 5.087 acre subject property currently contains a single family dwelling and undeveloped land. North of the request is a place of religious assembly (zoned R-3). East of the request, across Fleming Road, is a credit union and assisted living facility, zoned CD-O and CD-RM-12. South of the request are single-family dwelling and townhomes (zoned CD-RM-12) and a City fire station (zoned R-3).

The Comprehensive Plan's Generalized Future Land Use Map currently designates a small portion of this property as Residential. The Residential designation includes both single-and

multi-family residential. Other uses should generally be in the scale of a Neighborhood- or a District- Scaled Activity Center as described in the Future Built Form Map, in a form that is appropriate to the character of the area. The remainder of the property is currently designated Mixed Use Residential under the New Garden Road Strategic Plan. The Mixed Use Residential 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.

As described in the Plan, office uses and medium to high density residential uses are encouraged along the section of the New Garden Road corridor that includes the subject property. The Plan further notes the need to ensure that any new development is of an appropriate size and scale to the corridor, has reasonable connection to other adjacent and/or related uses, is well supported by existing or proposed infrastructure, and incorporates features that are respectful to the character of the surrounding area; particularly in relationship to existing residential uses near the corridor.

The proposed CD-O zoning request includes many of the previously approved zoning conditions for the portion of the property current zoned CD-O related to use limitations, building heights, vegetative buffers and building materials. The proposed rezoning request supports the broader Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas and the Economic Development Goal to 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. The Office zoning district generally allows uses of a moderate intensity and, in the case of this proposed request, allows for a good transition from the major thoroughfare to nearby residential uses.

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-O** (Conditional District - Office) zoning district.