



Z-08-09-004

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

Zoning Commission Hearing Date: September 8, 2008

GENERAL INFORMATION

APPLICANT	Michael Howard
HEARING TYPE	Zoning Commission
REQUEST	RS-12 (Residential- Single Family) to CD-GB (Conditional District-General Business)
CONDITIONS	1) Uses: Limited to a free standing Ice Cream Parlor with drive-thru. 2) No curb-cut on Pisgah Church Road 3) There shall be no inside seating, service shall only be through walk-up and drive-thru windows.
LOCATION	609 Pisgah Church Road; generally described as the southwest corner of Baylor Street and Pisgah Church Road
PARCEL ID NUMBER (S)	00-00-0411-0-0002-00-001
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). 67 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~0.59 acres
TOPOGRAPHY	Generally flat
VEGETATION	Residential landscaping

SITE DATA

Existing Use	Single-Family dwelling unit	
	Adjacent Zoning	Adjacent Land Uses
N	CD-LO (Conditional District-Limited Office)	Office
E	RS-9 (Residential-Single Family)	Hillcrest Baptist Church
W	RS-12 (Residential-Single Family)	Single-Family dwelling unit
S	RS-12 (Residential-Single Family)	Single-Family dwelling unit

Zoning History

Case #	Date	Request Summary
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This property has been zoned RS-12 since July 1, 1992. Prior to the implementation of the Unified Development Ordinance (UDO), it was zoned RES 120S

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (RS-12)	Requested (CD-GB)
Max. Density:	3 dwelling units per acre	N/A
Typical Uses	Primarily intended to accommodate moderate density single-family detached dwellings in developments where public water and sewer service is required.	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	N/A, site drains to North Buffalo subbasin
Floodplains	N/A
Streams	N/A
Other:	N/A

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	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
South	Exempt - > 60' Utility Easement
East	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
West	Portion Exempt - > 60' Utility Easement, Type B Yard – avg. width 30'; 3 canopy trees per 100'; 5 understory trees per 100'; 25 shrubs per 100'

Tree Preservation Requirements

Acreage	Requirements
.59 Ac.	1% of lot area and be located within the required planting yard

Transportation

Street Classification	Pisgah Church Road - Major Thoroughfare, Baylor Street - Collector Street.
Site Access	All access must be designed and constructed to the City of Greensboro standards.
Traffic Counts:	Pisgah Church Road ADT = 20,940 (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 are no sidewalk projects in this area.
Transit in Vicinity	Yes, route 3, N. Church Street.
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 **Moderate Residential**. The requested **CD-GB** zoning district is inconsistent with this GFLUM designation. However the site is less than one acre in size so a Comprehensive Plan map amendment would not be required.

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.

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 7A.2: Encourage “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.

Connections 2025 Map Policies

Moderate Residential (5-12 d.u./acre): This category accommodates housing types ranging from small-lot, single-family detached and attached single-family dwellings such as townhomes to moderate density, low-rise apartment dwellings.

Activity Center: Activity Centers are existing or anticipated future concentrations of uses that function as destinations or hubs of activity for the surrounding area. Typically located in areas of mixed use shown on the Generalized Future Land Use Map, such centers are intended to include features such as a mix of higher intensity uses (housing, retail, office, etc.), compact development patterns, and pedestrian and transit linkages. A one-half mile radius (considered the limit of a comfortable walk) is shown around each activity center except for the Downtown, which functions as an activity center for the entire City. It should be noted that the locations shown on the Generalized Future Land Use Map are conceptual and do not preclude the development of Activity Centers in other locations where they would support the goals and policies of the Comprehensive Plan.

Visual Enhancement Corridor: Visual Enhancement Corridors are thoroughfares that carry large amounts of traffic and would benefit from public physical improvements to address visual character. These improvements could include public/private partnerships.

CONFORMITY WITH OTHER PLANS

City Plans - N/A

Other Plans - N/A

Staff/Agency Comments

Planning

This area of the City consists mostly of developed land with varying densities and intensities of residential, institutional and commercial uses. Specifically, to the north of the subject site is an office building, to the south is a single-family dwelling unit, to the east is the Hillcrest Baptist Church and to the west is a single-family dwelling unit. In the immediate vicinity is the Village at North Elm, banks, restaurants and other commercial and institutional uses. The location of the subject site is within an activity center. Such centers are intended to include features such as a mix of higher intensity uses (housing, retail, office, etc.), compact development patterns, and pedestrian and transit linkages.

The requested CD-GB zoning district is solely to accommodate a free standing Ice Cream Parlor with drive-thru and walk-up windows, no inside seating, and service shall only be through the walk-up and drive-thru windows. Staff has several significant concerns about the intrusion of the residential neighborhood with the westwards extension of commercial activities across Baylor Street. Notable concerns include the following;

1. This area is a well-planned development area, with all recent projects having many design conditions and integrated with surrounding uses. It is also in an activity center (in the GFLUM), where we have been trying hard to encourage higher density, walkable development, and integrated design. To support a freestanding auto-oriented business like this with no integrated design or connections with other properties does not fit the area or Plan.
2. A commercial zoning here, to the west of Baylor could cause a domino effect of encouraging other strip commercial to the west of this site, intruding into some very established residential areas. There is currently no commercial development even touching Baylor along Pisgah Church. This proposal clearly leapfrogs commercial zoning further west than it has been and threatens a trend to go further.
3. There is not a shortage of supply of existing vacant retail space in nearby commercial centers, including several centers along both Pisgah and N. Elm. Most of these centers are well planned, with quality zoning conditions to support quality retail and development here.

On the other hand with this site being a corner lot, coupled with its proximity to residential units, churches, restaurants and other commercial uses makes this request generally compatible with the surrounding, especially being a small scale operation to serve the nearby residential neighborhoods. Staff will however like to see a stronger vehicular and pedestrian connectivity with the commercial node to the east.

In order to address the strip commercialization and westward extension of commercial activities along Pisgah Church Road, Staff will like to reiterate that there will be no support for any more westward extension of commercial activities beyond or across the Duke Energy high tension transmission lines and electricity pylons located west of the subject site.

This rezoning request will help promote a diverse mix of uses, housing types, and densities in the general area without impacting the overall mix of uses found in this vicinity. 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, promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

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 generally compatible with existing developments and trends in the surrounding area.

Water Resources

No additional comments

Housing and Community Development

Long term quality of life for residents of adjacent single family homes in the New Irving Park Neighborhood would be greatly enhanced by appropriate use of constructed and/or vegetated buffering along the southern and western boundaries of this site. Applicant is strongly encouraged to discuss this proposal with representatives of the New Irving Park Neighborhood.

STAFF RECOMMENDATION

PLANNING

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