



Z-12-10-002
Planning & Community Development
Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: October 8, 2012

GENERAL INFORMATION

APPLICANT Michael Nicholson for Hardin Oil Company, Inc.

HEARING TYPE Rezoning

REQUEST **CD-C-M** (Conditional District-Commercial Medium) to
CD-C-M (Conditional District-Commercial Medium).

CONDITIONS

1. Uses: All uses allowed in the C-M (Commercial Medium) zoning district **except** sexually oriented businesses, bars, night clubs and brew pubs, car washes, pawnshops, junked motor vehicles, automobile towing and storage services, land clearing and inert debris landfills, minor, ~~vehicle sales and service, automobile, boat and motorcycle repair services, major, automobile, boat and motorcycle repair services, minor,~~ light truck and utility trailer rent and leasing, retail sales of fire arms, service station (fuel), convenience stores with fuel pumps, convenience stores without fuel pumps and any use with drive-thru service.
2. Hours of operation shall be limited to 7:00 A.M to 11:00 P.M

LOCATION **4200 and 4206 United Street**, generally described as north of Ashland Drive, east of United Street and west of South Holden Road.

PARCEL ID NUMBER(S) **7844931851 and 7844930836**

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). **72** notices were mailed to those property owners in the mailing area.

TRACT SIZE ~1.17 Acres

TOPOGRAPHY Slopes to the southeast

VEGETATION Perimeter trees along the northern property line.

SITE DATA

Existing Use Garage, office building and a vacant lot

	Adjacent Zoning	Adjacent Land Uses
N	RM-12 (Residential-Multi Family)	Single-family dwellings
E	R-5 (Residential-Single Family)	South Holden Road and offices
W	R-5 (Residential-Single Family)	Single-family dwelling
S	R-5 (Residential-Single Family)	Single-family dwellings, Ashland Drive and Wendover Avenue.

Zoning History

Case #	Date	Request Summary
3605	10/16/2007	This property was rezoned from CD-GB (Conditional District-General Business) to CD-GB (Conditional District-General Business) by the City Council on October 16, 2007 with the following conditions:

1. All uses allowed in the C-M (Commercial Medium) zoning district **except** sexually oriented businesses, bars, night clubs and brew pubs, car washes, pawnshops, junked motor vehicles, automobile towing and storage services, land clearing and inert debris landfills, minor, vehicle sales and service, automobile, boat and motorcycle repair services, major, automobile, boat and motorcycle repair services, minor, light truck and utility trailer rent and leasing, retail sales of fire arms, service station (fuel), convenience stores with fuel pumps, convenience stores without fuel pumps and any use with drive-thru service.
2. Any outdoor storage of equipment or material must be fully screened from ground level view from properties or public streets.
3. Hours of operation shall be limited to 7:00 A.M to 11:00 P.M.

The CD-GB (Conditional District-General Business) zoning designation was reclassified as CD-C-M (Conditional District-Commercial-Medium) upon the adoption of the Land Development Ordinance (LDO) on July 1, 2010.

1647 03/20/1978 This property was rezoned from Residential 75 to Conditional Use – Commercial N by the City Council on March 20, 1978 with the following conditions:

1. Uses limited to recreation vehicle sales and service center
2. The construction of additional buildings shall be limited to one building no portion of which shall be constructed closer than 120 feet from Ashland Drive.

The Conditional District-Commercial N zoning designation was reclassified as CD-GB (Conditional District-General Business) upon the adoption of the Unified Development Ordinance (UDO) on July 1, 1992.

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (CD-C-M)	Requested (CD-C-M)
Max. Density:	N/A	N/A
Typical 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.	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 all requirements for all situations; see the City of Greensboro 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 Holden Road Visual Corridor Overlay Zone which prohibits the establishment of new outdoor advertising signs.

Environmental/Soils

Water Supply - Watershed Site drains to North Buffalo Creek

Floodplains <300 ft

Streams Possible stream on-site, must be identified. If feature is either intermittent or perennial, a 50ft (each side) Jordan Buffer stream buffer is required. See LDO Table 12-5 for buffer allowances and restrictions.

Other: Existing Built Upon Area is grandfathered. If >1acres is disturbed, site must meet Phase 2 requirements. New BUA must drain to a state

approved water quality BMP and any existing BUA that drains to the BMP must be treated to the maximum extent practicable. If Jordan new development rules apply, >0.5 disturbed, site must meet Nitrogen and Phosphorus reduction requirements

Utilities (Availability and Capacity)

Potable Water Water is available and capacity is in line with request.

Waste Water Sewer is available and capacity is in line with request.

Airport Overlay District

The subject property is not located within the Airport Overlay District.

Landscaping Requirements

On lots of record that existed prior to July 1, 1992 that are less than 55,000 square feet in area, no development is required to landscape more than 15% of the site.

United St. and Holden Ave. - Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

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

Parking Lot Landscaping

Requiring landscaping within parking areas is intended to shade and improve the attractiveness of large areas of pavement.

Required Landscaping

Parking lot planting yards must include at least one canopy tree for every 12 parking spaces.

Required canopy tree areas must be located within the parking lot. They may be located in landscape islands, landscape divider medians between rows of parking, or in driveway medians.

Islands or other planting areas for canopy trees must have a minimum area of 200 square feet with a minimum dimension of 7 feet, measured in any direction. Islands or planting areas of less than 200 square feet may not be counted toward satisfying parking lot landscaping requirements.

The landowner may provide required landscape islands or planting areas using one or more of the planting area sizes below. Each parking space must be entirely within the designated distance of a parking lot planting area as specified below:

Table 10–4: Location of Parking Lot Planting Areas		
Size of Parking Lot Planting Area (sq. ft.)	Number of Trees In Planting Area	Max. Distance from Parking Space (feet)
200-499	1	100 (1)
500-899	3	130
(1) Canopy trees installed as part of a required planting yard that abuts the parking lot may be used for up to 50% of the required distance		

Grouping canopy trees within the same landscape island or planting area is strongly encouraged, even if this would decrease the number of islands within the parking lot.

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 used to satisfy the planting requirements for parking lot areas may not be counted toward the planting requirements for other required plantings on the site.

**Tree Preservation Requirements
Acreage Requirements**

1.17 ac 1% of lot size

Transportation

- Street Classification: Ashland Drive – Collector Street,
United Street – Collector Street,
Holden Road – Major Thoroughfare.
- Site Access: All access(s) must be designed and constructed to the City of Greensboro standards.
- Traffic Counts: Holden Road ADT = 12,971 (2012, GDOT).
- 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 not exist along the frontage of this property.
- Transit in Vicinity: Yes, GTA Route 1 (West Wendover Avenue) within 0.34 miles of the subject site, along Spring Garden Street and GTA Route 9 (West Market Street) within 0.49 miles of the subject site, along West Market Street.
- 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 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 (GFLUM) designates this location as **Mixed Use Commercial**. The requested **CD-C-M** (Conditional District-Commercial Medium) zoning district is generally consistent with this GFLUM designation.

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 4C - Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

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 5F - Implement and improve design standards governing the appearance of development from public roadways.

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 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.

Policy 8B - Develop comprehensive pedestrian and bicycle facility networks.

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

Consolidated Plan 2010-2014: Plan for a Resilient Community

Principle 1) Provide More Transportation Choices:

Goal B) Improve access to destinations, especially via alternate modes (public transit, walking, and bicycling); including the critical first and last miles of journeys.

Principle 3) Enhance Economic Competitiveness:

Goal F) Provide opportunities for job training, mentoring, education and job creation.

Principle 6) Value Communities and Neighborhoods:

Goal E) Work at the neighborhood level to reconnect neighborhoods to jobs and services, promote "Desirable Infill Development" and redevelop major corridors to strengthen adjacent neighborhoods.

Principle 7) Recognize The Environment as a Critical Element of Community Sustainability:

Goal A) Promote more efficient land development patterns.

Community Development

Applicant is strongly encouraged to discuss this proposed rezoning and development with adjacent property owners and representatives of the Highland Park neighborhood, within which the subject site is located.

The subject site is located within the area(s) eligible for the following economic development incentive or assistance program(s):

- New Markets Tax Credits (federal),
- Recovery Zone Bonds under the American Recovery and Reinvestment Act (federal),
- Urban Progress Zone tax credits (state).

STAFF ANALYSIS AND RECOMMENDATION

Staff Analysis

The 1.17-acre subject site is adjoined to the north, south and west by single-family dwellings and to the east by South Holden Road and an office. Ashland Drive and West Wendover Avenue also adjoin the subject site to the southeast. The immediate area is developed with single-family and multi-family dwellings and an office use.

This property was rezoned in 2007 from CD-C-M (Conditional District-Commercial Medium) to CD-C-M (Conditional District-Commercial Medium) with conditions limiting uses to all those allowed in the C-M (Commercial Medium) zoning district **except** sexually oriented businesses, bars, night clubs and brew pubs, car washes, pawnshops, junked motor vehicles, automobile towing and storage services, land clearing and inert debris landfills, minor, vehicle sales and service, automobile, boat and motorcycle repair services, major, automobile, boat and motorcycle repair services, minor, light truck and utility trailer rent and leasing, retail sales of fire arms, service station (fuel), convenience stores with fuel pumps, convenience stores without fuel pumps and any use with drive-thru service.

This site, as well as the surrounding area is designated as Mixed Use Commercial on the Generalized Future Land Use Map and 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.

The applicant intends to reuse the site for a possible minor automobile repair service use and/or vehicle sales, necessitating rezoning of the site and amending the current use condition to allow the aforementioned uses.

The C-M (Commercial-Medium) zoning district is established to accommodate a wide range of retail, service and office uses along thoroughfares which have developed with minimal front setbacks. The current conditions on this property allow a broad range of retail, service, office and eating establishment uses, as well as self storage, RV sales and service, and various indoor recreation uses, among other uses.

This request, as conditioned, will not negatively impact the broad mix of uses currently allowed on this site nor should it negatively impact adjacent residential uses relative to many of the existing allowed uses and in conjunction with current Land Development Ordinance (LDO) standards. Based on national standards used by City staff to calculate potential traffic generation of various uses, a vehicle sales and service use would not generate greater volumes of traffic than many restaurant, service and retail uses and warehousing, storage, and freight handling currently allowed for this property. The LDO requires uses with outdoor display areas (such as a vehicle sales use) to be fully screened from adjacent residential uses and the LDO also requires all site lighting to use full cut off fixtures so illumination will be focused on the site and not interfere with adjacent residential uses. These standards were not contained in the previous Unified Development Ordinance (UDO) in place at the time of the last rezoning process.

Staff has worked with the applicant to address other potential concerns regarding the protection of the residential character of the immediate neighborhood. To this end the applicant intends to further modify condition # 1 to eliminate other potential uses as part of this request as well as add 3 new conditions at the Zoning Commission hearing as follows (*Bold and underline denotes added conditions, strikethrough denotes deleted condition*):

1. Uses: All uses allowed in the C-M (Commercial Medium) zoning district **except** sexually oriented businesses, bars, night clubs and brew pubs, car washes, pawnshops, junked motor vehicles, automobile towing and storage services, land clearing and inert debris landfills, minor, ~~vehicle sales and service~~, automobile, boat and motorcycle repair services, major, ~~automobile, boat and motorcycle repair services, minor~~, light truck and utility trailer rent and leasing, retail sales of fire arms, service station (fuel), convenience stores with fuel pumps, convenience stores without fuel pumps, any use with drive-thru service, **bus and rail terminals, funeral homes and crematoriums, taxi dispatch terminals, taxidermists, ABC stores (liquor), and all warehousing, storage, and freight handling.**
3. In addition to the required landscaping, the applicant shall install and maintain a six-foot tall opaque fence along the boundary with 4216 United Street, 616 South Holden Road and 618 South Holden Road.
4. Freestanding signage shall be limited to a maximum of 2 monument signs with a maximum height of eight feet. (*Note – in the C-M district, freestanding signs located further than 100 ft. from residential zoning, along the same road frontage, can be up to 30 ft. in height*)
5. Exterior elevations, including paint and color scheme of the building(s) shall be in substantial conformance with the submitted renderings titled “Proposed Elevations”, dated 10/08/2012 and submitted to the Planning and Community Development Department (see attached).

Approving this request, will help encourage “home-grown” and community-based businesses and entrepreneurs. 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.

This request, as conditioned, does implement measures to protect adjacent residential uses from potential negative impacts of development that are inconsistent with the neighborhood’s livability, architectural or historical character, and reinvestment potential.

Staff finds this rezoning request consistent with the applicable provisions of the Comprehensive Plan, the Zoning Ordinance and the development pattern of the surrounding area.

Staff Recommendation

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



PROPOSED ELEVATIONS – SIDE VIEW (10/08/2012)



PROPOSED ELEVATIONS – FRONT VIEW (10/08/2012)