



Z-13-12-005

**Planning Department
Zoning Staff Report and Plan Amendment Evaluation**

Zoning Commission Hearing Date: December 9, 2013

GENERAL INFORMATION

APPLICANT	James M. Evans
HEARING TYPE	Rezoning Request
REQUEST	CD-C-M (Conditional District-Commercial-Medium) to CD-C-M (Conditional District-Commercial Medium)
CONDITIONS	<ol style="list-style-type: none">1. Uses: Uses limited to a freestanding restaurant with drive-through facility.2. There shall be no inside seating, service shall be through a drive-through window or front counter service.3. The exterior of the building shall be at least 75% dark or medium colored brick exterior, with 25% brick or EFIS, and only solid color awnings (no stripes).4. The existing structure shall remain and not be expanded.5. Along the western lot line the applicant shall provide a ten foot wide evergreen buffer. The buffer shall consist of 9 evergreen understory trees per 100 linear feet and 25 evergreen shrubs per 100 linear feet. The buffer shall extend from the northern edge of the Piedmont Natural Gas easement to the Pisgah Church Road right-of-way.
LOCATION	609 Pisgah Church Road , generally described as south of Pisgah Church Road and west of Baylor Street.
PARCEL ID NUMBER(S)	7866375273
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). 49 notices were mailed to those property owners in the mailing area.
TRACT SIZE	~0.59 Acres
TOPOGRAPHY	Undulating
VEGETATION	Existing Commercial

SITE DATA

Existing Use

Vacant ice cream parlor

Adjacent Zoning

Adjacent Land Uses

N	CD-O & R-7 (Residential Single Family)	Miscellaneous Office Uses & Single-family dwellings
E	R-5 (Residential Single Family)	Place of Religious Assembly
W	R-3 (Residential Single Family)	Single-family dwellings
S	R-3	Single-family dwellings

Zoning History

Case #	Date	Request Summary
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PL(Z)08-34 10/21/2008 Rezoning request from RS-12 (Residential Single-Family) to CD-GB(Conditional District-General Business) subject to the following 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.
4. Sales window shall not be opened to customers prior to 1:00 pm on Sunday.
5. The exterior of the building shall be at least 75% dark or medium colored brick exterior, with 25% brick or EFIS, and only solid color awnings used (no stripes).
6. Along the western lot line the applicant shall provide a ten foot wide evergreen buffer. The buffer shall consist of 9 evergreen understory trees per 100 linear feet and 25 evergreen shrubs per 100 linear feet. Species selection and plant spacing shall be such as to provide a dense visual buffer. The buffer shall extend from the northern edge of the Piedmont Natural Gas easement to the Pisgah Church Road right-of-way.

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.	Primarily intended to accommodate a wide range of retail, service and office uses.
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**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 North Elm Street Visual Corridor Overlay Zone, which prohibits establishing new outdoor advertising signs therein.

Environmental/Soils

Water Supply Watershed Site drains to North Buffalo Creek 3

Floodplains >2000ft

Streams N/A

Other: Site currently has a TRC plan on file 2008-2265

Utilities

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 Noise Cone

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

Landscaping Requirements

There is an existing Landscape Plan on file with the City of Greensboro. This plan was approved as Plan Tracking # 2008-2265 and File Number 305.2033.

Tree Preservation Requirements

Acreage

.59 ac.

Requirements

There is an existing Tree Conservation Plan on file with the City of Greensboro. This plan was approved as Plan Tracking # 2008-2265 and File Number 305.2033.

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 = 14,069 (GDOT, 2012).
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 the Drive frontage of this property.
Transit in Vicinity:	Yes, GTA Route 3 (North Elm Street) within 0.15 mi of the subject site, along North Elm Street.
Traffic Impact Study: (TIS)	No TIS required per TIS Ordinance.
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 (GFLUM) designates this location as **Moderate Residential**. The requested **CD-C-M (Conditional District, Commercial - Medium)** zoning district is generally inconsistent with this GFLUM designation. However per Council adopted policy requests less than 1 acre in size are deemed compatible with the GFLUM. The Growth Strategy Map designates the subject site as being within the North Elm Street / North Church Street / Pisgah Church Road Activity Center.

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.

Connections 2025 Map Policies

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.

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.

CONFORMITY WITH OTHER PLANS**City Plans*****Consolidated Plan 2010-2014: Plan for a Resilient Community*****Principle 1) Provide More Transportation Choices:**

Goal A) Promote transportation and development patterns and types that contribute to decreased household transportation costs.

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 A) Create a proactive planning program to address existing/underutilized business areas near underserved neighborhoods and promote job location near labor force.

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

Principle 4) Support Existing Communities:

Goal F) Promote neighborhood and economic development by fulfilling target area commitments and creating a process for identifying new opportunities for neighborhood revitalization and planning.

Principle 6) Value Communities and Neighborhoods:

Goal A) Promote coordinated transportation and land use decisions for broader livability throughout Greensboro.

Goal C) Promote healthy lifestyles and complete, livable 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.

Other Plans

N/A

STAFF/AGENCY COMMENTS**Community Development**

Applicant is strongly encouraged to discuss the proposal with owners of surrounding properties, and with representatives of the New Irving Park neighborhood, within which the subject site is located.

Planning

The applicant's request to rezone 0.59 acres in this location was reviewed by staff and evaluated both on immediate and long term development impacts. The subject property is currently zoned CD-C-M (Conditional District-Commercial-Medium); which includes a specific use condition limiting uses only to a freestanding ice cream parlor with drive-through. The applicant intends to expand the permitted use list slightly to include other types of restaurants with drive through facilities. The remaining conditions for the proposed CD-C-M are pulled from the existing conditions for this property with the exception of no curb cut on Pisgah Church Road as that is no longer deemed a concern per Greensboro Department of

Transportation based on a new condition to maintain the existing structure with no expansions. North of the proposal, across Pisgah Church Road, is currently zoned CD-O (office uses). West and south of the subject property the zoning is R-3 (single-family dwellings) and east of the site is zoned R-5 (place of worship integrated into a single-family neighborhood).

The C-M, Commercial-Medium district is primarily intended to accommodate a wide range of retail, service, and office uses. The proposed request, as conditioned, limits uses to a freestanding restaurant with a drive-through.

The proposed request is consistent with the Comprehensive Plan's Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas. Though this property is designated Moderate Residential on the Generalized Future Land Use Map, adopted Council policy encourages small neighborhood serving uses to support surrounding residential development and requests less than 1 acre in size are deemed compatible with the GFLUM. As conditioned the request implements measures to protect adjacent residential uses from potential negative impacts of development that may be inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

Approving this request will also help encourage "home-grown" and community-based businesses and entrepreneurs and promote a healthy, diversified economy with a strong tax base and opportunities for employment and entrepreneurship and for-profit and non-profit economic development for all segments of the community.

STAFF RECOMMENDATION

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

