



**Z-14-08-009**

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

**Zoning Commission Hearing Date: August 11, 2014**

**GENERAL INFORMATION**

**APPLICANT** Henry Isaacson, Attorney at Law on behalf of Lady Luck LLC

**HEARING TYPE** Rezoning Request

**REQUEST** **R-3** (Residential Single-Family) to **CD-C-L** (Conditional District-Commercial-Low)

**CONDITIONS**

1. Building(s) shall not exceed one story in height, inclusive of architectural features.
2. The total square footage of all buildings shall not exceed 11,000 square feet.
3. No use with a drive through facility shall be permitted.
4. A six foot tall opaque fence shall be constructed along the eastern and northern property boundaries.
5. Building(s) exteriors, at a minimum, shall consist of 50% brick of stone veneer.

**LOCATION** **5205 Burlington Road**, generally described as north of Burlington Road and east of Mt. Hope Church Road.

**PARCEL ID NUMBER(S)** **7895913232**

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

**TRACT SIZE** ~1.10 Acres

**TOPOGRAPHY** Primarily Flat

**VEGETATION** None

**SITE DATA**

<b>Existing Use</b>	Single family dwelling
<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N County RS-40 (Residential Single-Family)	Place of religious assembly
E County RS-40 (Residential Single-Family)	Single family dwelling
W County HB (Highway Business)	Auto repairs
S County RS-40 (Residential Single-Family)	Single family dwelling

**Zoning History**

Case #	Date	Request Summary
N/A	N/A	The property addressed 5205 Burlington Road has been zoned R-3 since the July 2010 adoption of the Land Development Ordinance (LDO). Prior to the LDO, the property was zoned RS-12.

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(R-3)</b>	Requested <b>(CD-C-L)</b>
Max. Density:	3.0 units per gross acre	N /A
Typical Uses	Primarily intended to accommodate low-density single-family detached residential development.	Primarily intended to accommodate low density shopping and services close to residential areas. The district is intended to provide locations for businesses which serve nearby neighborhoods.

*\*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**  
n/a

**Environmental/Soils**

Water Supply Watershed Site drains to South Buffalo Creek & Lake MacIntosh WSIV, Little Alamance Creek

Floodplains >2000ft

Streams N/A

Other: If developed site drains to South Buffalo Creek and >1acre is disturbed, site must meet Phase 2 requirements. Water Quality & Water Quantity must be addressed. If developed site drains to Lake MacIntosh WSIV, site must meet current watersupply watershed requirements.

**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**

n/a

**Landscaping Requirements**

Vehicular use Buffer – 5' wide Vehicular Use Area buffer yard between any drives or parking and adjacent property line; 2 understory trees per 100', 18 evergreen shrubs per 100'.

Adjoining Single-Family use – Type B Yard – average width 25; 3 canopy trees per 100', 5 understory trees per 100', 25 shrubs per 100'.

**Burlington Rd. Street Yard** – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'.

**Parking Lot 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.

**Tree Preservation Requirements  
Acreage**

**Requirements**

1.3 ac.

5% of lot size - for redevelopment

5% of disturbed area - for expansions greater than 3,000 sq. ft.

**Transportation**

Street Classification: Burlington Road – Major Thoroughfare.  
Mt. Hope Road – Major Thoroughfare.

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

Traffic Counts: Burlington Road ADT = 8,700 (NCDOT, 2011).

Trip Generation: 24 Hour = 1,001, AM Peak Hour = 26, PM Peak Hour = 99.

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: No.

Traffic Impact Study: Yes, required per TIS Ordinance. Please see the end of this staff report for (TIS) the Executive Summary of the TIS.

Street Connectivity: N/A.

Other: N/A.

**IMPACT ANALYSIS**

**Land Use Compatibility**

The proposed **CD-C-L (Conditional District, Commercial Low)** 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 **Low Residential (3-5 d.u./acre)**. The requested **CD-C-L (Conditional District, Commercial Low)** zoning district is generally inconsistent with this GFLUM designation. However, per City Council adopted policy, a GFLUM amendment is not required for rezoning requests associated with rezoning cases under the adopted LDO for neighborhood-oriented non-residential or mixed uses in residentially designated areas if limited to the Commercial-Neighborhood (C-N), Commercial-Low (C-L), Mixed Use-Low (MU-L), or Mixed Use-Medium (MU-M) zoning districts and if:

- Public assembly spaces are limited to neighborhood scale
- Maximum heights are limited to 50 feet
- Total square footage for all buildings is limited to 20,000 square feet. If a mixed use project any residential or office on upper floors would not count towards this total if the ground floor is used solely for non-residential purposes.
- Proposal incorporates similar architectural features and clear pedestrian connections to adjacent residential development

### **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**

**Low Residential:** 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 is encouraged.

## **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 2)** Promote Equitable, Affordable Housing:

**Goal B)** Increase housing affordability through a combination of housing assistance and reduction in overall housing related costs through efficiency factors such as: proximity to jobs, transportation, or services; energy efficiency and resource conservation standards; or reduction in housing access barriers.

**Principle 3)** Enhance Economic Competitiveness:

**Goal E)** Focus on energy efficiency as an economic generator for small business development.

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

**Principle 6)** Value Communities and Neighborhoods:

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

**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.

### ***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/AGENCY COMMENTS**

### **Community Development**

Applicant is strongly encouraged to discuss this proposed rezoning, and development with owners of surrounding properties.

### **Planning**

This 1.10-acre subject property is currently developed as a single family dwelling. The property to the north of the subject site is zoned County RS-40 (place of religious assembly). East and south of the request is also zoned County RS-40 (vacant and single family dwellings). West of the request, at the intersection of Mt. Hope Church Road and Burlington Road is County HB (auto repair business and a place of religious assembly).

The applicant has requested to rezone the site to CD-C-L (Conditional District-Commercial-Low) to establish a neighborhood oriented commercial business, excluding any use that requires a drive through facility.

The property is currently designated as Low Residential on the Generalized Future Land Use map (GFLUM), which is intended to include single-family neighborhoods as well as other compatible housing types that can be accommodated within a three to five units per acre density range. Per City Council adopted policy, Generalized Future Land Use Map amendments are not required if a rezoning request is for neighborhood-oriented non-residential or mixed uses in residentially designated areas under certain zoning districts which includes the Commercial-Low zoning district. Additionally rezoning requests to neighborhood oriented non-residential districts must limit public assembly spaces to neighborhood scale, maximum height 50 feet, total square footage for all buildings to a maximum of 20,000 square feet, and incorporate similar architectural features and clear pedestrian connections to adjacent residential development.

Though the broader pattern of development in the area around the requested site is more rural in character, there are several factors that lend support to the transition of non-residential uses at this location. First, the proximity of existing non-residential uses (two places of religious assembly and the auto repair business), located at the Mt. Hope Church Road and Burlington Road intersection. Second, the high volume of traffic utilizing Burlington Road (a connector for Burlington and Greensboro) and the proximity of this location to the I-840 loop. Third, the lack of retail services in close proximity to the McLeansville community.

The proposed request does support the Comprehensive Plan's Economic Development goal to promote a healthy and diversified economy and Growth at the Fringe goal to provide a development framework for the fringe that guides sound, sustainable patterns of land use.

As conditioned, the proposed CD-C-L zoning district balances the need for additional services in the area with the protection of existing single family dwellings.

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-L** (Conditional District-Commercial-Low) zoning district.

**ADDITIONAL INFORMATION**

**5205 Burlington Road Dollar General Site – Transportation Impact Analysis**

McLeansville, NC

Prepared for T. Cooper James and Associates

June 10, 2014

*Executive Summary*

The proposed 5205 Burlington Road Dollar General Site is located on 5205 Burlington Road in McLeansville, North Carolina. The proposed use of this site is a Dollar General (9,100 square feet of free standing discount store). Based on guidance from the City of Greensboro, this proposed site was analyzed as 9,100 square feet of retail in order to depict the worst case scenario. The sketch plan proposes one (1) access point on US 70 (Burlington Road). Figure 1 shows the sketch plan.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic. The following intersections were included in the study:

- US 70 (Burlington Road) at Mt. Hope Church Road
- US 70 (Burlington Road) at Proposed Site Access

The above mentioned intersections were also analyzed to determine if left turning traffic on US 70 (Burlington Road) into the proposed site can be accommodated.

The intersections were analyzed during the AM (7-9 am) and PM (4-6 pm) peaks for the following conditions:

- 2014 Existing Conditions
- 2016 Future No Build Conditions
- 2016 Future Build Conditions
- 2016 Future Build Conditions with Improvements

The planned build-out year for this development is 2015. A study year of 2016 (build-out plus one year) was used for analysis purposes.

This Transportation Impact Analysis (TIA) was carried out based on Greensboro Department of Transportation (GDOT) and North Carolina Department of Transportation (NCDOT) typical standards. Information regarding the property was provided by the developer, T. Cooper James and Associates.



Discussion of Results

The results of the study are discussed by intersection below:

**US 70 (Burlington Road) at Mt. Hope Church Road**

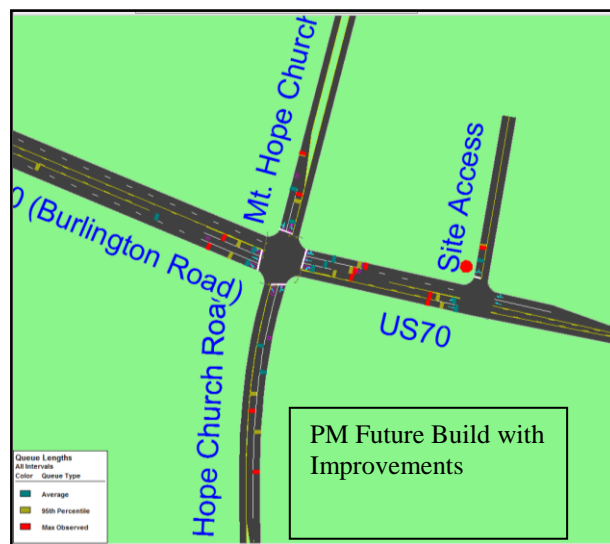
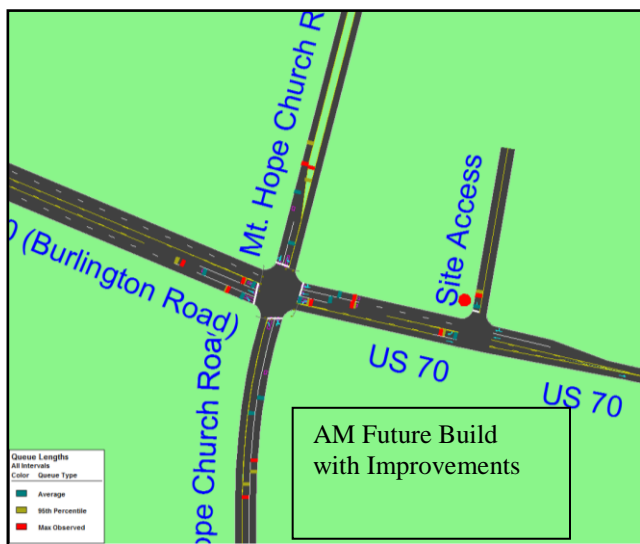
This signalized intersection currently operates at LOS D during the AM peak and LOS C during the PM peak. In 2016 future no build conditions LOS D is expected in the AM peak and LOS C in the PM peak. With the addition of proposed site traffic, LOS D is expected in the AM peak and LOS C in the PM peak. The Simtraffic analysis showed sporadic queues backing up past the proposed site access. In order to minimize the westbound through traffic queues, the following improvement is recommended:

- Provide a westbound combined through right lane with full storage from the traffic signal to the proposed site access.
- Modify traffic signal to accommodate the additional combined through right lane

**US 70 (Burlington Road) at Proposed Site Access**

In 2016 future build out conditions, LOS B is expected at this site access in the AM and PM peaks. The need for auxiliary turn lanes for this intersection was determined based on the figure titled “Warrant for Left and Right-Turn Lanes”, found on pages 24 and 28 in the GDOT Driveway Manual and page 80 in the NCDOT Policy on Street and Driveway Access to North Carolina Highways. The turn lane warrant analysis shows that based on projected traffic volumes, this intersection will warrant 40 feet of left turn storage lane on US 70 (Burlington Road). The Sim Traffic screenshot shown below shows the two-way left turn lane currently in place on US 70 (Burlington Road), which will be adequate to handle left turning traffic into the site. Also in order to enhance mobility at the site access, the following is recommended:

- Provide a westbound through right lane with 100 feet of storage and appropriate taper



**Proposed Site Access Throat Distance**

The internal throat distance was reviewed using the GDOT Driveway Manual, which states that the distance from the adjacent street right of way to the near side of any internal service drive or parking aisle should be 25 feet, or greater than the expected inbound queue at the location. Based on the number of vehicles entering the site access during the AM and PM peaks (23 and 63 vehicles, respectively), a throat distance of 53 feet will be required. The access point should be designed according to GDOT Driveway Manual.

The recommended improvements are illustrated in Exhibit A.

Level of Service Summary

Table A summarizes the level of service analysis at the study intersections:

Table A - Level of Service Summary				
AM Peak	2014 Base	2016 Future No Build	2016 Build	2016 Build + Improvements
US 70 (Burlington Road) at Mt. Hope Church Road	D (40.1)	D (43.9)	D (43.8)	D (42.2)
US 70 (Burlington Road) at Site Access			B (13.0)	B (11.7)
PM Peak	2014 Base	2016 Future No Build	2016 Build	2016 Build + Improvements
US 70 (Burlington Road) at Mt. Hope Church Road	C (23.9)	C (24.4)	C (24.8)	C (24.6)
US 70 (Burlington Road) at Site Access			B (13.4)	B (12.4)

LOS (delay in seconds)  
 Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay

*Summary and Conclusion*

The proposed 5205 Burlington Road Dollar General Site is located on 5205 Burlington Road in McLeansville, North Carolina. The proposed use of this site is a Dollar General (9,100 square feet of free standing discount store). Based on guidance from the City of Greensboro, this proposed site was analyzed as 9,100 square feet of retail in order to depict the worst case scenario. The sketch plan proposes one (1) access point on US 70 (Burlington Road). Figure 1 shows the sketch plan.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic. The study also determined if left turning traffic on US 70 (Burlington Road) into the proposed site can be accommodated.

Based on trip generation equations published in Trip Generation (Institute of Transportation Engineers, 8th Edition), this development has a trip generation potential of 26 net trips in the AM peak and 89 net trips in the PM peak.

At the signalized intersection of US 70 at Mt. Hope Church Road, a westbound combined through right lane with full storage from the traffic signal to the proposed site access and traffic signal modification has been recommended. The Sim Traffic results indicate with this improvement in place, the westbound through traffic queues from blocking the proposed site access will be minimized.

At the proposed site access at US 70, a combined westbound through right lane with 100 feet of storage and appropriate taper is recommended to enhance mobility at the site access. The Simmtraffic results show the two-way left turn lane currently in place on US 70 (Burlington Road), which will be adequate to handle left turning traffic into the site. Hence left turn maneuvers into the site can be accommodated.

In conclusion, this study has reviewed the impacts of both background traffic and this development traffic, and has determined that with the recommended improvements in place, the traffic generated by the proposed 5205 Burlington Road Dollar General development can be accommodated on the surrounding roadway network. The final design will need to be approved by GDOT and NCDOT.