



Z-17-02-002

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

Zoning Commission Hearing Date: February 20, 2017

GENERAL INFORMATION

APPLICANT

Michael S. Fox on behalf of Joe S. Byerly

HEARING TYPE

Original Zoning & Rezoning Request

REQUEST

Rezone from CD-C-M (Conditional District-Commercial-Medium) to CD-C-M (Conditional District-Commercial-Medium)

CONDITIONS

Original Zoning from County CU-HB (Conditional Use-Highway Business) to City CD-C-M (Conditional District-Commercial-Medium)

1. Uses - All uses in the Commercial-Medium (C-M zoning district), except for the following: Agricultural uses; Residential uses; Recreation uses, Funeral Homes and Crematoriums; Taxi Dispatch Services; Taxidermists; Animal shelters; Cemeteries, auditoriums, coliseums, and stadiums; Libraries, museums and art galleries; Day care centers; Educational Facilities; Government Facilities; Passenger Terminals; Religious Assembly; and Social Service Facilities; Industrial and Manufacturing uses; Restaurants; Retail and Commercial Uses; Any use with drive through facilities and Temporary Uses.
2. If developed as an office use, the maximum square footage of all buildings is 29,500 sq. ft.
3. Height shall be limited to a maximum of 50 feet.
4. Exteriors of buildings shall be limited to a minimum of 50% natural materials such as brick or stone.
5. A 6 ft. opaque fence shall be installed along the rear property line.

6. Freestanding signage shall be limited to one monument style sign with a maximum height of 8 ft.

LOCATION 5803 & 5805 West Gate City Boulevard

PARCEL ID NUMBER(S) 7832457026 & 7832446849

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

TRACT SIZE 1.58 Acres (Rezoning)
1.10 Acres (Original Zoning)

TOPOGRAPHY Primarily flat

VEGETATION Undeveloped

SITE DATA

Existing Use	Undeveloped	
	Adjacent Zoning	Adjacent Land Uses
N	County CU-HB (Conditional Use-Highway Business)	Retail
E	CD-C-M (Conditional District-Commercial-Medium)	Eating and drinking establishment without a drive-through
W	County CU-HB (Conditional Use-Highway Business)	Retail
S	CD-R-3 (Conditional District-Residential Single-Family)	Undeveloped residential lots
	County RS-40 (Residential Single-Family)	Single-family dwelling

Zoning History

Case #	Date	Request Summary
3254-2	July 20, 2004	<p>Rezoning from CU-HB (Conditional Use-Highway Business) to CD-HB (Conditional District-Highway Business) with the following conditions:</p> <ol style="list-style-type: none"> 1. All uses in the retail section of the HB zoning classification except for bars, adult bookstores, building supply sales, truck stops, pawn shops and live entertainment businesses (adult). 2. All exterior lighting shall be directed away from the adjoining properties. 3. Any dumpster shall be screened. 4. Six-foot wood/opaque fence to be installed along rear property line. 5. Masonry construction of buildings. 6. 30-foot landscape buffer along the rear property line at the rate of Type A planting yard. 7. Along High Point Road the planting rate for shrubs shall be double that which is required by the Development Ordinance. 8. One common monument sign 8 feet in height. 9. A master signage plan which prohibits pylon signage shall be prepared and submitted for approval. 10. All roof top mechanicals shall be screened. 11. One full movement access point on High Point Road and one full access movement point on Suttonwood Road, both in accordance with the NCDOT Driveway Manual and the City of Greensboro Development Ordinance. 12. A traffic circulation plan designed to promote appropriate site circulation shall be prepared and filed for review and approval. 13. Along the entire frontage of High Point Road, applicant shall dedicate fifty (50) feet of right-of-way from the centerline of High Point Road. 14. There shall be no more than one drive-thru facility on the subject property, except for car wash, which is an accessory to convenience store with gasoline pumps.
N/A	N/A	The subject property is not currently located in the City's jurisdiction.

ZONING DISTRICT STANDARDS

District Summary *

Zoning District	Existing (CD-C-M)	Requested (CD-C-M)
Designation:		
Max. Density:	N/A	N/A
Typical Uses	Conditioned to include: All uses in the retail section of the HB zoning classification except for bars, adult bookstores, building supply sales, truck stops, pawn shops and live entertainment businesses (adult).	Conditioned to include: All uses in the Commercial-Medium (C-M zoning district), except for the following: Agricultural uses; Residential uses; Recreation uses, Funeral Homes and Crematoriums; Taxi Dispatch Services; Taxidermists; Animal shelters; Cemeteries, auditoriums, coliseums, and stadiums; Libraries, museums and art galleries; Day care centers; Educational Facilities; Government Facilities; Passenger Terminals; Religious Assembly; and Social Service Facilities; Industrial and Manufacturing uses; Restaurants; Retail and Commercial Uses; Any use with drive through facilities and Temporary Uses.

**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

n/a

Environmental/Soils

Water Supply Site is locate in Lower Randleman Lake WS-IV Watersupply Watershed, Watershed Hickory Creek Sub-basin

Floodplains >2000FT

Streams N/A

Other: Maximum High Density Development for Lower Randleman Lake is 50% BUA. Site must meet current water supply watershed requirements, water quality and water quantity control must me addressed.

Utilities (Availability)

Potable Water Available

Waste Water Available

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: 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 vacant property or commercial 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 2.6 acres, 5% of parcel size in critical root zone to be dedicated for Tree Conservation.

Transportation

Street Classification: West Gate City Boulevard – Major Thoroughfare.
Suttonwood Drive – Collector Street.

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

Traffic Counts: None Available.

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 frontage of this property.
Transit in Vicinity:	Yes, GTA Route 11 (Gate City Boulevard) is adjacent to subject site, along West Gate City Boulevard.
Traffic Impact Study: (TIS)	No TIS required per TIS Ordinance.
Street Connectivity:	N/A.
Other:	N/A.

IMPACT/POLICY ANALYSIS

Land Use Compatibility

The proposed **CD-C-M (Conditional District – Commercial - Medium)** zoning, as conditioned, 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 **Mixed Use Commercial and Low Residential (3-5 d.u./acre)**. The requested **CD-C-M (Conditional District – Commercial - Medium)** zoning district, as conditioned, is generally consistent with the **Mixed Use Commercial** GFLUM designation, but is generally inconsistent with the **Low Residential (3-5 d.u./acre)** GFLUM designation. However, per City Council adopted policy, a GFLUM amendment is not required for re-zoning requests of no more than 10 acres, located within two or more future land use classifications, when at least 60% of the site lies within compatible future land use classifications. The Growth Strategy Map identifies the subject site as being within the Gate City Boulevard / Mackay Road Activity Center, and partially within Growth Tier 1, Current Growth Area (2013 – 2019).

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 4B: Target capital investments to leverage private 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.

Policy 4D: Identify potential opportunities and selectively target, plan and promote development/reuse initiatives.

Land Use Goal 4.3 – Growth at the Fringe: Provide a development framework for the fringe that guides sound, sustainable patterns of land use, limits sprawl, protects rural

character, evidences sound stewardship of the environment, and provides for efficient provision of public services and facilities as the City expands. Development will increase density and mix land uses at a pedestrian scale with sidewalks, bikeways, and where possible, public transit.

Policy 4F: Initiate a fringe area growth management framework comprising the following elements.

Policy 4G: Improve the quality and patterns of development through incentives and regulatory guidelines.

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 5E: Improve the aesthetic quality of publicly owned and maintained landscapes.

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

Housing and Neighborhoods, Goal 6: Meet the needs of present and future Greensboro citizens for a choice of decent, affordable housing in stable, livable neighborhoods that offer security, quality of life, and the necessary array of services and facilities.

Policy 6C: Promote the diversification of new housing stock to meet the needs of all citizens for suitable, affordable housing.

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 7A: Target city investment and regulatory policies for economic development.

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.

Community Facilities, Services, and Infrastructure, Goal 9: Provide community facilities, services, and infrastructure in a cost-effective manner to meet citizens' needs, contribute to quality of life, and support desired land use patterns.

Policy 9A: Proactively target infrastructure (water/sewer) extensions to support desired land use patterns.

Connections 2025 Map Policies

Low Residential (3-5 d.u./acre): 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 are encouraged.

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.

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.

Growth Tier 1, Current Growth Area (2013 – 2019): Where infrastructure systems are in place, can be economically provided and/or will be proactively extended and where continued annexation and consolidation of the City’s development pattern shall be encouraged over the next six years.

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 the proposed rezoning and development with owners of surrounding properties, and with representatives of the Sedgefield Neighborhood, within which the subject site is located, and the nearby Adams Farm Neighborhood.

Staff Analysis

The 2.68-acre subject property is currently undeveloped. North and west of the request is retail (zoned both County CU-HB, County HB and City C-M). South of the request is a single-family dwelling and undeveloped residential lots (zoned County RS-40 and City CD-R-3). East of the request is an eating and drinking establishment with a drive-through (zoned City CD-C-M).

The Comprehensive Plan's Generalized Future Land Use map designates this site as both Low Residential and Mixed Use Commercial, with the Mixed Use Commercial designation covering most of the site. The Mixed Use Commercial 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.

A portion of the subject site, addressed 5805 West Gate City Boulevard, must be annexed into Greensboro and this request is contingent upon approval of zoning for both properties, which will ultimately be addressed by City Council. The proposed conditions address compatibility with nearby residential development through restrictions on certain uses, maximum building height, maximum sign height and prescribed sign type, addition of an opaque fence, and narrowed building materials list. The request covering both properties includes some conditions that currently apply to the 5803 West Gate City Boulevard property. Further, the zoning request is consistent with adjacent and nearby development. Lastly, the request is consistent with the Comprehensive Plan's Economic Development goal to promote a healthy, diversified economy and the Reinvestment/Infill goal to promote sound investment in Greensboro's urban areas.

This 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 **City CD-C-M** (Conditional District-Commercial-Medium) zoning district.