



Z-10-09-002

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

Zoning Commission Hearing Date: September 13, 2010

GENERAL INFORMATION

APPLICANT Jeff Nimmer for Kotis Holdings, LLC

HEARING TYPE Rezoning

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

CONDITIONS 1. Uses: All uses permitted in the C-H zoning district except billiard parlors, bingo gaming, coin operated amusements and automobile parking (commercial)

LOCATION **1314-1320 Lees Chapel Road**, generally described as south of Lees Chapel Road and east of North Church Street

PARCEL ID NUMBER(S) **7866783650**

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 ~8.42 Acres

TOPOGRAPHY Slopes to the south

VEGETATION Institutional landscaping

SITE DATA

Existing Use	Shopping center	
	Adjacent Zoning	Adjacent Land Uses
N	CD-C-M (Conditional District - Commercial-Medium)	Professional offices
E	RM-12 (Residential-Multi Family) and Single-Family and multi-Family dwelling units R-3 (Residential-Single Family)	
W	CD-C-M (Conditional District - Commercial-Medium)	Advanced Auto Parts store and a small strip plaza
S	CD-C-M (Conditional District - Commercial-Medium)	Undeveloped

Zoning History**Case # Date Request Summary**

This property has been zoned **CD-C-M** (Conditional District-Commercial-Medium) with the following conditions since July 1, 2010

1. All of those uses permitted in the C-H (Commercial-High) zoning district together with the following: sports instructional school; sports and recreational clubs – indoor; nursing and convalescent homes; specialty hospitals; automobile rental or leasing; automobile repair services - major; funeral homes; furniture repair shops; building maintenance services; equipment rental and leasing (no outside storage); motion picture productions; pest or termite control services; taxidermists; garden centers or retail nurseries; motorcycle sales; contractors (no outside storage); equipment repairs – light; veterinary services; warehouses (self storage with pitched roof and on-site management).
2. No billboards.
3. No inoperable cars shall be parked, placed or stored on the property.
4. The following condition shall apply to Lot 1 (8.237 acres, more or less) as shown on Plat thereof entitled "Recombination Plat, North Church Associates" recorded in Plat Book 125 at Page 56 in the Office of the Register of Deeds of Guilford County, North Carolina: Within one (1) year of the date of rezoning, landscaping of the existing shopping center will be enhanced by: (i) the planting of a wax myrtle hedge (with a minimum size of 24" in height) along approximately 300 feet of the eastern property line from its intersection with Lees Chapel Road: (ii) 13 crepe myrtles shall be planted along the top of the slope along Lees Chapel Road; and (iii) seven (7) planted islands containing oak trees and liriopse spicata around the base shall be constructed within the parking lot.
5. No additional curb cuts shall be granted on Lees Chapel Road and Church Street for Lot 1.

Prior to the implementation of the Land Development Ordinance (LDO), it was zoned CD-C-M (Conditional District-Commercial-Medium).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (CD-C-M)	Requested (CD-C-H)
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 high intensity retail and service developments meeting the shopping and distributive needs of the community and the region, and some residential uses. The district is established on large sites which are typically located along thoroughfares to provide locations for major developments which contain multiple uses, shared parking and drives, and coordinated signs and landscaping

**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	Site drains to North Buffalo Creek
Floodplains	>2000 ft
Streams	N/A
Other:	>1 acre of disturbance, site must meet current Watershed requirements

Utilities

Potable Water	N/A
Waste Water	N/A

Airport Noise Cone

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

Landscaping Requirements

If the site is to be redeveloped or the existing facilities are expanded then Landscaping requirements are as follows;

Lee’s Chapel Rd.; Street Yard – minimum width 10’; 2 canopy trees per 100’, 17 shrubs per 100’

West property line; NA

South property line; NA

East property line; Type B Yard – average width 25’; 3 canopy trees per 100’, 5 understory trees per 100’, 25 shrubs per 100’

Tree Preservation Requirements Acreage

Requirements

8.42 ac. If the site is to be redeveloped or the existing facilities are expanded then Tree Preservation requirements are as follows;

10% of lot size

Transportation

Street Classification: Lees Chapel Road – Major Thoroughfare, N. Church Street – Major Thoroughfare.

Site Access: Existing.

Traffic Counts: Lees Chapel Road ADT = 10,619 (2007), N. Church Street ADT = 18,071 (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 is no existing sidewalk along the frontage of this property.

Transit in Vicinity: Yes, route 3, N. Elm Street route.

Traffic Impact Study: N/A.
(TIS)

Street Connectivity: N/A.

Other: N/A.

IMPACT ANALYSIS

Land Use Compatibility

The proposed **CD-C-H** (Conditional District-Commercial-High) 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 **Mixed Use Commercial and Mixed Use Residential**. The requested **CD-C-H** (Conditional District-Commercial-High) zoning district is consistent with this GFLUM designation.

Connections 2025 Written Policies

Growth at the Fringe Goal: 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 4G.1: Promote compact development.

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 7C.1: Ensure that adequate land is zoned and has infrastructure available for the various stages of business development.

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 – N/A

Other Plans - N/A

Staff/Agency Comments

Water Resources - N/A

Housing and Community Development

The subject site is located within the area eligible for New Markets Tax Credits, and within the area eligible for Recovery Zone Bonds under the American Recovery and Reinvestment Act.

Planning

The subject site, which is known as the Church Crossing Shopping Center, is located south of Lees Chapel Road and east of North Church Road. This site can be accessed from North Church Street as well as from Lees Chapel Road. Currently, this property is being used as a shopping center with multiple tenants such as Food Lion, Family Dollar and other commercial entities. Adjoining the subject site to the north are newly developed professional offices, to the east are multi-family dwellings and a single-family dwelling, to the west is an auto parts store and also a small strip plaza and the property to the south is undeveloped.

The applicant intends to rezone this property to the C-H zoning district with the aim of eliminating some uses that the current zoning permits and to also add a wider set of uses to be able to attract different tenants with “shopping center” oriented operations to the site.

This request is consistent with the intend and purpose of the zoning code and the Comprehensive Plan in the sense that the C-H zoning district is primarily intended to

accommodate a wide range of high intensity retail and service developments meeting the shopping and distributive needs of the community and the region, and some residential uses. This district is also established on large sites which are typically located along thoroughfares to provide locations for major developments which contain multiple uses, shared parking and drives, and coordinated signs and landscaping. The subject site meets the requirements of the requested zoning district and approving this request will not negatively impact the overall mix of uses found in this general vicinity.

This rezoning request, if approved, will help promote a diverse mix of uses in the general area. 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. New patterns and intensities of uses will also be promoted to increase economic competitiveness and enhance quality of life in the general area.

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 compatible with the existing development and trend in the surrounding area.

STAFF RECOMMENDATION

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