



Z-10-10-002

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

Zoning Commission Hearing Date: October 11, 2010

GENERAL INFORMATION

APPLICANT Murphy Oil USA, Inc. for Mid-State Petroleum, Inc

HEARING TYPE Original zoning

REQUEST County **CU-HB** (Conditional Use-Highway Business) and County **HB** (Highway Business) to City **CD-C-H** (Conditional District-Commercial-High).

CONDITIONS 1. Uses: All uses allowed in the C-H zoning district except Agricultural uses.

LOCATION **4501 Old Burlington Road, generally described as south of Burlington Road, north of Old Burlington Road and east of Willowlake Road.**

PARCEL ID NUMBER(S) **7895219951**

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

TRACT SIZE ~3.86 Acres

TOPOGRAPHY Slopes to the south

VEGETATION Heavily wooded

SITE DATA

Existing Use	Undeveloped	
	Adjacent Zoning	Adjacent Land Uses
N	CU-SC (Conditional Use-Shopping Center)	Undeveloped
E	RS-30 (Residential-Single Family)	Single-Family dwelling
W	RS-30 (Residential-Single Family)	Single-Family dwelling
S	RS-30 (Residential-Single Family) and LI (Light Industrial)	Single-Family dwelling

Zoning History

Case #	Date	Request Summary
	N/A	

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (County CU-HB)	Existing (County HB)	Requested (CD-C-H)
Max. Density:	N/A	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.	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

SCOD-2 (Scenic Corridor Overlay District)

Environmental/Soils

Water Supply Watershed	N/A, Site drains to Buffalo Creek
Floodplains	N/A
Streams	Potential stream onsite. Stream identification is required to determine if the stream is perennial or intermittent. Appropriate buffer must be shown if the stream is perennial or intermittent.
Other:	If development is proposed and disturbed area is greater than 1 acre site must meet current Phase 2 requirements. High Density Development (>24% impervious) requires a BMP, Low Density (<24% imp.) requires a scoresheet.

Utilities

Potable Water

Waste Water

Airport Noise Cone

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

Landscaping Requirements

Burlington Rd., Old Burlington Rd. and Willow Lake Rd.: Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

East Property Line: Type B Yard – average width 25'; 3 canopy trees per 100', 5 understory trees per 100', 25 shrubs per 100'

South East property Line: Not Applicable

Parking Lot: 1 canopy tree per every 12 spaces

Vehicular Use Area Screening

The perimeter of all vehicular use areas must be screened from any abutting residentially zoned property. Such screening must consist of one or a combination of the following 2 options:

A 4-foot-high masonry wall; or

A planting yard with a minimum width of 5 feet, a 100% sight-obscuring fence with a height of at least 6 feet and at least one evergreen understory tree per 30 linear feet of planting yard (planted on the outside of the fence).

The perimeter of all vehicular use areas containing 10 or more parking spaces or 400 square feet or more paved area must be screened from all abutting rights-of-way. Such screening must consist of one or a combination of the following 2 options:

A minimum 5-foot wide planting yard and enough evergreen shrubs to form a continuous visual screen at least 2.5 feet in height and a maximum of 3.5 feet in height; or

A minimum 5-foot wide planting yard with a combination of vegetation and open decorative fencing at least 2.5 feet in height and a maximum of 3.5 feet in height.

Tree Preservation Requirements

Acreage

Requirements

3.86 ac. 5% of lot size

Transportation

- Street Classification: Burlington Road – Major Thoroughfare, Willowlake Road – Local Street, Old Burlington Road – Local Street.
- Site Access: All access must be designed and constructed to the City of Greensboro and NCDOT standards.
- Traffic Counts: Burlington Road ADT = 21,000 (2006 NCDOT).
- Trip Generation: 24 Hour = 2,809, AM Peak Hour = 244, PM Peak Hour = 230.
- 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 sidewalk along the frontage of this property or are there any plans to build any in the area.
- Transit in Vicinity: No.
- Traffic Impact Study: Yes, required per TIS Ordinance. Please see the end of this report (TIS) for the Executive Summary.
- 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 Corporate Park. The requested **CD-C-H** (Conditional District-Commercial-High) zoning district is inconsistent with this GFLUM designation. A request to change this GFLUM designation has been submitted.

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.

Connections 2025 Map Policies

Existing GFLUM Designation

Mixed Use Corporate Park: This designation is intended for large tracts of undeveloped land near the City’s fringe that are appropriate for well planned, larger scale business/employment parks with supporting uses such as retail, hotels, and residential. Primary uses such as office, flex office, technology research and development, light manufacturing, distribution, and assembly should be placed in a campus-like or “corporate park” setting with generous, linked open space to maximize value and to promote visual quality and compatibility with the surrounding area. Pedestrian-friendly features such as buildings placed near the street, sidewalks, and trails leading to nearby uses such as retail and housing should be encouraged.

Proposed GFLUM Designation

Commercial: This designation applies to large concentrations of commercial uses, such as recently constructed major shopping centers and "big box" retail. Such properties may not be expected to undergo redevelopment or a change in use over the plan horizon, and the immediate areas in which they are located may not be suitable for the introduction of mixed uses. While some new commercial centers are anticipated, in general new retail and commercial service uses will be encouraged within more diversified mixed-use centers rather than as stand-alone shopping centers or expanding highway commercial "strips."

Comprehensive Plan Amendment History

Case #	Date	Request Summary
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N/A		
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Applicant Stated Reasons for Request

The subject property is owned by Murphy Oil Company and is being proposed as a gas station. This land use is not allowed in the present GFLUM designation of Mixed Use Corporate Park. The property owner has worked with the County and the City through the planning, WSSA and zoning process to provide early identification of the proposed land use. The property owner feels as though the use as a gas station is the best use and seeks a GFLUM amendment.

Explain in detail the conditions that you think may warrant a Plan Amendment – Per Applicant and Application

The subject property is just over 4 acres and is independently owned, rather than being part of a land parcel assemblage. There have been no proposals to assemble land around the property that would better accommodate a mixed-use development incorporating uses such as retail, hotels and residential. The property is planned to be developed for more high intensity commercial uses. This type of land use would be more appropriate in the GFLUM designation of “Commercial.”

COMPREHENSIVE POLICY PLAN ANALYSIS

Need for Proposed Change

The proposed land use of a gas station and the proposed rezoning to CD-C-H would require a higher intensity GFLUM land use designation for the parcel and the surrounding areas south of Old Burlington Road. The most appropriate for the proposed land use is

“Commercial.”

Effect of the proposed Change on the Need for City Services and Facilities (e.g. roadway level of service) – see Transportation comments.

Implications, if any, the Amendment may have for Other Parts of the Plan

Should the GFLUM Comprehensive Plan Amendment be approved, it could bring about other similar requests. Presently the surrounding area remains predominantly rural with small businesses scattered about. The proximity of this property to the I-840 Greensboro Outer Loop interchange with US70 (Burlington Road) certainly would have pressure to develop in more high intensity land uses, such as a gas station. As has been demonstrated at other Outer Loop interchanges, the need for staff to review the Comprehensive Plan GFLUM in this area is apparent to prepare for land use changes, property rezoning and GFLUM Amendments that will surely follow. Staff will complete this task as part of the updated Comprehensive Plan beginning this year. In the meantime, staff does not feel as though the petitioner should be required to wait on completion of the Comprehensive Plan update to proceed with their proposal.

Unforeseen Circumstances or the Emergence of New Information (e.g. significant economic opportunity in Tier 2 or 3) – N/A

PLANNING BOARD COMMENTS

The Planning Board reviewed this proposal at their most recent meeting and had the following comments:

1. The existing GFLUM Land Use Designation of Mixed Use Corporate Park in this area (south of Burlington Road) does not make sense anymore and staff should re-evaluate the GFLUM to address the need for commercial uses in the area around the subject property.
2. Commercial uses make more sense in the study area.
3. The GTCC campus located closer to Greensboro has changed the characteristics of the Burlington Road corridor between there and the I-840 loop.
4. Staff should evaluate land use designations that are a mix of both residential and commercial along the corridor.

CONFORMITY WITH OTHER PLANS

City Plans – N/A

Other Plans -

Guilford County Northeast Area Plan Update – 2008 – The Guilford County Plan designates the land use as part of the “US-70 Mixed Use Gateway Corridor.” That corridor is located along US 70 from Penry Road east to Mt. Hope Church Road. The land use designation recommended is for a mix of residential, commercial, office and light industrial uses. It also states that the US 70 corridor should have provisions for common signage, lighting, internal tree-lined streets and pedestrian walkways.

Staff/Agency Comments

Water Resources - N/A

Housing and Community Development

Planning

This original zoning request is accompanied by a voluntary annexation petition initiated by the property owner.

The immediate neighborhood is developed with scattered single-family dwellings notably to the east and west. The Greensboro outer loop (I-840)/ US Highway 70 interchange is about 1000 feet east of the subject site. The subject site is also partially within the SCO-2 (Scenic Corridor Overlay-2) district and will therefore be subjected to the requirements of this overlay district.

The applicant intends to develop this site as a convenience store with fuel pumps (not binding). This request is not contradictory to the general trend in the area especially with the construction of a portion of the urban loop, and if approved will help promote a diverse mix of uses and densities in this general area without negatively impacting the overall mix of uses found in the general vicinity.

Approving this request will help provide a development framework for the fringe that guides sound, sustainable patterns of land use and provides for efficient provision of public services and facilities as the City expands. It will also 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.

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 will be generally 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.

EXECUTIVE SUMMARY

This report summarizes the findings of the Transportation Impact Study (TIS) that was prepared as part of Murphy Oil’s rezoning and annexation request for a proposed site that is located in Guilford County, North Carolina at the intersection of Burlington Road (US 70) and Willowlake Road. The scope of the TIS was determined through coordination with the Greensboro Department of Transportation (GDOT) and North Carolina Department of Transportation (NCDOT). The conceptual plan indicates that the site will initially consist of a 20-fueling position Murphy Oil gas station with convenience market and car wash, which is anticipated to be built out by the year 2011. However, the site is large enough to accommodate an additional land use behind the proposed gas station. While the potential land use and construction is currently unknown, a conservative approach was taken for the purpose of the rezoning request and this analysis assumed a 3,500 square foot fast-food restaurant with drive-through window. Access to the site is proposed via a full access on Burlington Road and a full access on Willowlake Road to be shared with the adjacent land use. In addition to the shared access, the adjacent use would have another full access on Willowlake Road.

The following table summarizes the trip generation for the proposed development.

ITE Land Use (Code)	Independent Variable	Average Daily Traffic (vpd)	AM Peak Hour (vph)		PM Peak Hour (vph)	
			Enter	Exit	Enter	Exit
Gas Station with Convenience Market and Car Wash (946)	20 f.p.	3,057	122	117	142	137
Pass-By Trips (45%)		1,376	54	54	63	63
Primary (New) Trips		1,681	68	63	79	74
Fast-Food Restaurant with Drive-Through Window (934)	3,500 s.f.	1,736	88	85	62	57
Pass-By Trips (35%)		608	30	30	21	21
Primary (New) Trips		1,128	58	55	41	36

It is estimated that the proposed gas station with convenience market and carwash will generate a total of 3,057 trips (in and out) during a typical weekday, while the fast-food restaurant with drive-through window will generate an additional 1,736 total trips (in and out). However, not all of these trips will impact the transportation network. A portion of these trips will be attracted from adjacent facilities and are referred to as pass-by trips. On an average weekday, it is estimated that the gas station will generate 239 trips (122 entering and 117 exiting) during the AM peak hour and 279 trips (142 entering and 137 exiting) during the PM peak hour. The fast-food restaurant will generate an additional 173 trips (88 entering and 85 exiting) during the AM peak hour and 119 trips (62 entering and 57 exiting)

during the PM peak hour. With adjustments made to account for pass-by trips, the gas station is anticipated to generate 131 new trips (68 entering and 63 exiting) during the AM peak hour and 153 new trips (79 entering and 74 exiting) during the PM peak hour. The fast-food restaurant is anticipated to generate an additional 113 new trips (58 entering and 55 exiting) during the AM peak hour and 77 new trips (41 entering and 36 exiting) during the PM peak hour.

The purpose of this study is to determine the potential impact to the transportation system caused by the additional traffic generated by the development of the proposed site under the requested Commercial-High (C-H) zoning. In order to accomplish this objective; this study analyzed the weekday AM and PM peak hours for the existing (2010) traffic conditions, future (2012) 'no build' traffic conditions without the development of the site, and future (2012) 'build' traffic conditions with the site developed.

Existing Traffic Conditions

Under existing traffic conditions, the left turn movements from Burlington Road onto Willowlake Road experience minor to moderate delays and operate at LOS B or better during the AM and PM peak hours. The stop-controlled approaches of Willowlake Road experience greater overall delays and operate at LOS D or better during both peak hours, with the exception of the southbound approach during the AM peak hour (LOS E). Greater delays and poorer levels of operation on side street approaches are not uncommon at unsignalized intersections.

Future 'No Build' Traffic Conditions

Under background traffic conditions, the left turn movements from Burlington Road onto Willowlake Road are expected to experience moderate delays and operate at LOS C or better during the AM and PM peak hours. The stop-controlled approaches of Willowlake Road are expected to experience greater overall delays and operate at LOS D or better during both peak hours, with the exception of the southbound approach during the AM peak hour (LOS F). As previously indicated, greater delays and poorer levels of operation on side street approaches are not uncommon at unsignalized intersections.

Future 'Build' Traffic Conditions

The Murphy Oil gas station with convenience market and car wash is proposed to be constructed on the site initially; but, the potential land use and construction is currently unknown for the adjacent lot. Therefore, the future 'build' conditions were analyzed under two (2) scenarios. The first scenario consisted of the Murphy Oil gas station land use only, while the second scenario included the fast-food restaurant as an additional land use.

Scenario 1 (Murphy Oil Gas Station Only)

Under combined traffic conditions, the left turn movements from Burlington Road onto Willowlake Road are expected to experience moderate delays and operate at LOS C or better during the AM and PM peak hours. The stop-controlled approaches of Willowlake Road are expected to experience greater overall delays and operate at LOS D or better during both peak hours, with the exception of the southbound approach during the AM peak hour (LOS F).

As for the site access on Burlington Road, the left turn movements into Site Access #1 from Burlington Road are expected to experience moderate delays and operate at LOS C or better during the AM and PM peak hours. Based on the turn lane warrants contained within GDOT's Driveway Manual, a right turn lane should be provided on the eastbound approach

of Burlington Road at Site Access #1. The stop-controlled approach of Site Access #1 is expected to experience greater overall delays and operate at LOS C during the AM peak hour and LOS E during the PM peak hour.

As previously indicated, the greater delays and poorer levels of operation expected on the side street approaches of Willowlake Road and Site Access #1 are not uncommon at unsignalized intersections.

The left turn movements into Site Access #2 from Willowlake Road are expected to experience minor delays and operate at LOS A during the AM and PM peak hours. The stop-controlled approach of Site Access #2 is also expected to experience minor overall delays and operate at LOS A during both peak hours.

Scenario 2 (Murphy Oil Gas Station plus Fast-Food Restaurant)

Under combined traffic conditions, the left turn movements from Burlington Road onto Willowlake Road are expected to experience moderate delays and operate at LOS C or better during the AM and PM peak hours. With the addition of traffic generated by a fast-food restaurant, a right turn lane should be provided on the eastbound approach of Burlington Road at Willowlake Road based on the turn lane warrants contained within GDOT's Driveway Manual. The stop-controlled approaches of Willowlake Road are expected to experience greater overall delays with the northbound approach expected to operate at LOS C during the AM peak hour and LOS E during the PM peak hour, while the southbound approach operates at LOS F during both peak hours.

The left turn movements into Site Access #1 from Burlington Road are expected to experience moderate delays and operate at LOS C or better during the AM and PM peak hours. In addition, the stop-controlled approach of Site Access #1 is expected to experience greater overall delays and operate at LOS C during the AM peak hour and LOS E during the PM peak hour.

As previously indicated, the greater delays and poorer levels of operation expected on the side street approaches of Willowlake Road and Site Access #1 are not uncommon at unsignalized intersections.

As for the site access on Willowlake Road, the left turn movements into Site Access #2 and Site Access #3 from Willowlake Road are expected to experience minor delays and operate at LOS A during the AM and PM peak hours. The stop-controlled approaches of Site Access #2 and Site Access #3 are also expected to experience minor overall delays and operate at LOS A during both peak hours. Considering this and the relatively low traffic volumes that currently exist on Willowlake Road, no improvements are recommended to accommodate the additional traffic generated by the proposed site. However, the section of Willowlake Road between Burlington Road and Site Access #2 may need to be widened to accommodate truck traffic that is proposed to enter and exit the Murphy Oil gas station via Site Access #2.

The following improvements have been identified and should be provided to accommodate the anticipated traffic volumes associated with the proposed site. The Murphy Oil gas station with convenience market and car wash is proposed to be constructed on the site initially; but, the potential land use and construction is currently unknown for the adjacent lot. Therefore, recommendations have been identified for the Murphy Oil gas station land use

only in addition to the potential land use [that was assumed to be a fast-food restaurant with drive-through window].

Murphy Oil Gas Station Only

Site Access #1 on Burlington Road

- Construct an exclusive right turn lane on the eastbound approach of Burlington Road. Provide 100 feet of full storage and 100 feet of bay taper.
- With over 200 feet of full storage provided within the westbound center turn lane, sufficient storage should be provided for the stacking of vehicles waiting to turn left into the site.
- The northbound approach of Site Access #1 is proposed to consist of two lanes, an exclusive left turn lane and an exclusive right turn lane.
- Based on field observations, it appears that sufficient sight distance is available at the proposed location.

Site Access #2 on Willowlake Road

- No geometric improvements are currently recommended on Willowlake Road.
- The westbound approach of Site Access #2 is proposed to consist of a one-lane approach, a shared left-right lane.

Adjacent Land Use (Assumed to be Fast-Food Restaurant)

Intersection of Burlington Road and Willowlake Road

- Construct an exclusive right turn lane on the eastbound approach of Burlington Road. Provide 100 feet of full storage and 100 feet of bay taper. This improvement may not be required if the adjacent lot is developed as a lower traffic generator than the assumed fast-food restaurant, and may need to be reevaluated when a site plan is submitted.

Site Access #3 on Willowlake Road

- No geometric improvements are recommended on Willowlake Road.
- A one-lane approach for the westbound approach of Site Access #3 should be sufficient for the additional access.