



Z-11-04-001  
Planning & Community Development  
Zoning Staff Report and Plan Amendment Evaluation

Zoning Commission Hearing Date: April 11, 2011

**GENERAL INFORMATION**

<b>APPLICANT</b>	Henry Isaacson for Tilex Partners, LLC
<b>HEARING TYPE</b>	Rezoning
<b>REQUEST</b>	<b>CD-C-M</b> (Conditional District-Commercial-Medium) to <b>CD-C-M</b> (Conditional District-Commercial-Medium)
<b>CONDITIONS</b>	<ol style="list-style-type: none"><li>1. All uses in the C-M zoning district <b>except:</b> Agricultural Uses; Residential Uses; Athletic Fields; Billiard Parlors; Bingo Games; Bowling Centers; Clubs or Lodges; Fortune Tellers, Astrologers; Golf Courses, Miniature; Ambulance Services; Churches; Colleges and Universities; Psychiatric Hospitals; Automobile Repair Services, Major; <del>Automobile Repair Services, Minor</del>; Boat Repairs; Hotels or Motels; Photo Finishing Laboratories; Taxidermists; Theater, Indoor; Tourist Homes (Bed and Breakfast); Truck &amp; Utility Trailer Rent &amp; Leasing, Light; Recreational Uses; Cemeteries and Mausoleums; Fraternities or Sororities (college or university); Sexually Oriented Businesses; Bus Terminals; Communication or Broadcasting Facilities; Courier Service Substations; Taxi Terminals; Utility Company Offices; Utility Lines and Related Appurtenances; Utility Service Facilities (no outside storage); Manufacturing and Industrial Uses; Carnivals &amp; Fairs; Land Clearing and Inert Debris Landfills.</li><li>2. <b><u>There shall be one access from Pisgah Church Road to the property. The access or accesses from Bell Orchard Drive to the subject property shall be determined by GDOT.</u></b></li><li>3. Developer shall provide a connection to the adjoining property on Pisgah Church Road so that vehicles may enter and exit the subject property from North Elm Street, allowing connectivity as recommended by GDOT.</li><li>4. Should any buildings be located on the subject property and be oriented toward Bell Orchard Road, Developer shall provide a decorative façade with windows facing Pisgah Church Road with no more than one double bay of parking between the building and Pisgah Church Road.</li></ol>

5. As long as the property to the north is in single-family use, the Developer shall double the rate of plantings in the buffer between the subject property and single-family home to the north on Bell Orchard Road.

*(Strike through denotes deleted conditions, bold and underline denotes added conditions)*

**LOCATION** **512 Pisgah Church Road, 4008 Bell Orchard Drive and 4010 Bell Orchard Drive**, generally described as the northeast corner of the intersection of Bell Orchard Drive and Pisgah Church Road

**PARCEL ID NUMBER(S)** **7866379616, 7866378789 and 7866379920**

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

**TRACT SIZE** ~1.38 Acres

**TOPOGRAPHY** Generally flat

**VEGETATION** Typical residential landscaping in part

**SITE DATA**

**Existing Use** Abandoned commercial/office building and 2 vacant parcels

	<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N	R-3 (Residential-Single Family)	Single-Family dwelling unit
E	CD-C-M (Conditional District-Commercial-Medium)	McDonalds Restaurant
W	CD-C-L (Conditional District-Commercial-Low)	Kids R Kids Childcare and Preschool
S	CD-C-H (Conditional District-Commercial-High)	Starbucks Coffee Shop

**Zoning History**

Case #	Date	Request Summary
3759	06/14/2010	On June 14, 2010, this property was rezoned from <b>RS-12</b> (Residential-Single Family) and <b>RM-18</b> (Residential-Multi Family) to <b>CD-GB</b> (Conditional District-General Business) with the following conditions:

1. All uses permitted in the GB zoning district **except**: Agricultural Uses; Residential Uses; Athletic Fields; Billiard Parlors; Bingo

Games; Bowling Centers; Clubs or Lodges; Fortune Tellers, Astrologers; Golf Courses, Miniature; Ambulance Services; Churches; Colleges and Universities; Psychiatric Hospitals; Automobile Repair Services, Major; Automobile Repair Services, Minor; Boat Repairs; Hotels or Motels; Photo Finishing Laboratories; Taxidermists; Theater, Indoor; Tourist Homes (Bed and Breakfast); Truck & Utility Trailer Rent & Leasing, Light; Recreational Uses; Cemeteries and Mausoleums; Fraternities or Sororities (college or university); Sexually Oriented Businesses; Bus terminals; Communication or Broadcasting Facilities; Courier Service Substations; Taxi Terminals; Utility Company Offices; Utility Lines and Related Appurtenances; Utility Service Facilities (no outside storage); Manufacturing and Industrial Uses; Carnivals & Fairs; Land Clearing and Inert Debris Landfills.

2. Developer shall provide a connection to the adjoining property on Pisgah Church Road so that vehicles may enter and exit the subject property from North Elm Street, allowing connectivity as recommended by GDOT.
3. Should any buildings be located on the subject property and be oriented toward Bell Orchard Drive, Developer shall provide a decorative façade with windows facing Pisgah Church Road with no more than one double bay of parking between the building and Pisgah Church Road.
4. As long as the property to the north is in single-family use, the Developer shall double the rate of plantings in the buffer between the subject property and single-family home to the north on Bell Orchard Drive.

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(CD-C-M)</b>	Requested <b>(CD-C-M)</b>
Max. Density:	N/A	N/A
Typical Uses	Primarily intended to accommodate a wide range of retail, service, office uses, and multifamily residential uses in a mixed use context. 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, office uses, and multifamily residential uses in a mixed use context. The district is typically located along thoroughfares in areas which have developed with minimal front setbacks.

*\*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**

North Elm Street Visual Corridor Overlay Zone

**Environmental/Soils**

Water Supply Watershed Site is in Greensboro Watersupply Watershed & drains to Lake Jeanette Watershed

Floodplains N/A

Streams N/A

Other: Site must meet current watersupply watershed requirements. If site is going to drain to adjacent water quality pond a new maintenance agreement must be in place prior to any TRC approval. Pond will also need to be recertified prior to issuance of any certificate of occupancy.

**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**

Bell Orchard Rd.: Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

Pisgah Church Rd.: Street Yard – minimum width 10'; 2 canopy trees per 100', 17 shrubs per 100'

East Property Line: NA

North Property Line: Type B Yard – average width 25'; 3 canopy trees per 100', 5 understory trees per 100', 25 shrubs per 100' (See Condition #5 above requiring that the planting rate for this buffer be doubled).

**Parking Lot Landscaping**

Requiring landscaping within parking areas is intended to shade and improve the attractiveness of large areas of pavement.

**Required 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.

The landowner may provide required landscape islands or planting areas using one or more of the planting area sizes below. Each parking space must be entirely within the designated distance of a parking lot planting area as specified below:

<b>Table 10-4: Location of Parking Lot Planting Areas</b>		
<b>Size of Parking Lot Planting Area (sq. ft.)</b>	<b>Number of Trees In Planting Area</b>	<b>Max. Distance from Parking Space (feet)</b>
200-499	1	100 (1)
500-899	3	130
(1) Canopy trees installed as part of a required planting yard that abuts the parking lot may be used for up to 50% of the required distance		

Grouping canopy trees within the same landscape island or planting area is strongly encouraged, even if this would decrease the number of islands within the parking lot.

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 used to satisfy the planting requirements for parking lot areas may not be counted toward the planting requirements for other required plantings on the site.

**Tree Preservation Requirements**  
**Acreage**

**Requirements**

1.38 ac.      5% of lot size

**Transportation**

Street Classification: Pisgah Church Road – Major Thoroughfare,  
Bell Orchard Drive – Local Street.

Site Access:            GDOT will not approve an additional access to Pisgah Church Road. This property does not have enough street frontage to meet minimum spacing requirements for access to major thoroughfares. Cross access between properties and alternate access to Bell Orchard Drive will be the access for this property. All access must be designed and constructed to the City of Greensboro Standards.

Traffic Counts:        Pisgah Church Road ADT = 20,940 (2007).

Trip Generation:      AM Peak Hour = 117, PM Peak Hour = 144, 24 Hour = 1,780.

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 development nor are there any plans for the City to build sidewalk in this area.

Transit in Vicinity: Yes, route 3, N. Elm Street.  
Traffic Impact Study: Yes, a TIS is required per TIS Ordinance. Please see the end of this (TIS) staff report for a copy of the Executive Summary from TIS.  
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 designates this location as **Mixed Use Commercial**. The requested **CD-C-M** (Conditional District-Commercial-Medium) zoning district is generally consistent with this GFLUM designation.

### **Connections 2025 Written Policies**

*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.

*Reinvestment/Infill Goal:* Promote sound investment in Greensboro's urban areas, including Center City, commercial and industrial areas, and neighborhoods.

*POLICY 7C:* Ensure that city land use policies and regulations allow for an adequate supply of land to accommodate economic development.

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

*POLICY 8F.1:* Modify development standards for new developments (e.g., roadway connectivity).

*POLICY 6A.4:* Implement measures to protect neighborhoods from potential negative impacts of development, redevelopment, and/or public projects that are inconsistent with the neighborhood's livability, architectural or historical character, and reinvestment potential.

- Including protection against incompatible commercial encroachments into residential neighborhoods

### **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**

### **Community Development**

Applicant is strongly encouraged to discuss this proposed rezoning with representatives of the adjacent Bellwood Village neighborhood.

### **Planning**

The subject site for this request consists of 2 vacant parcels and an abandoned health care facility. The subject site fronts on both Pisgah Church Road and Bell Orchard Drive. The subject site also lies within the one-half mile radius (considered the limit of a comfortable walk) of a designated Activity Center which calls for concentrations of uses that function as destinations or hubs of activity for the surrounding area. Typical uses in an activity center include a mix of higher intensity uses (housing, retail, office, etc.), compact development patterns, and pedestrian and transit linkages.

This property was rezoned in June 2010 from **RS-12** (Residential-Single Family) and **RM-18** (Residential-Multi Family) to **CD-C-M** (Conditional District-Commercial-Medium). The applicant is adding a use, “**Automobile Repair Services, Minor**” which is not currently permitted by the prior conditions.

This request is consistent with several Comprehensive Plan policies and the general development trend in the general area and, 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 use will also be promoted to increase economic competitiveness and enhance quality of life in this area. The proposed conditions will also limit any negative impacts that this development might bring to the surrounding neighborhood.

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 generally compatible with the existing development and trends in the surrounding area.

## **STAFF RECOMMENDATION**

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

## Pisgah Church Commercial Development – Transportation Impact Analysis

Prepared for Jerone Pearson, Inc.

March 31, 2010

### Executive Summary

The proposed commercial development is located on the northeast quadrant of the intersection of Pisgah Church Road at Bell Orchard Drive in northern Greensboro, NC. The proposed site plan (see Figure 1 of the report) shows four (4) access points: one existing shared access on North Elm Street, two accesses on Bell Orchard Drive and one access on Pisgah Church Road. The exact land use and size is not known at this time, but the developer is considering several options which include a fast-food restaurant with drive-thru, a bank with drive-thru, and retail space. Due to the uncertainty of the actual land uses, this study assumed the land use with the maximum land use intensity (worst case scenario) for this commercial development. **The proposed site plan has maximum intensity (highest traffic generator), and it should be noted that this site can accommodate a bank with four (4) drive thrus or 1,3146 square feet of retail shops.** The site plans for the bank and retail are shown in the Alternative Land Use section of the appendix.

Davenport Transportation Consulting (DTC) 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 build-out analysis year for this project was assumed to be 2011. The AM (7-9 a.m) and PM (4-6 p.m) peaks were analyzed.

The Greensboro Department of Transportation (GDOT) was contacted to obtain background information and to ascertain the elements to be covered in this Traffic Impact Analysis (TIA). Information regarding the property was provided by the developer, Jerone Pearson, Inc.

The following is a summary of the comments regarding our assessment of the study intersections:

### Pisgah Church Road at Baylor Street

This unsignalized intersection is expected to operate at LOS C during existing, future no build, and future build AM and PM scenarios. No improvements are recommended.

### Pisgah Church Road at Bell Orchard Drive

This unsignalized intersection is expected to operate at LOS D during existing and future no build AM and PM peaks.

With the addition of site traffic, this intersection is projected to function at LOS E for southbound minor street movements during the AM and PM peak period. The LOS E condition is mainly due to a lack of sufficient gaps for left-turning vehicles from Bell Orchard Drive. This is a very typical condition for minor side street movements onto major streets like Pisgah Church Road and is expected to be short-lived. No improvements are recommended.

### Pisgah Church Road at North Elm Street

This signalized intersection is expected to operate at LOS D during existing and future no build AM and PM peaks, however simulation and field observations reveal sporadic queuing on all approaches of this intersection which is mainly due to heavy traffic volumes. However, there is very little room to make significant capacity improvements at this intersection. With the addition of site traffic, this intersection is projected to continue at LOS D during the AM and PM peaks. We recommend that GDOT optimize the splits of this traffic signal to accommodate additional traffic.



### **North Elm Street at Pharmacy / McDonalds Driveway**

This unsignalized intersection is expected to operate at LOS C during existing and future no build AM and PM peaks. With the addition of site traffic, this intersection is projected to function at LOS D on eastbound minor street movements during the AM and LOS C during the PM peak period. No improvements are recommended.

### **Bell Orchard Drive at Site Access 1**

With the addition of site traffic, this intersection is projected to function at LOS A during the AM peak and LOS B during the PM peak period.

The necessity of auxiliary turn lanes for this intersection was determined based on the figure titled "Warrant for Left and Right-Turn Lanes", found on page 80 in the NCDOT Policy on Street and Driveway Access to North Carolina Highways. The turn lane warrant shows that based on traffic volumes, this intersection does not warrant any turn lanes.

### **Bell Orchard Drive at Site Access 2**

This intersection is projected to function at LOS A during AM and PM peaks with the addition of site traffic. Our turn lane warrant analysis shows that based on traffic volumes, this intersection does not warrant any turn lanes.

### **Pisgah Church Road at Site Access 3**

Our field observations showed sporadic queuing at the adjacent intersection of Pisgah Church Road at North Elm Street spilling back to this intersection. In order to reduce any traffic operational conflicts at this driveway, this site access was analyzed as a right in/right out. With the addition of site traffic, this intersection is projected to function at LOS A during the AM peak and LOS B during the PM peak period. We recommend that this access point be approved as a right in/right out.

The following table represents the summary of the level of service analysis for existing, future no-build, future build, and future build with improvements scenarios.

Table 5.2 - Level of Service Summary			
AM Peak	2010 Existing	2011 Future No Build	2011 Build
Pisgah Church Road at Baylor Street	C (20.7) NB Approach	C (21.8) NB Approach	C (22.5) NB Approach
Pisgah Church Road at Bell Orchard Drive	D (28.4) NB Approach	D (30.3) NB Approach	E (37.2) SB Approach
Pisgah Church Road at North Elm Street	D (42.7)	D (44.8)	D (45.9)
North Elm Street at Pharmacy / McDonalds Driveway	C (21.1) EB Approach	C (22.3) EB Approach	D (26.4) EB Approach
Bell Orchard Drive at Site Access 1			A (9.5) WB Approach
Bell Orchard Drive at Site Access 2			A (9.8) WB Approach
Pisgah Church Road at Site Access 3			A (9.2) SB Approach
PM Peak	2010 Existing	2011 Future No Build	2011 Build
Pisgah Church Road at Baylor Street	C (19.6) NB Approach	C (20.5) NB Approach	C (21.3) NB Approach
Pisgah Church Road at Bell Orchard Drive	D (25.3) NB Approach	D (26.7) NB Approach	D (32.5) SB Approach
Pisgah Church Road at North Elm Street	D (40.0)	D (41.0)	D (41.8)
North Elm Street at Pharmacy / McDonalds Driveway	C (16.1) EB Approach	C (16.6) EB Approach	C (18.4) EB Approach
Bell Orchard Drive at Site Access 1			A (9.3) WB Approach
Bell Orchard Drive at Site Access 2			A (9.6) WB Approach
Pisgah Church Road at Site Access 3			B (10.0) SB Approach
LOS (delay in seconds)			
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay			

Summary and Conclusion

This analysis has been conducted based on the scope given by the City of Greensboro. This study was conducted based on the site plan with the maximum land use intensity (worst case scenario). Our trip generation indicates the proposed Pisgah Church Commercial development is projected to generate a total of 1,780 net trips per day. This is based on a 3,000 square foot fast-food restaurant with drive-thru and 10,500 square feet of shopping center. **It should be noted that this site can also accommodate a bank with four (4) drive-thrus (557 net trips per day) or 13,146 square feet of retail shops (1,199 net trips per day).** The site plans for the bank and retail are shown in the Alternative Land Use section of the appendix.

We have identified all areas of deficiency and made recommendations for improvements where necessary. It is recommended that all driveways into the site should be constructed to comply with GDOT Driveway Manual.

Table B below summarizes the recommended improvements for 2011 future build scenarios. Improvements are shown in Figure 10 of the report. In conclusion, should our recommendations be implemented, this project would not have a serious or detrimental effect on transportation capacity within the study area.

Table B - Recommended Improvement Summary	
Pisgah Church Road at Baylor Street	No improvements are recommended.
Pisgah Church Road at Bell Orchard Drive	No improvements are recommended.
Pisgah Church Road at North Elm Street	We recommend GDOT optimize splits of traffic signal to accommodate additional traffic.
North Elm Street at Pharmacy/McDonalds Driveway	No improvements are recommended.
Bell Orchard Drive at Site Access 1	We recommend this intersection be designed to conform to GDOT driveway standards.
Bell Orchard Drive at Site Access 2	We recommend this intersection be designed to conform to GDOT driveway standards.
Pisgah Church Road at Site Access 3	We recommend that this access point be approved as a right in/right out.