



PLZ-22-48

**City of Greensboro Planning Department
Zoning Staff Report**

City Council Hearing Date: January 3, 2023

GENERAL INFORMATION

APPLICANT	BCS Holdings, LLC for Rhonda Anderson on behalf of the Young Men's Christian Association of Greensboro, Incorporated, Don Cato on behalf of Cato Investment Properties, LLC, Judy and William Aydellette, and Carol Sellars
HEARING TYPE	Rezoning Request
REQUEST	CD-PI (Conditional District – Public and Institutional) and R-3 (Residential Single-family - 3) to PUD (Planned Unit Development) and consideration of the associated Unified Development Plan
CONDITIONS	1. Uses limited to a maximum of 325 dwelling units.
LOCATION	A portion of 3216 and 3234 Horse Pen Creek Road; all of 3238 and 3240 Horse Pen Creek Road; and all of 4209 and 4213 Piermont Drive
PARCEL ID NUMBER(S)	A portion of 7847036522 and 7847039334; all of 7847131622 and 7847133625; and all of 7847131183 and 7847131390
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). 120 notices were mailed to those property owners in the mailing area.
TRACT SIZE	9.37 Acres
TOPOGRAPHY	Flat
VEGETATION	Minimal vegetation

SITE DATA

Existing Use

Single-family dwellings

	Adjacent Zoning	Adjacent Land Uses
N	CD-RM-8 (Conditional District-Residential Multi-family-8) and CD-RM-5 (Conditional District-Residential Multifamily-5) and CD-R-3 (Conditional District-Residential Single-family-3)	Daycare and preschool and townhomes and single-family dwellings
E	CD-PI (Conditional District-Public and Institutional) and R-3 (Residential Single-family-3)	Elementary and secondary school and single-family dwellings
S	CD-PI (Conditional District-Public and Institutional)	Outdoor recreation (YMCA)
W	CD-PI (Conditional District-Public and Institutional) and R-3 (Residential Single-family) and CD-RM-8 (Conditional District-Residential Multi-family-8)	Indoor and outdoor recreation (YMCA), religious assembly (church) and townhomes

Zoning History

Case #	Date	Request Summary
CD5117	5/31/2019	The subject property is currently zoned CD-PI (Conditional District-Public and Institutional). This has been the zoning on the property since 2019 when the property was rezoned from R-3 to CD-PI.
PL(Z) 02-11	2/5/2002	2999 – A portion of the subject property is currently zoned CD-PI with the following conditions: 1. Use: All uses permitted in the PI District. 2. All exterior lighting will be directed toward interior of the property. 3. The maximum height of all buildings on the property, excluding the gymnasium, shall not exceed two stories. 4. All buildings on the property shall be of masonry construction. 5. Any trash compactor (dumpster) on the property shall be screened. 6. At the Horse Pen Creek Road/YMCA entrance, installation of a left turn lane on the east approach of Horse Pen Creek Road; installation of a right turn lane on the west approach of Horse Pen Creek Road; installation of separate left and right turn lanes at the propose YMCA entrance; limiting access of the YMCA to one driveway connection to Horse Pen Creek Road.

7. Gate to be located at YMCA entrance from Horse Pen Creek Road.
8. Placement of a privacy fence along eastern property line in addition to the required planting yard.

2998	4/30/2002	The subject property is also zoned R-3 (Residential Single-family-3). This has been the zoning on the property since April 30, 2002 when it was rezoned from County RS-12.
2008-12	6/30/2008	The subject property is also zoned R-3 (Residential Single-family-3). This has been the zoning on the property since June 30, 2008 when the property was rezoned from County RS-40 (Residential-Single-family-40) and CU-RS-20 (Conditional Use-Residential-Single-family-20).

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (CD-PI)	Existing (R-3)	Requested (PUD)
Max. Density:	N/A	3 units per acre	N/A
Typical Uses	All uses permitted in the PI District except: All agricultural uses; All residential uses; Cemeteries; Minor utilities; TV/HDTV/AM/FM Broadcast facilities; Riding Stables; Golf	Primarily intended to accommodate low density single-family detached residential development.	Uses limited to a maximum of 325 dwelling units

**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

The subject site is located within the Airport Overlay District B (AOD B) / 60 decibel level noise cone of the Piedmont Triad International Airport. The Airport Overlay District is intended to be limited to industrial and other uses that are compatible with airport operations, and to limit residential uses to very low densities near the Piedmont Triad International Airport in order to

minimize the negative effects of aircraft noise on homes. Recent updates to the Airport Overlay continue to prohibit any residential uses on lots less than 40,000 square feet in size in AOD-A, but does allow new residential uses of greater intensities in AOD-B with specific development standards. All development within the Airport Overlay District must comply with the following:

1. All permit applications, site plans and other plans proposing buildings, signs and other structures with a height of 50 feet or more must be accompanied by written documentation from the Piedmont Triad Airport Authority indicating that the proposal complies with all applicable airport regulations. No permit or other plan approval may be granted without such written documentation.

New residential uses within AOD-B must also meet the following standards:

a. Public Notification of Potential Aircraft Noise Impacts

Public notification of the potential aircraft noise impacts made to prospective purchasers of property within the Airport Overlay District shall be made in accordance with the following requirements.

- i. Where public notification statements are required or provided for property within the district, the following statement shall be used: "This property is located within the Airport Overlay District and is subject to both day and nighttime aircraft overflights and to aircraft noise that may increase in the future and that you may find to be objectionable dependent upon the use and location of the property.
- ii. In accordance with the N.C. Residential Property Disclosure Act in Section 47E of the North Carolina General Statutes, all landowners and their agents shall provide a public notification statement to all prospective purchasers through a written disclosure statement.
- iii. A public notification statement shall appear on the recorded final plat for all subdivisions of land within the district. In addition, the subdivision owner shall provide public notice to all prospective lot purchasers through a written disclosure statement.

b. Noise Level Reduction Design

New residential uses shall be designed to achieve an outside to inside noise reduction level of at least 30 decibels (dB). This performance measure may be achieved by any suitable combination of building design, building materials, construction standards or other industry accepted measures so as to reduce the interior noise levels from overhead aircraft flights. Prior to the issuance of a building permit for a residential use, a qualified acoustical professional satisfactory to the Planning Department shall certify that the measures used to construct the residential use will achieve at least a 30 dB noise level reduction.

The subject site is not:

2. Located in a City of Greensboro Historic District or Heritage Community
3. Designated as a Guilford County Landmark Property
4. Recognized as a State of North Carolina Historic Site
5. Listed in the National Register of Historic Places
6. Located in a National Register Historic District

Environmental/Soils

Water Supply Site currently drains to Greensboro WS-III, Watersupply Watershed, site drains
Watershed to Horse Pen Creek

Floodplains N/A

Streams N/A

Other: Site must address current watershed requirements for Water Quality and Water Quantity Control. Maximum BUA per watershed is 70%BUA with sewer and Low Density is 24%BUA with sewer. Site is within the 5 statute mile radius of the PTI airport. No SCM/BMP is allowed that holds a normal pool elevation unless supporting engineering documentation is provided. All new BUA must be treated by a State approved water quality BMP/SCM.

Utilities (Availability)

Water is available on Horse Pen Creek Road. Sewer is available approximately 1,775 feet south of the property. Water Resources would suggest a feasibility study be completed for this development. Private developer will need to extend water and sewer to City of Greensboro's Water and Sewer Design Standards.

Airport Overlay District & Noise Cone

The subject site is located within the Airport Overlay District B (AOD B) / 60 decibel level noise cone of the Piedmont Triad International Airport. The Airport Overlay District is intended to be limited to industrial and other uses that are compatible with airport operations, and to limit residential uses to very low densities near the Piedmont Triad International Airport in order to minimize the negative effects of aircraft noise on homes. Recent updates to the Airport Overlay continue to prohibit any residential uses on lots less than 40,000 square feet in size in AOD-A, but does allow new residential uses of greater intensities in AOD-B with specific development standards. All development within the Airport Overlay District must comply with the following:

1. All permit applications, site plans and other plans proposing buildings, signs and other structures with a height of 50 feet or more must be accompanied by written documentation from the Piedmont Triad Airport Authority indicating that the proposal complies with all applicable airport regulations. No permit or other plan approval may be granted without such written documentation.

New Residential uses within AOD-B must also meet the following standards:

a. Public Notification of Potential Aircraft Noise Impacts

Public notification of the potential aircraft noise impacts made to prospective purchasers of property within the Airport Overlay District shall be made in accordance with the following requirements

- i. Where public notification statements are required or provided for property within the district, the following statement shall be used: "This property is located within the Airport Overlay District and is subject to both day and nighttime aircraft overflights and to aircraft noise that may increase in the future and that you may find to be objectionable dependent upon the use and location of the property.
- ii. In accordance with the N.C. Residential Property Disclosure Act in Section 47E of the North Carolina General Statutes, all landowners and their agents shall provide a public notification statement to all prospective purchasers through a written disclosure statement.

- iii. A public notification statement shall appear on the recorded final plat for all subdivisions of land within the district. In addition, the subdivision owner shall provide public notice to all prospective lot purchasers through a written disclosure statement.
- b. **Noise Level Reduction Design**
New residential uses shall be designed to achieve an outside to inside noise reduction level of at least 30 decibels (dB). This performance measure may be achieved by any suitable combination of building design, building materials, construction standards or other industry accepted measures so as to reduce the interior noise levels from overhead aircraft flights. Prior to the issuance of a building permit for a residential use, a qualified acoustical professional satisfactory to the Planning Department shall certify that the measures used to construct the residential use will achieve at least a 30 dB noise level reduction.

Landscaping & Tree Conservation Requirements

Landscaping:

Landscaping requirements will be set out in the Unified Development Plan. Minimum requirements will be per Section 30-10 of the Land Development Ordinance, as noted below:

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:

For Multi-family uses adjacent to Public or Institutional uses: Type C buffer yard, with an average width of 15', a minimum width of 10', and a planting rate of 2 canopy trees, 3 understory trees, and 17 shrubs per 100 l.f.

Parking Lots:

Trees for required parking spaces: 1 canopy tree per 12 spaces, in islands or medians within the parking lot.

Tree Conservation:

For 9.37 acres, 10% of parcel size in critical root zone to be dedicated for Tree Conservation.

Transportation

Street Classification: Horse Pen Creek Road –Minor Thoroughfare.
Piermont Drive – Local Street.

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

Traffic Counts: None Available.

Trip Generation:	24 Hour = 2,159, AM Peak Hour = 124, PM Peak Hour = 160.
Sidewalks:	Sidewalks are a requirement of the Development Ordinance and shall be installed per the Streets Design Standards Manual. Sidewalk does currently exist along the frontage of this property.
Transit in Vicinity:	Yes. GTA Route 8 (Battleground Avenue, is within ½ mile of the subject site, along Battleground Avenue).
Traffic Impact Study: (TIS)	Yes, required per TIS Ordinance. Please see the end of this staff report for the Executive Summary of the <u>draft</u> TIS.
Street Connectivity:	N/A.
Other:	N/A.

IMPACT/POLICY ANALYSIS

Land Use Compatibility

The proposed **PUD (Planned Unit Development)** zoning district, as conditioned, would allow land uses that are compatible with the general character of the area.

GSO 2040 Comprehensive Plan Policies

The GSO 2040 Future Land Use Map designates this location as **Residential**. The requested **PUD (Planned Unit Development)** zoning district, as conditioned, would allow uses that are generally consistent with those described in the **Residential** Future Land Use designation. The GSO 2040 Future Built Form Map designates this location as **Urban General**.

GSO 2040 Written Policies

Filling In Our Framework - How we arrange our land uses for where we live, work, attend school, shop and enjoy our free time can create a more vibrant and livable Greensboro.

Goal A – Greensboro is recognized and admired for its attractive, walkable and compact mixed-use activity centers where people live, work and enjoy life.

Strategy 1 – Encourage higher density, mixed-use, walkable infill development.

Strategy 2 – Ensure mixed use projects both strengthen and add value to the Community.

Goal B – Greensboro attracts world-class development to transform underutilized sites and buildings into valued assets that complement their surroundings.

Strategy 2 – Establish infill development guidelines that ensure revitalized sites will be of high quality and complement existing neighborhood character.

Creating Great Places – Creating interesting and attractive places and vibrant public spaces in neighborhoods, across Greensboro, in downtown and with our historic resources.

Goal A – Greensboro's citywide network of unique neighborhoods offer residents of all walks of life a variety of quality housing choices.

Strategy 2 – Meet housing needs and desires with a sufficient and diverse supply of housing products, prices and locations.

Becoming Car Optional - Expand quality transportation options beyond cars and maintain an efficient transportation system that allows people and goods to travel throughout Greensboro.

Goal A - Greensboro has unrivaled pedestrian, biking, transit and road networks that provide safe, comfortable, and convenient transportation options.

Strategy 2 - Encourage new development that is compatible with the intended use of the adjacent roadway.

Goal B - Everyone loves our interconnected green spaces, which provide recreation and transportation opportunities, promote active living, and protect our natural environment.

Strategy 1 - Expand the greenway network to connect all parts of the city as a key element of the transportation system.

Prioritizing Sustainability - Greensboro has a strong leadership role in environmental stewardship, social equity, and a resilient economy

Goal A - Greensboro advances environmental stewardship, taking care of our natural resources and the natural systems that support all living things.

Strategy 1 - Promote resilient, efficient and environmentally beneficial patterns of land use.

Goal B - Greensboro embraces social equity, ensuring all residents benefit from fair and just treatment in the distribution of public services and have a voice in governance.

Strategy 2 – Work to ensure that all Greensboro residents have meaningful opportunities to participate in public decision-making processes.

Strategy 3 - Promote a just, ethical, and respectful community.

Goal C - Greensboro builds economic resilience, expanding the local economy's ability to withstand and adjust to disruptions and changes at the regional, national and global scales.

Strategy 1 – Consider the impact that growth and development patterns and infrastructure investments have on the City's fiscal health.

Building Community Connections – Greensboro is unique and memorable based on our quality of life, culture, arts and places and the ties that bind us together as a community.

Goal E – Everyone does their part to maintain stable, attractive, and healthy places to live and raise families.

Strategy 1 – Build upon successful community initiatives to improve housing conditions while encouraging community involvement and participation.

Strategy 3 – Improve the city's housing through effective use of code enforcement and the strategic leveraging of resources.

Growing Economic Competitiveness - Greensboro will build a prosperous, resilient economy that creates equitable opportunities to succeed.

Goal C - Investment in cutting edge communications technology enhances the quality of life for all residents and helps businesses thrive.

Strategy 1 - Encourage fiber-ready infrastructure to reduce the need for costly future upfits, increase property values and promote economic growth.

GSO 2040 Map Policies

Future Land Use Map

Future Land Uses: Broad areas based on the main character of land uses that we want to see in the future. These are not intended to be exclusive; it is assumed that there are a variety of uses in each area, but the designation reflects the area's predominant character.

Residential: Includes both single-and multi-family residential. Other uses should generally be in the scale of a Neighborhood- or a District- Scaled Activity Center as described in the Future Built Form Map, in a form that is appropriate to the character of the area. Many residential areas include commercial corridors, and future development along these corridors should be oriented to the corridor to avoid negative impacts to adjacent residences.

Future Built Form Map

Place Types: Areas that have a consistency of character, identity or purpose and that are most often bounded by corridors, natural features, or parks that create transition or separation from other neighborhoods that may not share the same characteristics.

Urban General should reflect these characteristics:

1. Setbacks, building orientation, building materials, height, and scale of residential buildings are considered within the existing neighborhood context.
2. New housing helps increase the range of choice, supply, and adds additional appropriately-scaled density with: Missing Middle housing; mid-rise multi-family; and high-rise multi-family in Activity Centers and along Mixed-Use Corridors.
3. Transitions between neighborhoods and different land uses provide continuity in scale, density, intensity with adjacent uses.
4. Cut-through traffic is minimized.
5. New freestanding or expanded business areas are created within or adjoining an existing Activity Center or as part of creating a new Activity Center.
6. Exterior building materials are durable, sustainable, and contribute positively to the character of the public realm.
7. The size and impact of surface parking lots is minimized through landscaping, screening, narrow curb-cuts, and use of glare-free, no-spill lighting.
8. New sidewalks contribute to the completion of a sidewalk network.

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 this proposed rezoning and development with owners of surrounding properties and with representatives of the Laurel Run Neighborhood (the boundaries of which, as identified by said neighborhood, the subject site is located adjacent to).

Staff's Unified Development Plan (UDP) Analysis

On September 1, 2020 the Planning and Zoning Commission assumed responsibility for reviewing Unified Development Plans in conjunction with zoning requests to a Planned Unit Development zoning district.

There are three main purposes for a Unified Development Plan (UDP). One is to specify the type of development and dimensional standards that will govern the development in various sections of the property. The second is to make sure that City of Greensboro service providers can adequately serve the proposed development. Finally, the Unified Development Plan puts the development standards into a form recordable at the Guilford County Register of Deeds Office so there will be notice of these requirements to future owners and occupants.

When making the determination to approve a Unified Development Plan (UDP), the Planning and Zoning Commission must review the UDP for consistency with the approved Planned Unit Development (PUD) Concept Plan and zoning conditions.

Staff Analysis

The subject properties are approximately 9.37 acres and are adjacent to a YMCA, categorized as an indoor and outdoor recreation facility land use. North of the subject properties are a daycare, preschool, townhomes, and single-family dwellings, zoned CD-RM-8, CD-RM-5, and CD-R-3. East of the subject properties is an elementary and secondary school and single-family dwellings, zoned CD-PI and R-3. South of the subject properties is an indoor and outdoor recreation facility (YMCA), zoned CD-PI. West of the subject properties is an indoor and outdoor recreation center (YMCA), religious assembly use, and townhomes, zoned CD-PI, R-3, and CD-RM-8.

The proposed rezoning request supports the Comprehensive Filling In Our Framework Big Idea goal to arrange our land uses for where we live, work, attend school, and enjoy our free time can create a more vibrant and livable Greensboro. The proposed rezoning supports these goals by encouraging higher density, mixed-use, walkable infill development and by strategizing to ensure mixed use projects both strengthen and add value to the Community.

The request also supports the Building Community Connections goal with everyone doing their part to maintain stable, attractive, and healthy places to live and raise families. Additionally, the

request supports the Creating Great Places Big Idea's strategy of meeting housing needs and desires with a sufficient and diverse supply of housing products, prices and locations.

The GSO 2040 Comprehensive Plan's Future Land Use Map designates these properties as Residential which includes both single-and multi-family residential. Other uses should generally be in the scale of a Neighborhood- or a District- Scaled Activity Center as described in the Future Built Form Map, in a form that is appropriate to the character of the area. Many residential areas include commercial corridors, and future development along these corridors should be oriented to the corridor to avoid negative impacts to adjacent residences.

The subject properties are currently designated Urban General on the Future Built Form Map which should reflect characteristics such as some of the following:

- Transitions between neighborhoods and different land uses provide continuity in scale, density, intensity with adjacent uses.
- Cut-through traffic is minimized.
- New freestanding or expanded business areas are created within or adjoining an existing Activity Center or as part of creating a new Activity Center.
- Exterior building materials are durable, sustainable, and contribute positively to the character of the public realm.
- The size and impact of surface parking lots is minimized through landscaping, screening, narrow curb-cuts, and use of glare-free, no-spill lighting. New sidewalks contribute to the completion of a sidewalk network.

The proposed PUD zoning district would permit a variety of uses inclusive of multi-family housing and recreational uses complementary to the existing recreational and residential uses on adjacent and nearby properties.

This request is consistent with the intent and purpose of the zoning code, the Comprehensive Plan (GSO2040) and is generally compatible with the existing development and trend in the surrounding area.

Staff Recommendation

Staff recommends **approval** of the requested **PUD (Planned Unit Development)** zoning district.

DRAFT

**Transportation Impact Analysis
Horse Pen Creek Road Apartments
Prepared for BSC Holdings
Original: July 15, 2022; Revised: September 26, 2022**

Executive Summary

The proposed development is located on the south side of Horse Pen Creek Road between Hanberry Drive / YMCA Driveway and Piermont Drive in Greensboro, NC. This transportation impact analysis (TIA) considers up to 325 apartments adjacent to Horse Pen Creek Road. This development proposes three (3) access connections along YMCA Driveway located across from Hanberry Drive on Horse Pen Creek Road and two (2) full access points on Piermont Drive, totaling five (5) access points. The study assumed this development will be completed in 2024. Per the GDOT guidelines, a study year of 2025 (build out plus one year) was used for analysis purposes.

A traffic impact analysis (TIA) was originally prepared and dated July 15, 2022. This TIA was updated on September 26, 2022, to address review comments.

Trip Generation

Based on trip generation rates and equations published in Trip Generation (Institute of Transportation Engineers, 10th Edition), this development has a trip generation potential of 2,159 daily trips, with 124 trips in the AM peak hour and 160 trips in the PM peak hour.

Capacity Analysis and Recommendations

This analysis has been conducted based on the GDOT guidelines and has identified the potential traffic impacts of this development. Overall, the analysis indicates LOS D or better can be expected at the study intersections during the future conditions with the exception of the unsignalized intersection of Horse Pen Creek Road at Noble Academy Driveway/ Laurel Drive. This unsignalized intersection is anticipated to operate at LOS E/F during the existing, future no-build and build conditions. This is mainly due to lack of sufficient gaps for left turning vehicles from the minor street approaches in heavy through traffic on the Horse Pen Creek Road. This is a background condition and will occur regardless of the proposed development and is a typical condition for stop-controlled movements onto major roads such as Horse Pen Creek Road.

At the YMCA Spears Driveway, left turn lane is already present at this intersection. Traffic analysis indicates the existing left turn lane will be sufficient to accommodate the turning traffic at this access.

At the northern and southern site accesses on Piermont Drive, turn lanes are not warranted.

Conclusion

This TIA was performed in order to assess transportation impacts of the proposed site as well as background traffic. Recommendations have been given to accommodate these impacts. The analysis documented here indicates that with the recommended improvements in place, the proposed site is not expected to have a detrimental effect on transportation capacity and mobility in the study area. The exact layout of the site will need to be coordinated during the site plan review process. The recommended improvements for the development are shown in Figure A. Please note that the access points to the site are recommended to be designed according to GDOT standards as applicable.

