



Z-10-01-002

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

Zoning Commission Hearing Date: January 11, 2010

GENERAL INFORMATION

APPLICANT Leon Nyguyen for Nyguyenvu, Inc.

HEARING TYPE Rezoning

REQUEST **RS-7**(Single Family Residential) to
CD-LB (Conditional District-Limited Business)

CONDITIONS

1. Use shall be limited to convenience store without fuel pumps
2. Hours of operation shall be as follows:
 - Between the hours of 8:00 AM and 10:00 PM, Monday-Saturday
 - Between the hours of 12:00 noon and 7:00 PM, Sundays

LOCATION **2602 McConnell Road**, generally described as south of McConnell Road and east of Moody Street

PARCEL ID NUMBER (S) **00-0214-0 00001-00 002**

PUBLIC NOTIFICATION The notification area for this public hearing was 600 feet (Chapter 30-9-1.2 of the City 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). **110** notices were mailed to those property owners in the mailing area.

TRACT SIZE ~0.50 acres

TOPOGRAPHY Generally flat

VEGETATION Heavily wooded at the back

SITE DATA

Existing Use Convenience store with no fuel pumps

	Adjacent Zoning	Adjacent Land Uses
N	RS-7 (Residential Single Family)	Single Family Dwelling Unit
E	RS-7 (Residential Single Family)	Single Family Dwelling Unit
W	RS-7 (Residential Single Family)	Single Family Dwelling Unit
S	RS-7 (Residential Single Family)	Single Family Dwelling Unit

Zoning History

Case #	Date	Request Summary
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The property has been zoned RS-7 since July 1, 1992. Prior to the implementation of the UDO, it was zoned Res 75-S. The convenience store was in existence prior to the 1992 UDO adoption.

ZONING DISTRICT STANDARDS

District Summary *

Zoning District Designation:	Existing (RS-7)	Requested (CD-LB)
Max. Density:	5 dwelling units/acre	N/A
Typical Uses	Primarily intended to accommodate high density single family detached dwellings	Primarily intended to accommodate moderate intensity shopping and services close to residential areas. The district is established to provide locations for businesses, which serve nearby neighborhoods. The district is typically located near the intersection of collectors or thoroughfares in areas, which are otherwise developed with residences.

*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	N/A
Floodplains	N/A
Streams	N/A
Other:	N/A

Utilities

Potable Water
Waste Water

Airport Noise Cone

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

Landscaping Requirements

Location	Required Planting Yard Type and Rate
North	Street Yard - minimum width 8'; 2 canopy tree per 100', 17 shrubs per 100'
South	Type B Yard – avg. width 30'; 3 canopy trees per 100'; 5 understory trees per 100'; 25 shrubs per 100'
East	Type B Yard – avg. width 30'; 3 canopy trees per 100'; 5 understory trees per 100'; 25 shrubs per 100'
West	Type B Yard – avg. width 30'; 3 canopy trees per 100'; 5 understory trees per 100'; 25 shrubs per 100'

Tree Preservation Requirements

Acreage	Requirements
0.50 ac.	1% of lot area and be located within the required planting yard

Transportation

- Street Classification: McConnell Road – Major Thoroughfare.
- Site Access: All access must be designed and constructed to the City of Greensboro Standards.
- Traffic Counts: McConnell Road ADT = 8,542(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 development nor are there any plans for the City to build sidewalk.
- Transit in Vicinity: Yes, route 5, Gorrell Street.
- Traffic Impact Study: N/A.
(TIS)
- Street Connectivity: N/A.
- Other: N/A.

IMPACT ANALYSIS

Land Use Compatibility

The proposed **CD-LB** (Conditional District- Limited Business) zoning would allow land uses that are incompatible with the general character of the area.

Connections 2025 Comprehensive Plan Policies

The Generalized Future Land Use Map designates this location as **Low Residential**. The requested **CD-LB** (Conditional District- Limited Business) zoning district is inconsistent with this GFLUM designation. The site is however less than one acre in size and does not require a Comprehensive Plan Amendment.

Connections 2025 Written Policies

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

POLICY 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

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 7A.2: Encourage "home-grown" and community-based businesses and entrepreneurs with special emphasis on increasing the number of minority-owned businesses in traditionally underserved parts of the community.

Connections 2025 Map Policies

Existing GFLUM Designation

Low Residential (3-5 d.u./acre): This category includes the City's predominantly single-family neighborhoods as well as other compatible housing types that can be accommodated within this density range. Although there are some existing residential areas in the City developed on lots greater than 1/3 acre, future residential developments and "conventional" subdivisions should generally maintain a gross density of no less than three dwellings per acre, except where environmental constraints (e.g., the Watershed Critical Area) prevent such densities from being achieved. Compact developments that include clustered, small lots with substantial retained open space are encouraged.

CONFORMITY WITH OTHER PLANS

City Plans – N/A

Other Plans - N/A

Staff/Agency Comments

Water Resources

If any proposed development disturbs an area greater than one acre the site is required to meet Phase 2 requirements.

Housing and Community Development

Planning

The subject site currently consists of a neighborhood convenience store with no fuel pumps. The applicant is proposing to rezone the property to CD-LB to bring the use of the site in compliance with the City's Zoning Code.

Staff believes that this request is inconsistent with the intent and purpose of the Comprehensive Plan. Staff is also of the opinion that the request is incompatible with existing development and trends in the surrounding area; especially as this area of the City is well developed with residences. Staff believes that this is a neighborhood-oriented convenience store. However, the requested zoning district is typically located at or near the intersection of collectors or thoroughfares. The subject site is located right in the middle of the block, far from any intersection and completely surrounded by single family homes.

Staff will, however, like to state that pursuant to section 30-4-11.2 of the City's Code of Ordinances, it has been determined that the existing use is a legal non-conforming use and may be continued as such.

Based on all of the above, staff does not see a compelling reason to establish a commercial zoning district in the middle of a well established residential neighborhood. This neighborhood is in stable condition and deserves protection from a potential precedent that may be set for additional conversions of low density single-family residences to higher intensity commercial uses. Leaving the use as a non-conforming use will allow its current use to continue until such a time that it reverts back to residential or surrounding neighborhood conditions change that would necessitate a zoning change.

STAFF RECOMMENDATION

PLANNING

Staff recommends **denial** of the requested **CD-LB** (Conditional District- Limited Business) zoning district.