



Z-11-06-002  
**Planning & Community Development  
Zoning Staff Report and Plan Amendment Evaluation**

**Zoning Commission Hearing Date: June 13, 2011**

**GENERAL INFORMATION**

**APPLICANT** Cindy Gsell for David Michael Bennett

**HEARING TYPE** Rezoning

**REQUEST** **C-M** (Commercial-Medium) to  
**CD-LI** (Conditional District-Light Industrial)

**CONDITIONS** 1. Uses: Limited to vehicle sales and service.

**LOCATION** **3214 North O’Henry Boulevard**, generally described as the east side of North O’Henry Boulevard and north of McKnight Mill Road

**PARCEL ID NUMBER(S)** **7876834538**

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

**TRACT SIZE** ~2.55 Acres

**TOPOGRAPHY** Slopes to the west

**VEGETATION** Institutional landscaping

**SITE DATA**

<b>Existing Use</b>	Used car lot
<b>Adjacent Zoning</b>	<b>Adjacent Land Uses</b>
N C-M (Commercial-Medium)	Flea market
E R-3 (Residential-Single Family)	Single-family dwelling units
W C-M (Commercial-Medium)	US Highway 29 and single-family dwelling units
S C-M (Commercial-Medium)	Undeveloped parcel

**Zoning History**

Case #	Date	Request Summary
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This property has been zoned C-M (Commercial-Medium) since July 1, 2010. Prior to the implementation of the Land Development Ordinance (LDO), it was zoned HB (Highway Business).

**ZONING DISTRICT STANDARDS**

**District Summary \***

Zoning District Designation:	Existing <b>(C-M)</b>	Requested <b>(CD-LI)</b>
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 limited manufacturing, wholesaling, warehousing, research and development, and related commercial/service activities which in their normal operations have little or no adverse effect upon adjoining properties.

\*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 –N/A**

**Environmental/Soils**

Water Supply Watershed	Site drains to North Buffalo Creek
Floodplains	>2000ft
Streams	N/A
Other:	If >1ac of disturbance is to take place, site must meet Phase 2 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**

Landscaping is not required at this time. However, at such time as any additions to the existing facility are proposed, any changes in use that results in an increase in Land Use Classification of 2 or more or if any redevelopment is proposed; then landscaping will be required.

## Tree Preservation Requirements Acreage

## Requirements

2.55 ac. Tree Preservation is not required at this time. However, at such time as any additions to the existing facility are proposed, any changes in use that result in an increase in Land Use Classification of 2 or more or if any redevelopment is proposed; then Tree Preservation will be required.

## Transportation

Street Classification: US Highway 29 – Freeway,  
N. O’Henry Boulevard – Local Street – NCDOT Service Road for US  
29.

Site Access: Existing.

Traffic Counts: US 29 ADT = 39,000 (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 sidewalk along the frontage of this property.

Transit in Vicinity: No transit in the area.

Traffic Impact Study: No, not required per TIS Ordinance.  
(TIS)

Street Connectivity: N/A.

Other: N/A.

## **IMPACT ANALYSIS**

### **Land Use Compatibility**

The proposed **CD-LI** (Conditional District-Light Industrial) 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 **Moderate Residential**. Since the proposal is not changing the existing use of the property, a GFLUM amendment is not required. Also, existing land uses along this section of N.O’Henry Blvd. are generally more consistent with the **CD-LI** zoning than residential land uses. The requested **CD-LI** (Conditional District-Light Industrial) zoning district is generally consistent with this GFLUM designation.

## Connections 2025 Written Policies

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

POLICY 4C: Promote new patterns and intensities of use to increase economic competitiveness and enhance quality of life in urban areas.

POLICY 4C.1: Establish standards for and promote new forms of 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 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

Moderate Residential (5-12 d.u./acre): This category accommodates housing types ranging from small-lot, single-family detached and attached single-family dwellings such as townhomes to moderate density, low-rise apartment dwellings.

## CONFORMITY WITH OTHER PLANS

City Plans – N/A

Other Plans – N/A

## Staff/Agency Comments

### Community Development

No additional comments.

## Planning

The 2.55-acre subject site under consideration consists of a used car lot. This use is a permitted use in the existing Commercial- Medium zoning district but the site is in violation of Section 30-9-4.7(G) of the Land Development Ordinance in that electric fences are not permitted in the Commercial-Medium zoning district. Section 30-9-4.7(G) specifies that Low-voltage electrified fencing with a maximum of 12 volts, primary voltage, is allowed in the Light Industrial and Heavy Industrial districts, provided that:

1. an electrified fence may not exceed 10 feet in height;
2. an electrified fence must be inside of or enclosed by a non-electrified fence or wall with a minimum height of 6 feet;
3. the entire electrified fence must be separated from the non-electrified fence or wall by a minimum distance of at least 6 inches at the closest point; and
4. the electrified fence must be identified by a warning sign displayed at the rate of at

least one sign per 50 linear feet of fencing.

There is a current enforcement action on this property and this rezoning request, if approved will serve to remedy the situation by changing the zoning district to the Light Industrial zoning district, where an electric fence is permitted. This change in zoning will not change the existing use on the site.

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 trend in the surrounding area especially with the expansion of commercial and industrial establishments along North O'Henry Boulevard.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of the requested **CD-LI** (Conditional District-Light Industrial) zoning district.