



Legislation Text

File #: ID 17-0712, **Version:** 1

Resolution Granting a Type 4 (Watershed) Modification to Section 30-12-34.3 (A), Watershed Critical Areas and Table 12-8 of the Land Development Ordinance to allow the use to be a Convenience Store with Fuel Pumps for 3930 Battleground Ave., Greensboro, NC

Department: Water Resources
Council District: 3

Public Hearing: N/A
Advertising Date/By: N/A

Contact 1 and Phone: Steven Drew, 373-7893
Contact 2 and Phone: Virginia Spillman, 373-3260

PURPOSE:

The regulations for the Watershed Critical Area prohibits the use of a convenience store with fuel pumps. The current site is an existing convenience store with fuel pumps that are outdated. The developer of 3930 Battleground Ave. has requested to be allowed to construct a new convenience store with updated fuel pumps based upon equal or better performance.

BACKGROUND:

Request: This request is for a Type 4 Modification to Section 30-12-4.3 (A), Watershed Critical Areas-Spill Reduction of Prohibited Uses, and Table 12-8 of the Land Development Ordinance to allow the use to be a Convenience Store with fuel pumps. The current impervious area for the site is not being treated by a water quality device. The proposed site development layout will decrease the amount of total built upon area onsite as well as treat all impervious area with a water quality device. In addition, the existing fuel pumps are outdated, do not meet current standards and will be replaced with new fuel tanks which will exceed current standards.

Issues: City Council is to consider the three possible grounds for a modification, as listed below, in granting the applicant's request which are as follows: Grounds #1 is "Equal or Better Performance" which is a finding that the alternate standards portrayed on the plan will perform equal to or better than the regulations in furtherance of the purposes of the Ordinance; Grounds #2 is "Physical Constraints" which is a finding that the size, topography, or existing development of the property or of the adjoining areas prevents conformance with the Ordinance; and Grounds #3 is "Other Constraints" which is a finding that a federal, state, or local law or regulation prevents conformance with the Ordinance.

TRC Action: As part of the watershed plan approval, the applicant has applied for the Type 4 Modification. The application submitted states that the proposed development will decrease the amount of total built upon area onsite. In addition, the built upon area that is currently untreated will be treated with a water quality device. The applicant requests to allow the use of a convenience store with fuel pumps. After reviewing the request, the Technical Review Committee felt that under Equal or Better Performance Grounds, decreasing the overall built upon area onsite and treating the proposed built upon area will perform better the current untreated built upon area. Therefore, the water quality measures contained in the applicant's proposal will achieve water quality that is equal or better than the intent of the Watershed Critical Area regulations.

BUDGET IMPACT:

There will be no impact on current or future City Budgets.

RECOMMENDATION / ACTION REQUESTED:

The Technical Review Committee recommended this modification to the Planning Board and to City Council. The Planning Board recommended this modification at its October meeting on a vote of 7-0.

Accordingly, it is recommended that on November 14, 2017, the City Council consider the applicant's modification request to allow the use of a convenience store with fuel pumps.