

CITY OF HIGH POINT

AGENDA ITEM



Title: **Zoning Map Amendment 21-27**
(*High Point Eastchester Investment, LLC*)

From: Chris Andrews,
Interim Planning and Development Director

Meeting Date: December 6, 2021

Public Hearing: Yes

Advertising Date: November 24, 2021, and
December 1, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by High Point Eastchester Investment, LLC, to rezone an approximate one-acre parcel from the Office-Institutional (OI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located along the south side of Eastchester Drive, approximately 1,100 feet east of N. Centennial Street.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their November 9, 2021 public hearing. All members of the Commission were present except for Mr. Alex Moore. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

The applicant, Mr. Mark Lindsay, 1912 Eastchester Drive, High Point, spoke in favor of the request. Mr. Lindsay stated that the rezoning application is conditioned to act as the northern terminus of the abutting Center Stage shopping center and that they have offered conditions to restrict the intensity (limit building square footage) of any major restaurant use that may develop on the site. He stated that the intent is to develop a Bruster's Ice Cream restaurant that does not have indoor seating. He added that the franchise owner, the contractor and he were available for any questions.

There were no speakers in opposition.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0.
2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to approve the following statement:

That Zoning Map Amendment 21-27 is consistent with the City's adopted policy guidance because, as conditioned, the requested CZ-GB District will not conflict with adopted policy guidance documents, given its particular location. Furthermore, the request is reasonable and in the public interest because, as conditioned, the site will serve as the northern boundary of the abutting RC-zoned shopping center and will not be in conflict with the preferred development pattern encouraged by the Eastchester Drive Corridor Plan. Mr. Morgan seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 8-0.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-27
November 9, 2021**

Request	
Applicant: High Point Eastchester Investment, LLC	Owner: High Point Eastchester Investment, LLC
Zoning Proposal: To rezone an approximate one-acre parcel	From: OI Office-Institutional District. To: CZ-GB Conditional Zoning General Business District

Site Information	
Location:	The site is located along the south side of Eastchester Drive, approximately 1,100 feet east of N. Centennial Street.
Tax Parcel Number:	Guilford County Tax Parcel 172458
Site Acreage:	Approximately one acre
Current Land Use:	Undeveloped
Physical Characteristics:	The site has no noteworthy features.
Water and Sewer Proximity:	Both a 16-inch City water line and an 8-inch City sewer line lie adjacent to the site along Eastchester Drive.
General Drainage and Watershed:	The site generally drains in a westerly direction and development is subject to the Oak Hollow Lake Watershed Critical Area (WCA) requirements. Primary stormwater control measures are required for development with a total impervious surface area greater than 24% of the site. The site is within Tier 3 of this WCA, where development is limited to 2 dwelling units per acre or 35% built-upon area.
Overlay District	<ul style="list-style-type: none"> • Eastchester Gateway Corridor Overlay District • Oak Hollow Lake Watershed Critical Area – Tier 4

Adjacent Property Zoning and Current Land Use			
North:	CU-LB	Conditional Use Limited Business District	Office complex with various office and personal service establishments.
South:	CU-RC	Conditional Use Retail Center District	Shopping Center
East:	R-5	Office Institutional District	Single family dwellings
West:	OI	Office Institutional	Religious institution (church)

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.
Land Use Plan Map Classification:	The site has a Local/Convenience Commercial land use designation. This classification includes moderate-intensity convenience retail or service uses, generally serving small, local neighborhoods.

Land Use Plan Goals, Objectives & Policies:	<p>The following objectives of the Land Use Plan are relevant to this request:</p> <p>Obj. #2. Protect and preserve environmentally sensitive locations including designated open space and watershed critical areas from inappropriate development.</p> <p>Obj. #11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.</p>
Relevant Area Plan:	<p><u>Eastchester Corridor Plan - Phase I</u></p> <p>This plan was last updated in 1994 when it primarily focused on the impacts of the recently proposed, at that time, Oak Hollow Mall, both in terms of land use and traffic management. However, that update built on a previous version of the plan that made recommendations related to limiting commercial uses to major intersections, providing additional landscape and setback buffers, controlling the number of driveway cuts along Eastchester Drive, and considering minimum appearance standards for new buildings. Many of these recommendations were implemented by subsequent Development Ordinance revisions and adoption of the Eastchester Scenic Corridor (now Gateway) Overlay zoning district.</p>
Zoning History:	<p>In 2017 the former Laurel University site, along the opposite side of Eastchester Drive, was sold and the land converted from an educational use to a religious institution use. Except for the 2017 rezoning to the Office-Institutional (OI) District to establish the church, there has been no recent rezoning in this area.</p>

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Eastchester Drive		Major Throughfare	140 ft.
Vehicular Access:	Via shared driveway access from abutting property to the north.			
Traffic Counts: <i>(Average Daily Trips)</i>	Eastchester Drive		28,000 AADT (2019 NCDOT traffic count)	
Estimated Trip Generation:	Not applicable			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	As restricted by the proposed conditional zoning ordinance, a TIA is not required.	
Conditions:	The City of High Point Transportation Director and NCDOT shall approve the exact location and design of all access points and improvements.			

School District Comment
Not applicable to this zoning case.

Details of Proposal
<p>The applicant is requesting rezoning of this parcel from its current Office Institutional (OI) District to a Conditional Zoning General Business (CZ-GB) District to allow some limited commercial uses on this parcel. In conjunction with this request the applicant has submitted a corresponding</p>

conditional zoning ordinance in which it has offered conditions pertaining to permitted uses, development/dimensional requirements and vehicular access

Staff Analysis

This section of the Eastchester Drive corridor, between N. Centennial Street to Lassiter Drive, is classified by the Land Use Map as Community/Regional Commercial for a shopping center use at the corner of this intersection and Local/Convenience Commercial for the area north of the shopping center. The Center Stage Shopping Center is zoned Conditional Use Retail Center (CU-RC) District and land use intensity reduces to the Limited Business (LB) District northward along the corridor. The zoning site abuts this shopping center and acts as a transitional parcel. The applicant desires to develop this site as the northern edge of the abutting shopping center and proposes to construct a major restaurant (restaurant with drive-thru window) with a limited footprint. This use type is permitted in the abutting shopping center, but not on lands north of the subject site.

So as to function as the northern boundary of the shopping center and to provide a transition in commercial use intensity, the applicant has offered the following conditions:

- There is currently no perimeter buffer that meets RC District standards on the common property line between the shopping center and the zoning site. So that the zoning site may function as the northern limits of the abutting shopping center the applicant has offered a condition to provide an RC District perimeter setback (30 feet) along the eastern, northern and western boundaries of the zoning site.
- To lessen the intensity of development the applicant has offered a condition to limit allowable commercial uses. The only GB District use permitted will be the major restaurant use type, all other uses are restricted to those permitted in the LB District. Furthermore, the major restaurant use type is limited to a maximum gross floor area of 1,700 square feet. To provide some context, recent major restaurant uses developed in the City have had gross floor areas ranging from 3,400 to 4,000 square feet.

Section 2.4.6.C of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

As conditioned, the requested CZ-GB District will not conflict with adopted policy guidance documents, given its particular location.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.

As conditioned, the site will serve as the northern boundary of the abutting RC-zoned shopping center and will not be in conflict with the preferred development pattern encouraged by the Eastchester Drive Corridor Plan.

Compatibility with Surrounding Areas

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
- Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
- Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.

The applicant has conditioned the zoning site so that it will serve as an extension of the abutting shopping center, but also to act as a lower intensity transitional parcel. The RC District perimeter setback standard (30 feet) is being applied, but uses are limited to those permitted in the LB District, except for major restaurant use type. This will ensure development will be compatible with abutting residential uses and consistent with the development pattern to the north along this corridor.

Mitigation of Impacts

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:

Mitigation #1	<p>Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.</p> <ul style="list-style-type: none"> ❖ Lighting and screening requirements of the Development Ordinance will assist to mitigate negative impact as to spill over lighting onto adjacent property and to screen trash loading areas. ❖ No direct access will be permitted to Eastchester Drive; however, the applicant has offered to provide for cross-access to adjacent parcels to the north and to the south. ❖ Most commercial uses will require the installation of a Type B perimeter planting yard next to the abutting single family subdivision to the east. This planting yard consist of an average width of 25 feet, with 10 trees and 25 shrubs every 100 linear feet.
Mitigation #2	<p>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</p> <p>The site is within the Oak Hollow Lake Watershed Critical Area, and as such, development is required to meet the watershed standards of the Development Ordinance.</p>
Mitigation #3	<p>Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire.</p> <p>The site is within an area currently served by City of High Point utilities and municipal services. The zoning submittal has no known adverse impacts on municipal services.</p>

Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.
	The applicant has offered conditions to limit allowable GB District uses, to restrict the building size of a high intensity commercial use, and to provide for a higher perimeter setback standard. As conditioned, the requested CZ-GB District will not adversely affect adjacent properties.

Supportive Changes in the Area

Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

As conditioned, this request would act as an extension of the abutting shopping center and create a northern boundary to the abutting RC-zoned development.

Promotes a Preferred Development Pattern

Whether and the extent to which the proposed conditional zoning district will result in development that promotes a logical, preferred, and orderly development pattern.

As conditioned, the zoning request will continue to promote a development pattern consistent with established land use policy.

Recommendation

Staff Recommends Approval:

The Planning and Development Department recommends approval of the request to rezone this one-acre parcel to the CZ-GB District. As conditioned, the requested CZ-GB District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

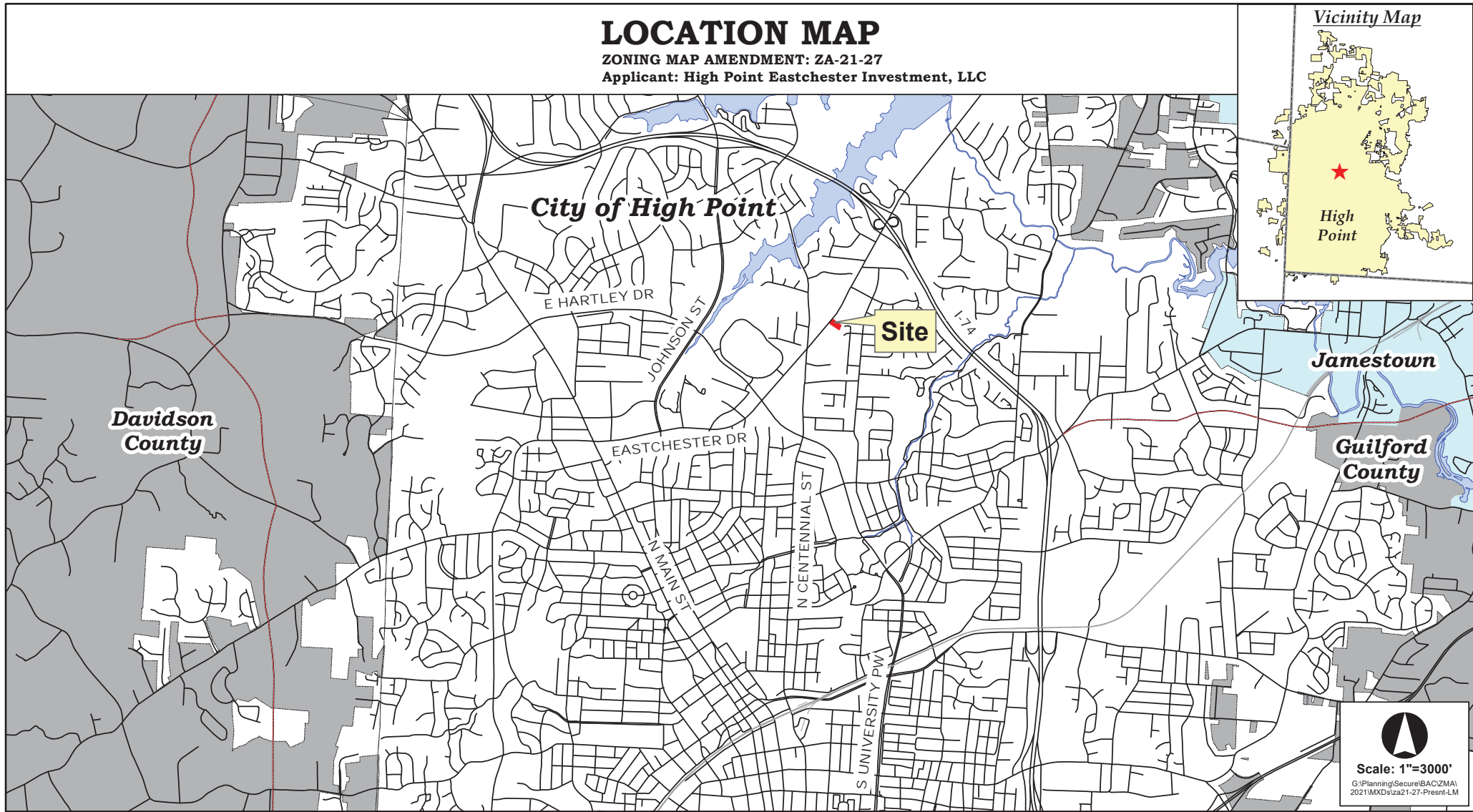
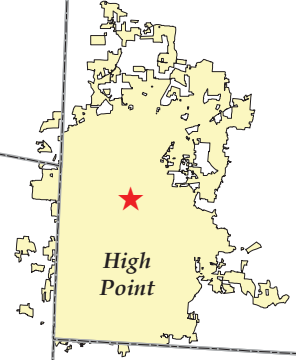
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-27

Applicant: High Point Eastchester Investment, LLC

Vicinity Map



Jamestown

Guilford County

Davidson County

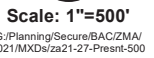


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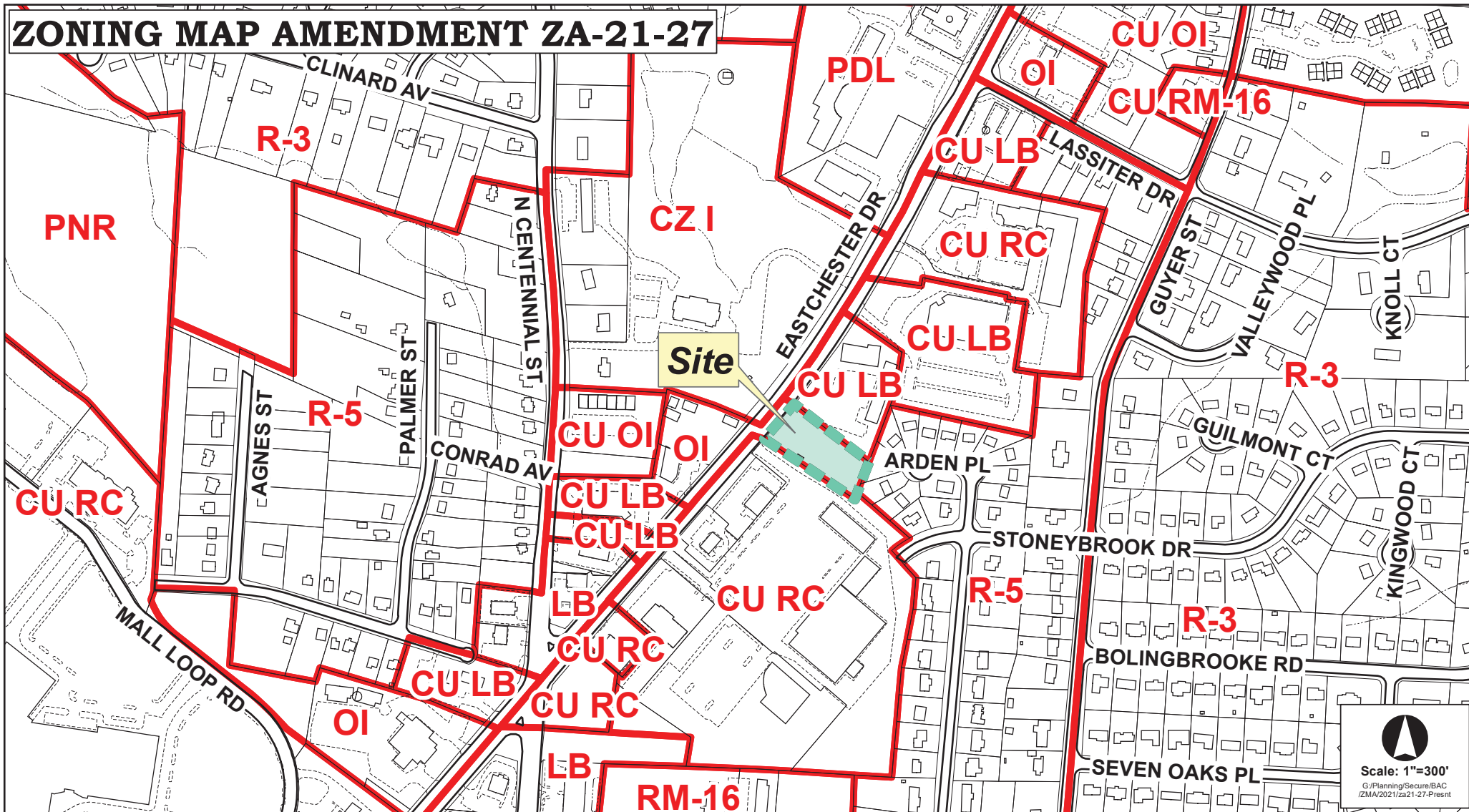
ZONING MAP AMENDMENT: ZA-21-27

The map displays various zoning districts and a proposed site. The site is highlighted in yellow and labeled "Site". The surrounding areas are divided into several zoning districts, including RM-16, R-3, CU RC, CU LB, CU OI, CZ I, CZ RC, PDL, PNR, R-5, LB, and I. The map also shows major roads and streets, such as Johnson St, Lake Hill Ct, Clinard Av, Palmer St, N Centennial St, Eastchester Dr, Lassiter Dr, Valleywood Pl, Knoll Ct, Hanover Ct, Stoneybrook Dr, Bolingbroke Rd, Seven Oaks Pl, Briarcliff Dr, Mainck St, Woodside Av, Beaucrest Av, Guyer St, Arden Pl, and N University Pk. A scale bar indicates 1 inch equals 500 feet.

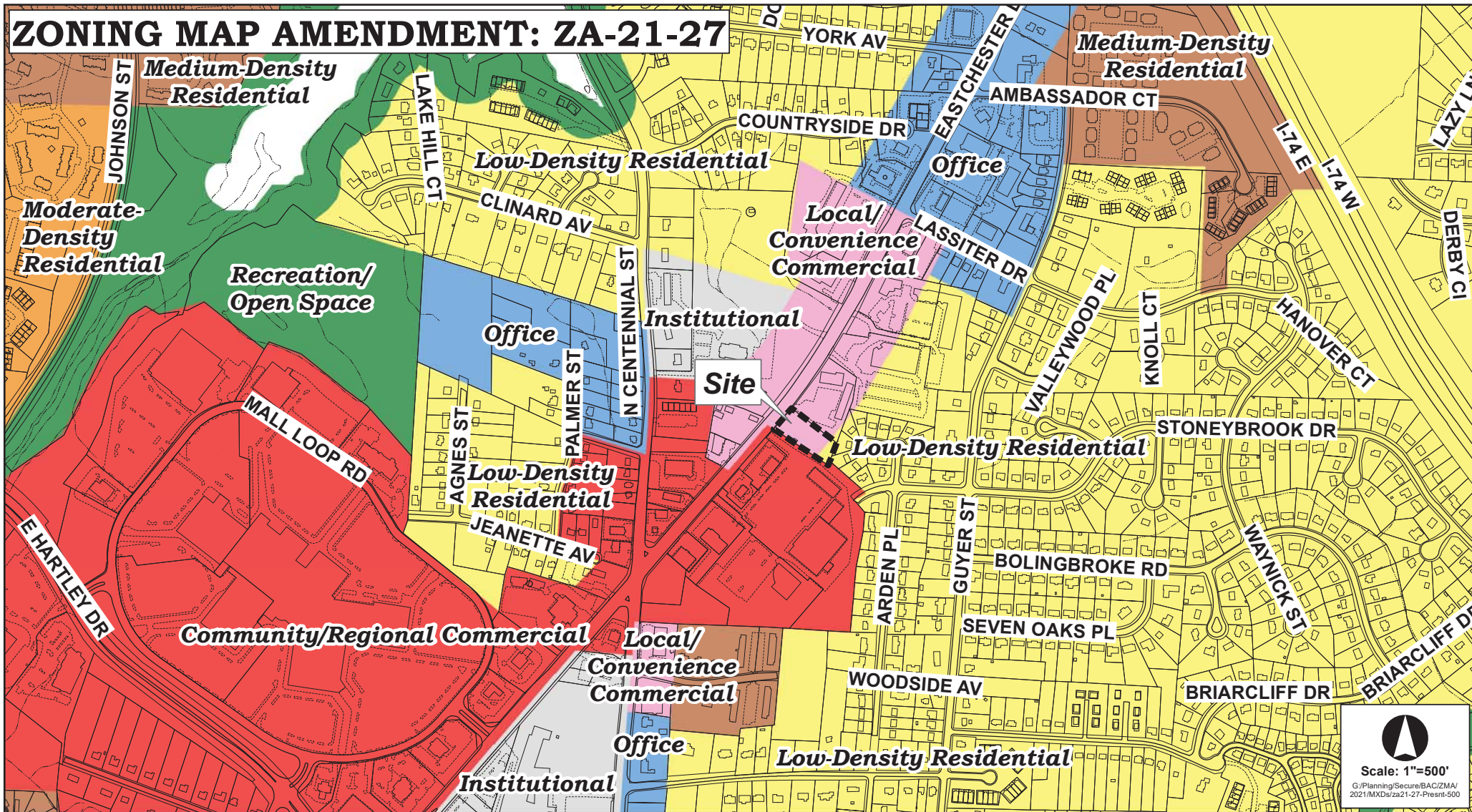


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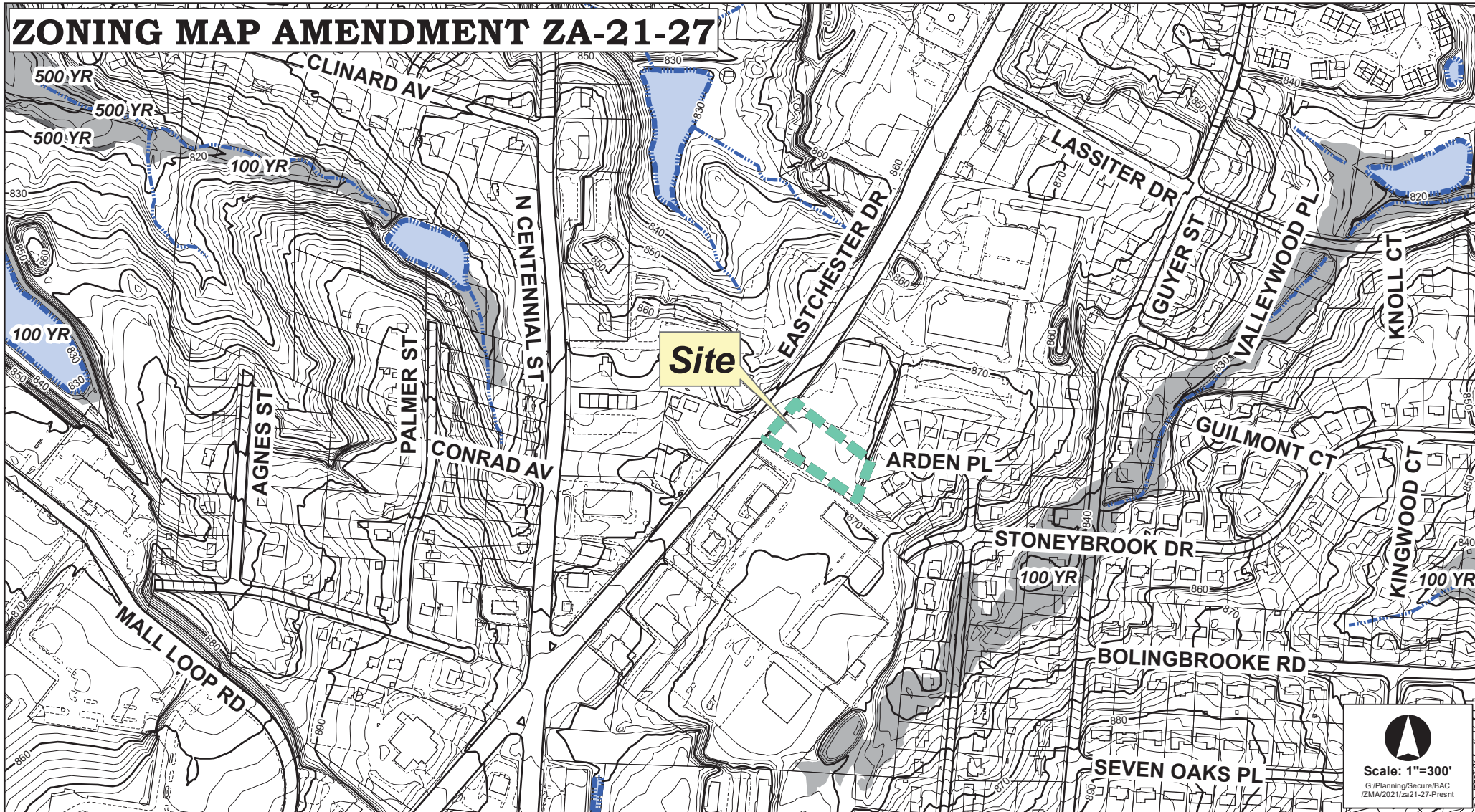
ZONING MAP AMENDMENT ZA-21-27



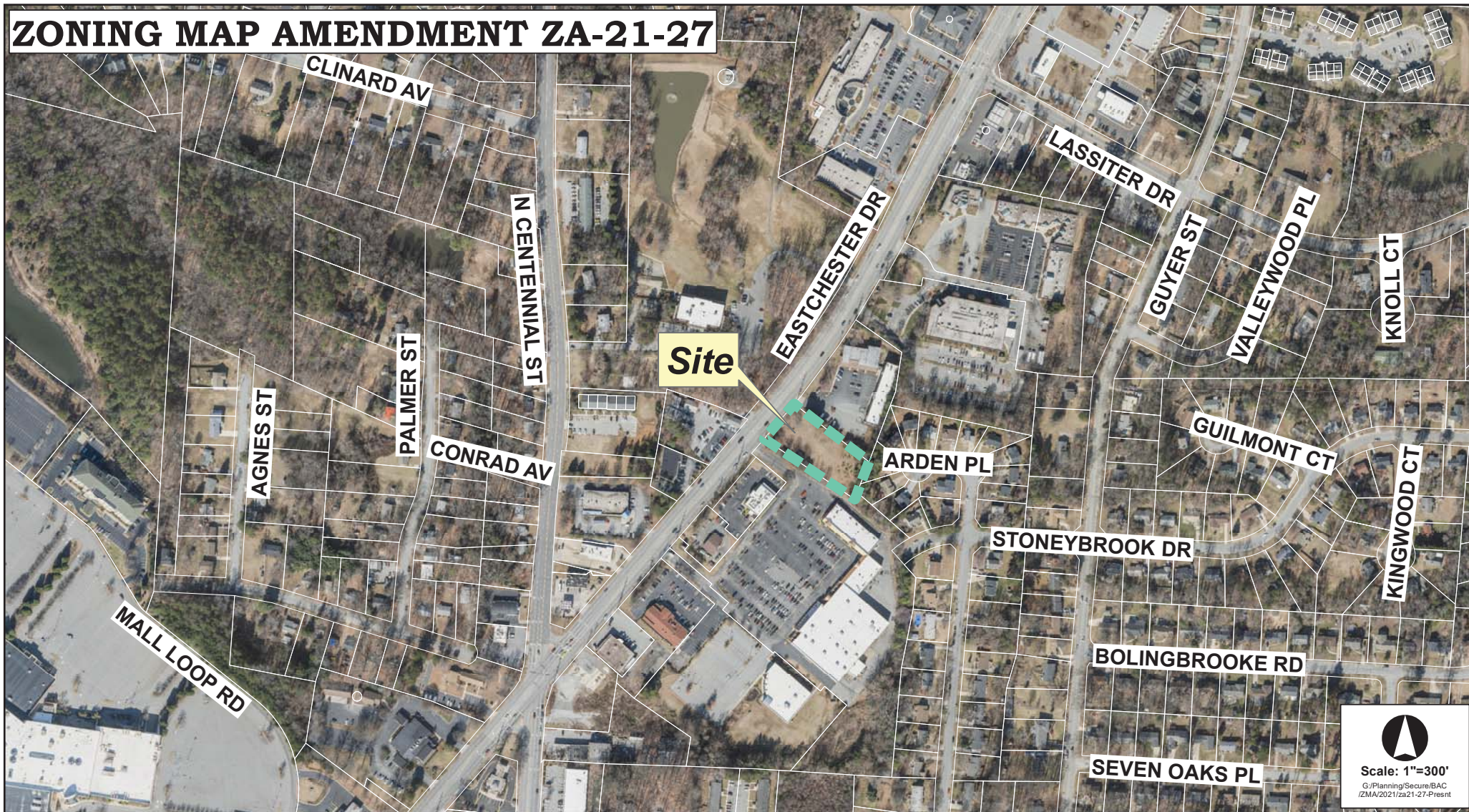
ZONING MAP AMENDMENT: ZA-21-27



ZONING MAP AMENDMENT ZA-21-27



ZONING MAP AMENDMENT ZA-21-27




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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on November 9, 2021 and before the City Council of the City of High Point on December 6, 2021 regarding **Zoning Map Amendment Case ZA-21-27 (ZA-21-27)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on October 31, 2021, for the Planning and Zoning Commission public hearing and on November 24, 2021 and December 1, 2021, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **December 6, 2021**.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning General Business (CZ-GB) District**. The property is approximately one-acre, located along the south side of Eastchester Drive, approximately 1,100 feet east of N. Centennial Street. The property is addressed as 1130 Eastchester Drive and also known as Guilford County Tax Parcel 196985.

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. USES:

A. Permitted Uses

1. Except as excluded below in Part I.A.2, permitted uses shall be limited to those principal use of the General Business (GB) District, as listed in the Principal Use Table 4.1.9 of the Development Ordinance, that is also a permitted use in the Limited Business (LB) District (use must be permitted in both districts).
2. The following GB District use, which is not permitted in the LB District, shall be permitted per standards of Principal Use Table 4.1.9 and other related standards of the Development Ordinance:
 - a) Major Eating Establishment

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Except as further restricted by this ordinance, development shall be subject to the standards of the GB District.
2. Development of the site shall be subject to the District Standards of the LB District (Section 3.4.5.G – LB District Standards).
3. Development of the site shall be subject to the RC District “Minimum Perimeter Setback” dimensional standards along the zoning site’s northern, eastern and western boundary (Section 3.4.7.B – RC Dimensional Standards)
4. The Major Eating Establishment use type shall be limited to a gross floor area of 1,700 square feet.

B. Transportation Conditions.

1. Access
 - a. No direct vehicular access shall be permitted to Eastchester Drive.
 - b. A shared access drive, through a common access easement, shall be established as part of development permit approval to the property to the north (Guilford County Tax Parcel 196984).
 - c. A shared access drive, through a common access easement, shall be established as part of development permit approval to the property to the south (Guilford County Tax Parcel 196986).
2. Other Transportation Conditions: The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT), if applicable, shall approve the exact location and design of all access points and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 6th day of December, 2021

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Map Amendment 21-27

Submitted by: Mark Lindsay, Lindsay Commercial Properties

Herbert Shannon Jr

Subject: FW: Draft zoning conditions for your review.

From: Mark Lindsay <mlindsay.lcp@gmail.com>

Sent: Wednesday, October 27, 2021 7:02 PM

To: Herbert Shannon Jr <herb.shannon@highpointnc.gov>

Cc: Scott Dunbar <swd@northstate.net>; Craig <cemerson2@triad.rr.com>

Subject: Re: Draft zoning conditions for your review.

No one showed at the meeting ... may be because I went door to door with the whole neighborhood to the rear of the property a couple of weeks ago and everyone was excited about it.

I will look to see if I have the sketch plan in the morning but I'm pretty sure Scott has it

Mark Lindsay, CCIM
Lindsay Commercial Properties
336-692-5612