

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Case 15-01 (Kotis Properties, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: February 16, 2015

Public Hearing: Yes

Advertising Date: February 4 & 11, 2015

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Zoning Ordinance

PURPOSE:

A request by Kotis Properties, LLC to rezone the western portion of a parcel from the Residential Single Family-15 (RS-15) District to the Highway Business (HB) District. The parcel is lying along the west side of N. Main Street, approximately 300 feet south of W. Peachtree Drive (*2505 N. Main Street*).

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On January 27, 2015, a public hearing was held before the Planning and Zoning Commission regarding Zoning Case 15-01. The Planning & Zoning Commission recommended ***approval*** of Zoning Case 15-01 by a vote of 8-0.
- B. Staff recommends ***approval*** of Zoning Case 15-01 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Zoning Case 15-01

At its January 27, 2015 public hearing, the Planning and Zoning Commission reviewed a request to rezone the western portion of a parcel from the Residential Single Family-15 (RS-15) District to the Highway Business (HB) District. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented Zoning Case 15-01 and recommended approval of the request as outlined in the staff report.

Speaking on behalf of Zoning Case 15-01 was Mr. Jeffrey Nimmer, Chief Operating Officer for Kotis Properties, Inc., 1410 Mill Street, Suite 102; Greensboro, NC 27408.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended *approval* of Zoning Case 15-01, as recommended by staff, by a vote of 8-0.

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

**STAFF REPORT
ZONING CASE 15-01
January 27, 2015**

Request	
Applicant: Kotis Properties, LLC	Owner: Kotis Portfolio I, LLC
Zoning Proposal: To rezone the western (rear portion) of a parcel.	From: RS-15 Residential Single Family-15 District
	To: HB Highway Business District

Site Information	
Location:	Lying along the west side of N. Main Street, approximately 300 feet south of W. Peachtree Drive (2505 N. Main Street).
Tax Parcel Numbers:	A portion of Guilford County Tax Parcel 0194637
Site Acreage:	An approximate 6,800 square foot triangular portion of Guilford County Tax Parcel 0194637.
Current Land Use:	The rezoning site is part of a larger parcel that is developed with a commercial use. The area to be rezoned is used for parking and as a service area for the commercial uses on this parcel.
Physical Characteristics:	The area to be rezoned has no noteworthy features, it consist of a relatively flat asphalt paved area.
Water and Sewer Proximity:	An 8-inch City water line and an 8-inch City sewer line are lying adjacent to this parcel along N. Main Street.
General Drainage and Watershed:	The site drains in a westerly direction and is within the Yadkin Pee-Dee (non-water supply) watershed.
Overlay District(s):	None

Adjacent Property Zoning and Current Land Use			
North:	HB	Highway Business District	Commercial use
South:	HB	Highway Business District	Automotive dealership
East:	HB	Highway Business District	Commercial use
West:	RS-15	Residential Single Family-15 District	Single family dwelling

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	The site has a Community/Regional Commercial land use designation. This classification includes a wide range of retail and service uses intended to serve the entire community and nearby regional customers.
Land Use Plan Goals, Objectives & Policies:	This request is neither in conflict with the Land Use Plan's goals and objectives nor does it promote those goals and objectives.
Relevant Area Plan:	Not Applicable
Community Growth Vision Statement	This request is not in conflict with the Community Growth Vision Statement.
Zoning History:	There has been no recent zoning activity in this immediate area.

Transportation Information			
Adjacent Streets:	Name		Classification
	N. Main Street		Major Thoroughfare
Approx. Frontage	None		
Vehicular Access:	The parcel in which the rezoning request is associated with has an existing driveway access to N. Main Street.		
Traffic Counts: (Average Daily Trips)	N. Main Street		21,000 AADT (NCDOT 2013 count)
Estimated Trip Generation:	No information		
Traffic Impact Analysis:	Required		Comment
	<u>Yes</u>	<u>No</u> X	None
Pedestrian Access:	Not applicable		

School District Comment
Not applicable to this zoning case.

Details of Proposal

This zoning map amendment proposes to rezone the western (rear) portion of a parcel located at 2505 N. Main Street. This parcel has a total land area of 0.9 acres and is developed with a commercial structure that was built in the mid-1980's. Most of the site has a HB District zoning designation except for an approximate 6,800 square foot triangular area at the western portion of the site that is zoned RS-15. This 6,800 square foot area was purchased from the abutting residential property owner in the mid-1980s and added to this commercial parcel in order to square off the rear of this site. However, it was never rezoned and remains zoned for RS-15 District uses.

Staff Analysis

This zoning request proposes to rezone this 6,800 square foot portion of this parcel to a HB District so that the same zoning and use standards may govern the entire property. Staff finds the following as it relates to this request:

Consistency with Adopted Plans:

The proposed Conditional Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans

Staff Comments:

The Land Use Map classifies all of the lots fronting on this segment of N. Main Street, including the 6,800 square foot area associated with this zoning request, as Community Regional Commercial. It is a portion of a larger parcel that fronts N. Main Street. This request is consistent with the City's adopted plans.

Reasonableness/Public Interest:

An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.

Staff Comments:

In this case, staff suggests that the approval of this request is reasonable and in the public interest because: 1) The request is consistent with the City's Land Use Plan; 2) The requested rezoning will allow the entire property to be governed by the same zoning district; and 3) The requested rezoning will not change the established development pattern along this segment of N. Main Street, which consists of commercial uses oriented towards and taking primary vehicular access from N. Main Street.

Recommendation

Staff Recommends Approval

The Planning & Development Department recommends approval of the request to rezone western (rear portion) of the parcel to a HB District.

Required Action

Planning and Zoning Commission:

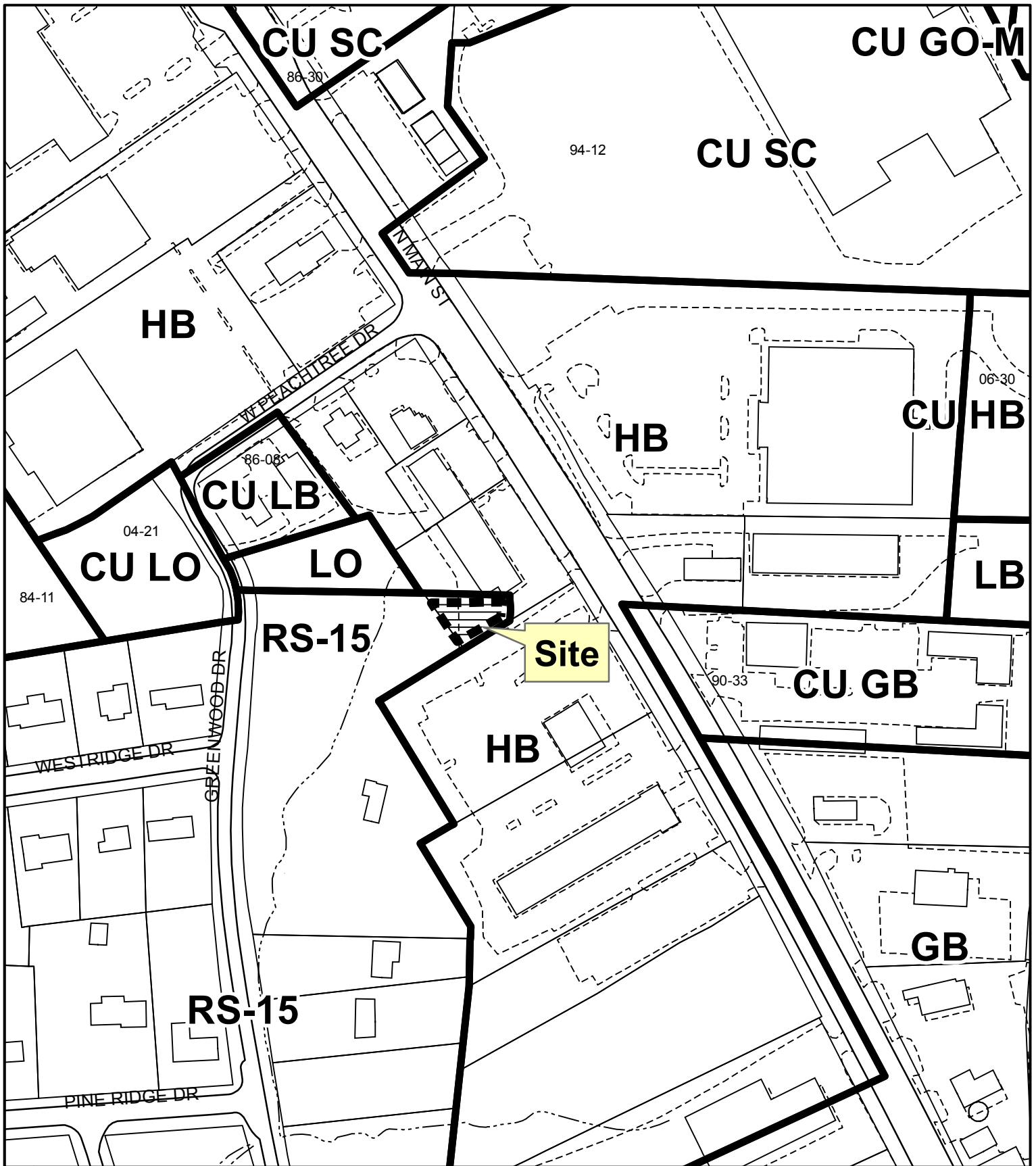
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



ZONING CASE 15-01

From: Residential Single Family-15
To: Highway Business

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

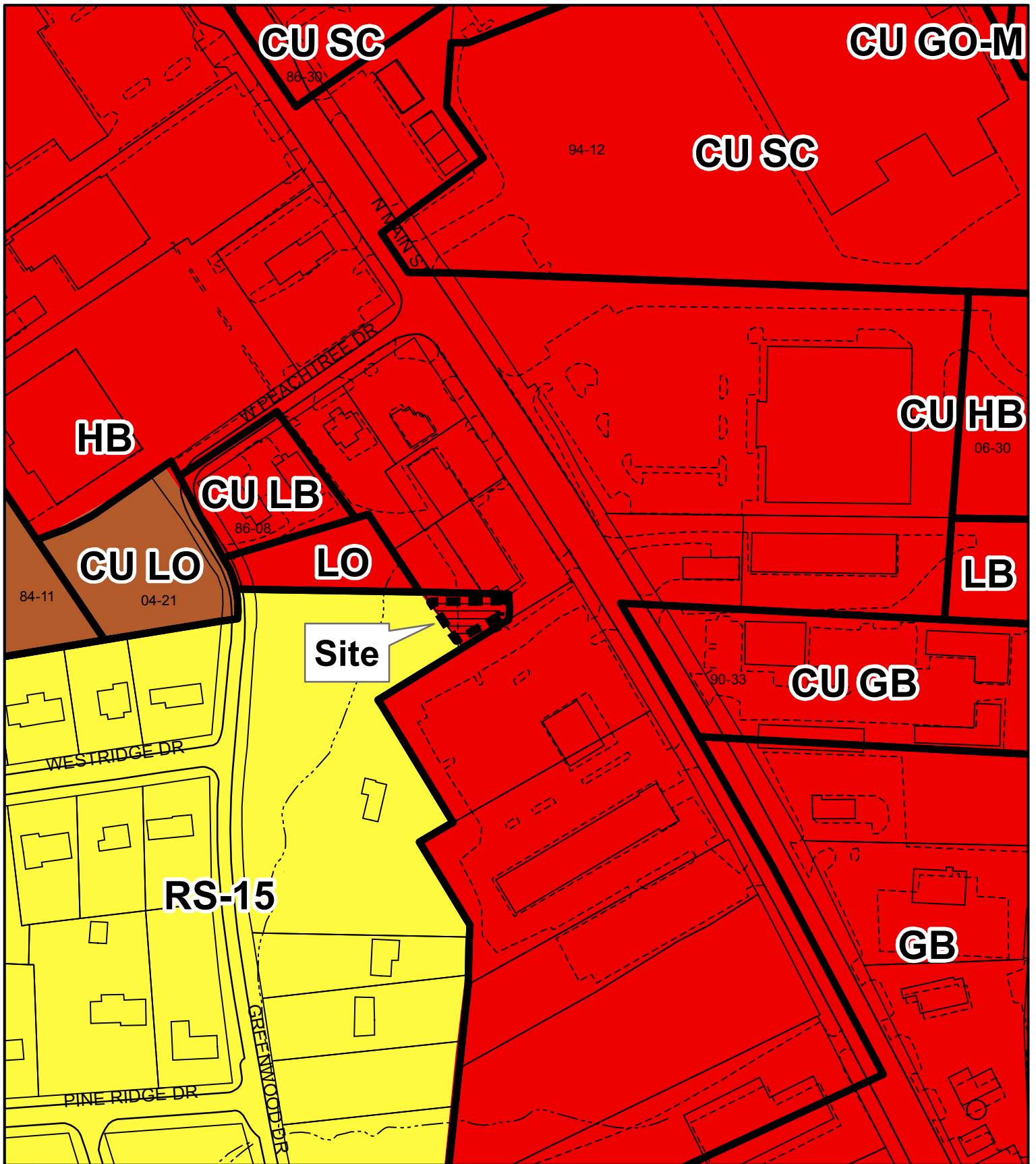
**Planning & Development
Department**

City of High Point

Date: January 9, 2015



Scale: 1"=200'
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2015\pz\z15-01.mxd



ZONING CASE 15-01

Land Use Plan

- Low-Density Residential
- Medium-Density Residential
- Community/Regional Commercial

Planning & Development
Department

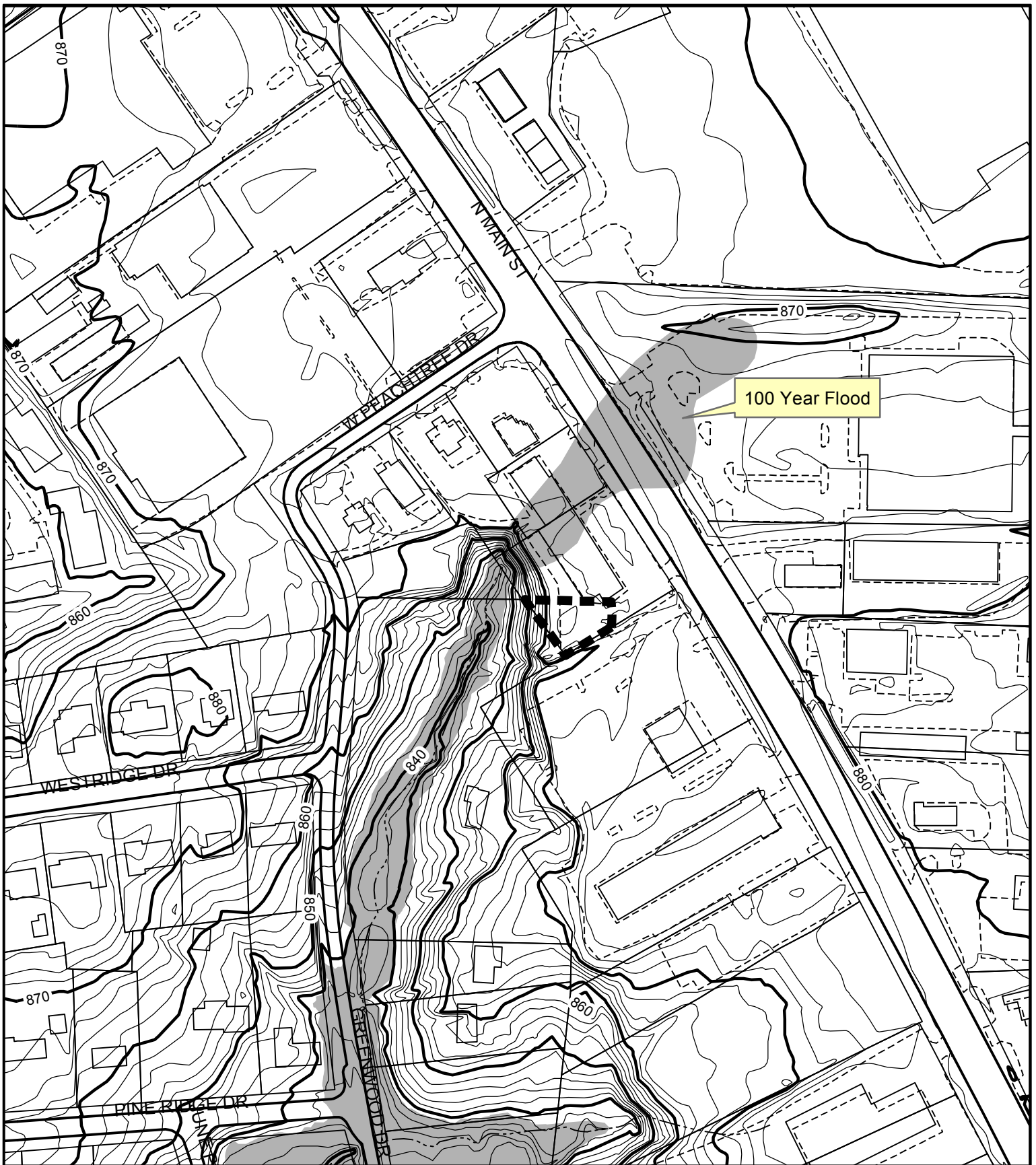
City of High Point

Date: January 23, 2015



Scale: 1"=200'

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ZONING CASE 15-01

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: January 16, 2015



Scale: 1"=200'

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ZONING CASE 15-01



UTILITY NOTICE:

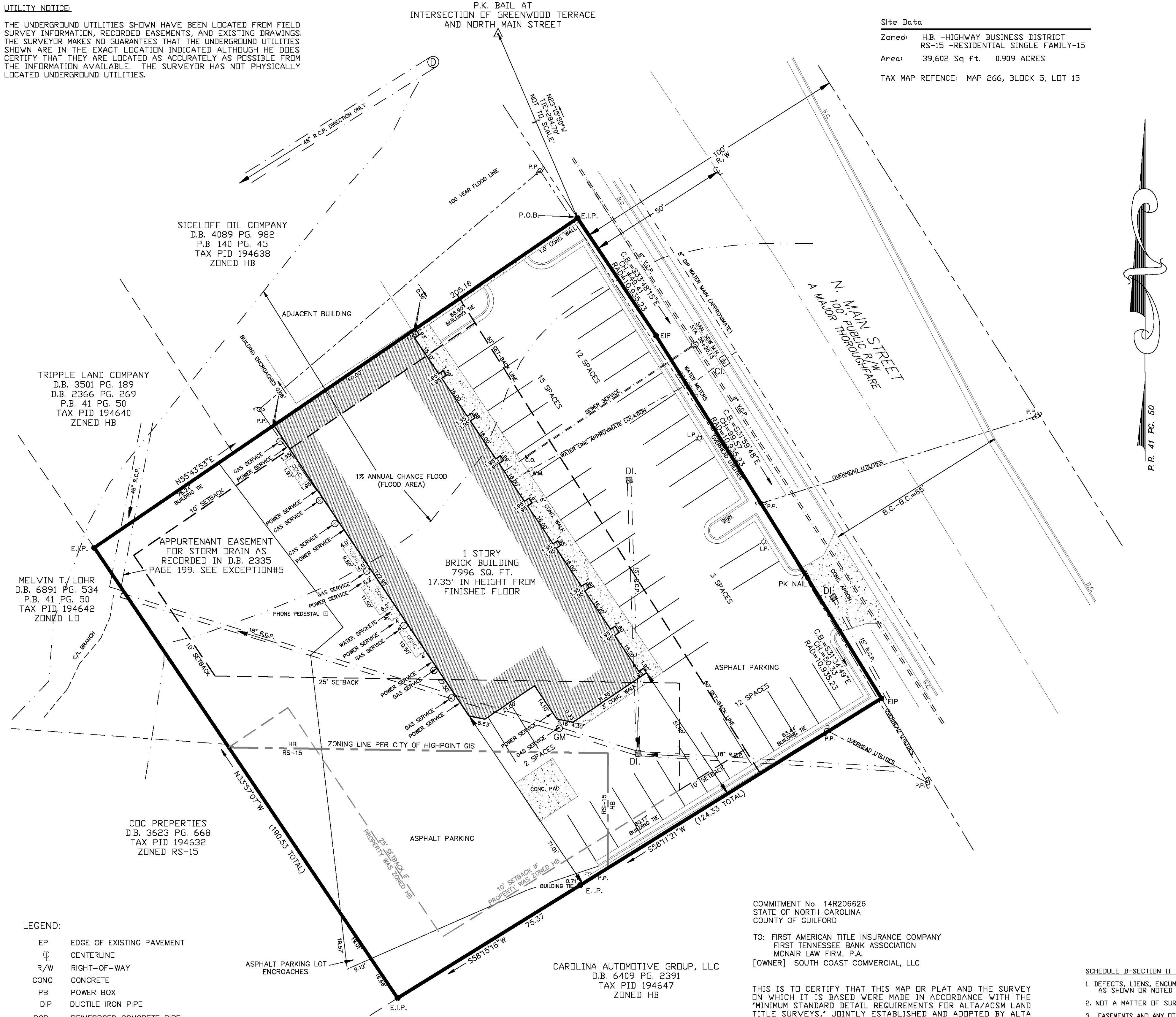
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, RECORDED EASEMENTS, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.

P.K. BAIL AT
INTERSECTION OF GREENWOOD TERRACE
AND NORTH MAIN STREET

Site Data

Zoned: H.B. -HIGHWAY BUSINESS DISTRICT
RS-15 -RESIDENTIAL SINGLE FAMILY-15
Area: 39,602 Sq ft. 0.909 ACRES

TAX MAP REFERENCE: MAP 266, BLOCK 5, LOT 15



- LEGEND:
- EP EDGE OF EXISTING PAVEMENT
 - C CENTERLINE
 - R/W RIGHT-OF-WAY
 - CONC CONCRETE
 - PB POWER BOX
 - DIP DUCTILE IRON PIPE
 - RCP REINFORCED CONCRETE PIPE

COMMITMENT No. 14R206626
STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

TO: FIRST AMERICAN TITLE INSURANCE COMPANY
FIRST TENNESSEE BANK ASSOCIATION
MCNAIR LAW FIRM, P.A.
[OWNER] SOUTH COAST COMMERCIAL, LLC

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA

SCHEDULE B-SECTION II EXC

1. DEFECTS, LIENS, ENCUMBRANCES AS SHOWN OR NOTED ON
2. NOT A MATTER OF SURVEY
3. EASEMENTS AND ANY OTHER

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on January 27, 2015 and before the City Council of the City of High Point on February 16, 2015, regarding **Zoning Case 15-01** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on January 18, 2015, for the Planning and Zoning Commission public hearing and on February 6, 2015 and February 13, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 February 15, 2015.

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: **Highway Business (HB) District**. The parcel is lying along the west side of N. Main Street, approximately 300 feet south of W. Peachtree Drive (*2505 N. Main Street*), and also known as Guilford County Tax Parcel 0194637. The area to be rezoned consists of an approximate 6,802 square foot triangular area at the western portion of tax parcel 019637. The zoning site is more specifically described as follows:

Beginning at the southernmost corner of Lot 3 of the Property of Siceloff Oil Company as per plat thereof recorded in Plat Book 41, Page 50 in the Guilford County Registry, said point being S 58° 14' 40" W along the southern line of said Lot 3, 124.18 feet from the western margin of the right-of-way of North Main Street; thence N 6° 19' 10" E 43.42 feet to an existing iron pin; thence N 87° 37' 20" W 54.14 feet to the southeastern corner of Lot 4 of the Siceloff Oil property as per said plat; thence with the southern line of said Lot 4, N87° 37' 20" W 74.69 feet to the easternmost corner of Lot 7 as per said plat; thence S 34° 10' 20" E, a new line, 106.56 feet to a new iron pin; thence N 58° 14' 40" E, a new line, 75.37 feet to the point and place of beginning, the same being 6,802.42 square feet, more or less, in, accordance with an exception map by Davis-Martin-Powell & Associates, Inc., dated October 14, 1988.

SECTION 2

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 3

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

SECTION 4.

This ordinance shall become effective upon the date of adoption.
16th day of February, 2015.

Lisa B. Vierling, City Clerk