

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Case 15-05 (Mark Milligan)

From: Lee Burnette, Planning & Development
Director

Meeting Date: April 13, 2015

Public Hearing: Yes

Advertising Date: April 1 & 8, 2015

Advertised By: Planning & Development

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

PURPOSE:

A request by Mark Milligan to rezone approximately 0.3 acres (14,938 sq. ft.) from the General Office High Intensity (GO-H) District to a Conditional Zoning Central Business (CZ-CB) District. The site is located along the west side of Oakland Place, approximately 150 feet north of Monroe Place (*509 & 511 Oakland Place*).

BACKGROUND:

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

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. On March 24, 2015, a public hearing was held before the Planning and Zoning Commission regarding-Zoning Case 15-05. The Planning & Zoning Commission recommended approval of Zoning Case 15-05 by a vote of 8-0.

B. Staff recommends *approval* of Zoning Case 15-05 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Mark Milligan

Zoning Case 15-05

At its March 24, 2015 public hearing, the Planning and Zoning Commission reviewed this request to rezone approximately 0.3 acres from the General Office High Intensity (GO-H) District to a Conditional Zoning Central Business (CZ-CB) District. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on behalf of the request was the applicant, Mr. Mark Milligan, 1205 North Rotary Drive, High Point. He provided an overview of the proposal and addressed questions from the Commission.

No one spoke in opposition to the request.

The Planning & Zoning Commission recommended approval of Zoning Case 15-05, as recommended by staff, by a vote of 8-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its recommendation is consistent with the City's adopted plans.

Upon making its recommendation, the Planning & Zoning Commission concurred with the staff report and found its recommendation reasonable and in the public interest because: 1) The request is consistent with the Land Use Plan; 2) The condition offered by the applicant to prohibit higher intensity CB District uses will ensure development of the site will not negatively impact adjacent residential uses along Oakland Place; and 3) Conditions offered by the applicant to limit access to Oakland Place and requiring the zoning site to be combined with the adjacent commercial parcel will promote a preferred development pattern of commercial uses in the area fronting towards the N. Hamilton Street corridor.

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

**STAFF REPORT
ZONING CASE 15-05
March 24, 2015**

Request	
Applicant: Mark Milligan	Owner: Bureau Properties LLC
Zoning Proposal: To rezone approximately 0.3 acres	From: GO-H General Office High Intensity District
	To: CZ-CB Conditional Zoning Central Business District

Site Information	
Location:	The site is located along the west side of Oakland Place, approximately 150 feet north of Monroe Place (<i>509 & 511 Oakland Place</i>).
Tax Parcel Numbers:	Guilford County Tax Parcels 0189781 and 0189782
Site Acreage:	Approximately 0.3 acres (14,938 square feet)
Current Land Use:	Vacant single family dwelling and an undeveloped parcel
Physical Characteristics:	The site has no noteworthy physical features.
Water and Sewer Proximity:	Both an 8-inch City water line and City sewer line lies adjacent to the site within the Oaklawn Place right-of-way. In addition, an 8-inch sewer line runs in a south to north direction along the western boundary of the site.
General Drainage and Watershed:	The site drains in a southeasterly direction and development is subject to the City Lake General Watershed Area requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% or more of the site.
Overlay District:	City Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	GO-H	General Office Moderate Intensity District	Single family dwelling
South:	GO-H	General Office Moderate Intensity District	Single family dwelling
East:	GO-H	General Office Moderate Intensity District	Single family dwelling
West:	CB	Central Business District	Office building and multifamily dwelling

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	The site has a Local/Convenience Commercial and a Community/Regional Commercial land use designation. These classifications are intended for the following:

	<p><u>Local/Convenience Commercial</u>: This classification includes moderate-intensity convenience retail or service uses, generally serving small, local neighborhoods.</p> <p><u>Community/Regional Commercial</u>: This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.</p>
Land Use Plan Goals, Objectives & Policies:	<p>The following goals of the Land Use Plan are relevant to this request:</p> <p>Goal #2: Encourage development that enhances and preserves established neighborhoods.</p> <p>Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.</p> <p>The following objective has been established to guide the implementation of the Land Use Plan so as to achieve the preceding land use goals:</p> <p>Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses;</p>
Relevant Area Plan:	The Core City Plan is not in support of or against this request.
Community Growth Vision Statement	The Community Growth Vision Statement is not in support of or against this request.
Zoning History:	There have been no recent zoning cases in this area. The last case was in 2000, Zoning Case 00-17, which established a CU-CB District at the southeast corner of N. Hamilton Street and E. Ray Avenue.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Oakland Place		Local Street	99.5 ft.
Vehicular Access:	Property at 508 N. Hamilton Street currently takes access via an existing shared driveway lying between 508 & 506 N. Hamilton Street. This private driveway can also serve the zoning site.			
Traffic Counts: (Average Daily Trips)	N. Hamilton Street		5,118 ADT (2014, 12-hour count)	
Estimated Trip Generation:	No information			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			

School District Comment
Not applicable to this zoning case.

Details of Proposal

The applicant is requesting to rezone two parcels along Oakland Place in order to allow a commercial use that will be associated with the abutting property to the west at 508 N. Hamilton Street, also known as the chest-of-drawers building. The zoning site and the 508 N. Hamilton Street property are all under the same ownership. The applicant is proposing to use the existing building at 508 N. Hamilton Street for his business office and to construct a 3,000 square-foot storage building on the zoning site. Parcels fronting along Oakland Place have a GO-H District zoning, which is intended to accommodate high intensity office uses and high density residential uses. In order to use the parcels along Oakland Place in conjunction with the commercial parcel fronting N. Hamilton Street, the applicant has submitted this request to rezone these two parcels to a CZ-CB District. The applicant has also submitted a Conditional Zoning Ordinance with this request in which he has offered conditions pertaining to prohibited uses, setback standards, landscaping, lot combination and vehicular access.

Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. 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 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:

This request is consistent with the purposes, goals, objectives and policies of relevant plans in that it is a reuse of an existing property within the downtown area.

Review Factors:

The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:

<u>Factor #1</u>	Produces a development that is compatible with surrounding development character and land uses;
	<p><u>Staff Comments:</u></p> <ul style="list-style-type: none">❖ Existing development along Oakland Place primarily consists of single family and two-family residential uses; however, the current GO-H District permits multifamily uses at a density of 26 units per acre, a wide array of office uses and some lower intensity service related retail uses. As conditioned, the requested CZ-CB District will expand allowable non-residential uses.❖ To ensure the expansion of non-residential uses will be in character with the area, the applicant has offered conditions to prohibit higher intensity CB District uses and to require the zoning site to be combined with the abutting property to the west (508 N. Hamilton Street) to create a commercial site with

	its primary street frontage being along the N. Hamilton Street commercial corridor.
<u>Factor #2</u>	<p>Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;</p> <p><u>Staff Comments:</u> To mitigate any negative impacts from commercial traffic, the applicant has offered a condition that the zoning site be combined with the abutting parcel along N. Hamilton Street so that its existing access drive and parking area may be utilized. In addition, the applicant has offered a condition that access from Oakland Place include the installation of a private gate.</p>
<u>Factor #3</u>	<p>Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</p> <p><u>Staff Comments:</u> The zoning site was previously cleared and graded to accommodate the existing single family dwelling.</p>
<u>Factor #4</u>	<p>Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;</p> <p><u>Staff Comments:</u> The zoning site is within the City of High Point's Core City Area and currently served by City of High Point utilities and municipal services. This request will have no adverse impacts on municipal services.</p>
<u>Factor #5</u>	<p>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</p> <p><u>Staff Comments:</u></p> <ul style="list-style-type: none"> ❖ Conditions offered by the applicant prohibit higher intensity CB District uses and establishes minimum building setback requirements next to existing residential uses. In addition, landscaping standards of the development ordinance provides for minimum landscaping buffer yards were a non-residential use abuts a residential use. These conditions and ordinance requirement will ensure development will not adversely affect the use or enjoyment of adjacent properties along Oakland Place. ❖ Conditions offered by the applicant limiting vehicular access to Oakland Place, via installation of a private gate, will promote the use of N. Hamilton Street as the primary access point to the site. This will further ensure development will not impact adjacent property owners along Oakland Place.

Changes in the Area:

There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.

Staff Comments:

- ❖ Historically, this block was developed with residential dwellings. Over the past three decades, the N. Hamilton Street frontage of this block has transition to consist primarily of office and market showroom uses.

- ❖ An adjacent parcel to the north, 518 N. Hamilton Street, was redeveloped in the mid-1970s for a non-residential use. Development of this property included parcels fronting along Oakland Place, which is used for parking. Although the zoning request is the first expansion of CB District zoning along Oakland Place, it is not the first expansion of commercial-related uses toward Oakland Place.

Development Patterns:

The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.

Staff Comments:

As conditioned, the zoning site is to be combined with an abutting commercial property fronting on N. Hamilton Street. This will promote a preferred development pattern with commercial uses in this area being oriented to the N. Hamilton Street commercial corridor.

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 the applicant's request is reasonable and in the public interest because: 1) The request is consistent with the Land Use Plan; 2) The condition offered by the applicant to prohibit higher intensity CB District uses will ensure development of the site will not negatively impact adjacent residential uses along Oakland Place; and 3) Conditions offered by the applicant to limit access to Oakland Place and requiring the zoning site to be combined with the adjacent commercial parcel will promote a preferred development pattern of commercial uses in the area fronting towards the N. Hamilton Street corridor.

Recommendation

Staff Recommends Approval:

As addressed in the Staff Analysis section of this report, conditions offered by the applicant address objectives of the Land Use Plan and will ensure that development of the zoning site will be compatible with adjacent uses. The Planning & Development Department recommends approval of the request to rezone this 0.3-acre area to the CZ-CB District. As conditioned, the requested CZ-CB District will be compatible with the surrounding area and it is 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.

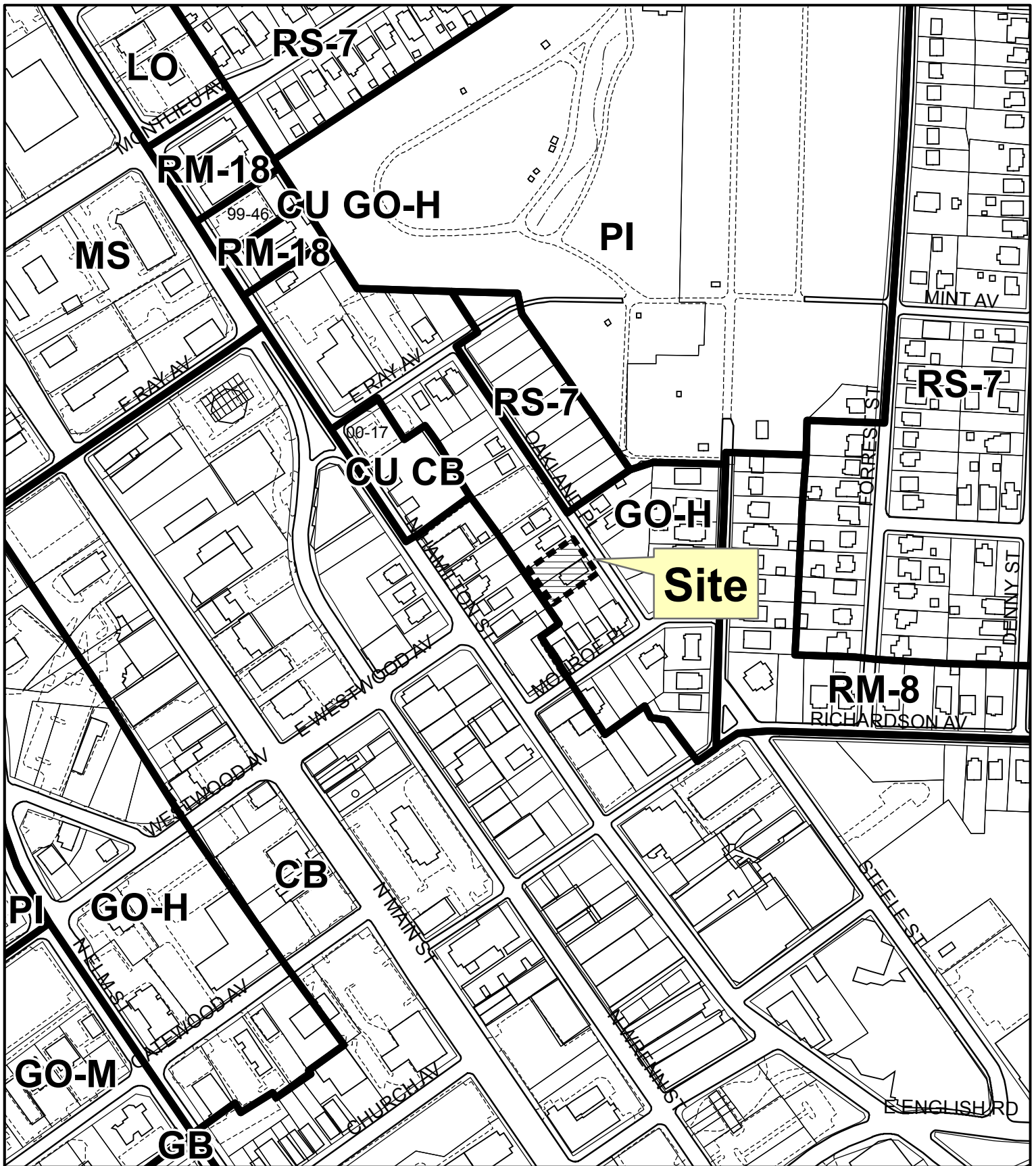
City Council:

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 Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



ZONING CASE 15-05

**From: General Office-Heavy Intensity
To: Conditional Zoning Central Business**

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

**Planning & Development
Department**

City of High Point

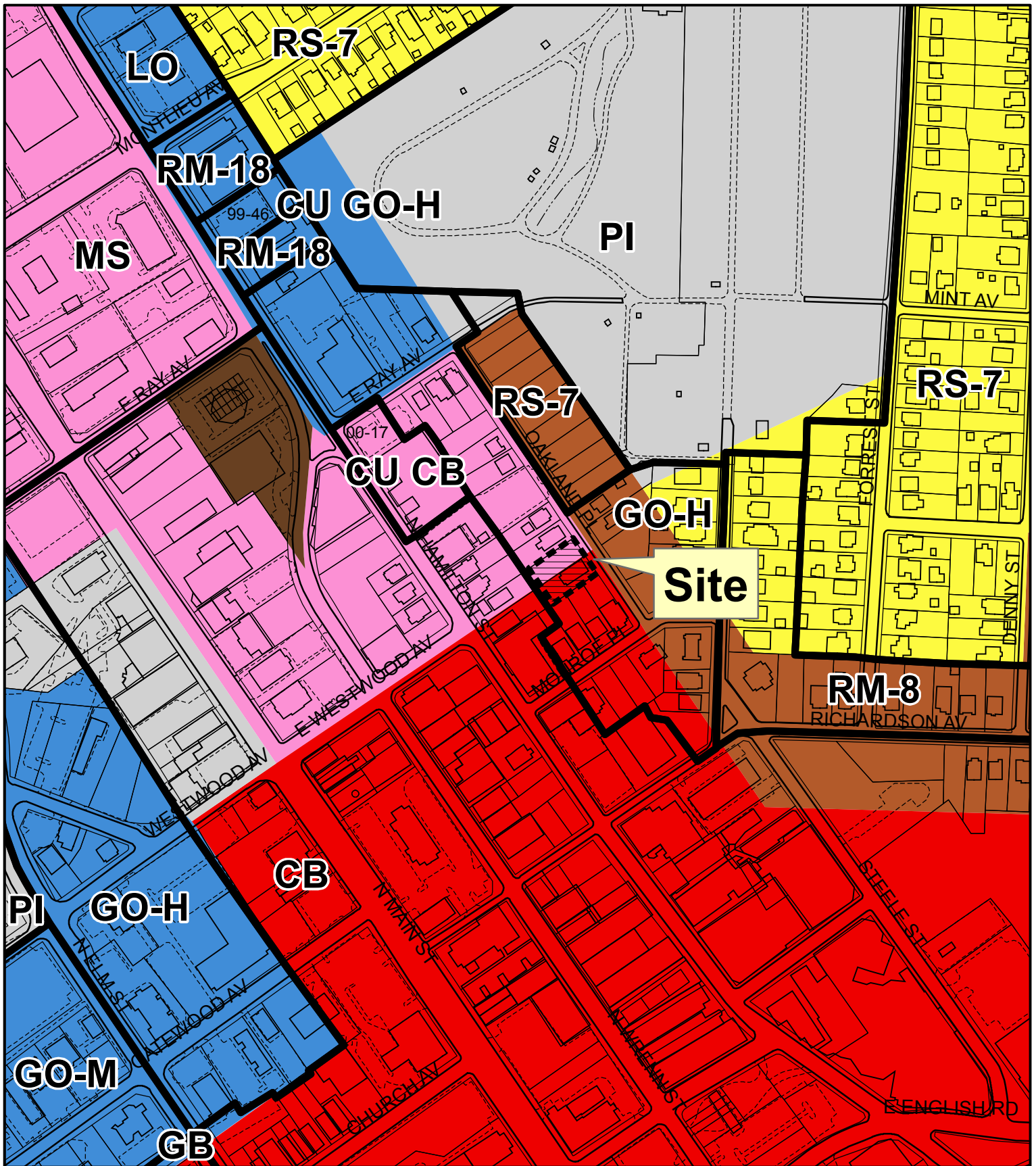
Date: March 24, 2015



Scale: 1"=300'
G:/Planning/Secure/ba-pz/
2015/pz/215-05.mxd

ZONING CASE 15-05
Exhibit





ZONING CASE 15-05

Land Use Plan

 Low-Density Residential	 Office
 Medium-Density Residential	 Local/Convenience Commercial
 High-Density Residential	 Community/Regional Commercial
	 Institutional

Planning & Development
Department

City of High Point

Date: March 24, 2015



Scale: 1"=300'

G:\Planning\Secure\ba-pz/
2015\pz\z15-05clu.mxd



ZONING CASE 15-05

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: March 24, 2015



Scale: 1"=300'

G:\Planning\Secure\ba-pz/
2015\pz\15-05topo.mxd

ZONING CASE 15-05

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 March 24, 2015 and before the City Council of the City of High Point on April 13, 2015 regarding **Zoning Case 15-05** 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 March 15, 2015, for the Planning and Zoning Commission public hearing and on April 1, 2015 and April 8, 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 **April 13, 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: **Conditional Zoning Central Business (CZ-CB) District**. The property is approximately 0.3 acres (14,942 square feet) and lies along the west side of Oakland Place, approximately 150 feet north of Monroe Place. The property is addressed as 509 & 511 Oakland Place and is also known as Guilford County Tax Parcels 0189781 and 0189782.

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. Except as listed below, any of the land uses allowed in the Central Business (CB) District shall be permitted, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this Permit.

B. Prohibited Uses: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule, of the Development Ordinance shall be prohibited:

1. Recreational Uses

- a. Billiard Parlors
- b. Bingo Games
- c. Bowling Centers
- d. Coin Operated Amusements
- e. Fortune Tellers, Astrologers
- f. Skating Rinks
- g. Sports & Recreation Clubs, Indoor
- h. Video Sweepstakes Establishments

2. Educational and Institutional Uses

- a. Auditoriums, Coliseums, Theaters or Stadiums (capacity above and below 100 people)
- b. Psychiatric Hospitals
- c. Retreat Centers
- d. Specialty Hospitals

3. Business Professional & Personal Services

- a. Automobile Repair Services, Minor
- b. Building Maintenance Services
- c. Car Washes
- d. Equipment Rental & Leasing (no outside storage.)
- e. Equipment Repairs, Light
- f. Kennels or Pet Grooming Services
- g. Laundromats, Coin-Operated
- h. Laundry or Dry Cleaning Plants
- i. Laundry or Dry Cleaning Substations
- j. Motion Picture Theaters, Indoor
- k. Motion picture Productions
- l. Photofinishing Laboratories
- m. Refrigerator or Large Appliance Repairs
- n. Research, Development or Testing Services
- o. Taxidermists
- p. Theaters, Indoor

4. Retail Trade

- a. A B C Stores (liquor)
- b. Appliance Stores
- c. Arts & Crafts
- d. Auto Supply Sales
- e. Bakeries
- f. Bars
- g. Bars (capacity > 100 persons)

- h. Building Supply Sales (no storage yard)
 - i. Convenience Stores (with and without gasoline pumps)
 - j. Dairy products Stores
 - k. Department, Variety or Gen Merchandise Stores
 - l. Dinner Theaters
 - m. Flea Markets (indoor) and Antique Malls (indoor)
 - n. Food Stores
 - o. Hardware Stores
 - p. Hobby Shops
 - q. Miscellaneous Retail Sales
 - r. Paint and Wallpaper Sales
 - s. Pawnshop
 - t. Pet Stores
 - u. Restaurants (with drive-thru)
 - v. Service Stations, Gasoline
 - w. Sporting Goods Stores
 - x. Television, Radio or Electronic Sales
 - y. Tire Sales
4. Transportation, Warehousing & Utilities
- a. Heliports
 - b. Railroad Terminals or Yards
 - c. Taxi Terminals
 - d. Warehouses (general storage/enclosed) and Distribution Centers
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
- a. Mixed Developments
 - b. Temporary Events (refer to Section 9-3-3(f))
 - Carnivals and Fairs
 - Concerts, Stage Shows
 - Conventions, Trade Shows
 - Outdoor Retail Sales
 - Outdoor Religious Events

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

- 1. All buildings (principal and accessory) shall be setback a minimum of twenty (20) feet from the Oakland Place right-of-way line.
- 2. Where the site abuts residential uses, a minimum ten (10) foot building setback shall be established from the property line of that abutting residential use.

- B. Landscaping, Buffers and Screening: In conjunction with any new site development, a minimum of twenty (20) foot wide Type C Planting Yard shall be installed and maintained along the Oakland Place frontage of the site.
- C. Lot Combination: Prior to issuance of any permit for new development, the two parcels associated with this site shall be combined with Guilford County Tax Parcel 0189768 (508 N. Hamilton Street) to form one parcel.
- D. Transportation Conditions: Vehicular access to Oakland Place shall include the installation of a private gate.

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.

_____ th day of _____, **2015.**

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report

Zoning Case 15-05

Submitted by: Mark Milligan

March 2, 2015

To: Planning and Development

From: Mark Milligan

RE: Citizen Information Report

My wife and I conducted a meeting at 508 N Hamilton (bureau). We had 5 people attend and I had one phone call. Everyone at the meeting and the person that called were very supportive of anything to help clean up the neighborhood and get rid of a boarded up house.

The concerns we had were: People throwing bulk trash out on Oakland Place lots. Bulk pick up not coming down Oakland Place. The neighbors at Conrad Realty next door were concerned that the driveway between the bureau and the apartments is not deeded as shared and could create problems for us down the road. They thought it would be prudent to keep an access from Oakland Place.

I am attaching the list of attendees.

Thank You

Mark Milligan

Attendees

Jeffrey. Stephenson to bank of America. Can