

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Case 15-11
(Deep River Ventures, I. LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: August 17, 2015

Public Hearing: Yes

Advertising Date: August 5 & 12, 2015

Advertised By: Planning & Development

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

PURPOSE:

A request by Deep River Ventures, I. LLC to rezone an approximately 0.74-acre parcel from the Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Shopping Center (CZ-SC) District. The site is lying along the north side of W. Wendover Avenue, approximately 670 feet east of Penny Road (5230 W. *Wendover Avenue*). Approval of this request is contingent upon City Council approval of a voluntary annexation petition.

BACKGROUND:

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

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. On June 23, 2015, a public hearing was held before the Planning and Zoning Commission regarding-Zoning Case 15-11. The Planning & Zoning Commission recommended approval of Zoning Case 15-11 by a vote of 7-0.

B. Staff recommends *approval* of Zoning Case 15-11 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Deep River Ventures, I. LLC

Zoning Case 15-11

At its June 23, 2015 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximately 0.74-acre parcel from the Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Shopping Center (CZ-SC) District. All members of the Commission were present, except for Ms. Marie Stone. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

The applicant, Mr. Timothy Whelan, a partner in Deep River Ventures, 303 Cape Court in Greensboro spoke in favor of the request. Mr. Whelan stated that Deep River Ventures is requesting to annex and rezone the parcel so it may be develop for commercial uses. They have offered the same zoning conditions used in the abutting Shoppes at Deep River commercial development to ensure consistency with the abutting commercial uses.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended approval of Zoning Case 15-11, as recommended by staff, by a vote of 7-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Case 15-11 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) The request is consistent with the Land Use Plan; 2) This is the only parcel within this block that is not zoned for commercial use; and 3) The applicant has included in its conditional zoning ordinance all of the pertinent conditions from CUP99-25 (Shoppes at Deep River), thus ensuring development will be compatible with and have the same development standards as the abutting commercial development. This addresses goal #5 and objective #11 of the Land Use Plan as it promotes a growth pattern that occurs in an orderly fashion and preserves the scenic quality of this segment of a major gateway street.

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

**STAFF REPORT
ZONING CASE 15-11
June 23, 2015**

Request	
Applicant: Deep River Ventures, I. LLC	Owner: Hal W. Lamb III
Zoning Proposal: To annex and apply initial City zoning	From: RS-40 Residential Single Family-40 District (Guilford County)
	To: CZ-SC Conditional Zoning Shopping Center District.

Site Information	
Location:	Lying along the north side of W. Wendover Avenue, approximately 670 feet east of Penny Road (<i>5230 W. Wendover Avenue</i>)
Tax Parcel Numbers:	Guilford County Tax Parcel 0170003
Site Acreage:	Approximately 0.74 acres
Current Land Use:	Undeveloped
Physical Characteristics:	The site is relatively flat and has no noteworthy features.
Water and Sewer Proximity:	A 16-inch City water line lies adjacent to the site along W. Wendover Avenue. Additionally, a 6-inch private water line and an 8-inch private sewer line lay to the north along Brian Jordan Place.
General Drainage and Watershed:	The site drains in a northerly direction and development is subject to the City Lake General Watershed Area requirements. Engineered storm water treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site.
Overlay District(s):	Eastchester Scenic Corridor Overlay District City Lake General Watershed Area Airport Overlay Area – Zone 4

Adjacent Property Zoning and Current Land Use			
North:	CU-SC	Conditional Use Shopping Center District	Undeveloped parcel
South:	RS-40	Residential Single Family-40 District (Guilford County)	Veterinary hospital (lying across W. Wendover Avenue)
East:	CU-SC	Conditional Use Shopping Center District	Commercial/Retail Use
West:	CU-SC	Conditional Use Shopping Center District	Commercial/Retail Use

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:	The following goal and objectives of the Land Use Plan are relevant to this request: 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. 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.
Relevant Area Plan(s):	West Wendover Avenue/Guilford College and Eastchester Drive Corridor Plan – Phase II These plans recommend commercial use only at strategic locations, one being the major intersection of Eastchester Drive and Wendover Avenue/Skeet Club Road. The plans also recommend adopting appearance guidelines to maintain a high aesthetic quality along the corridor and transportation-related recommendations, such as limiting access points.
Community Growth Vision Statement	This request is not in conflict with the Community Growth Vision Statement's goals and objectives nor does it specifically promote those goals and objectives.
Zoning History:	The zoning site is surrounded on three sides by the Shoppes of Deep River Commercial development, which was approved in 1999 under Conditional Use Permit 99-25 (CUP 99-25). This 1999 zoning approval established a Conditional Use Shopping Center (CU-SC) District zoning on property around the zoning site from Penny Road to Samet Drive, and from Eastchester Drive to W. Wendover Avenue.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	W. Wendover Avenue		Major Thoroughfare	230 ft.
Vehicular Access:	Brian Jordan Place (private drive)			
Traffic Counts: (Average Daily Trips)	W. Wendover Avenue		32,000 ADT (2004 count)	
Estimated Trip Generation:	Not applicable			
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. Sidewalks do not currently exist along this segment of W. Wendover Avenue, it is not anticipated the applicant will be required to install sidewalks along the frontage of their property.			

School District Comment

Not applicable to this zoning case.

Details of Proposal

The applicant is requesting rezoning of this parcel in order to have access to City utilities and to allow this parcel to be incorporated into the abutting Shoppes at Deep River commercial development. When the Shoppes at Deep River property was annexed into the City and zoned in 1999, the developer was unable obtain this parcel. Thus, it was excluded from the commercial project. The applicant now has the property under contract and is proposing that it be developed under the same standards and zoning conditions as the abutting Shoppes at Deep River development.

The applicant is requesting a Conditional Zoning Shopping Center (CZ-SC) District and has offered a conditional zoning ordinance with conditions for development of the site. This ordinance includes those pertinent conditions from Conditional Use Permit 99-25 (Shoppes of Deep River) including prohibition of certain uses, design standards and vehicular access limitations. It also requires any development of the site to meet Eastchester Scenic Overlay District architectural, landscaping and signage standards.

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:

- ❖ The zoning site and the abutting Shoppes of Deep River commercial development are designated on the Land Use Map as Community/Regional Commercial, which is intended to support a wide range of retail or service uses.
- ❖ Both the Eastchester Drive Corridor Plan and the West Wendover Avenue/Guilford College Road Corridor Plan identify this location as being appropriate for commercial uses. The plans also recommend maintaining the visual quality of the area through the use of design guidelines and appearance standards. This is reinforced by objective #10 of the Land Use Plan that calls for preserving and enhancing the scenic quality of major gateway corridors, such as Wendover Avenue. The design standards offered by the applicant are consistent with these policies.

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> The intent is for this parcel to be incorporated into the abutting Shoppes of Deep River commercial development, therefore, the applicant has offered the same zoning conditions that were approved for the abutting commercial development. This includes prohibiting certain uses along the W. Wendover Avenue frontage of the property, development standards for drive thru uses, and requiring the property to meet architectural, landscaping and signage requirements of the Eastchester Scenic Overlay District. This will ensure development will be compatible with surrounding uses.</p>
<u>Factor #2</u>	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><u>Staff Comments:</u> The Eastchester Drive Corridor Plan and the West Wendover Avenue/Guilford College Road Corridor Plan both call for limiting vehicular access to Wendover Avenue to prevent additional disruption of through traffic. The applicant has offered a condition to prohibit access to W. Wendover Avenue and for the zoning site to be combined with the abutting property to the north so that vehicular access may be obtained from Brian Jordan Place.</p>
<u>Factor #3</u>	Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;
	<p><u>Staff Comments:</u> The site has been previously graded and cleared; staff has not identified any environmental impacts with this request.</p>
<u>Factor #4</u>	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><u>Staff Comments:</u> The zoning site is within an area currently served by City of High Point utilities and municipal services. This request will have no adverse impact on municipal services</p>
<u>Factor #5</u>	Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.
	<p><u>Staff Comments:</u> Staff has found no evidence that the allowance of a CZ-SC District for this site, which includes the same condition as approved for the abutting commercial parcels, will adversely affect the use or value of adjacent properties.</p>

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:

The abutting land area along the north side of W. Wendover Avenue was annexed in 1999 and approved for commercial uses. There have been no significant changes in the nature or type of development since the area was annexed into the City's corporate limits.

Development Patterns:

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

Staff Comments:

The applicant has incorporated conditions from the surrounding CUP99-25 into the proposed conditional zoning ordinance to ensure development of the property will promote and be compatible with the existing development pattern that has already been established along this segment of W. Wendover Avenue.

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) This is the only parcel within this block that is not zoned for commercial uses; and 3) The applicant has included in its conditional zoning ordinance all of the pertinent conditions from CUP99-25, thus ensuring development will be compatible with and have the same development standards as the abutting commercial development. This addresses goal #5 and objective #11 of the Land Use Plan as it promotes a growth pattern that occurs in an orderly fashion and preserves the scenic quality of this segment of a major gateway street.

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 development of the zoning site will be compatible with adjacent uses. The Planning & Development Department recommends approval of the request to rezone this 0.74-acre parcel to the CZ-SC District. As conditioned, the requested CZ-SC District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

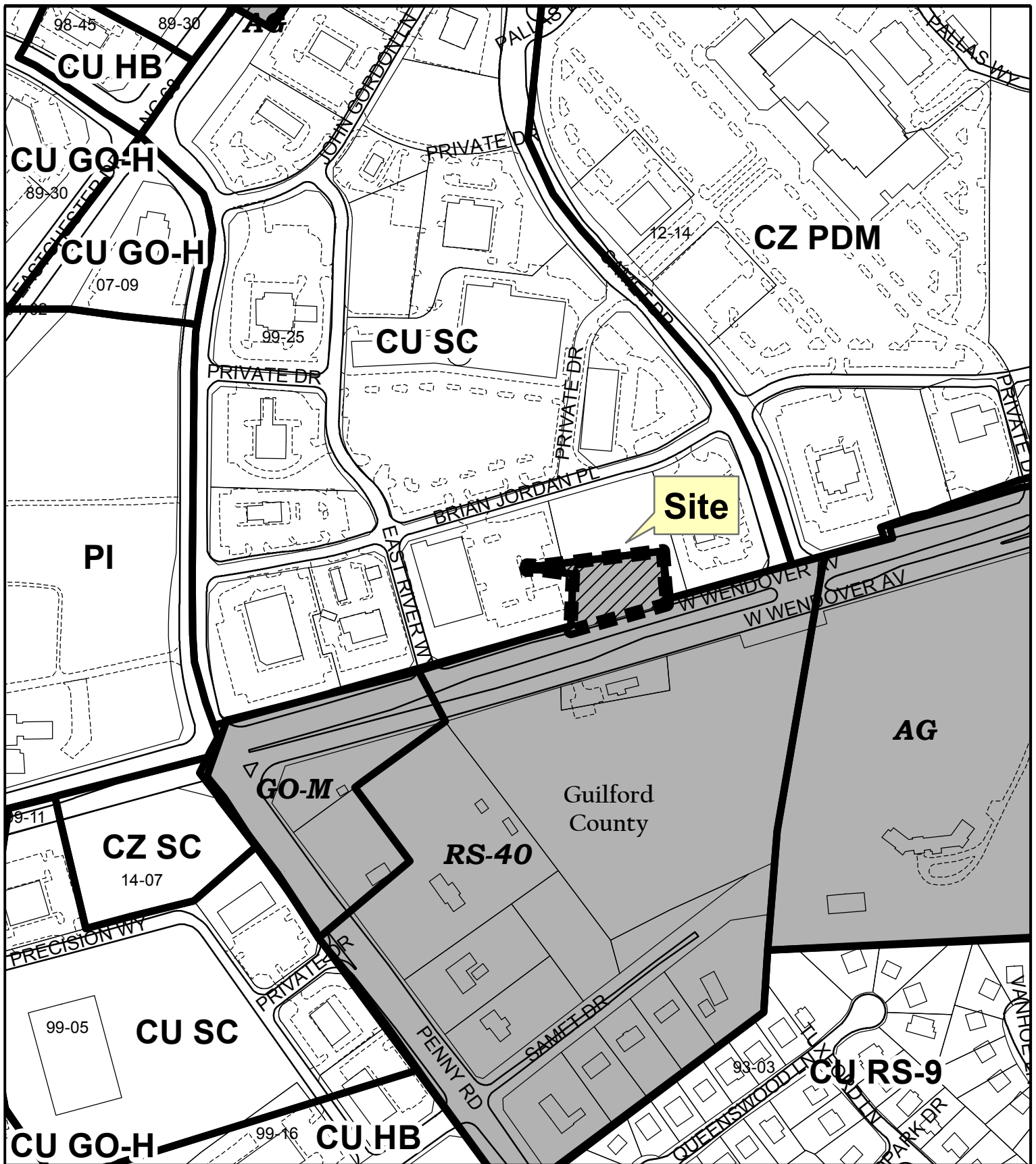
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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



ZONING CASE 15-11

From: Residential Single Family-40
To: Conditional Zoning Shopping Center

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

**Planning & Development
Department**

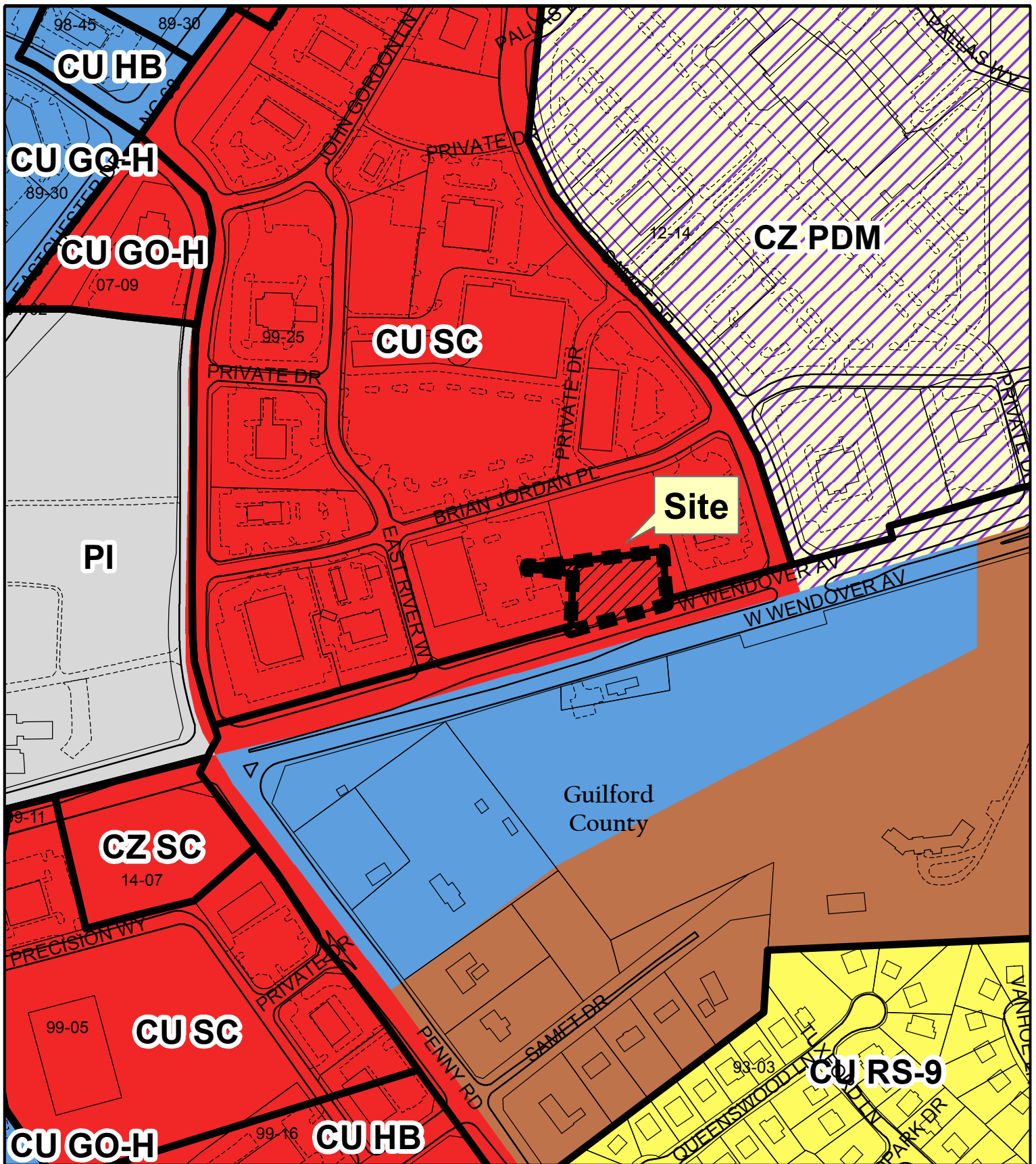
City of High Point

Date: June 23, 2015



Scale: 1"=300'

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ZONING CASE 15-11

Land Use Plan

	Mixed Use Development		Office
	Low-Density Residential		Institutional
	Medium-Density Residential		Community/Regional Commercial

**Planning & Development
Department**

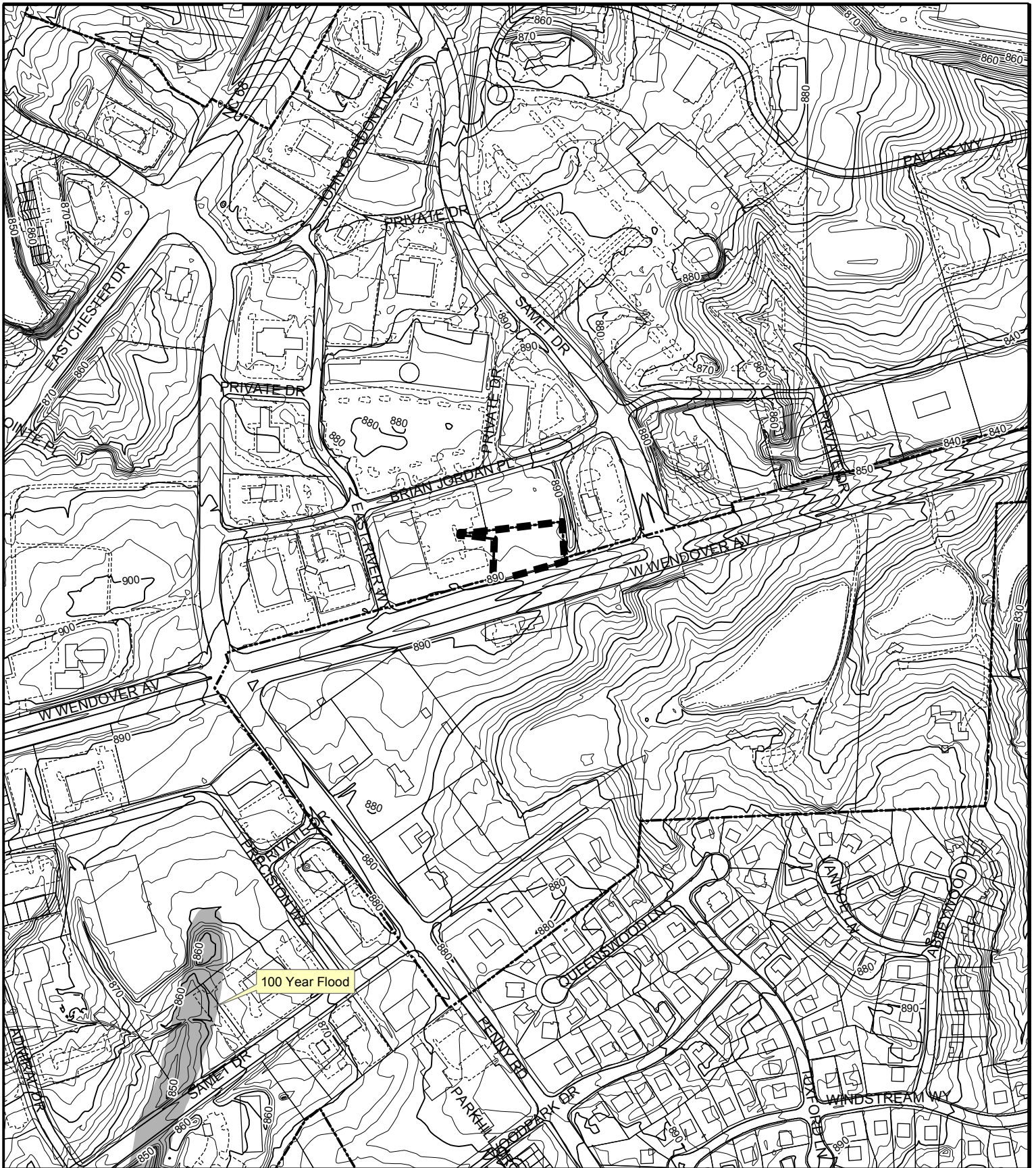
City of High Point

Date: June 23, 2015



Scale: 1"=300'

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ZONING CASE 15-11

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: June 23, 2015



Scale: 1"=400'

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ZONING CASE 15-11



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 June 23, 2015 and before the City Council of the City of High Point on July 20, 2015 regarding **Zoning Case 15-11** 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 June 14, 2015 for the Planning and Zoning Commission public hearing and on July 8, 2015 and July 15, 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 July xx, 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 Shopping Center (CZ-SC) District**. The property is approximately 0.733 acres lying along the north side of W. Wendover Avenue, approximately 875 feet east of Penny Road. The property is further described in a survey by Regional Land Surveyors dated 01-07-2010, job # 1133.00 located in Guilford County, North Carolina with a tax parcel number of 0170003 as described in Deed Book 7102, Page No. 1138 as recorded by the Guilford County Register of Deeds with a street address of 5228 and 5230 West Wendover Avenue, High Point, NC.

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. Any of the land uses allowed in the Shopping Center (SC) District shall be permitted subject to the requirements of the Development Ordinance and subject to the specific conditions of this Ordinance.

B. Prohibited Uses: Within 250 feet of the W. Wendover Avenue right-of-way, the following land uses shall be prohibited:

1. Recreational Uses:
 - a. Billiard Parlors
 - b. Bingo Games
 - c. Bowling Centers
 - d. Coin-operated Amusements
 - e. Dance Schools
 - f. Golf Courses, miniature
 - g. Martial Arts Instructional Schools
 - h. Physical Fitness Centers
 - i. Skating Rinks
 - j. Sports & Recreation Clubs, Indoor
2. Educational & Institutional Uses:
 - a. Auditoriums, Coliseums, or Stadiums
 - b. Colleges or Universities
3. Business, Professional & Personal Service Uses:
 - a. Automobile Rental or Leasing
 - b. Laundromats, Coin-Operated
 - c. Shoe Repair or Shoeshine Shops
 - d. Television, Radio or Electronic Repairs (principal use)
 - e. Theaters, Indoors
 - f. Watch or Jewelry Repair Shops (principal use)
4. Retail Trade Uses:
 - a. Building Supply Sales (with storage yard)
 - b. Garden Centers or Retail Nurseries
 - c. Services Stations, Gasoline
5. Other Uses:
 - a. Storage Trailers (accessory uses)
 - b. Outdoor Sale or Display of Merchandise
 - c. Demolition Debris Landfills, Minor

C. Restricted Uses: Within 250 feet of W. Wendover Avenue right-of-way, no outside storage shall be permitted.

Part II. CONDITIONS:

A. Subdivision:

1. Lot Combination: Prior to issuance of any permit for new development, the zoning site shall be combined with Guilford County Tax Parcel 0212256.

2. The rezoning site shall be subject to the subdivision regulations of the Development Ordinance and a preliminary subdivision plat shall be prepared and approved prior to development and land division.

B. Development Design:

1. Drive-through/service windows and menu boards shall not be permitted between the principal building and the street right-of-way along the W. Wendover street frontage.
2. Any use with gasoline pumps shall be designed so that the canopy and gasoline pumps are no closer to the W. Wendover Avenue street right-of-way than the front façade of the principal building.
3. Within 250 feet of the W. Wendover Avenue right-of-way, automobile bays shall not face W. Wendover Avenue. Furthermore, air hoses, vacuum pedestals and other outdoor automobile service equipment shall not be located between the principal building and the W. Wendover Avenue right-of-way.
4. All lots with street frontage on W. Wendover Avenue and shall have a minimum lot area of 30,000 square feet.

C. Architectural Design:

1. The entire rezoning site shall be subject to the architectural requirements of the Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(e), (Architecture), of the Development Ordinance. One set of the required design guidelines shall be developed for the rezoning site.
2. Metal and vertical sided buildings shall be prohibited on the rezoning site.
3. The exterior colors of all principal and accessory structures shall be of low reflectance, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, or fluorescent colors are prohibited. Building trim and accent areas may feature brighter colors including primary colors. Neon or LED tubing or strips shall not be permitted for exterior building trim or accent elements.

- D. Landscaping: The entire rezoning site shall be subject to the landscaping requirements of the Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(c), (Landscaping), and Table 4-4-1, (Penny Road north to Gallimore Dairy Road), of the Development Ordinance; except that for the W. Wendover Avenue street frontage the required building setback shall be 65 feet, the required landscape street yard shall average 30 feet and the minimum parking lot setback shall be 28 feet.

- E. Signage: The entire rezoning site shall be subject to the signage requirements of Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(d), (Signage) and Table 4-4-1, (Penny Road north to Gallimore Dairy Road) of the Development Ordinance.
- F. Transportation:
1. Right-of-way: The developer shall dedicate right-of-way for future road improvements along W. Wendover Avenue to match abutting parcels to the east and west of the site, a minimum of approximately 77-feet from centerline of W. Wendover Avenue, the exact dimension of right-of-way to be determined based on survey prior to dedication. This dedication shall occur prior to issuance of any permit for new development.
 2. Access: No vehicular access shall be permitted from W. Wendover Avenue. All access shall be from Brian Jordan Place. All construction shall meet the City of High Point ordinances and be approved by the Director of Transportation, and the NCDOT.

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 now 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.
xxth day of July, 2015.

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Case 15-11

Submitted by: Bill Wright, Manager of Deep
River Ventures I, LLC.

Deep River Ventures I, LLC
804 Green Valley Road
Suite Number 202
Greensboro, NC 27408
(336) 617-2002

June 12, 2015

VIA ELECTRONIC MAIL

Herbert K. Shannon Jr.
Senior Planner/Zoning Coordinator
City of High Point
211 S. Hamilton (Room 316)
High Point, NC 27260

**RE: Summary of Correspondence with Neighboring Property Owners
Related to Voluntary Annexation and Rezoning of +/- .74-Acre Property
Located at 5230 W. Wendover Ave., High Point, NC (Tax Parcel: 0170003)**

Dear Herb:

As required in annexation and rezoning cases, we have sent a notice to each party on the attached list of owners of property located within 300 feet of the subject parcel referenced above. In our notice, we provided a description of the case and our contact information, and invited anyone with questions or comments about the proceedings to call, write, or email us. To date, none of the notified parties have contacted us. We'll be sure to let you know if that changes between now and the public hearing.

Sincerely,

Deep River Ventures I, LLC

By: William B. Wright III
Bill Wright, Manager
(336) 812-3310 (Direct)
Bill@DeepRiver.com

215-11

DEEP RIVER VENTURES I LLC
802 GREEN VALLEY RD
GREENSBORO NC 27408

HAGGERTY, RICHARD C JR
5231 W WENDOVER AVE
HIGH POINT NC 27265

JOHN BRANDON
406 DORADO DR
HIGH POINT NC 27265

JORDAN, BENJAMIN PRESTON
2210 PENNY RD
HIGH POINT NC 27265

K-5 ASSOCIATES LLC
PO BOX 30669
RALEIGH NC 27622

KTK PARTNERS
PO BOX 1653
KILL DEVIL HILLS NC 27948

LAMB, HAL W III
525 PHARR RD
ATLANTA GA 30305

MONTOYA COUCH, MARIA T
5225 W WENDOVER AVE
HIGH POINT NC 27265

NEWCON MALL INC
2024 LOLA CIRCLE
CORNELIUS NC 28031

RICHARDSON, THAXTON JR ; RICHARDSON, RUTH
S
1350 WEST LAKE DR
GREENSBORO NC 27408

SAMET SHOPPES LLC SUITE A
17631 W BERNARDO
SAN DIEGO CA 92127

WEST WENDOVER ASSOCIATES LLC
PO BOX 49579
GREENSBORO NC 27419

215-03