

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Case 15-12 (James Edward Potts)

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 James Edward Potts to rezone an approximately 0.46-acre parcel from the Residential Single Family-12 (RS-12) District to the Limited Office (LO) District. The site is lying along the west side of Eastchester Drive, approximately 265 feet south of W. Hartley Drive (809 Eastchester Drive).

BACKGROUND:

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

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On July 28, 2015, a public hearing was held before the Planning and Zoning Commission regarding-Zoning Case 15-12. The Planning & Zoning Commission recommended approval of Zoning Case 15-12 by a vote of 7-0.
- B. Staff recommends *approval* of Zoning Case 15-12 as outlined in the attached staff report.

PLANNING AND ZONING COMMISSION RECOMMENDATION

James Edward Potts

Zoning Case 15-12

At its July 28, 2015 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximate 0.46-acre parcel from the Residential Single Family-12 (RS-12) District to the Limited Office (LO) District. All members of the Commission were present, except for Mr. Andrew Putnam. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

The applicant's representative, Mr. Marcus Benning, a summer associate with Smith-Moore-Leatherwood LLP, 300 N Greene Street, Greensboro, spoke in favor of the request. Mr. Benning noted that the zoning site is located on one of the busiest thoroughfares in High Point and that most of the former single-family homes in the area have been razed and redeveloped with a commercial use, or converted to an office use. He stated that the applicant intends to convert the existing single family home to an office use and parking will be provided for three or four employees, which will have little to no impact on the traffic in the area.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended approval of Zoning Case 15-12, 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 15-12 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 requested LO District is not in conflict with the Land Use Map, goals and objectives of the Land Use Plan or the Eastchester Corridor Plan; and 2) The allowance of limited non-residential uses, as allowed by the LO District, is an appropriate interim use of the site until such time the area is more ripe for higher intensity commercial development.

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

**STAFF REPORT
ZONING CASE 15-12
July 28, 2015**

Request	
Applicant: James Edward Potts	Owner: James Edward Potts
Zoning Proposal: To rezone an approximately 0.4-acre parcel	From: RS-12 Residential Single Family-12 District
	To: LO Limited Office District

Site Information	
Location:	Lying along the west side of Eastchester Drive approximately 265 feet south of E. Hartley Drive (809 Eastchester Drive)
Tax Parcel Numbers:	Guilford County Tax Parcel 0199677
Site Acreage:	Approximately 0.4 acre
Current Land Use:	Single family dwelling
Physical Characteristics:	The site has a moderately sloping terrain with no noteworthy features. Abutting parcels to the north and northwest are impacted by a 100-year flood plain associated with an adjacent perennial stream.
Water and Sewer Proximity:	Both a 16-inch City water line and an 8-inch City sanitary sewer line lie adjacent to the site along Eastchester Drive.
General Drainage and Watershed:	The site drains in a northerly direction and development is subject to the Oak Hollow Lake Watershed Critical Area requirements. Engineered storm water treatment measures are required for multi-family and nonresidential development with a total impervious surface area greater than 24% of the site, and for single family developments with a gross density of two (2) units per acre or more.
Overlay District(s):	Eastchester Scenic Corridor Overlay District Oak Hollow Lake Watershed Critical Area; Tier 4.

Adjacent Property Zoning and Current Land Use			
North:	RS-12	Residential Single Family-12 District	Undeveloped
South:	LO	Limited Office District	Office Use
East:	RS-12	Residential Single Family-12 District	Undeveloped
West:	RS-12	Residential Single Family-12 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 wider range of retail or 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:	Eastchester Drive Corridor Plan – Phase I This plan, adopted in 1994, changed the land use designation for this site from Office to Community/Regional Commercial in anticipation of potential demand for additional commercial land near the mall, which had recently been proposed at that time. The zoning site was part of a larger 43-acre area recommended for large-scale commercial development that could be built without direct access to Eastchester Drive over the long term.
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:	There have been no recent zoning activities in this area. In 2000, the zoning site was part of a larger 43-acre area, lying north of Eastchester Drive and west of E. Hartley Drive, that was rezoned to a Conditional Use Shopping Center (CU-SC) District to facilitate the development of a proposed large retail use. This project never came to fruition and in 2007, the area was rezoned back to a RS-12 District so this residential neighborhood would have zoning that matched its use; to permit full use of the residential properties including building additions; and to eliminate concerns owners had that their property would be taxed at a commercial rate.

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	Eastchester Drive		Major Thoroughfare
Vehicular Access:	Eastchester Drive (public street)		
Traffic Counts: (Average Daily Trips)	Eastchester Drive		24,000 ADT (NC DOT 2013 traffic count)
Estimated Trip Generation:	No information		
Traffic Impact Analysis:	Required		Comment
	<u>Yes</u>	<u>No</u> X	None
Pedestrian Access:	None		

School District Comment
Not applicable to this zoning case.

Details of Proposal

The zoning site consists of a 0.4-acre parcel lying along the Eastchester Scenic Corridor. There is an existing split-level single family dwelling on the property that has been used as a residence. The owner desires to convert the existing residential dwelling into an office for his insurance business, thus he has requested rezoning of this parcel from a Residential Single Family-12 (RS-12) District to a Limited Office (LO) District.

Much of this segment of the Eastchester Scenic Corridor, from N. Main Street to E. Hartley Drive, has been developed or redeveloped with nonresidential land uses including various commercial/retail and office uses, and automotive dealerships. This block, containing this site, primarily consists of residential and institutional (church) uses or undeveloped parcels. Adopted Plans (Land Use Plan and Eastchester Scenic Corridor Plan) designate this site, along with the rest of the 43 acres lying north of Eastchester Drive and west of E. Hartley Drive, for larger scale commercial uses intended to serve the entire community and nearby regional customers. Along with complying with the higher design standards of the Eastchester Scenic Corridor, these plans suggest that new development should consist of larger sites (minimum 3 acres) with no direct access from Eastchester Drive.

The request to convert the existing single family dwelling to an office use would be an interim reuse of this structure until such time as the area is ripe for higher intensity commercial development.

Consistency with Adopted Plans:

The proposed 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 current Community/Regional Commercial land use designation was established for this area, north of Eastchester Drive and west of E. Hartley Drive, due to anticipated demand for larger size commercial sites near the mall. The long-term viability of the existing single family dwellings fronting along this portion of a major thoroughfare is no longer practical, and the proposed office use is a reasonable interim reuse of the land until such time as higher intensity non-residential uses, utilizing the entire block, materialize.
- ❖ The requested LO District is primarily intended to accommodate low intensity office uses on small to mid-sized sites near residential areas. The proposed reuse of the existing single family dwelling for an office use will have minimal traffic impact as trips to and from the site are expected to be similar to that of a residential use. This is consistent with the policies and goals expressed in the Corridor Plan to have minimal traffic impacts directly on Eastchester Drive.

Reasonableness/Public Interest:

An approval of the proposed 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 requested LO District is not in conflict with the Land Use Map, goals and

objectives of the Land Use Plan or the Eastchester Corridor Plan; and 2) The allowance of limited non-residential uses, as allowed by the LO District, is an appropriate interim use of the site until such time the area is more ripe for higher intensity commercial development.

Recommendation

Staff Recommends Approval:

The Planning & Development Department recommends approval of the request to rezone this 0.46 acre parcel to the Limited Office (LO) District. The requested LO District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

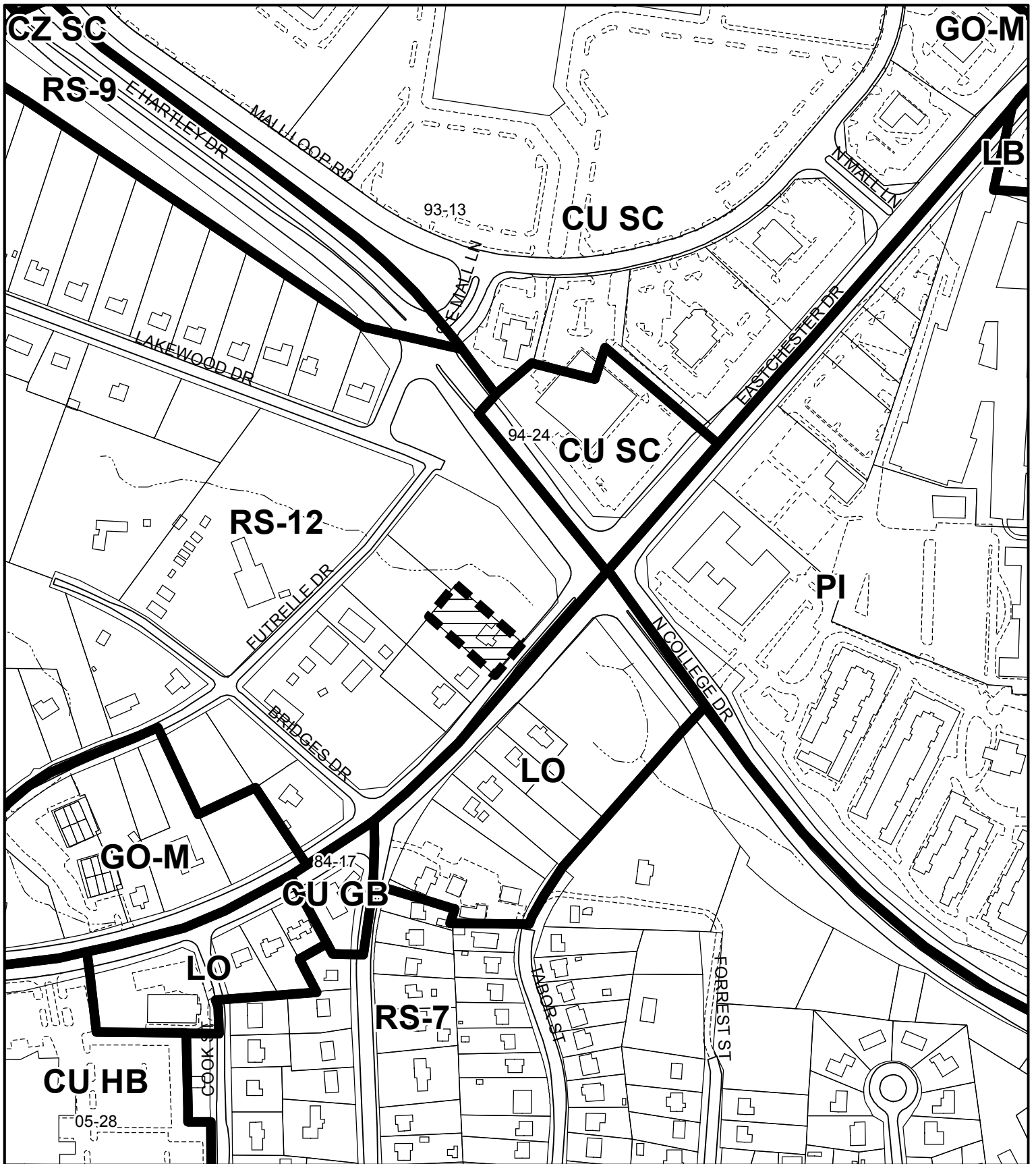
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 15-12

From: Residential Single Family-12
To: Limited Office

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

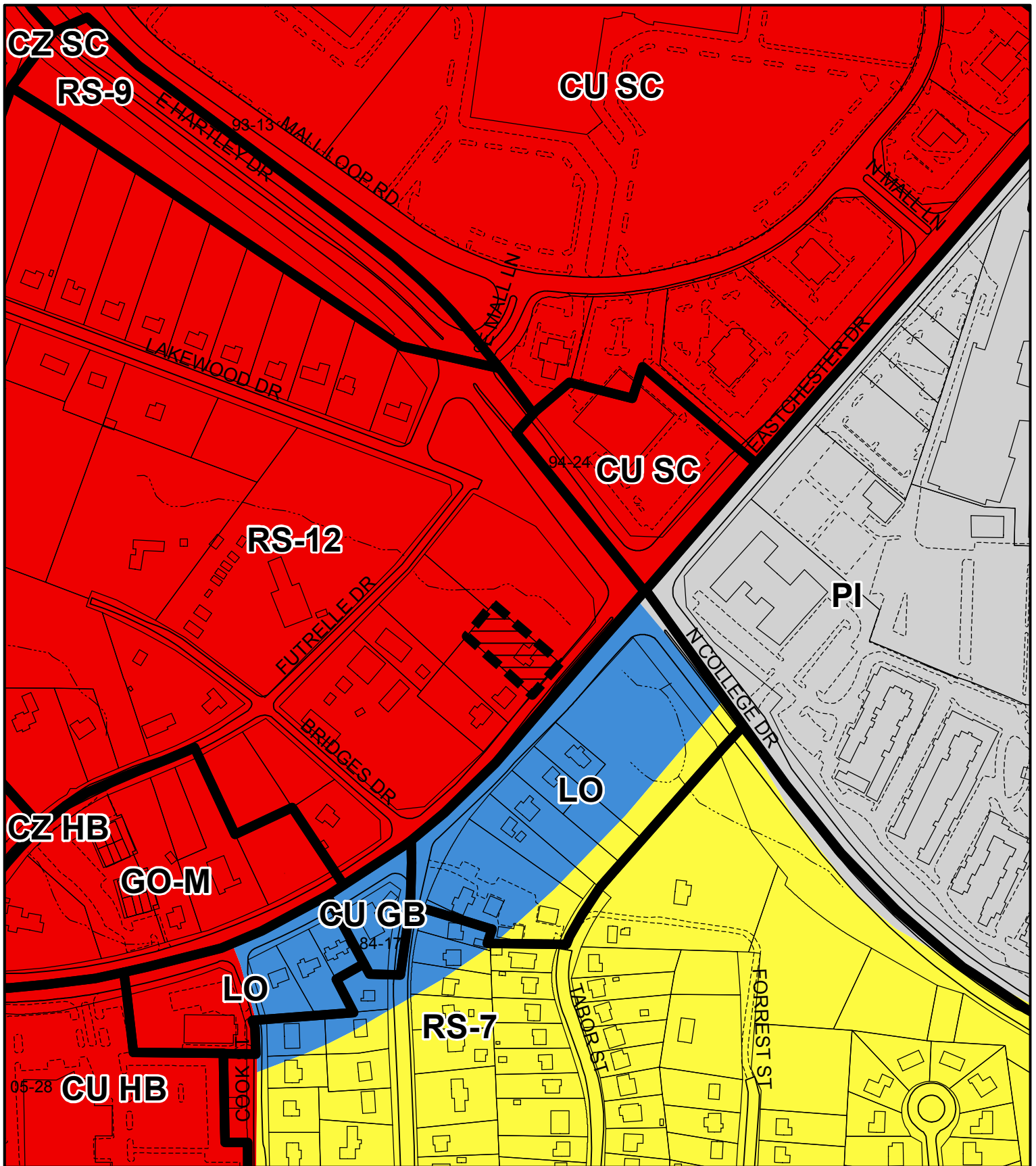
**Planning & Development
Department**

City of High Point

Date: July 10, 2015



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ZONING CASE 15-12

Lnad Use Plan

- | | |
|--|---|
| Low-Density Residential | Community/Regional Commercial |
| Office | Institutional |

Planning & Development
Department

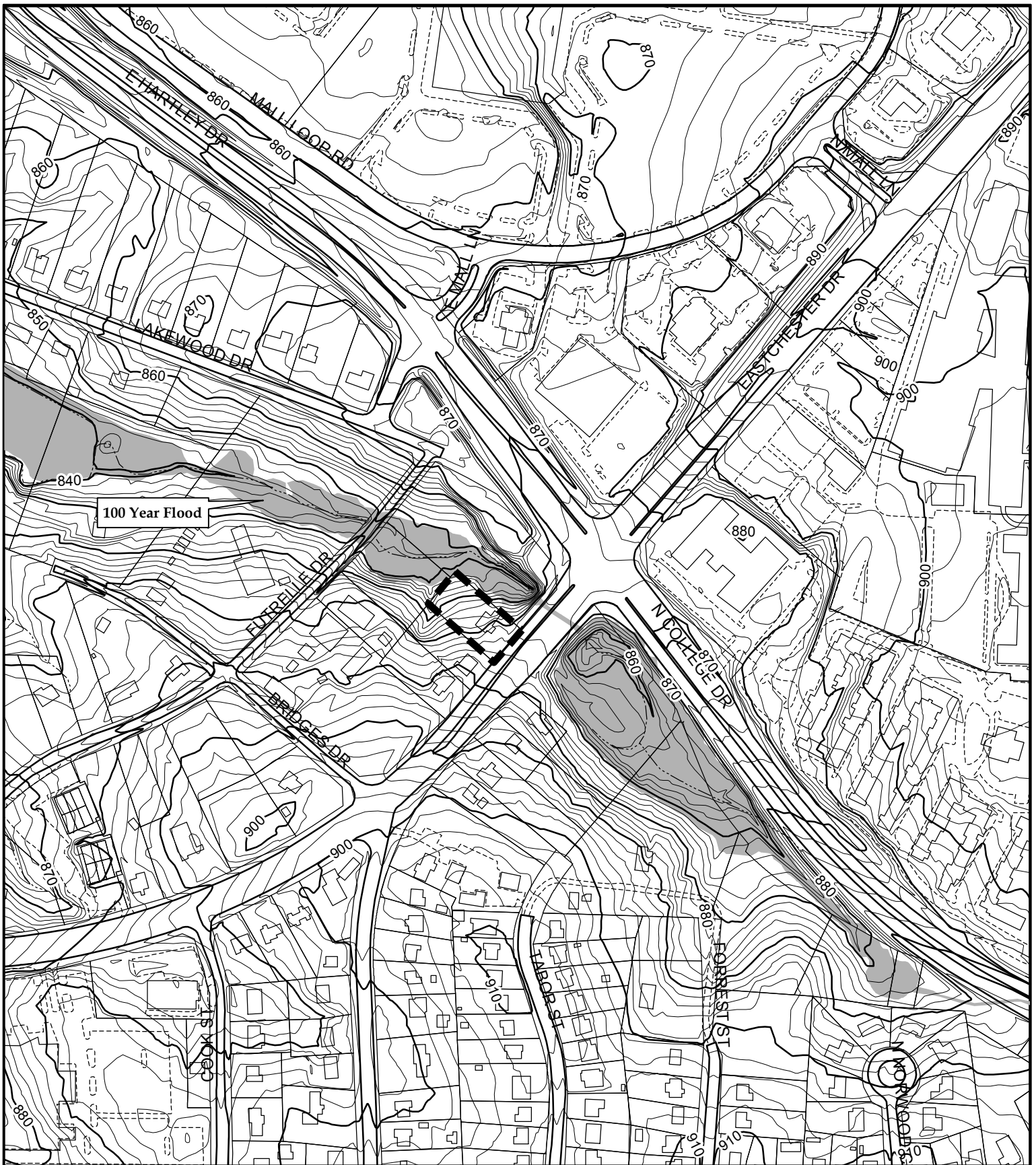
City of High Point

Date: July 28, 2015



Scale: 1"=300'

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ZONING CASE 15-12

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: July 28, 2015



Scale: 1"=300'

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ZONING CASE 15-12



Citizens Information Meeting Report

Zoning Case 15-12

Submitted by: Thomas E. Terrell, Jr. on behalf
of James Edward Potts

Report of Neighborhood Communication

**Submitted by
Thomas E. Terrell, Jr.**

On July 17, 2015, the letter attached as Exhibit A was mailed to all of the adjoining owners listed on Exhibit B.

Because (1) this property is one of the last residential properties in the area to be rezoned for a non-residential use; and (2) many of the nearby uses are zoned and used for much more intensive uses, it was felt by the applicant that conducting a meeting was not necessary and that a direct communication by letter would be reasonable and sufficient.

As of July 22, no one had called the applicant or the applicant's attorney seeking information or requesting to meet.

EXHIBIT A

July 17, 2015

Benjamin and Betty Hawkes
2414 Sandy Court
Kernersville NC 27284

Dear Mr. and Ms. Hawkes:

I represent James Potts, who owns the house at 809 Eastchester Drive and that adjoins property you own. Mr. Potts has asked the City of High Point to rezone his property from a residential zoning district to Limited Office (LO) zoning so that he can make substantial improvements to the home and convert it to an insurance office.

The High Point Planning and Zoning Commission will hear the request at 6:00 p.m. on July 28th in the City Council Chambers at 211 South Hamilton Street. There will be a time when you can speak, if you wish.

If you have any questions about Mr. Potts' plans, please do not hesitate to call me. My direct office number is 336-378-5412, and my cell phone is 336-847-2000. Oftentimes a rezoning applicant will hold a neighborhood meeting, but because this request is much less intense than some of the nearby uses I thought that a letter of explanation would suffice. If you would like for Mr. Potts or me to meet with you personally to discuss this request, we are pleased to do so.

Attached are a map and an aerial that show the location of the property.

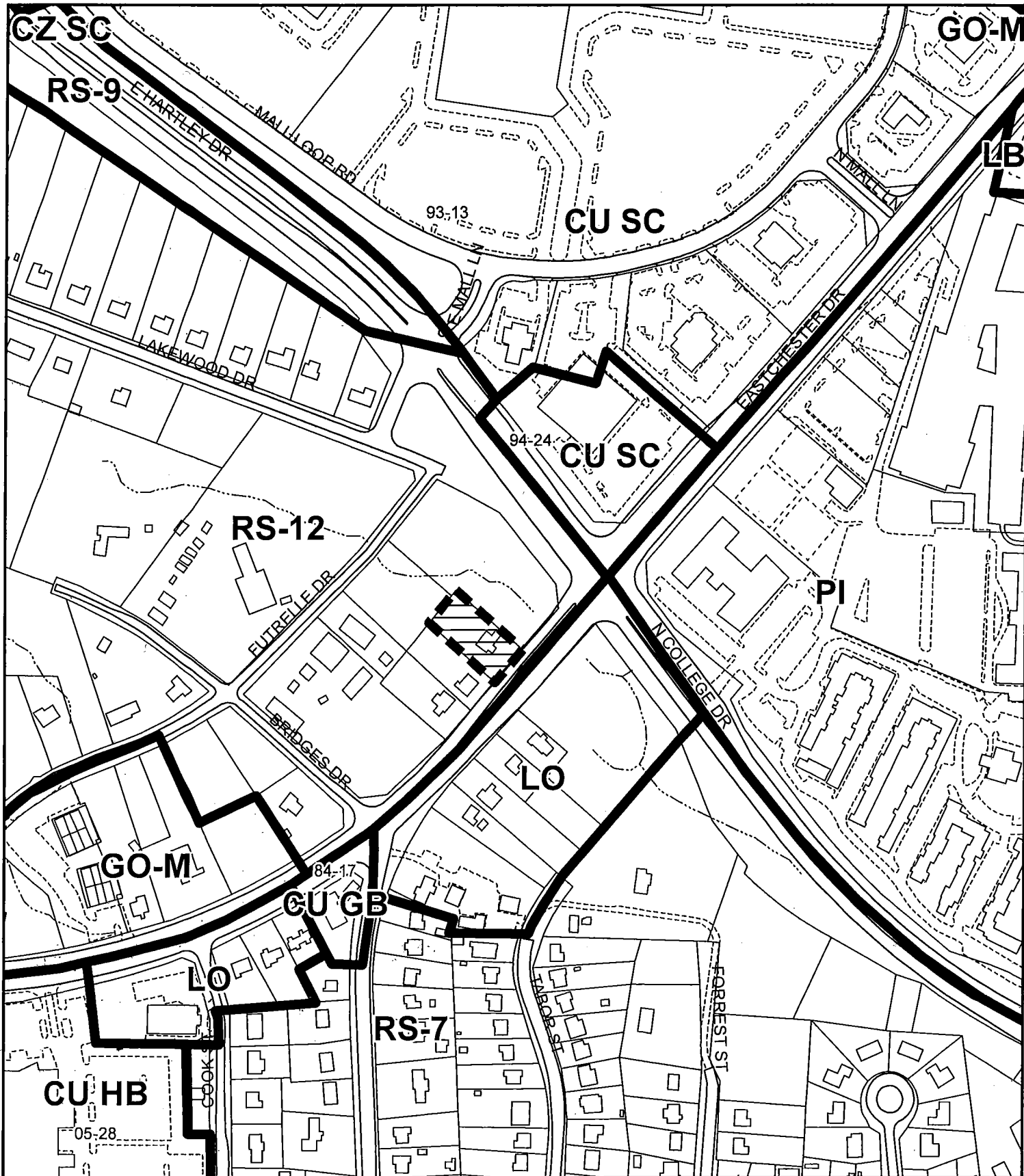
Sincerely,

Smith Moore Leatherwood LLP



Thomas E. Terrell, Jr.

TET/thb



ZONING CASE 15-12

From: Residential Single Family-12
To: Limited Office

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

Planning & Development
Department

City of High Point

Date: July 10, 2015



Scale: 1"=300'
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EXHIBIT B

DAILEY GROUP LLC
820 EASTCHESTER DR
HIGH POINT NC 27265

HAWKES, BENJAMIN W ; HAWKES, BETTY C
2414 SANDY CT
KERNERSVILLE NC 27284

HIGH POINT UNIVERSITY
833 MONTLIEU AVENUE
HIGH POINT NC 27262

JOHN WESLEY CAMP
2314 N CENTENNIAL ST
HIGH POINT NC 27265

JOHN WESLEY CAMP ASSOCIATION
PO BOX 6003
HIGH POINT NC 27262

MASON, THOMAS H ; MASON, MARY C
1319 OVERLAND DR
HIGH POINT NC 27262

NICOPOULOS, JAMES ; NICOPOULOS, MARIA
1204 BROOKFIELD CT
HIGH POINT NC 27262

POTTS, JAMES E
2918 N MAIN ST SUITE B
HIGH POINT NC 27265

RICHARDSON, ROGER E ; RICHARDSON, KATHY G
812 EASTCHESTER DR
HIGH POINT NC 27262