# CITY OF HIGH POINT AGENDA ITEM



Title: Zoning Map Amendment 16-16

(Mike Carr and Shufelt Holdings)

From: Lee Burnette, Planning & Development Meeting Date: September 19, 2016

Director

Public Hearing: Yes Advertising Date: September 7 & 14, 2016

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation

B. Staff Report

C. Zoning Ordinance

#### **PURPOSE**:

A request by Mike Carr and Shufelt Holdings to rezone approximately 9.2 acres from a Planned Unit Development-Limited (PDL) District to an amended Planned Unit Development-Limited (PDL) District. The site is located west of the intersection of Eastchester Drive and Lassiter Drive.

#### **BACKGROUND**:

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

#### **BUDGET IMPACT:**

There is no budget impact.

# RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended *approval* of this request, as outlined in the attached staff report.
- B. On August 23, 2016, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 16-16. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 7-0, as outlined in the staff report and recommended by staff.

#### PLANNING AND ZONING COMMISSION RECOMMENDATION

#### Mike Carr and Shufelt Holdings

**Zoning Map Amendment 16-16** 

At its August 23, 2016 public hearing, the Planning and Zoning Commission reviewed this request to rezone approximately 9.2 acres. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval as outlined in the staff report.

#### Speaking in favor of the request:

Speaking in favor of the request was the applicant, Mr. Mike Carr, owner of Carr Properties, LLC, 1414 Long Street, High Point, N.C. Mr. Carr said that the request is for an amended Planned Unit Development-Limited (PDL) District in which the only change in development conditions is to allow a third access point (right-in only with no exit) to Eastchester Drive. All other existing development conditions will remain the same. He noted that the requested access point would be similar to another access point approved in this area and would be an asset in marketing the remaining undeveloped lot in this commercial development.

#### Speaking in opposition to the request:

No one spoke in opposition to this request.

#### **Planning & Zoning Commission Action**

The Planning & Zoning Commission recommended <u>approval</u> of this request, as recommended by staff, by a vote of 7-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Map Amendment 16-16 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 only change proposed by this amendment will be to allow a third point of access, right-in only, similar to that approved and installed along the opposite side of Eastchester Drive; and
- 2) The initial zoning conditions established in 1998 and amended in 2004 and 2014 pertaining to permitted uses, development intensity and development layout will remain the same.

# CITY OF HIGH POINT PLANNING AND DEVELOPMENT DEPARTMENT

# STAFF REPORT ZONING MAP AMENDMENT 16-16 August 23, 2016

| Request                                       |                                     |  |
|---|-------------------------------------|--|
| Applicant:                                    | Owner(s):                           |  |
| Mike Carr and Shufelt Holdings LLC            | Mike Carr and Shufelt Holdings LLC  |  |
|   | BP Eastchester LLC                  |  |
|   | Oak Hollow Acquisition, LLC         |  |
| Zoning Proposal:                              | From: PDL Planned Unit Development- |  |
| To amend a transportation access condition of | Limited District                    |  |
| the previously approved Planned Unit          | To: PDL Planned Unit Development-   |  |
| Development (PUD).                            | Limited District                    |  |

|   | Site Information  |  |
|---|---|--|
| <b>Location:</b>  | Lying west of the intersection of Eastchester Drive and Lassiter Drive    |  |
| Site Acreage:   | Approximately 9.23 acres  |  |
| Tax Parcel Numbers:   | Guilford County Tax Parcels 0199560, 0199562, 0199565 and 0199578         |  |
| <b>Current Land Use:</b>  | Commercial/retail uses, office uses, bank and an undeveloped parcel       |  |
| Physical  | The site is relatively flat   |  |
| <b>Characteristics:</b>   |   |  |
| Water and Sewer   | A 16-inch City water line and an 8-inch City sanitary sewer line lies     |  |
| <b>Proximity:</b>   | adjacent to the site within the Eastchester Drive right-of-way.           |  |
| General Drainage  | The site drains in a westerly direction and development is subject to the |  |
| and Watershed:  | Oak Hollow Lake Watershed Critical Area (WCA) requirements.               |  |
| Engineered storm water treatment measures are required for multi-family |   |  |
|   | and non-residential development with a total impervious surface area      |  |
|   | greater than 24% of the site.   |  |
| <b>Overlay District(s):</b>   | Eastchester Scenic Corridor Overlay District,                             |  |
|   | Oak Hollow Lake Watershed Critical Area (WCA); Tier 3.                    |  |

|        |         | Adjacent Property Zoning and Current La         | and Use                        |
|--------|---------|---|--------------------------------|
| North: | CU GO-M | Conditional Use General Office-Moderate         | Office use and single family   |
|        |         | Intensity District                              | dwellings                      |
|        | RS-12   | Residential Single Family-12 District           |                                |
| South: | CU-PI   | Conditional Use Public & Institutional District | College/University             |
|        |         |   | (Laurel University)            |
| East:  | CU GO-M | Conditional Use General Office-Moderate         | Office uses, convenience store |
|        |         | Intensity District                              | with gas pumps and restaurant  |
|        | GO-M    | General Office-Moderate Intensity District      |                                |
|        | CU-LB   | Conditional Use Limited Business District       |                                |
|        | CU-SC   | Conditional Use Shopping Center District        |                                |
| West:  | CU-PI   | Conditional Use Public & Institutional District | College/University use and     |
|        | RS-12   | Residential Single Family-12 District           | single family dwellings        |

| Relevant Land Use Policies and Related Zoning History |  |  |  |
|---|--|--|--|
| <b>Community Growth</b>                               | The requested amendment does not impact Community Growth Vision          |  |  |
| <b>Vision Statement:</b>                              | Statement.   |  |  |
| Land Use Plan Map                                     | The site is primarily designated on the Land Use Map as                  |  |  |
| <b>Classification:</b>                                | Local/Convenience Commercial and Office classifications. The requested   |  |  |
|   | amendment has no land use plan implications.                             |  |  |
| <b>Land Use Plan Goals</b>                            | This request is neither in conflict with the Land Use Plan's goals and   |  |  |
| <b>Objectives &amp; Policies:</b>                     | objectives nor does it promote those goals and objectives.               |  |  |
| Relevant Area Plan:                                   | Eastchester Drive Corridor Plan – Phases I & II: The plan identifies the |  |  |
|   | need for deceleration lanes to be constructed along Eastchester Drive,   |  |  |
|   | where appropriate.   |  |  |
| <b>Zoning History:</b>                                | 1998: The site received CU-PDL District (CUP 98-35) zoning to permit     |  |  |
|   | the current commercial development.                                      |  |  |
|   | 2004 & 2014: In 2004, an amendment to CUP 98-35 was granted to add a     |  |  |
|   | 0.6-acre parcel. In 2014, an amendment was approved to expand the        |  |  |
|   | allowable uses, at which time the Conditional Use (CU) zoning was        |  |  |
|   | replaced with the current Conditional Zoning (CZ) District (CZ14-02).    |  |  |

| Transportation Information |   |           |     |                |            |                       |
|----------------------------|---|-----------|-----|----------------|------------|-----------------------|
| <b>Adjacent Streets:</b>   | Name  |           |     | Classification |            | Approx. Frontage      |
|                            | Eastcheste  | er Drive  |     | Major Tho      | oroughfare | 1,013 feet            |
|                            | Countrysi   | de Drive  |     | Public         | Street     | 495 feet              |
| Vehicular Access:          | Eastcheste  | er Drive  |     |                |            |                       |
| <b>Traffic Counts:</b>     | Eastcheste  | er Drive  |     |                | 31,000 ADT |                       |
| (Average Daily Trips)      |   |           |     |                | NCDO'      | T 2013 Traffic Counts |
| <b>Estimated Trip</b>      | Not Appli   | cable     |     |                |            |                       |
| Generation:                |   |           |     |                |            |                       |
| Traffic Impact             | Requ  | ired      |     |                | TIA Co     | mment                 |
| Analysis:                  | <u>Yes</u>  | <u>No</u> | Nor | ne             |            |                       |
|                            |   | X         |     |                |            |                       |
| <b>Pedestrian Access:</b>  | Not Applicable  |           |     |                |            |                       |
| Transportation             | Three access points shall be permitted to Eastchester Drive, one of which   |           |     |                |            |                       |
| Department                 | shall be right-in only access.  |           |     |                |            |                       |
| Comments:                  | The right in access shall be constructed with a right turn lane including a minimum of 100 feet of storage and appropriate tapers.                          |           |     |                |            |                       |
|                            | Design, offset, and construction of the right in access shall be in accordance with the existing right in access to the property at 1400 Eastchester Drive. |           |     |                |            |                       |
|                            | The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements.             |           |     |                |            |                       |

|                                     | School District Comment |
|-------------------------------------|-------------------------|
| Not applicable to this zoning case. |                         |

#### Planned Unit Development (PUD) Overview

Planned Unit Development (PUD) Districts are termed "floating districts" by the Development Ordinance, meaning that they may be applied anywhere within the City but only pursuant to a specific zoning map amendment request. All PUD districts are reviewed and approved through the conditional zoning process. The applicant has requested to amend the previously approved Planned Unit Development-Limited (PDL) District. The PDL District is intended to accommodate all uses permitted in residential, office, or commercial districts.

#### **Details of Proposal**

The applicant has submitted this application to amend the transportation access conditions for this commercial development. The current conditions limit this development to two points of access from Eastchester Drive, one opposite Lassiter Drive and one restricted movement (right-in/right-out) access point along the southern frontage of the site. The applicant has proposed to amend the access conditions to allow a third access point from Eastchester Drive consisting of a right-turn in only access, to provide direct access to the northernmost lot in the development. All other zoning conditions previously adopted by City Council in CZ14-02 will remain the same.

#### **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 specific PUD Findings and Conditional Zoning Review Factors in its review and discussion of any PUD application.

Since this application only amends an access condition, leaving all other zoning conditions as previously adopted, only the access issues are addressed in the review factors.

# **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 requested amendment does not affect the development's consistency with adopted plans.

|              | ant's proposed Conditional Zoning District, including the proposed use(s), written        |  |  |  |
|--------------|---|--|--|--|
| conditions a | nd Conditional Zoning Plan, satisfactorily meets or addresses the following:              |  |  |  |
| Factor #1    | Produces a development that is compatible with surrounding development character          |  |  |  |
|              | and land uses;  |  |  |  |
|              | Staff Comments:   |  |  |  |
|              | Except for the request to allow a third access point to Eastchester Drive all previously  |  |  |  |
|              | adopted zoning conditions still apply, including prohibiting access to Countryside Drive. |  |  |  |
|              | Therefore, the requested amendment to the PUD District remains compatible with            |  |  |  |
|              | surrounding development and land uses.  |  |  |  |
| Factor #2    | 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.;  |  |  |  |
|              | Staff Comments:   |  |  |  |
|              | All previously adopted zoning conditions still apply; therefore, the amended PUD District |  |  |  |
|              | still effectively mitigates adverse impacts.  |  |  |  |

| Factor #3 | Minimizes or effectively mitigates any identified adverse environmental impact on  |  |  |  |
|-----------|--|--|--|--|
|           | water and air resources, minimizes land disturbance, preserves trees and protects  |  |  |  |
|           | habitat;   |  |  |  |
|           | Staff Comments:  |  |  |  |
|           | The requested amended has no adverse environmental impacts.                        |  |  |  |
| Factor #4 | 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;   |  |  |  |
|           | Staff Comments:  |  |  |  |
|           | The requested amendment to the PUD District has no impact on municipal services.   |  |  |  |
| Factor #5 | Minimizes or effectively mitigates any identified adverse effect on the use,       |  |  |  |
|           | enjoyment or value of adjacent properties.   |  |  |  |
|           | Staff Comments:  |  |  |  |
|           | All previously adopted zoning conditions still apply; therefore, the requested     |  |  |  |
|           | amendment does not adversely impact adjacent properties.                           |  |  |  |

#### **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:**

Along this segment of Eastchester Drive, the location of access drives have been restricted 1) to insure safe separation from the signalized intersection of Eastchester Drive and Lassiter Drive, 2) to prevent unsafe movement across multiple travel lanes & turn lanes; 3) to offset limited line-of-sight visibility due to the location of a hill near the Ambassador Drive intersection; and 4) due to high traffic volumes during peak travel time.

Since the rezoning of this property in 1998, there have been improvements to the street configuration of this segment of Eastchester Drive. In 2008, the Eastchester Park Office development was constructed opposite the northern portion of this zoning site. A restricted access drive to Eastchester Drive was permitted subject to the developer installing traffic safety improvements. Those improvements consisted of 1) a median along the length of Eastchester Drive from Lassiter Drive to Ambassador Drive and 2) the installation of right-turn in only access with a deceleration and turn lane with a raised concrete median to prevent vehicles from attempting to exit the site onto Eastchester Dive. The applicant is requesting to install a similar type restricted right-turn in type access point at the northern frontage of the subject site.

#### **Development Patterns:**

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

# Staff Comments:

The subject site has more than 1,000 feet of frontage along Eastchester Drive. Based on the amount of street frontage and conditions offered by the applicant, the requested additional access point will be consistent with preferred access restrictions that have been established for other developments along this segment of the Eastchester Drive corridor.

#### **PUD FINDINGS**

As an additional framework for review of planned unit development proposals, the City has established specific findings, in addition to those normally required for a conditional zoning district that must be made for approval of a PUD. These findings help ensure that the proposed development will be constructed as a cohesive, unified project; that it will utilize an efficient, attractive, and environmentally sensitive design; and that it will generally be of a higher quality than otherwise required by the application of conventional Development Ordinance zoning district regulations.

| PUD Findin   | ngs <u>:</u>   |  |  |  |
|--|--|--|--|--|
| Applications for Planned Unit Development Districts shall be approved only if all of the following |  |  |  |  |
| findings are   | made:  |  |  |  |
| Finding#1  | That application of planned unit development requirements to the property will   |  |  |  |
|  | produce a development of equal or higher quality than otherwise required by the  |  |  |  |
|  | strict application of conventional regulations of districts designated by the    |  |  |  |
|  | adopted Land Use Plan;   |  |  |  |
|  | Staff Comments:  |  |  |  |
|  | The proposed amendment to this PUD District does not change or remove conditions |  |  |  |
|  | regarding the use of the site.   |  |  |  |
| Finding#2  | That application of planned unit development requirements to the property will   |  |  |  |
|  | encourage innovative arrangement of buildings and open spaces to provide         |  |  |  |
|  | efficient, attractive, flexible, and environmentally sensitive design;           |  |  |  |
|  | Staff Comments:  |  |  |  |
|  | The proposed amendment to this PUD District does not change or remove conditions |  |  |  |
|  | regarding the site design.   |  |  |  |
| Finding#3  | That application of planned unit development requirements to the property will   |  |  |  |
|  | produce a development functioning as a cohesive, unified project and;            |  |  |  |
|  | Staff Comments:  |  |  |  |
|  | The proposed amendment to this PUD District does not change or remove conditions |  |  |  |
|  | affecting how the development functions.   |  |  |  |
| Finding#4  | That application of planned unit development requirements to the property will   |  |  |  |
|  | not substantially injure or damage the use, value, and enjoyment of surrounding  |  |  |  |
|  | property nor hinder or prevent the development of surrounding property in        |  |  |  |
|  | accordance with the adopted plans and policies of the City.                      |  |  |  |
|  | Staff Comments:  |  |  |  |
|  | The proposed amendment to this PUD District does not change or remove conditions |  |  |  |
|  | that will impact adjacent properties.  |  |  |  |
|  |  |  |  |  |

#### **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 only change proposed by this amendment will be to allow a third point of access, right-in only, similar to that approved and installed along the opposite side of Eastchester Drive; and
- 2) The initial zoning conditions established in 1998 and amended in 2004 and 2014 pertaining to permitted uses, development intensity and development layout will remain the same.

#### Recommendation

# **Staff Recommends Approval:**

As addressed in the Staff Analysis section of this report, the change requested is to allow a third access point. The Planning & Development Department recommends approval of the amended Planned Unit Development-Limited (PDL) District.

#### **Required Action**

### **Planning and Zoning Commission:**

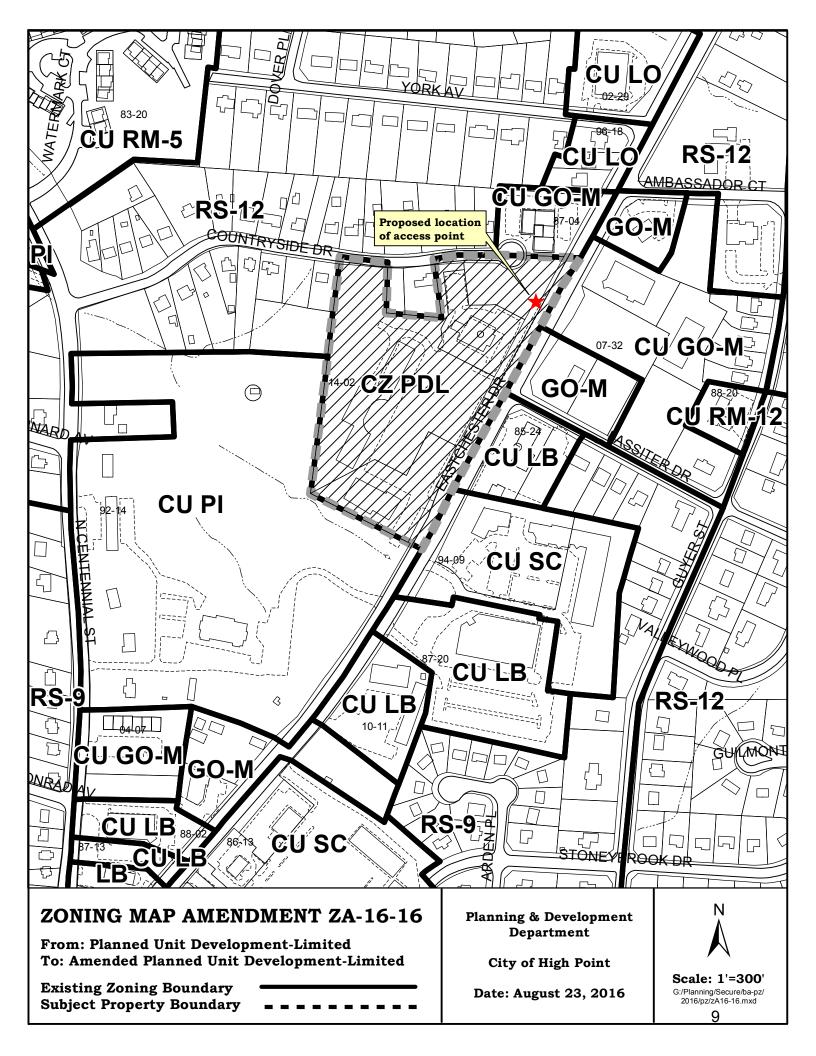
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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

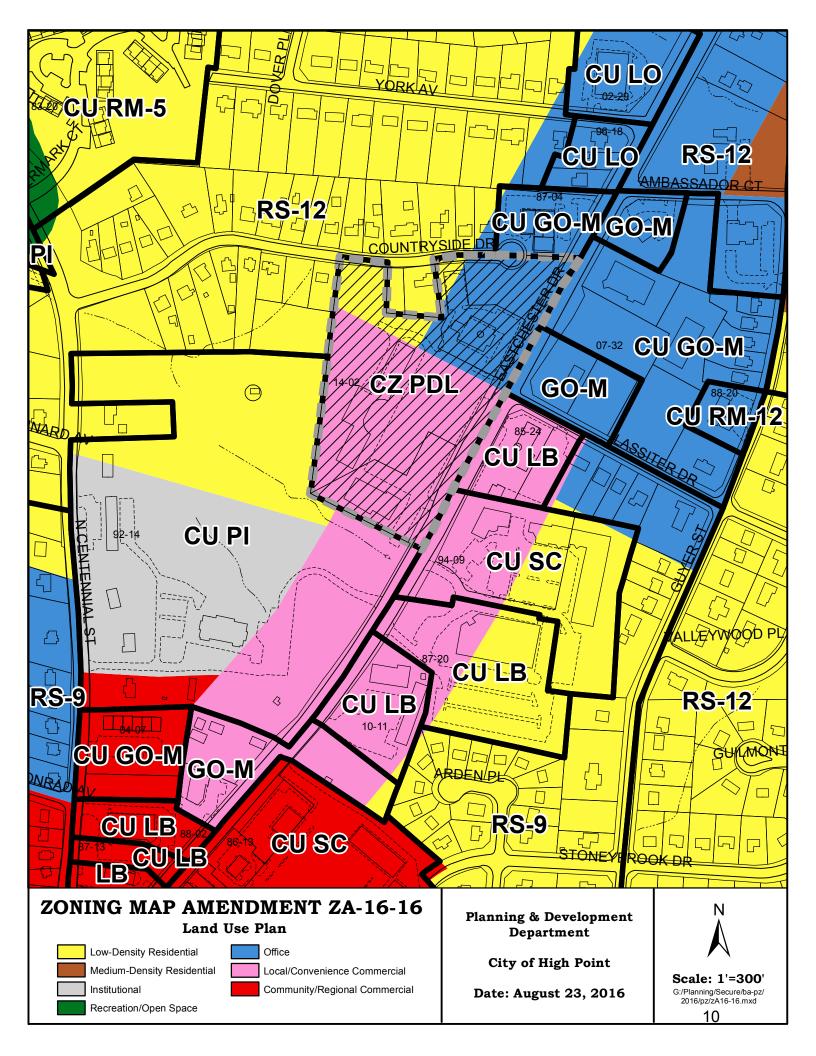
#### **City Council:**

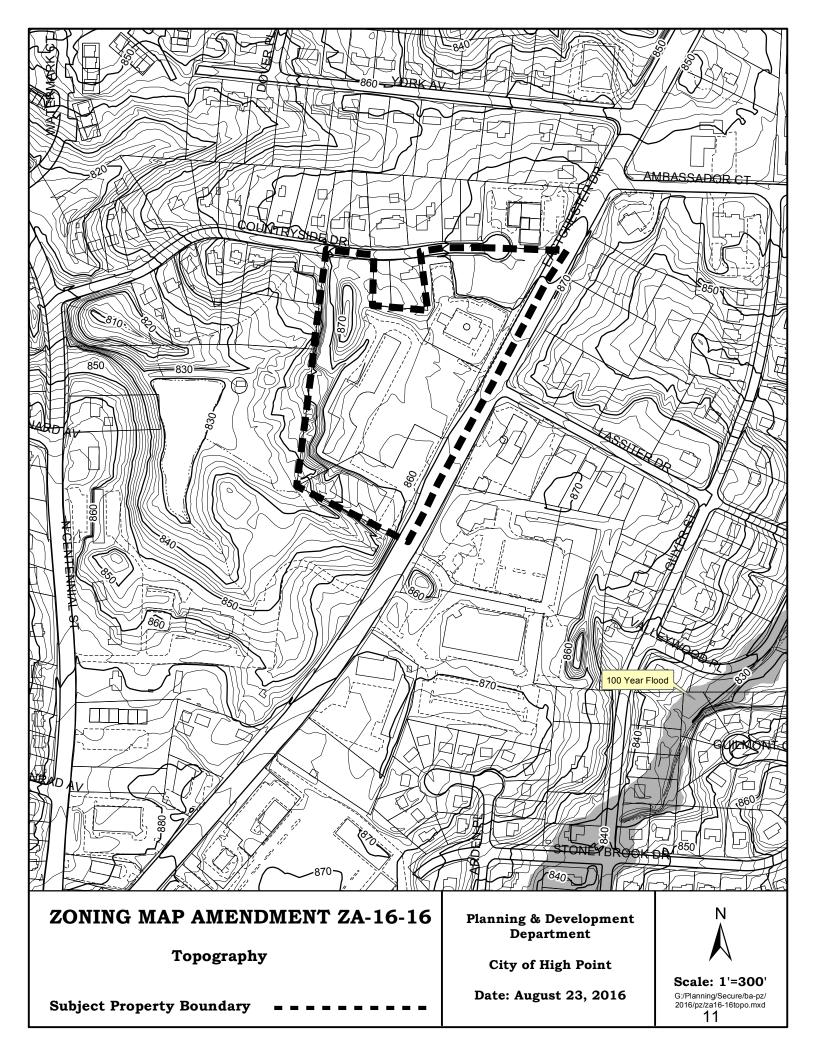
The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished 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 G. Lee Burnette AICP, Director.









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 <u>August 23, 2016</u> and before the City Council of the City of High Point on <u>September 19, 2016</u> regarding <u>Zoning Case 16-16</u> 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 <u>High Point Enterprise</u> on <u>August 14, 2016</u>, for the Planning and Zoning Commission public hearing and on <u>September 7, 2016</u> and <u>September 14, 2016</u>, 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 \_\_\_\_\_\_.

# 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: Planned Limited Development (PDL) District. The property is approximately 9.23 acres lying and lying west of the intersection of Eastchester Drive and Lassiter Drive. The property is also known as Guilford County Tax Parcel 0199560, 0199562, 0199565 and 0199578.

#### 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. The following land uses shall be permitted within the Planned Unit Development-Limited (PDL) District, subject to the development and dimensional requirements of the Development Ordinance, the approved accompanying Sketch Plan and the specific conditions listed in this Conditional Zoning Ordinance.
  - 1. The following Recreational land uses of the Permitted Use Schedule of the Development Ordinance shall be permitted:
    - a. Clubs or lodges
    - b. Dance Schools
    - c. Martial Arts Instructional Schools

- d. Physical Fitness Centers
- e. Sports Instructional Schools
- 2. The following Educational and Institutional land uses of the Permitted Use Schedule of the Development Ordinance shall be permitted:
  - a. Government Offices
  - b. Post Offices
- 3. Any of the Business, Professional, & Personal Services land uses allowed in the Shopping Center (SC) District shall be permitted except the following uses which are prohibited:
  - a. Automobile Rental or Leasing
  - b. Automobile Repair Services, Minor & Major
  - c. Automobile Parking (commercial)
  - d. Hotels or Motels
  - e. Kennels or Pet Grooming Services
  - f. Laundry or Dry Cleaning Plants
  - g. Motion Picture Theaters, Indoor
  - h. Theaters, Indoor
  - i. Veterinary Services (Other)
- 4. Any of the Retail Trade land uses allowed in the Shopping Center (SC) District shall be permitted except the following uses which are prohibited:
  - a. Appliance Stores
  - b. Auto Supply Stores
  - c. Building Supply Sales (no storage yard)
  - d. Building Supply Sales (with storage yard)
  - e. Convenience Stores (with gasoline pumps)
  - f. Convenience Stores (without gasoline pumps)
  - g. Pawnshops or Used Merchandise Stores
  - h. Freestanding Restaurants (with drive thru)
  - i. Service Stations, Gasoline
  - j. Tire Sales
- 5. The following Transportation, Warehousing and Utilities land use of the Development Ordinance shall be permitted:
  - a. Utility Company Offices
- B. The location of permitted uses, streets/drives, open space and common recreational facilities and the density/intensity of those permitted uses shall be in substantial compliance with the approved Sketch Plan.

#### Part II. CONDITIONS:

- A. Development and Dimensional Requirements.
  - 1. The zoning site shall be developed according to the dimensional requirements of the General Office-Moderate Intensity (GO-M) District except a minimum one (1) foot building setback may be permitted from the

- right-of-way curvature of the cul-de-sac at the terminus of Countryside Drive
- 2. <u>Building Area:</u> Total building area shall not exceed 64,000 square feet of ground floor area. The site shall have a maximum of 47,000 square feet of retail trade uses. No retail establishment shall exceed 18,000 square feet of gross floor area.
- 3. Building Height: Building height shall not exceed fifty (50) feet.
- 4. <u>Timing of Development</u>: The development of the property may be phased in any sequence provided that each phase shall comply with the applicable requirements of this Conditional Use Permit and the approved Sketch Plan and Unified Development Plan.

#### B. <u>Landscaping</u>, Buffers and Screening.

- 1. Landscaping shall be provided in accordance with Section 9-5-11 of the Development Ordinance, the Eastchester Scenic Corridor Overlay District requirements and the accompanying Sketch Plan.
- 2. Leyland Cypress trees shall be planted along the street frontage of Countryside Drive between the street and parking areas. The trees shall be planted eight (8) feet on center and shall be a minimum of eight (8) feet in height at the time of planting.
- 3. Along the Countryside Drive frontage of Lot A and C a minimum twelve (12) foot wide street yard shall be installed. If a building is placed within this street yard, the planting materials that would have been installed in that area shall be installed/clustered within the vicinity of that encroachment area.
- 4. Along the Countryside Drive frontage of Lot A and C, a six (6) foot high opaque fence shall be installed. Said fence shall at a minimum run along the full frontage of lot A and up to a point even with the rear wall of any building upon Lot C.
- 5. Where site development produces a planting yard less than twenty five (25) feet in width next to Guilford County Tax Parcel 0199566 and 0199567 (1132 & 1134 Countryside Drive), the required Type B Yard planting materials that would have been installed in the area of encroachment shall be clustered within the vicinity of the encroachment area.

#### C. Other Conditions.

1. Open Space: Common area open space shall be provided in accordance with the Planned Unit Development District Requirements of the Development Ordinance and shall conform to the location requirements of Section 9-4-11(a)(2)d.4. and 5. of the Ordinance.

- 2. <u>Eastchester Drive Scenic Corridor Overlay District:</u> The entire rezoning site shall be subject to the landscaping, signage, architectural and other requirements of the Eastchester Drive Scenic Corridor Overlay District.
- 3. <u>Signage</u>: Signage shall be in accordance with the approved Common Signage Plan for the subject property and conform to the Limited Business (LB) District signage requirements. Sign drawings consistent with the Common Signage Plan criteria, for the purpose of obtaining sign permits, shall be required prior to the issuance of building permits for each phase or portion thereof.
- 4. Environmentally Sensitive Areas: The property owner shall reserve as common area any wetland area on the property, as defined and designated by the US Army Corps of Engineers, and any other environmentally sensitive areas as required by Section 9-2-2(g) (Planned Unit Development District) of the Development Ordinance. Such environmentally sensitive areas shall be left natural and undisturbed, except as required for approved road and other vehicular and pedestrian access crossings, utilities, natural water features (lake or pond), and erosion control devices.
- 5. Exterior Lighting: Outdoor lighting structures shall be located, angled, shielded or limited in intensity so as to cast no direct light upon adjacent property and to avoid the creation of a visual safety hazard to passing motorists. Metal halide light sources are the only permitted outside ground/parking lot lighting to be used.

#### D. <u>Transportation Conditions.</u>

### 1. Access

One street type vehicular access point shall be permitted to Eastchester Drive opposite of Lassiter Drive. In addition, one right turn in/right turn out only access point shall be permitted to Eastchester Drive. Along said street, no driveway shall be permitted within 100 feet of the intersection with Eastchester Drive.

# a) Three access points shall be permitted to the site from Eastchester Drive.

- i. One street type vehicular access point shall be permitted to Eastchester Drive opposite of Lassiter Drive. Along said street, No driveway shall be permitted within one-hundred (100) feet of the intersection with Eastchester Drive
- ii. In addition, One right turn in/right turn out only access point shall be permitted to Eastchester Drive along the southern frontage of the site.
- iii. One right in only access point shall be permitted to Eastchester
  Drive along the northern frontage of the site. The right in
  access shall be constructed with a right turn lane including a
  minimum of one-hundred (100) feet of storage and appropriate

tapers. Design, offset, and construction of the right in access shall be in accordance with the existing right in access to the property at 1300 thru 1400 Eastchester Drive (Eastchester Park Final IMUD Plat (PB.174 Pg105). The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements.

b) Vehicular access to Countryside Drive is prohibited.

#### 2. Other Transportation Conditions

- a) All construction shall conform to the Driveway Ordinance and be approved by the Director of Transportation and the NCDOT.
- b) Any future contiguous lot or lots that are later acquired and added to this Conditional Zoning Ordinance shall be permitted to have access through existing lots of the rezoning site.

#### 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**

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

| SECTION 6.                   |                                      |
|------------------------------|--------------------------------------|
|                              | effective upon the date of adoption. |
| <sup>th</sup> day of         | , 2014 <u>.</u>                      |
| Lisa B. Vierling, City Clerk |                                      |