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 Map Amendment Case 16-16 (ZA-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</u> <u>14, 2016</u>, for the Planning and Zoning Commission public hearing and on <u>September 7, 2016 and</u> <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 <u>September 19, 2016.</u>

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: <u>Planned Limited Development (PDL) District</u>. 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. <u>USES</u>:

- 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. <u>CONDITIONS</u>:

- A. <u>Development and Dimensional Requirements.</u>
 - 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. <u>Building Height:</u> 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. Landscaping, 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. <u>Open Space</u>: 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. <u>Environmentally Sensitive Areas</u>: 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. <u>Exterior Lighting:</u> 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
 - 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. No driveway shall be permitted within one-hundred (100) feet of the intersection with Eastchester Drive
 - ii. 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.

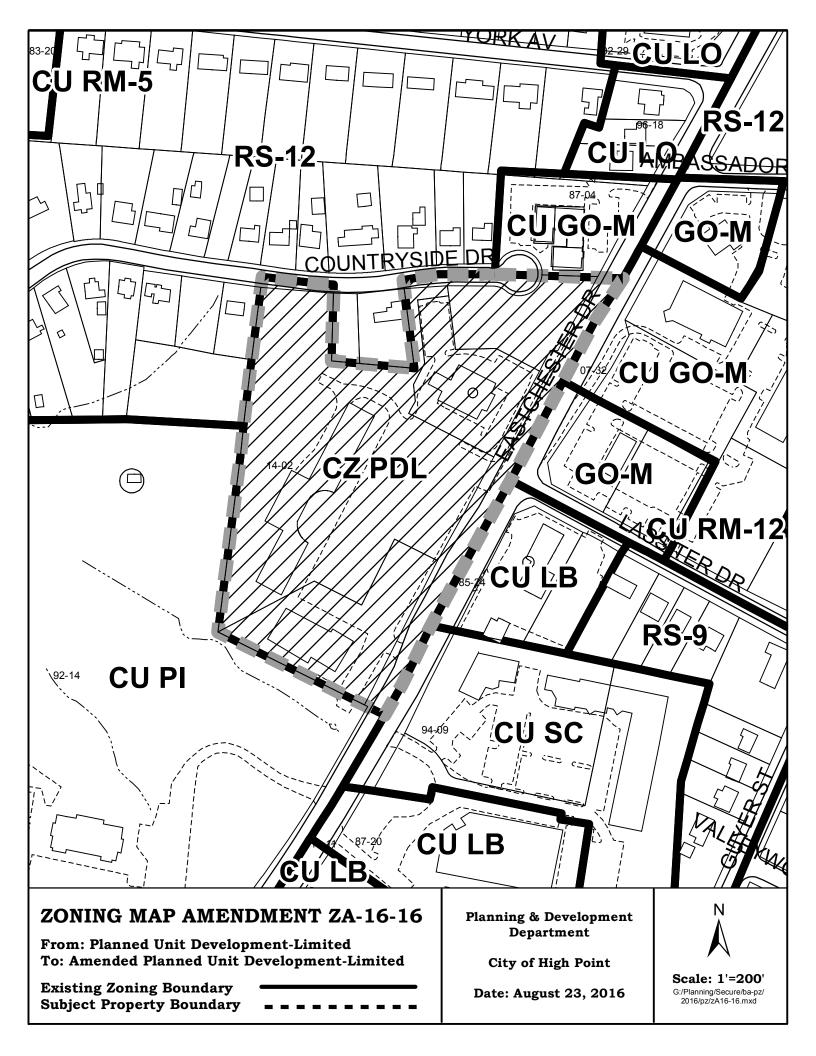
SECTION 5

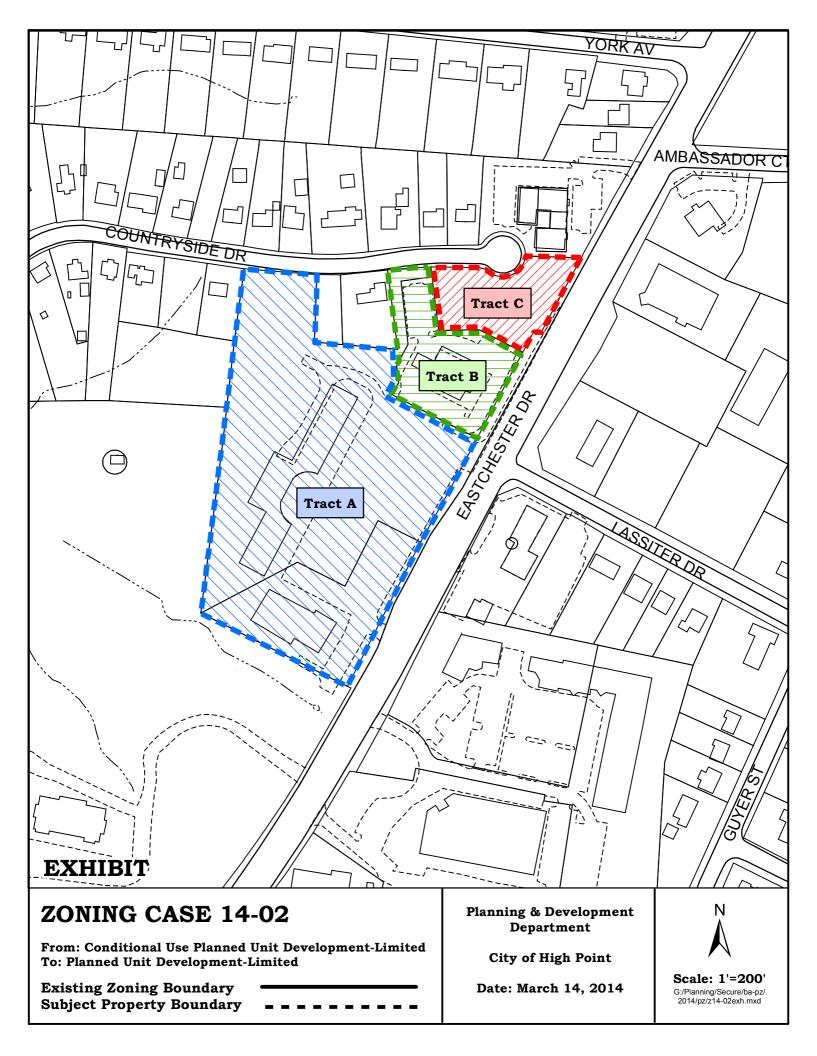
That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

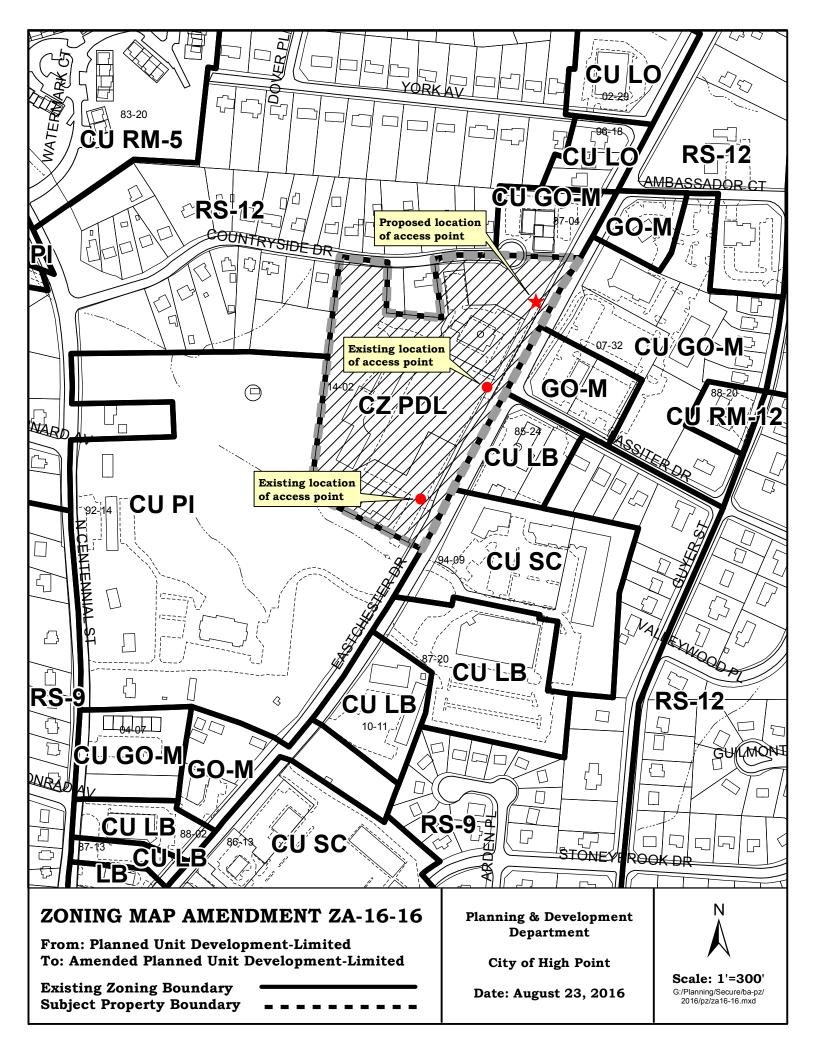
SECTION 6.

This ordinance shall become effective upon the date of adoption. **<u>19th</u>** day of **<u>September</u>**, **<u>2016</u>**.

Lisa B. Vierling, City Clerk



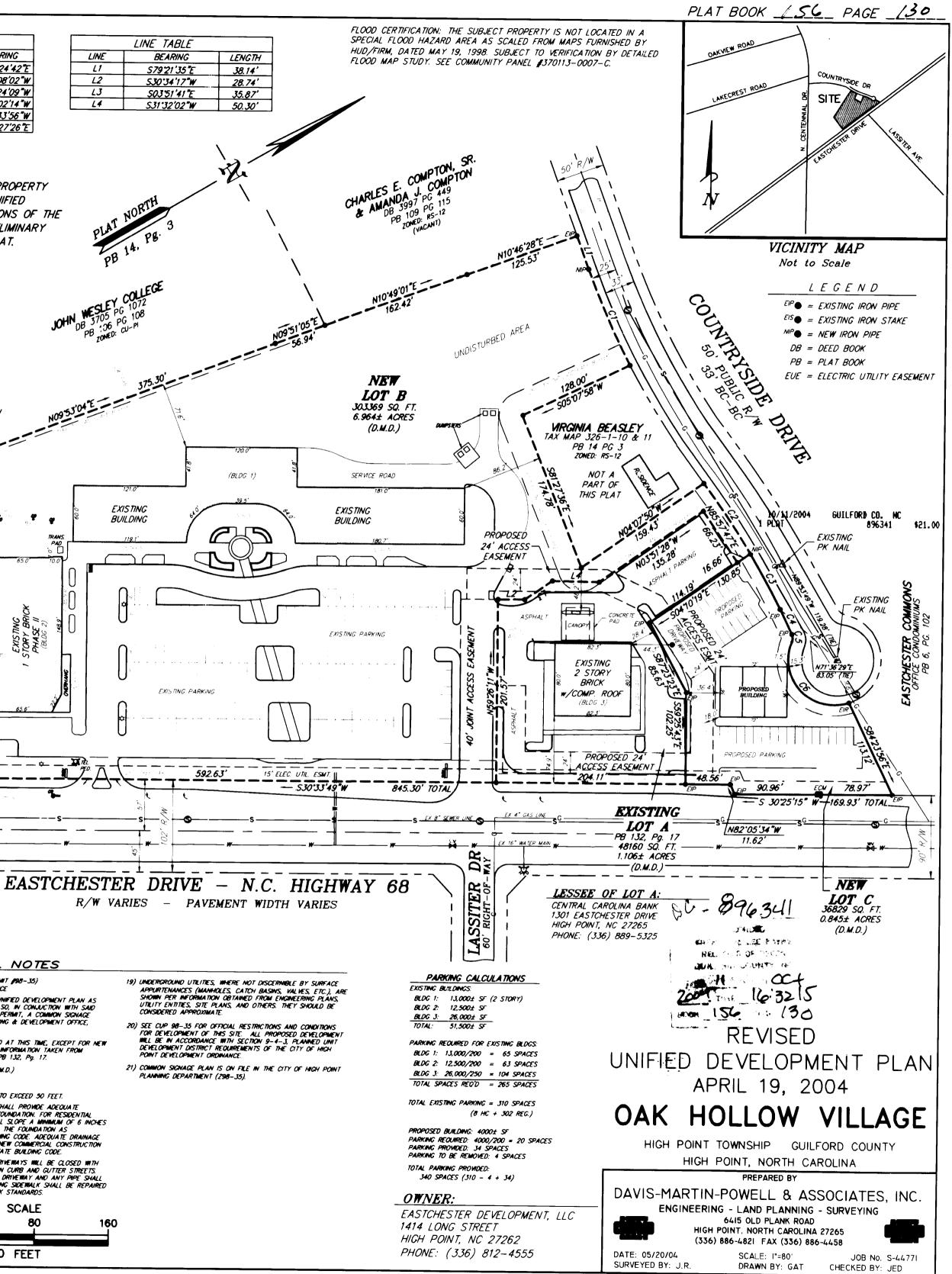


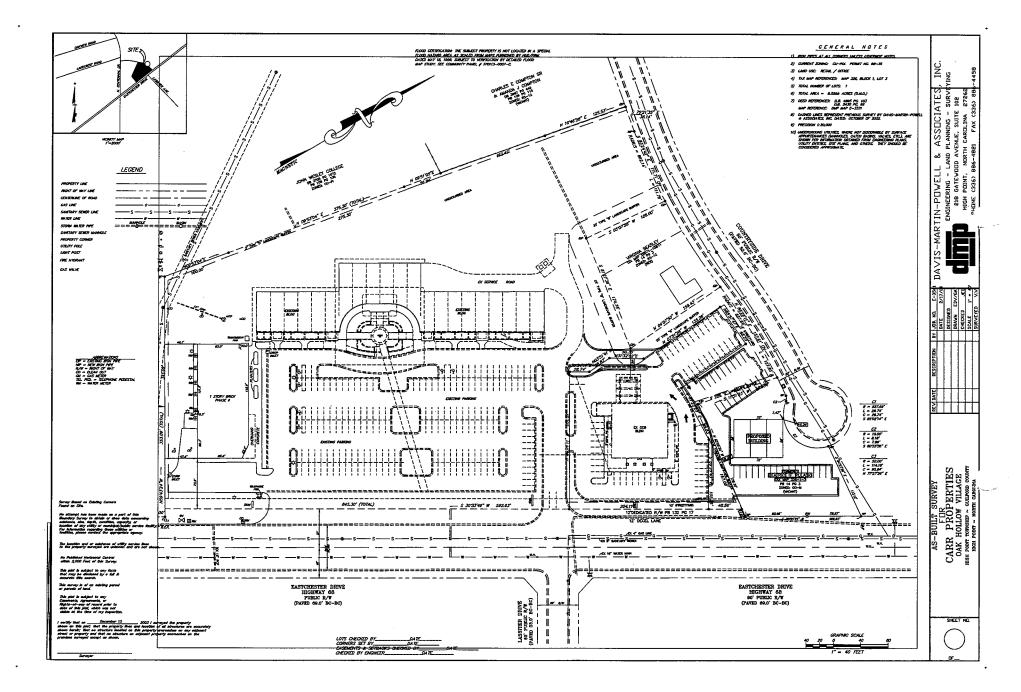


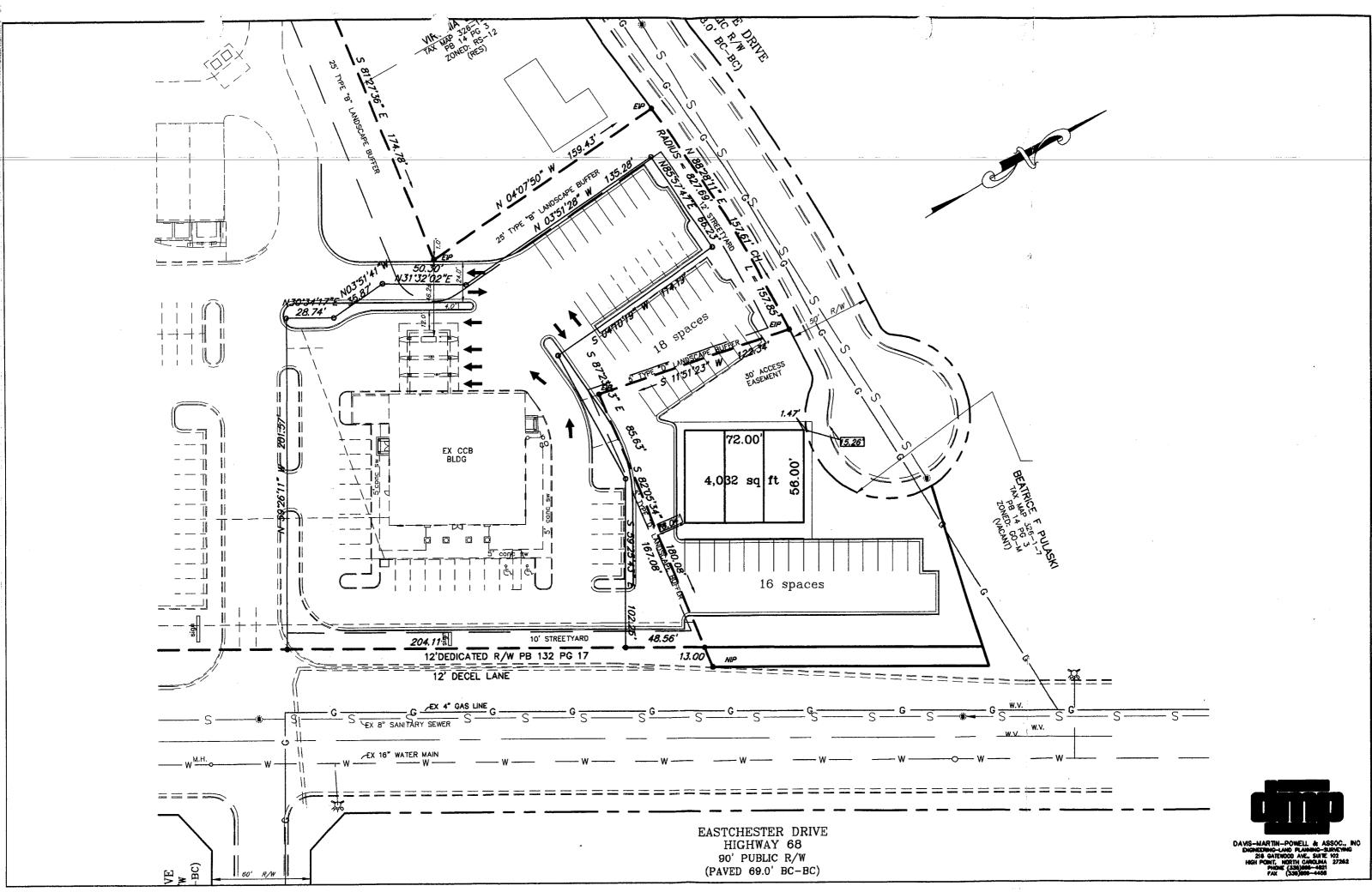
I. ____JON ERIC DAMS_____, certify that this plat was drawn under CURVE TABLE my supervision from (an actual survey made under my supervision) (deed CURVE DELTA RADIUS ARC CHORD BEARING LINE description recorded in Book ____5 ___, Page ___260 ____,); that the C1 725'45" 862.14 111.79 111.71 S83'24'42"E ratio of precision as calculated is 1: ______, that the boundaries not L1 827.69 90.37 90.33 S86 D8'02"W C2 675'21" L2 surveyed are clearly indicated as drawn from information found in book 827.69 67.48 67.46 N88"24'09"W ω 4*40'17* _______, page______; that this plat was prepared in accordance with L3
 C4
 203'32"
 827.69
 29.74
 29.74
 N85'02'14"W

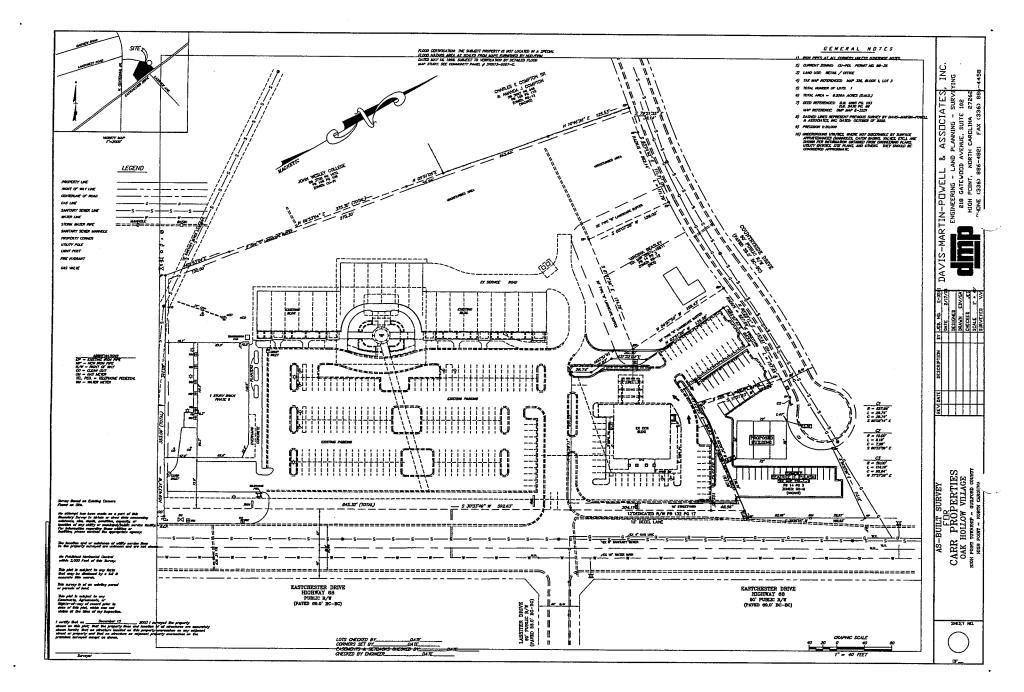
 C5
 46'53'04"
 10.00
 8.18
 7.96
 N60'33'56"W

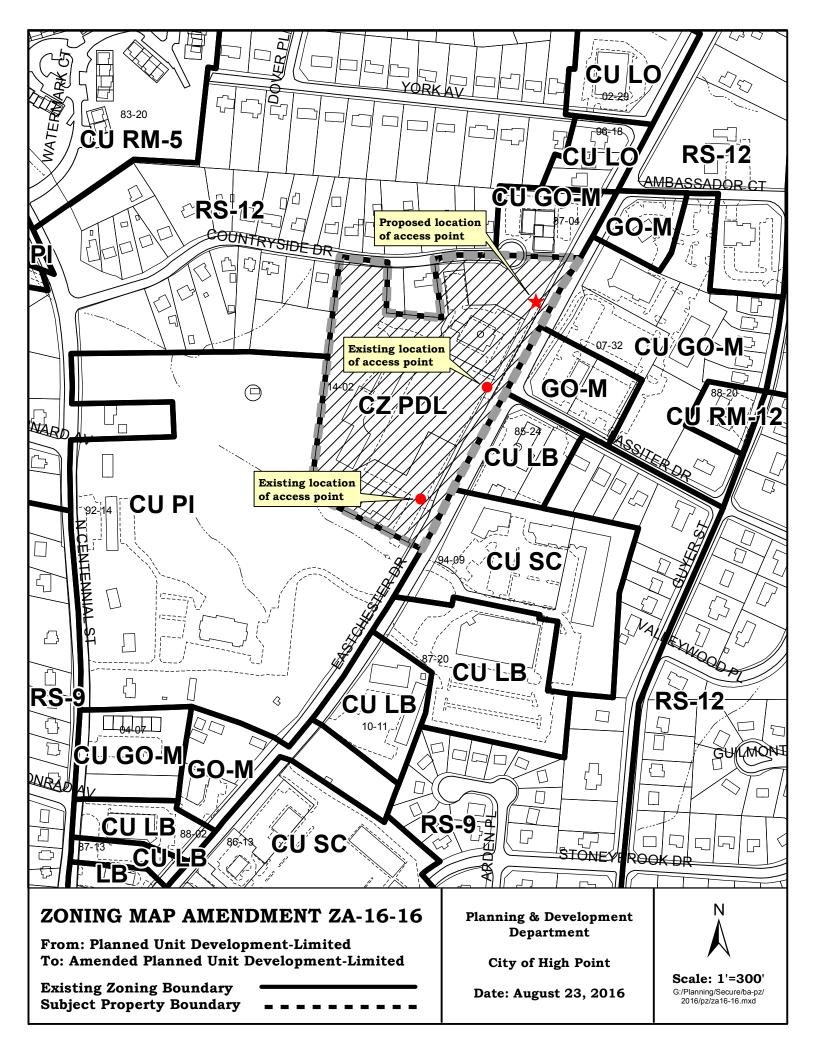
 C6
 130'50'19"
 50.00
 114.18
 90.94
 N77'27'26"E
GS 47-30 as amended. Witness my original signature, registration number, and L4 seal this <u>30th</u> day of <u>JULY</u>, 20<u>04</u>. ERIC DAVIS Stamp or Seal THIS IS NOT A SUBDIVISION PLAT. THIS MAP IS NOT FOR SALES OR CONVEYANCE OF PROPERTY OR SUBDIVISION APPROVAL. THE PURPOSE OF THIS UNIFIED DEVELOPMENT PLAN IS TO ILLUSTRATE ZONING CONDITIONS OF THE 7.30 2004 -30.2004 PUD-R ZONING. LOTS SHOWN ON THIS PLAN ARE PRELIMINARY AND MAY VARY ON THE FINAL SUBDIVISION RECORD PLAT. JON ERIC DAVIS _____, Professional Land Surveyor, PLS No. <u>L-3464</u>, certify that this is of a survey that: (1) Creates a subdivision of land within the area of a County or Municipality that has an ordinance that regulates parcels of land. (2) is of another category, such as the recombination of existing parcels, a court-ordered survey or other exceptions to the definition of subdivision. (3) Is of an existing parcel or parcels of land. Certificate of Ownership and Dedication The undersigned hereby acknowledge(s) ownership of the property shown and described hereon and hereby adopts this plat and allotment to be a free act and deed and hereby dedicate(s) to public use streets, playgrounds, parks. CONTROL drainageway and open space, and easements forever all area so shown or indicated on said plat, and authorize(s) the City of High Point to record this plat in the office of the register of deeds of _____ GUILFORD _____ County, N.C. CARR TOF EASTCHESTER DEVELOPMENT, LLC 8/10/04 Date . ? **å** Signed Signe 48 8/10/04 8 JOHN WESLEY COLLEGE DB 3705 PG 1072 PB 106 PG 108 ZONED: CU-PI the _____ day of ______, 2007 pursuant to the HIGH POINT 55 9-1-04 Statement That No Approval is Required by NCDOT Division of Highways: CON TROL This plat not require certificate of approval by the N.C. Division of CORNER Highway C.G.S. 136-102.6 Subsection (g). 5 32 26'07" W 227.80' (THE ONL) 9-704 State of North Carolina City of High Point ____ Review Officer of Guilford County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording 917104 the Review Officer City Council Planned Unit Development Approval Statement: 1. -isa B. Vierling___, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing Unified Development Plan GENERAL NOTES was adopted by the High Point City Council in offic April 19, 2004 1) THIS SURVEY IS BASED ON EXISTING CORNERS FOUND ON SITE. 11) CURRENT ZONING: CU PDL (PERMIT 198-35) . or particular 2) IRON PIPES AT ALL CORNERS UNLESS OTHERWISE NOTED. CURRENT LAND USE: RETAIL/OFFICE Witness my hand and the Conporate Seal o 12) THIS PROPERTY IS PART OF A UNIFIED DEVELOPMENT PLAN AS this the 3) NO HORIZONTAL GRID THE WITHIN 2000 FEET. SHOWN IN PB 132, Pg. 119. ALSO, IN CONAUCTION WITH SAID PLAN AND A CONDITIONAL USE PERMIT, A COMMON SIGNAGE PLAN IS ON FILE IN THE PLANNING & DEVELOPMENT OFFICE, RETORMIC CASE OF 16 4) PLAT REFERENCE: PB 132, Pg. 17; & PB 132, Pg. 119 Kin & Vierling 5) DEED REFERENCES: DB 3705, Pg. 1074, DB 3705, Pg. 1072; DB 3585, Pg. 65; DB 3389, Pg. 1003; DB 2797, Pg. 792; DB 3619, Pg. 1540; DB 3756, Pg. 1966; DB 4850, Pg. 102 REZONING CASE 90-35. City Clerk 13) NO BOUNDARY WORK PERFORMED AT THIS TIME, EXCEPT FOR NEW 6) TAX MAP REFERENCES: MAP 326, BLOCK 1 LOTS 3, 5, 7, & 8 LOT C. ALL OTHER BOUNDARY INFORMATION TAKEN FROM EXCLUSION PLAT RECORDED IN PB 132, Pg. 17. BLANKET ELECTRIC UTILITY EASEMEN 7) THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS, OR THE GRANTOR, IN RECORDING THIS PLAT, DOES HEREBY ACKNOWLEDGE AND GRANT TO THE 14) TOTAL AREA: 8.915± ACRES (D.M.D.) RIGHTS-OF-WAY OF RECORD PRIOR TO DATE OF THIS PLAT, WHICH WERE NOT VISIBLE AT THE TIME OF MY INSPECTION. THIS PLAT IS ALSO SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE THE STANDARD CITY OF HIGH POINT AND ITS' SUCCESSORS AND ASSIGNS A BLANKET UTILITY EASEMENT FOR 15) TOTAL NUMBER OF LOTS: 3 THE PURPOSE OF INGRESS AND EGRESS TO ERECT, CONSTRUCT, OPERATE, MAINTAIN, PATROL, INSPECT, SERVICE, REPAIR, REMOVE AND RECONSTRUCT, UPON, ALONG, ACROSS, AND UNDER AND ACCURATE TITLE SEARCH. 16) MAXIMUM BUILDING HEIGHT NOT TO EXCEED 50 FEET. AND PRIVE REFERENCE AND RECOMMENDER OF THE RECOMMENDATION ACTIONS, AND UNDER SAID PROPERTY FOR THE PURPOSE OF MAINTAINING ELECTRIC LINES, TOGETHER MITH ALL RIGHTS AND PRIVLEGES NECESSARY FOR CONVENIENCE OF FULL ENNOYMENT OF USE OF SAID LAND AND RIGHT TO ENTER OVER ADJOINING LANDS OF GRANTOR FOR RIGHTS AND 17) ALL NEW CONSTRUCTION SITES SHALL PROVIDE ADEQUATE DRAINAGE FROM THE BUILDING FOUNDATION. FOR RESIDENTIAL CONSTRUCTION THE GRADE SHALL SLOPE A MINIMUM OF 6 INCHES INTHIN THE FIRST 10 FEET FROM THE FOUNDATION AS REFERENCED IN NC STATE BUILDING CODE. ADEQUATE DRAINAGE SHALL ALSO BE PROVIDED FOR NEW COMMERCIAL CONSTRUCTION IN COMPLIANCE WITH THE MC STATE BUILDING CODE 8) THIS PROPERTY IS LOCATED IN THER 3 OAK HOLLOW LAKE WATERSHED AREA. RESTRICTIONS MAY APPLY. 9) NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/PUBLIC SERVICE FACILITY. FOR INFORMATION PRIVILEGES HEREIN GRANTED. THIS EASEMENT ITSELF CONSISTS OF 5 FEET FOR UNDERGROUND LINES AND 15 FEET FOR OVERHEAD LINES MAINTAINED BY THE CITY OF HIGH POINT EXTENDING TO EITHER SIDE AND RUNNING ALONG THE DISTANCE OF ANY UTILITY LINE OF THE PROPERTY. N COMPLIANCE WITH THE NC STATE BUILDING CODE. REGARDING THESE UTILITIES OR FACILITIES, PLEASE CONTACT THE APPROPRIATE AGENCY. 18) ANY UNUSED CURB OPENINGS/DRIVEWAYS WILL BE CLOSED WITH ANY UNUSED CUMB OPENNINGS/UNTIDE MAILS WILL DE GLOSEU MITT STANDARD CUMB AND GUTTER ON CUMB AND GUTTER STREETS. ON RIBBON PAVED STREETS THE DRIVEWAY AND ANY PHPE SHALL BE REMOVED. DAMAGE TO EXISTING SIDEWALK SHALL BE REPAIRED GRANTOR COVENANTS AND AGREES NOT TO CONSTRUCT ANY STRUCTURE OR PLACE ANY DRANTOR COVENANTS AND AGREES NOT TO CONSTRUCT ANY STRUCTURE OF PLACE ANY PAVING OR PLANTINGS (OTHER THAN SMALL DECORATIVE PLANTINGS) OR OTHER IMPROVEMENT PERMANENT IN NATURE ON THE EASEMENT HEREBY GRANTED, WITHOUT CITY APPROVAL, AND THE CITY SHALL NOT BE OBLIGATED TO REPAIR, REPLACE, OR RESTORE ANY SUCH STRUCTURES OR OTHER IMPROVEMENTS DAMAGED, DESTROYED, OR REMOVED BY 10) THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN. TO MEET CURRENT CITY SIDEWALK STANDARDS. GRANTEE IN SERVICING, MAINTAINING, REPAIRING, OR REPLACING SUCH UTILITIES. GRAPHIC SCALE 80 40 80 160 LOTS CHECKED BY GAT DATE 05-21-04 CORNERS SET BY _____ DATE_____ EASEMENTS & SETBACKS CHECKED BY___ OWNER DATE CHECKED BY ENGINEER_____DATE____ 1" = 80 FEET

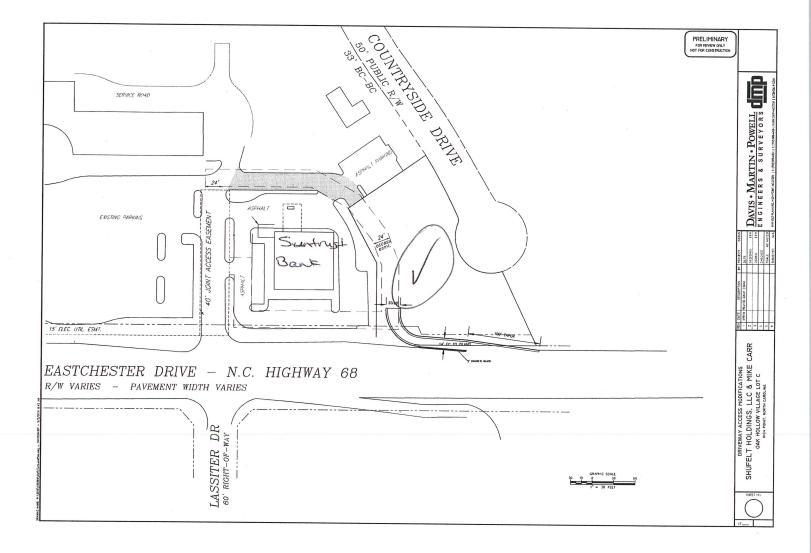


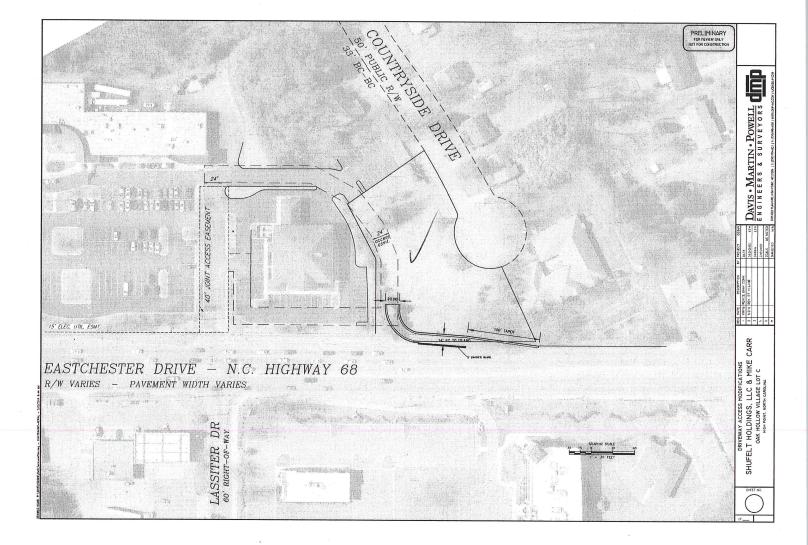


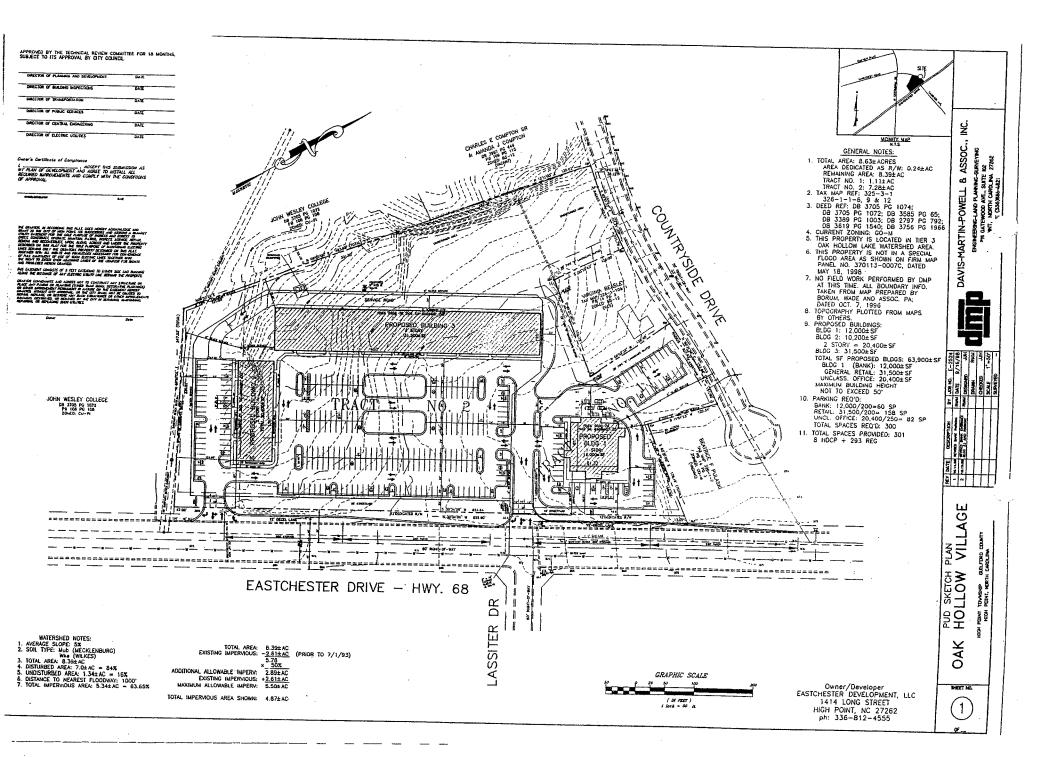












Common Signage Plan Eastchester Development, L.L.C.

The following represents a preliminary plan for signage at Oak Hollow Village.

All identification signs and lettering used to identify the tenant or tenants will be back lit individual letters as specified by the owners. Each sign will be individual letters that can be back lit and illuminated by opaque white or "off-white" plastic lettering. No direct light bulb or other light sources is permitted on any display area on any building or other structure.

The monument sign cabinet along the front of Eastchester Drive for the proposed structure in Tract 1 will be fabricated from brick, aluminum or synthetic stucco. The only lettering permitted will be individual routed lettering with an internal light source that will illuminate through the above mentioned routed lettering. An opaque white or "off-white" plastic backing will be applied behind the individual routed letters and in front of the light source in order to eliminate any direct glare from the light source to passing motorists. This monument sign will be positioned according to the approved Sketch Plan.

The main directory sign will be positioned as shown on Tract 2 of the approved Sketch Plan at the main entrance to Oak Hollow Village. The sign standards used for illumination will be the same as the standards described above.

The sign located at the right-in-right-out turn lane at the most southern entrance, as shown on the approved Sketch Plan will follow the same guidelines as referenced above, concerning the lighting design.

As proposed, the signage for the site would provide reasonable identification for the many uses on the site, and would be in general conformance with the basic philosophies of the ordinance regarding number and size. A site plan showing the locations of the proposed signs will be submitted prior to the issuance of any sign permits.

No changeable copy of lettering will be permitted on any signs throughout the entire development. All signs on the rezoning site shall be subject to the sign requirements for the Limited Business (LB) District of the Development Ordinance.

Oak Hollow Sign Amendments Revised July 7, 2004

Sign Exhibit II illustrates the 4 sign locations and their square footage limits for Oak Hollow Village Shopping Center

All other conditions regarding color and lighting requirements remain unchanged.

