

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 16-21
(BSC Holdings)

From: Lee Burnette, Planning & Development
Director

Meeting Date: November 21, 2016

Public Hearing: Yes

Advertising Date: November 9 & 16, 2016

Advertised By: Planning & Development

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

PURPOSE:

A request by BSC Holdings to rezone approximately 15.6 acres from a Conditional Zoning Residential Single Family-9 (CZ RS-9) District to an amended Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying south of Clinard Farms Road and east of Barrow Road.

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, with amendments***, as outlined in the attached staff report.
- B. On October 25, 2016, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 16-22. The Planning & Zoning Commission recommended ***approval, with amendments***, by a vote of 5-1, as outlined in the staff report and recommended by staff.

PLANNING AND ZONING COMMISSION RECOMMENDATION

BSC Holdings

Zoning Map Amendment 16-21

At its October 25, 2016 public hearing, the Planning and Zoning Commission reviewed a request to rezone approximately 15.6 acres to an amended Conditional Zoning Residential Single Family-9 (CZ RS-9) District. All members of the Commission were present except for Mr. Jim Armstrong and Mr. John McKenzie. Mr. Herbert Shannon, Senior Planner, presented the case and provided a brief history since this is an amendment to a zoning application approved earlier this year. In conclusion, Mr. Shannon stated that if City Council supports the removal of the emergency access condition, but still does not support the developer constructing a public street connection to Clinard Farms Road, then staff recommends a condition be added that requires the applicant to dedicate land so the street connection can be installed in the future.

Speaking in favor of the request:

Speaking in favor of the request was the applicant, Barry Siegal, 3929 Tinsley Drive, High Point, N.C. Mr. Siegal stated that this amendment is the result of concerns expressed by the City of High Point Fire Chief regarding the condition that the applicant install a paved emergency access connection from the site to the adjacent fire station parking lot. Mr. Siegal said the Fire Chief was concerned this access could negatively impact the operations at this fire station. BSC Holdings agreed to look at shifting some lots to allow a future access point to the site from Clinard Farms Road. In conclusion, he stated that BSC Holdings has no objection to the staff recommendation for the applicant to dedicate a 50-foot-wide right-of-way in the northeast corner of the property for future access to Clinard Farms Road with the understanding that BSC Holdings would not be required to install the road.

Speaking in opposition of the request:

Speaking in opposition were Ms. Tanya Stewart, 3616 Cottesmore Drive, High Point, Mr. Wes Knick, 1246 Blackberry Ridge Drive, High Point; and Ms. Carolyn Nichols, 1240 Blackberry Ridge Drive, High Point. Those in opposition had the following concerns:

- **Access needed for safety:** The need for another access point should be required, especially since City staff suggests that it is needed for safety and traffic mitigation.
- **Access timing & responsibility:** There is concern that with the right-of-way dedication, there is no guarantee as to when or if the physical street connection to Clinard Farms Road will be installed. This developer is creating the traffic impacts and should be responsible for installing this street connection.
- **Traffic impact:** Concern that the location of the future street connection to Clinard Farms Road would create additional traffic and traffic hazards to those property owners in the Blackberry Ridge Drive development when they are trying to exit their neighborhood.

The Commissioners requested additional clarification as to timing of the road improvement and their options pertaining to this request. The following information was provided by staff:

- If the right-of-way is dedicated, the developer of the property to the east could open it up or City Council would have the option to open the connecting road as a public street. However, there is no set time as to when or if the road connection will be provided.
- Three options exist for the Commission's consideration: 1) to recommend approval with a condition to dedicate the right-of-way as agreed to by the applicant; 2) to recommend denial and leave it the way City Council approved it with access via the fire station parking lot, or 3) to

recommend approval with a condition to install the access as the Commission recommended when they reviewed this zoning amendment in March 2016.

Planning & Zoning Commission Action

The Planning & Zoning Commission recommended **approval** of Zoning Map Amendment 16-21 with the additional condition offered by the applicant to dedicate a 50 foot wide right-of-way at the northeast corner of the property for future connection to Clinard Farms Road.

P&Z Recommended amendment to Conditional Zoning Ordinance 16-21

Part II. CONDITIONS

3. **Right-of-Way Dedication:** A fifty (50) foot wide right-of-way shall be dedicated as shown on the preliminary subdivision plat and labeled “future right-of-way” to provide future access to Clinard Farms Road.

The recommendation was approved by a vote of 5-1 with Mr. McInnis voting against the motion.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Map Amendment 16-21, with right-of-way dedication condition, would be consistent with the City’s adopted plans. The request to remove the emergency access is reasonable and in the public interest because:

- 1) It does not provide the same public benefits as a street connection to Clinard Farms Road would provide;
- 2) It does not benefit the Fire Department; and
- 3) It does not benefit the future residents of the proposed subdivision.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-16-21
October 25, 2016**

Request	
Applicant: BSC Holdings	Owner: Cottesmore Partners, LLC.
Zoning Proposal: To amend the previous conditional zoning approval in order to revise vehicular access requirements.	From: CZ RS-9 Conditional Zoning Residential Single Family – 9 District
	To: CZ RS-9 Conditional Zoning Residential Single Family – 9 District

Site Information	
Location:	The site is lying south of Clinard Farms Road and east of Barrow Road.
Tax Parcel Numbers:	Guilford County Tax Parcel 0218639
Site Acreage:	Approximately 15.6 acres
Current Land Use:	Undeveloped
Physical Characteristics:	The site has a gentle to moderately sloping terrain, a 68-foot wide Duke Power transmission line runs along the southern boundary of the property.
Water and Sewer Proximity:	A 12-inch City water line lies adjacent to the site along Barrow Road and along Clinard Farms Road. An 8-inch City Sewer line has been extended from Gunnersbury Lane, and runs along the southwestern boundary of the site to serve the adjacent fire station.
General Drainage and Watershed:	The site drains in a southerly direction and development is subject to the High Point City Lake General Watershed Area (GWA) requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% of the site and for single-family residential developments with a density of 2 units per acre or greater.
Overlay District(s):	High Point City Lake General Watershed Area (GWA) Airport Overlay District (Zone 3)

Adjacent Property Zoning and Current Land Uses			
North	RS-40 AG	Residential Single Family-40 District Agricultural District	Single-family dwellings and undeveloped parcels
South	CU PDR	Conditional Use Planned Unit Development-Residential District	Single-family dwellings and undeveloped parcel
East	RS-9 CZ RS-9	Residential Single Family – 9 District Conditional Zoning Residential Single Family – 9 District	Single-family dwelling and school
West	CU PDM PI	Conditional Use Planned Unit Development-Mixed District Public & Institutional District	Undeveloped Parcel and City of High Point Fire Station

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	Obj. 5E: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access.
Land Use Plan Map Classification:	The site has a Mixed Use Development land use designation. This classification provides for the siting of a variety of land uses in close proximity to each other, where this is desirable, due to existing land use patterns, environmental constraints, the need to preserve open space, the opportunity to provide alternative modes of transit and other factors.
Land Use Plan Goals, Objectives & Policies:	The following goal and objective of the Land Use Plan are relevant to this request: Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development; and Obj.#5: Maintain an appropriate balance between the size, location and density of new development and the availability and demands upon the public services and facilities required to serve that development.
Relevant Area Plan:	Not Applicable
Zoning History:	<u>Zoning Map Amendment 13-04:</u> In 2013, Phoenix Academy was granted Zoning and Special Use Permit approval on a 56-acre tract, which included this site, to allow an Elementary and Secondary School use. In 2014, the SUP was amended to only develop the eastern portion of the site. <u>Zoning Map Amendment 16-01:</u> The subject site was granted a CZ-RS-9 District zoning in March 2016 for development of a single family subdivision.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Barrow Road		Major Thoroughfare	206 ft.
	Clinard Farms Road		Major Thoroughfare	560 ft.
	Gunnersbury Lane		Local Street	50 ft. (stub street)
Vehicular Access:	From Gunnersbury Lane (public street at the southern boundary of site)			
Traffic Counts: (Average Daily Trips)	Clinard Farms Road		6,684 ADT (2013, City of High Point traffic count)	
	Barrow Road		2,705 ADT (2013, City of High Point traffic count)	
Estimated Trip Generation:	No information			
Traffic Impact Analysis:	Required		Pedestrian Access:	
	<u>Yes</u>	<u>No</u> X	Development of the site is subject to the sidewalk requirement of the Development Ordinance.	
Transportation Department Comments:	<u>Access:</u> One (1) point of access shall connect to the Gunnersbury Lane stub south of the property. One (1) street stub shall be required to the property east of the rezoning site.			
	<u>Right of Way:</u> A fifty (50) foot wide right of way shall be dedicated in the northeast corner of the rezoning site for future access to Clinard Farms Road.			

	The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements
--	--

School District Comment

School impacts were evaluated as part of the review for zoning cases 13-04 and 16-01 when a CZ RS-9 District was established on the property. The requested amendment to a vehicular access condition will not impact student population of the various schools in this district.

Details of Proposal

The applicant, BSC Holdings, obtained zoning approval in March 2016 to rezone this 15.6-acre parcel to a CZ RS-9 District. The primary discussion during the City Council public hearing was about the number and location of vehicular access points to serve this proposed expansion of the Cottesmore residential subdivision. Access was proposed via the extension of Gunnersbury Lane, which was stubbed to the southern boundary of the zoning site from the existing Cottesmore development.

During the public hearing, it was noted by staff that the approximate 46 lots from this new residential subdivision would be an addition to the existing 234 lots of the Cottesmore development. Thus, more than 280 residential dwellings will only have two points of access, via Cottesmore Drive and Oak Chase Drive connections to Willard Dairy Road. The Transportation Department recommended that an additional point of vehicular access be required to Clinard Farms Road and that the developer construct eastbound and westbound turn lanes with appropriate tapers at this access point. Also recommended was a street stub to the eastern boundary of the property. These recommendations were based upon the Development Ordinance requirement that a residential subdivision with more than 150 lots or dwelling units have at least three separate points of public street access (Ref. Section 9-6-16(c)(4)). The Transportation Department, in conjunction with the requirements of the Development Ordinance, concluded that both a street stub to the easternmost portion of the site and a public street connection to Clinard Farms Road were warranted in accordance with the ordinance and that the street access would mitigate traffic impacts from the proposed expansion of the Cottesmore residential subdivision.

Final action by the City Council did not include the public street connection to Clinard Farms Road. Instead, the Council's approval included a condition that was agreed upon by BSC Holdings to install a paved emergency access connection with a City approved security gate from a public street within the site to the adjacent City of High Point Fire Station parking lot. This new zoning application submitted by BSC Holdings proposes to remove the access condition requiring them to construct an emergency access to the abutting Fire Department parking lot.

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.

Since this application only amends an access condition and leaves all other zoning conditions as previously adopted, only the development's access is 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:

While the proposed residential use is consistent with adopted plans, it continues to conflict with an objective of the Community Growth Vision Statement related to street connectivity and emergency management access.

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;
	<u>Staff Comments:</u> Except for the request to amend access requirements, all previously adopted zoning conditions still apply. Therefore, the requested amended CZ RS-9 District remains compatible with surrounding development and land uses.
<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.;
	<u>Staff Comments:</u> Previous recommendations from the Transportation Department called for the developer to install a public street connection to Clinard Farms Road with turn lanes. Such an access is still recommended, but at a minimum the Transportation Department recommends the dedication of land in which a public street connection to Clinard Farms Road may potentially be constructed in the future by the developer or by the City.
<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;
	<u>Staff Comments:</u> The requested amendment has no adverse environmental impacts.
<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;
	<u>Staff Comments:</u> The Development Ordinance requires a residential development of this size to have at least three separate points of public street access. Normally, such issues are not conditions of a zoning approval but are addressed as part of the Technical Review Committee's review of a preliminary subdivision plan submittal. The applicant does not desire to provide a public street connection to Clinard Farms Road and is now proposing to remove a previously adopted condition for emergency access established by the City Council.

	<p>Interconnectivity of streets is important for a number of reasons. Additional access points help disburse traffic by providing access alternatives, which can be critical for emergency services and public safety by increasing accessibility options for emergency equipment & personnel when events such as storms, fires or traffic accidents occur. Long unconnected streets in a development increase travel times between nearby developments and funnel traffic, concentrating it at the major access points. The fewer public street access points there are, the higher the likelihood of traffic congestion at and near those points. Properties located near these access points, or along a single access route, are impacted by a higher volume of traffic that has no access alternative.</p> <p>A public street connection from Gunnesbury Lane to Clinard Farms Road would benefit all existing and future residents in this area, would comply with street connectivity regulations of the Development Ordinance, and be consistent with land development policies adopted by City Council. Without additional public street access, staff cannot not confidently conclude that the request effectively mitigates traffic impacts.</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> Development of the site, as allowed by the RS-9 District standards, will not negatively impact adjacent property owners.</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:

There have been no significant changes in the type or nature of development in this area.

Development Patterns:

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

Staff Comments:

Previous City Council actions have supported residential uses on adjacent property to the east, west and south. The requested amendment does not change this previously established land use policy.

Reasonableness/Public Interest:

An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.

Staff Comments:

The request to remove the emergency access is reasonable and in the public interest because: 1) It does not provide the same public benefits as a street connection to Clinard Farms Road would provide; 2) It does not benefit the Fire Department; and 3) It does not benefit the future residents of the proposed subdivision.

Recommendation

Staff Recommendation:

Both the Planning & Development Department and Transportation Department recommend that street access be provided from the proposed subdivision to Clinard Farms Road to mitigate traffic impacts.

If the City Council supports the removal of the emergency access condition but still does not support the developer constructing a public street connection to Clinard Farms Road, then staff recommends a condition be imposed that the applicant dedicate the land so the street connection can be installed in the future, either by the developer of the property to the east or by the City of High Point. Therefore, at a minimum, the staff recommend the following condition be included in the Conditional Zoning Ordinance:

Part II. CONDITIONS

3. Right-of-Way Dedication: A fifty (50) foot wide right-of-way shall be dedicated as shown on the preliminary subdivision plat and labeled “future right-of-way” to provide future access to Clinard Farms Road.

Required Action

Planning and Zoning Commission:

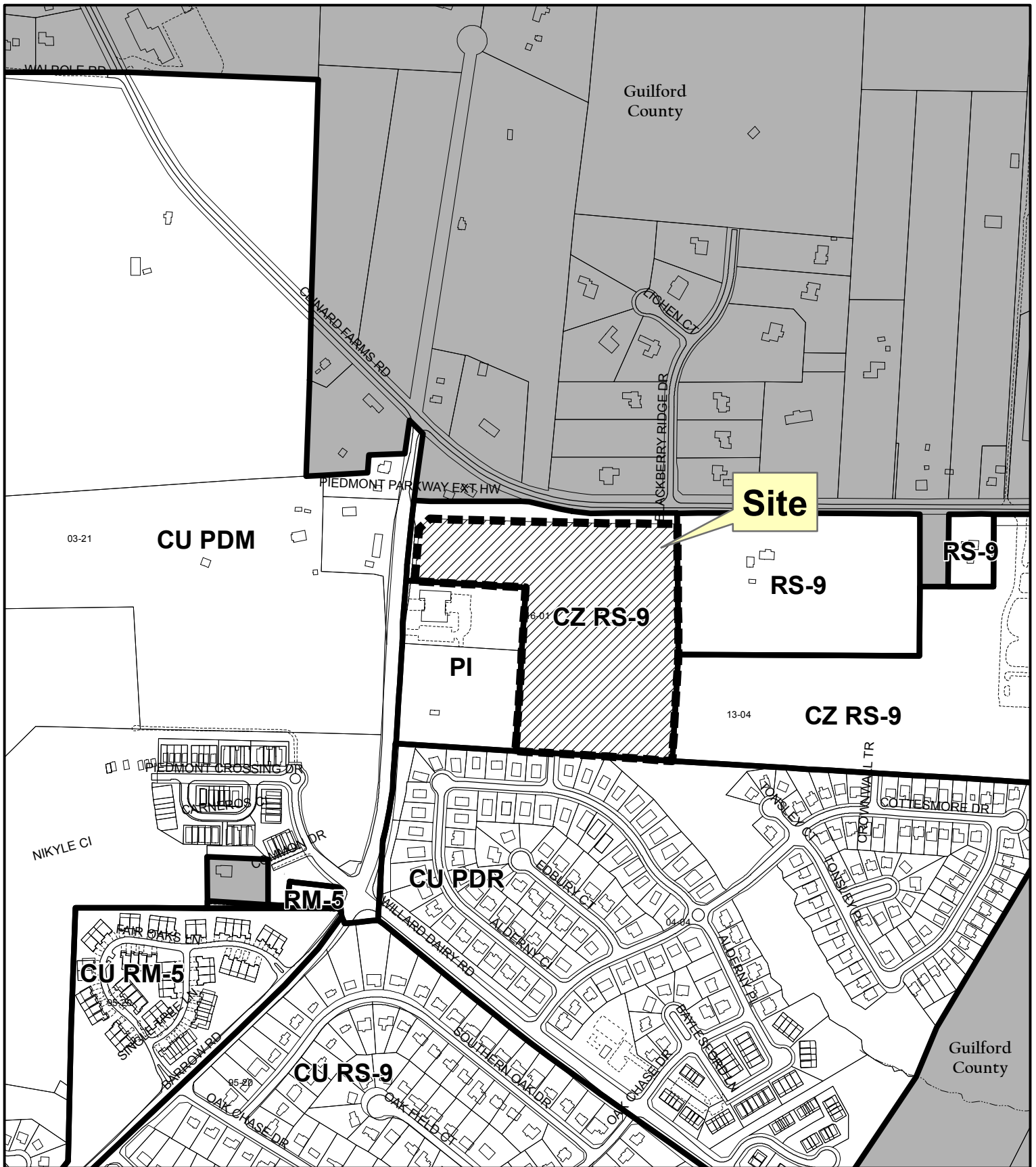
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City’s adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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



ZONING MAP AMENDMENT ZA-16-21

From: Conditional Zoning Residential Single Family-9
To: Conditional Zoning Residential Single Family-9

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

**Planning & Development
 Department**

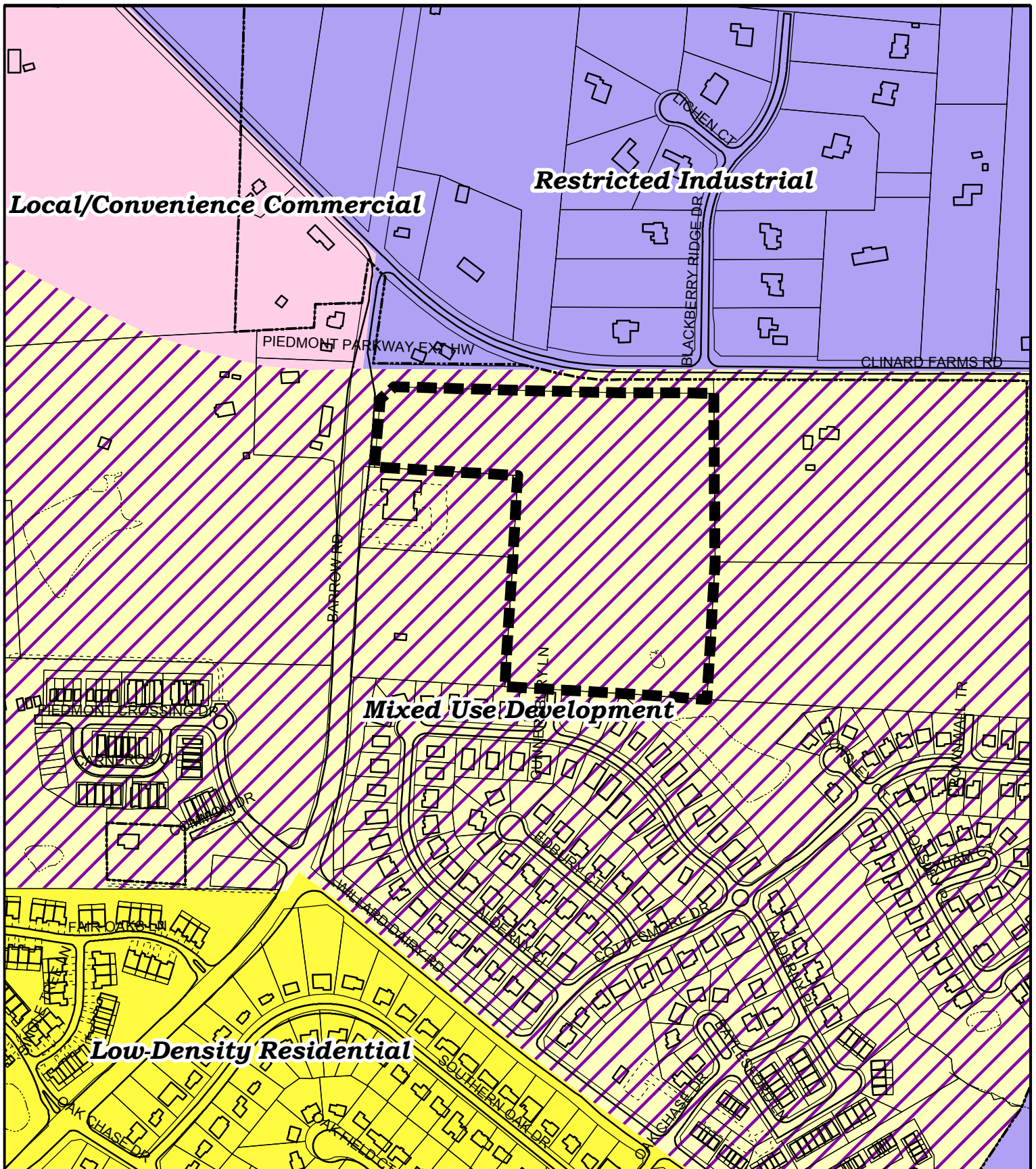
City of High Point

Date: October 25, 2016



Scale: 1"=400'

G:/Planning/Secure/ba-pz/
 2016/pz/za16-21.mxd



ZONING MAP AMENDMENT ZA-16-21

Land Use Plan

Existing Land Use Plan
Subject Property Boundary



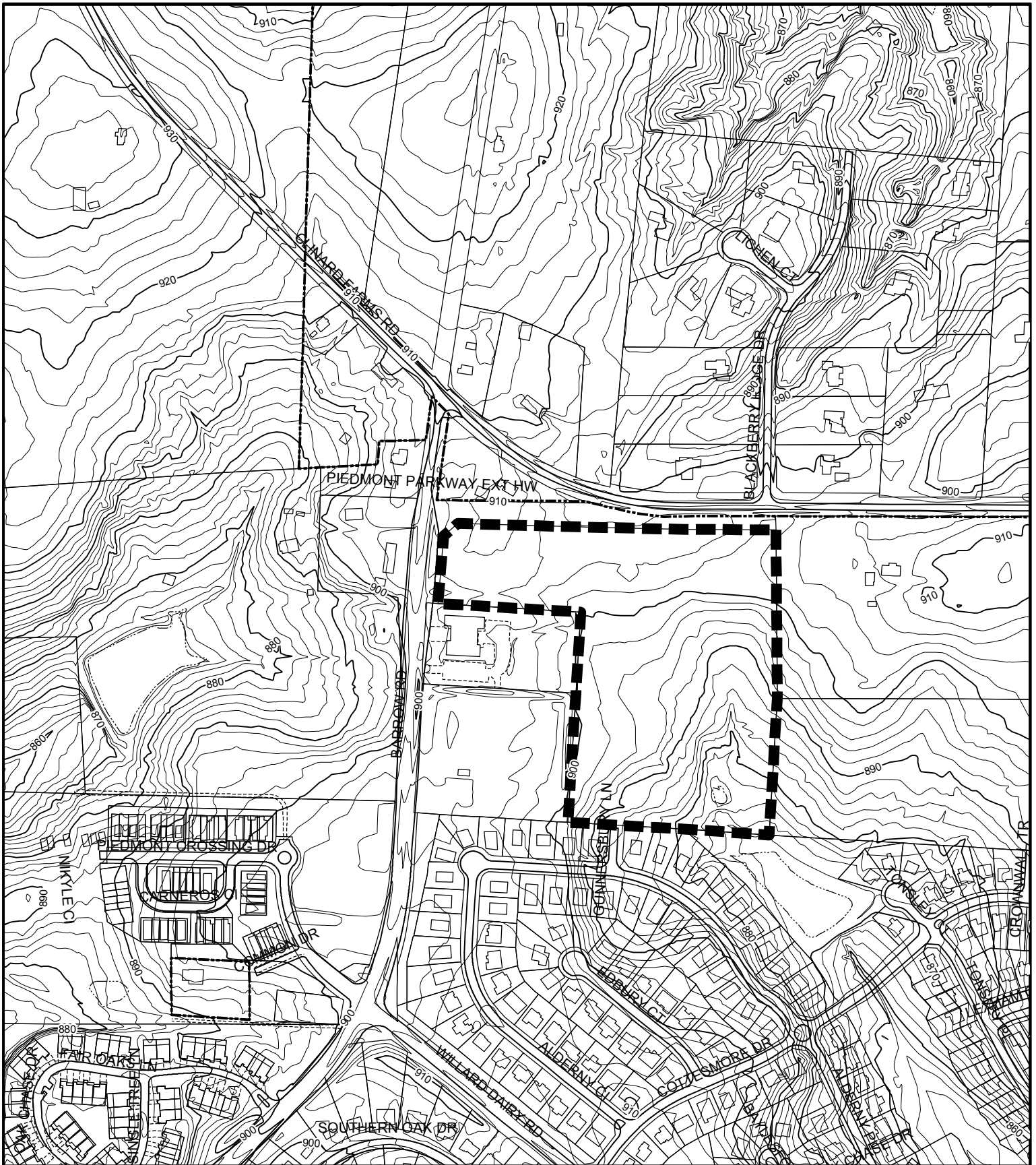
**Planning & Development
 Department**

City of High Point

Date: October 25, 2016



Scale: 1"=400'
 G:\Planning\Secure\ba-pz/
 2016\pz\za16-21\lu.mxd



ZONING MAP AMENDMENT ZA16-21

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: October 25, 2016



Scale: 1"=400'

G:\Planning\Secure\ba-pz/
2016\pz\z16-21\topo.mxd

ZONING MAP AMENDMENT ZA16-21



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 October 25, 2016 and before the City Council of the City of High Point on November 21, 2016 regarding **Zoning Map Amendment Case 16-22** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on October 17, 2016, for the Planning and Zoning Commission public hearing and on November 9, 2016 and November 16, 2016, 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: **Conditional Zoning Residential Single Family-9 District (CZ RS-9) District.** The property is approximately 16.9 acres lying at the southeast corner of Clinard Farms Road and Barrow Road. The property is also known as Guilford County Tax Parcels 0218639.

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:**

Any of the land uses allowed in the Residential Single Family-9 District (RS-9) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

A. Transportation Conditions.

1. Access

- a) Access to the site shall be from an extension of Gunnesbury Lane to the south (from the Cottesmore Subdivision).
- b) A public street stub shall be provided to the east, to Guilford County Tax Parcel 0221066 (7861 Clinard Farms Road).
- c) No access shall be permitted from Barrow Road.
- d) ~~A paved emergency access, with City approved secured gate, shall be installed by the developer from the public street network within the site to the adjacent City of High Point Fire Station parking lot.~~

2. Roadway & Intersection Improvements:

The City of High Point Director of Transportation shall approve all construction and improvements.

3. Right-of-Way Dedication:

A fifty (50) foot wide right-of-way shall be dedicated as shown on the preliminary subdivision plat and labeled "future right-of-way" to provide future access to Clinard Farms Road (See Exhibit A).

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

 st day of **November, 2016.**

Lisa B. Vierling, City Clerk

ZA-16-21 - Exhibit A

