

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 17-05
(Space Properties, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: June 19, 2017

Public Hearing: Yes

Advertising Date: June 7, 2017 and June 14, 2017

Advertised By: Planning & Development

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

PURPOSE:

A request by Space Properties, LLC to rezone an approximate 0.88-acre parcel from a Conditional Use Transitional Office (CU-TO) District to a Conditional Zoning Office Institutional (OI) District. The site is lying at the southwest corner of Eastchester Drive and Plainview Drive (2211 Eastchester Drive).

BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are 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 May 23, 2017, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 17-05. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 6-0, as outlined in the staff report and recommended by staff.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Space Properties, LLC

Zoning Map Amendment 17-05

At its May 23, 2017 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximate 0.88-acre parcel to a Conditional Zoning Office Institutional (OI) District. All members of the Commission were present except for Mr. Keith McInnis, Ms. Marie Stone and Mr. Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of the request:

Speaking in favor of the request was the applicant/property owner, Ms. Lisa Thomas, 2211 Eastchester Drive, High Point, N.C. Ms. Thomas noted that she has rented the property to a sign company that ironically is not allowed to place a sign in front of the building due to zoning conditions established on the property in 1986. She is seeking the rezoning to rectify that issue and help secure the tenant for a longer lease period.

Speaking in opposition of the request:

No one spoke in opposition to this request.

Planning & Zoning Commission Action

The Planning & Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Map Amendment 17-05 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because:

- 1) The request is consistent with the Land Use Plan;
- 2) The requested CZ-OI District will permit office uses consistent with previous zoning approvals granted along this segment of the Eastchester Drive Gateway Corridor; and
- 3) Previous compatibility concerns from the 1986 zoning approval were addressed over the intervening 30 years and incorporated into the Development Ordinance. In the event the site is ever redeveloped; the Development Ordinance contains development standards for the Eastchester Gateway Corridor to ensure future development will be compatible with adjacent uses.

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

**STAFF REPORT
ZONING MAP AMENDMENT 17-05
May 23, 2017**

| Request | |
|--|--|
| Applicant: Space Properties, LLC | Owner: Space Properties, LLC |
| Zoning Proposal: To rezone an approximately 0.88-acre parcel | From: CU-TO Conditional Use Transitional Office District |
| | To: CZ-OI Conditional Zoning Office Institutional District |

| Site Information | |
|--|--|
| Location: | The site is lying at the southwest corner of Eastchester Drive and Plainview Drive (2211 Eastchester Drive). |
| Tax Parcel Numbers: | Guilford County Tax Parcel 0196496 |
| Site Acreage: | Approximately 0.88 acres |
| Current Land Use: | Office use |
| Physical Characteristics: | The site has a relatively flat terrain. The western 75-foot portion of the site is impacted by a Duke Power easement with transmission towers. |
| Water and Sewer Proximity: | A 6-inch and 16-inch City water line lies adjacent to the site along Eastchester Drive and Plainview Drive. An 8-inch City sewer line lie adjacent to the site along Plainview Drive. |
| General Drainage and Watershed: | The site drains in a westerly direction and development is subject to the Oak Hollow Lake Watershed Critical Area (WCA) requirements. Engineered stormwater treatment measures are required for development with a total impervious surface area greater than 24% of the site. |
| Overlay Districts: | Eastchester Gateway Corridor Overlay District Oak Hollow Lake Watershed Critical Area (WCA) Tiers 3 |

| Adjacent Property Zoning and Current Land Use | | | |
|--|-------|---|-----------------------------|
| North: | CU-OI | Conditional Use Office Institutional District | Undeveloped parcel |
| South: | CU-OI | Conditional Use Office Institutional District | Multi-tenant office complex |
| East: | CU-OI | Conditional Use Office Institutional District | Office complex |
| West: | R-3 | Residential Single Family-3 District | Undeveloped parcel |

| Relevant Land Use Policies and Related Zoning History | |
|--|--|
| Community Growth Vision Statement | This request is neither in conflict, nor does it promote, the goals and objectives of the Community Growth Vision Statement. |

| | |
|---|--|
| Land Use Plan Map Classification: | The site has an office land use designation. This classification is intended to accommodate professional, personal and business service uses. |
| Land Use Plan Goals, Objectives & Policies: | The following objective of the Land Use Plan is relevant to this request: Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses. |
| Relevant Area Plan: Eastchester Corridor Plan Phase II | <u>Aesthetic Recommendation</u> 2. Discourage the conversion of homes to office use, except for small sites in close proximity to large residential subdivisions. <u>Transportation Recommendation</u> 3. Limit future nonresidential zoning to sites with a minimum 200 feet of frontage on Eastchester Drive. 4. Require driveways for corner lots to be from side streets only. |
| Zoning History: | The zoning site obtained office zoning approval in 1986 under Conditional Use Permit 86-34 (CUP86-34). Between 1998 and 2007 all the surrounding parcels, along both sides of this segment of Eastchester Drive, obtained rezoning approval for an office zoning district. These adjacent parcels have a CU-OI District zoning. |

| Transportation Information | | | | |
|--|---|----------------|---------------------------------------|------------------|
| Adjacent Streets: | Name | | Classification | Approx. Frontage |
| | Eastchester Drive | | Major Thoroughfare | 215 ft. |
| | Plainview Drive | | Local Street | 240 ft. |
| Vehicular Access: | Via existing driveway from Plainview Drive | | | |
| Traffic Counts: (Average Daily Trips) | Eastchester Drive | | 48,000 ADT (NCDOT 2015 traffic count) | |
| | Plainview Drive | | Not applicable | |
| Estimated Trip Generation: | Not applicable | | | |
| Traffic Impact Analysis (TIA): | Required | | TIA Comments | |
| | <u>Yes</u> | <u>No</u> X | None | |
| Pedestrian Access: | Development of the site is subject to the sidewalk requirements of the Development Ordinance. | | | |
| Comments: | Not applicable | | | |

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

Details of Proposal

The applicant is requesting rezoning of this parcel to amend zoning conditions imposed on the property when it was initially granted office zoning in 1986. The property was initially developed and used as a single-family dwelling. During the late 1980s, the former property owner requested rezoning to an office zoning district to allow the residence to be converted to a photography studio. The property was used as a photography studio and various other office uses.

During the 1980s, this segment of the Eastchester Drive corridor was designated for residential uses. The 1986 rezoning of this site to a limited office district was one of the first non-residential rezoning

that was approved on this segment of the Eastchester Drive corridor. Because of the residential nature of this area at that time, adjacent property owners and the City Council were concerned with the potential negative impact on the adjacent residential neighborhood. Therefore, the 1986 zoning approval included the following zoning conditions:

- 1) No alteration of the residential character of the existing structure;
- 2) Only permit vehicular access from Plainview Drive, no access from Eastchester Drive;
- 3) Limiting the number of employees (maximum of 10 employees);
- 4) No parking near the Eastchester Drive frontage of the property; and
- 5) Prohibiting the installation of a free-standing sign on the site. Only a wall sign is permitted.

The character of this area has changed during the past 30 years with the development of multiple office uses along this segment of the Eastchester Gateway Corridor. The current property owner has rented this building to a personal services type use (sign company) that wants to install a free-standing sign to identify their company and to update zoning conditions to be similar with other office type zoning that has been established in this area. The applicant has included with this application a conditional zoning ordinance which offers to update landscaping along the rear of the property where it abuts a residential neighborhood.

Staff Analysis

Section 2.4.5.(C) of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance:

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance;

Staff Comments:

The requested rezoning to Office Institutional (OI) District is consistent with the Land Use Plan and the Eastchester Corridor Plan.

Review Factors:

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:

| <u>Factor #1</u> | Result in a development that is compatible with surrounding development character and land uses; |
|-------------------------|--|
| | <u>Staff Comments:</u> The site is located within a segment of the Eastchester Gateway Corridor designated on the Land Use Map for office uses. Since the late 1980s, there have been numerous zoning applications approved and multiple sites developed with office and personal service uses. The requested rezoning to the CZ-OI District permits the same uses as the adjacent office zoned properties and subject to similar standards. |

| | |
|-------------------------|---|
| <u>Factor #2</u> | Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.; |
| | <p><u>Staff Comments:</u></p> <ul style="list-style-type: none"> ❖ Because this is a corner lot with limited street frontage along this major thoroughfare, the driveway ordinance will not permit an access drive from Eastchester Drive. The driveway ordinance requires all access to the site be from Plainview Drive. ❖ The applicant has offered a condition to install and maintain a Type B perimeter landscape yard along the western boundary of the site where it abuts a residential neighborhood. This is the same standards applied to previous office developments in this area where the property abuts residential uses. Existing landscaping at the rear property line of the site may be credited toward meeting this requirement. |
| <u>Factor #3</u> | Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat; |
| | <p><u>Staff Comments:</u></p> <p>The site is within the Oak Hollow Lake Watershed Critical Area (Tier 3) and any new development is required to meet the watershed standards of the Development Ordinance.</p> |
| <u>Factor #4</u> | Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and; |
| | <p><u>Staff Comments:</u></p> <p>The site is within an area currently served by City of High Point utilities and municipal services. The site was previously used for a limit office use that had no adverse impact on municipal services.</p> |
| <u>Factor #5</u> | Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent lands. |
| | <p><u>Staff Comments:</u></p> <ul style="list-style-type: none"> ❖ The zoning site has less than one acre of land area and the southern 1/3 of the property is encumbered by a Duke Energy overhead transmission line easement. These physical constraints will limit the intensity and scale of development, thus ensuring the current uses or any future redevelopment of the site, will be compatible with the adjacent residential uses. ❖ In the event the site is redeveloped; the Development Ordinance includes perimeter parking lot landscaping standards that require the installation of evergreen planting materials along the perimeter of the parking lots to soften the view and to filter spillover light from vehicle headlights. The ordinance also includes exterior lighting requirements, including for parking lot lighting, to minimize adverse effects on adjacent properties due to excessive light intensity and light trespass. The combination of the parking lot landscaping and exterior lighting requirements will further ensure that future redevelopment will not adversely affect adjacent property owners. |

Changes in the Area:

There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.

Staff Comments:

The character of this segment of the Eastchester Gateway Corridor has significantly changed since the 1980s when this site initially received office zoning. This is now an established office corridor and adjacent properties have been zoned to permit similar office uses. Most have been developed with office or personal service uses.

Development Patterns:

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

Staff Comments:

The requested rezoning to a CZ-OI District will not change the character of development has been established in this area.

Reasonableness/Public Interest:

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

Staff Comments:

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because:

- 1) The request is consistent with the Land Use Plan;
- 2) The requested CZ-OI District will permit office uses consistent with previous zoning approvals granted along this segment of the Eastchester Drive Gateway Corridor; and
- 3) Previous compatibility concerns from the 1986 zoning approval were addressed over the intervening 30 years and incorporated into the Development Ordinance. In the event the site is ever redeveloped; the Development Ordinance contains development standards for the Eastchester Gateway Corridor to ensure future development will be compatible with adjacent uses.

Recommendation

Staff Recommends Approval:

As addressed in the Staff Analysis section of this report, the site is within an established office zoned corridor. The requested CZ-OI District, as conditioned by the applicant, will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

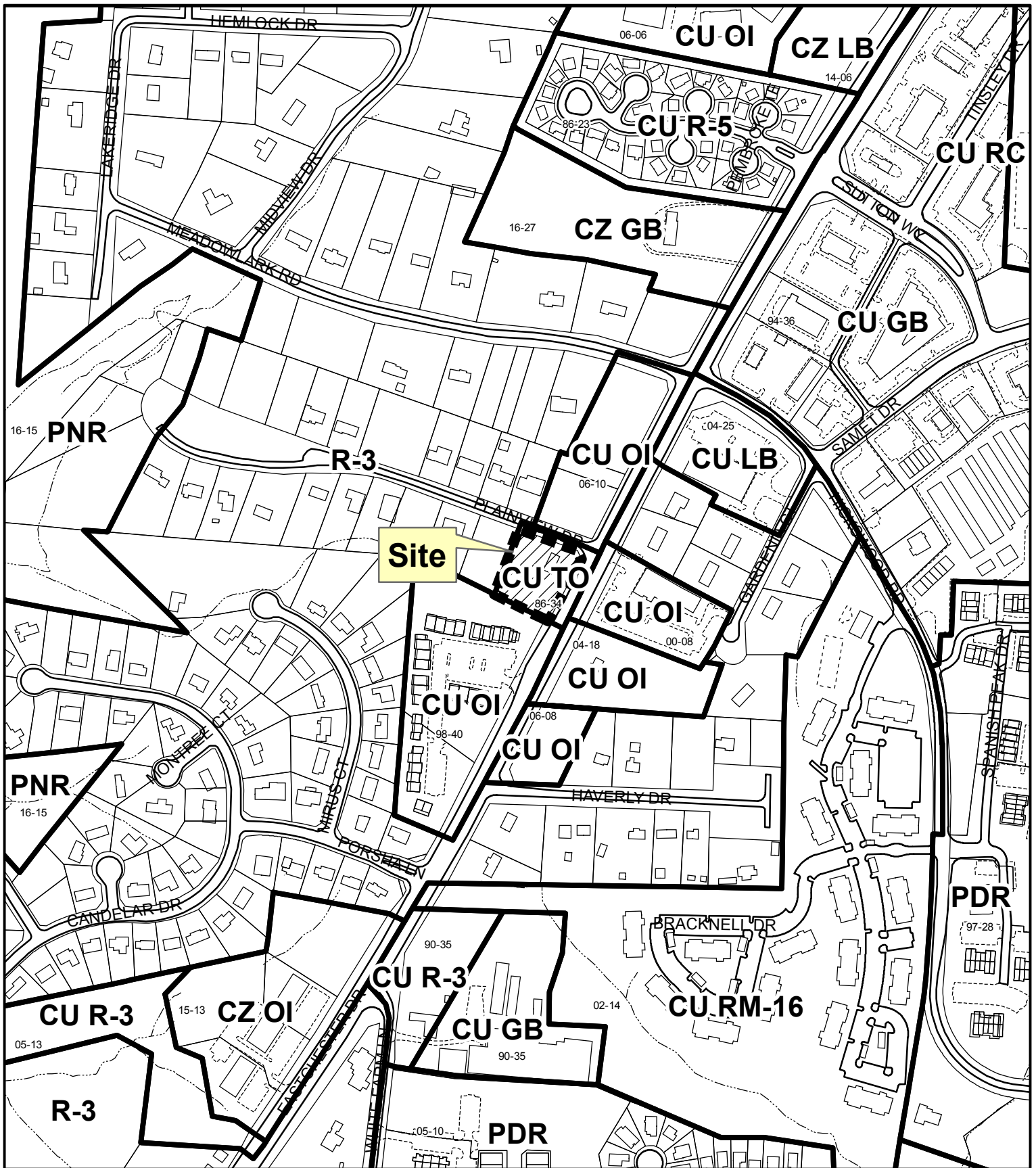
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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



ZONING MAP AMENDMENT ZA-17-05

From: Conditional Use Transitional Office
To: Conditional Zoning Office Institutional

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

**Planning & Development
 Department**

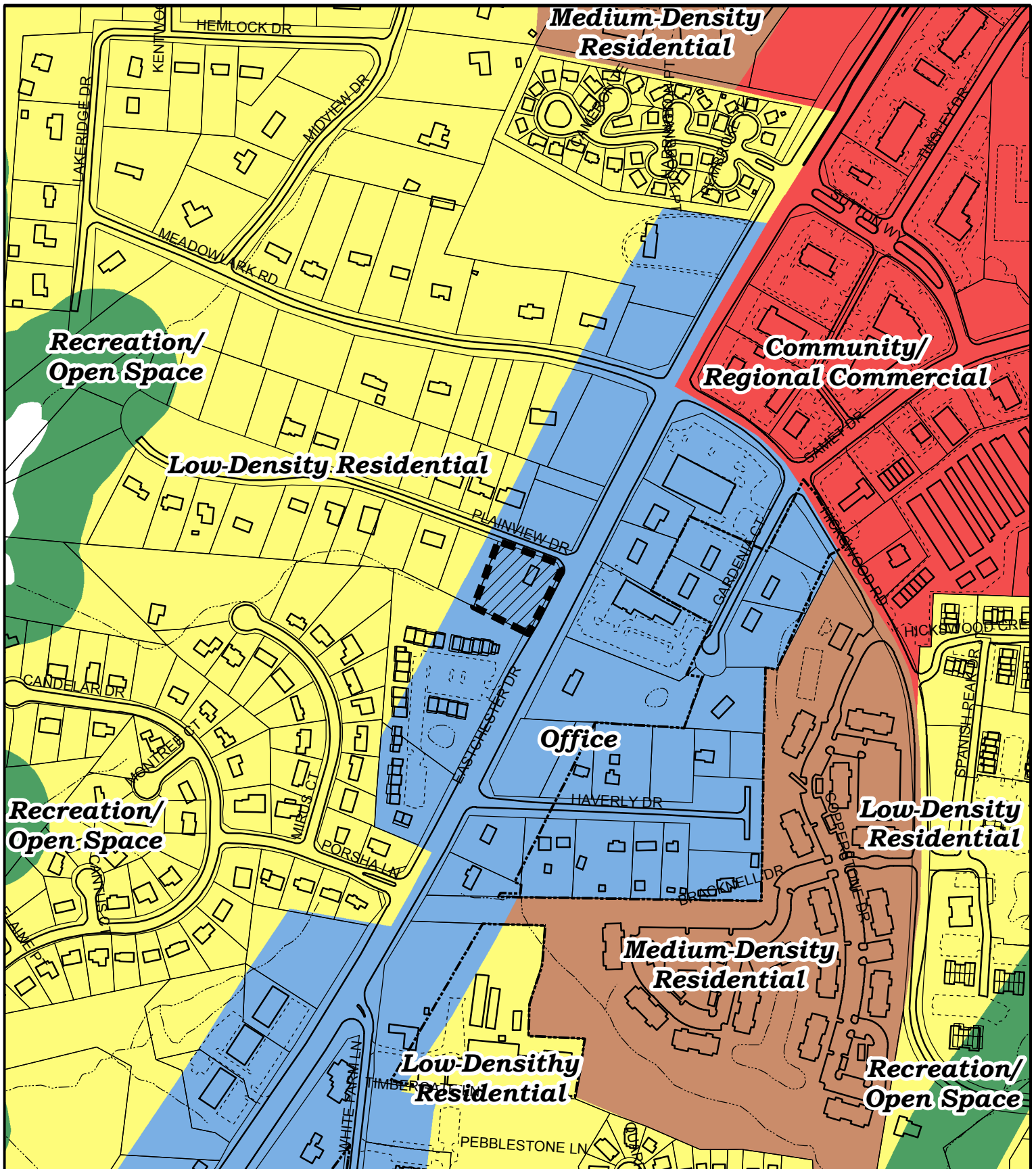
City of High Point

Date: May 23, 2017



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ZONING MAP AMENDMENT ZA-17-05

Land Use Plan

Existing Land Use Plan
Subject Property Boundary



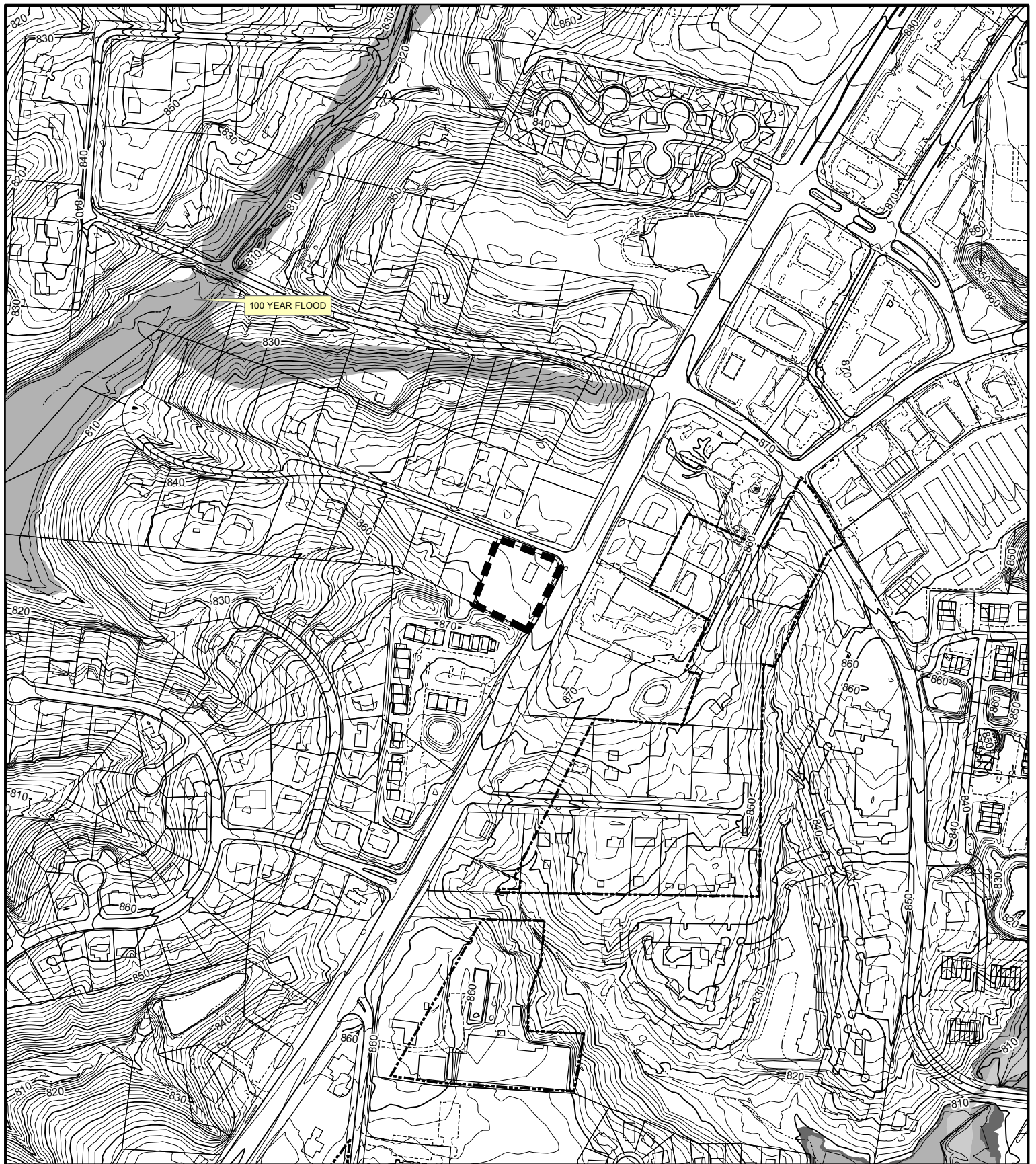
Planning & Development
Department

City of High Point

Date: May 23, 2017



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ZONING MAP AMENDMENT ZA-17-05

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: May 23, 2017

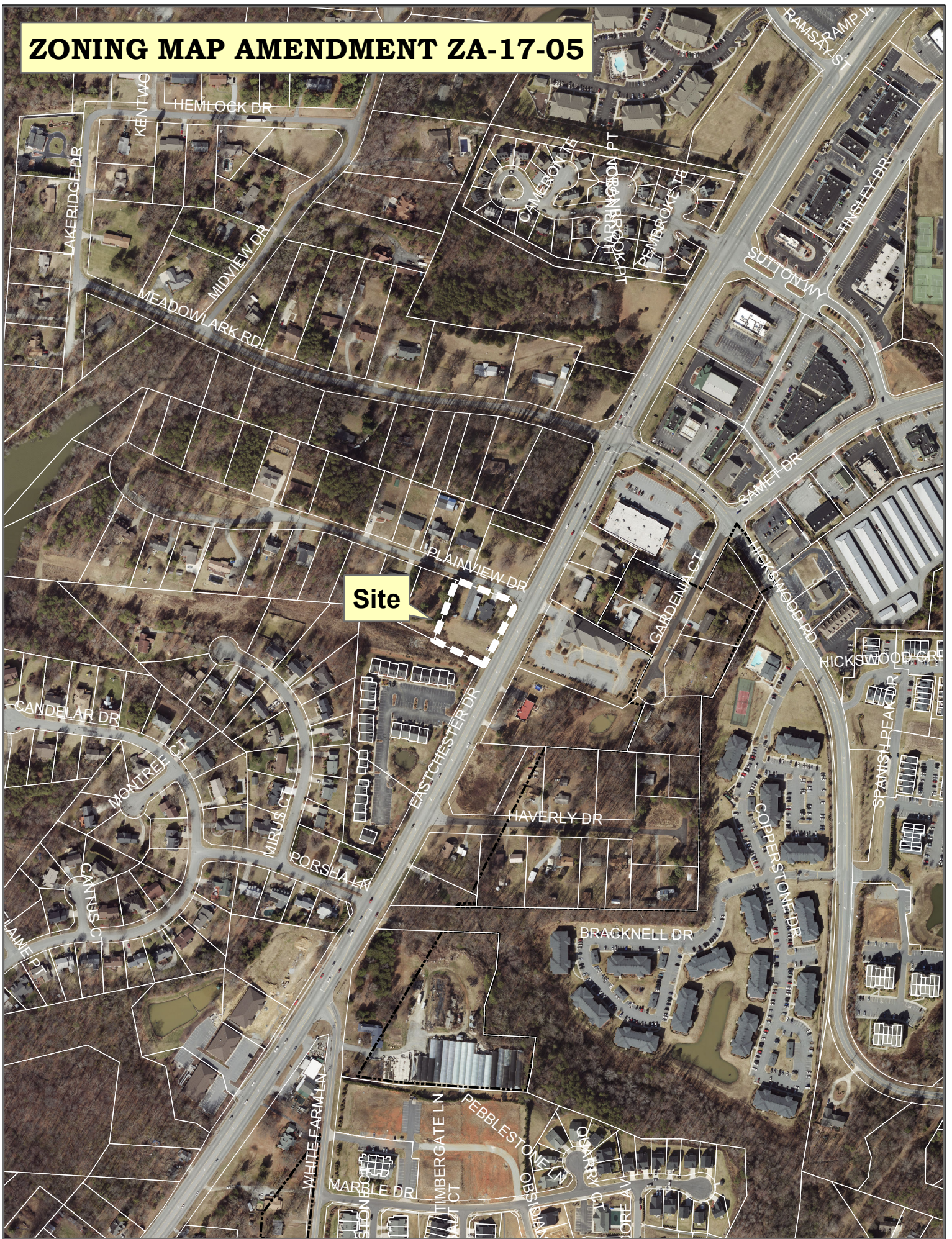


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ZONING MAP AMENDMENT ZA-17-05

Site



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.19, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on May 23, 2017 and before the City Council of the City of High Point on June 19, 2017 regarding Zoning Map Amendment Case 17-05 (ZA-17-05) 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 May 14, 2017, for the Planning and Zoning Commission public hearing and on June 7, 2017 and June 14, 2017, 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 June 19, 2017.

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 a: **Conditional Zoning Office Institutional (CZ-OI) District**. The property is approximately 0.88 acres and lying at the southwest corner of Eastchester Drive and Plainview Drive (2211 Eastchester Drive). The property is also known as Guilford County Tax Parcel 0196496.

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 uses allowed in the Office Institutional (OI) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. **CONDITIONS:**

A. **Development and Dimensional Requirements.**

1. A Type B Perimeter Landscape Yard shall be installed along the western boundary of the zoning site. A landscape plan shall be prepared and submitted within 90 days of the adopted of this zoning map amendment.

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.

19th day of **June, 2017.**

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Map Amendment 17-05

Submitted by: Ms. Lisa R. Thomas, on behalf of
Spaces Properties, LLC

Report

5/5/2017

Citizen Information Meeting

2211 Eastchester Drive High Point

The Citizen Information Meeting was held at 6pm on May 4th, 2017 at 2211 Eastchester Drive in High Point. No property owners attended.

I was there along with our Tenant, Michael Hague with Sign Mine until 7pm.

A notification letter was sent to all 26 property owners on April 20^h.

Submitted by :

Lisa R Thomas

Space Properties, LLC

336-938-0183

April 20th, 2017

Space Properties, LLC
2211 Eastchester Drive
High Point, NC 27265

Dear Neighbor,

The purpose of this letter is to notify you that we have filed for a rezoning of our property located at 2211 Eastchester drive from CU-TO to CU-OI similar to the surrounding properties currently in existence.

A citizen information meeting will be held on Thursday , May 4th at 6pm at the property site. The purpose of this meeting is to inform you of our rezoning request and answer any questions or concerns you may have. We look forward to meeting you on May 4th .

Thank you,

Lisa R. Thomas