

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 18-07
Special Use 18-03
(Caring Services, Inc.)

From: Lee Burnette, Planning & Development
Director

Meeting Date: July 16, 2018

Public Hearing: Yes

Advertising Date: July 4, 2018, and July 11, 2018

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Zoning Ordinance
D. Special Use Permit

PURPOSE:

- 1) Zoning Map Amendment 18-07: A request by Caring Services, Inc. to rezone approximately 21 acres from the Single Family Residential-3 (R-3) District and a Conditional Use Institutional (CU-I) District to a Conditional Zoning Institutional (CZ-I) District. The site lies approximately 900 feet north of the intersection of Eastchester Drive and N. Centennial Street, between Eastchester Drive and N. Centennial Street.
- 2) Special Use 18-03: A Special Use request by Caring Services, Inc. to allow a Major Social Service Facility to use in a Conditional Zoning Institutional (CZ-I) District. The site lies approximately 900 feet north of the intersection of Eastchester Drive and N. Centennial Street, between Eastchester Drive and N. Centennial Street.

BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

On June 26, 2018, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 18-07 and Special Use 18-03. Recommendations were as follows:

1) Zoning Map Amendment 18-07:

Staff Recommendation: Staff recommended *approval* as outlined in the attached staff report.

Planning & Zoning Commission Recommendation: The Commission recommended *approval*, by a vote of 5-0, as recommended by staff.

2) Special Use 18-03:

Staff Recommendation: Staff recommended *approval* as outlined in the attached staff report.

Planning & Zoning Commission Recommendation: By a vote of 5-0, the Commission forwarded this request to the City Council without a recommendation.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Caring Services, Inc.

Zoning Map Amendment 18-07

Special Use 18-03

At its June 26, 2018 public hearing, the Planning and Zoning Commission reviewed these requests pertaining to the 21 acres associated with the John Wesley University campus. All members of the Commission were present except for Ms. Marie Stone, Ms. Angela McGill and Mr. John McKenzie. Member Ray Wheatley was recused due to a potential conflict of interest. Mr. Herbert Shannon, Senior Planner, presented both requests and recommended approval of ZA-18-07 and SU 18-03, as outlined in the staff reports.

Speaking in favor of the request: The following speakers spoke in favor of the request:

- Tom Terrell, Attorney, Smith-Moore-Leatherwood LLP, representing Caring Services Inc, 529 W. Parkway Avenue, High Point
- Becky Yates, Executive Director Caring Services Inc, 1713 Windsor Drive, High Point
- Teresa Hinkle, Program Director Caring Services Inc, 102 Chestnut Drive, High Point
- Brian Brown, 303 Milburn Street, Greensboro
- Tom Conley, 5041 Bennington Way, High Point
- Anthony Strong, 2112 Friends Avenue, High Point
- Kyle Hemauer, 701 Arbordale Avenue, High Point
- Linda Sasser, 2831 Brennen Lane, High Point

Mr. Terrell, Ms. Yates and Ms. Hinkle provided an overview of the mission and function of Caring Services and their 23 years of operation in the City of High Point. The provided a detailed overview of how they intend to use the John Wesley University facility if their request is approved. Mr. Terrell stated that the proposed major social service use would house the same number of persons currently housed by the college and that Caring Services would have a similar or less intensive impact as the current education use. Ms. Yates and Ms. Hinkle provided a detailed overview of Caring Services rules of operation, intake procedure, client monitoring, and their day-to-day operation.

The other speakers, Mr. Brown, Mr. Strong and Mr. Hemauer provided personal testimonials of how Caring Services helped change their lives.

Speaking in opposition of the request: The following speakers spoke in opposition of the request:

- David Zaritzky, 2701 N. Centennial Street, High Point
- Pamela You, 739 Hitchcock Way, High Point
- Carolyn Davenport, 1027 Eastchester Drive, High Point
- Amy Heybroek, 2806 Overview Terrace, High Point
- John Shanas, 1022 Clinard Avenue, High Point
- Rex Sokolnicki, 2807 Big Oak Court, High Point
- Johnnie Springett, 2505 Burch Point, High Point
- Ashley Clark, 1020 Clinard Avenue., High Point

These speakers raised the following concerns:

- Concern the social service facility would include sex offenders and the proximity of the use relative to a daycare center and a youth sports facility.
- Concern the facility would reduce the property values of their homes.

- Concern with safety by having a social service use close to residences and increased foot traffic in their neighborhood from the facility.
- Concern with increased criminal activity and drug dealers coming to the area to entice former clients.

Once the public hearing was closed, the Commission deliberated on these requests. During the public hearing, speakers in favor and speakers in opposition submitted copies of additional materials to the Commission to support their positions regarding the Special Use request. The Commission voiced concern that a substantial amount of information was submitted to them by the public and they did not have sufficient time, during the public hearing, to review and validate this new information. As they should only consider valid evidence, the Commission requested guidance from the attorney.

Mr. Fred Baggett, legal counsel for the board, noted that the procedure at City Council will be a quasi-judicial hearing in which only valid substantiated evidence may be considered. Furthermore, speakers are sworn in and can be cross examined. As this Planning & Zoning Commission meeting was not a quasi-judicial hearing and based on the amount of new information submitted it would be appropriate, if they desire, to forward the Special Use request to City Council with no recommendation.

Planning & Zoning Commission Action

1) Zoning Map Amendment 18-07

Consistency Statement

The Commission stated that the institutional zoning request is generally consistent with the Land Use Plan map.

Reasonableness Statement

The Commission stated that the request is reasonable as the area of the proposed expansion is currently surrounded on three sides by an existing institutional use and the proposed will not significantly increase development intensity of allowable institutional uses.

The Planning & Zoning Commission adopted these statements by a vote of 5-0.

Zoning Map Amendment

The Commission recommended **approval** of Zoning Map Amendment 18-07 by a vote of 5-0.

2) Special Use 18-03

By a vote of 5-0, the Commission forwarded this request to the City Council without any recommendation.

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

**STAFF REPORT
ZONING MAP AMENDMENT 18-07
June 26, 2018**

Request	
Applicant: Caring Services, Inc.	Owner: John Wesley University
Zoning Proposal: To expand the existing college campus Institutional District zoning by adding a 0.7-acre parcel.	From: R-3 Single Family Residential-3 District
	CU-I Conditional Use Institutional District
	To: CZ-I Conditional Zoning Institutional District

Site Information	
Location:	The site lies approximately 900 feet north of the intersection of Eastchester Drive and N. Centennial Street, between Eastchester Drive and N. Centennial Street.
Tax Parcel Numbers:	Guilford County Tax Parcels 0199548 and 0199576
Site Acreage:	Approximately 21 acres
Current Land Use:	Single family dwellings and College/University
Physical Characteristics:	The majority of the site has a moderately sloping terrain with its high elevations lying along Eastchester Drive and N. Centennial Street frontages. The higher perimeter elevations slope northward to a pond at the northern portion of the site. This pond has been converted to a private regional stormwater control device. This stormwater control device drains northward to a perennial stream at the northern boundary of the site, which empties into Oak Hollow Lake.
Water and Sewer Proximity:	An 8-inch City water line lies adjacent to the site along Eastchester Drive and N. Centennial Street; and an 8 and 16-inch City sewer line lie adjacent to the site along Eastchester Drive and N. Centennial Street. Finally, an 8-inch private sewer line runs across the rear of the property and serves the administrative office building on the site.
General Drainage and Watershed:	The site drains in a general northerly direction and development is subject to the Oak Hollow Lake Watershed Critical Area requirements. Engineered storm water treatment measures are required for development with a total impervious surface area greater than 24% of the site.
Overlay District:	Eastchester Scenic Corridor Overlay District Oak Hollow Lake Watershed Critical Area (WCA); Tier 2 and 3

Adjacent Property Zoning and Current Land Use			
North:	R-3	Single Family Residential-3 District	Single family detached dwellings and undeveloped parcel
South:	OI	Office & Institutional District	Office, automotive sales and personal service uses
	CU-OI	Conditional Use Office & Institutional District	
	CU-LB	Conditional Use Limited Business District	
East:	PDL	Planned Development – Limited	Commercial building with retail and personal service uses
West:	R-3	Single Family Residential-3 District	Single family detached dwellings
	R-5	Single Family Residential-5 District	

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	This request is neither consistent or inconsistent with the goals and objectives of the Community Growth Vision Statement.
Land Use Plan Map Classification:	<p>The Eastchester Drive frontage has a Local/Convenience Commercial designation. The central portion of the site has an Institutional designation and the northern half of the site has a Low-Density Residential designation.</p> <ul style="list-style-type: none"> • Institutional: Public, quasi-public and institutional uses on large tracts are included in this classification. • Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre. • Local/Convenience Commercial: This classification includes moderate-intensity convenience retail or service uses, generally serving small, local neighborhoods.
Land Use Plan Goals, Objectives & Policies:	This request is neither in conflict, nor does it promote, the goals and objectives of the Land Use Plan.
Relevant Area Plan:	Not applicable
Zoning History:	<p>The college was established on the site in the 1980s and obtained zoning approval in 1988 to add land area along N. Centennial Street to develop student housing (multifamily structure). The campus was expanded to its current configuration under a 1992 zoning approval.</p> <p>In 1995, the site received Special Use Permit approval to install a 120-foot tall telecommunication tower. This Special Use Permit was amended in 2007 to raise the tower 15 feet (to 135 feet) for an additional antenna array.</p>

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	N. Centennial Street	Major Thoroughfare	1,050 feet
	Eastchester Drive	Major Thoroughfare	750 feet

Vehicular Access:	The applicant is proposing to use the existing drive access point from N. Centennial Street and Eastchester Drive.		
Traffic Counts: <i>(Average Daily Trips)</i>	N. Centennial Street	4,000 ADT (NCDOT 2015 traffic count)	
	Eastchester Drive	32,000 ADT (NCDOT 2015 traffic count)	
Estimated Trip Generation:	None available		
Traffic Impact Analysis (TIA):	Required		TIA Comments Not applicable
	<u>Yes</u>	<u>No</u> X	
Conditions:	1) The property owner shall dedicate to the City 12 feet of additional right of way extending along the property's entire frontage on Eastchester Drive. Dedication shall take place at the time of development or at the City's request. 2) The property shall be limited to one point of direct vehicular access to Eastchester Drive. 3) The property owner shall be limited to two existing points of direct vehicular access to North Centennial Street. Driveways leading to existing single family residences may remain until such structures are removed or converted to multifamily or nonresidential uses.		

School District Comment

The current CU-I District allows residential development up to 16 units per acre. As this zoning request will only add a 0.7-acre parcel, this request will not significant impacts area schools.

Details of Proposal

This is a request to expand the Institutional zoning district that currently governs development on the John Wesley University campus. The current Conditional Use Institutional (CU-I) District on the campus was established in 1992. In 2015, the University purchased an abutting 0.7-acre parcel, with a single-family dwelling, along the east side of N. Centennial Street. Although owned and surrounded on three sides by the university, it was never rezoned to the Institutional zoning district. The applicant, Caring Services, Inc, is proposing to purchase the campus to establish a major social service use (See Special Use Case 18-03). They requested this zoning map amendment so that the entire 21 acres of land they are proposing to purchase may be governed under a single zoning district, which consists of the current campus and the 0.7-acre parcel purchased by the University in 2015.

The present Conditional Use (CU) zoning on the campus cannot be amended to include the 0.7-acre parcel; therefore, a rezoning to a Conditional Zoning (CZ) district is requested. The requested CZ-I District does not change any of the allowable uses. The applicant offered to carry over existing zoning conditions adopted in 1992 that require, lot combination, right-of-way dedication along Eastchester Drive and limitations on the number of vehicular access points.

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.

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;
	<ul style="list-style-type: none"> ❖ This 0.7-acre expansion is surrounded by an existing institutional use and does not encroach into adjacent residential neighborhoods. The inclusion of this parcel into the campus and rezoning to a CZ-I District will be compatible with the surrounding area. ❖ The site is mostly within Tier 2 of the Oak Hollow Lake Watershed Critical Area, which limits non-residential development to 35% built upon area. This environmental restriction will ensure the intensity of development will be in character with the surrounding area.
<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.;
	Previous zoning conditions pertaining to ROW dedication and vehicular access are being carried forward with this new application; thus; mitigating adverse traffic impacts.
<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;
	The site is within the Oak Hollow Lake Watershed Critical Area, and as such, development is required to meet the watershed standards of the Development Ordinance.
<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;
	The site is within an area currently served by City of High Point utilities and municipal services. The zoning submittal has no known adverse impacts on municipal services.
<u>Factor #5</u>	Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent lands.
	This area of expansion is separate from and not part of any adjacent residential subdivision, and surrounded by the existing campus. Furthermore, the area of proposed expansion is minor and will not significantly increase the development intensity of allowable institutional uses.

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.

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

Development Patterns:

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

In 1992, the current CU-I District was established along the east side of N. Centennial Street and south of the residential development along Countryside Drive. This request does not expand institutional uses beyond that boundary established in 1992.

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;

The institutional zoning request is generally consistent with the Land Use Plan map.

Reasonableness/Public Interest:

Whether an approval of the Conditional Zoning District is reasonable and in the public interest.

The request is reasonable as the area of the proposed expansion is currently surrounded on three sides by an existing institutional use and the proposed expansion will not significantly increase development intensity of allowable institutional uses.

Recommendation

Staff Recommends Approval

The Planning & Development Department recommends approval of the request to rezone approximately 21 acres to the CZ-I District. As conditioned, the requested CZ-I District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

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

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

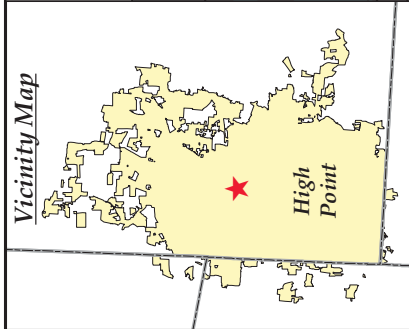
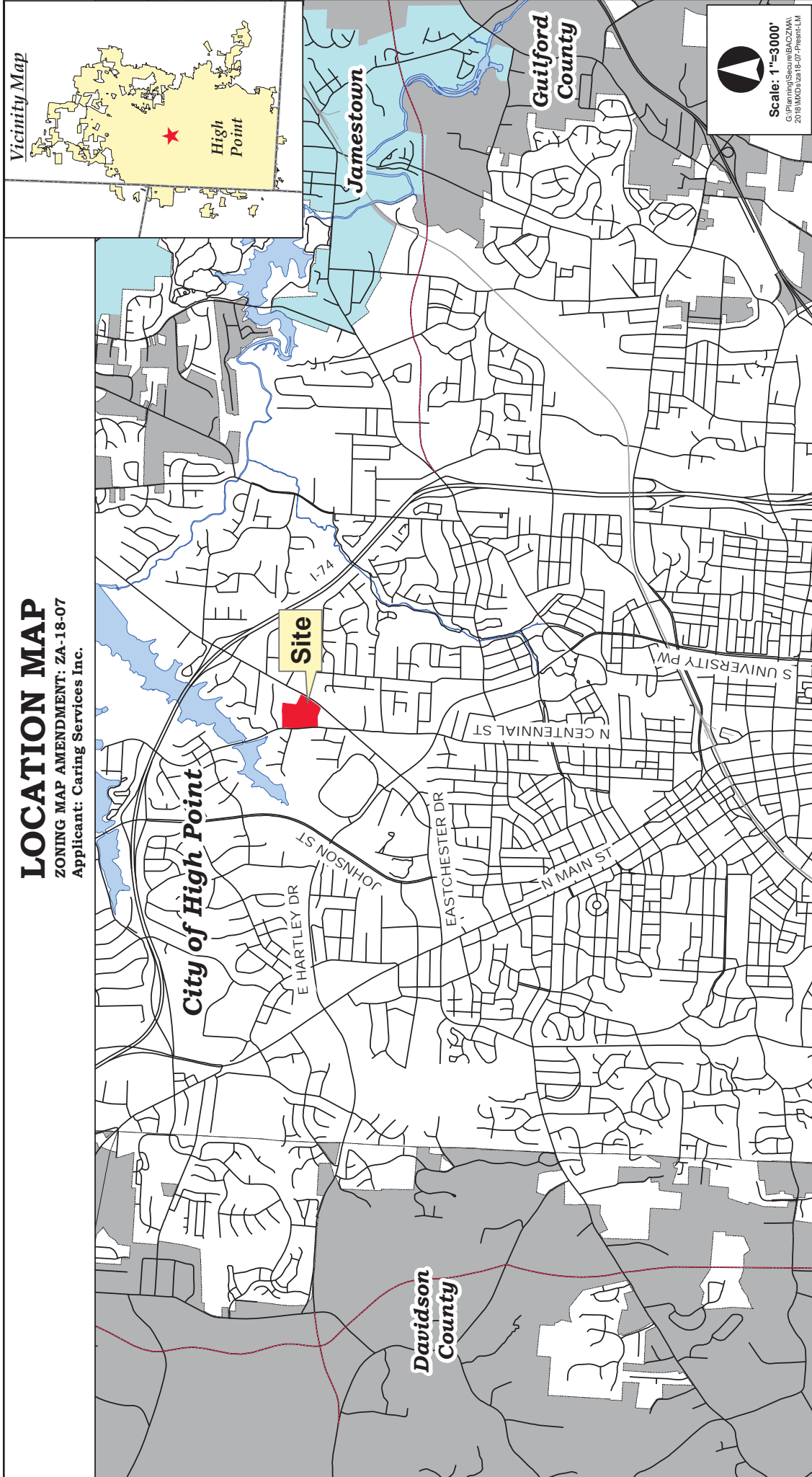
Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and G. Lee Burnette AICP, Director.

LOCATION MAP

ZONING MAP AMENDMENT: ZA-18-07

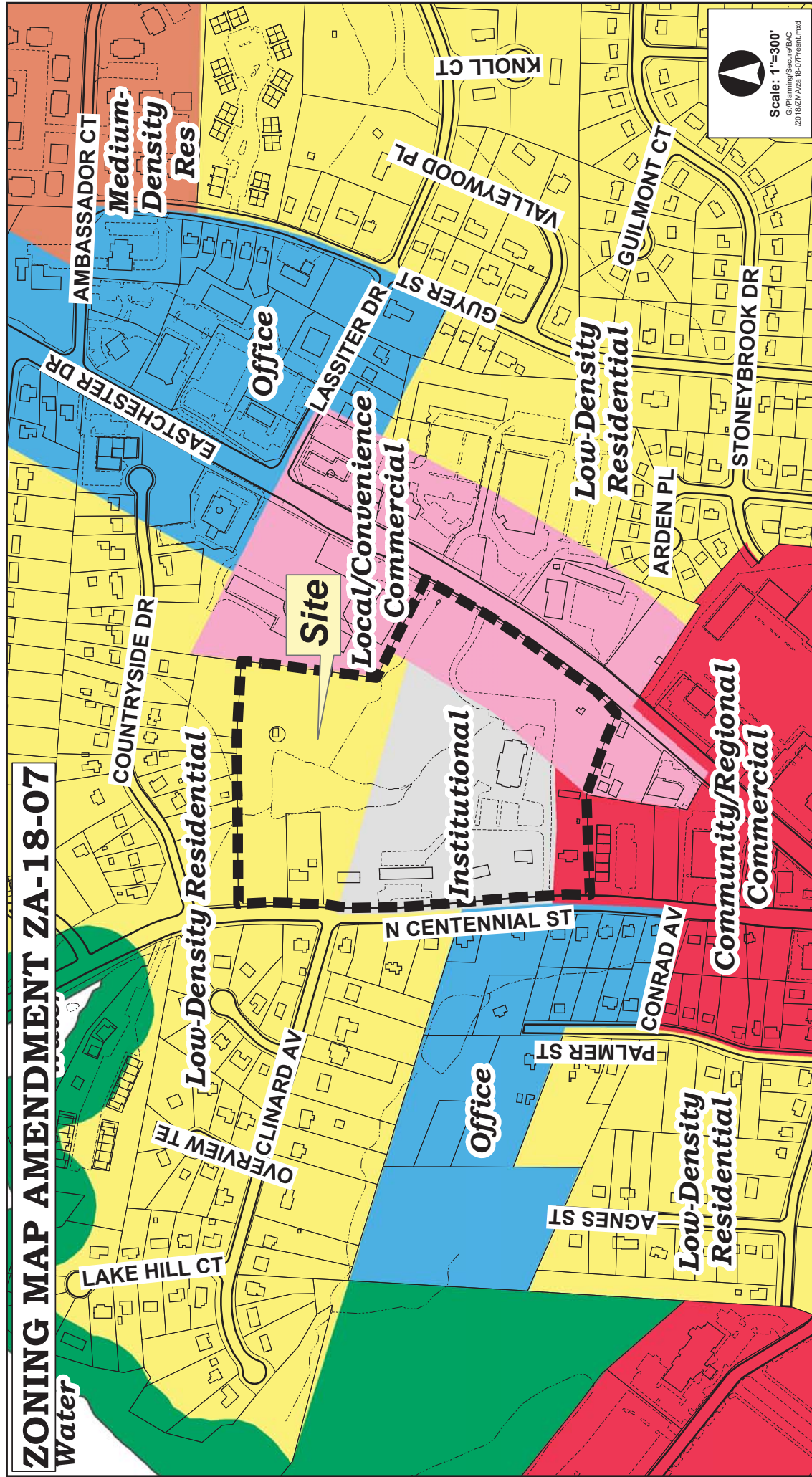
Applicant: Caring Services Inc.



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ZONING MAP AMENDMENT ZA-18-07

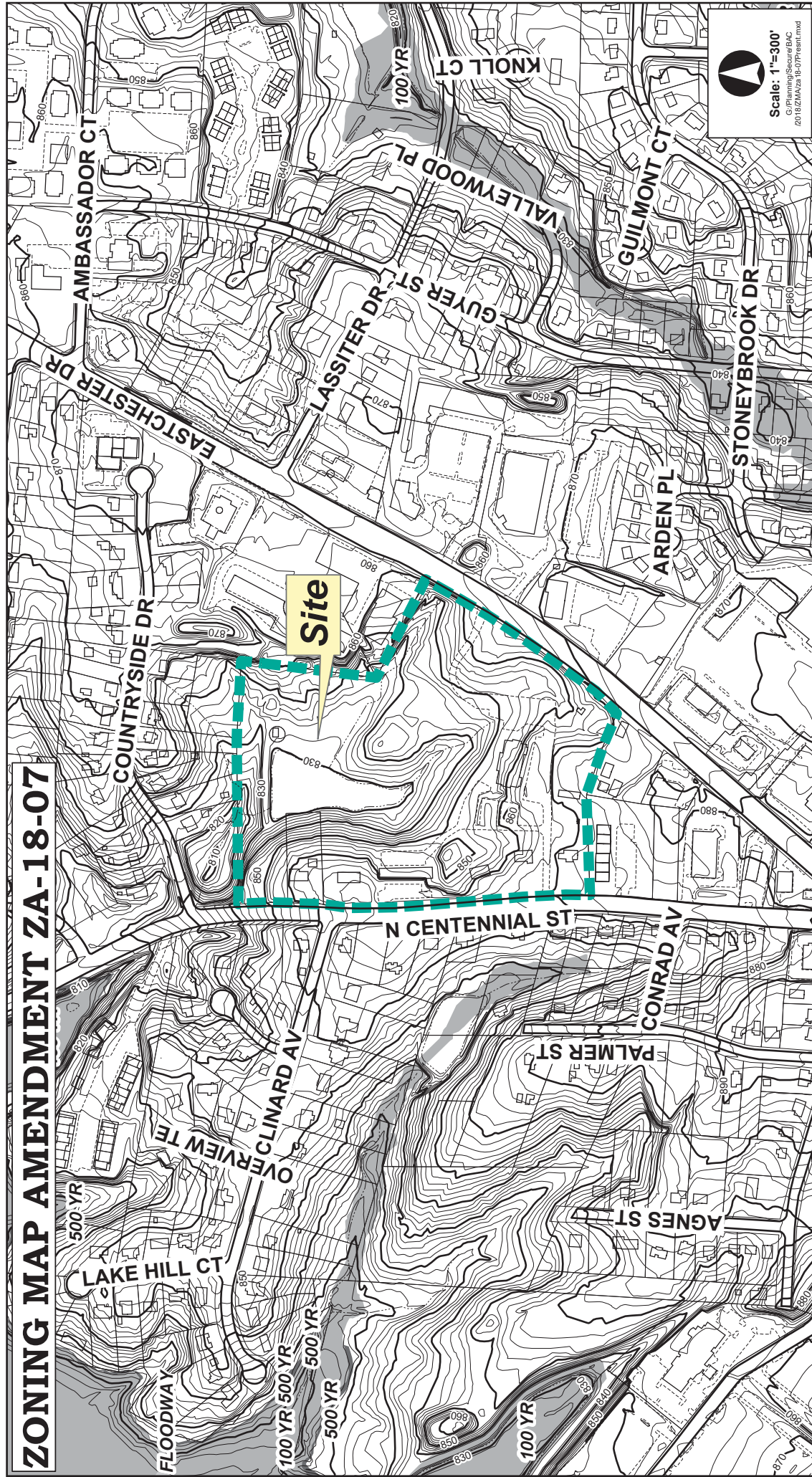
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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.19, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

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 June 26, 2018 and before the City Council of the City of High Point on July 16, 2018 regarding **Zoning Map Amendment Case 18-07 (ZA-18-07)** 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 June 17, 2018, for the Planning and Zoning Commission public hearing and on July 4, 2018 and July 11, 2018, 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 a: **Conditional Zoning Institutional (CZ-I) District**. The property lies approximately 900 feet north of the intersection of Eastchester Drive and N. Centennial Street, between Eastchester Drive and N. Centennial Street. The property is also known as Guilford County Tax Parcels 0199548 and 0199576.

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 Institutional (I) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

- A. **Lot Combination:** All parcels associated with this zoning map amendment shall be combined into one parcel. This lot combination shall be completed within 180 days of the adoption of this ordinance.

B. Transportation Conditions.

1. Right-of-way Dedication: The property owner shall dedicate up to fifty-seven (57) feet of right-of-way as measured from the existing centerline of Eastchester Drive. This dedication shall take place within 180 days of the adoption of this ordinance.
2. Access:
 - a) Eastchester Drive: The property shall be limited to one (1) point of direct vehicular access to Eastchester Drive.
 - b) N. Centennial Street: The zoning site shall be limited to two (2) points of direct vehicular access to N. Centennial Street. Existing driveways in place as of July 16, 2018, that serve former single family detached dwellings, may remain until that structure is removed or converted to a multifamily dwelling use type or a nonresidential use classification.
3. Other Transportation Conditions: The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements.

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.

____th day of XXXXXXXXXX xx, 20XX.

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Map Amendment 18-07

Submitted by: Thomas E. Terrell, Jr. on behalf of
Caring Services

(See SU-18-03 for Citizens Information Meeting Report)