

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 21-31  
(Covelli Enterprise)

**From:** Chris Andrews,  
Interim Planning and Development Director

**Meeting Date:** January 18, 2022

**Public Hearing:** Yes

**Advertising Date:** January 5, 2022, and  
January 12, 2022

**Attachments:** A. Staff Report  
B. Zoning Ordinance

**Advertised By:** Planning & Development

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### PURPOSE:

A request by Covelli Enterprise to rezone an approximate 0.9-acre parcel from a Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is located at the northwest corner of Eastchester Drive and Penny Road (2400 Penny Road).

### BACKGROUND:

The Planning and Zoning Commission reviewed this request at their December 14, 2021 public hearing. All members of the Commission were present except for Ms. Angela McGill, Mr. Alex Moore and Ms. Joan Swift. Mr. Herbert Shannon, Senior Planner, presented the case and noted that the applicant intends to renovate an existing restaurant to include a drive-through window, which would change it to a major restaurant use type. In conclusion, Mr. Shannon stated that staff recommends approval of the request as outlined in the staff report.

### Speaking on the request:

There were no public comments regarding the request.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

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

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 6-0 to **approve** the following statement:

That Zoning Map Amendment 21-31 is consistent with the City's adopted policy guidance because, as conditioned, the requested CZ-GB District will align with adopted policy guidance documents established for this portion of the City's planning area. Furthermore, the request is reasonable and

in the public interest because the requested CZ-GB District is similar to the previous conditional zoning approvals granted in this area.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-21-31  
December 14, 2021**

<b>Request</b>	
<b>Applicant:</b> Covelli Enterprise	<b>Owner:</b> Southern Community Bank & Trust
<b>Zoning Proposal:</b> To rezone an approximate 0.9-acre parcel	<b>From: CU-GB</b> Conditional Use General Business District
	<b>To: CZ-GB</b> Conditional Zoning General District

<b>Site Information</b>	
<b>Location:</b>	The site is located at the northwest corner of Eastchester Drive and Penny Road (2400 Penny Road).
<b>Tax Parcel Number:</b>	Guilford County Tax Parcel 207389
<b>Site Acreage:</b>	Approximately 0.9 acres
<b>Current Land Use:</b>	The site is developed with a 4,800+ square-foot minor restaurant.
<b>Physical Characteristics:</b>	The property is fully developed and has no noteworthy physical features.
<b>Water and Sewer Proximity:</b>	12-inch and 16-inch City water lines lie adjacent to the site along Penny Road and Eastchester Drive, respectively. An 8-inch City sewer line lies adjacent to the site along Penny Road.
<b>General Drainage and Watershed:</b>	The site drains in a general westerly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for development with a total impervious surface area greater than 24% of the site.
<b>Overlay Districts:</b>	City Lake General Watershed Area (GWA) Airport Overlay District – Zone 4 Eastchester Gateway Corridor Overlay District

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	CZ-GB	Conditional Zoning General Business District	Major restaurant
<b>South:</b>	CU-OI	Conditional Use Office Institutional District	Office complex
<b>East:</b>	CU-RC	Conditional Use Retail Center District	Shopping center development
<b>West:</b>	CZ-GB	Conditional Zoning General Business District	Minor restaurant

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement:</b>	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.
<b>Land Use Plan Map Classification:</b>	The site has a Community/Regional Commercial land use designation. This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.

<b>Land Use Plan Goal, Objective &amp; Policies:</b>	This request is neither in conflict with the Land Use Plan’s goals and objectives nor does it promote those goals and objectives.
<b>Relevant Area Plan:</b>	<u>Eastchester Drive Corridor Plan - Phase III</u> The site is located within Phase III of this Corridor Plan adopted in 1994, which recommends limiting direct access to NC 68, maintaining aesthetics through appearance guidelines, and clustering new commercial development around major intersections.
<b>Zoning History:</b>	The zoning site and abutting parcels at this northwestern corner of Eastchester Drive and Penny Road were annexed and granted office and limited intensity commercial zoning approvals in the late 1990s. In the mid-2000s, land use policy changed for this area with the zoning approval and development of the Shoppes at Deep River commercial shopping center along the opposite side of the Eastchester Drive. That zoning approval supported the establishment of more intensive commercial uses at this intersection and resulted in lands adjacent to the zoning site being rezoned in 2015 (ZA-15-14 and ZA-15-15) to an updated CZ-GB District that allowed more intensive commercial uses.

<b>Transportation Information</b>				
<b>Adjacent Streets:</b>	<b>Name</b>		<b>Classification</b>	<b>Approx. Frontage</b>
	Eastchester Drive		Major Thoroughfare	150 ft.
	Penny Road		Minor Thoroughfare	240 ft.
<b>Vehicular Access:</b>	Via an existing driveway access from Penny Road.			
<b>Traffic Counts:</b> <i>(Average Daily Trips)</i>	Eastchester Drive		32,000 AADT (2019 NCDOT traffic count)	
	Penny Road		10,000 AADT (2019 NCDOT traffic count)	
<b>Estimated Trip Generation:</b>	Not applicable			
<b>Traffic Impact Analysis (TIA):</b>	<b>Required</b>		<b>TIA Comments</b>	
	<u>Yes</u>	<u>No</u> <b>X</b>	Not applicable	
<b>Conditions:</b>	a) The property shall have one (1) point of vehicular access to Penny Road. The access point shall be located a minimum of (200) feet from the western limits of the Eastchester Drive right-of-way and be designed to provide for shared access point for current and future adjoining development/parcels. b) Internal access to the abutting properties shall be provided by means of private street(s), drive(s) or easement(s). c) No vehicular access shall be allowed to Eastchester Drive.			

<b>School District Comment</b>
Not applicable to this zoning case.

<b>Details of Proposal</b>
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The zoning site is currently developed with a minor restaurant use type, the applicant desires to renovate this facility and change it to a major restaurant (restaurant with drive through window). When the site was granted its current CU-GB District zoning in 1998, only office and limited intensity commercial uses were permitted, and the major restaurant use type was specifically prohibited. This application proposes rezoning from the CU-GB District to an updated CZ-GB

District. The applicant has submitted a corresponding conditional zoning ordinance that removes the prohibition against a major restaurant use and carries forward all other relevant zoning conditions.

### **Staff Analysis**

This area was designated as Office in the 1992 Land Use Plan, which was carried forward in the 2000 update of the Land Use Plan and the adoption of Phase III of the Eastchester Corridor Plan. These plans established commercial nodes at key intersections to prevent the negative impact of unplanned strip-commercial development along this corridor. One of these commercial nodes was at the intersection of Eastchester Drive/Skeet Club Road/W. Wendover Avenue. In the early to mid-2000s, this commercial node was expanded with the annexation and development of the Shoppes at Deep River and the Palladium shopping centers. During this same time-period industrial development spurred by Piedmont Center, expanded southward towards the intersection of Penny Road and Eastchester Drive culminating with the approval and development of the Premier Center business/industrial park to the north of the zoning site in the mid-2000s. The results of the development of this area over the past 25 years has been that the area, initially established as office, has become surrounded by commercial uses to the east and south, and by an industrial/business park to the north and west.

In 2015 the land use policy for the 13 acres at the northwestern corner of Eastchester Drive and Penny Road, which includes the zoning site, was amended from Office and Restricted Industrial to Community/Regional Commercial. That policy change resulted in parcels abutting the zoning site to the north and east being rezoned in 2015 to an updated CZ-GB District, and the allowance of the major restaurant use type at this intersection.

Section 2.4.6.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. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. 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.

**As conditioned, the requested CZ-GB District will align with adopted policy guidance documents established for this portion of the City's Planning Area.**

#### **Reasonableness/Public Interest:**

Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.

**The requested CZ-GB District is similar to previous conditional zoning approvals granted in this area.**

**Compatibility with Surrounding Areas**

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
- Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
- Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.

Adjacent parcels are zoned to support and have developed with higher intensity commercial uses, including the major restaurant use type. As conditioned, the requested CZ-GB District will allow the same or similar commercial uses as developed on adjacent lands.

**Mitigation of Impacts**

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

<p><b>Mitigation #1</b></p>	<p><b>Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.</b></p> <p>To mitigate impact of the requested commercial zoning district, the applicant has submitted conditions that prohibits a few of the highest intensity GB District uses. This list of prohibited uses is similar to what previous City Councils have historically adopted (since 2015) for commercial uses along this segment of the Eastchester Gateway Corridor Overlay District in previous zoning cases.</p>
<p><b>Mitigation #2</b></p>	<p><b>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</b></p> <p>The site is within the City Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance.</p>
<p><b>Mitigation #3</b></p>	<p><b>Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire.</b></p> <p>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.</p>
<p><b>Mitigation #4</b></p>	<p><b>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</b></p> <p>This portion of the City's Planning Area has seen a steady growth of non-residential uses consisting of office, commercial and industrial uses. The rezoning of the site from a CU-GB District to an updated CZ-GB District will not negatively impact the values of adjacent property owners.</p>

### **Supportive Changes in the Area**

Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

When this area was annexed in 1998, it sat at the edge of a rural area consisting of farms and single-family dwellings on large lots and the Land Use Map at that time designated the area as Office. The results of land use policy changes and development of this area over the past 25 years has been that the initially established office area has changed to a commercial/industrial area. Thus, the requested CZ-GB District would be in line with the development pattern that has been established in this area over the past two decades.

### **Promotes a Preferred Development Pattern**

Whether and the extent to which the proposed conditional zoning district will result in development that promotes a logical, preferred, and orderly development pattern.

The larger overall area surrounding this intersection is denoted on the Land Use Plan as being intended for commercial uses to the east and south and industrial uses to the north and west. Additionally, the abutting property (Andy's Custard) was previously rezoned to allow for a major restaurant use type. As conditioned, the request to rezone to a CZ-GB District is consistent with the development pattern that has emerged in this area over the past 25 years.

## **Recommendation**

### **Staff Recommends Approval):**

The Planning and Development Department recommends approval of the request to rezone this 0.9 acre parcel to the CZ-GB District. As conditioned, the requested CZ-GB 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**

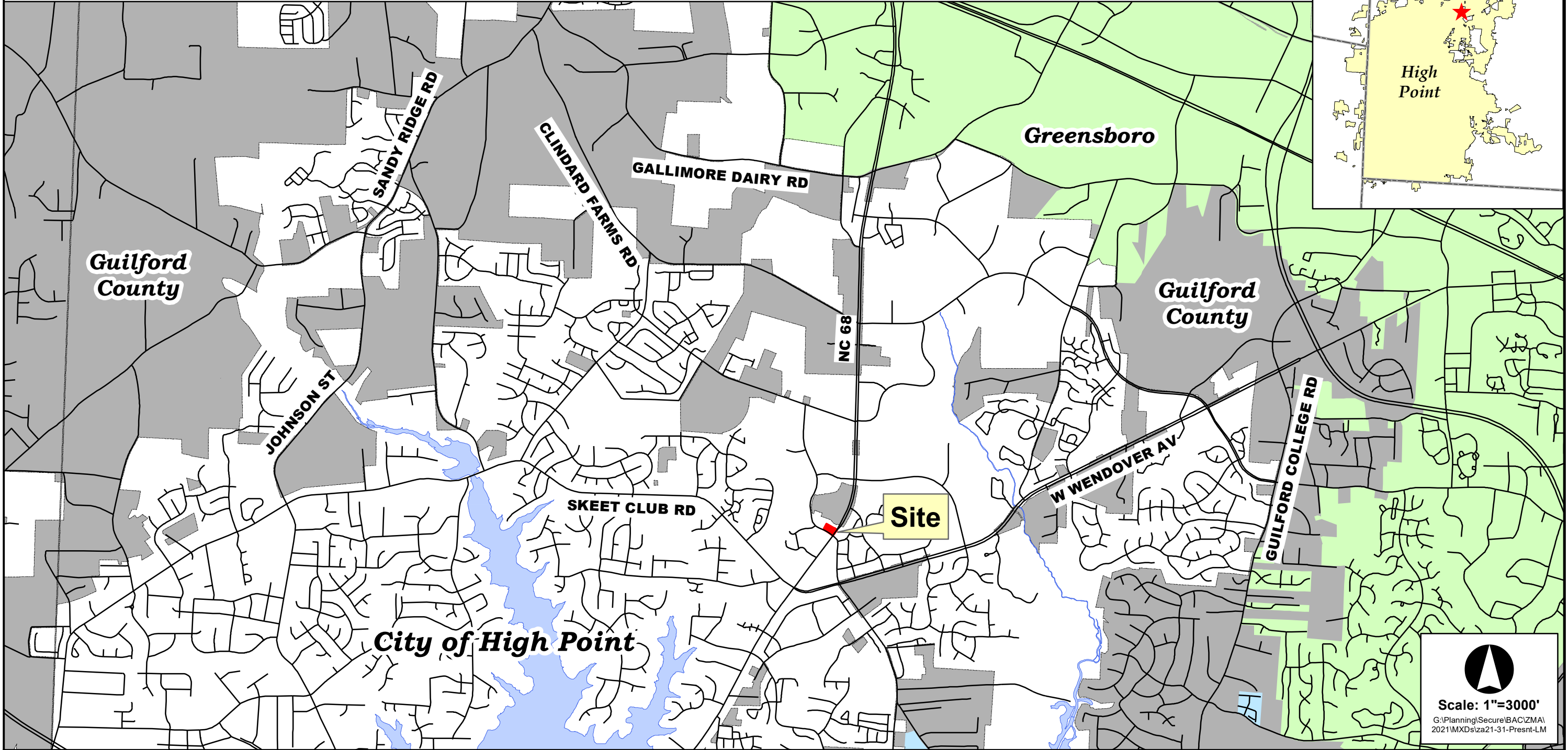
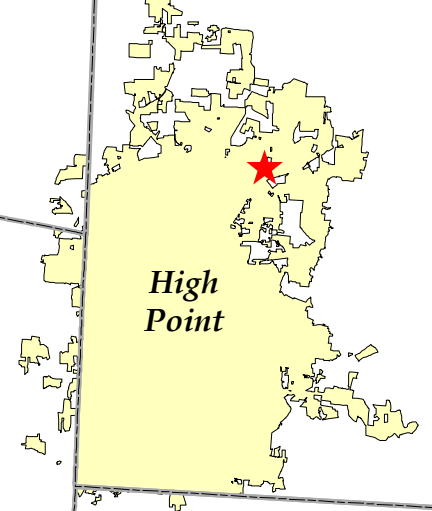
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Heidi Galanti AICP, Planning Services Administrator.

# LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-31

Applicant: Covelli Enterprises

## Vicinity Map



Guilford County

Greensboro

Guilford County

City of High Point

Site

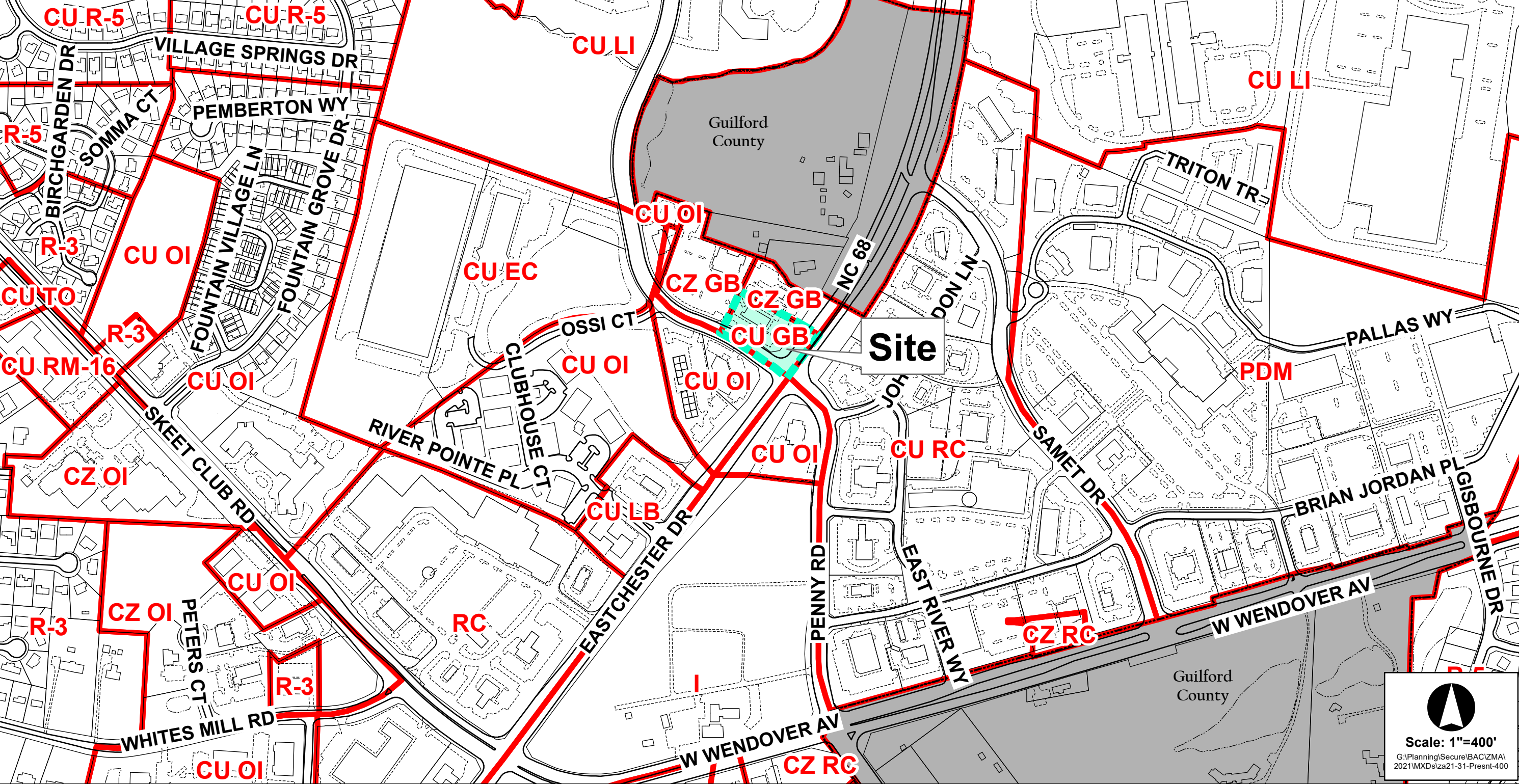


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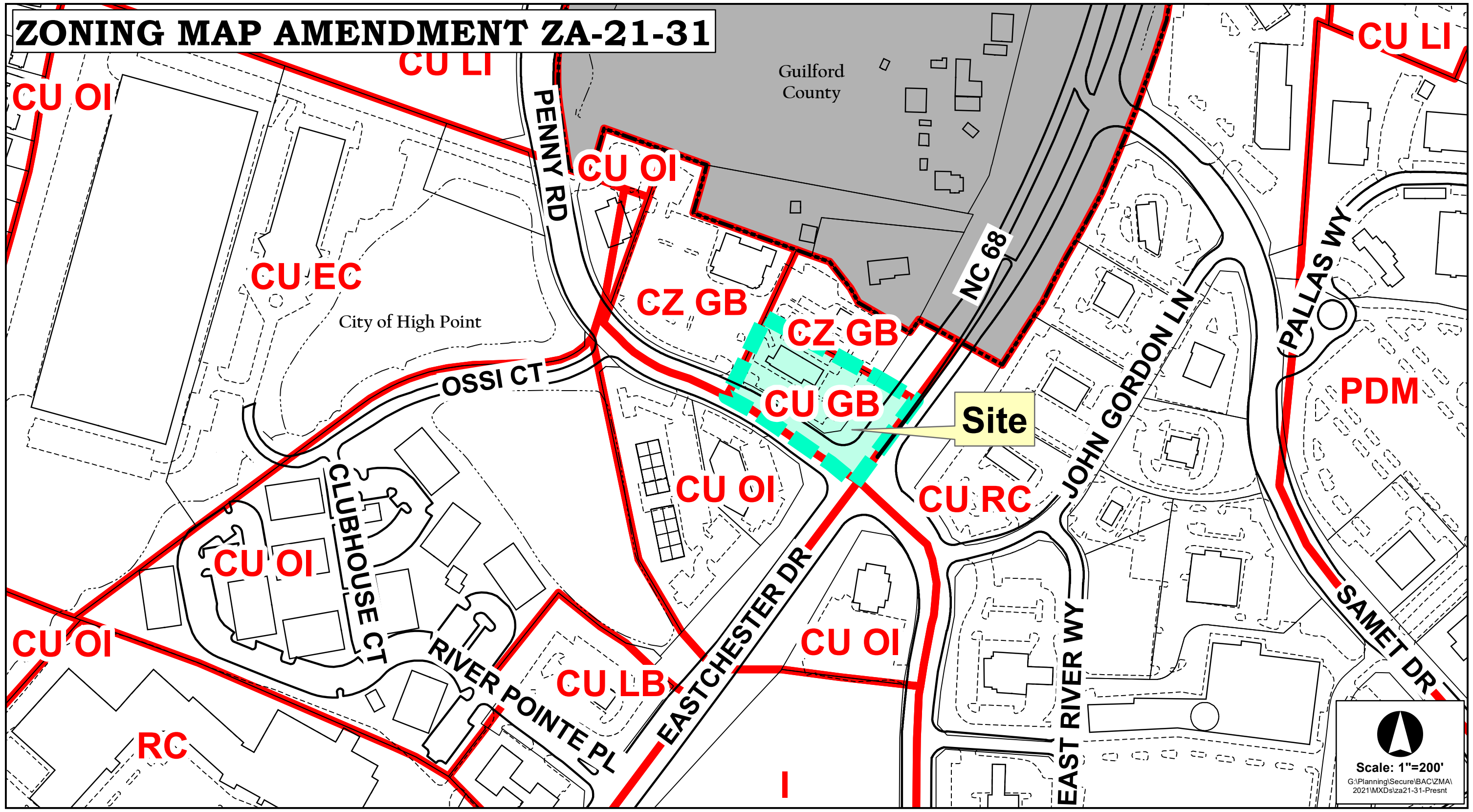


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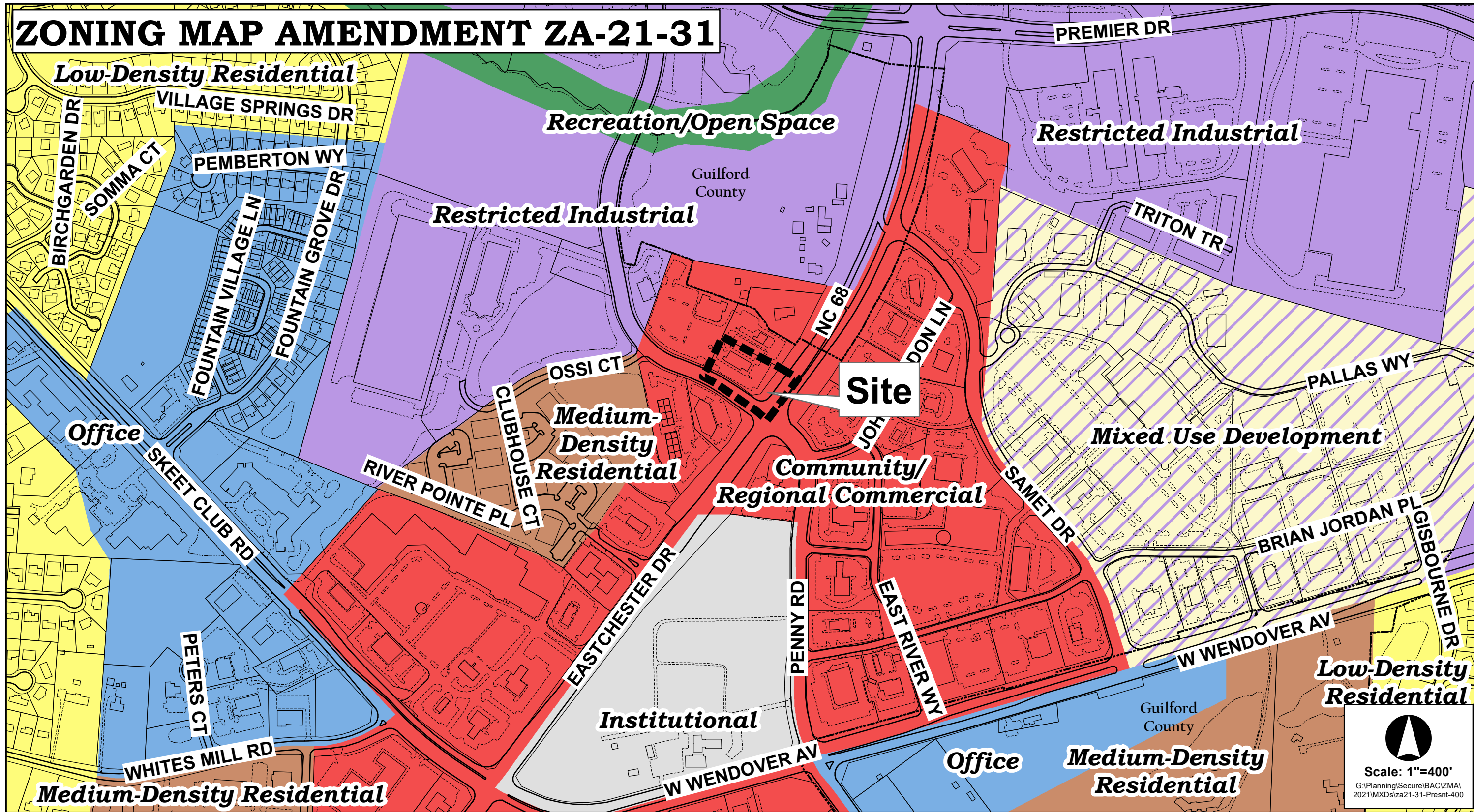
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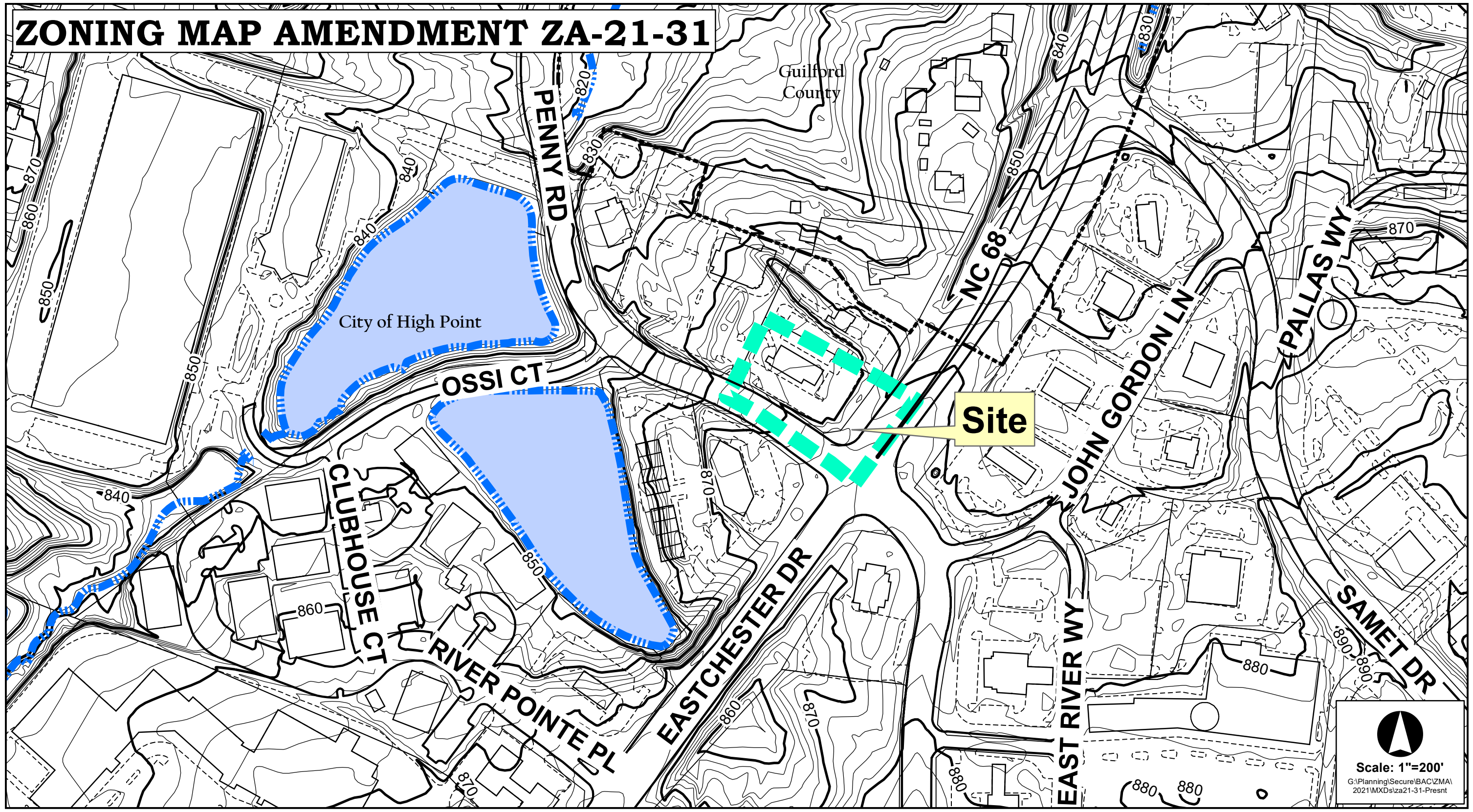
  
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# ZONING MAP AMENDMENT ZA-21-31



Guilford County

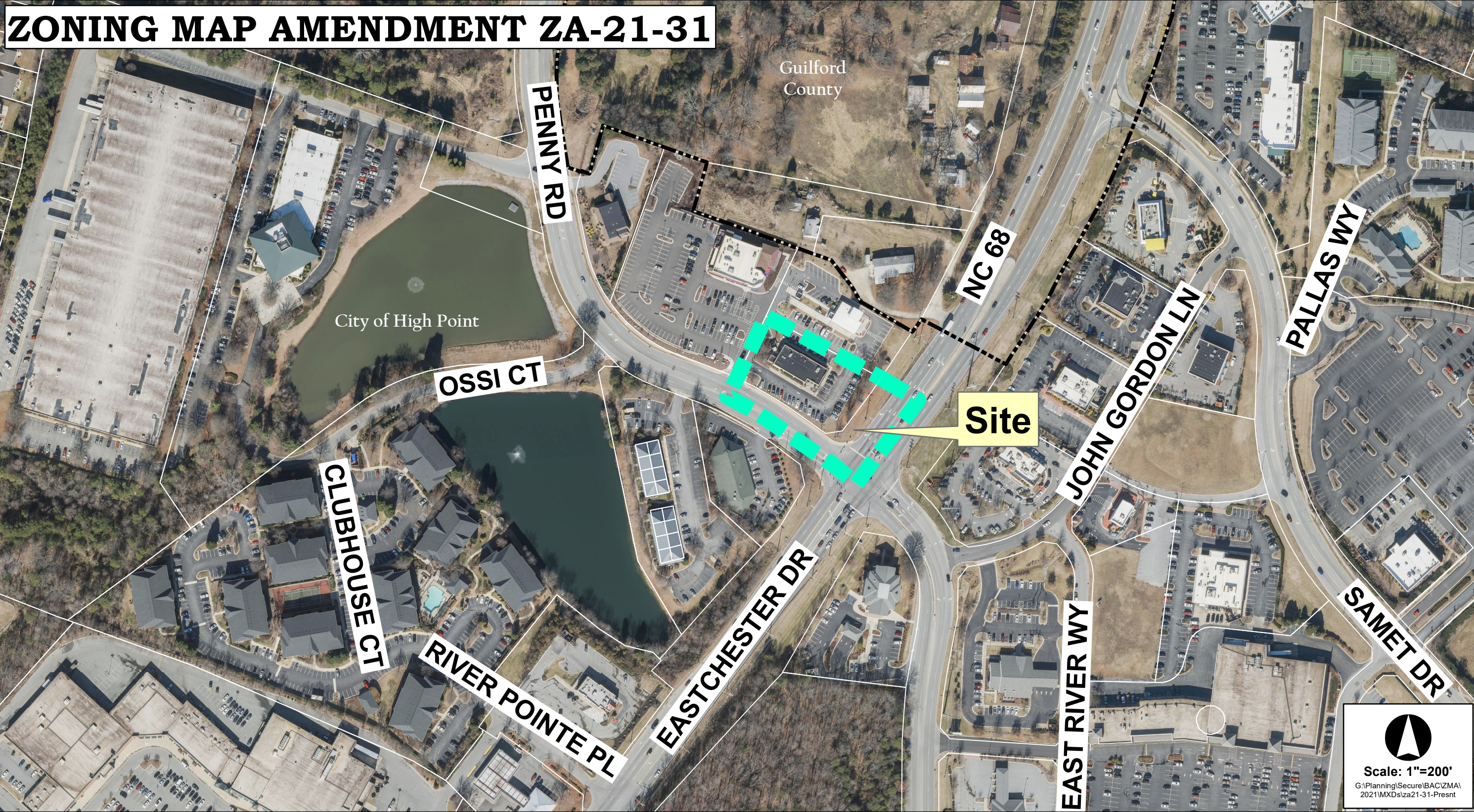
City of High Point

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# ZONING MAP AMENDMENT ZA-21-31



Guilford  
County

City of High Point

Site



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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL 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 December 14, 2021 and before the City Council of the City of High Point on January 18, 2021 regarding **Zoning Map Amendment Case 21-31 (ZA-21-31)** 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 December 5, 2021, for the Planning and Zoning Commission public hearing and on January 5, 2022 and January 12, 2022, for the City Council public hearing pursuant to Chapter 160D-602 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 **January 18, 2022**.

**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 General Business (CZ-GB) District**. The property is approximately 0.9 acres and located at the northeast corner of Eastchester Drive and Penny Road (2400 Penny Road). The property is also known as Guilford County Tax Parcel 207389.

**SECTION 2**

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. **USES:**

- a) **Permitted Uses:** Any uses allowed in the General Business (GB) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.
- b) **Prohibited Uses:**  
The following uses, as listed in Table 4.1.9 (Principal Use Table) of the Development Ordinance, shall be prohibited:
  1. **Institutional Use Classification**
    - a) All use types under the Transportation Use Category
    - b) Wireless telecommunication facility

2. Commercial Use Classification
  - a) Bulky item sales
  - b) All use types under the Vehicle Establishment Use Category
  - c) Recreational Vehicle Parks
  - d) Convenience Store with Fuel Sales
3. Industrial Use Classification
  - a) All use types under the Warehousing and Freight Movement use category

Part II. CONDITIONS:

A. Transportation Conditions.

1. Vehicular Access:
  - a) The subject property shall have one (1) point of vehicular access to Penny Road. The access point shall be located a minimum of (200) feet from the western limits of the Eastchester Drive right-of-way, as established on the adoption date of this ordinance, and shall be designed to provide for shared access point for current and future adjoining development/parcels.
  - b) Internal access to the abutting properties shall be provided by means of private street(s), drive(s) or easement(s).
  - c) No vehicular access shall be allowed to Eastchester Drive.
2. Other Transportation Conditions: The Director of Transportation and the North Carolina Department of Transportation (NCDOT), if applicable, shall approve all construction 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.

Adopted by the City Council  
City of High Point, North Carolina  
The 18<sup>th</sup> day of January, 2022

By: \_\_\_\_\_

Jay W. Wagner, Mayor

ATTEST:

\_\_\_\_\_

Lisa B. Vierling, City Clerk