

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 23-13

(City of High Point – Comprehensive Zoning Map Amendment Project)

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: June 20, 2023

Public Hearing: Yes

Advertising Date: June 7, 2023, and
June 14, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by the High Point City Council to rezone the Burton Run Subdivision, totaling approximately 60.35 acres, from the Residential Multifamily – 16 (RM-16) District and the Residential Multifamily – 26 (RM-26) District to the Single Family Residential – 5 (R-5) District. The Burton Run Subdivision is located north of the intersection of Burton Avenue and Burton Run Road.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their May 23, 2023 public hearing. All members of the Commission were present except for Mr. Terry Venable and Ms. Joan Swift. Mr. Herbert Shannon, Senior Planner, presented the case. He noted that staff has amended the application to remove lands associated with 1106, 1200, 1202 and 1204 Burton Avenue, and outlined the staff recommendation of approval.

Speaking on the request:

There were no speakers in favor or opposition to this 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 7-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 7-0 to approve the following statement:

That Zoning Map Amendment 23-13 is consistent with the City's adopted policy guidance because The zoning map amendment is supported by Goal #1 of the Land Use Plan, which speaks to encouraging development that enhances and preserve established neighborhoods. Furthermore, the amendments are needed to match the manner in which these neighborhoods have developed.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-13
May 23, 2023**

Request

A request by the High Point City Council to rezone 216 properties, totaling approximately 60.35 acres, as part of Round 5 of the Comprehensive Zoning Map Amendment Project. This request focuses on lands at the intersection of Burton Avenue and Burton Run Road, in the southwestern portion of the City.

Background

The purpose of the Comprehensive Zoning Map Amendment Project is to review and evaluate the zoning of land throughout the city, identify areas where the zoning is out of sync with the existing use of land or is inconsistent with current land use policy, and propose appropriate changes in zoning for those areas. The primary goal of the project is to remove improper or obsolete zoning districts that may be acting as a barrier to development. The Comprehensive Zoning Map Amendment Project was initiated in 2017. The City Council initiated this current fifth round of zoning evaluations, associated with this request, in January 2023.

Details of Proposal

The following is a summary of the two areas to be considered under this Zoning Map Amendment.

From	To	Development/Use	Location
RM-16	R-5	Single family dwellings	Burton Run Subdivision, common area and abutting undeveloped parcels <i>(lying north of the intersection of Burton Avenue and Burton Run Road)</i>

Analysis

The requested rezoning of this area is intended to establish zoning to match the manner in which this area has developed and to maintain the integrity of this neighborhood. See attached evaluation.

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 zoning map amendment is supported by Goal #1 of the Land Use Plan, which speaks to encouraging development that enhances and preserve established neighborhoods.

Reasonableness/Public Interest:

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

The amendments are needed to match the manner in which these neighborhoods have developed.

Recommendations

Staff recommends approval of the request to rezone the Burton Run Subdivision, and abutting parcels lying between the Guilford/Davidson County line and the western boundary of this subdivision, from the RM-16 and RM-26 Districts to the R-5 District.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the statement(s) as written in this report or with any additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with the consistency statement(s) in this report, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan and other plans as may be applicable. This may be done by adopting the statement(s) as written in this report, or with any additions or changes as agreed upon by the Council, or, if the Council is in disagreement with the consistency statement(s) in this report, by adoption of 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 Sushil Nepal AICP, Planning and Development Director.

Location: **Burton Run Subdivision, common area and abutting undeveloped parcels**
(lying north of the intersection of Burton Avenue and Burton Run Road)

Current Use: Single family dwellings, common area and undeveloped parcels

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Residential Multifamily – 16 (RM-16) District Residential Multifamily – 26 (RM-26) District	Residential Single Family – 5 (R-5) District
<i>Purpose & Intent:</i>	<u>RM-16 District & RM-26 District</u> The RM-16 & RM-26 district are established to accommodate a mix of residential, that is served by public water and sewer. The RM-16 district accommodates residential uses at densities of up to 16 units an acre, while the RM-26 District supports residential uses at densities of up to 26 units an acre. District regulations encourage the development of functioning neighborhoods that include a mix of housing types and a variety of institutional uses. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed.	<u>Residential Single Family – 5 (R-5) District</u> The R-5 district is established to accommodate principally single-family detached dwellings developed at a density of 5 units an acre that is served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed. District regulations discourage uses that interfere with the development of residential development or that is detrimental to the residential nature of the district.
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	None	None

	Adjacent Zoning	Adjacent Land Use
North:	Parks and Natural Resources (PNR) District Residential Single Family – 3 (R-3) District	Undeveloped Parcel Single family dwelling
South:	Residential Multifamily – 16 (RM-16) District Residential Multifamily – 26 (RM-26) District	Single family dwellings, multifamily development townhome development
East:	Parks and Natural Resources (PNR) District Residential Multifamily – 26 (RM-26) District	Undeveloped Parcel Single family dwelling
West:	Low Intensity Residential (RS) District <i>(Davidson County)</i>	Single family dwellings and undeveloped parcels

Land Use Plan Classification

The area is designated as follows:

- Medium-Density Residential: This classification includes a variety of attached dwellings, generally including higher density townhouses and less land-intensive multi-family housing such as garden apartments. Development densities shall range from eight to sixteen dwellings units per gross acre.

Analysis/Recommendation

The Burton Run Subdivision is an existing single family subdivision that was developed between 2004 and 2006. However, the development has a RM-16 and RM-26 district zoning which permits a wide variety of higher density multifamily uses at densities of 16 to 26 dwelling units per acre.

Staff has concerns with the character of this development being compromised with individual or series of lots being purchased and redeveloped with multifamily uses in the middle of this established single family neighborhood. Therefore, staff recommends this subdivision be rezoned to the R-5 District to preserve the single family character of this neighborhood.

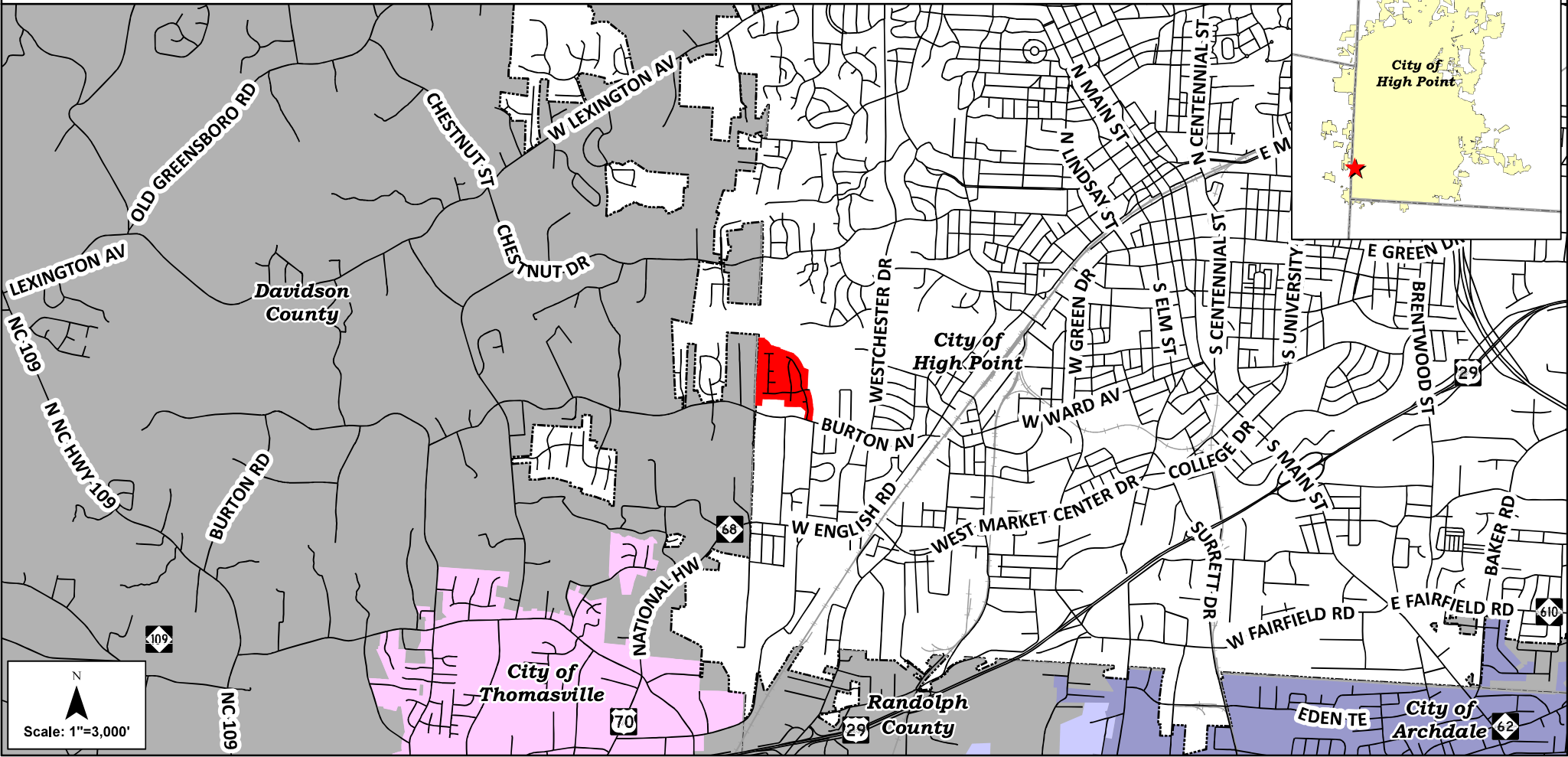
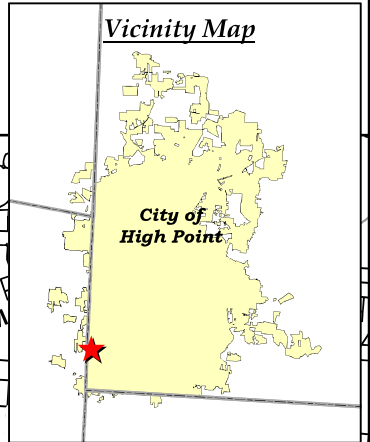
Staff recommendation.

Rezone the Burton Run Subdivision, and abutting parcels lying between the Guilford/Davidson County line and the western boundary of this subdivision, from the RM-16 and RM-26 District to the R-5 District.

LOCATION MAP

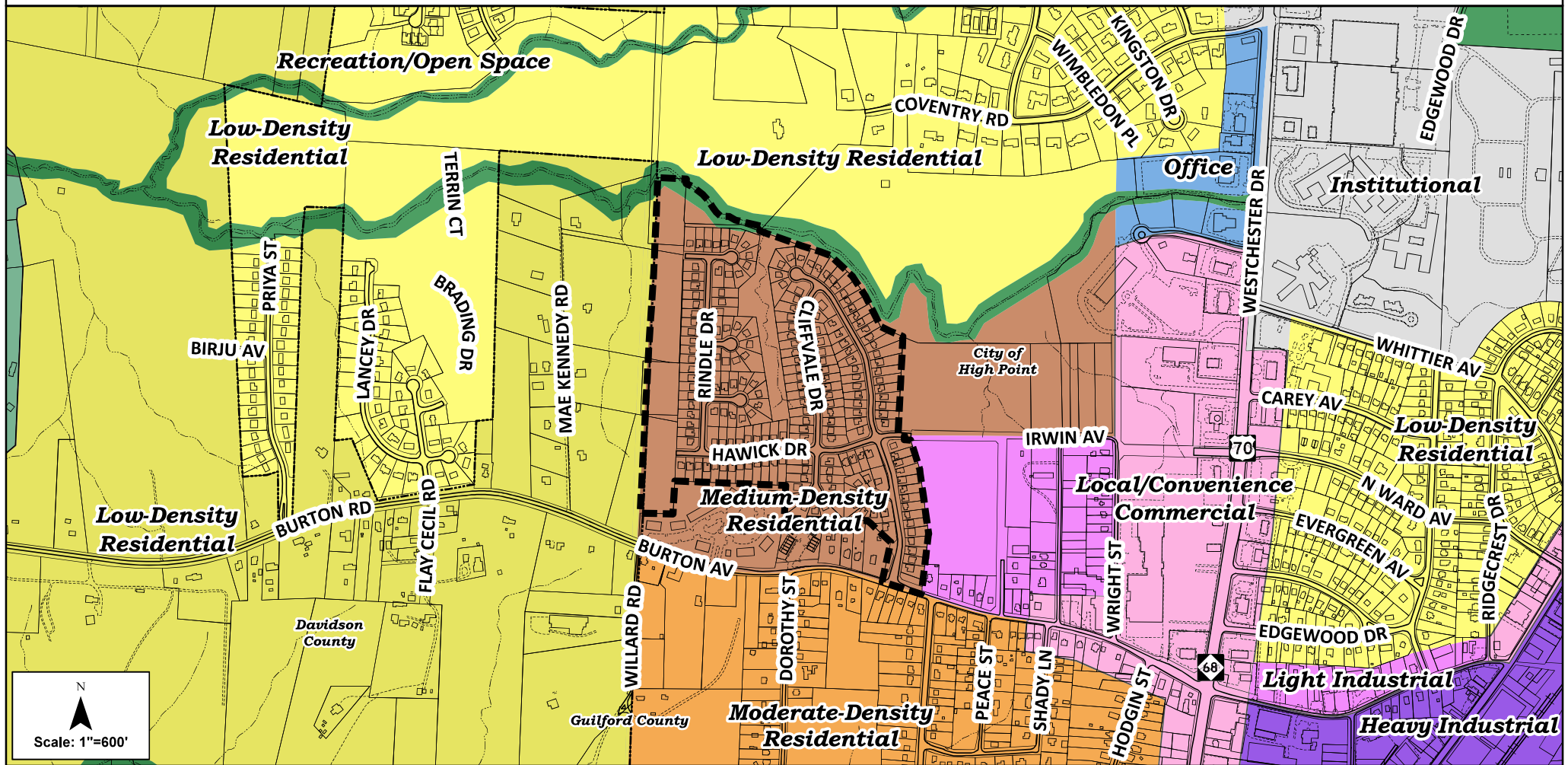
ZONING MAP AMENDMENT: ZA-23-13

Applicant: City of High Point



ZONING MAP AMENDMENT: ZA-23-13

LAND USE PLAN MAP



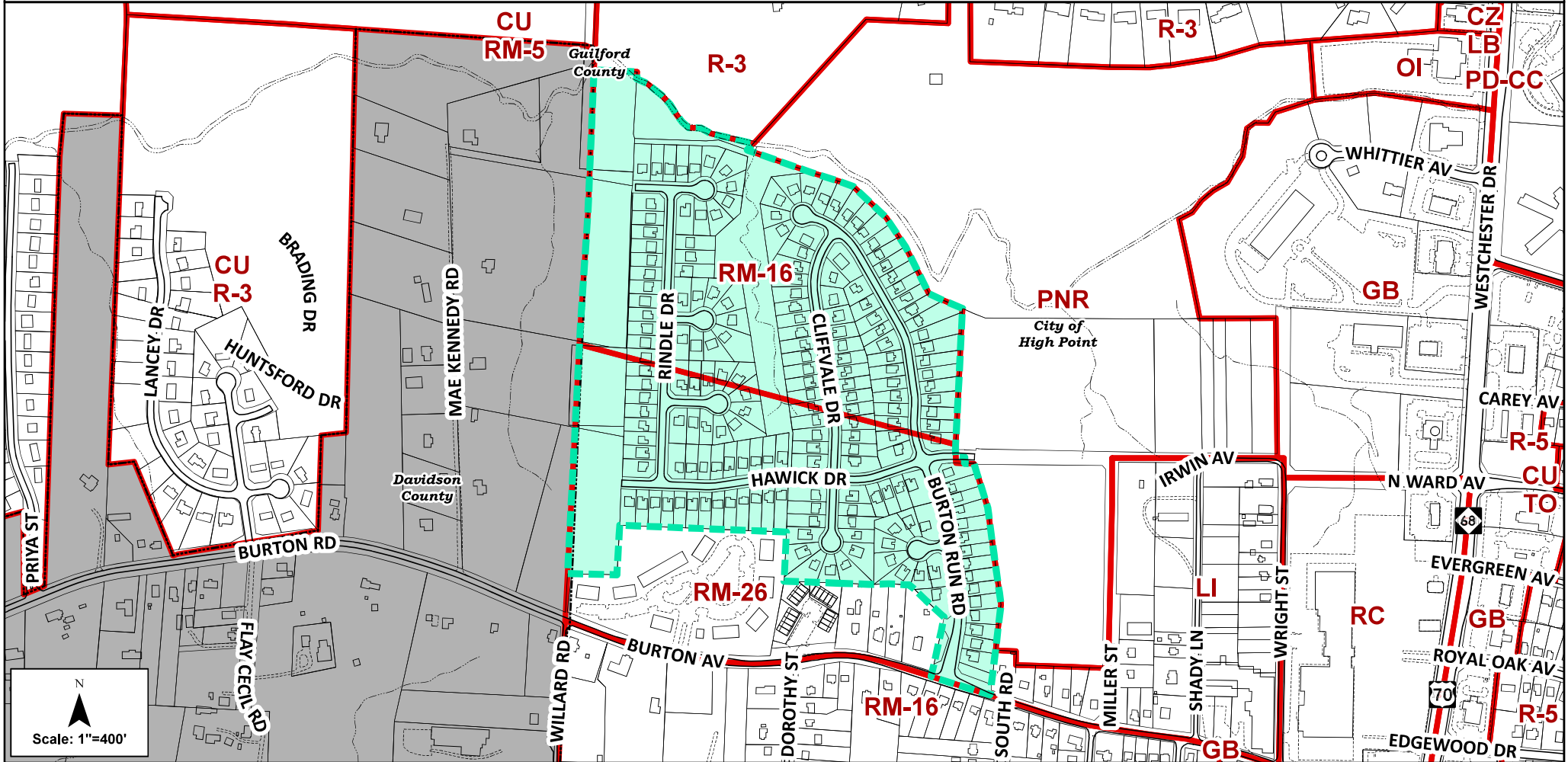


 Scale: 1"=600'

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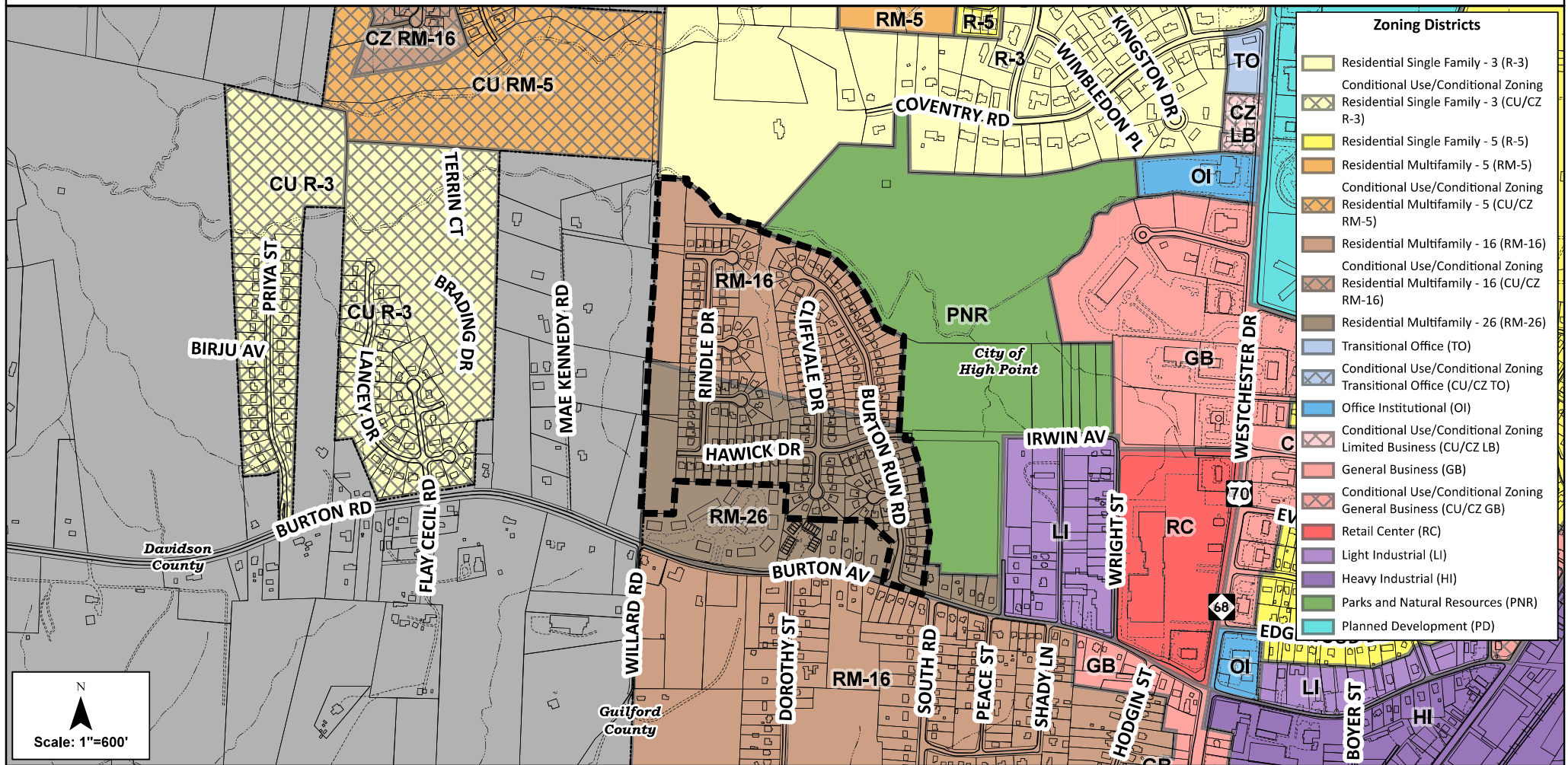
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ZONING MAP



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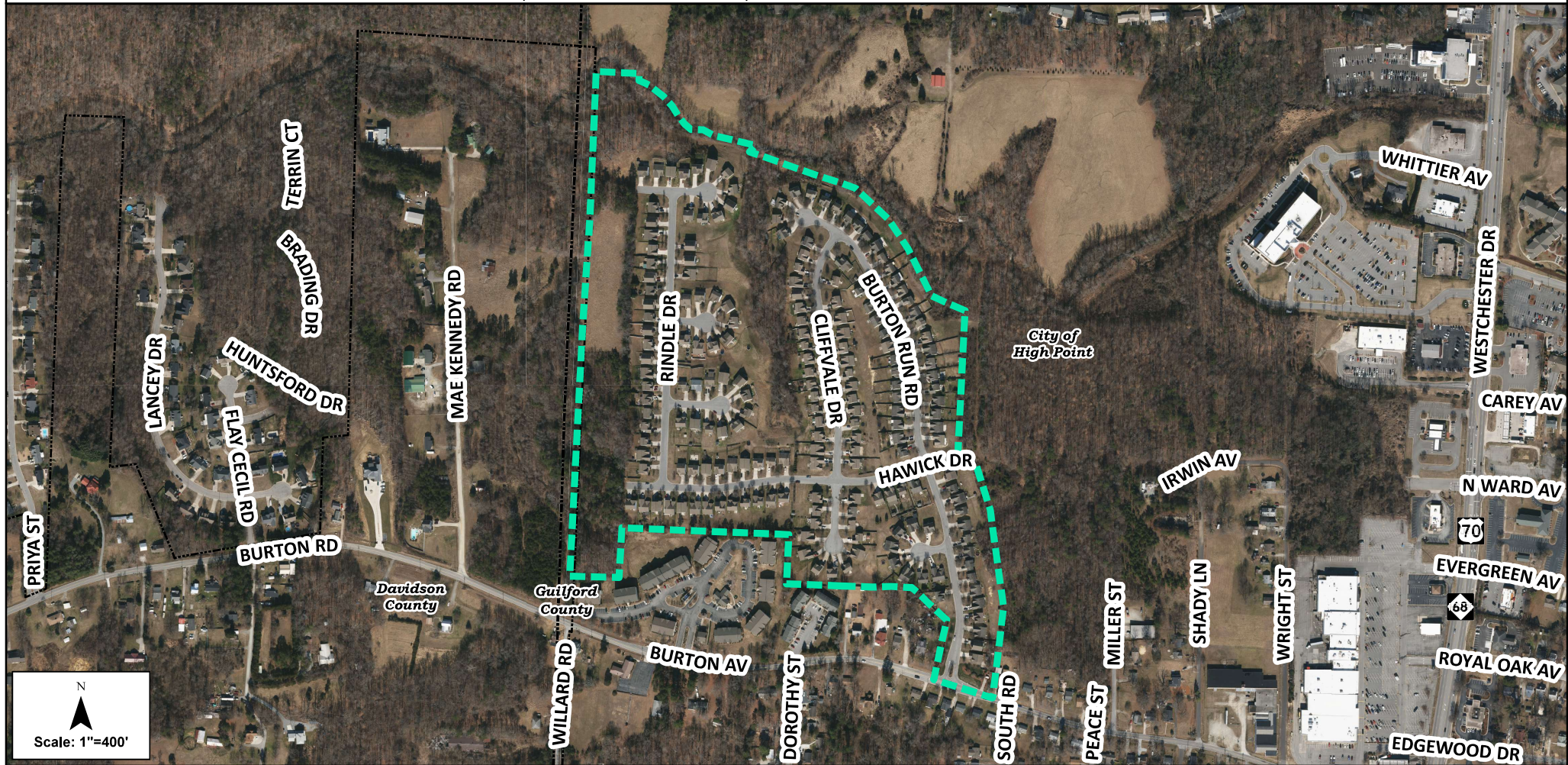
COLOR-CODED ZONING MAP



City Planning & Economic Development Board Action Case No. ZA-23-13 Zoning Map Amendment 2023 Zoning Map Amendment 2023.aprx

ZONING MAP AMENDMENT: ZA-23-13

AERIAL PHOTOGRAPHY (FEB. 2022)



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, 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, 2023 and before the City Council of the City of High Point on June 20, 2023 regarding **Zoning Map Amendment Case ZA-23-13 (ZA-23-13)** 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 13, 2023, for the Planning and Zoning Commission public hearing and on June 7, 2023 and June 14, 2023, 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 **June 20, 2023**.

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: **Residential Single Family 5 (R-5) District**. The site property is approximately 60.35 acres, located in the Burton Run Subdivision (north of the intersection of Burton Avenue and Burton Run Road) and includes parcels between the Burton Run Subdivision and the Guilford/Davidson County line.

The property is also known as that portion of Davidson County Tax Parcel 16-311-0-000-0079 lying east of the Guilford/Davison County line, that portion of Davidson County Tax Parcel 16-311-0-000-0081 lying east of the Guilford/Davison County line, all of the two portions of Davidson County Tax Parcel 16-311-0-000-0085 lying east of the Guilford/Davison County line, that portion of Davidson County Tax Parcel 16-311-0-000-0087 lying east of the Guilford/Davison County line and Guilford County Tax Parcels 178941, 179042, 179043, 179059, 214494, 214495, 214496, 214497, 214498, 214499, 214500, 214501, 214502, 214503, 214504, 214505, 214506, 214507, 214508, 214509, 214510, 214511, 214512, 214513, 214514, 214515, 214516, 214517, 214518, 214519, 214520, 214521, 214522, 214523, 214524, 214525, 214526, 214527, 214528, 214529, 214530, 214531, 214532, 214533, 214534, 214535, 214536, 214537, 214538, 214539, 214540, 214541, 214542, 214543, 214544, 214545, 214546, 214547, 214548, 214549, 214550, 214551, 214552, 214553, 214554, 214555, 214556, 214557, 214558, 214559, 214560, 214561, 214562, 214563, 214564, 214565, 214566, 214567, 214568, 214569, 214570, 214571, 214572, 214573, 214574, 214575, 214576, 214577, 214578, 214579, 214580, 214581, 214582, 214583, 214584, 214585, 214586, 214587, 214588, 214589, 214590, 214591, 214592, 214593, 214594, 214595, 214596, 214597, 214598, 214599, 214600, 214601, 214602, 214603, 214604, 214605, 214606, 214607, 214608, 214609, 214610, 214611, 214612, 214613,

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The Burton Run subdivision portion of the zoning site is also depicted in:

- a. Final Plat “Burton Run Subdivision” Phase 1, Section 1 & 2, as recorded in PB 151 PG 105 and PB 153 PG 34 of the Guilford County Register of Deeds Office.
- b. Final Plat “Burton Run Subdivision” Phase 2, Section 1, as recorded in PB 155 PG 24 of the Guilford County Register of Deeds Office.
- c. Final Plat “Burton Run Subdivision” Phase 3, Section 1 & 2, as recorded in PB 157 PG 126 and PB 160 PG 38 of the Guilford County Register of Deeds Office.

SECTION 2

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 3

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

SECTION 4.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 20th day of June, 2023

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk