

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Zoning Map Amendment 23-31 (City of High Point)	
FROM: Sushil Nepal, AICP Planning & Development Director	MEETING DATE: January 16, 2024
PUBLIC HEARING: Yes	ADVERTISED DATE/BY: January 3 & 10, 2024 Planning & Development
ATTACHMENTS: A. Staff Report B. Zoning Ordinances	

PURPOSE:

A request by the City of High Point to rezone approximately 16 acres as part of the Comprehensive Zoning Map Amendment project. To rezone the Vineyard Townhome Subdivision and 3827 Johnson Street from a Conditional Use Residential Multifamily – 5 (CU RM-5) District to the Residential Multifamily – 5 (CU RM-5) District and the Residential Single Family – 3 (R-3) District. The site is located along the west side of Johnson Street, approximately 1,300 feet south of Old Mill Road.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their December 12, 2023 public hearing. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented the case and recommended **approval** of the request as outlined in the staff report.

Speaking on the request:

Mr. Grant Swaim, 704 Vinebury Lane, President of the Vineyard Townhome Subdivision Homeowners Association (HOA), spoke. He stated that their HOA board has reviewed this proposal and has no objections.

BUDGET IMPACT:

There is no budget impact.

RECCOMENDATION/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 8-0 (*vote-count based on having one vacant seat on the commission*).

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to **approve** the following statement:

That Zoning Map Amendment 23-31 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 encourages development that enhances and preserves established neighborhoods. Furthermore, the amendments are needed to better match the way this subdivision has developed.



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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-31
December 12, 2023**

Request

A request by the High Point City Council to rezone the Vineyard Townhome Subdivision and a abutting parcel as part of the Comprehensive Zoning Map Amendment Project. This townhome development and abutting parcel is located along the west side of Johnson Street, approximately 1,300 feet south of Old Mill Road.

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. A 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.

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Conditional Use Residential Multifamily – 5 (CU RM-5) District	Residential Multifamily – 5 (RM-5) Residential Single Family – 3 (R-3)
<i>Purpose & Intent:</i>	<u>RM-5 District</u> The RM-5 district is established to accommodate a mix of residential development at densities of 5 units an acre, that are served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions and recreational facilities are also allowed.	<u>RM-5 District</u> Same as previously described. <u>R-3 District</u> The R-3 district is established to accommodate principally single-family detached dwellings developed at a density of 3 units an acre that are 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 any use that interferes with the development of single-family detached dwellings or that is detrimental to the residential nature of the district.
<i>Current Uses:</i>	Permitted	<u>RM-5 District:</u> Existing townhome uses are permitted. <u>R-3 District:</u> Only single family detached residential dwellings are permitted.

<i>Conditions</i>	Conditional Use Permit 97-26 <i>(adopted June 1997)</i> <ul style="list-style-type: none"> Only townhouse dwellings are allowed. Maximum 4 dwelling units per acre. Maximum 4 attached dwelling units. Maximum building height 25 feet. No development north of the Duke Power right-of-way (easement). One point of access to Johnson Street. Forty-two (42) feet of right-of-way dedication to accommodate future widen of Johnson Street. 	None
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	Adjacent Zoning	Adjacent Land Use
North:	Residential Multifamily–5 (RM-5) District Residential Single Family – 3 (R-3) District	Townhome subdivision and single family dwellings
South:	Residential Single Family – 3 (R-3) District	Single family dwellings and undeveloped parcel
East:	Residential Single Family – 3 (R-3) District	Fire station, utility substation and public park
West:	Residential Single Family – 3 (R-3) District	Single family dwellings

Land Use Plan Classification
The area is designated as follows: <ul style="list-style-type: none"> 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.

Analysis

The Vineyard Townhome Subdivision was initially granted zoning approval in 1997 to support development of a townhome development at a maximum density of four (4) dwelling units per acre (or up to 62 dwelling units). This townhome neighborhood was completed in 1999 with 52 units. A 150-foot wide Duke Power Transmission Line Right-of-Way (easement) bisects the site. The 13.6 acres of the subdivision lying to the east/south of this easement is developed with townhomes, while the 2.4 acres to the west/north of this easement consists of undeveloped common area/open space area that is mostly encumbered by the transmission line easement and a drainage channel (non-classified stream channel).

As this development has been fully completed, staff recommends rezoning from its current CU RM-5 District to the RM-5 and R-3 Districts. The developed portion of this subdivision (area lying south and east of the transmission line) is proposed to be rezoned to the RM-5 District (*See Area A on attached Maps*). The western portion of the subdivision (undeveloped common area north and west of the transmission line) is proposed to be rezoned to the R-3 District (*See Area B on attached Maps*).

This split zoning is to ensure long term compatibility with the abutting single family neighborhoods to the west along Malibu Drive and Fairlane Street. There is no vehicular access to the western portion of

the Vineyard Townhome subdivision from Johnson Street. Access may only be gained by traveling through the abutting single family neighborhood to the west (via Malibu Drive). There may be a time in the future when the Vineyard Townhome homeowner's association desires to subdivide and sell the rear 2.4 acres of this subdivision. To ensure any future development of this area is compatible with the abutting single family neighborhood, staff recommends rezoning that portion of this subdivision to the R-3 District. The proposed R-3 District would ensure any development, if any, of this 2.4 acre area matches the use and development intensity of abutting lands along Malibu Drive and Fairlane Street.

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 encourages development that enhances and preserves 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 better match the way this subdivision has developed.

Recommendations

Using the centerline of the 150-foot wide Duke Power Transmission easement as a dividing line, staff recommends the Vineyard Townhome Subdivision be rezoned as follows:

1. That portion of the Vineyard Townhome Subdivision lying to the south and east of the centerline of the Duke Power transmission easement shall be rezoned to the RM-5 District.
2. That portion of the Vineyard Townhome Subdivision lying to the north and west of the centerline of the Duke Power transmission easement shall be rezoned to the R-3 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:

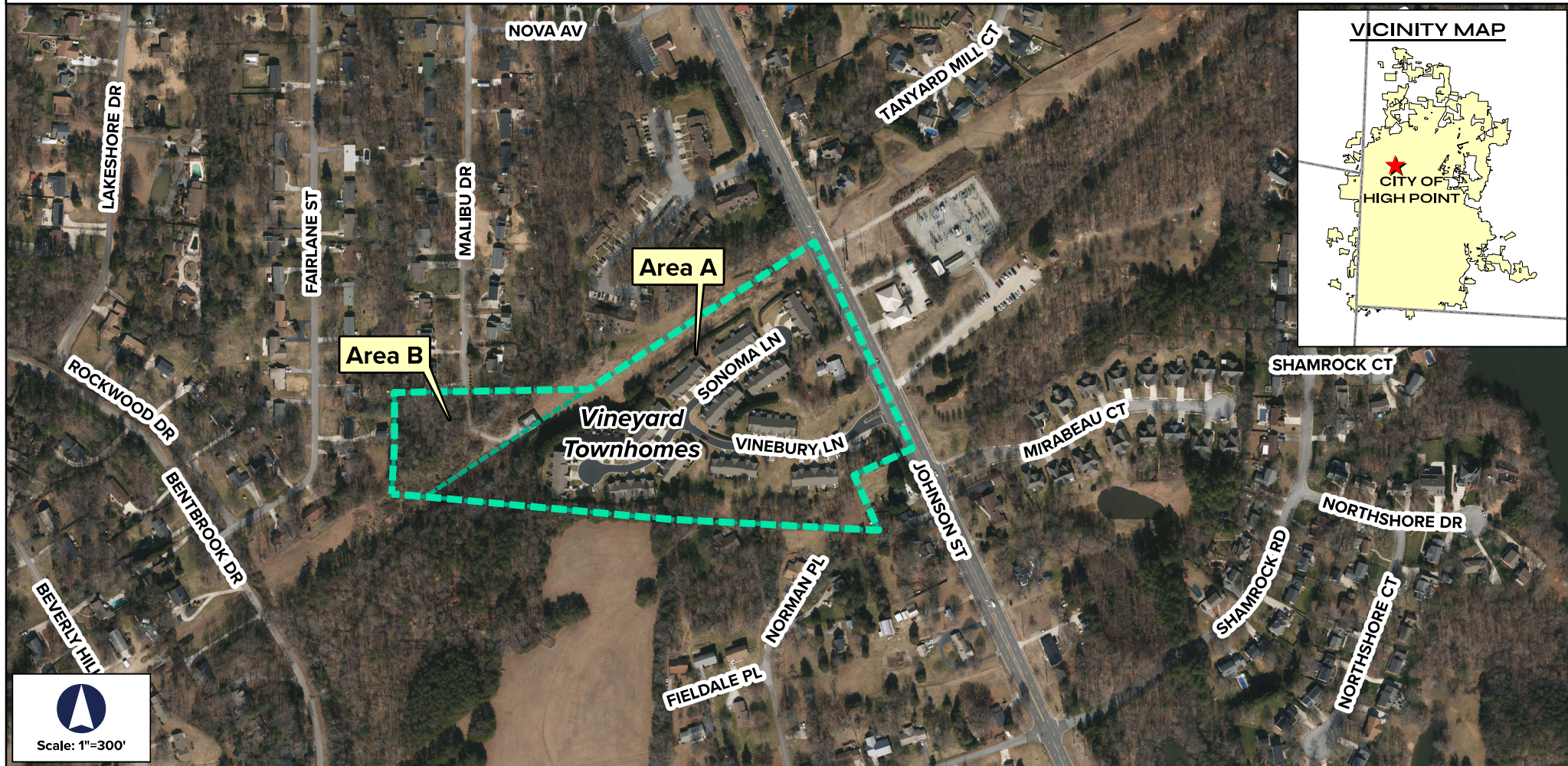
Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan and other plans as may be applicable. This may be done by adopting the statement(s) as written in this report, or with any additions or 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

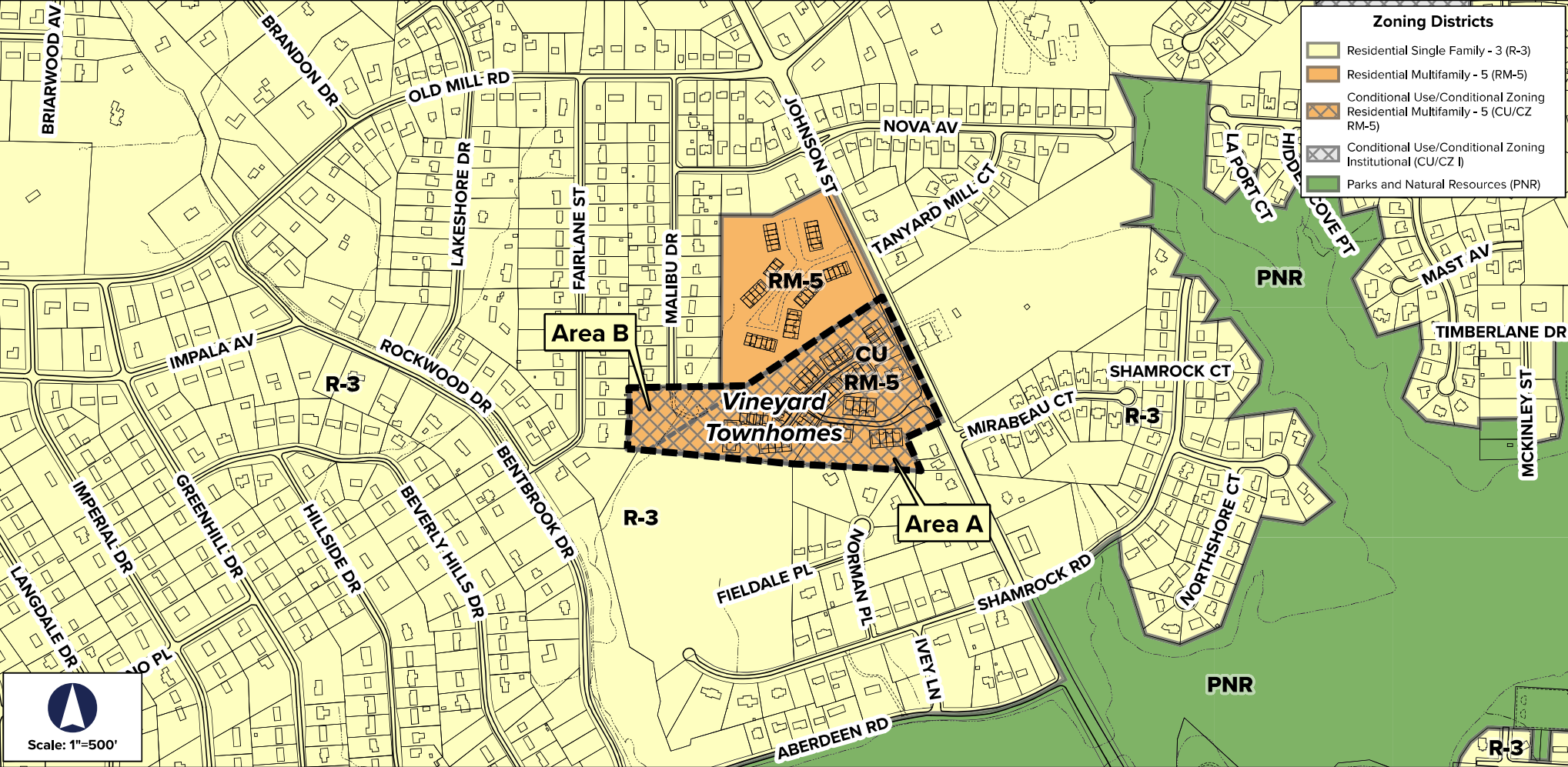
ZONING MAP AMENDMENT: ZA-23-31

AERIAL PHOTOGRAPHY (FEB. 2022)



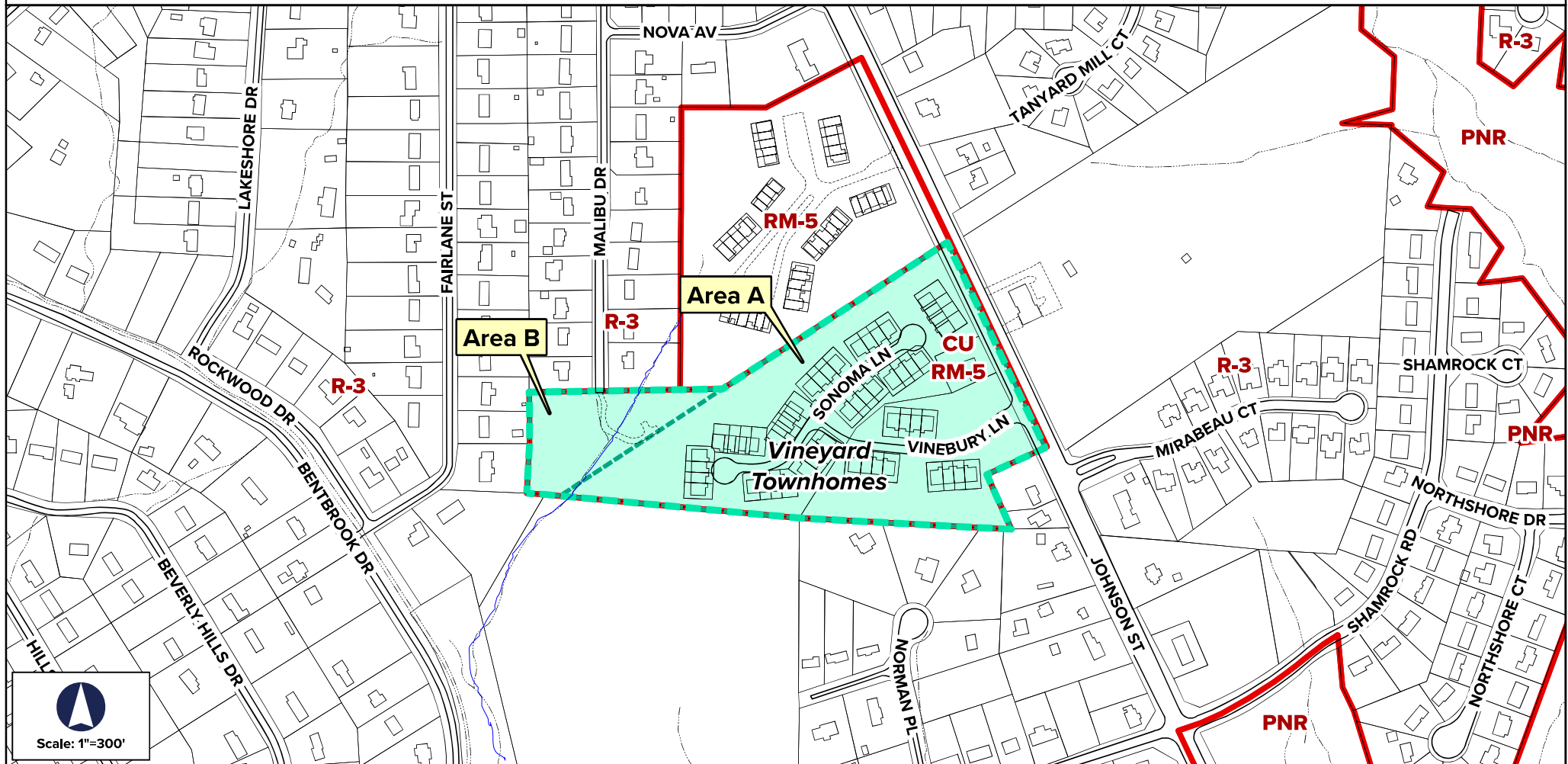
ZONING MAP AMENDMENT: ZA-23-31

COLOR-CODED ZONING MAP



ZONING MAP AMENDMENT: ZA-23-31

ZONING MAP



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 December 12, 2023 and before the City Council of the City of High Point on January 16, 2024 regarding **Zoning Map Amendment Case ZA-23-31 (ZA-23-31)** 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 2, 2023, for the Planning and Zoning Commission public hearing and on January 3, 2024 and January 10, 2024, 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 16, 2024**.

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 Multifamily – 5 (RM-5) District**. The site is approximately **13.6** acres, located along the west side of Johnson Street, approximately 1,300 feet south of Old Mill Road. The site consists of 3827 Johnson Street, depicted as New Lot C on PB119 PG 81 as recorded in the Guilford County Register of Deeds Office and that portion of the Vineyard Townhome Subdivision, lying east of the centerline of the Duke Power Line Right-of-Way, as depicted on the map “Final Plat of the Vineyard Townhomes” (Phases 1 and 2), recorded in PB 130 PG 09 and PB 131 PG 36 of the Guilford County Register of Deeds Office.

The site is also known as Guilford County Tax Parcels 200931 (3827 Johnson Street), 200940 (portion of Vineyard Townhomes common area lying east of the centerline of Duke Power Right-of-Way in Phase II), 200953 (common area Vineyard Townhomes in Phase I), 200940, 200941, 200942, 200943, 200944, 200945, 200946, 200947, 200948, 200949, 200950, 200951, 200952, 200954, 200955, 200956, 200957, 200958, 200959, 200960, 200961, 200962, 200963, 200964, 200965, 200966, 200967, 200968, 200969, 200970, 200971, 200972, 200973, 200974, 200975, 200976, 200977, 200978, 200979, 200980, 200981, 200982, 200983, 200984, 200985, 200986, 200987, 200988, 200989, 200990, 200991, 200992 and 200993.

SECTION 2

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Residential Single Family – 3 (R-3)**. The property is approximately **2.4** acres, located at the southern terminus of Malibu Drive. The zoning site consists of that portion of the common area of the “Final Plat of the Vineyard Townhomes” (Phases 2), as recorded in PB

131 PG 36 of the Guilford County Register Of Deeds Office, lying west of the centerline of the Duke Power Line Right-of-Way. The zoning site is also known as Guilford County Tax Parcel 200940 lying west of the centerline of Duke Power Right-of-Way. This area is generally described as follows:

Beginning at the southwestern corning of the Vineyard Townhomes Subdivision (Phase 1) as recorded in Plat Book 131, Page 36 of the Guilford County Register of Deeds Office, said point also being the southeastern most boundary corner of Guilford County Tax Parcel 198224 as recorded in Deed Book 7290, Page 7999 described as Lot 18 in Plat Book 26, Page 79; Thence along the western boundary of the Vineyard Townhome Subdivision the following three (3) courses: 1) N 0° 26' 54" E, a distance of 148.40 feet; 2) N 0° 26' 54" E, a distance 99.85 feet, and 3) N 0° 55' 13" E, a distance of 59.03 feet. Thence S 89° 34' 07" E, a distance 459.28' E (also known as the southeast corner of Guilford County Tax Parcel 200939 as depicted in in Plat Book 60 Page 117, lot 36), thence S 89° 36' 19" E, a distance of 112.47' to an existing iron pin located at the centerline of the Duke Power line right of way, thence S 59° 46' 52" W in a general southwesterly direction, following the centerline of the Duke Power right of way, to the southern property line of the Vineyard Townhome Subdivision, thence in a westerly direction along the southern boundary of the Vinyard Townhome Subdivision, in a direction N 84° 51' 38" W, to the point of beginning.

SECTION 3

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 4

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

SECTION 5.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 16th day of January, 2024

By: _____
Cyril Jefferson, Mayor

ATTEST:

Sandra R. Keeney, City Clerk