

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Zoning Map Amendment 23-30 (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 36.1 acres as part of the Comprehensive Zoning Map Amendment project. To rezone the Westover Park Subdivision from the Residential Multifamily – 16 (RM-16) District to the Residential Single Family – 5 (R-5) District. The subdivision lies along both sides of Shadow Valley Road, between Hartley Drive and Londonderry Drive (both sides).

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:

There were no speakers in opposition to this request.

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 23-30 is consistent with the City's adopted policy guidance because the zoning map amendment for these residential neighborhoods 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-23-30
December 12, 2023**

Request

A request by the High Point City Council to rezone approximately 36.5 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on lands in the western portion of the City lying south of the intersection of Hartley Drive and Shadow Valley Road. This development is known as the Westover Park Subdivision, and it has been developed as a single-family home subdivision.

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 fourth round of zoning evaluations, associated with this request, in January 2023.

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Residential Multifamily – 16 (RM-16)	Residential Single Family – 5 (R-5)
<i>Purpose & Intent:</i>	<u>RM-16 District</u> The RM-16 District is established to accommodate a mix of residential development at around 16 units an acre, that is served by public water and sewer. 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>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.
<i>Current Uses:</i>	Single family dwellings	Single family dwellings
<i>Conditions</i>	None	None

	Adjacent Zoning	Adjacent Land Use
North:	Rural Agricultural -3 (RA-3) District (Davidson County)	Single family dwellings (<i>lying north of the Hartley Drive ROW</i>)
South:	Residential Multifamily-16 (RM-16) District	Undeveloped parcels
East:	Planned Development – Residential (PDR) District	Single family dwellings
West:	Rural Agricultural -3 (RA-3) District (Davidson County)	Single family dwelling and undeveloped parcels

Land Use Plan Classification
<p>The area is designated as follows:</p> <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. • Recreation/Open Space: Lands for recreation or open space are included in this classification, offering either active use or passive enjoyment and environmental protection.

Analysis

The Land Use Plan classifies this area as Low Density Residential which primarily supports single family detached dwellings on individual lots at a density of five dwelling units per acre. However, the RM-16 district zoning that currently governs land uses in this area permits multifamily development, such as apartment complexes, at a density of 16 units per acre. The introduction of higher density residential development, in the middle of an established single-family neighborhood, is not compatible with the manner in which this area has developed or with the Low-Density Residential land use classification governing this area. Thus, this application proposes rezoning to the R-5 District as it more accurately reflects the way this area has developed and to ensure the long-term stability of this single-family neighborhood.

The Planning and Development Department does not oppose higher-density development in this portion of the City, but such a land use is preferable when located on the outer edges of neighborhoods abutting streets classified as collectors, or thoroughfares. Furthermore, such a development should occupy most of a city block and have sufficient land area to ensure it can provide sufficient buffering adjacent to single family land uses. As currently zoned some lots could be combined and a multifamily use, with limited land area and buffering, can be imposed upon the residents of an otherwise single-family neighborhood. The goal of this rezoning is to ensure the stability of what has been established as a single-family neighborhood.

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 for these residential neighborhoods 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 these neighborhoods have developed.

Recommendations

Staff recommends approval of the request to rezone this approximate 36.5 acre subdivision to the Residential Single Family – 5 (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:

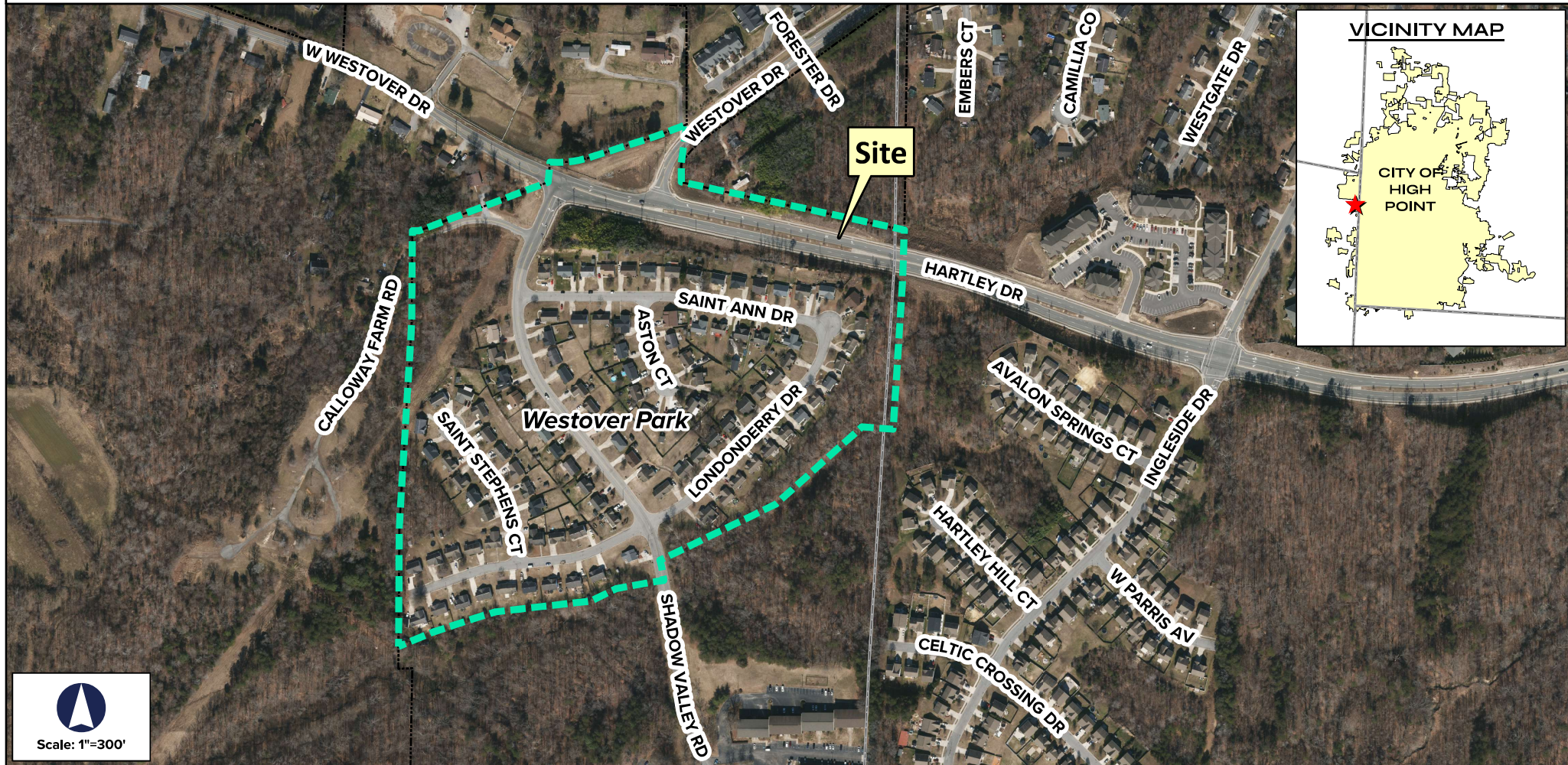
Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City’s Land Use Plan and other plans as may be applicable. This may be done by adopting the statement(s) as written in this report, or with any additions or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

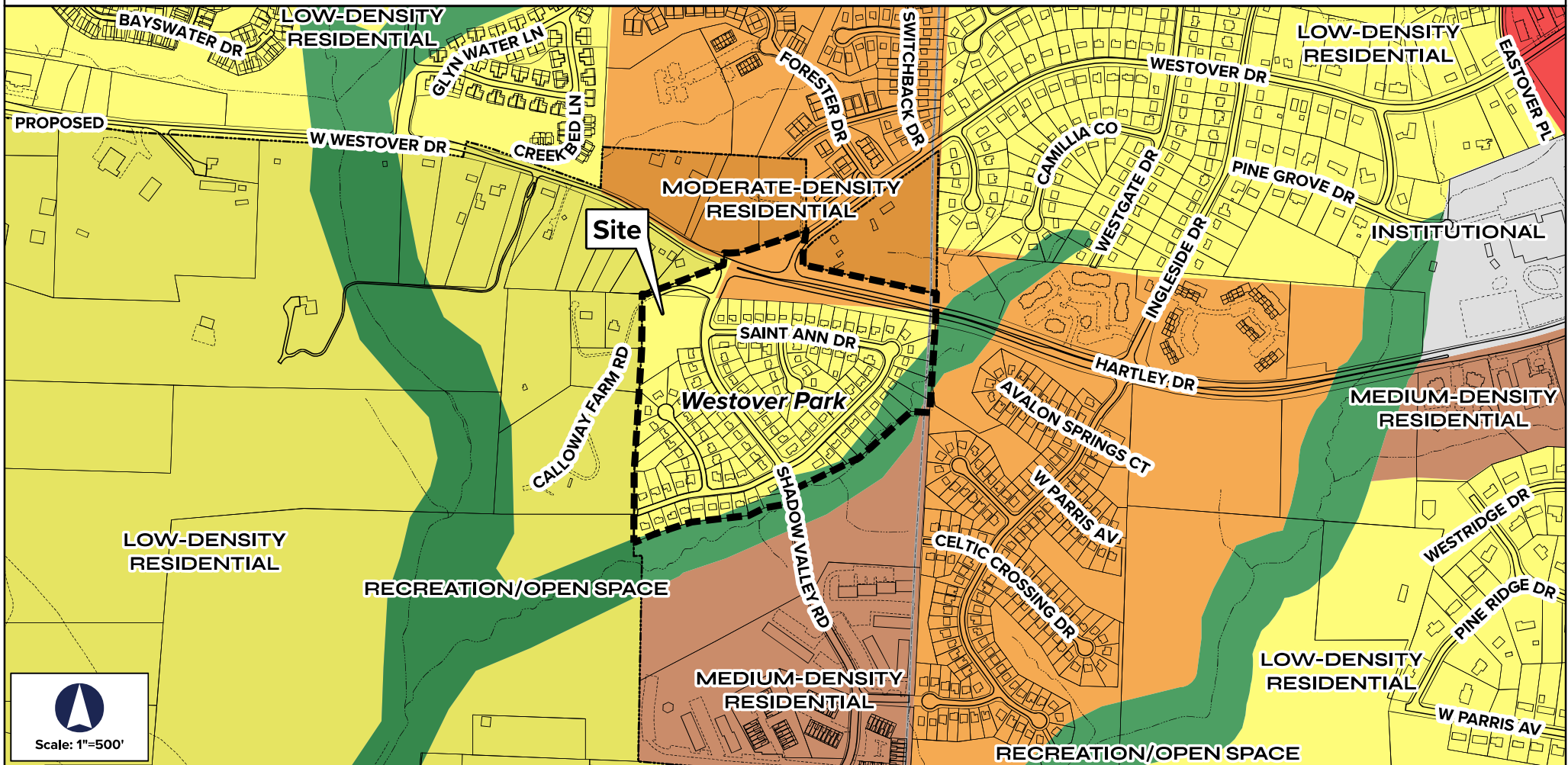
ZONING MAP AMENDMENT: ZA-23-30

AERIAL PHOTOGRAPHY (FEB. 2022)



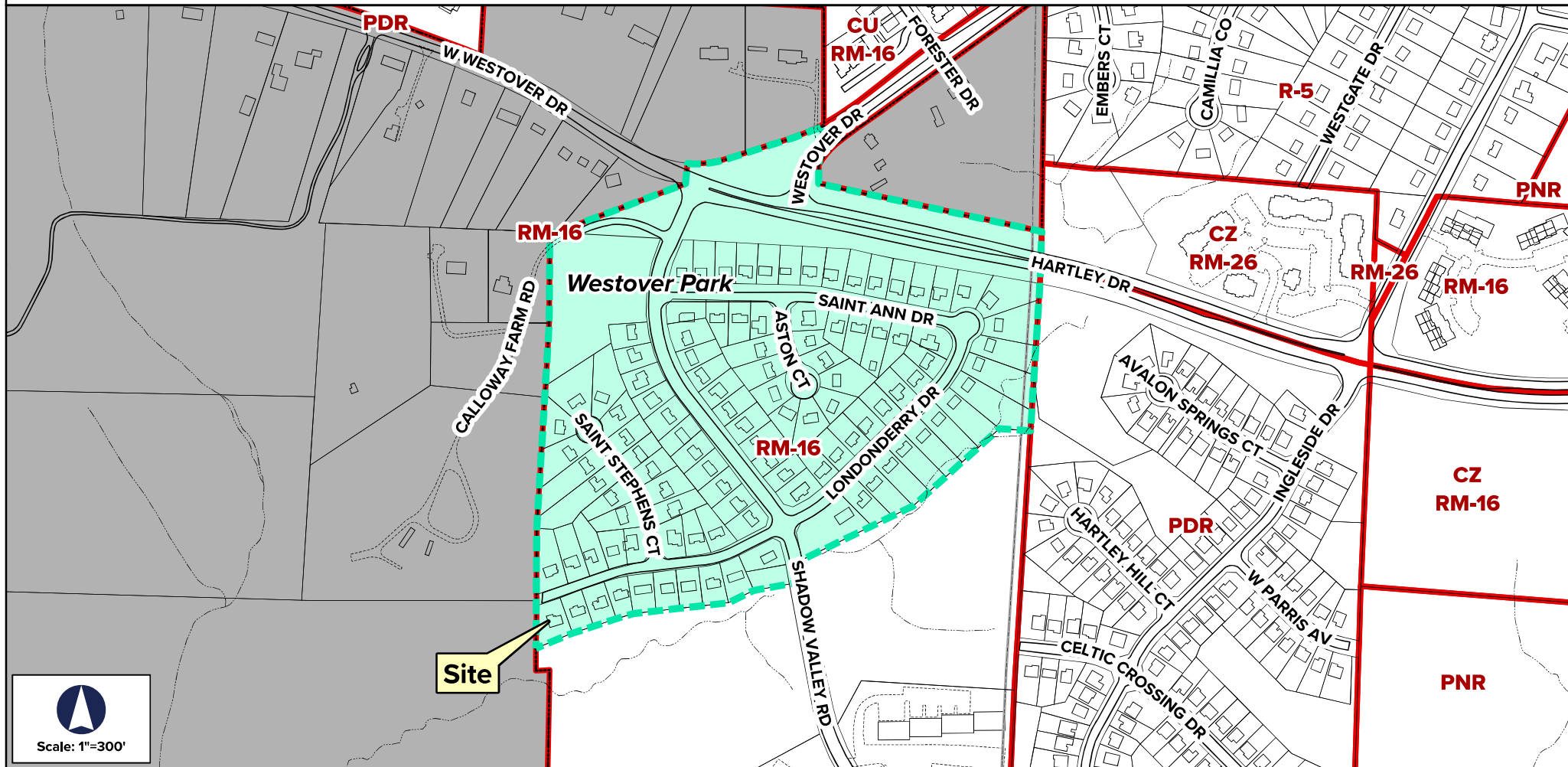
ZONING MAP AMENDMENT: ZA-23-30

LAND USE PLAN MAP



ZONING MAP AMENDMENT: ZA-23-30

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 Single Family – 5 (R-5) District**. The site is approximately **13.6** acres, consisting of the Westover Park Subdivision, located south of the intersection of Hartley Drive (which lies along both sides of Shadow Valley Road) and portion of the Hartley Drive and Westover Drive rights of way.

The site consists of the following:

- 1) Davidson County Tax Parcel **01-008-E-000-0002 (2501 & 2473 Shadow Valley Road)**,
- 2) Portions of the Hartley Drive, Shadow Valley Road and Westover Drive rights-of-way as depicted on City of High Point Annexation Map as recorded in Plat Book 58 Page 27, as recorded in the Davidson County Register of Deeds Office,
- 3) **Lands within the Westover Park Subdivision (Phases 1,2, 3 and 4)** as recorded in Plat Book 26 Page 158, Plat Book 27 Page 62, Plat Book 28 Page 88 and Plat Book 30 Page 42 of the Davidson County Register of Deeds Office.

The site is also known as Davidson County Tax Parcels 01008E0000002, 01008G0000029, 01008G0000030, 01008G0000031, 01008G0000032, 01008G0000033, 01008G0000034, 01008G0000035, 01008G0000036, 01008G0000037, 01008G0000065, 01008G0000066, 01008G0000067, 01008G0000068, 01008G0000069, 01008G0000070, 01008G0000071, 01008G0000072, 01008G0000073, 01008G0000074, 01008H0000001, 01008H0000002, 01008H0000003, 01008H0000004, 01008H0000005, 01008H0000006, 01008H0000038, 01008H0000039, 01008H0000040, 01008H0000041, 01008H0000042, 01008H0000043, 01008H0000044, 01008H0000045, 01008H0000046, 01008H0000047, 01008H0000048,

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01008J0000107 & 01008J0000108.

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

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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