

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 21-39
(Shamrock Petey, LLC)

From: Chris Andrews,
Interim Planning and Development Director

Meeting Date: March 21, 2022

Public Hearing: Yes

Advertising Date: March 9, 2022, and
March 16, 2022

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by Shamrock Petey, LLC to rezone approximately 35 acres from the Residential Single Family – 40 (RS-40) District, within Guilford County’s zoning jurisdiction, and a Conditional Zoning Retail Center (CZ-RC) District to a Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their February 22, 2022 public hearing. All members of the Commission were present except for Mr. Alex Moore and Mr. Mark Walsh. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Due to a scheduling conflict the applicant was unable to attend this public hearing.

Speaking in favor of the request was Mr. Darrin Jordan who lives at 2210 Penny Road, High Point. Mr. Jordan stated that he thought this would be a good commercial project for the area and the inclusion of this small parcel is a reasonable expansion to the proposed commercial development.

There were no speakers in opposition to 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 7-0.

2. Consistency and Reasonableness Statements

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

That Zoning Map Amendment 21-39 is consistent with the City's adopted policy guidance because the proposed expansion of the CZ-RC District is supported by adopted policy guidance documents, including the City's Land Use Plan. Furthermore, as conditioned, the requested expansion of the CZ-RC District will be similar and compatible with previous conditional zoning approvals granted in this area.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-39
February 22, 2022**

Request	
Applicant: Shamrock Petey, LLC	Owners: Calvin & Sharron Johnson, Maria T. Montoya-Couch, SV LIM Holdings LLC, Steven Lim, Barbara & Darrin Jordan, KTK Partners, Mark & Carolyn Austin, and North State Telephone Company
Zoning Proposal: To expand a previously zoning approval to add a 0.33-acre parcel.	From: CZ-RC Conditional Zoning Retail Center District RS-40 Residential Single Family – 40 Mixed-Use District To: CZ-RC Conditional Zoning Retail Center District

Site Information	
Location:	The site is located at the southeast corner of W. Wendover Avenue and Penny Road. The area of expansion is located along the north side of Samet Drive, approximately 450 feet east of Penny Road.
Tax Parcel Numbers:	Guilford County Tax Parcels 196674, 196671, 196672, 196673, 70002, 170004, 170005, 170006, 170007
Site Acreage:	Approximately 35 acres.
Current Land Use:	The 0.3-acre parcel is undeveloped.
Physical Characteristics:	The 0.3-acre parcel has no noteworthy features.
Water and Sewer Proximity:	A 12-inch and 16-inch City water lines lie adjacent to the site along Penny Road and W. Wendover Avenue. An 8-inch City sewer line lies along W. Wendover Avenue and along the southern boundary of the site.
General Drainage and Watershed:	The site drains in a general easterly 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, and for single family developments with a gross density of 2 units per acre or more.
Overlay Districts:	City Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use (next to the 0.3-acre area of expansion)			
North:	CZ-RC	Conditional Zoning Retail Center District	Undeveloped
South:	RS-40	Residential Single Family – 40 District <i>(Guilford County)</i>	Single-family dwellings
East:	CZ-RC	Conditional Zoning Retail Center District	Undeveloped
West:	CZ-RC	Conditional Zoning Retail Center District	Undeveloped

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	<p>The following objectives of the Community Growth Vision Statement are relevant to this request:</p> <p><u>Obj. 5B:</u> Focus particular attention on the appearance of key gateways into High Point to convey to visitors a positive first and last impression of the community.</p> <p><u>Obj. 5H:</u> Limit extremely large-scaled stores - “big box retail” - to key street intersections to best accommodate their potentially high traffic volumes.</p>
Land Use Plan Map Classification:	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.
Land Use Plan Goals, Objectives & Policies:	<p>The following goal and objectives of the Land Use Plan are relevant to this request:</p> <p>Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.</p> <p>Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.</p> <p>Obj. #11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.</p>
Relevant Area Plan:	<p><u>West Wendover Avenue/Guilford College Road Corridor Plan:</u></p> <p>Due to this being an important gateway into the city, the plan recommends maintaining the corridor’s visual quality through buffering and landscaping requirements, sign control, and development standards or design guidelines that address topics such as roof pitch, exterior building materials, color, awnings, and building height and orientation. It also recommends protection of the Historic Deep River Friends Meeting property. Furthermore, this corridor plan recommends transportation related conditions to protect W. Wendover Avenue as a commuting corridor by restricting the number of access points and that the number of median crossings not be increased.</p>
Zoning History:	On December 20, 2021, City Council rezoned a 34.7-acre tract of land lying at the southeast corner of W. Wendover Avenue and Penny Road to the CZ-RC District to support development of a commercial shopping center (Zoning Map Amendment Case 21-23).

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	Wendover Avenue	Major Thoroughfare	1,685 ft.
	Penny Road	Major Thoroughfare	740 ft.
	Samet Drive	Local Street	785 ft.
Vehicular Access:	W. Wendover Avenue, Penny Road, Samet Drive Extension		
Traffic Counts: <i>(Average Daily Trips)</i>	Wendover Avenue	33,000 AADT (NCDOT 2019 traffic counts)	
	Penny Road	22,000 AADT (NCDOT 2019 traffic counts)	

Estimated Trip Generation:	A mixed-use development consisting of approximately 160,000 square feet of commercial uses and a 180-unit multifamily development is proposed. Such a development is anticipated to generate approximately 17,464 daily trips (during a 24-hour period) with approximately 1,578 AM peak-hour trips and approximately 1,810 PM peak-hour trips	
Traffic Impact Analysis (TIA):	Required	
	<u>Yes</u>	<u>No</u> X
	TIA Comments The addition of this 0.3-acre parcel will not change findings of the TIA used to approve ZA-21-23 (see attached TIA executive summary for ZA-21-23).	
Conditions:	See Conditional Zoning Ordinance.	

School District Comment

Not applicable to the proposed 0.3-acre expansion of the CZ-RC District.

Details of Proposal

The applicant, Shamrock Petey, LLC, has submitted this zoning map amendment to expand the land area of a proposed commercial development. In December 2021, City Council approved annexation and zoning applications to establish the Conditional Zoning Retail Center (CZ-RC) District upon a 34.7-acre tract of land lying at the southeast corner of W. Wendover Avenue and Penny Road (Zoning Map Amendment Case 21-23). This current application proposes a small expansion of that prior zoning approval to add a 0.3-acre parcel at the southern boundary of this project, fronting along Samet Drive.

All previously approved zoning conditions of ZA-21-23 will be carried forward into this updated zoning case. The only changes to the prior Conditional Zoning Ordinance will be the revision of the acreage from 34.7 acres to 35 acres and the inclusion of the tax parcel identification number to the land area description.

Staff Analysis

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.

The proposed expansion of the CZ-RC District is supported by adopted policy guidance documents, including the City's Land Use Plan.

Reasonableness/Public Interest:

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

As conditioned, the requested expansion of the CZ-RC District will be similar and compatible with 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.

As conditioned to meet various standards of the Gateway Corridor Overlay District, future development will provide for a complimentary character and the higher development standards that have been established for adjacent commercial developments. Conditions to provide for higher landscaping standards when the rear of structure face homes along the south side of Samet Drive, will assist to ensure development will be more compatible with the abutting residential dwellings.

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:

Mitigation #1	<p>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.</p> <p>The proposed 0.3-acre expansion is minor, a 0.9% expansion of land area, and does not change initial findings under the prior zoning approval (ZA-21-23) to support commercial land uses at this location. Furthermore, the land area of this parcel will be incorporated into the extension of Samet Drive and perimeter landscaping area.</p>
Mitigation #2	<p>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</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>
Mitigation #3	<p>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.</p> <p>The site is within an area currently served by City of High Point utilities and municipal services.</p>
Mitigation #4	<p>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</p> <p>The addition of this 0.3-acre parcel does not change initial findings under the prior zoning approval to support commercial land uses at this location.</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.

Adopted policy guidance, including prior zoning approvals, has set land use policy and precedent to support commercial development with specific development standards at this intersection.

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.

Adopted policy guidance documents, including the Land Use Plan, Eastchester Corridor Plan, W. Wendover Avenue Corridor Plan, and conditions established from prior zoning approvals have established a preferred development pattern for commercial development at this intersection. As conditioned, the proposed CZ-RC District will ensure this preferred development pattern will be continued.

Recommendation

Staff Recommends Approval:

Staff recommends approval, as conditioned the requested CZ-RC District will be compatible with the surrounding area and in conformance with adopted policy guidance documents.

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

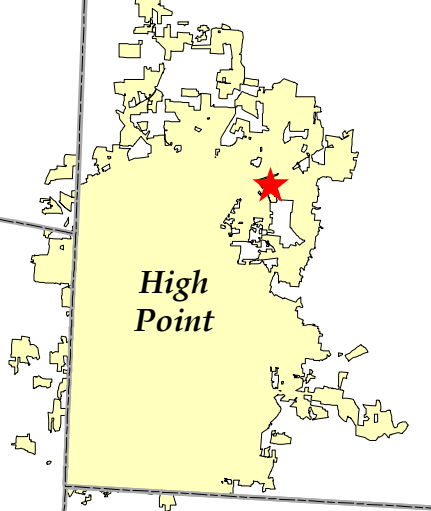
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

LOCATION MAP

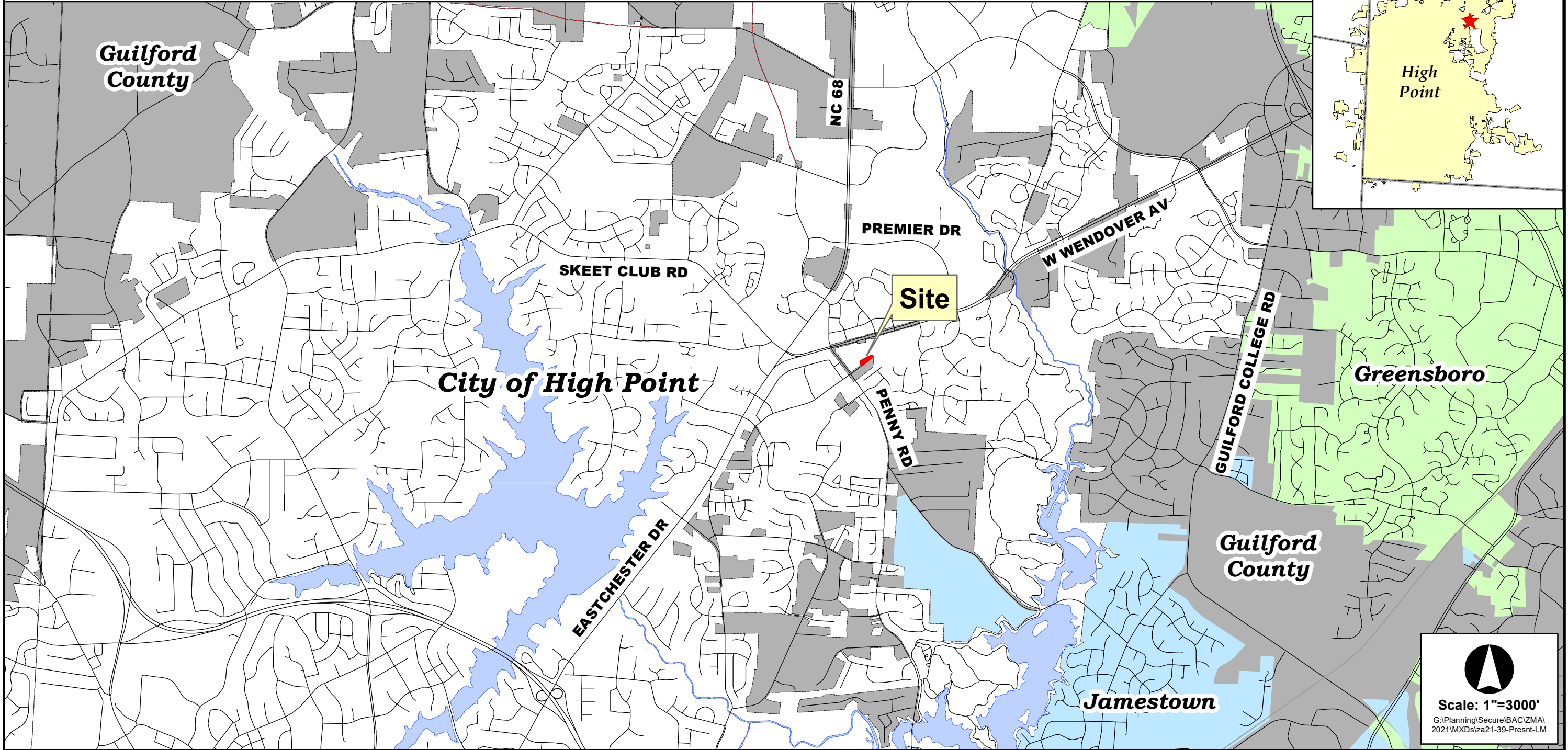
ZONING MAP AMENDMENT ZA-21-39

Applicant: Shamrock Petey, LLC

Vicinity Map



High Point



Guilford County

City of High Point

Site

Greensboro

Guilford County

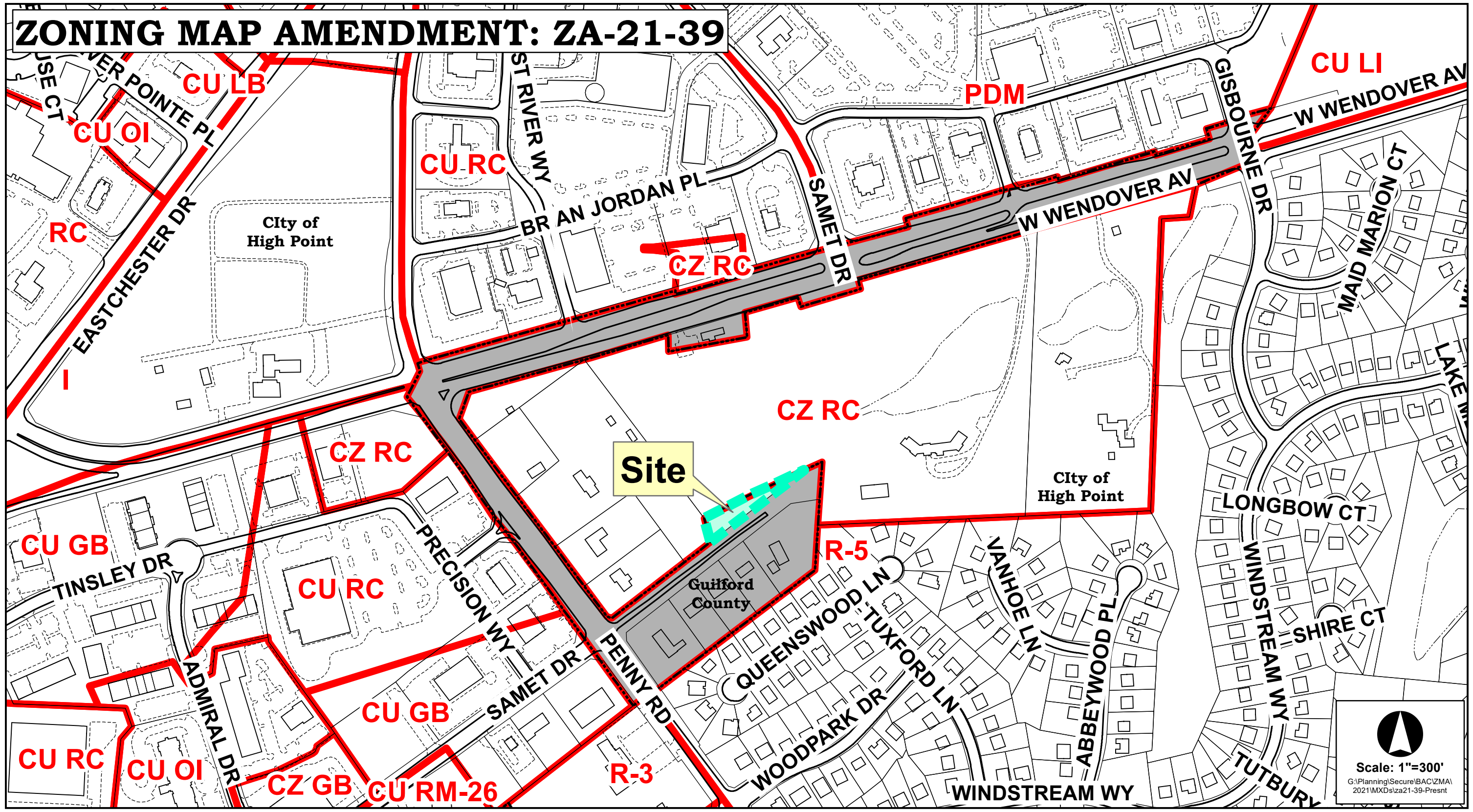
Jamestown



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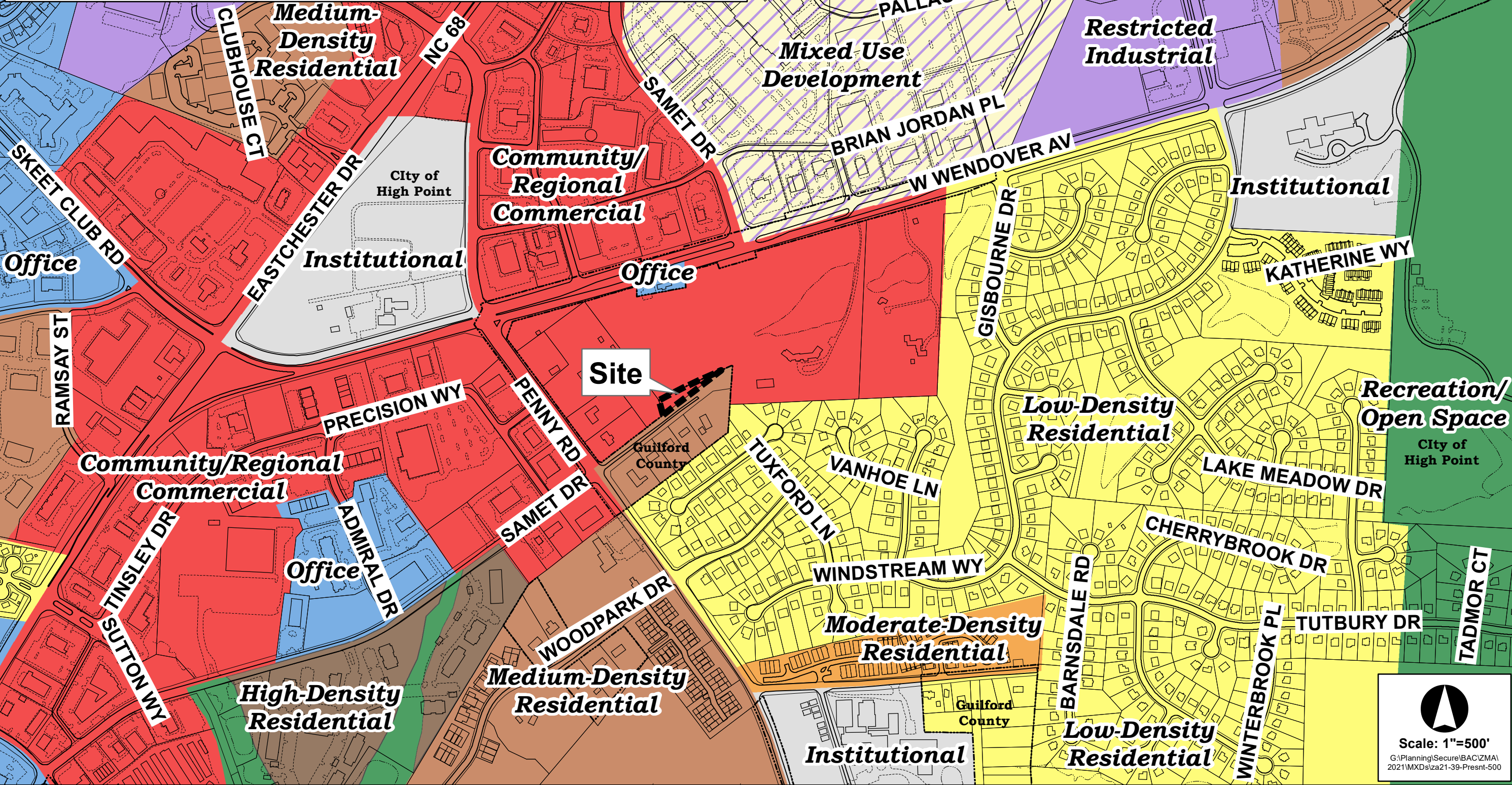
ZONING MAP AMENDMENT: ZA-21-39




Site

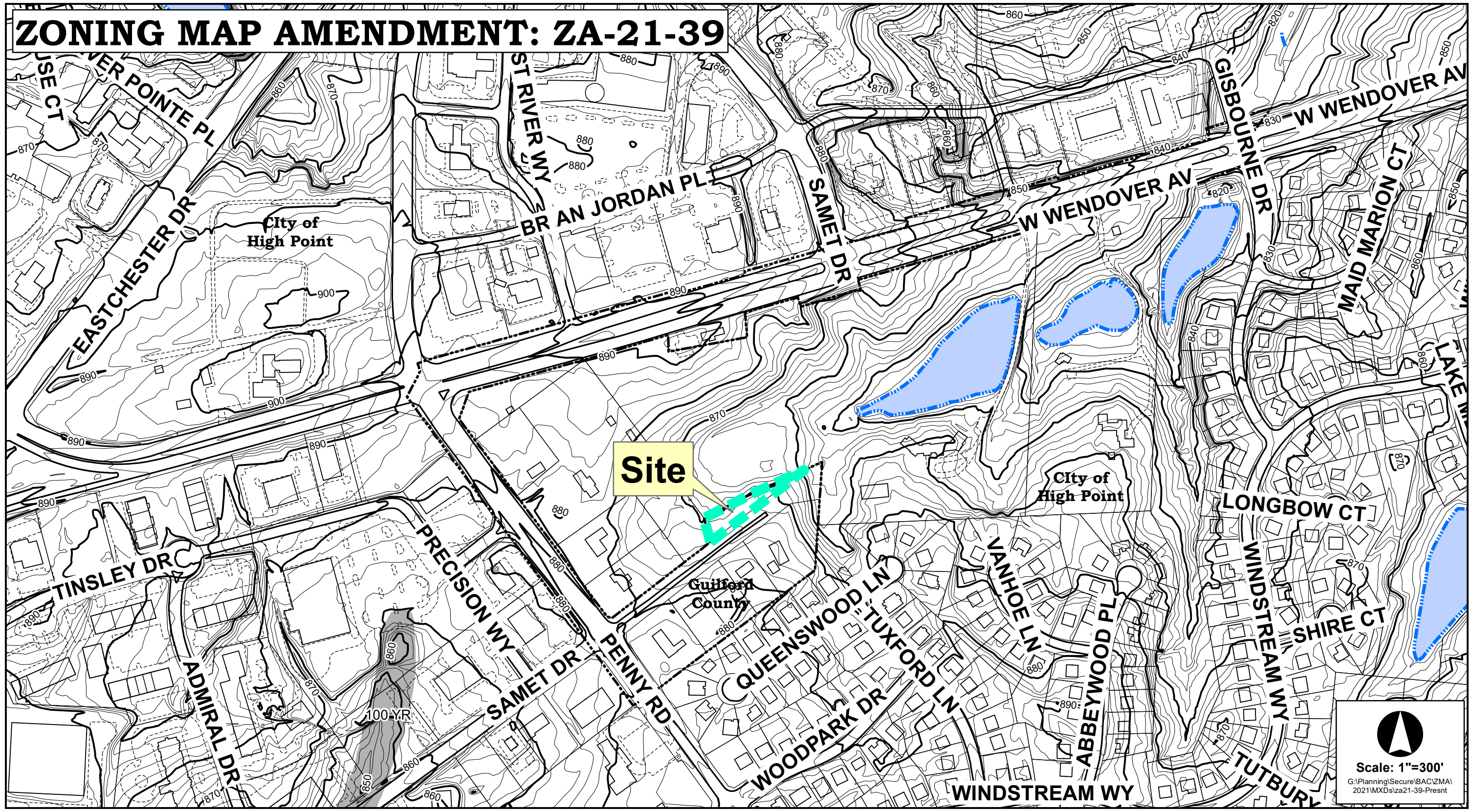
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ZONING MAP AMENDMENT: ZA-21-39



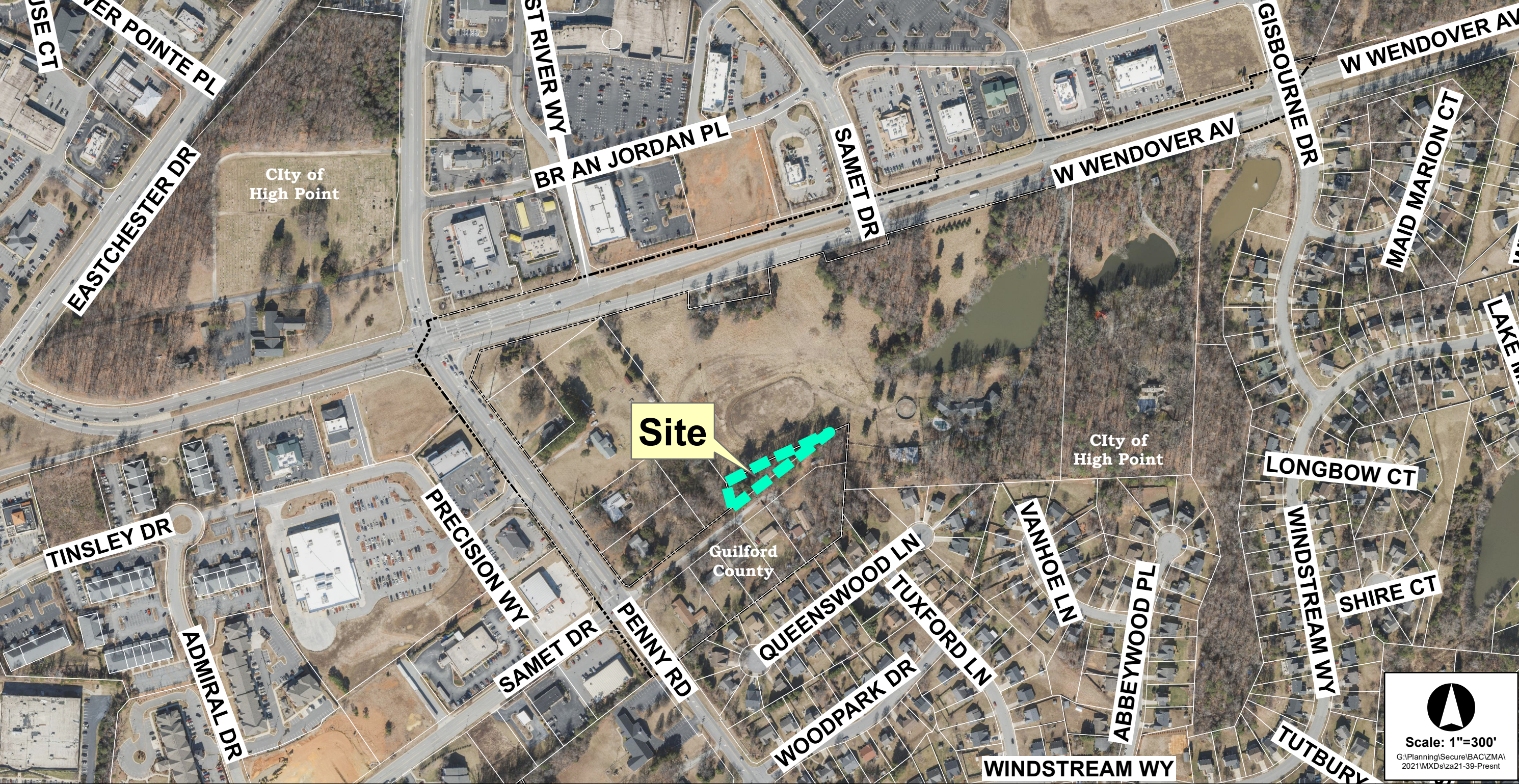

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ZONING MAP AMENDMENT: ZA-21-39




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ZONING MAP AMENDMENT: ZA-21-39



Site

City of High Point

Guilford County

City of High Point



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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING, 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 February 22, 2022 and before the City Council of the City of High Point on March 21, 2022 regarding **Zoning Map Amendment Case 21-39 (ZA-21-39)** 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 February 13, 2022, for the Planning and Zoning Commission public hearing and on March 9, 2022 and March 16, 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 **March 22, 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 Retail Center (CZ-RC) District**. The property is approximately 35 acres, lying at the at the southeast corner of W. Wendover Avenue and Penny Road. The site is also known as Guilford County Tax Parcels 196671, 196672, 196673, 196674, 170002, 170004, 170005, 170006 and 170007.

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 of the land uses allowed in the Retail Center (RC) District shall be permitted subject to the requirements of the Development Ordinance and subject to the specific conditions of this Permit.

B. **Restricted Uses:**

1. Within 250 feet of the W. Wendover Avenue right-of-way and within 250 feet of the Penny Road right-of-way, the following land uses shall be prohibited:
 - a) Wireless telecommunication facility.

2. Within 200 feet of the southeastern property boundary of Guilford County Tax Parcel 17005 and the southern boundary of Tax Parcel 17007 (where this parcel abuts the Nottingham Subdivision) all land uses under the Commercial Use Classification shall be prohibited. Except that the following Use Types under the Commercial Use Classification shall not be part of this use restriction:
 - a) Office Use Types
 - b) Personal Services Use Types

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multiple Lot Development

As part of land development permit approval, the property owner shall submit and obtain approval for a Multiple Lot Development (Section 5.14.5 of the Development Ordinance) for the entire zoning site.

2. The following standards shall apply to all parcels abutting W. Wendover Avenue and to all parcels abutting Penny Road:

- a) No outdoor storage, outdoor display or outdoor retail sales activity shall be permitted between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building.
- b) Automobile bays shall not face Penny Road or W. Wendover Avenue.
- c) Air hoses, vacuum pedestals and other outdoor automobile service equipment shall not be located between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building principal.

3. Development at the northwestern corner of the rezoning site (opposite historic Deep River Friends Meeting):

At the northwestern corner of the rezoning site, all principal building(s) located within 250 feet of the Penny Road right-of-way and within 250 feet of the W. Wendover Avenue right-of-way shall be designed to ensure that such building(s) will be architecturally compatible with the historic Deep River Friends Meetinghouse. Building design standards will include compatible building materials, compatible colors, and a roof design (a pitched roof or a parapet wall system that visually conceals the roof and roof-mounted HVAC systems from the road).

4. Eastchester Gateway Corridor Overlay District Standards:

The following standards from the Eastchester Gateway Corridor Overlay District Standards shall apply:

- a) Site Standards: The rezoning site shall be subject to the Site Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.4 (Site Standards) of the Development Ordinance.

- b) Signage: The rezoning site shall be subject to the Signage Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.6 and Table 3.8.7.F.6 (Signage) of the Development Ordinance.
- c) Building Standards: The rezoning site shall be subject to the following Building Standards requirements in Section 3.8.7.F.7 (Building Standards) of the Development Ordinance
- c) Landscaping: The rezoning site shall only be subject to Section 3.8.7.F.5(a) and (b) (Landscaping Standards) of the Eastchester Gateway Corridor Overlay District.

B. Landscaping, Buffers and Screening.

- 1. Higher Landscaping at the southeastern boundary of the zoning site
For nonresidential uses, a minimum 25 foot wide perimeter planting yard shall be installed along the southeastern property boundary of Guilford County Tax Parcel 17005 and 17007 (where this parcel abuts the Nottingham Subdivision) . At a minimum, this planting yard shall consist of a double row of evergreen trees. The evergreen trees are to be planted approximately fifteen (15) feet on center with an approximate five (5) foot offset between the rows. The evergreen trees shall be a plant species that will have a minimum height at maturity of 25 feet.
- 2. Required Streetyard (Perimeter Landscape Yards), along the W. Wendover Avenue and Penny Road frontages of the zoning, site shall be planted at a rate of 4 canopy trees per 100 linear feet and 17 shrubs per 100 linear feet.
- 3. Along the southwestern boundary of the rezoning site (northwestern boundary of Samet Drive facing the single-family homes to the south), a minimum 25-foot landscaping street yard (planted to the Type C-Yard Rate) shall be installed along the north side of Samet Drive if the back of any future building(s) face Samet Drive. This higher landscape standard shall not apply where front or sides of any building(s) face Samet Drive.

C. Transportation Conditions.

1. Right-of-way Dedication:

- a) Samet Drive Extension: Provided that City constructs Same Drive Extension, the property owner shall dedicate sufficient right-of-way from land that it owns or controls to achieve 10 feet of right-of-way from the back of curb on each side of the proposed Samet Drive Extension in accordance with a separate Dedication Agreement between the City and the owner. The right-of-way shall be enough to include all necessary lane configurations at intersections and to accommodate sidewalks and planting strips on both sides of Samet Drive Extension.

- b) West Wendover Avenue: Where turn lanes are required, an additional 10 feet of right-of-way shall be dedicated from the new back of curb of all turn lanes.
- c) Penny Road: Where turn lanes are required, an additional 10 feet of right-of-way shall be dedicated from the new back of curb of all turn lanes.

2. Access:

- a. West Wendover Avenue: The project shall have three points of access to West Wendover Avenue (pending NCDOT approval) as described in Tables A & B and Exhibits A & B of the TIA:
 - i. One full movement access (Samet Drive Extension, not constructed by the owner).
 - ii. One right-in/right-out between Penny Road and Samet Drive Extension (Site Access 1, constructed by the owner).
 - iii. One right-in/right-out with a left-over on westbound Wendover Avenue across from Brian Jordan Place (Site Access 2, constructed by the owner).
- b. Penny Road: The project shall have two points of access to Penny Road (pending NCDOT approval) as described in Tables A & B and Exhibits A & B of the TIA:
 - i. One full movement access (existing Samet Drive, not constructed by the owner)
 - ii. One right-in/right-out across from the Walmart Neighborhood Market Driveway (Site Access 3, constructed by the owner).
- c. Samet Drive Extension: The Project shall have five points of full access to Samet Drive Extension, substantially as depicted on Exhibit B of the TIA. The exact location and design of these access points will be determined during the plan submittal process and is not a requirement of the owner.

3. Improvements:

- a) West Wendover Avenue and Site Access 1 – As described in Table B and Exhibit B of the TIA, right-in/right-out.
 - i. The owner shall construct an east bound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper.
- b) West Wendover Avenue and Site Access 2 – As described in Table B and Exhibit B of the TIA, right-in/right-out with a left-over.
 - i. The owner shall construct an eastbound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper.
 - ii. The owner shall construct a westbound left-over on West Wendover Avenue with 200 feet of storage and appropriate taper.
- c) Penny Road and Site Access 3 – As described in Table B and Exhibit B of the TIA, right-in/right-out.
 - i. The owner shall construct a northbound right turn lane on Penny Road with 100 feet of storage and appropriate taper.

- ii. The owner shall construct a minimum four (4) foot wide monolithic median island on Penny Road in front of Access 3. The design and length of this median will be determined by NCDOT during the plan submittal process.
4. Other Transportation Conditions: The City of High Point Transportation Department and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements. However, location and design shall not materially depart from the information within the TIA. The owner's obligations under this ordinance are limited to conveying the land as described above and construction of improvements listed above in section 3.a through c of these conditions, further described as Site Accesses 1, 2, 3 in Table B and depicted on Exhibit B of the TIA. Design and construction of Samet Drive Extension are not obligations of the developer.

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 21st day of March, 2022

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk