

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 21-11  
(City of High Point)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** June 21, 2021

**Public Hearing:** Yes

**Advertising Date:** June 9, 2021, and  
June 16, 2021

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

**Advertised By:** Planning & Development

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### **PURPOSE:**

A request by the High Point City Council to rezone 91 properties, totaling approximately 25.6 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone 22 properties, totaling approximately 4.13 acres, within the Arbors Subdivision. This site is located at the southeast corner of Guyer Street and Beaucrest Avenue.
- b) To rezone 69 properties, totaling approximately 21.5 acres, within the Ashton Woods Subdivision and two abutting parcels at the northern terminus of Wickham Avenue. This site is located north of the intersection of Suffolk Avenue and Stoneycreek Drive, with parcels fronting along a portion of Boulding Avenue, a portion of Stoneycreek Drive, a portion of Wickham Avenue and along Arborbrook Lane.

### **BACKGROUND:**

The Planning and Zoning Commission reviewed this request at their May 25, 2021 regular meeting and took final action when the meeting was reconvened on May 27, 2021. On the date of final action, all members of the Commission were present except for Ms. Joan Swift and Mr. Terry Venable. 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 public comments received in regard 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 21-11 is consistent with the City's adopted policy guidance because the proposed zoning map amendments are supported by the Low-Density Residential designation for these areas, as contained in the adopted Land Use Plan. Furthermore, the amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning districts, which cannot be amended.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-21-11  
May 25, 2021**

**Request**

A request by the High Point City Council to rezone 91 properties, totaling approximately 25.03 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on evaluating two residential subdivisions located in the central portion of the City, north of E. Lexington Avenue.

**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 December 2020.

**Details of Proposal**

The following is a summary of affected developments, along with an attached analysis of each area being considered under this Zoning Map Amendment.

<b>From</b>	<b>To</b>	<b>Development/Use</b>	<b>Location</b>
CU RM-16 (CU 83-05)	RM-16	Arbors Subdivision Townhomes and a single family dwelling	Located at the southeast corner of Guyer Street and Beaucrest Avenue.
CU R-5 RM-16 (CU 84-18)	R-5	Ashton Woods Subdivisions and two abutting parcels; Single family dwellings	Located north of the intersection of Suffolk Avenue and Stoneycreek Drive, with parcels fronting along a portion of Boulding Avenue, a portion of Stoneycreek Drive, a portion of the of Wickham Avenue and along Arborbrook Lane.

**Analysis**

The requested rezoning of these two residential subdivisions is intended to remove obsolete zoning conditions. These developments were granted their current City of High Point Conditional Use (CU) zoning in the early 1980s under a former Development Ordinance that was updated in 1992. That 1992 version of the Development Ordinance was recently updated in 2017. These developments have been fully completed and their various zoning conditions have been met. The requested rezoning is intended to remove obsolete zoning conditions, while maintaining the development's base zoning district. See attached detailed evaluations.

**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 zoning map amendments are supported by the Low-Density Residential designation for these areas, as contained in the adopted 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.**

**The amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning districts, which cannot be amended.**

**Recommendations**

Staff recommends approval of the following zoning map amendments:

- 1) Rezone the Arbors Subdivision from a CU RM-16 District to the RM-16 District.
- 2) Rezone the Ashton Woods Subdivisions and an abutting parcel addressed as 1935 Wickham Avenue from a CU R-5 District to the R-5 District. And, rezone two abutting parcels addressed as 2106 and 2108 Whickham Avenue from the RM-16 District 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 Chris Andrews AICP, Development Administrator and Lee Burnette AICP, Director.

## Arbors Subdivision

**Location:** Lying at the southeast corner of Guyer Street and Beaucrest Avenue

**Current Use:** A subdivision consisting of 20 single family attached (townhome) dwellings and one single family dwelling.

### Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Conditional Use Residential Multifamily – 16 (CU RM-16) District	Residential Multifamily – 16 (RM-16) District
<i>Purpose &amp; 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>RM-16 District</u> Same
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	<u>Arbors Subdivision</u> 1983 Zoning Approval (CU 83-05) • Use type and density.	None

	Adjacent Zoning	Adjacent Land Use
<b>North:</b>	Residential Single Family–5 (R-5) District	Single family dwellings
<b>South:</b>	Residential Single Family–5 (R-5) District	Single family dwellings
<b>East:</b>	Residential Single Family–5 (R-5) District	Single family dwellings
<b>West:</b>	Residential Single Family–5 (R-5) District	Single family dwellings

### Land Use Plan Classification

The area is designated as follows:

- **Low-Density Residential:** The site has a Low-Density Residential land use designation. 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/Recommendation

This CU RM-16 District zoning was established in 1983, the subdivision plat was recorded in 1984 and this development has been completed. The purpose of this rezoning is to remove the CU designation as conditions from the zoning approvals were met upon the completion of this development. Rezoning to the base zoning district (the RM-16 Districts) does not impact any deed restrictions the Homeowners Association may have imposed over this development.

Staff recommends rezoning of the Arbors subdivision from a CU RM-16 District to the RM-16 District.

**Ashton Woods Subdivision and  
2108 and 2106 Whickham Avenue**

**Location:** Lying north of the intersection of Suffolk Avenue and Stoneycreek Drive, with parcels fronting along a portion of Boulding Avenue, a portion of Stoneycreek Drive, a portion of Wickham Avenue and along Arborbrook Lane.

**Current Use:** Ashton Woods Subdivision and  
1935 Wickham Avenue

Single family dwellings and open space/recreational area associated with the greenway trail

2108 and 2106 Wickham Avenue

Two single family dwellings

**Comparison of Current and Proposed Zoning**

	<b>Current Zoning</b>	<b>Proposed Zoning</b>
	Conditional Use Residential Single Family-5 (R-5) District  Residential Multifamily – 16 (CU RM-16) District	Residential Single Family-5 (R-5) District  Residential Single Family-5 (R-5) District
<i>Purpose &amp; Intent:</i>	<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. District regulations discourage uses that interfere with the development of residential development or that is detrimental to the residential nature of the district.	<u>R-5 District</u> Same
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	<u>Arbors Subdivision</u> 1984 Zoning Approval (CU 84-18) • Density limits	None

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
<b>North:</b>	Residential Single Family-3 (R-3) District	Single family dwellings
<b>South:</b>	Residential Multifamily – 16 (CU RM-16) District	Multifamily dwelling (apartment complex) and duplexes
<b>East:</b>	Residential Multifamily – 16 (CU RM-16) District	Single family attached (townhomes) and I-74 corridor
<b>West:</b>	Residential Single Family-5 (R-5) District	Single family dwellings and greenway trail

## Land Use Plan Classification

The area is designated as follows:

- **Low-Density Residential:** The site has a Low-Density Residential land use designation. 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/Recommendation

The Ashton Woods subdivision obtained zoning approval in 1984 and subdivision approval for phases I and II was granted in 1986 and 1987, respectively. The northern portion of the subdivision (1935 Wickham Avenue) was dedicated to the City for construction of the greenway trail. The purpose of this rezoning is to remove the CU designation as conditions from the zoning approvals were met upon the completion of this development.

At the northern terminus of Wickham Avenue are two parcels (2108 and 2106 Wickham Avenue) outside of the platted subdivision with a RM-16 District zoning designation. Since these two parcels have limited land area, approximately 7,100 and 9,000 square feet, and have developed with single family homes, they are proposed to be rezoned to the R-5 District to match the manner in which they have been developed.

Staff recommends approval of the following zoning map amendments:

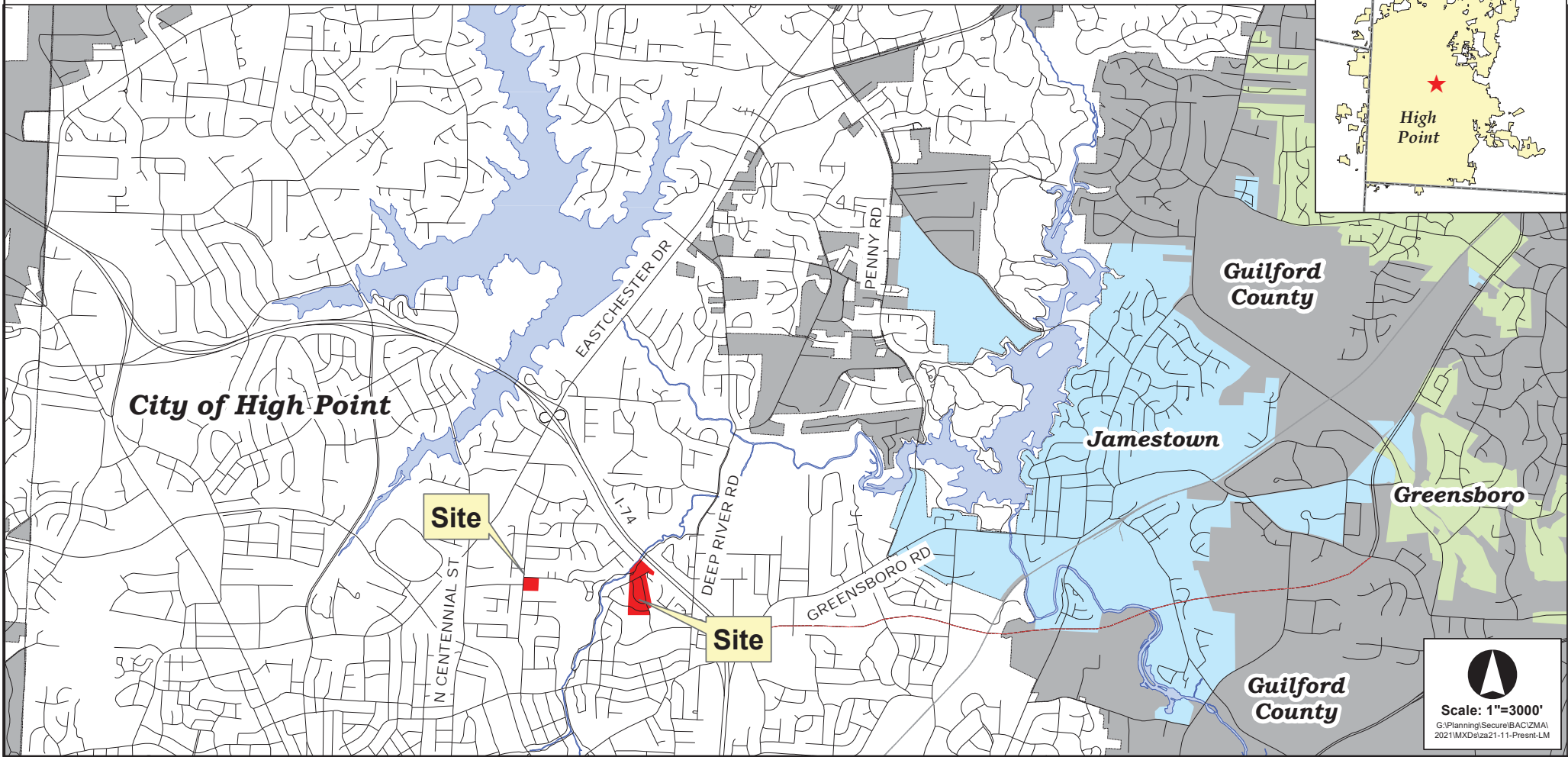
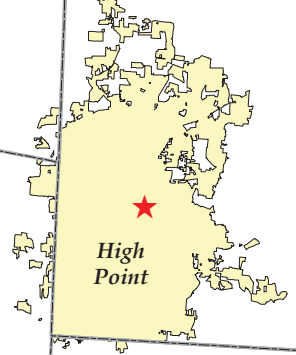
1. Rezone the Ashton Woods Subdivision and 1935 Wickham Avenue from a CU R-5 District to the R-5 District.
2. Rezone 2108 and 2106 Wickham Avenue from the RM-16 District to the R-5 District.

# LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-11

Applicant: City of High Point

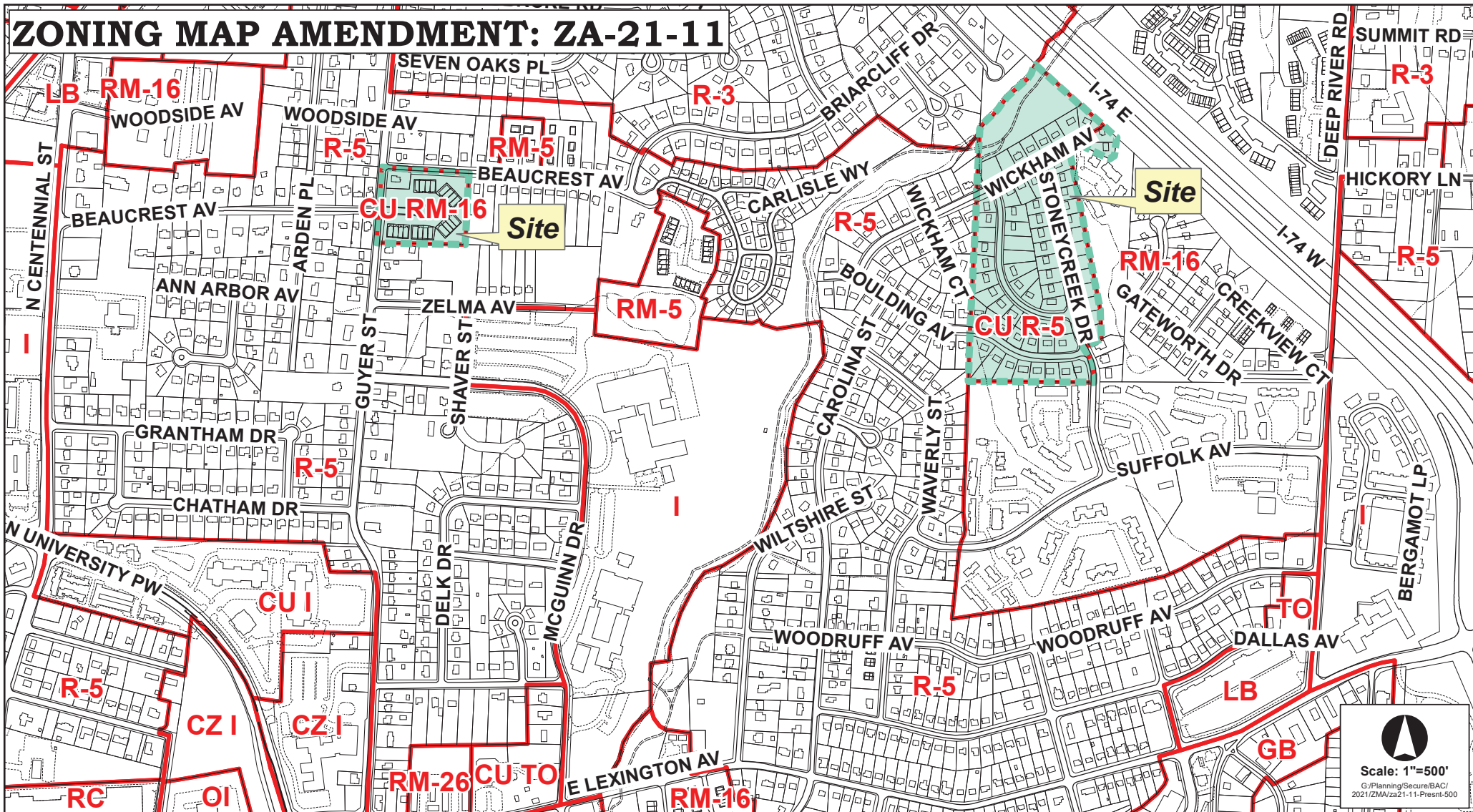
## Vicinity Map



  
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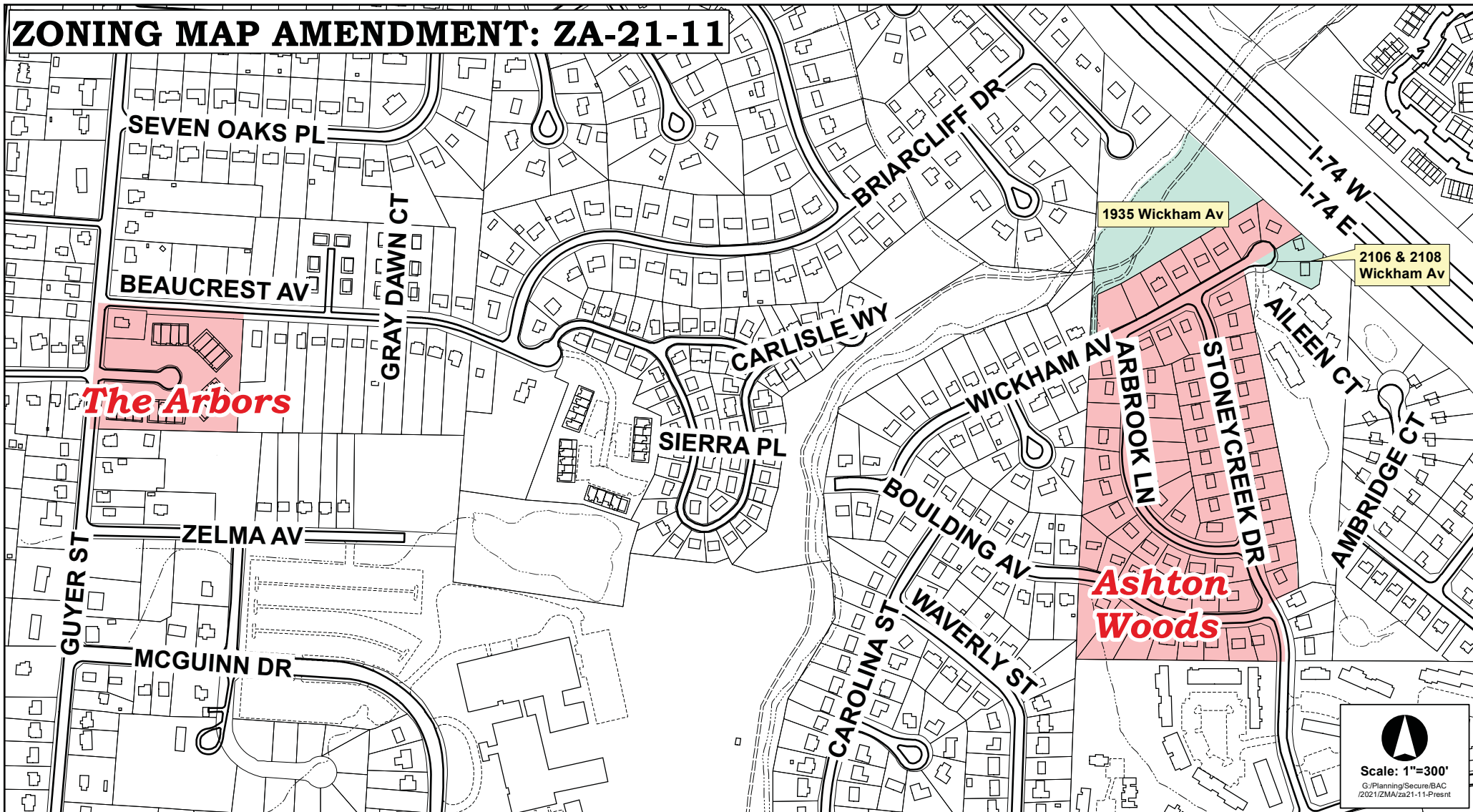


# ZONING MAP AMENDMENT: ZA-21-11



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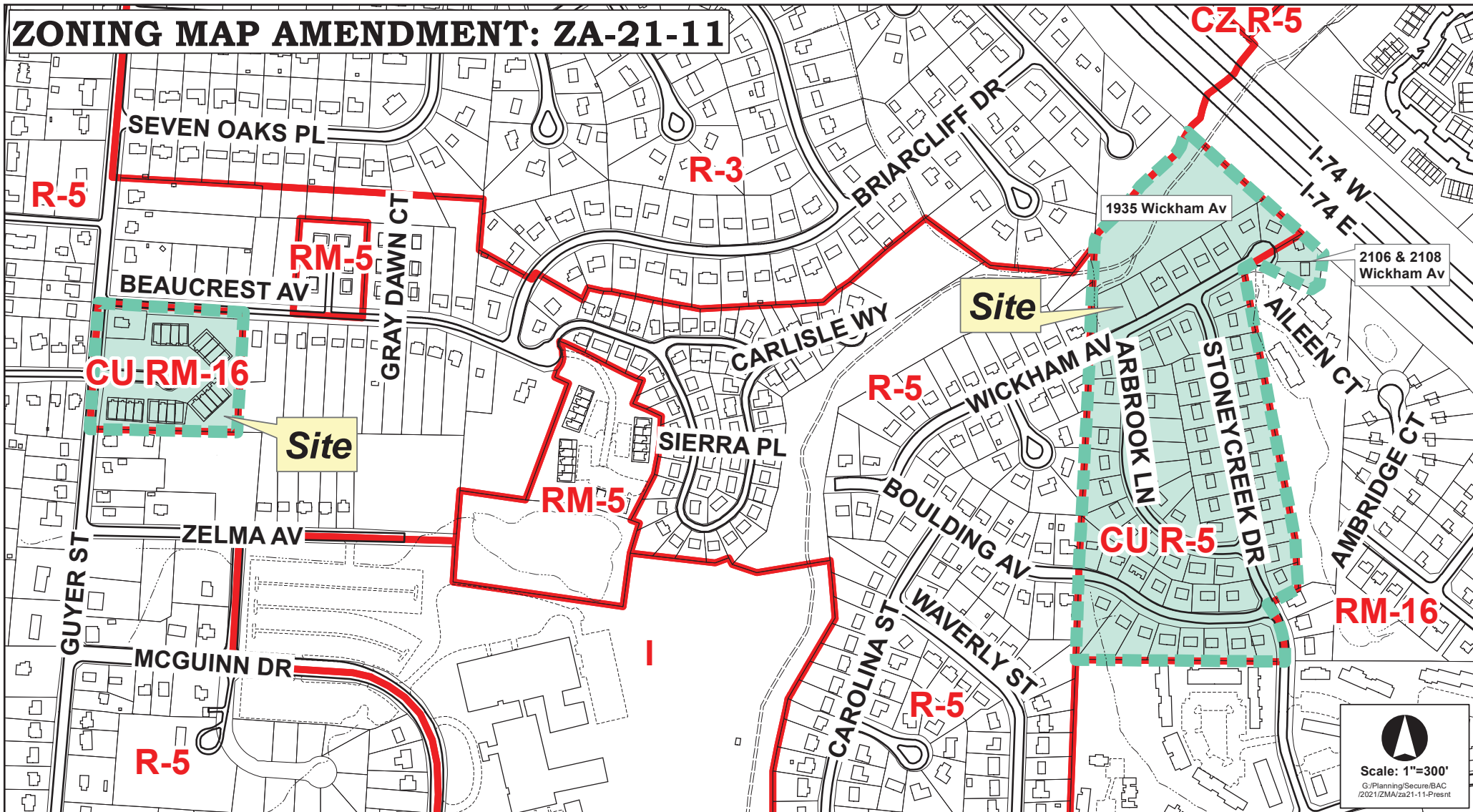


*The Arbors*

*Ashton Woods*

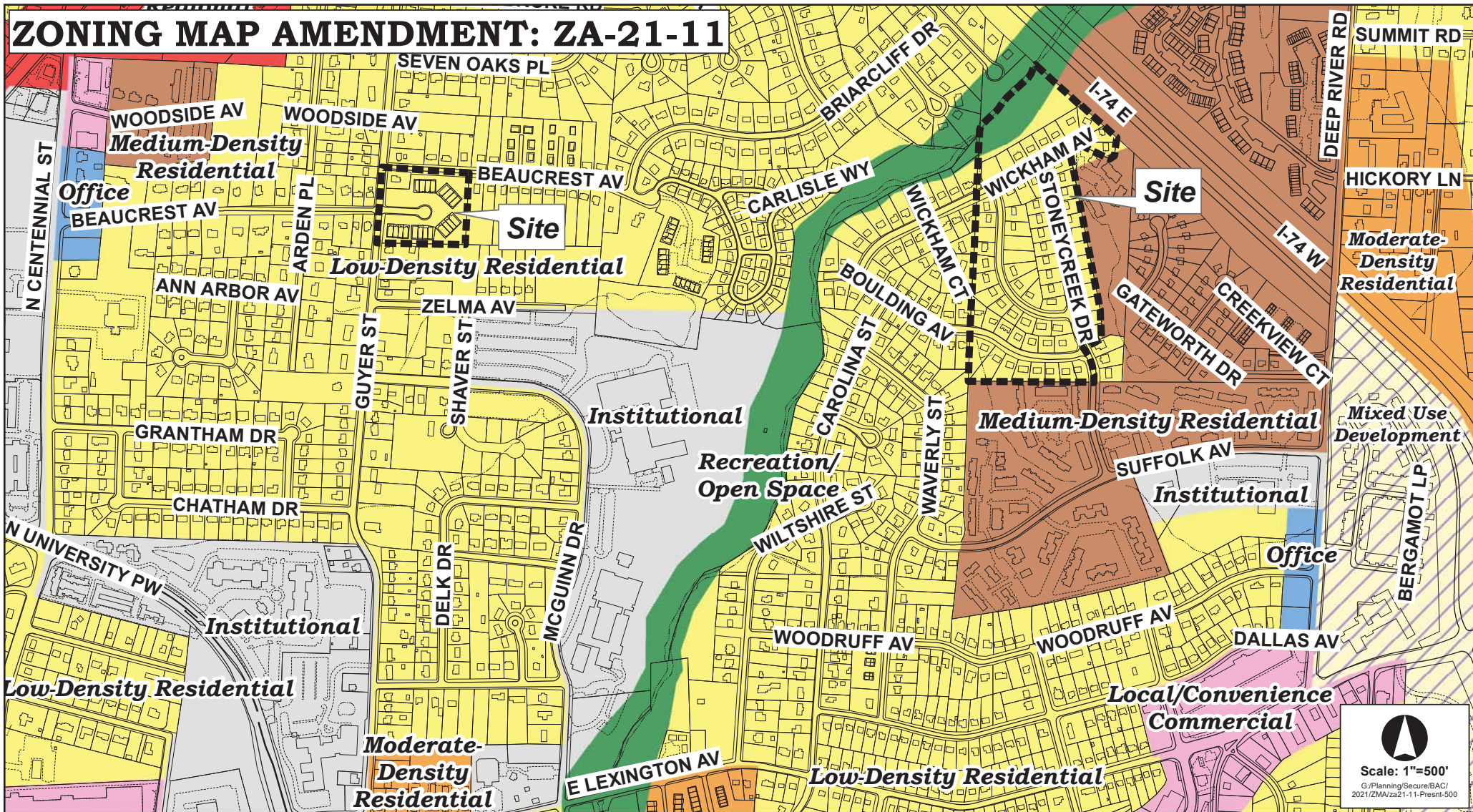
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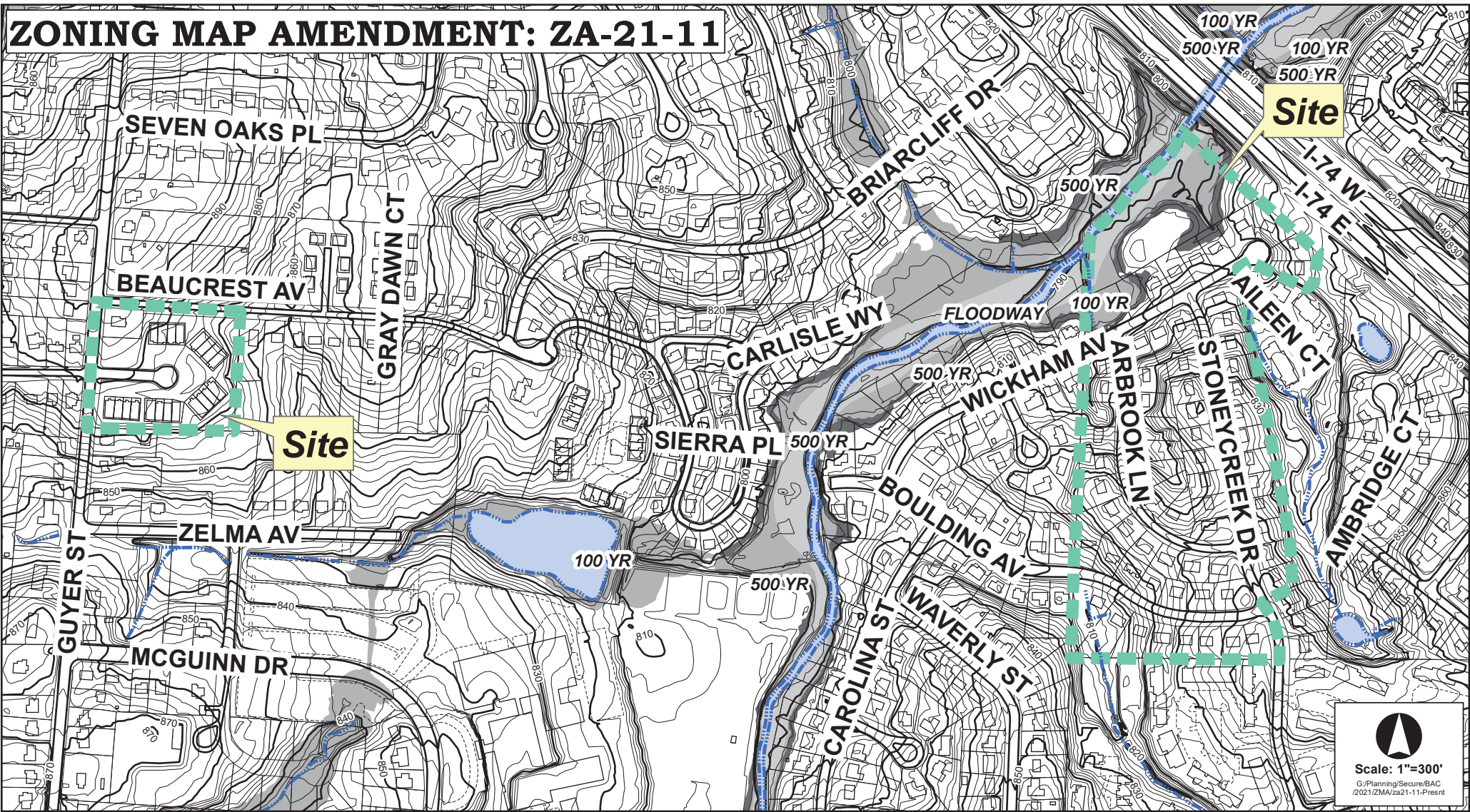


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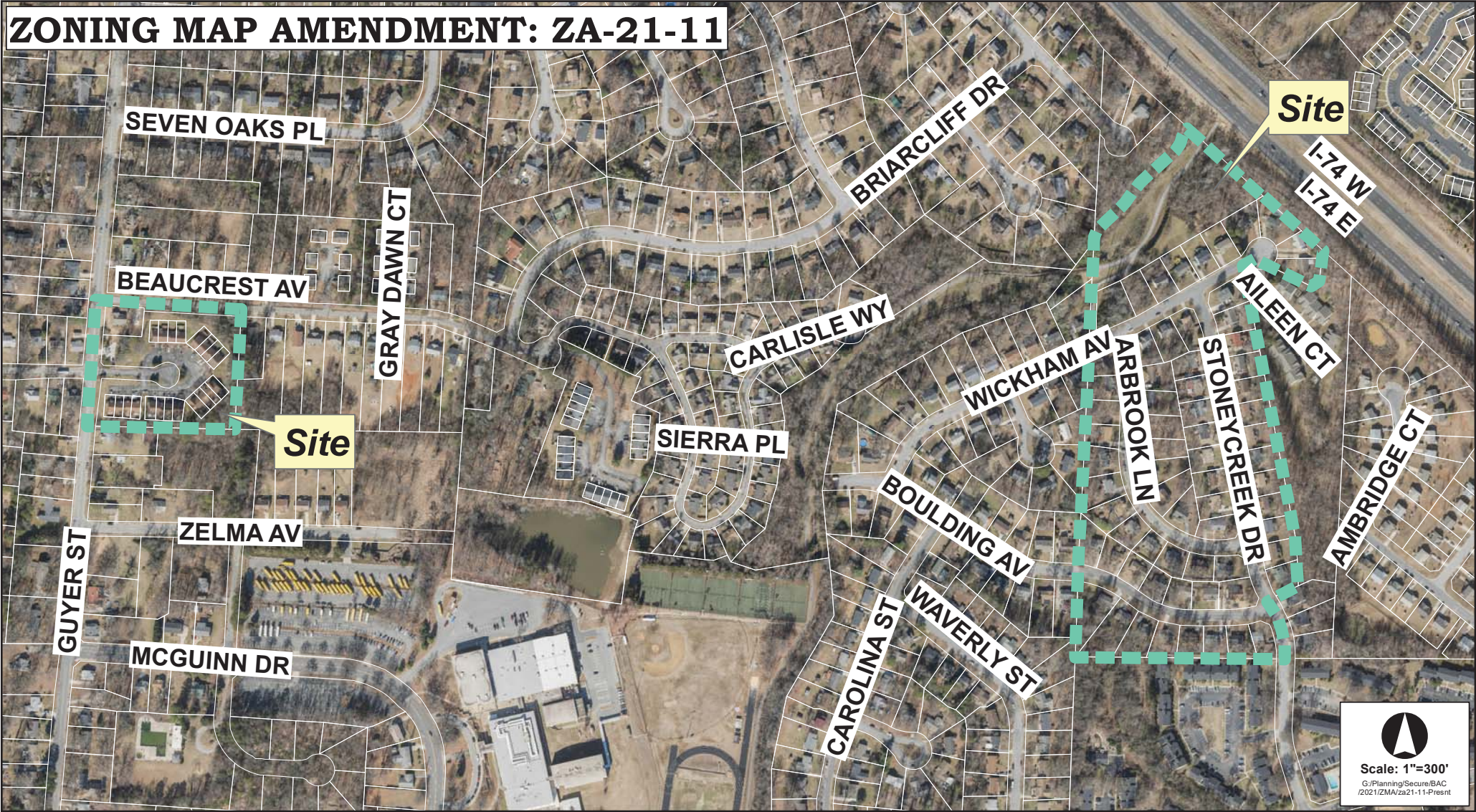
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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

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 May 25, 2021 and before the City Council of the City of High Point on June 21, 2021 regarding Zoning Map Amendment Case 21-11 (ZA-21-11) 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 16, 2021, for the Planning and Zoning Commission public hearing and on June 10, 2021 and June 16, 2021, for the City Council public hearing pursuant to Chapter 160A-364 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 21, 2021.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:**

SECTION 1

**Arbors Subdivision**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Multifamily -16 (RM-16) District**. Approximately 3.53 acres located at the southeast corner of Guyer Street and Beaucrest Avenue. A description of this development is recorded in PB 74 - PG 30 of the Guilford County Register of Deeds Office. The development is also known as Guilford County Tax Parcels 196914, 202939, 202940, 202941, 202942, 202943, 202944, 202945, 202946, 202947, 202948, 202949, 202950, 202951, 202952, 202953, 202954, 202955, 202956, 202957, 202958, 202959.

SECTION 2

**Ashton Woods Subdivision, and 1935, 2106 and 2108 and Whickham Avenue**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family – 5 (R-5) District**. Approximately 21.5 acres located north of the intersection of Suffolk Avenue and Stoneycreek Drive, with parcels fronting along a portion of Boulding Avenue, a portion of Stoneycreek Drive, a portion of Wickham Avenue and along Arborbrook Lane. A description of the Ashton Woods Subdivision and 1935 Whickham Avenue is recorded in PB 77 - PG 86; PB 80 - PG 15 and PB 85 - PG 149. A description of 2106 and 2108 and Whickham Avenue is recorded in PB 77 - PG 86 (lot 4 and 5). The development is also known as Guilford County Tax Parcel 205377, 205378, 205379, 205380, 205381, 205382, 205383, 205384, 205385, 205386, 205387, 205388, 205389, 205390, 205391, 205392, 205393, 205394, 205395, 205396, 205397, 205398, 205399, 205400, 205401, 205402, 205403, 205404, 205405, 205406, 205407, 205408, 205409, 205410, 205411, 205412, 205413,

205414, 205415, 205416, 205417, 205418, 205419, 205420, 205421, 205422, 205423, 205424, 205425, 205426, 205427, 205428, 205429, 205430, 205431, 205432, 205433, 205434, 205436, 205437, 205441, 205442, 205443, 205444, 205445, 205446, 205447, 205448, 205451 (portion).

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 21<sup>st</sup> day of June, 2021

By: \_\_\_\_\_  
Jay W. Wagner, Mayor

ATTEST:

\_\_\_\_\_  
Lisa B. Vierling, City Clerk