

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 22-02  
(Jennifer McCannon)

**From:** Chris Andrews,  
Interim Planning and Development Director

**Meeting Date:** April 18, 2022

**Public Hearing:** Yes

**Advertising Date:** April 6, 2022, and  
April 11, 2022

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

**Advertised By:** Planning & Development

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### PURPOSE:

A request by Jennifer McCannon to rezone approximately 1.3 acres from a Conditional Use General Business (CU-GB) District to the Residential Single Family - 5 (R-5) District. The site is located west of the intersection of Harvey Road and Ken Coy Road (5224 and 5300 Harvey Road).

### BACKGROUND:

The Planning and Zoning Commission reviewed this request at their March 22, 2022 public hearing. All members of the Commission were present except for Ms. Angela McGill, Mr. Terry Venable, Mr. Mark Walsh, and Mr. Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

The applicant, Ms. McCannon, was present to address any questions but did not make any comments regarding the request.

There were no speakers in 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 5-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 5-0 to approve the following statement:

That Zoning Map Amendment 22-02 is consistent with the City's adopted policy guidance because the requested R-5 District is compatible with the Moderate Density Residential Land Use Plan designation governing this area and it does not conflict with adopted policy guidance. Furthermore, the request is reasonable and in the public interest because the zoning site is surrounded by the R-5 zoning designation and single family dwellings.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-22-02  
March 22, 2022**

<b>Request</b>	
<b>Applicant:</b> Jennifer McCannon	<b>Owners:</b> Jennifer McCannon and Ronda Baker
<b>Zoning Proposal:</b> To rezone approximately 1.3 acres within the City of High Point ETJ	<b>From: CU-GB</b> Conditional Use General Business District
	<b>To: R-5</b> Residential Single Family - 5 District

<b>Site Information</b>	
<b>Location:</b>	The site is located west of the intersection of Harvey Road and Ken Coy Road (5224 and 5300 Harvey Road).
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcels 161089 and 161096
<b>Site Acreage:</b>	Approximately 1.3 acres
<b>Current Land Use:</b>	Two single family dwellings and several accessory structures.
<b>Physical Characteristics:</b>	The site is relatively flat with no noteworthy physical features.
<b>Water and Sewer Proximity:</b>	A 16-inch City water line lie adjacent to the site along Harvey Road. No sewer lines are adjacent to the site.
<b>General Drainage and Watershed:</b>	The site is relatively flat and drains in a general southwesterly direction. Development is subject to the Oakdale Reservoir General Watershed Area (GWA) requirements. Engineered stormwater treatment 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 two units per acre or more.
<b>Overlay District:</b>	Oakdale Reservoir General Watershed Area (GWA)

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	R-5	Residential Single Family - 5 District <i>(High Point ETJ Area)</i>	Single family dwelling
<b>South:</b>	CU-GB	Conditional Use General Business District	Single family dwelling
<b>East:</b>	R-5	Residential Single Family - 5 District <i>(High Point ETJ Area)</i>	Single family dwelling
<b>West:</b>	R-5	Residential Single Family - 5 District <i>(High Point ETJ Area)</i>	Undeveloped parcel

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement:</b>	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.

<b>Land Use Plan Map Classification:</b>	The site has a Moderate-Density Residential land use designation. This classification includes a variety of detached or attached dwellings, generally including single family homes, cluster homes, duplexes and townhouses. Development densities shall range from five to eight dwelling units per acre.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	This request is neither in conflict with the Land Use Plan’s goals and objectives nor does it promote those goals and objectives.
<b>Relevant Area Plan:</b>	<u>Business Interstate 85 Corridor Study</u> Most of the zoning site is located within the boundaries of this corridor study conducted in 1997. However, none of its policies or recommendations are relevant to this request as the site is on the outer edge of the study area found 1,500 feet on either side of Business I-85 (US 29).
<b>Zoning History:</b>	The zoning site is within the City of High Point’s Extraterritorial Jurisdiction (ETJ) Area. This portion of the ETJ Area was established in 1970 for lands lying east of Dillon Road, between Bales Chapel Road and E. Martin Luther King Jr. Drive.  Through multiple annexation and zoning approvals the City limits have extended east of US 29 (formerly known as Business 85) and to the north to the Jamestown City limits. The zoning site is in an ETJ enclave generally surrounded by the city limits. Lands fronting along this portion of the E. Martin Luther King Jr Drive corridor have primarily developed with commercial uses. Lands north of this corridor have been zoned and developed with a variety of residential land uses.

<b>Transportation Information</b>			
<b>Adjacent Streets:</b>	<b>Name</b>		<b>Classification</b>
	Harvey Road		Minor Thoroughfare
		<b>Approx. Frontage</b>	
		215 ft.	
<b>Vehicular Access:</b>	Via existing driveway access points from Harvey Road.		
<b>Traffic Counts:</b> <i>(Average Daily Trips)</i>	Harvey Road	3,400 AADT (NCDOT 2019 traffic count)	
<b>Estimated Trip Generation:</b>	Not applicable, no new development is proposed.		
<b>Traffic Impact Analysis (TIA):</b>	<b>Required</b>		<b>TIA Comments</b>
	<u>Yes</u>	<u>No</u> <b>X</b>	
			A TIA is not required. This analysis is only required for residential developments that generate more than 150 trips within the AM or PM peak hours.

<b>School District Comment</b>
Not applicable to this zoning case. The site is already developed with two single family dwellings and rezoning will not impact the school district.

**Details of Proposal**

The zoning site consists of two parcels developed with two single family homes and accessory structures. The applicant is requesting rezoning of these two parcels from its current CU-GB District to the R-5 district to match the manner in which the land and surrounding area is developed.

### Staff Analysis

The site is located within the City of High Point extraterritorial jurisdiction (ETJ) where Guilford County has granted the City of High Point zoning and building permit authority. In 1978 these two parcels were part of a larger zoning site that was rezoned to a CU-GB District to support the establishment of a record store (Matthews Music Company) with accessory uses consisting of the repair of coin operated music vending machines. This use has not operated on the site for several decades and under the current CU-GB District the single-family dwellings are considered non-conforming uses. The property owner is considering a future sale of one of the dwellings. To remove the nonconforming status and to make the future change in ownership an easy process, the applicant has requested rezoning to the R-5 District.

The Land Use Plan designates this area for Moderate Density residential uses. This CU-GB District has been a long-standing island of commercial zoning surrounded by a larger residentially-zoned and developed area. Rezoning to the R-5 District will bring the site into conformance with the land use plan and with the residential character of the surrounding area.

Section 2.4.20.C. of the Development Ordinance states that the advisability of a zoning map amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the City Council shall weigh the relevance of and consider the following:

#### **Consistency with Adopted Policy Guidance**

Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

**The requested R-5 District is compatible with the Moderate Density Residential Land Use Plan designation governing this area and it does not conflict with adopted policy guidance.**

#### **Reasonableness/Public Interest:**

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

**The zoning site is surrounded by the R-5 zoning designation and single family dwellings.**

### Recommendation

#### **Staff Recommends Approval:**

The Planning and Development Department recommends approval of the request to rezone these two parcels, totaling 1.3 acres, to the R-5 District. The requested R-5 District will be compatible with the surrounding area and in conformance with adopted plans.

### 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**

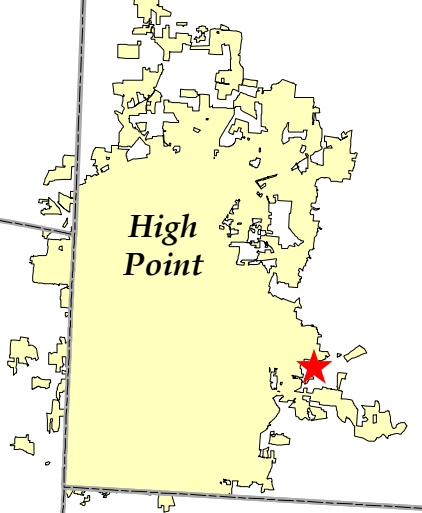
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

# LOCATION MAP

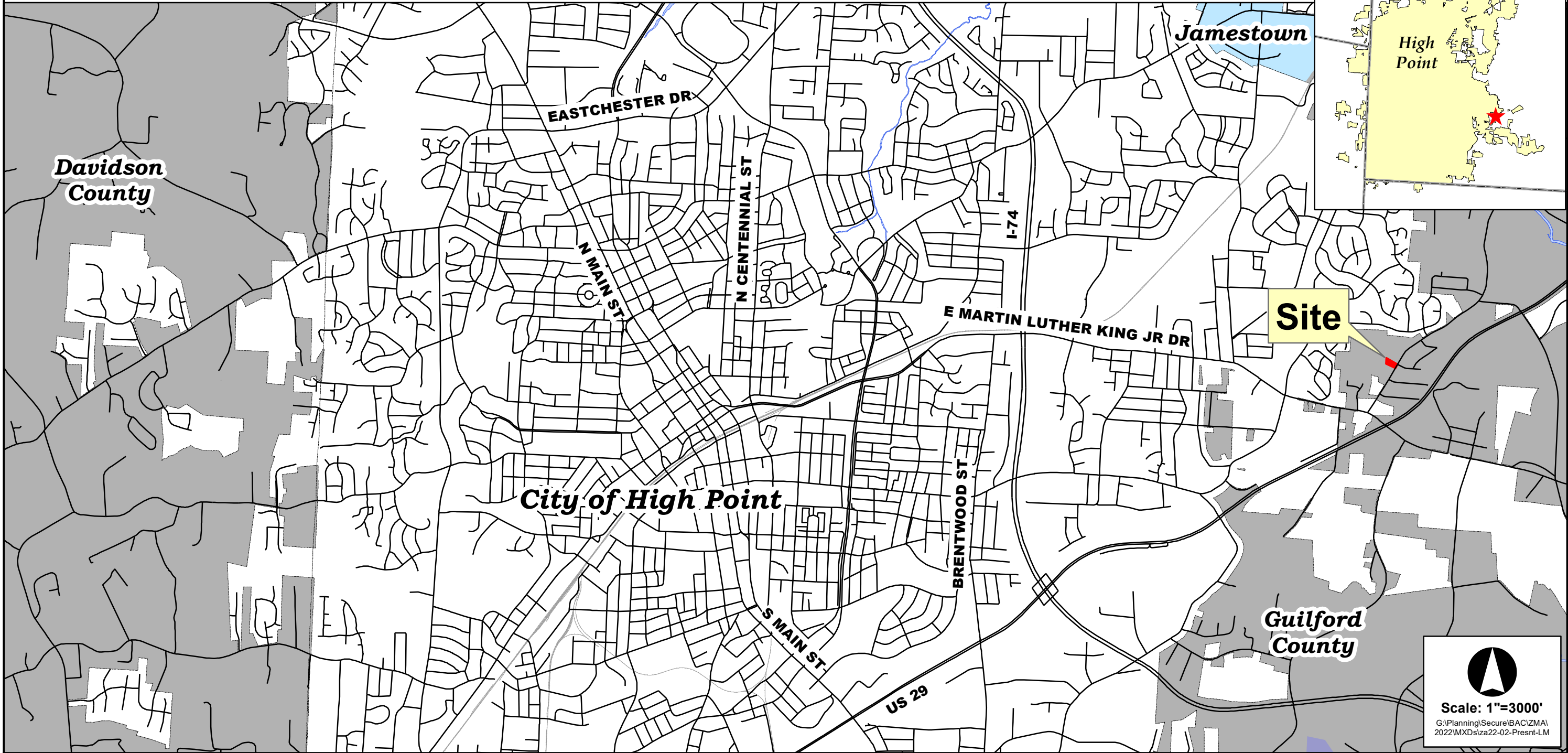
ZONING MAP AMENDMENT: ZA-22-02

Applicant: Jennifer McCannon

## Vicinity Map



High Point



Davidson County

Jamestown

City of High Point

Site

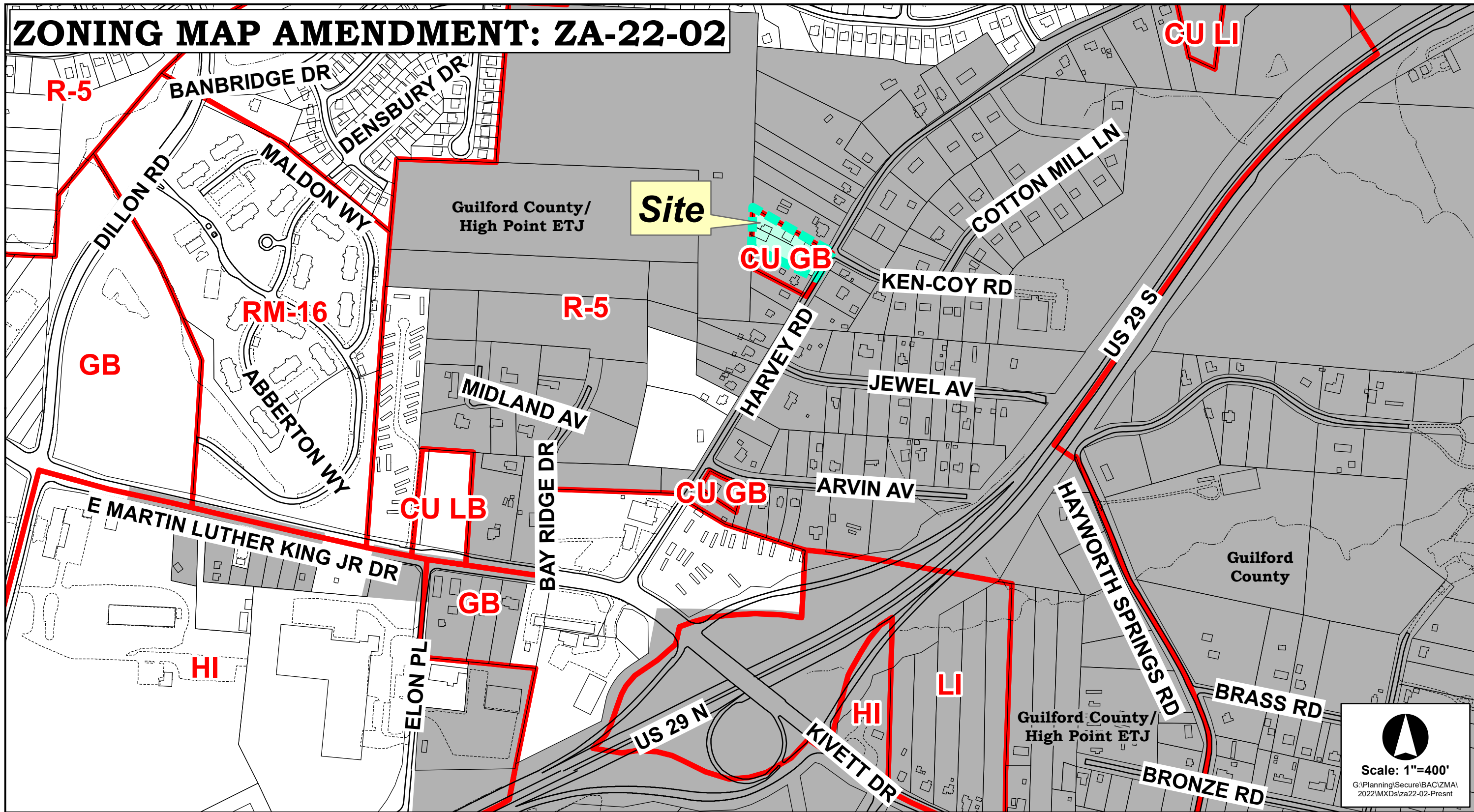
Guilford County



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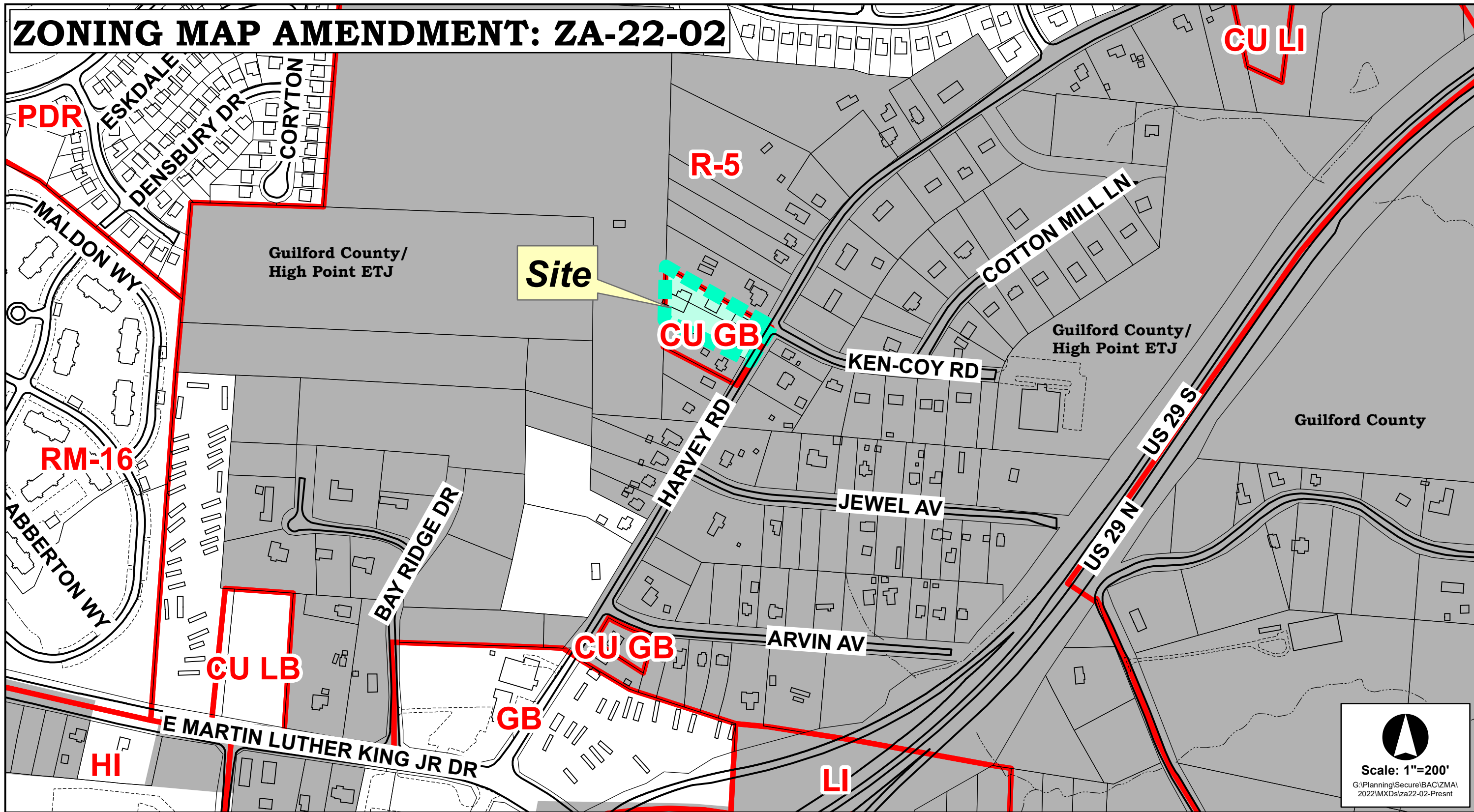
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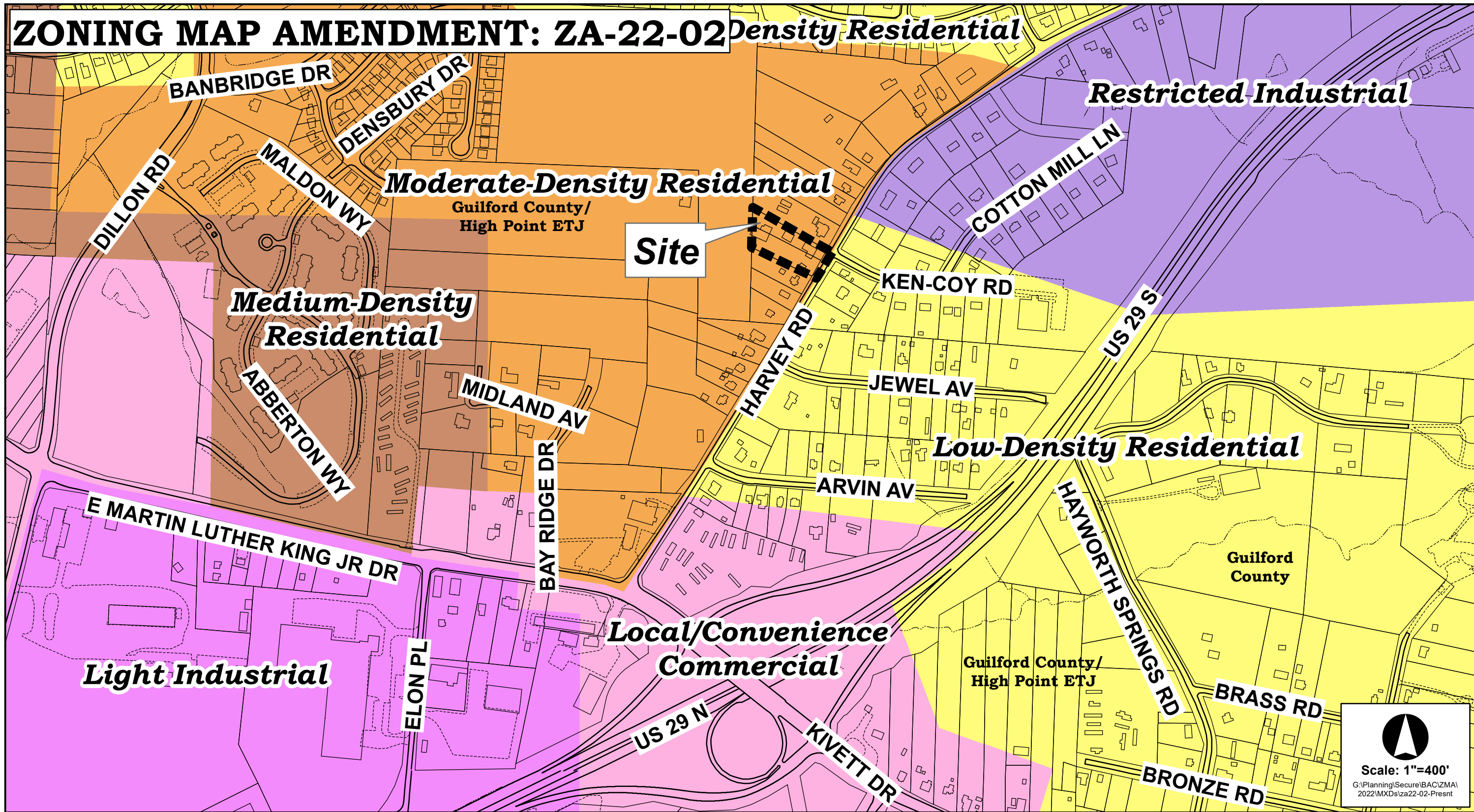
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# ZONING MAP AMENDMENT: ZA-22-02 *Density Residential*



**Restricted Industrial**

**Moderate-Density Residential**

Guilford County/  
High Point ETJ

**Site**

**Medium-Density Residential**

**Low-Density Residential**

**Local/Convenience Commercial**

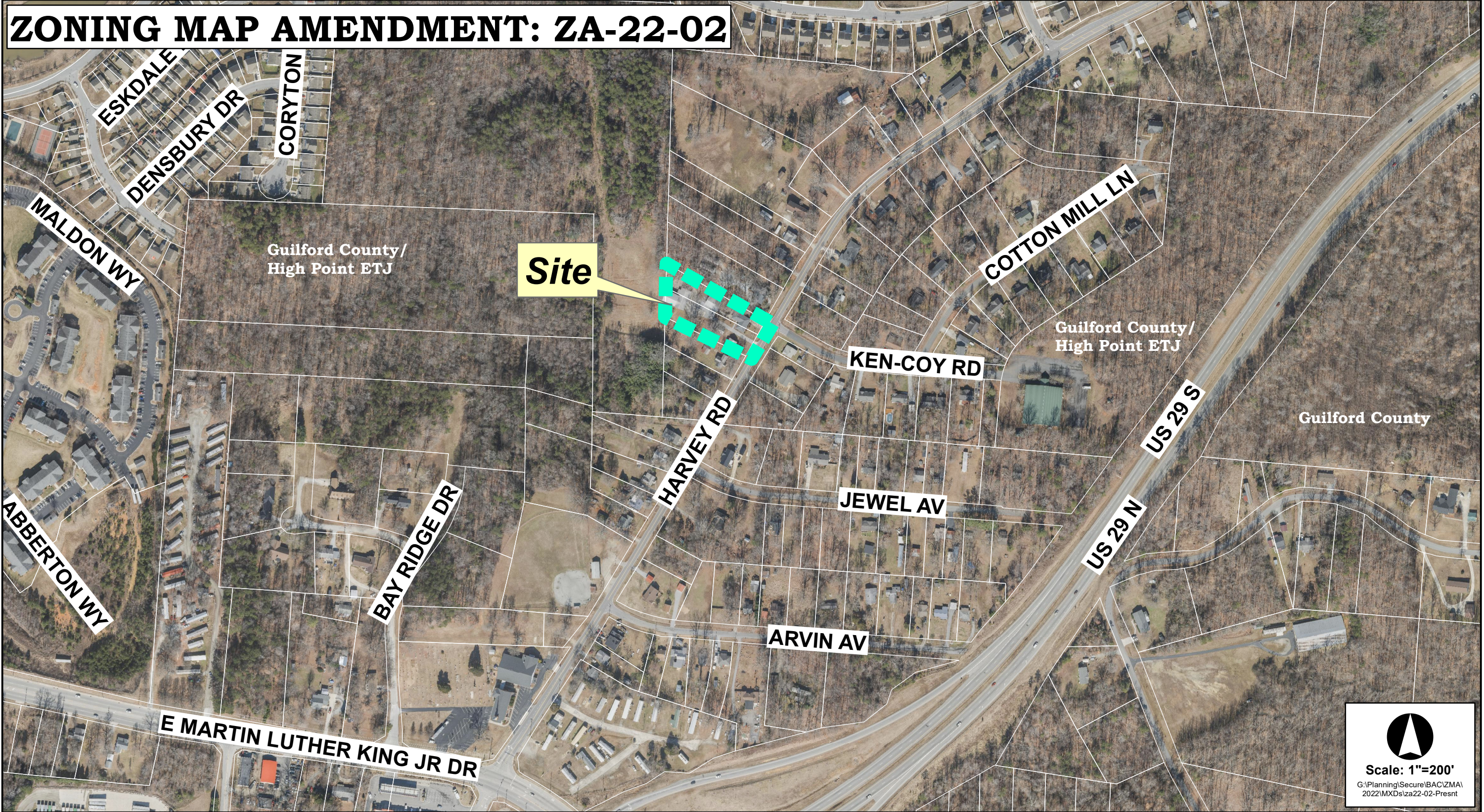
**Light Industrial**

Guilford County

Guilford County/  
High Point ETJ

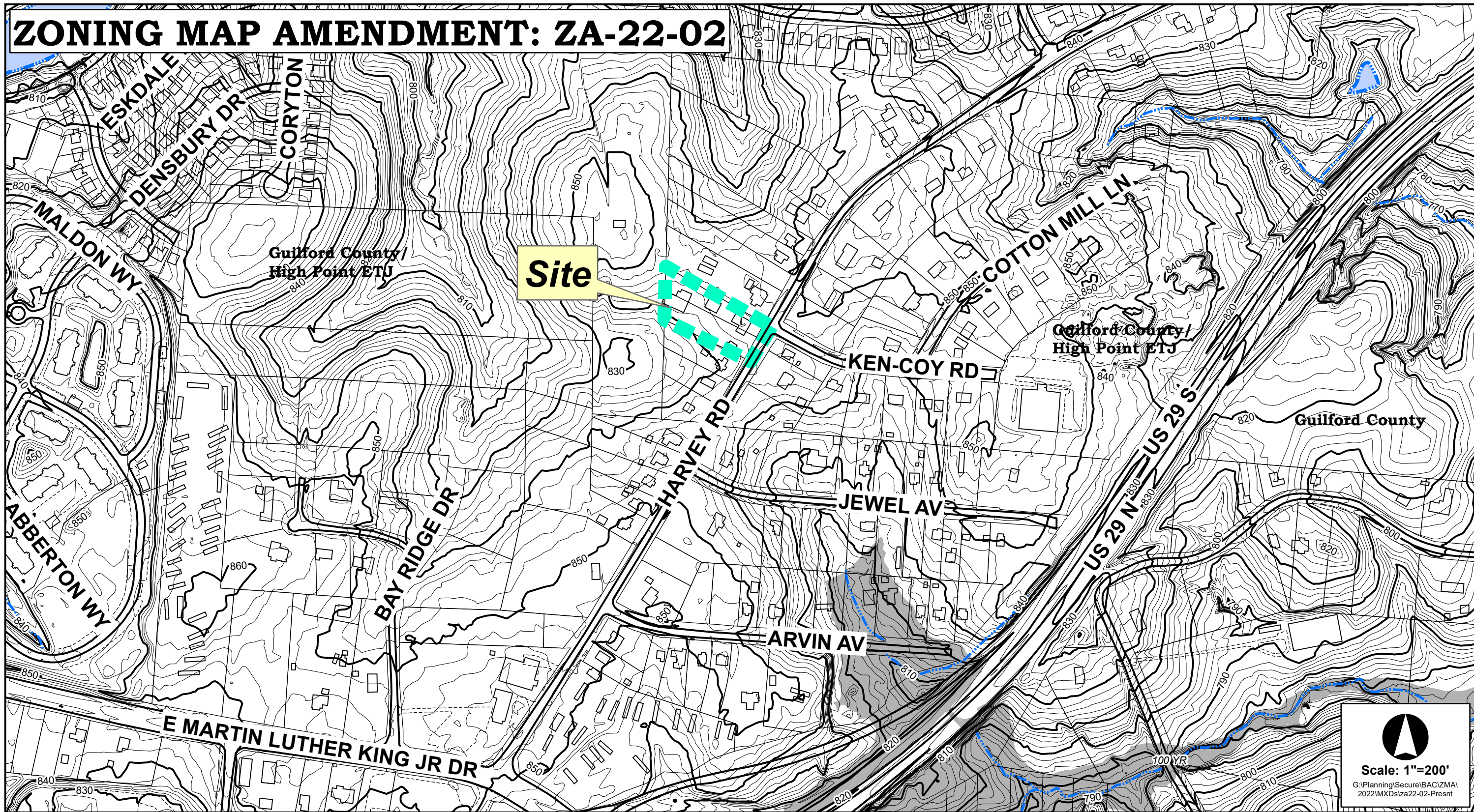
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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

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 March 22, 2022 and before the City Council of the City of High Point on April 18, 2022 regarding **Zoning Map Amendment Case 22-02 (ZA-22-02)** 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 March 13, 2022, for the Planning and Zoning Commission public hearing and on April 6, 2022 and April 13, 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 **April 18, 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: **Residential Single Family – 5 (R-5) District**. The property is approximately **1.3** acres, located west of the intersection of Harvey Road and Ken Coy Road (5224 and 5300 Harvey Road). The property is also known as Guilford County Tax Parcels 161089 and 161096.

**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 18<sup>th</sup> day of April, 2022

By: \_\_\_\_\_

Jay W. Wagner, Mayor

ATTEST:

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