

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 21-28  
(City of High Point)

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

**Meeting Date:** December 6, 2021

**Public Hearing:** Yes

**Advertising Date:** November 24, 2021, and  
December 1, 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 151 properties, totaling approximately 36.14 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone 10 properties, totaling approximately 4.11 acres, from the Residential Single Family – 5 (R-5) District, Office Institutional (OI) District and Residential Multifamily – 16 (RM-16) District to the Transitional Office (TO) District. The properties are located along the north side of Washington Street between Penn Griffin High School and the N. University Parkway bridge.
- b) To rezone 136 properties, totaling approximately 30.98 acres, from the Residential Multifamily – 16 (RM-16) District to the Residential Single Family – 7 (R-7) District. The properties are located between Park Street and S. University Parkway and between Leonard Avenue and E. Commerce Avenue.
- c) To rezone 5 properties, totaling approximately 1.05 acres, from a Conditional Use Transitional Office (CU-TO) District to the Transitional Office (TO) District and the Residential Single Family – 7 (R-7) District. The properties are located at 401 Park Street and 702, 704, 706 and 707 E. Commerce Avenue.

### BACKGROUND:

The Planning and Zoning Commission reviewed this request at their November 9, 2021 public hearing. All members of the Commission were present except for Mr. Alex Moore. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

The following person spoke pertaining to this request:

- Ms. Annamarie Mackey, Member of Pearson Memorial AME Church, 835 E Washington Drive, High Point. Ms. Mackey had questions as to how the rezoning request would impact the Pearson Memorial AME Church along Washington Street. She also requested clarification as to impact on the 136 properties to be rezoned from the RM-16 District to the R-7 District.

Mr. Shannon stated that the church is proposed to be rezoned to the Transitional Office (TO) District [from R-5]. Rezoning will not have any negative impact on the church since that is a permitted use in the proposed TO District.

As to impact to the 136 properties lying south of Leonard Avenue, Mr. Shannon explained that this area is primarily developed as a single family neighborhood. He noted that the current RM-16 District would permit multifamily development (such as apartment complexes) in the middle of this single family

neighborhood at a density of 16 dwelling units per acre. The proposed R-7 District would not allow multifamily development, it primarily support single family development at a density of 7 units per acre. However, since this land is within the Core City Area, it would allow duplex dwellings, single family attached (townhome) dwellings and triplex/quadplex dwellings at a scale and density compatible with the current single family neighborhood.

**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 8-0.

2. Consistency and Reasonableness Statements

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

That Zoning Map Amendment 21-28 is consistent with the City's adopted policy guidelines because, the zoning map amendments are supported by the Land Use Plan, and it will ensure the way development has occurred is consistent with the zoning of the area. Furthermore, the request is reasonable and in the public interest because 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-21-28  
November 9, 2021**

**Request**

A request by the High Point City Council to rezone 151 properties, totaling approximately 36.14 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on lands within central eastern portion of the City along Washington Avenue, and south of Leonard Avenue, west of S. University Parkway and along both side of E. Commerce 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>
R-5, OI and RM-16	TO	Church, undeveloped parcel and assembly use	Parcels lying along the north side of Washington Street, between Penn Griffin High School and the N. University Parkway bridge.
RM-16 CU-TO	R-7 TO	Single family dwellings, duplex dwelling, one multifamily use and one office use	Land lying approximately 300 feet south of Leonard Avenue, west of S. University Parkway, along both side of E. Commerce Avenue and along both sides of Park Street.

**Analysis**

The requested rezoning of these various residential and institutional uses is intended to update zoning to match the way these areas have developed and to remove outdated zoning conditions. See attached evaluations for further detail.

**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 amendments are supported by the Land Use Plan and will ensure the way development has occurred is consistent with the zoning of the area.**

**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 835, 1003, 1015, 1113, 1115, 1119, 1215 and 1301 Washington Street; and 114 and 119 (portion) Underhill Street from the Residential Single Family – 5 (R-5), Office Institutional (OI) and Residential Multifamily – 16 (RM-16) districts to the Transitional Office (TO) District
- 2) Rezone land approximately 300 feet south of Leonard Avenue, west of S. University Parkway and along both side of E. Commerce Avenue and along both side of Park Avenue from the RM-16 District to the R-7 District.
- 3) Rezone 401 Park Street from a Conditional Use Transitional Office (CU-TO) District to the Transitional Office (TO) District.
- 4) Rezone 702, 704, 706 and 707 E. Commerce Avenue from a Conditional Use Transitional Office (CU-TO) District to the Residential Single Family – 7 (R-7) 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, Interim Planning and Development Director.

# LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-28

Applicant: City of High Point

## Vicinity Map

High Point



Davidson  
County

Jamestown

Site

Site

City of High Point

Guilford  
County



Scale: 1"=3000'

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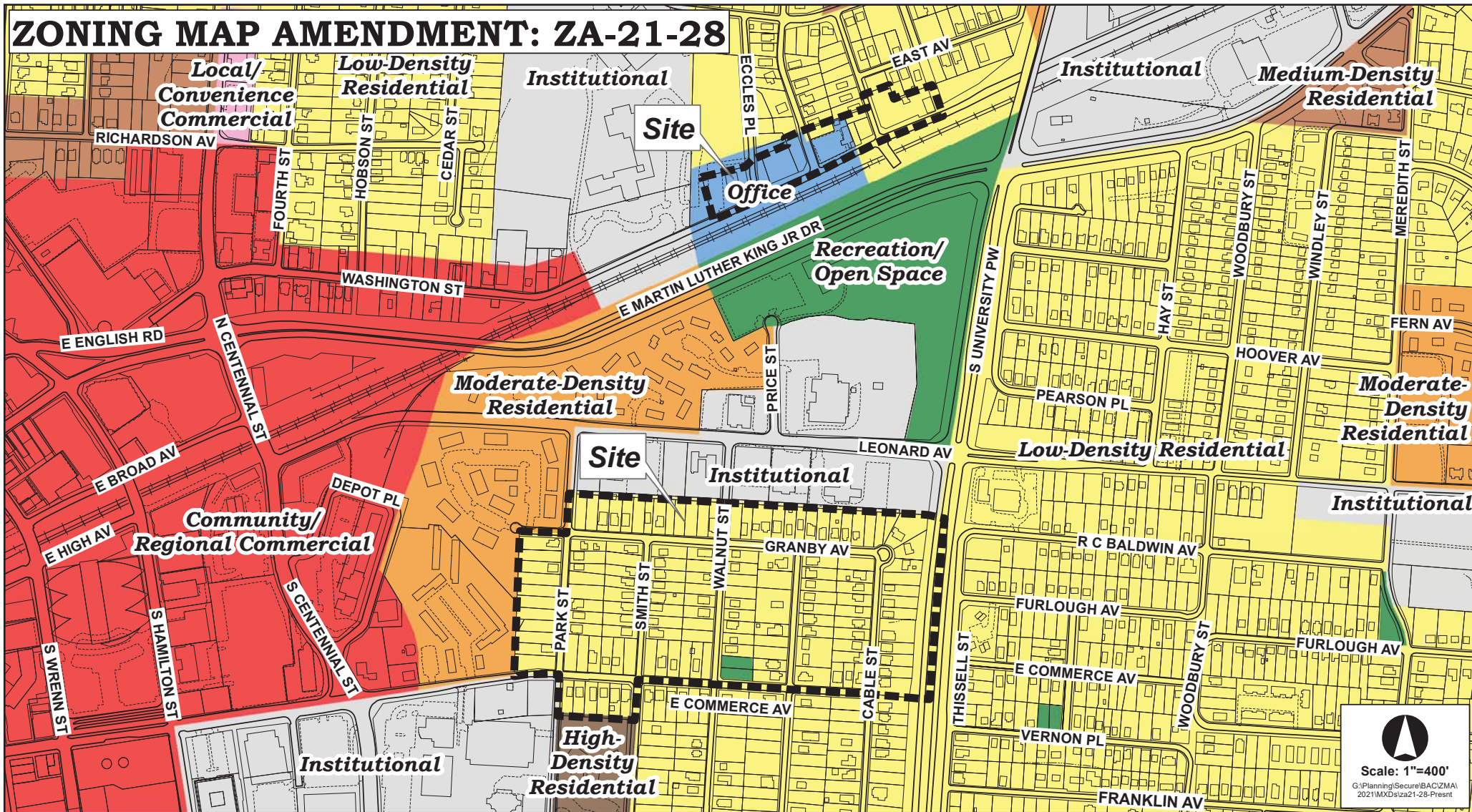
**ZONING MAP AMENDMENT: ZA-21-28**

The map displays the following zoning districts and streets:

- Zoning Districts:** RM-16, LB, R-5, MX-W, CB, CU, RM-26, TO, LI.
- Streets:** Richardson Av, E English Rd, E Broad Av, E High Av, E Martin Luther King Jr Dr, Leonard Av, E Commerce Av, Franklin Av, N Centennial St, S Centennial St, S Hamilton St, S Wrenn St, Depot Pl, Park St, Smith St, Walnut St, Cable St, Eccles Pl, Hay St, Hoover Av, Furlough Av, Vernon Pl, Woodbury St, Windley St, Meredith St, Fern Av, Pearson Pl, R C Baldwin Av, Thissell St.
- Highlighted Sites:**
  - Site 1: Located near the intersection of E Martin Luther King Jr Dr and Eccles Pl.
  - Site 2: Located near the intersection of E Commerce Av and Park St.
- Scale:** 1"=400'
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# ZONING MAP AMENDMENT: ZA-21-28



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# MAP #1

**Location:** Parcel lying along the north side of Washington Street, between Penn Griffin High School and the N. University Parkway bridge.

**Current Use:** Religious institution, undeveloped parcels, vacant structure and minor assemble use (lodge)

## **Comparison of Current and Proposed Zoning**

	<b>Current Zoning</b>	<b>Proposed Zoning</b>
	Residential Single Family – 5 (R-5) District Office Institutional (OI) District Residential Multifamily – 16 CU RM-16) District	Transitional Office (TO) District
<i>Purpose &amp; Intent:</i>	<p><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.</p> <p><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.</p> <p><u>OI District</u> The OI district is established to primarily accommodate a wide variety of moderate and high intensity office, institutional, and residential uses. In addition, the district accommodates health care, personal services, and retail uses. Supporting</p>	<p><u>TO District</u> The TO district is intended to provide a transition between residential neighborhoods and higher intensity office and commercial development. The TO district accommodates nonresidential uses in small buildings that are generally similar to the character of residential development.</p>



	services are permitted provided they are located in multi-tenant buildings and limited in floor area.	
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	None	None

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
<b>North:</b>	Residential Single Family – 5 (R-5) District Institutional (I) District Residential Multifamily–16 (CU RM-16) District	Major School and single family dwelling
<b>South:</b>	Residential Multifamily–16 (CU RM-16) District	Washington Street ROW
<b>East:</b>	Residential Multifamily–16 (CU RM-16) District	N. University Parkway ROW
<b>West:</b>	Institutional (I) District	Major School

<b>Land Use Plan Classification</b>
<p>The area is designated as follows:</p> <ul style="list-style-type: none"> <li>• <b>Low-Density Residential:</b> 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.</li> <li>• <b>Office:</b> This classification includes professional, personal and business service uses.</li> </ul>

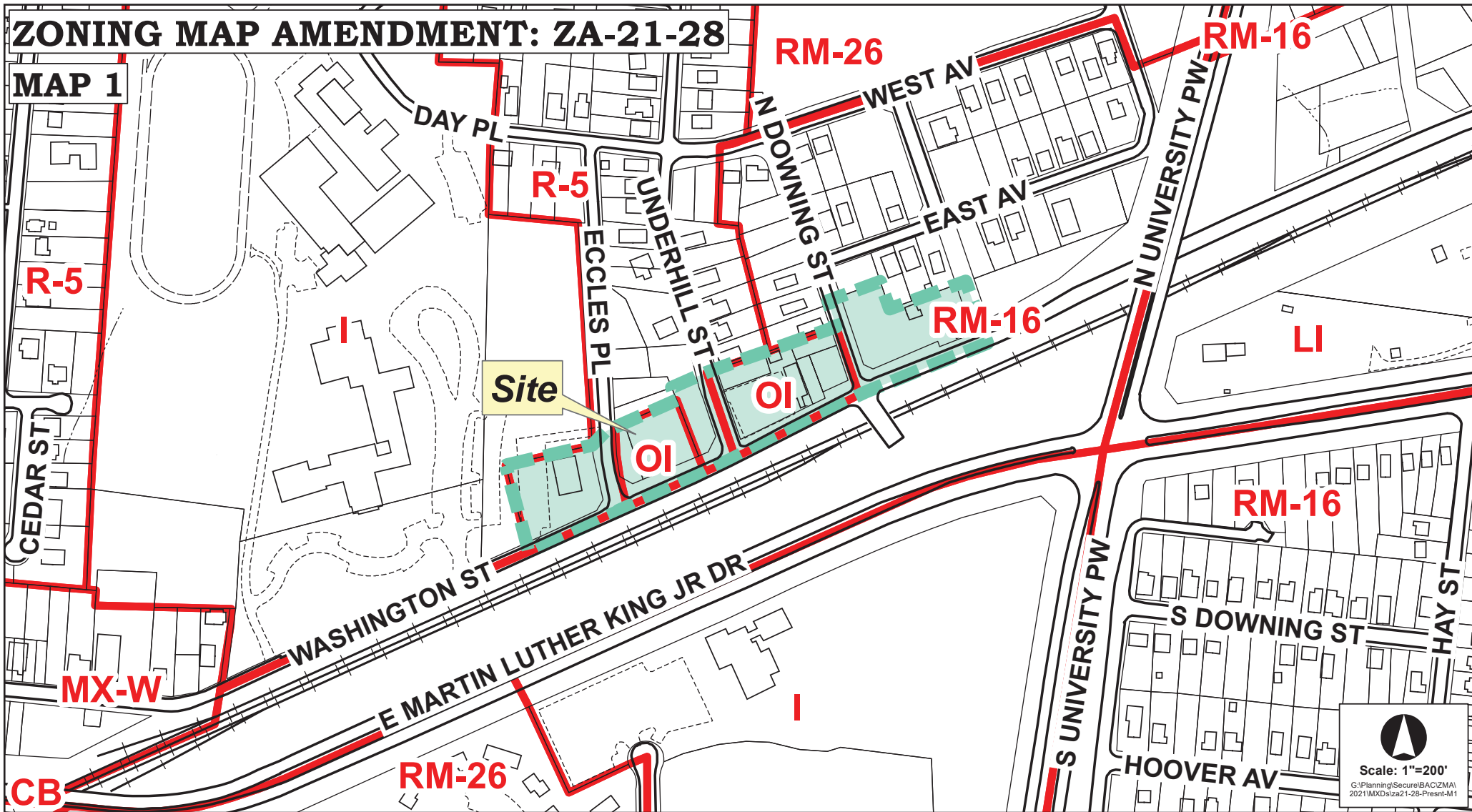
### **Analysis/Recommendation**

These parcels lie along the north side of Washington Street, a collector street, and on the outer edge of an abutting single family neighborhood. The zoning site is developed with a mixture of institutional and assembly uses, with most of the land being undeveloped. The current zoning pattern consist of a mixture of single-family, multifamily and office districts. Staff propose a consistent zoning pattern be established along the edge of this abutting neighborhood, and recommends the area be rezoned to the TO District.

The TO district is intended to provide a transition between residential neighborhoods and higher intensity office and commercial development. The TO district accommodates nonresidential uses in small buildings that are generally similar to the character of residential development. Based upon the current development pattern of this area, the proposed TO District will offer flexibility for future redevelopment, but at a scale and intensity that will be compatible with the abutting residential neighborhood.

# ZONING MAP AMENDMENT: ZA-21-28

MAP 1

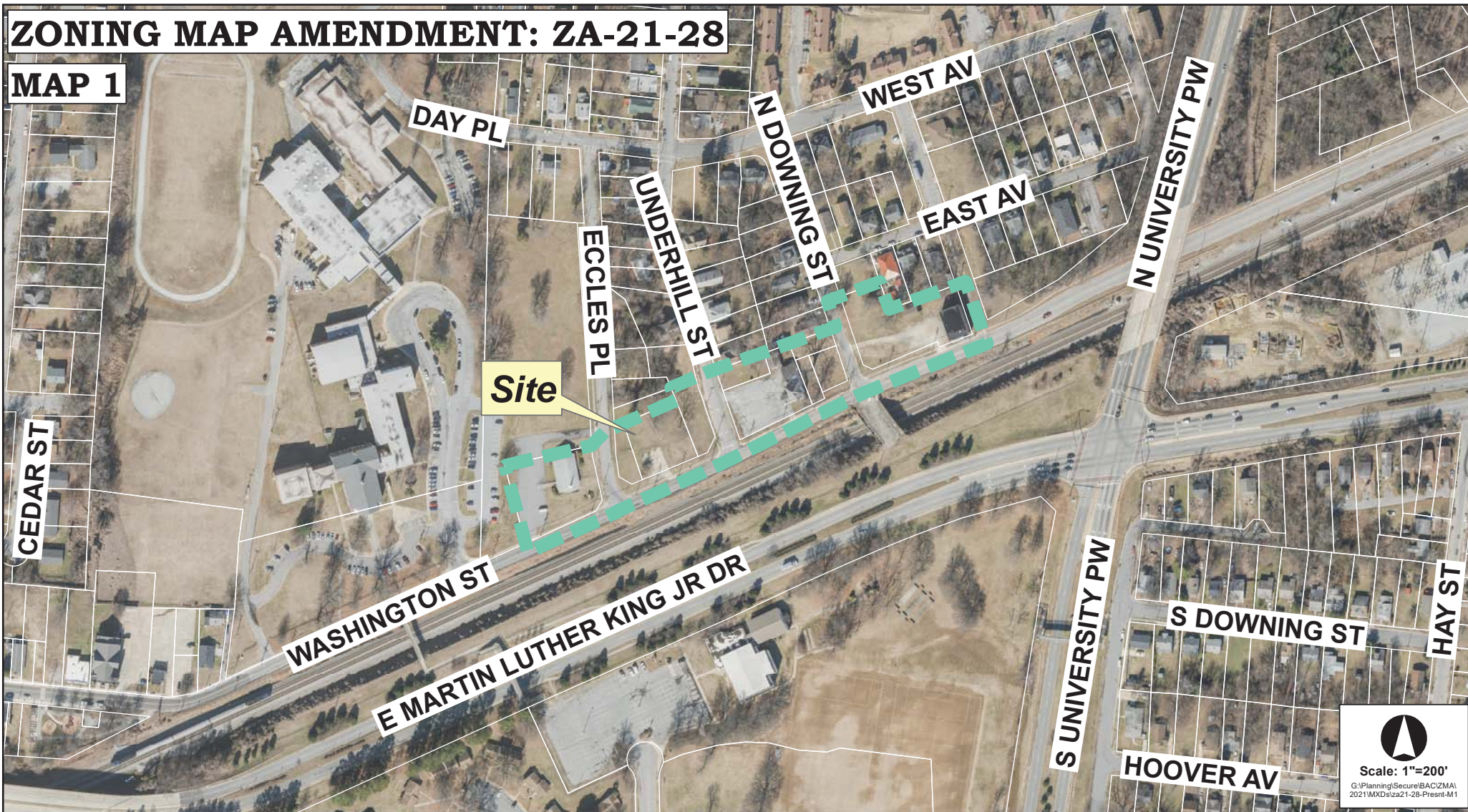


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# ZONING MAP AMENDMENT: ZA-21-28

## MAP 1



Scale: 1"=200'

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## MAP #2

**Location:** Land lying approximately 300 feet south of Leonard Avenue, west of S. University Parkway, along both side of E. Commerce Avenue and along both sides of Park Street.

**Current Use:** Single family homes, duplexes, one multifamily and one office use.

### **Comparison of Current and Proposed Zoning**

	<b>Current Zoning</b>	<b>Proposed Zoning</b>
	Residential Multifamily – 16 (RM-16) District	Residential Single Family – 7 (R-7) District
<i>Purpose &amp; Intent:</i>	<p><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.</p> <p><u>TO District</u> The TO district is intended to provide a transition between residential neighborhoods and higher intensity office and commercial development. The TO district accommodates nonresidential uses in small buildings that are generally similar to the character of residential development.</p>	<p><u>R-7 District</u> The R-7 district is established to accommodate principally single-family detached dwellings developed at a density of 7 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.</p> <p><u>TO District</u> Same.</p>
<i>Current Uses:</i>	Permitted	Staff has identified a parcel that would become nonconforming. The use may continue under the non-conforming use standards of the ordinance. This lot has sufficient area and width to be subdivided to create two conforming R-7 district parcels.
<i>Conditions</i>	None	None

	<b>Adjacent Zoning</b>	<b>Adjacent Land Use</b>
<b>North:</b>	Residential Multifamily–16 (RM-16) District Limited Business (LB) District	Three churches and a small commercial use
<b>South:</b>	Residential Multifamily–16 (RM-16) District Residential Multifamily–26 (RM-26) District	Single family dwellings and a high-rise multifamily development
<b>East:</b>	Residential Multifamily–16 (RM-16) District	S. University Parkway ROW

<b>West:</b>	Residential Multifamily-26 (RM-26) District Institutional (I) District	Multifamily (apartment Complex) and governmental facility
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### Land Use Plan Classification

The area is designated as follows:

- **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/Recommendation

The subdivision map for this area (Peoples Realty Company) was recorded in 1905. Based on review of historic aerial photos this area was initially developed as a single family neighborhood. Although some substandard structures have been demolished and a few former single-family dwellings converted, this has predominately remained a single family neighborhood. Of the 141 parcels proposed to be rezoned, approximately 24 are undeveloped, 14 have been converted to duplex/triplex dwellings and one (1) converted to multifamily. The remaining are single-family dwellings.

The RM-16 District that currently governs land uses in this area permits multifamily development at a density of 16 units per acre. The introduction of high density residential development, in the middle of an established single family neighborhood, would not be 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-7 District as it more accurately reflects the manner in which this area has developed and will assist in ensuring the long-term stability of this single family neighborhood.

The proposed R-7 District offers some development flexibility, which is supported by the Core City Plan. This district not only allows single family homes, but subject to meeting specific development standards also support a mixture of residential uses such as duplexes, single-family attached (townhomes) and triplex/quadplex dwelling units.

At the southwestern corner of this neighborhood, intersection of Park Street and E. Commerce Avenue, are 5 parcels that were rezoned to the CU-TO District in 1990 for a proposed office development. Only one of these parcels, 401 Park Street, has developed with an office use. Staff recommend the old CU designation be removed and that the parcel be rezoned from CU-TO to the TO District. As for the other CU-TO zoned parcels, as they have remained as single family dwellings, staff recommends they be rezoned from the CU-TO District to the R-7 District

Staff recommendation.

1. Rezone land approximately 300 feet south of Leonard Avenue, west of S. University Parkway and along both side of E. Commerce Avenue and along both side of Park Avenue from the RM-16 District to the R-7 District.
2. Rezone 401 Park Street from a CU-TO District to the TO District.
3. Rezone 702, 704, 706 and 707 E. Commerce Street from a CU-TO District to the R-7 District.



# ZONING MAP AMENDMENT: ZA-21-28

MAP 2

CB

RM-26

Site

RM-16

LB

RM-16

LEONARD AV

DEPOT PL

GRANBY AV

PARK ST

SMITH ST

WALNUT ST

WHITE OAK ST

CABLE ST

S UNIVERSITY PW

THISSELL ST

R C BALDWIN AV

FURLOUGH AV

EVANS ST

CU TO

CU TO

E COMMERCE AV

RM-16

RM-26

VERNO



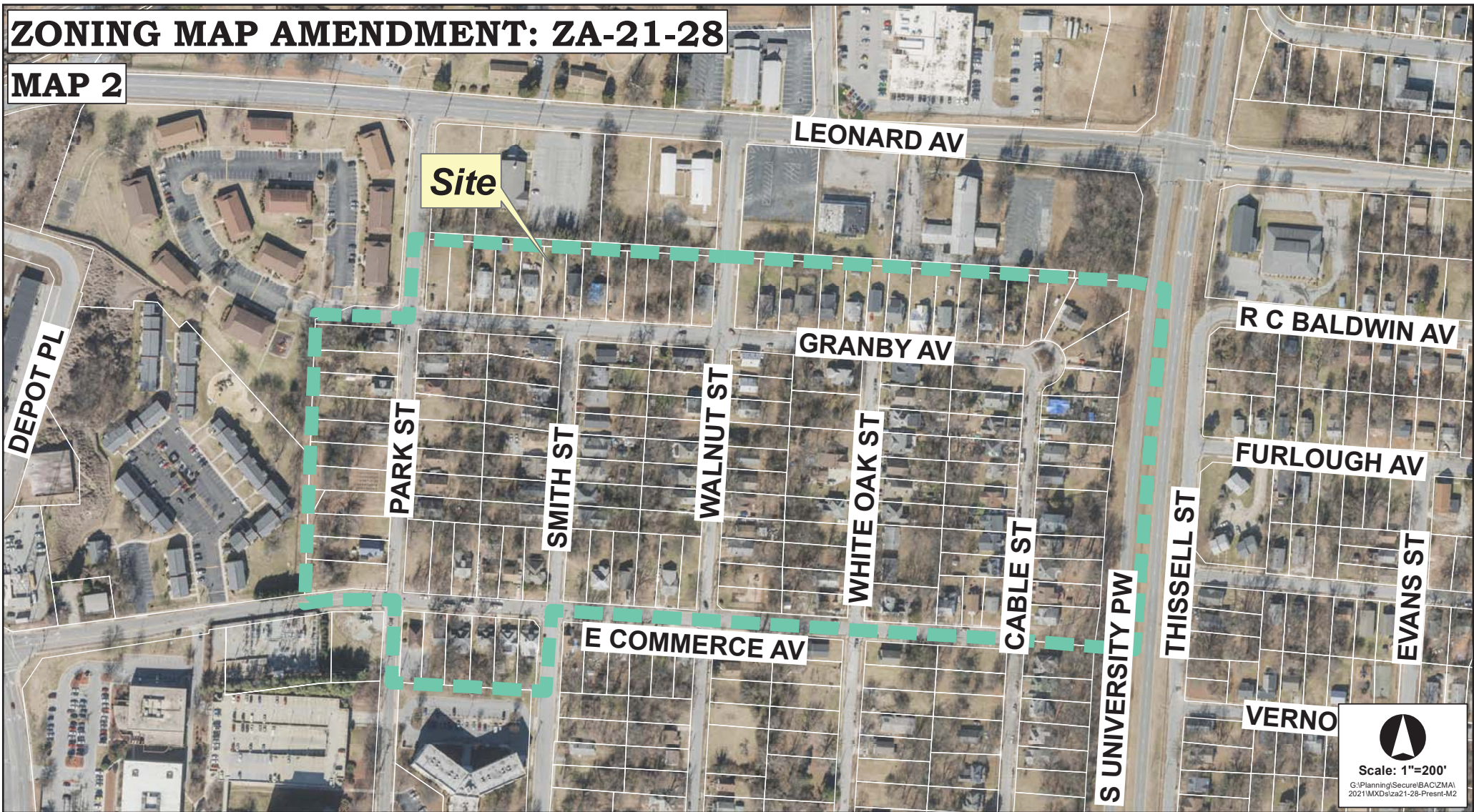
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# ZONING MAP AMENDMENT: ZA-21-28

## MAP 2



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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, 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 November 9, 2021 and before the City Council of the City of High Point on December 6, 2021 regarding **Zoning Map Amendment Case 21-28 (ZA-21-28)** 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 November 2, 2021, for the Planning and Zoning Commission public hearing and on November 24, 2021 and December 1, 2021, 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 December 1, 2021.

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

#### SECTION 1

##### **Map #1: Washington Street**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Transitional Office (TO) District**. An approximate 4.11 acres parcel lying along the north side of Washington Street, between Penn Griffin High School and the N. University Parkway bridge. The parcels area addressed as 835, 1003, 1015, 1113, 1115, 1119 (southern portion of parcel), 1215 and 1301 Washington Street; and 1114 Underhill Street and 103 N. Downing Street. The parcels area also known as Guilford County Tax Parcels 190676, 190685 (southern portion of parcel), 190687, 190688, 190889, 190890, 190891, 190892, 190900, 190912.

#### SECTION 2

##### **Map #2:**

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-7) District**. Approximately 30.98 acres Land lying approximately 300 feet south of Leonard Avenue, west of S. University Parkway, along both side of E. Commerce Avenue and along both sides of Park Street. The parcels are

also known as Guilford County Tax Parcels 171694, 171700, 174472, 174473, 174474, 174475, 174476, 174477, 174478, 174479, 174480, 175285, 175287, 175288, 175289, 175290, 175291, 175292, 175293, 175294, 175295, 175296, 175297, 175298, 175303, 175304, 175305, 175306, 175307, 175308, 175309, 175310, 175311, 175312, 175313, 175314, 175315, 175316, 175317, 175318, 175319, 175320, 175321, 175322, 175323, 175324, 175325, 175326, 175327, 175328, 175329, 175330, 175331, 175332, 175333, 175334, 175335, 175336, 175337, 175338, 175339, 175340, 175341, 175342, 175344, 175345, 175346, 175347, 175348, 175349, 175350, 175351, 175352, 175353, 175354, 175355, 175356, 175357, 175358, 175359, 175360, 175361, 175362, 175363, 175364, 175365, 175366, 175367, 175368, 175369, 175370, 175371, 175372, 175373, 175374, 175375, 175376, 175377, 175378, 175380, 175382, 175383, 175384, 175385, 175386, 175387, 175388, 175389, 175390, 175391, 175392, 175393, 175394, 175395, 175396, 175397, 175398, 175399, 175400, 175401, 175402, 175403, 175404, 175405, 175406, 175407, 175408, 175409, 175410, 175411, 175412, 175413, 175414, 175415, 175416, 175417.

### SECTION 3

#### **Map #2: 401 Park Street**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Transitional Office (TO) District**. An approximate 0.14 acre parcel known as Guilford County Tax Parcel 171696.

### SECTION 4

#### **Map #3: 702, 704, 706 and 707 E. Commerce Street**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Residential Single Family – 7 (R-7) District**. Approximately 0.68 acres lying east of the intersection of Park Street and E. Commerce Avenue addresses as 702, 704, 706 and 707 E. Commerce Street. The parcels area also known as Guilford County Tax Parcels 171697, 171698, 171699, 175343

### SECTION 5

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 6

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

SECTION 7.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council  
City of High Point, North Carolina  
The 6<sup>th</sup> day of **December, 2021**

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

Jay W. Wagner, Mayor

ATTEST:

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