

CITY OF HIGH POINT

AGENDA ITEM



Title: Text Amendment 22-02
(Boys and Girls Clubs of Greater High Point)

From: Chris Andrews,
Interim Planning & Development Director

Meeting Date: April 18, 2022

Public Hearing: Yes

Advertising Date: April 6, 2022, and April 13, 2022

Attachments: A. Staff Report
B. Text Amendment Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by the Boys and Girls Clubs of Greater High Point to amend Section 4.1., Principal Use Table, and Section 4.3., Use Standards, of the Development Ordinance related to major and minor assembly use standards, to facilitate the development of a major assembly use type.

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. Chris Andrews, Interim Planning and Development Director, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Speaking on the request was the applicant's attorney, Ms. La-Deidre Matthews, Attorney with Fox Rothschild LLP, 101 N. Tryon Street - Suite 1300, Charlotte, NC. Also, speaking were Mr. Floyd Johnson, President of the Boys and Girls Clubs of Greater High Point and Boys and Girls Club board member Mr. Warren Preston. The speakers provided an overview of the proposal to convert a religious institution (church with an educational wing and outdoor recreation area), which is no longer operating, to a civic use (Boys and Girls Club). The speakers noted that the request text amendment and accompanying rezoning will accommodate a use very similar to the religious facility that had existed in the neighborhood for decades prior. In conclusion, they highlighted how the reuse of this facility for a community-based children's organization will assist in stabilizing and fostering a sense of neighborhood cohesion.

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 Text Amendment 22-02 does not conflict with adopted policy guidance documents and promotes policies recommended by the Core City Plan.

Furthermore, the request is reasonable and in the public interest because the proposed amendment provides increased flexibility of allowable land uses within the City's business and more-intense residential districts in the Core City Area, with uses subject to standards that encourage the reuse of existing buildings and limiting the introduction of new assembly buildings or uses within established neighborhoods.

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

**STAFF REPORT
TEXT AMENDMENT CASE TA-22-02
March 22, 2022**

Request	
Applicant: Boys and Girls Clubs of Greater High Point	Affected Ordinance Sections: Section 4.1.9. (<i>Principal Use Table</i>) Section 4.3.3. (<i>Institutional Uses</i>)
Proposal: To amend the City of High Point Development Ordinance, Section 4.1., <i>Principal Use Table</i> , and Section 4.3., <i>Use Standards</i> , to amend standards for major and minor assembly uses.	

Background

The applicant desires to amend the Development Ordinance to allow the establishment of major assembly uses within additional zoning districts, and only within the Core City Area. The applicant proposes to reuse the buildings of a former religious institution, which is a permitted use within the Residential Single Family – 5 (R-5) and Residential Multifamily – 16 (RM-16) districts, for a major assembly use. However, major assembly uses, which are those assembly uses with more than 15,000 square feet of gross floor area, have not been permitted except for in higher intensity business zoning districts. The applicant also proposes to amend the use standards for assembly uses, with relation to the reuse of existing buildings in the Core City.

Details of Proposal

The proposed text amendment affects Section 4.1.9., – *Principal Use Table*, and Section 4.3.3. – *Institutional Uses*, related to use standards.

The applicant has requested that major assembly uses be permitted within the Core City, specifically within the Residential Multifamily - 16 (RM-16) District, as well as the Residential Multifamily - 26 (RM-26) District, the Transitional Office (TO) District, Office Institutional (OI) District and the Limited Business (LB) District.

As a result of the applicant’s request, staff also recommended adding the lower intensity business districts (TO, OI, LB) where minor and major assembly uses are permitted in the Core City, subject to use standards. The Development Ordinance currently permits the reuse of existing buildings for minor and major assembly uses within the Light industrial (LI) District, subject to use standards.

The applicant has also proposed an exemption to specific use standards for the reuse of buildings in the Core City, but only within the higher intensity RM-16 and RM-26 districts.

Analysis

The RM-16 and RM-26 districts were 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.

The proposed amendment is narrow in its focus, in requesting that assembly uses be permitted within existing buildings within the Core City Area. The Development Ordinance currently permits the reuse of existing buildings for minor and major assembly uses within the Light industrial (LI) District, subject to use standards, and these amendments would expand upon the

The standards and amendments to permitted uses within the proposed districts help to ensure that assembly uses will continue to be in higher intensity residential and business zoning districts, while allowing for the reuse of existing buildings within the Core City Area. In many cases, existing buildings within the Core City that may be desirable for reuse as assembly uses may have been religious or educational institutions and were developed to accommodate the similarly expected use pattern of an assembly use.

Consistency with Adopted Policy Guidance:

Whether and the extent to which the proposed text amendment is consistent with applicable City adopted policy guidance.

This text amendment does not conflict with adopted policy guidance documents and promotes policies recommended by the Core City Plan.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed text amendment is reasonable and in the public interest.

The proposed amendment provides increased flexibility of allowable land uses within the City's business and more-intense residential districts in the Core City Area, with uses subject to standards that encourage the reuse of existing buildings and limiting the introduction of new assembly buildings or uses within established neighborhoods.

Recommendation

Staff recommends approval.

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 Christopher Andrews, AICP, Interim Planning and Development Director, and reviewed by Herb Shannon, AICP, Senior Planner, and Heidi Galanti, AICP, Planning Administrator.

TEXT AMENDMENT 22-02

Ordinance #XXXX/XX-XX

Applicant: Boys and Girls Clubs of Greater High Point

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE

WHEREAS, 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; and

WHEREAS, public hearings were held before the Planning and Zoning Commission on March 22, 2022 and before the City Council on April 18, 2022 regarding Text Amendment 22-02; and

WHEREAS, notice of the public hearings was 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-601 of the General Statutes of North Carolina.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA:

SECTION 1.

(Regarding major and minor assembly uses within the Principal Use Table.)

That Section 4.1.9., *Principal Use Table*, is hereby amended as follows:

USE CATEGORY	USE TYPE	R-3	R-5	R-7	RM-5	RM-16	RM-26	TO	OI	LB	GB	RC	CB	EC	LI	HI	AGR	I	PNR	MS	MX	District Use Prohibition	Additional Standards
Institutional Use Classification																							
Civic	Assembly, major					<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	P	P	P	P	P*								4.3.3 A.1
	Assembly, minor	S	S	S	S	<u>SP</u>	P	P	P	P	P	P	P	P	P*		P	P	P	P	P		4.3.3 A.1

SECTION 2.

(Regarding major and minor assembly use standards.)

That Section 4.3.3. – Institutional Uses, related to major and minor assembly use standards, is hereby amended as follows:

4.3.3. - Institutional Uses

A. Civic

1. Assembly (Major and Minor) An assembly use (major and minor) shall comply with the following standards, **except as exempted in accordance with subsection (g) below:**

- (a) Have street frontage on a street classified higher than a residential local street.
- (b) Have no access from a residential local street, unless the use is located on a corner lot with street frontage on a thoroughfare street.
- (c) Outdoor courts, swimming pools, and athletic fields shall be located at least 50 feet from any lot line abutting a residential district.
- (d) Assembly uses in residential districts shall be on a lot of at least 2 acres.
- (e) Assembly uses with permanent seating for 1,000 or more shall require a special use in accordance with Section 2.4.12, Special Use.
- (f) In order to reuse the existing buildings in the Core City in accordance with the City's adopted policy guidance, major and minor assembly uses are permitted in the **TO, OI, LB and** LI districts, subject to the following standards:
 - (i) The **TO, OI, LB and** LI districts must be located in the Core City area;
 - (ii) The new use must reuse an existing building or buildings;
 - (iii) The total square footage of all building additions for multi-family; personal service, major; major and minor retail sales; major and minor assembly; and major and minor cultural facility uses shall be limited to a maximum of 25 percent of the total gross floor area of all principal buildings existing on the site as of the effective date of this Ordinance.

(g) In order to reuse existing buildings in the Core City area in accordance with the City's adopted policy guidance, major and

TEXT AMENDMENT 22-02

Ordinance #XXXX/XX-XX

Applicant: Boys and Girls Clubs of Greater High Point

minor assembly uses are permitted in the RM-16 and RM-26 districts, and are exempt from the general Assembly (Major and Minor) use standards (a) through (d) within this section; but are subject to the following standards:

(i) The RM-16 or RM-26 district must be located in the Core City area;

(ii) The new use must reuse an existing building or buildings.

SECTION 3.

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 adoption.

Adopted by the City Council
City of High Point, North Carolina
The **18th** day of **APRIL 2022**
Lisa B. Vierling, City Clerk

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk