

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 22-13
(City of High Point)

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: July 18, 2022

Public Hearing: Yes

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

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by the High Point City Council to rezone three properties, totaling approximately 8.5 acres, as part of the Comprehensive Zoning Map Amendment Project. This request will rezone this area from a Conditional Use Limited Business (CU-LB) District to the Limited Business (LB) District. The parcels are located south of E. Martin Luther King Jr. Drive and west of Packrite Court (3128, 3136 and 3138 E. Martin Luther King Jr. Drive).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their May 24, 2022 public hearing. All members of the Commission were present. 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 speakers in favor, nor 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 9-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 9-0 to approve the following statement:

That Zoning Map Amendment 22-13 is consistent with the City's adopted policy guidance because the proposed zoning map amendments are supported by the various land use classifications governing this area of the city. Furthermore, the request is reasonable and in the public interest because the initially established conditions have been met or are now governed by standards of the Development Ordinance.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-22-13
May 24, 2022**

Request

A request by the High Point City Council to rezone three parcels, totaling approximately 8.5 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on a commercial development located at the southwest corner of E. Martin Luther King Jr. Drive and Packrite Court. The parcels are addressed as 3128, 3136 and 3138 E. Martin Luther King Jr. Drive.

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 commercial development in question, known as East Town Village, obtained its current Conditional Use Limited Business (CU-LB) District zoning in 1988 (CU-88-23). The zoning approval included conditions pertaining to landscaping, right-of-way dedication and number of vehicular access points.

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Conditional Use Limited Business (CU-LB) District	Limited Business (LB) District
<i>Purpose & Intent:</i>	<u>LB District</u> The LB district is established to primarily accommodate low to moderate intensity office, retail, and personal service uses adjacent to and within residential neighborhoods. In addition to commercial uses, the district also allows a variety of residential and institutional uses in stand-alone structures as well as in mixed-use developments.	<u>LB District</u> Same
<i>Current Uses:</i>	Permitted	Permitted
<i>Conditions</i>	Conditional Use Permit 88-23 (CU-88-23) <ul style="list-style-type: none">• Perimeter and parking lot landscaping• Right-of-way dedication• Construction of Packrite Court (formerly known as Eastway Court)	None

	<ul style="list-style-type: none"> Limiting the number of access points to E. Martin Luther King Jr Drive 	
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	Adjacent Zoning	Adjacent Land Use
North:	Limited Business (LB) District	Undeveloped
South:	Light Industrial (LI) District	Manufacturing facility
East:	Light Industrial (LI) District	Office
West:	Residential Single Family – 7 (R-7) District	Religious institution (church) and a single family dwelling

Land Use Plan Classification
<p>The area is designated as follows:</p> <ul style="list-style-type: none"> Local/Convenience Commercial: This classification includes moderate-intensity convenience retail or service uses, generally serving small, local neighborhoods.

Analysis

The site is currently developed with a 48,000± square foot commercial center and a exterior self storage facility. The current Conditional Use Permit (CU) was established in 1988 under a Development Ordinance that was adopted in 1985. Since 1988, two complete development ordinance revisions were adopted in 1992 and 2017. Zoning conditions established under the existing CU have mostly been addressed over the past 34 years with development of the site, updates to the Development Ordinance and road improvements. Staff recommends removal of the CU zoning conditions and instead have the site be governed by the current LB District standards based on the following:

- Perimeter and parking lot landscaping conditions: The current Development Ordinance now regulates parking lot landscaping and perimeter landscaping. Any redevelopment of the site would be subject to these current standards. The landscaping conditions in this CU were primarily intended to protect the residential neighborhood lying to the southwest of the site. A perennial stream runs along the southwestern boundary of this commercial development. With the adoption of the Randleman Watershed regulations in 2000, the adjacent residential neighborhood is now protected by stream buffer standards that require a 100-foot wide buffer area along both sides of this stream.
- Right-of-way dedication and road improvements: The dedication condition has served its purpose as the dedicated land was used for widening and improving E. Martin Luther King Jr Drive from a 2-lane to 4-lane road (with a center turn lane) in the mid-2000s. Furthermore, when the site was developed, Packrite Court was constructed and serves as a secondary access point to the site.
- Limiting the number of access points to E. Martin Luther King Jr Drive: The current access point to the site from E. Martin Luther King Jr Drive is approximately 300 feet from Packrite Court. With the widening of E. Martin Luther King Jr Drive to a multilane roadway, it is now classified as a major thoroughfare. The driveway ordinance requires access to major thoroughfares to be at least 250 feet from street intersections. Also, such access points may require the installation of a turn lane, which typically requires 150 feet of storage and a 100-foot taper. These standards would make it difficult to install additional driveway access points.

Therefore, staff finds that the requested rezoning is:

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 various land use classifications governing this area of the city.

Reasonableness/Public Interest:

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

The initially established conditions have been met or are now governed by standards of the Development Ordinance.

Recommendations

The Planning & Development Department recommends approval of the request to rezone this 8.5 acre tract of land from a CU-LB District to the LB 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.

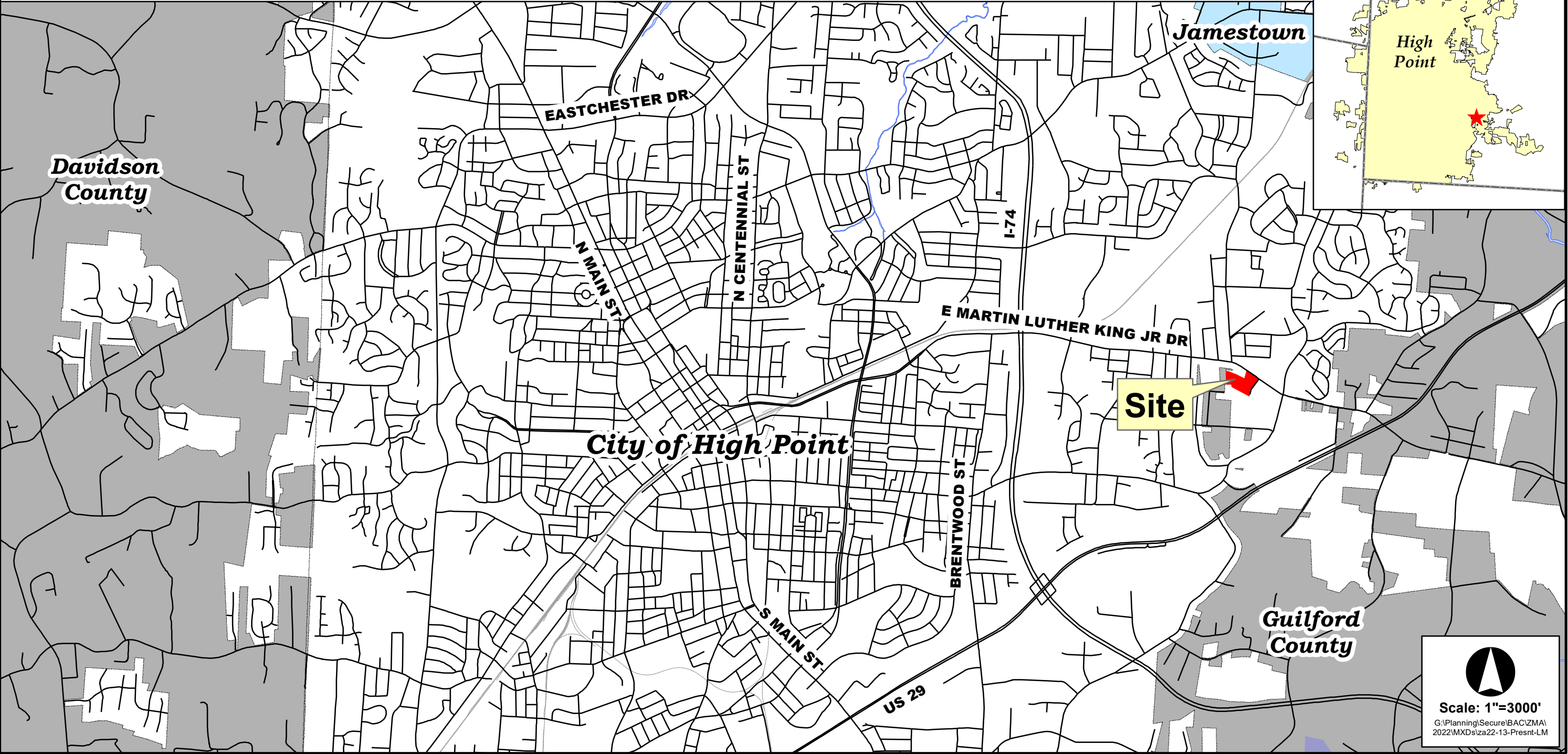
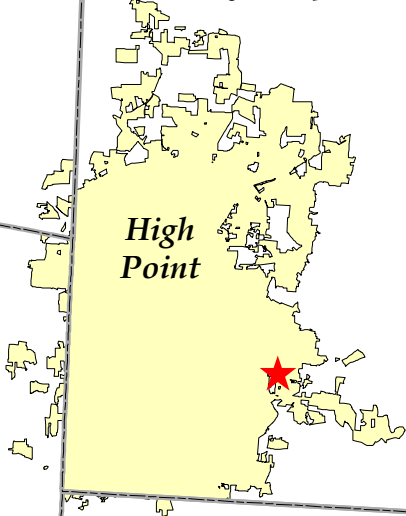
Report Preparation

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

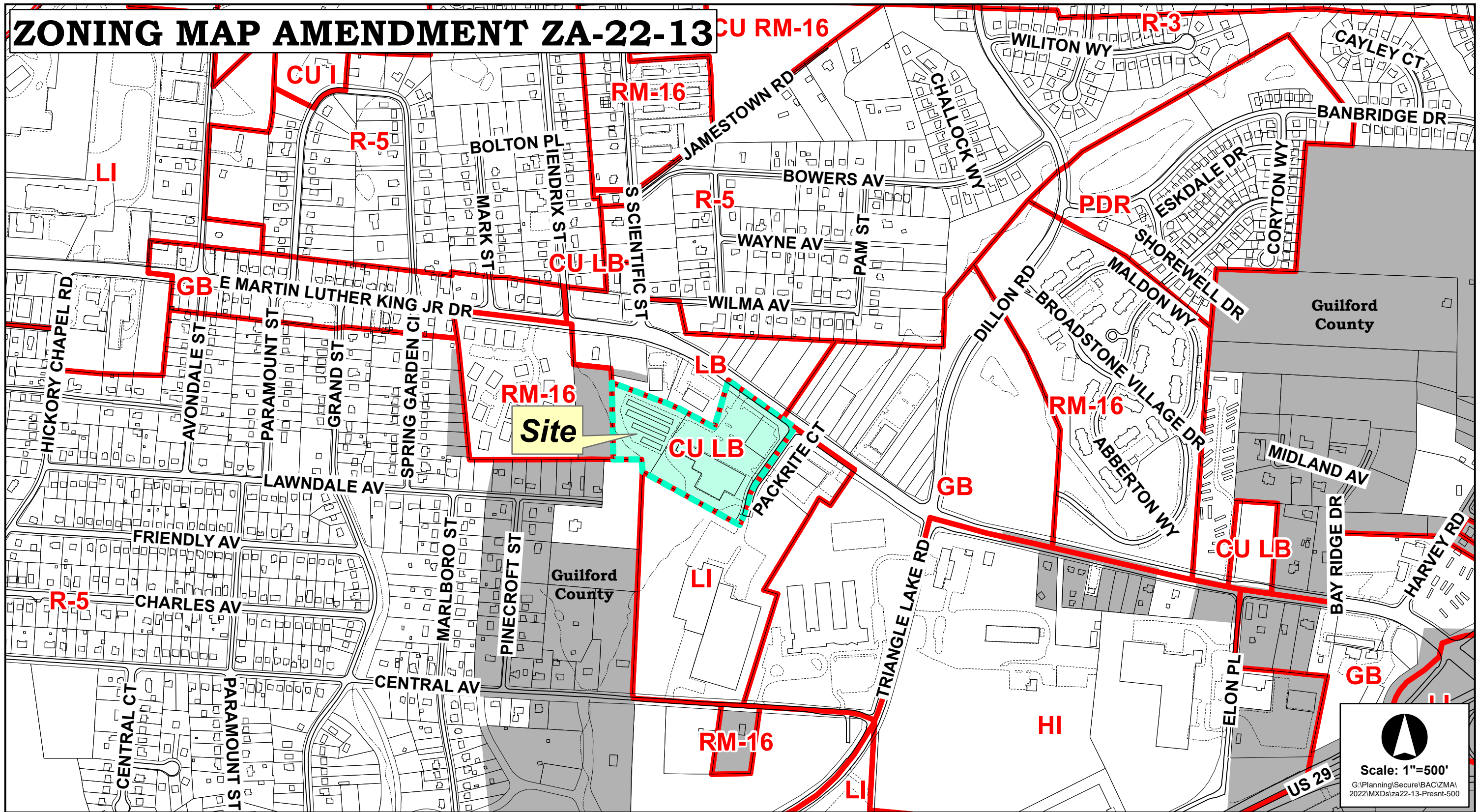
ZONING MAP AMENDMENT: ZA-22-13
Applicant: City of High Point

Vicinity Map

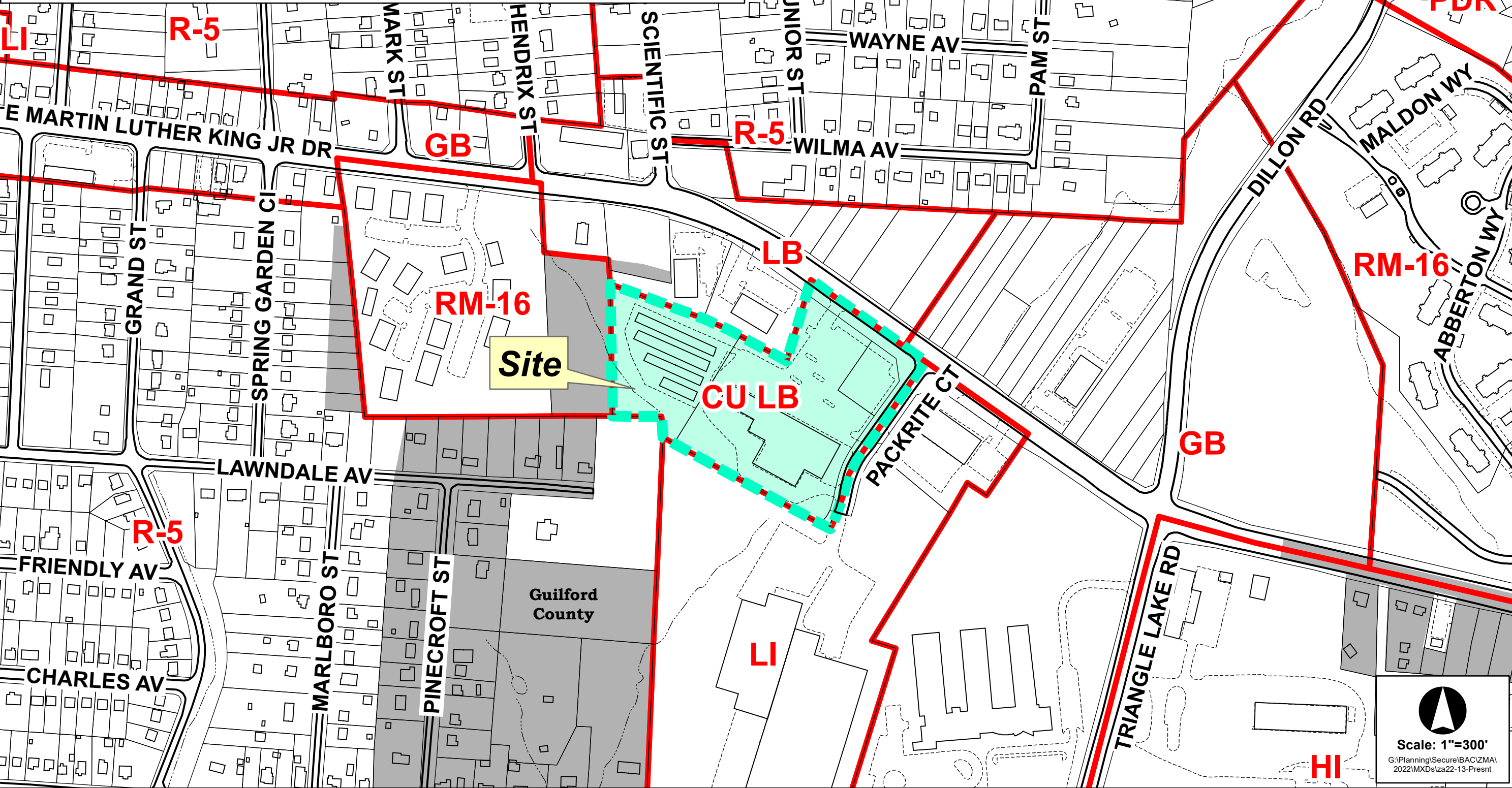



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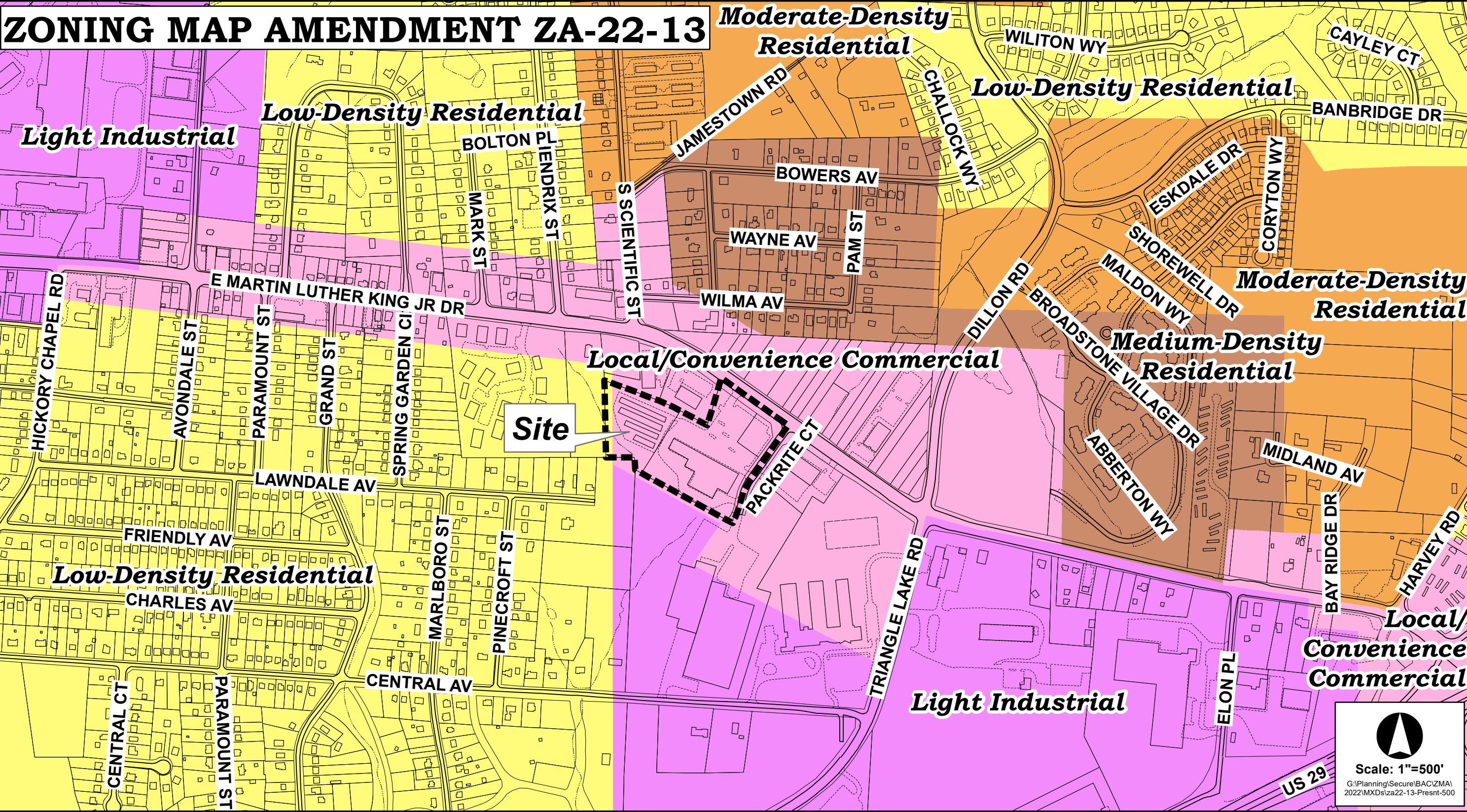
ZONING MAP AMENDMENT ZA-22-13



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ZONING MAP AMENDMENT ZA-22-13



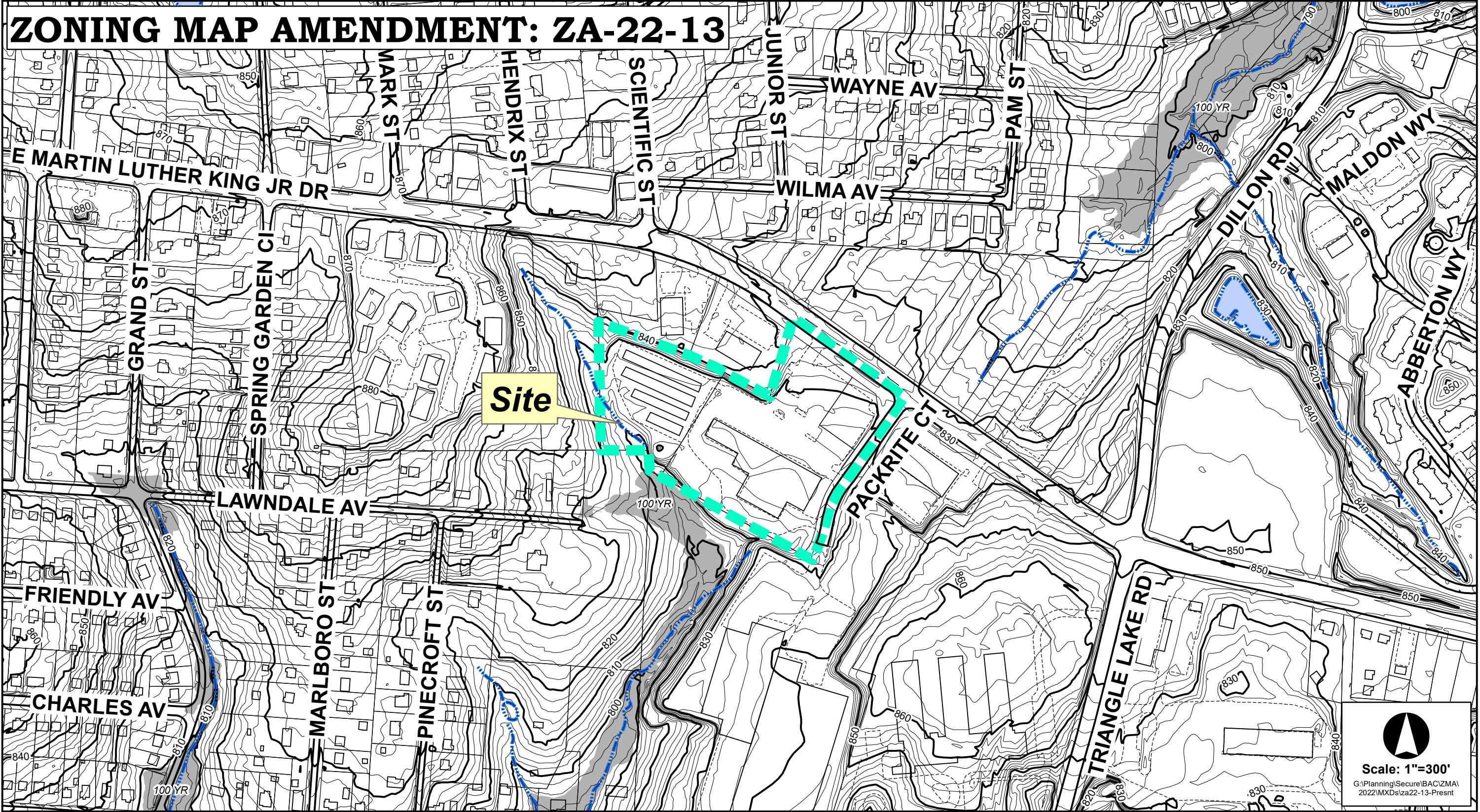
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ZONING MAP AMENDMENT: ZA-22-13



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 May 24, 2022 and before the City Council of the City of High Point on June 21, 2022 regarding **Zoning Map Amendment Case ZA-22-13 (ZA-22-13)** 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 14, 2022, for the Planning and Zoning Commission public hearing and on June 8, 2022 and June 15, 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 **June 21, 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 the: **Limited Business (LB) District**. The zoning site consists of three parcels, totaling approximately 8.5 acres. The zoning site is located south of E. Martin Luther King Jr. Drive and west of Packrite Court, is addressed as 3128, 3136 and 3138 E. Martin Luther King Jr. Drive and also known as Guilford County Tax Parcels 185906, 185919 and 185920.

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.

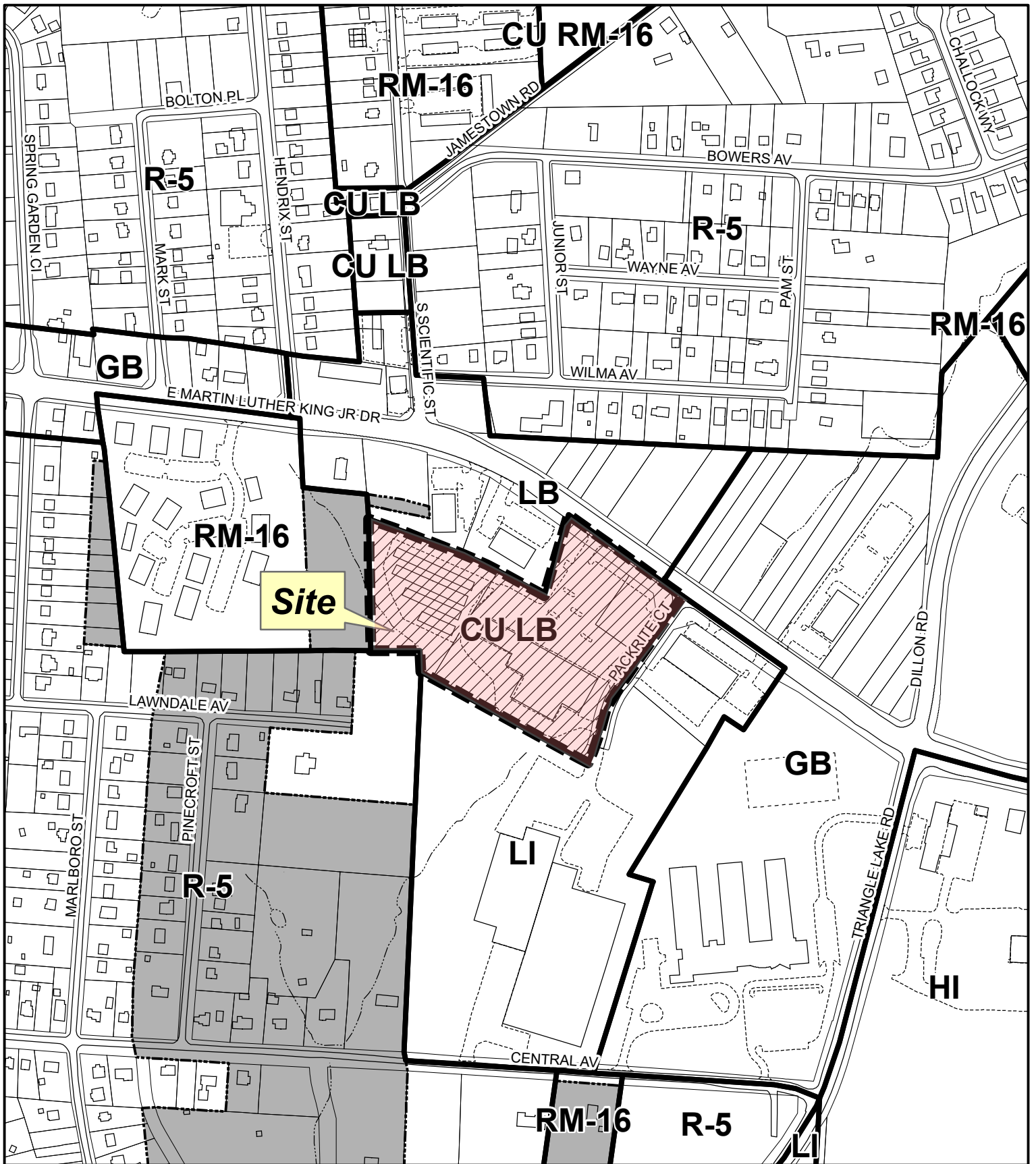
This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 21st day of June, 2022

By: _____
Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk



ZONING MAP AMENDMENT ZA-22-13

From: Conditional Use Limited Business (CU LB)
To: Limited Business (LB)

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

**Planning & Development
 Department**

City of High Point



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