CITY OF HIGH POINT AGENDA ITEM



Title: Zoning Map Amendment 22-17

(City of High Point)

From: Sushil Nepal, AICP Meeting Date: August 15, 2022

Planning & Development Director

Public Hearing: Yes Advertising Date: August 3, 2022, and

August 10, 2022

Attachments: A. Staff Report Advertised By: Planning & Development

B. Zoning Ordinance

PURPOSE:

A request by the High Point City Council to rezone 60 parcels, totaling approximately 18.9 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone 53 parcels in the Westbury Subdivision, totaling approximately 8.13 acres, from a Conditional Use Residential Single Family 5 (CU R-5) District to the Residential Single Family 7 (R-7) District. This subdivision is located approximately 750 feet east of the intersection of S. Scientific Street and Boyce Avenue, directly south of the intersection of Boyce Avenue and Westbury Drive.
- b) To rezone two parcels, totaling approximately 9.21 acres, from a Conditional Use Residential Multifamily 16 (CU RM-16) District to the Residential Multifamily 16 (RM-16) District. One parcel is lying along the east side of S. Scientific Street, approximately 700 feet south of Sherrill Avenue (715 S. Scientific Street) and a second parcel that lies south of the intersection of Sherrill Avenue and Dade Street (3018 Sherrill Avenue).
- c) To rezone four parcels and a portion of another parcel, totaling approximately 1.56 acres, from a Conditional Use Limited Business (CU-LB) District to the Residential Single Family 5 (R-5) District and the Residential Multifamily 16 (RM-16) District. The parcels are located to the west and southwest of the intersection of S. Scientific Street and Bowers Avenue (822, 826, 900, 902 and 904 S. Scientific Street.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their July 26, 2022 public hearing. All members of the Commission were present except for Mr. Terry Venable and Mr. Ray Wheatley. 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 or 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 <u>approval</u> 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 22-17 is consistent with the City's adopted policy guidance because the zoning map amendment is supported by Goal #1 of the Land Use Plan, which speaks to encouraging development that enhances and preserve established neighborhoods. Furthermore, the amendments are needed to match the manner in which these neighborhoods have developed and to remove unneeded restrictions.

CITY OF HIGH POINT PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT ZONING MAP AMENDMENT ZA-22-17 July 26, 2022

Request

A request by the High Point City Council to rezone 60 properties, totaling approximately 19 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on lands within the proximity of the S. Scientific Street corridor, between E. Martin Luther King Jr. Drive and Boyce 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 the properties to be considered under this Zoning Map Amendment.

| From | To | Development/Use | Location |
|------------|-------|-------------------------------|--|
| CU R-5 | R-7 | Single family dwellings | This subdivision lies approximately 750 feet |
| (CU 86-03) | | (Westbury Way Subdivision) | east of the intersection of S. Scientific Street |
| | | | and Boyce Avenue, directly south of the |
| | | | intersection of Boyce Avenue and Westbury |
| | | | Drive. |
| CU RM-16 | RM-16 | Undeveloped | A parcel lying along the east side of S. |
| (CU 94-05) | | | Scientific Street, approximately 700 feet |
| | | | south of Sherrill Avenue (715 S. Scientific |
| | | | Street) and a parcel lying south of the |
| | | | intersection of Sherrill Avenue and Dade |
| | | | Street (3018 Sherrill Avenue). |
| CU-LB | R-5 | Three single family dwellings | Lying west of the intersection of S. Scientific |
| (CU 93-20) | RM-16 | | Street and Bowers Avenue (a portion of 822, |
| (CU89-07) | | | S. Scientific Street and 826, 900, 902 and 904 |
| | | | S. Scientific Street) |

Analysis

The requested rezoning of these lands is intended to remove outdated zoning conditions and update zoning to match the development pattern of the surrounding area. 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 amendment is supported by Goal #1 of the Land Use Plan, which speaks to encouraging development that enhances and preserve established neighborhoods.

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 match the manner in which these neighborhoods have developed and to remove unneeded restrictions.

Recommendations

Staff recommends approval of the following zoning map amendments:

- 1) Rezone the Westbury Way Subdivision from a CU R-5 District to the R-7 District.
- Rezone 715 S. Scientific Street and 3018 Sherrill Avenue from a CU RM-16 District to the RM-16 District.
- 3) Rezone 826, 900, 902 & 904 S. Scientific Street from a CU-LB District to the R-5 District.
- 4) Rezone the southern portion of 822 S. Scientific Street from a CU-LB District to the RM-16 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.

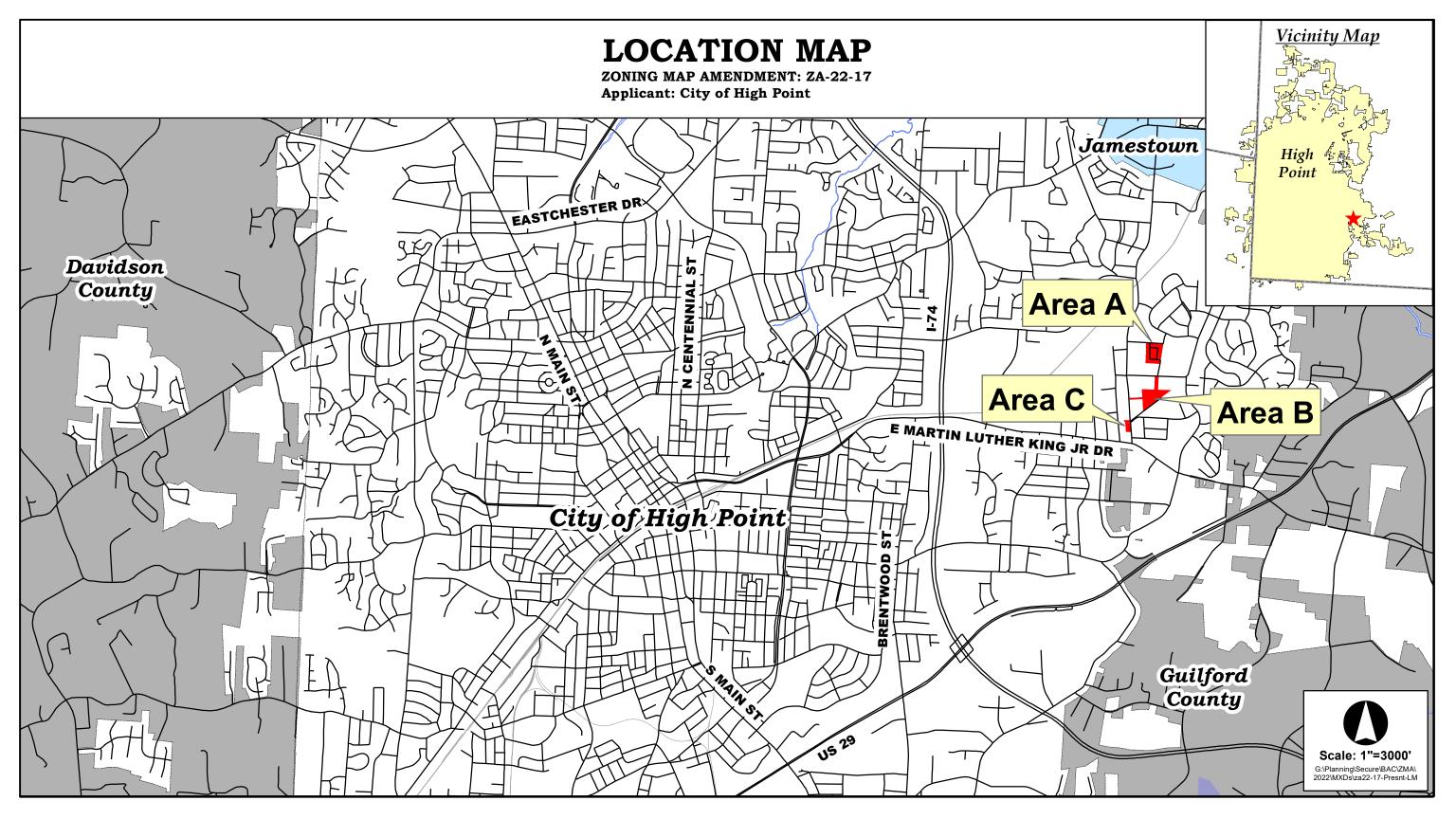
City Council:

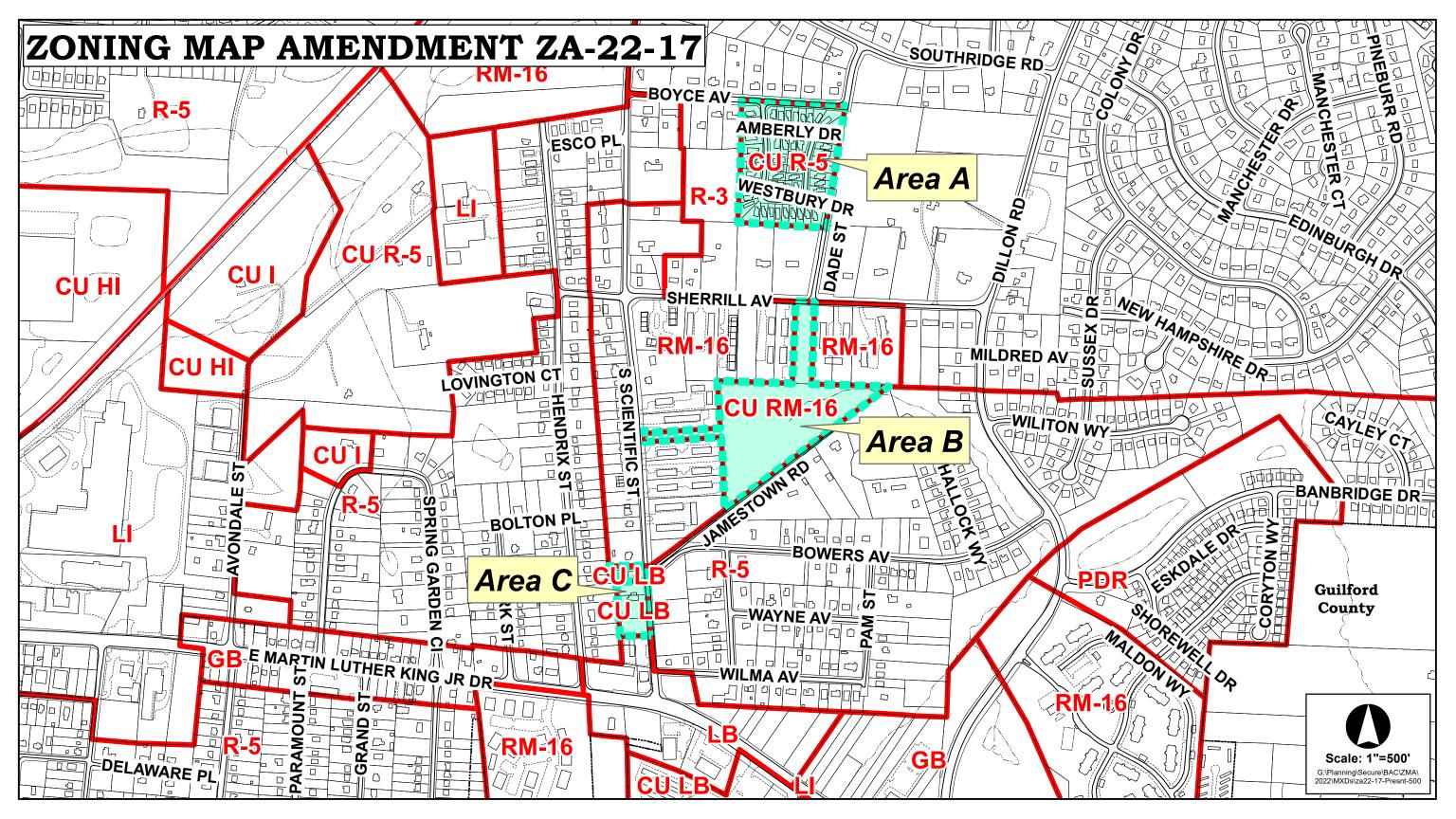
Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan and other plans as may be applicable. This may be done by adopting the statement(s) as written in this report, or with any additions or 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.

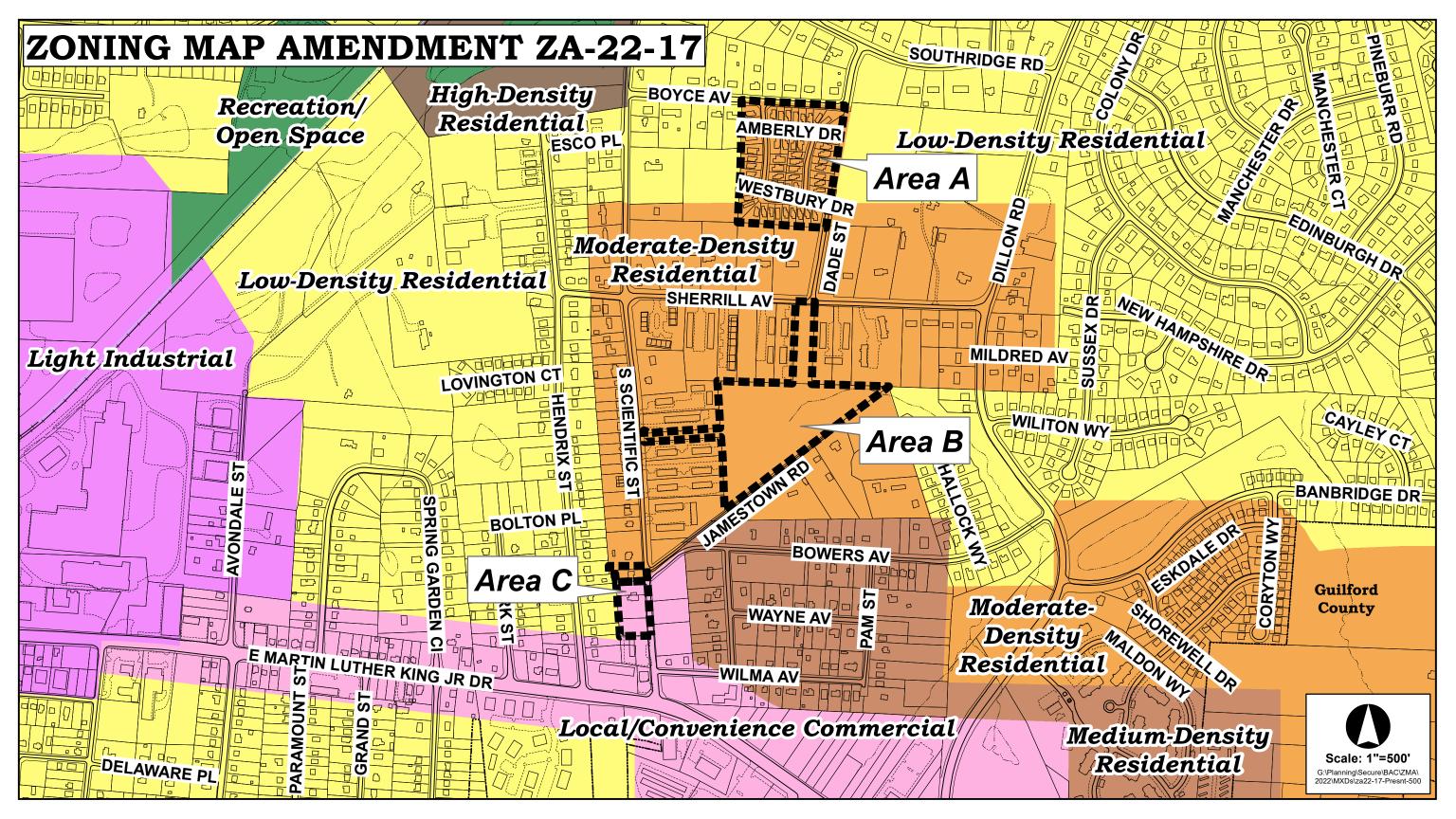
Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Christopher Andrews AICP, Development Administrator, and Sushil Nepal AICP, Planning and Development Director.

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AREA A

Location: The Westbury Way subdivision lies approximately 750 feet east of the intersection of

S. Scientific Street and Boyce Avenue, directly south of the intersection of Boyce

Avenue and Westbury Drive.

Current Use: Single family dwellings

Comparison of Current and Proposed Zoning

| | Current Zoning | Proposed Zoning |
|-------------------|--|--|
| Purpose & Intent: | Conditional Use Residential Single Family – 5 (CU R-5) District R-5 District 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. | Residential Single Family - 7(R-7) District R-7 District The R-7 district is established to accommodate principally single-family |
| Current Uses: | Permitted | Permitted |
| Conditions | Zoning Case 86-03 (CU 86-03) Permitted uses Public street construction. Premier landscaping | None |

| | Adjacent Zoning | Adjacent Land Use |
|--------|--|-------------------------------------|
| North: | Residential Single Family – 3 (R-3) District | Single family dwellings |
| | | (across Boyce Avenue) |
| South: | Residential Single Family – 3 (R-3) District | Single family dwellings |
| East: | Residential Single Family – 3 (R-3) District | Single family dwellings |
| West: | Residential Single Family – 3 (R-3) District | Residential Single Family – 3 (R-3) |
| | | District |

Land Use Plan Classification

The area is designated as follows:

• Moderate-Density Residential: 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 gross acre.

Analysis/Recommendation

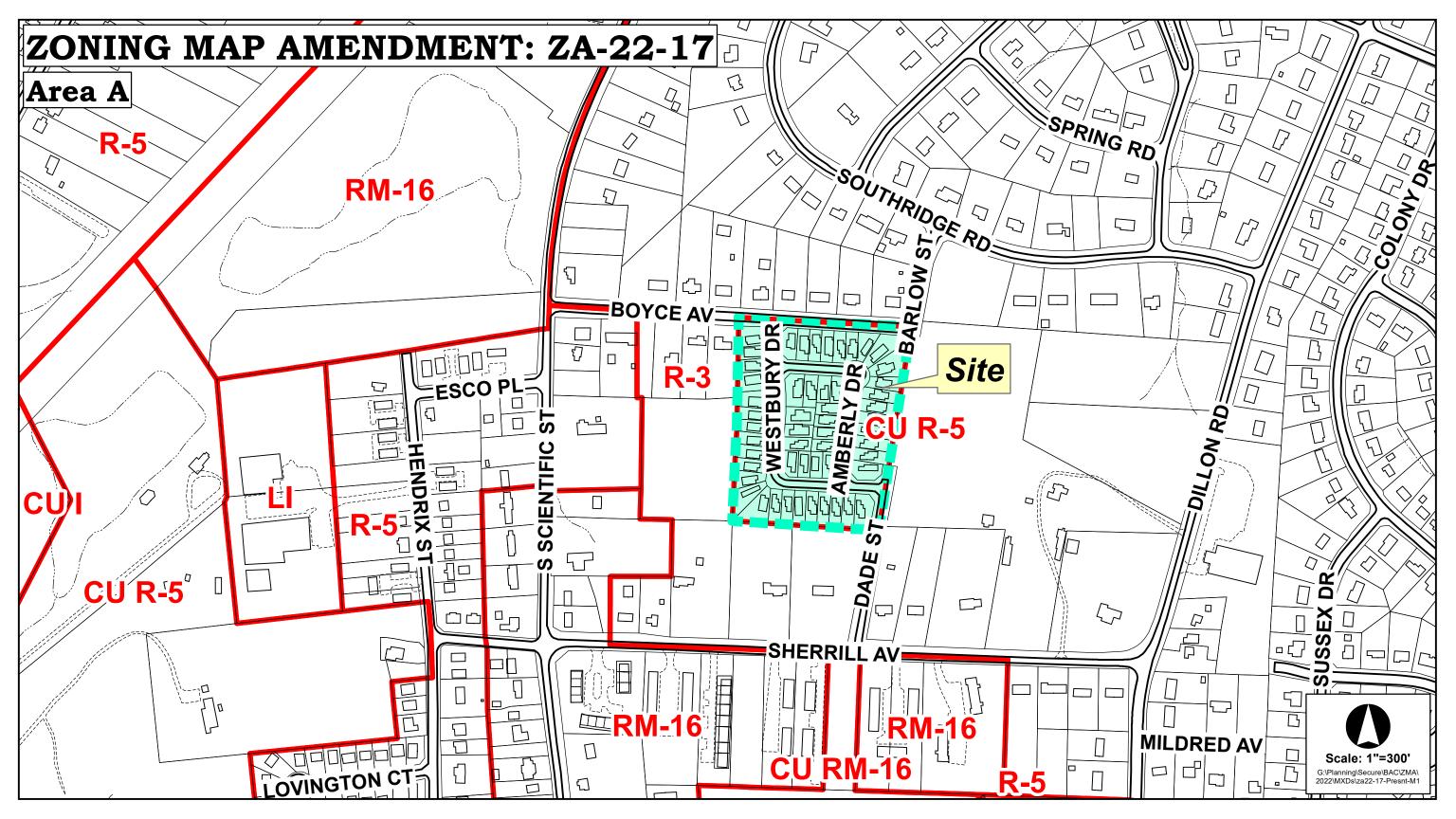
This 8.13-acre area obtained conditional use zoning approval in 1986 to support a cluster subdivision under standards of the 1985 Development Ordinance. That former development type allowed smaller lot sizes in return for the establishment of usable open space and recreational areas. This former development ordinance did not specify how open space/recreational areas were to be provided, and the open space for this development only consisted of a 20 to 30 foot perimeter common/landscape area.

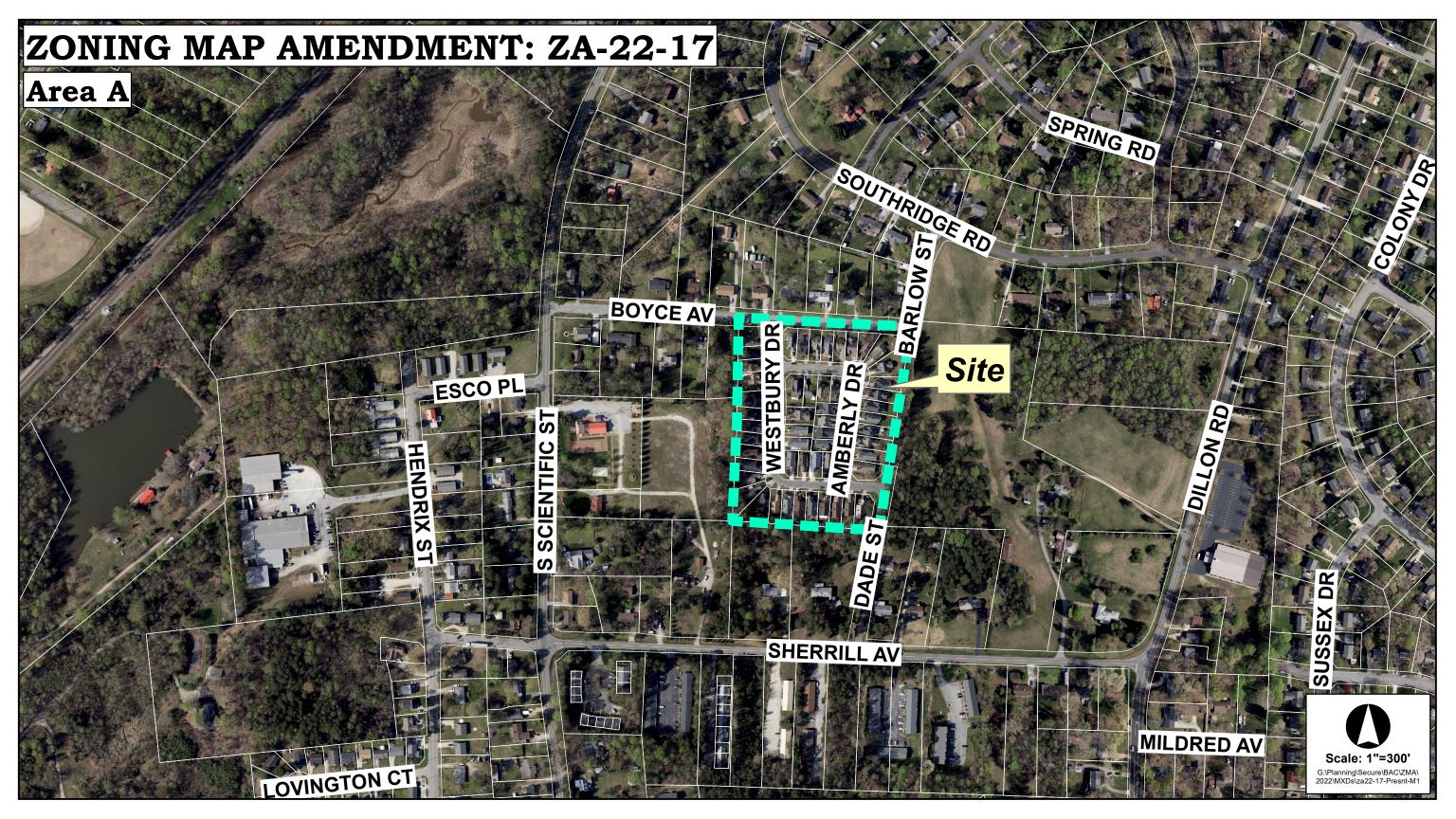
Zoning conditions pertaining to the construction of a public street to provide a second entrance and perimeter landscaping were met with the completion of this subdivision in the early 1990s. Under the 1992 Development Ordinance, this use type was amended to require a Special Use Permit and it further clarified standards to ensure a significant amount of open space was provided for future developments. The adoption of the 1992 Development Ordinance made many of the lots and structures in this development nonconforming.

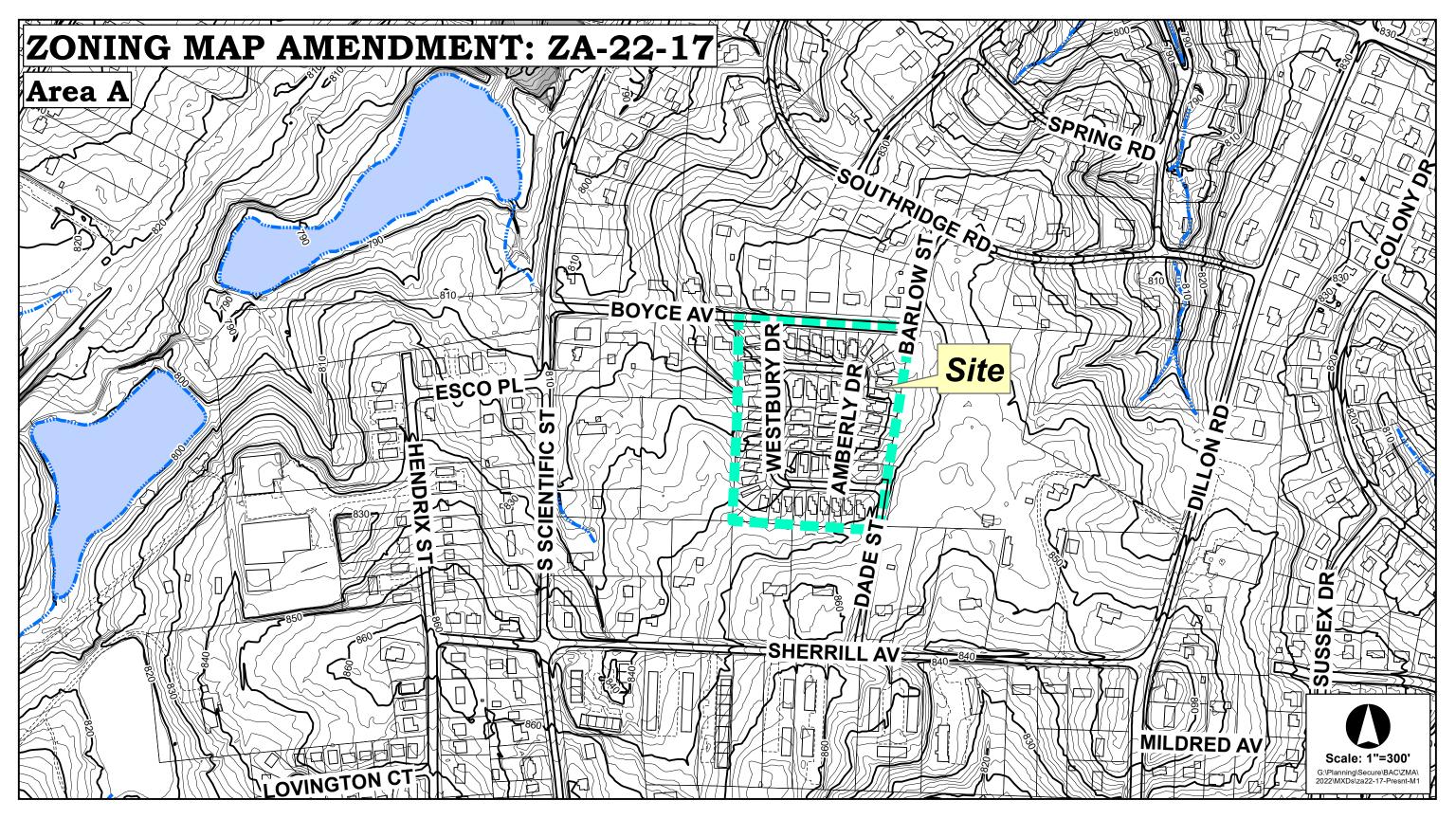
As part of review of land for this round of the Comprehensive Zoning Map Amendment Project, staff recommended City Council initiate rezoning for this subdivision to remove the CU designation (rezone from CU-R-5 to the R-5 District), as zoning conditions have been met. After a more detailed review of the recorded plats from this subdivision, staff found that under the originally proposed R-5 District most of the lots and structures in this subdivision would still be nonconforming with regard to lot width and building setback standards. Therefore, staff is recommending the subdivision be rezoned to the R-7 District. Although the R-7 District was designed to support redevelopment in the Core City Area, allowing this zoning district for this subdivision would limit nonconformities by bringing many of the lot widths and building setbacks into conformance with standards of the current Development Ordinance.

Staff recommendation.

Rezone the Westbury Way Subdivision from a CU R-5 District to the R-7 District.







AREA B

Location: A parcel lying along the east side of S. Scientific Street, approximately 700 feet south

of Sherrill Avenue (715 S. Scientific Street) and a parcel lying south of the

intersection of Sherrill Avenue and Dade Street (3018 Sherrill Avenue).

Current Use: Undeveloped

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 |
| Purpose & | RM-16 District | Same |
| Intent: | 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 | |
| Current Uses: | Undeveloped | Not applicable as the site is undeveloped. |
| Conditions | Zoning Case 94-05 (CU 94-05) Development density restrictions Require two access points Right-of-way dedication Exterior lighting Landscaping | None |

| | Adjacent Zoning | Adjacent Land Use |
|--------|---|--------------------------|
| North: | Residential Multifamily – 16 (RM-16) District | Multifamily developments |
| South: | Residential Single Family – 5 (R-5) District | Single family dwelling |
| East: | Residential Single Family – 5 (R-5) District | Single family dwelling |
| West: | Residential Multifamily – 16 (RM-16) District | Single family dwelling |

Land Use Plan Classification

The area is designated as follows:

• Moderate-Density Residential: 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 gross acre.

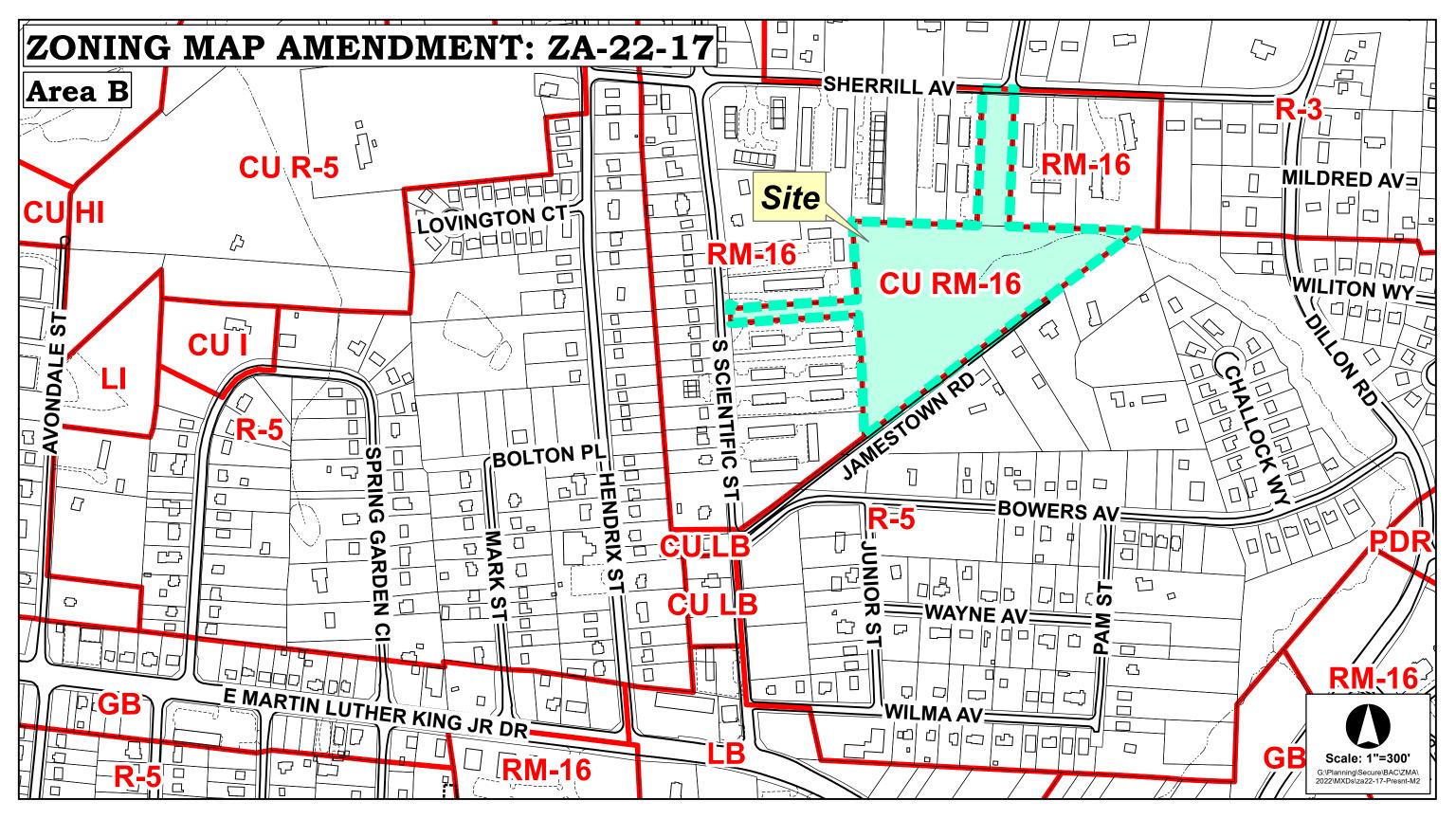
Analysis/Recommendation

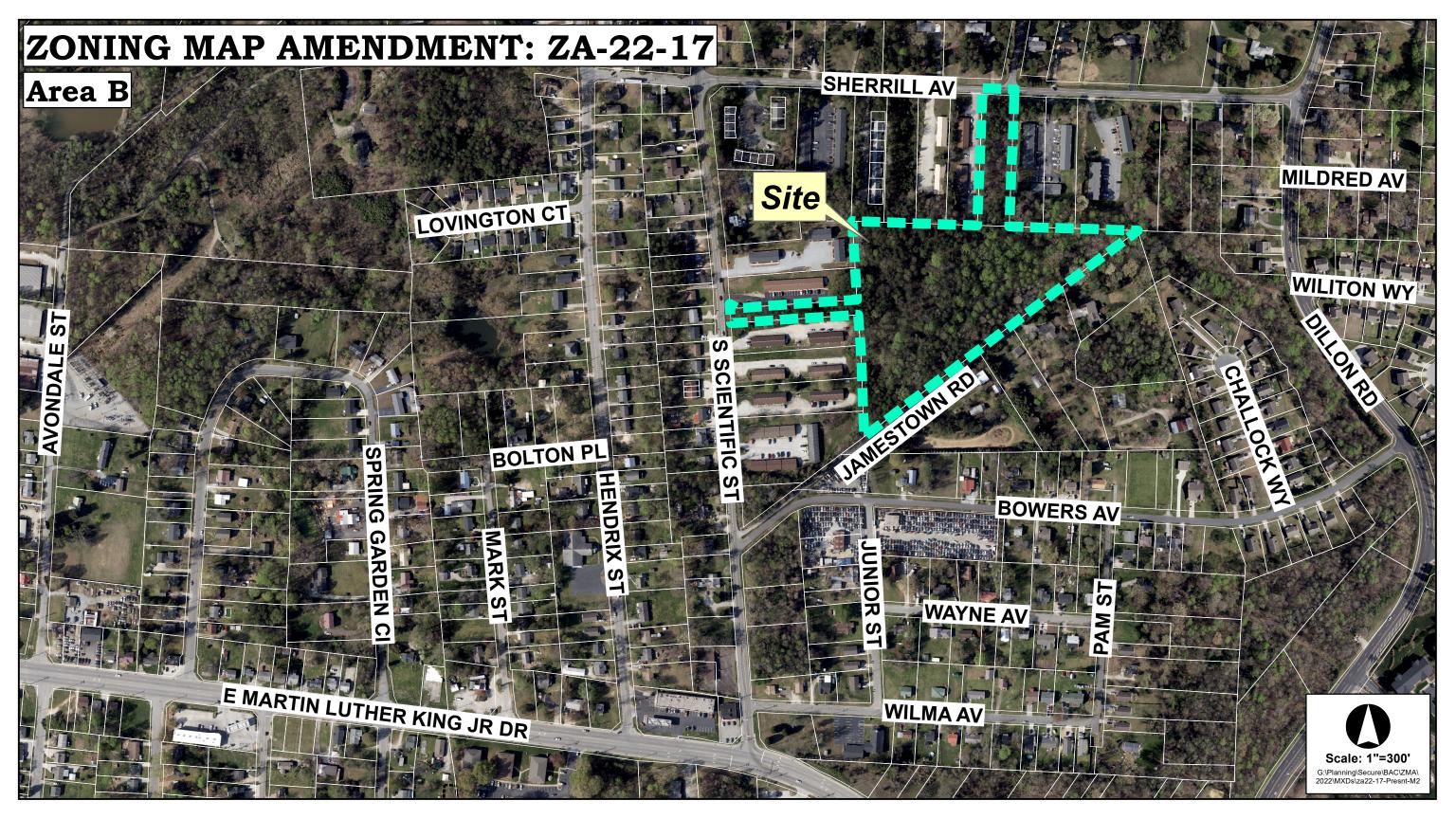
These two parcels were formerly combined as one large parcel when rezoned in 1994, they have been separated and remain undeveloped. The zoning conditions established on these parcels in 1994 are no longer applicable based on the following:

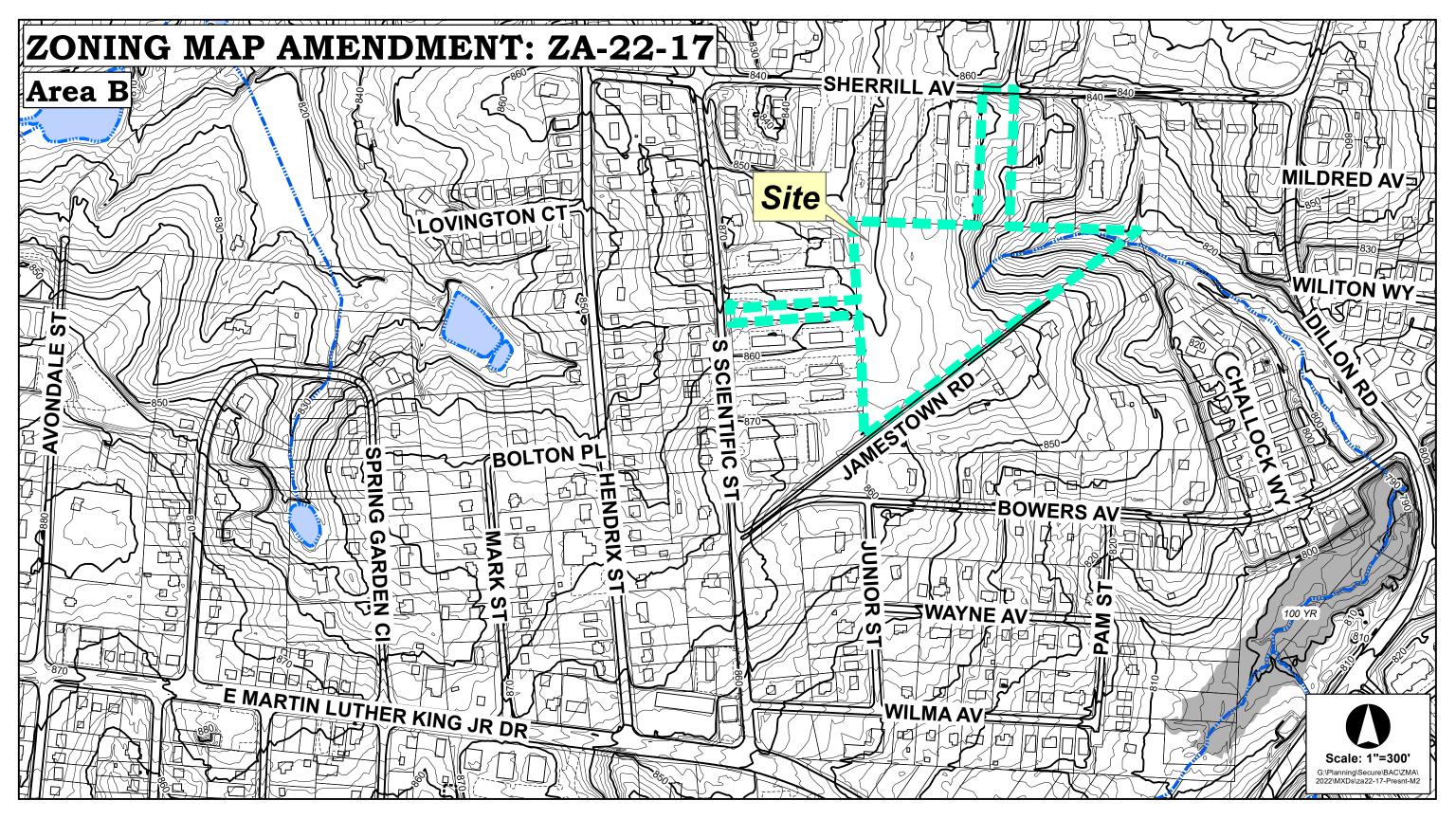
- <u>Development density restrictions</u>: The land use plan support higher intensity development for this area and the abutting multifamily zoned lands have no such restrictions. Also, as the site is within the Oakdale General Watershed Area and is impacted by an intermittent stream, watershed and stream buffer standards will limit development intensity on the site.
- Require two access points: The number of access points for a residential development is now governed by the Development Ordinance. A residential development with more than 50 dwelling units requires two points of vehicular access.
- <u>Right-of-way dedication</u>: Based upon review of the recorded plat for this area (Plat Book 78 Page 16) the required dedication standards of 34 feet from the centerline has been met.
- Exterior lighting and landscaping are now specifically governed by the Development Ordinance.

Staff recommendation.

Rezone the two parcels from the CU RM-16 District to a RM-16 District.







AREA C

Location: The parcels are located to the west and southwest of the intersection of S. Scientific

Street and Bowers Avenue (all of 826, 900, 902 and 904 S. Scientific Street and the

southern portion of 822 S. Scientific Street.

Current Use: Three single family dwellings

Comparison of Current and Proposed Zoning

| | Current Zoning | Proposed Zoning |
|------------|--|---|
| | Conditional Use Limited Business (CU LB) | Residential Single Family – 5 (R-5) District |
| | District | Residential Multifamily 16 (RM-16) District |
| Purpose & | LB District | R-5 District |
| Intent: | The LB district is established to primarily | The R-5 district is established to |
| | accommodate low to moderate intensity | accommodate principally single-family |
| | office, retail, and personal service uses | detached dwellings developed at a density |
| | adjacent to and within residential | of 5 units an acre that is served by public |
| | neighborhoods. In addition to commercial | water and sewer. Complimentary uses such |
| | uses, the district also allows a variety of | as open space, schools, utilities, religious |
| | residential and institutional uses in stand- | institutions, and recreational facilities are |
| | alone structures as well as in mixed-use developments. | also allowed. District regulations |
| | developments. | discourage uses that interfere with the development of residential development or |
| | | that is detrimental to the residential nature |
| | | of the district. |
| | | |
| | | RM-16 District |
| | | 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. |
| | | variety of institutional uses. Complimentary uses such as open space, |
| | | schools, utilities, religious institutions, and |
| | | recreational facilities are also allowed |
| Current | Three single family dwellings | Not applicable as the site is undeveloped. |
| Uses: | | |
| Conditions | Zoning Case 93-20 (CU 93-20) | None |
| | • Lot combination at the time of | |
| | redevelopment | |
| | 7 | |
| | Zoning Case 89-07 (CU 89-07) | |
| | Maximum of two access points | |
| | Right-of-way dedication | |
| | • Fencing & Screening | |
| | Building aesthetics | |

| | Adjacent Zoning | Adjacent Land Use |
|---------------|---|-----------------------------|
| North: | Residential Multifamily – 16 (RM-16) District | Single family dwelling |
| South: | Limited Business (LB) District | Vacant commercial structure |
| East: | Residential Single Family – 5 (R-5) District | Undeveloped parcels |
| West: | Residential Single Family – 5 (R-5) District | Single family dwellings |

Land Use Plan Classification

The area is designated as follows:

• Local/Convenience Commercial: This classification includes moderate-intensity convenience retail or service uses, generally serving small, local neighborhoods.

Analysis/Recommendation

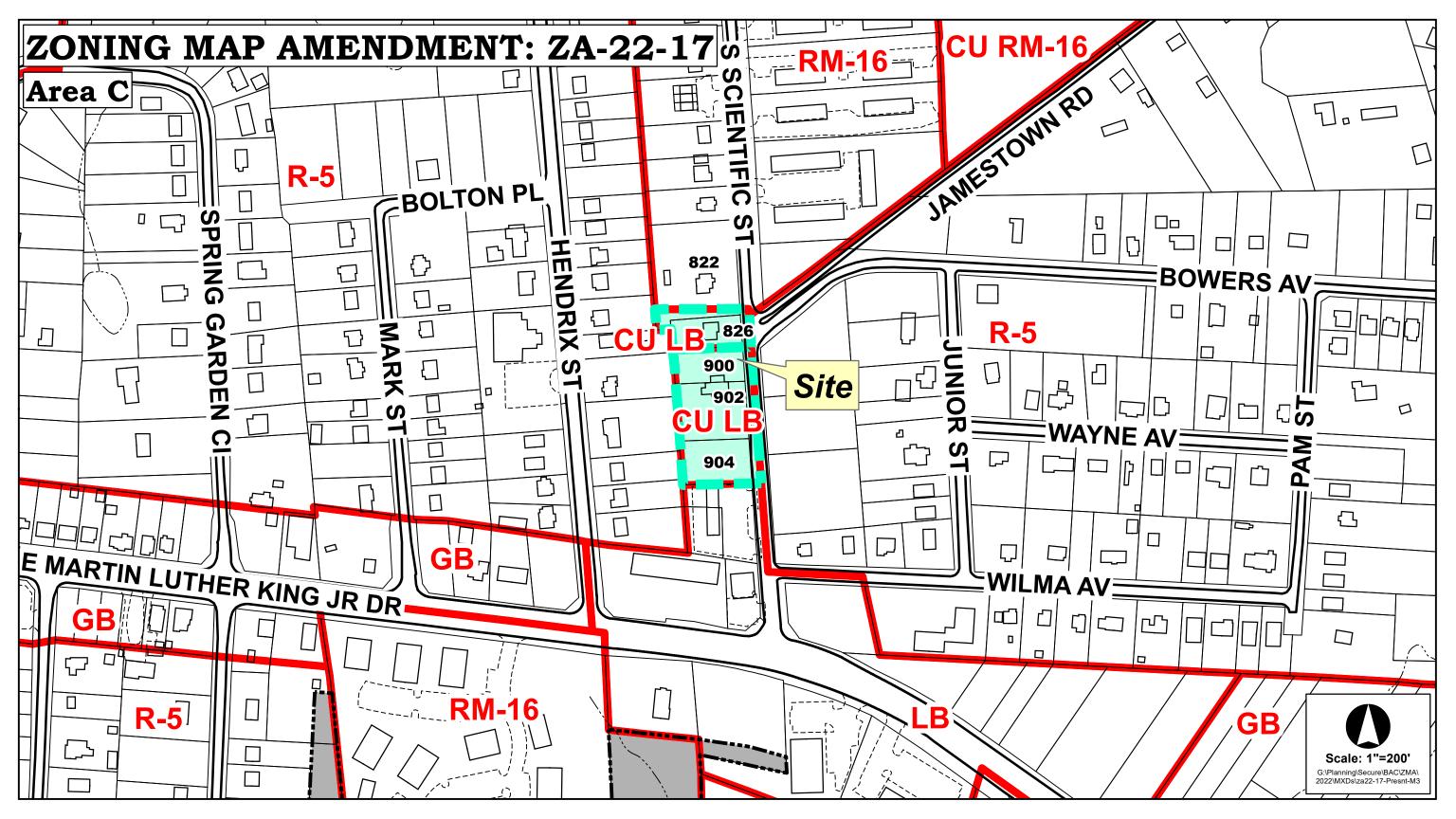
As part of review of land for this round of the Comprehensive Zoning Map Amendment Project, staff recommended City Council initiate update of zoning for these parcels as there has been no development initiated since rezoned in the late 1980s and early 1990s. As parcels to the north, along the west side of S. Scientific Street, have a RM-16 District zoning, staff suggested these parcels also be rezoned to the RM-16-District.

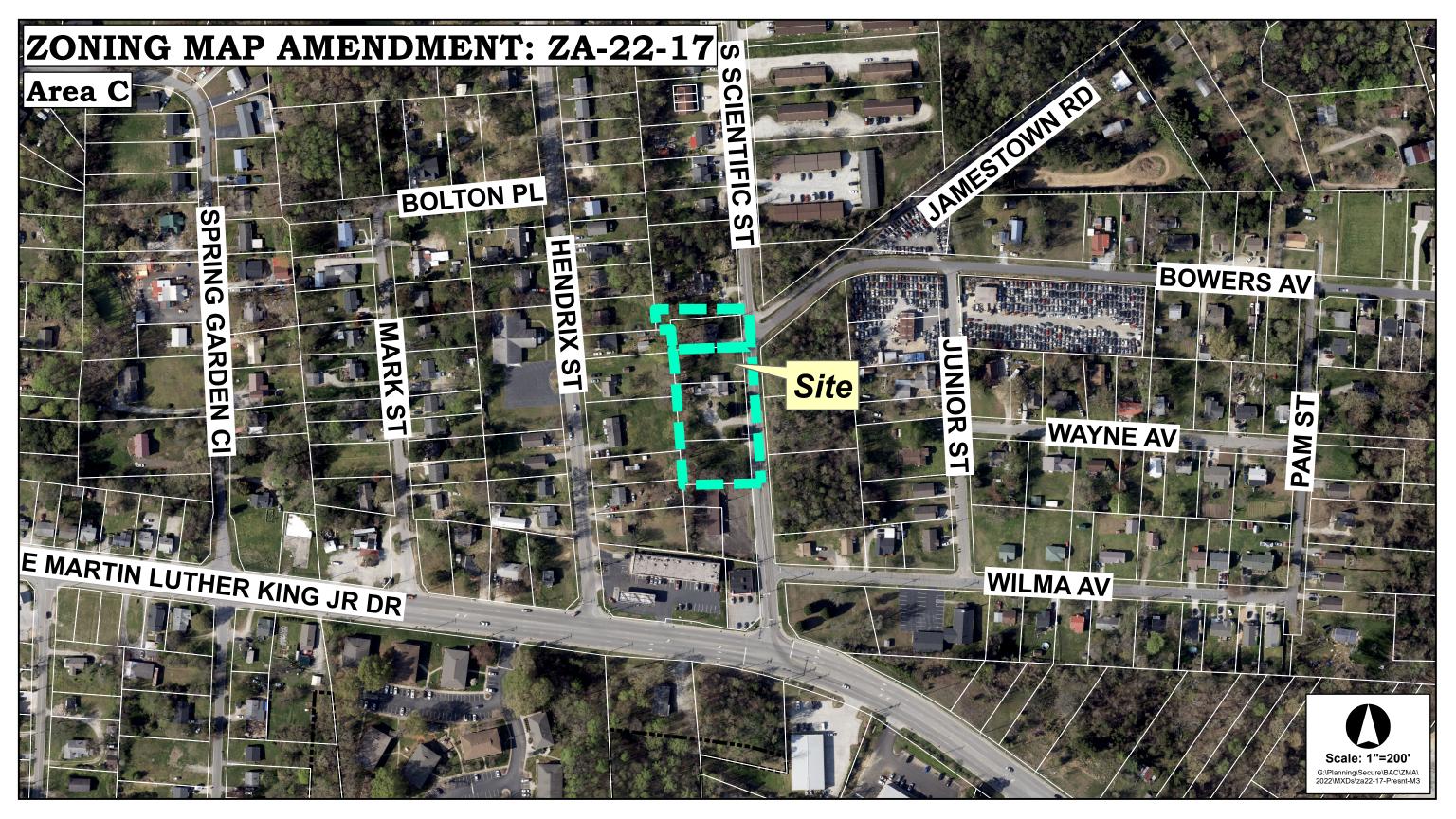
After a more detail review, staff recommends the R-5 District for 826, 900, 902 & 904 S. Scientific Street. These parcels abut single-family dwellings and land with a R-5 zoning district to the rear and along the opposite side of S. Scientific Street. Also, the parcels only have a lot depth of 150 feet. Once parking, building setback, stormwater controls and perimeter landscaping/buffer yards next to abutting single family homes are established, the area of development for higher intensity multifamily uses would be limited. In the future, if adjacent parcels can be combined, rezoning to support higher intensity uses can be explored, But until such a time, rezoning to match the current use of the property and abutting zoning to the east and west of the parcels is deemed appropriate.

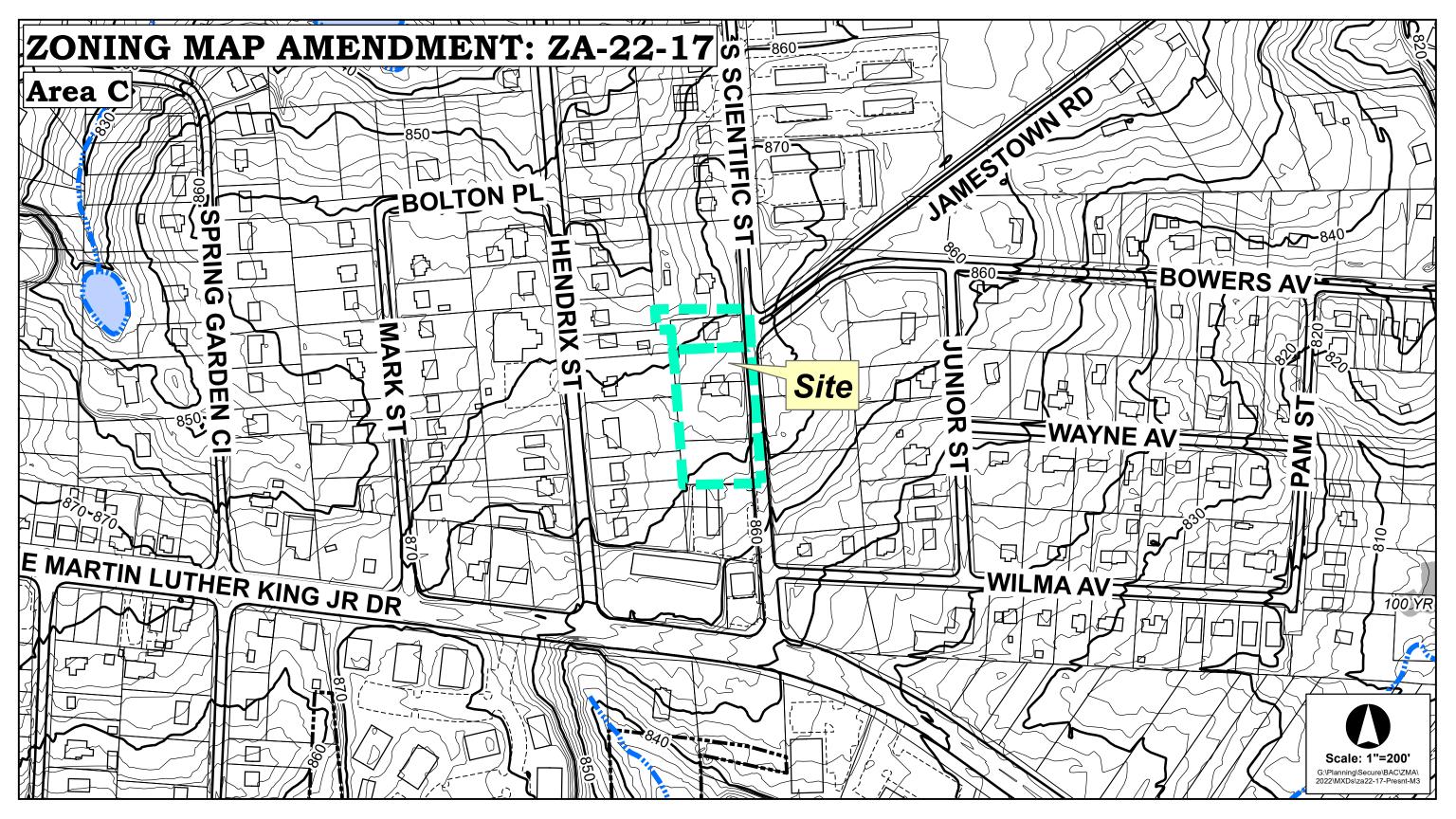
The single exception would be for the 822 S. Scientific Street parcel at the northern limits of Area C of this zoning request. This parcel is split zoned with most of the northern portion of the lot zoned RM-16 and a sliver of the southern portion of the lot zoned CU-LB. This lot is the transition point where deeper parcel depths, of 190 feet, begin along S. Scientific Street to support RM-16 District land uses. Due to its lot depth and to allow the parcel to be governed by a single zoning district, staff recommends the southern sliver of this parcel be rezoned to the RM-16 district to match zoning of the northern portion of this parcel.

Staff recommendation.

- 1. Rezone for 826, 900, 902 & 904 S. Scientific Street from the CU LB District to a R-5 District.
- 2. Rezone the southern portion of 822 S. Scientific Street from the CU LB District to a RM-16 District.







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 July 26, 2022 and before the City Council of the City of High Point on <u>August 15, 2022</u> regarding <u>Zoning Map Amendment Case 22-17 (ZA-22-17)</u> 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 <u>High Point Enterprise</u> on <u>July 16</u>, <u>2022</u>, for the Planning and Zoning Commission public hearing and on <u>August</u>, <u>3</u>, <u>2022</u> and <u>August</u> <u>10</u>, <u>2022</u>, 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 <u>August 15, 2022.</u>

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

SECTION 1

Area A

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. All of the Westbury Way subdivision, totaling approximately 8.13 acres, located approximately 750 feet east of the intersection of S. Scientific Street and Boyce Avenue, directly south of the intersection of Boyce Avenue and Westbury Drive. The Westbury Way subdivision is depicted on the Cluster Plat of the Westbury Way Subdivision, Phases I & II, as recorded in PB 85 PG 25 and PB 100 Pg 20 of the Guilford County Register of Deeds Office. Also included is the western half of the former Dade Street right-of-way that was abandoned under Street Abandonment Case 14-10 (SA-14-10) and recorded in DB7668 PG731. The parcels in this subdivision are also known as Guilford County Tax Parcels 206670, 206671, 206672, 206673, 206674, 206675, 206676, 206677, 206678, 206679, 206680, 206681, 206682, 206683, 206684, 206685, 206686, 206687, 206688, 206689, 206690, 206691, 206692, 206693, 206694, 206695, 206696, 206697, 206698, 206699, 206700, 206701, 206702, 206703, 206704, 206705, 206706, 206707, 206708, 206709, 206710, 206711, 206712, 206713, 206714, 206715, 206716, 206717, 206718, 206719, 206720, 206721 and 206722.

SECTION 2

Area B

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. An approximate 8.188 acre parcel lying along the east side of S. Scientific Street, approximately 700 feet south of Sherrill Avenue. The parcel is addressed as 715 S. Scientific Street and also known as Guilford County Tax Parcel 186066. Also included is an approximate 1.001 acre parcel lying south of the intersection of Sherrill Avenue and Dade Street. The parcel is addressed as 3018 Sherrill Avenue and also known as Guilford County Tax Parcel 186085. These parcels are depicted as Lots 13 and 17 of the Final Plat of Evermore Estate, as recorded in PB 87 PG 16 of the Guilford County Register of Deeds Office.

SECTION 3

Area C

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.** All of Guilford County Tax Parcels 185929, 185930 and 185931. These parcels are depicted on the map of W. F. Smith Subdivision, Block A, Lots 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22, as recorded in PB 16 PG 21 of the Guilford County Register of Deeds Office

SECTION 4

Area C

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.** All of Guilford County Tax Parcel 182322. This parcel is depicted as New Lot C1 on Revision No. 2 of Exclusion Map for Billy Long & Joann as recorded in PB 144 PG 67 of the Guilford County Register of Deeds Office

SECTION 5

Area C

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.** All of Guilford County Tax Parcel 185932. This parcel is depicted as New Lot C1 on Revision No. 2 of Exclusion Map for Billy Long & Joann as recorded in PB 144 PG 67 of the Guilford County Register of Deeds Office.

SECTION 6

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 7

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

| SECT: | $I \cap I$ | Q |
|-------|--------------|----|
| SECT. | \mathbf{r} | ο. |

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council City of High Point, North Carolina The <u>15th</u> day of <u>August</u>, <u>2022</u>

| | By: _ | |
|------------------------------------|-------|----------------------|
| | | Jay W. Wagner, Mayor |
| | | |
| ATTEST: | | |
| | | |
| | | |
| Mary S. Brooks, Interim City Clerk | | |