

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Case 15-10 (MCND, LLC)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** June 15, 2015

**Public Hearing:** Yes

**Advertising Date:** June 3 & 10, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Zoning Ordinance

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### PURPOSE:

A request by MCND, LLC to rezone an approximate 1.8-acre parcel from the Residential Single Family-9 (RS-9) District to the Light Industrial (LI) District. The site is lying along the north side of Central Avenue, approximately 1,100 feet west of Triangle Lake Road (3401 Central Avenue).

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. On May 26, 2015, a public hearing was held before the Planning and Zoning Commission regarding Zoning Case 15-10. The Planning & Zoning Commission recommended approval of Zoning Case 15-10 by a vote of 6-0.
- B. Staff recommends *approval* of Zoning Case 15-10 as outlined in the attached staff report.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **MCND, LLC**

### **Zoning Case 15-03**

At its May 26, 2015 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximate 1.8-acre parcel from the Residential Single Family-9 (RS-9) District to the Light Industrial (LI) District. All members of the Commission were present except for Mr. John McKenzie and Mr. Mark Walsh. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

The applicant's attorney, Mr. Shane Stutts, of Roberson Haworth & Reese, P.L.L.C., 300 N. Main St., Suite 300, High Point, spoke in favor of the request.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended approval of Zoning Case 15-10, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Case 15-10 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) The request is consistent with the adopted Land Use Plan; 2) Location of a perennial stream west of the site along with planting yard requirements of the Development Ordinance (Type A Planting Yard) will ensure allowance of LI District use will be compatible with the surrounding area; and 3) The requested rezoning does not expand the limits of LI District in this area as the LI District zoning on abutting industrial parcel lines up with the western boundary of the zoning site.

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

**STAFF REPORT  
ZONING CASE 15-10  
May 26, 2015**

<b>Request</b>	
<b>Applicant:</b> MCND, LLC	<b>Owner:</b> MCND, LLC
<b>Zoning Proposal:</b> To rezone a 1.8-acre parcel	<b>From:</b> <b>RS-9</b> Residential Single Family-9 District
	<b>To:</b> <b>LI</b> Light Industrial District

<b>Site Information</b>	
<b>Location:</b>	Lying along the north side of Central Avenue, approximately 1,100 feet west of Triangle Lake Road (3401 Central Avenue)
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcel 0185922
<b>Site Acreage:</b>	Approximately 1.8 acres
<b>Current Land Use:</b>	Undeveloped
<b>Physical Characteristics:</b>	The site has no noteworthy physical features.
<b>Water and Sewer Proximity:</b>	Both an 8-inch City water line and an 8-inch City sanitary sewer line are lying adjacent to the site along Central Avenue.
<b>General Drainage and Watershed:</b>	The site drains in a westerly direction and development is subject to the Randleman Lake General Watershed Area (GWA) requirements. Engineered stormwater measures are required for non-residential development with an impervious surface area that exceeds 6% or more of the site.
<b>Overlay District:</b>	Randleman Lake General Watershed Area

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	<b>LI</b>	Light Industrial District	Industrial use
<b>South:</b>	<b>RS-7</b>	Residential Single Family-7 District	Undeveloped parcel
<b>East:</b>	<b>LI</b>	Light Industrial District	Industrial Use
<b>West:</b>	<b>RS-9</b>	Residential Single Family-9 District (City of High Point ETJ Area)	Single family dwelling

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Land Use Plan Map Classification:</b>	The site has a Light Industrial land use designation. This classification is intended to accommodate general manufacturing, wholesaling, warehousing, research and development uses.
<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>	Not Applicable

<b>Community Growth Vision Statement</b>	This request is not in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.
<b>Zoning History:</b>	There have been no recent zoning activities in this area.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Central Avenue		Collector Street	155 ft.
Vehicular Access:	Central Avenue (public road)			
Traffic Counts: (Average Daily Trips)	Central Avenue		No data	
Estimated Trip Generation:	No data			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			

<b>School District Comment</b>
Not applicable to this zoning case.

### **Details of Proposal**

The applicant owns this 1.8-acre residentially-zoned parcel and the abutting 16-acre parcel to the north & east, which is currently zoned LI and developed with an industrial use. The applicant desires to rezone this 1.8-acre parcel to the LI District so it can be added to the abutting industrial parcel. This will square up the configuration of the abutting industrial site; and facilitate a proposed 73,500 square-foot expansion of the abutting industrial use.

### **Staff Analysis**

The Land Use Plan designates both sides of Central Avenue, from the zoning site eastward to Triangle Lake Road, as Light Industrial. This Industrial Land Use designation has covered this area for more than 30 years and industrial uses have been established on the abutting site and along Triangle Lake Road.

West of the zoning site is an existing residential neighborhood. The requested rezoning of this parcel to the LI District will have little negative impact on this residential area due to the location of a perennial stream that runs in a north-south direction between the industrial and residential areas. This stream, and its associated flood zone areas, provides a natural buffer that separates the industrial and residential uses. In addition, where the proposed industrial parcel abuts a residential use, on its west side, the Development Ordinance requires a 50-foot wide Type A Planting Yard be installed. This planting yard requires the installation of 14 trees and 33 shrubs every 100 linear feet to ensure compatibility with adjacent uses. Thus, rezoning to permit LI District uses will be compatible with the surrounding area.

**Consistency with Adopted Plans:**

**The proposed Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans.**

**Staff Comments:**

This request will change the zoning of the site to the same district as the adjacent industrial site to the north and east. It is consistent with the Land Use Plan designation for the area and does not conflict with any land use policies.

**Reasonableness/Public Interest:**

**An approval of the proposed Zoning District is considered reasonable and in the public interest.**

**Staff Comments:**

In this case, staff suggests that the approval of this request is reasonable and in the public interest because: 1) The request is consistent with the adopted Land Use Plan; 2) Location of a perennial stream west of the site along with planting yard requirements of the Development Ordinance (Type A Planting Yard) will ensure allowance of LI District use will be compatible with the surrounding area; and 3) The requested rezoning does not expand the limits of LI District in this area as the LI District zoning on abutting industrial parcel lines up with the western boundary of the zoning site.

**Recommendation**

**Staff Recommends Approval:**

The Planning & Development Department recommends approval of the request to rezone this 1.8-acre parcel to the LI District.

**Required Action**

**Planning and Zoning Commission:**

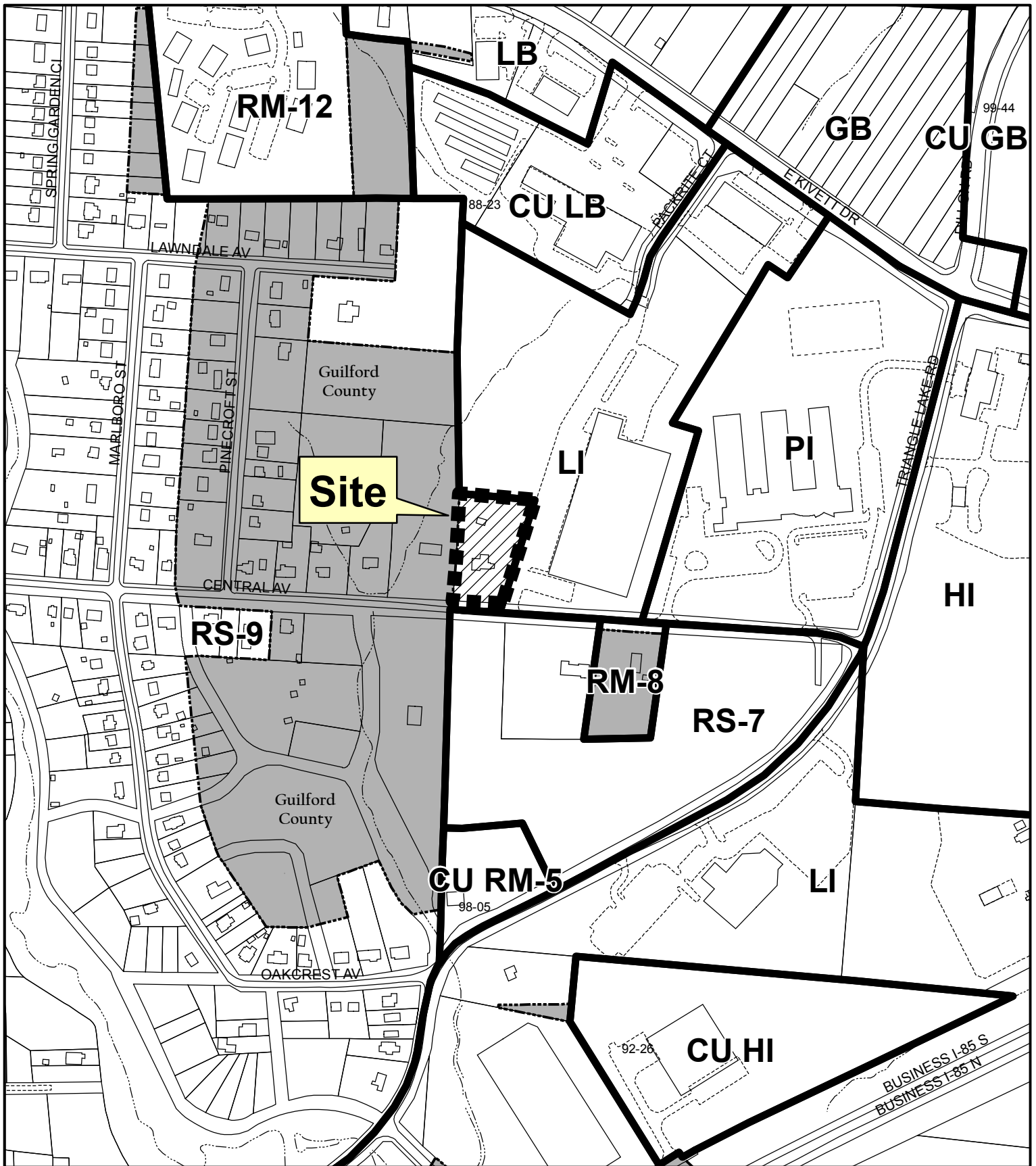
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



## ZONING CASE 15-10

**From: Residential Single Family-9  
To: Light Industrial**

**Existing Zoning Boundary**  
**Subject Property Boundary**



**Planning & Development  
Department**

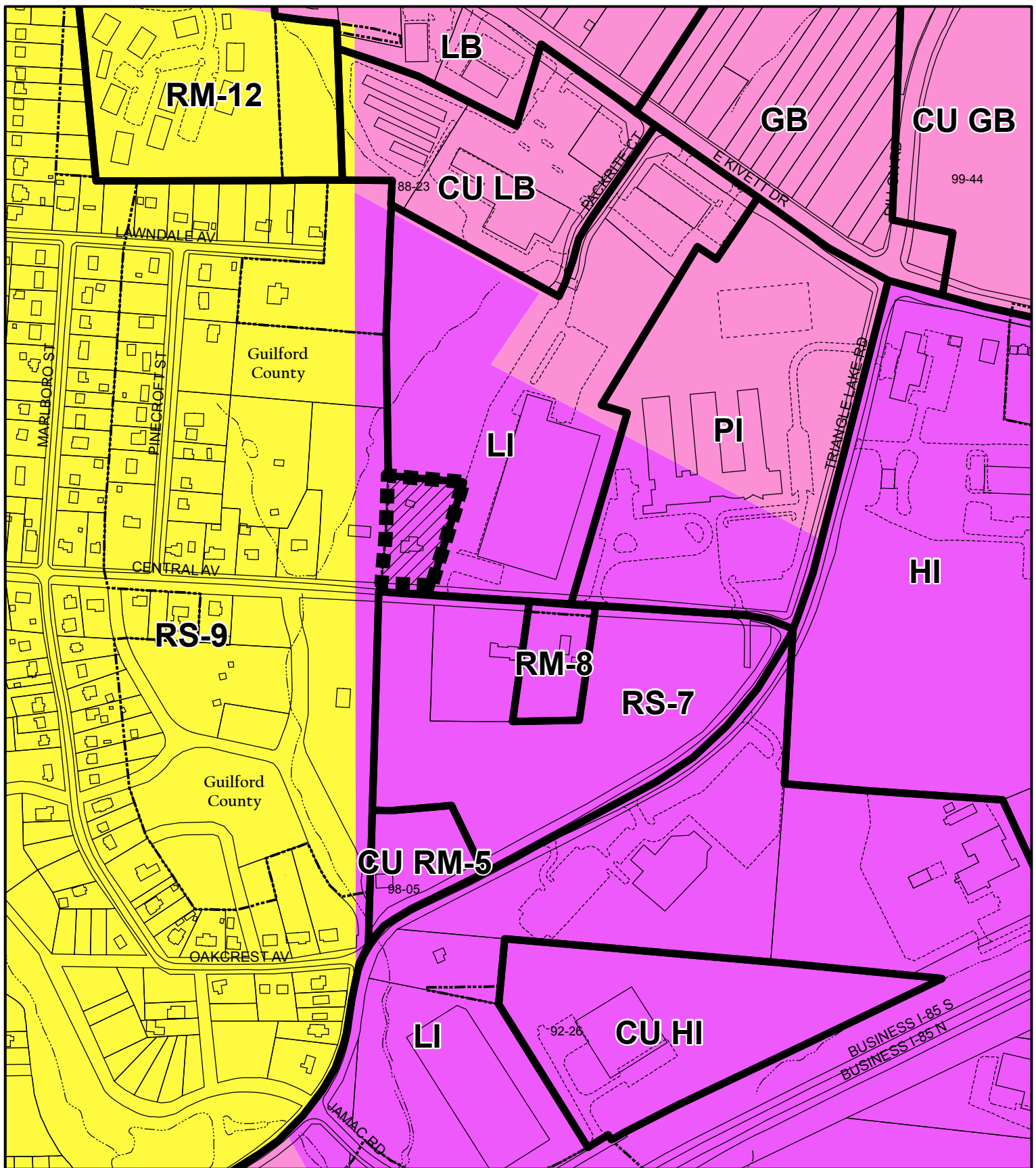
**City of High Point**

**Date: May 26, 2015**



**Scale: 1"=400'**

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## ZONING CASE 15-10

### Land Use Plan

- Low-Density Residential
- Local/Convenience Commercial
- Light Industrial

Planning & Development  
Department

City of High Point

Date: May 26, 2015



Scale: 1"=400'

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# ZONING CASE 15-10

## Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: May 26, 2015



Scale: 1"=400'

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# ZONING CASE 15-10



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on May 26, 2015 and before the City Council of the City of High Point on June 15, 2015 regarding **Zoning Case 15-10** 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 17, 2015, for the Planning and Zoning Commission public hearing and on June 3, 2015 and June 10, 2015, for the City Council public hearing pursuant to Chapter 160A-364 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 15, 2015**.

**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: **Light Industrial (LI) District**. The property is approximately 1.8 acres lying along the north side of Central Avenue, approximately 1,100 feet west of Triangle Lake Road (3401 Central Avenue). The property is also known as Guilford County Tax Parcel 0185922).

**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.  
15<sup>th</sup> day of June, 2015.

Lisa B. Vierling, City Clerk