

CITY OF HIGH POINT

AGENDA ITEM



Title: **Zoning Map Amendment 16-06** (Zaki Uddin Khalifa); AND
Text Amendment 16-01 (Zaki Uddin Khalifa)

From: Lee Burnette, Planning & Development
Director

Meeting Date: May 16, 2016

Public Hearing: Yes

Advertising Date: May 4 & 11, 2016

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Zoning Map Amendment Staff Report and Zoning Ordinance
C. Text Amendment Staff Report and Text Amendment Ordinance

PURPOSE:

Zoning Map Amendment 16-06

A request to rezone approximately 3.46 acres from the Main Street (MS) District to the Central Business (CB) District. The site is lying along the west side of S. Main Street, between W. Grimes Avenue and Taylor Avenue (600 S. Main Street).

AND

Text Amendment 16-01

A request to amend Section 9-4-5(a)(1) (Special District) of the Development Ordinance to revise the boundary of the Main Street (MS) District.

BACKGROUND:

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

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. The Planning & Development Department recommended approval of both requests as outlined in the staff reports.
- B. The Planning & Zoning Commission recommended approval of Zoning Map Amendment 16-06 by a vote of 6-0.
- C. The Planning & Zoning Commission recommended approval of Text Amendment 16-01 by a vote of 6-0.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Zaki Uddin Khalifa

Zoning Map Amendment 16-06

Text Amendment 16-01

At its April 26, 2016 public hearing, the Planning and Zoning Commission reviewed Zoning Map Amendment 16-06 and Text Amendment 16-01. Mr. Herbert Shannon, Senior Planner, presented both cases and recommended approval of these requests as outlined in their respective staff reports.

Speaking in favor of the requests:

Speaking in favor of these requests, on behalf of the applicant, was Mr. John Ruffin, executive vice president of Meridian Realty, 147 S. Cherry Street; Suite 200, Winston-Salem, NC.

Speaking in opposition of the request:

No one spoke in opposition to either request.

Planning & Zoning Commission Action (Zoning Map Amendment 16-06)

The Planning & Zoning Commission recommended approval of this request, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Map Amendment 16-06 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 Land Use Map; 2) The site is within an established commercial corridor and directly abuts the CB District. The manner in which it is developed fits the character of the CB District; and 3) This would be a logical extension of the CB District and will still provide a clear transition between the downtown areas and the southern Main Street corridor.

Planning & Zoning Commission Action (Text Amendment 16-01)

The Planning & Zoning Commission recommended approval of this request, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Text Amendment 16-01 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) With respect to consistency with adopted plans, this text amendment is not in conflict with the Land Use Plan; 2) Approval of the text amendment would be a logical extension of the limits of the downtown area as this block abuts the CB District and its development pattern is generally more consistent with that of the downtown area; 3) This is a minor adjustment, approximately 350 feet, in the boundary line of the sub area C portion of the Main Street District; and 4) Rather than using property lines to set a boundary description, this proposal uses a permanent physical feature (Taylor Avenue right-of-way) as the new boundary description.

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

**STAFF REPORT
ZONING MAP AMENDMENT 16-06
April 26, 2016**

Request	
Applicant: Zaki Uddin Khalifa	Owner: Zaki Uddin Khalifa
Zoning Proposal: To rezone an approximately 3.46-acre parcel.	From: MS Main Street District
	To: CB Central Business District

Site Information	
Location:	Lying along the west side of S. Main Street, between W. Grimes Avenue and Taylor Avenue (<i>600 S. Main Street</i>).
Tax Parcel Number:	Guilford County Tax Parcel 0172544
Site Acreage:	Approximately 3.46 acres
Current Land Use:	Furniture retail sales store
Physical Characteristics:	The site is developed with an approximately 97,200 square foot commercial building.
Water and Sewer Proximity:	Multiple City utility lines (6, 8, 10, 16 & 24-inch water lines and 8-inch sewer lines) are lying adjacent to the site along S. Main Street, S. Elm Street, W. Grimes Avenue and Taylor Avenue.
General Drainage and Watershed:	The site is relatively flat and 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.
Overlay District:	Randleman Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	CB	Central Business District	Market Showroom and office use
South:	MS	Main Street District	Automotive dealership
East:	MS	Main Street District	Automotive dealership
West:	GB	General Business District	Furniture retail sales, appliance
	RM-18	Residential Multifamily-18 District	store and multifamily development

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	<u>Obj. 6B:</u> Given the direct economic benefits derived from the High Point Market, as well as the invaluable international recognition it brings to the community, continue efforts to sustain, promote and support the High Point Market.

Land Use Plan Map Classification:	The site has a Local/Convenience Commercial land use designation. This classification is intended to accommodate moderate-intensity convenience retail or service uses, generally serving small, local neighborhoods.
Land Use Plan Goals, Objectives & Policies:	This request is neither in conflict, nor does it promote, the goals and objectives of the Land Use Plan.
Relevant Area Plan:	<p><u>Core City Plan:</u></p> <p>This plan, adopted in 2007, was a major initiative undertaken to guide development and revitalization of High Point's 11-square mile core area, including its downtown and surrounding neighborhoods. One of the distinct places identified for enhancement was the historic downtown, which the plan acknowledged had lost its traditional function as a place where a mix of different land uses come together to create vibrancy at all hours of the day. Instead, it recommended the creation of a "Showroom District" through the establishment of regulatory boundaries that would essentially concede the area to furniture showrooms, thus allowing for continued growth of the Market, but free up adjacent areas to fulfill the role of a traditional downtown. The site in question was included just inside the Showroom District at its southernmost end, directly adjacent to the South Main Street Mixed Use Corridor.</p>
Zoning History:	<p><u>Zoning Map Amendment Case 08-11:</u> This 2008 zoning case established the Main Street (MS) zoning district along portions of the North and South Main Street corridor. The northern segment of this district generally includes those properties fronting on N. Main Street from Ray Avenue to Eastchester/Westchester Drive (NC 68). The southern segment of this district, which includes the current zoning request, generally includes those properties fronting along S. Main Street from Grimes Avenue to Business 85.</p> <p><u>Zoning Map Amendment Case 09-10:</u> This 2009 zoning case, which was denied by the City Council, proposed to establish a Market Overlay District where new market showrooms would be allowed. The proposed overlay district bordered the zoning site to the north along W. Grimes Avenue.</p>

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	S. Main Street	Major Thoroughfare	340 ft.
	Taylor Avenue	Local Street	400 ft.
	S. Elm Street	Major Thoroughfare	475 ft.
	W. Grimes Avenue	Collector Street	420 ft.
Vehicular Access:	There are existing driveway access points to the site from S. Main Street, S. Elm Street and W. Grimes Avenue.		

Traffic Counts: (Average Daily Trips)	S. Main Street Taylor Avenue S. Elm Street W. Grimes Avenue	14,000 (2013, NCDOT ADT Count) 1,000 (2013, NCDOT ADT Count) 3,900 (2013, NCDOT ADT Count) 400 (2013, NCDOT ADT Count)
Estimated Trip Generation:	No information	
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.	

School District Comment

Not applicable to this zoning case.

Details of Proposal

This site currently sits at the southern edge of the downtown area and is currently developed with a 97,200 square foot furniture retail facility. The applicant is requesting rezoning to the Central Business (CB) District zoning classification in order for the facility to be used for a Market Showroom use. In conjunction with this zoning request, the applicant has also submitted an amendment to the Development Ordinance (Text Amendment Case 16-01) to remove this block from the Main Street (MS) District, Sub Area C, so as to allow the requested CB District to be considered for this property. Approval of this zoning request is contingent upon approval of this text amendment application.

Staff Analysis

This site is located at the southern boundary of the downtown area. The various blocks lying north of this site primarily consist of multistory structures that occupy most of the property. South of this site (south of Taylor Avenue), except for the GTCC campus, development primarily consists of smaller single-story retail structures with development (buildings) occupying less than 50% of a city block.

The CB District encourages higher intensity and compact urban development; whereas the MS District proposes to foster mixed-use development that integrates residential uses. Due to this site being at the edge of the established CB District and the manner in which the site is developed (higher intensity commercial use occupying the entire parcel), the development on this property is more in line with the goals established for the CB District.

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:

The proposal to rezone the site out of the MS District is appropriate due to the character of the existing building and its proximity to other similar buildings in the CB District. Due to the size

of the existing building, it is uniquely suited for conversion to a similar scale reuse. It was also identified as being within the “Showroom District” recommended by the Core City Plan, and is otherwise consistent with, or at least not in conflict with, the goals and objectives of relevant planning documents.

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 Land Use Map; 2) The site is within an established commercial corridor and directly abuts the CB District. The manner in which it is developed fits the character of the CB District; and 3) This would be a logical extension of the CB District and will still provide a clear transition between the downtown areas versus the southern Main Street corridor.

Recommendation

Staff Recommends Approval:

The Planning & Development Department recommends approval of the request to rezone this 3.46-acre parcel to the CB District. The requested CB District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

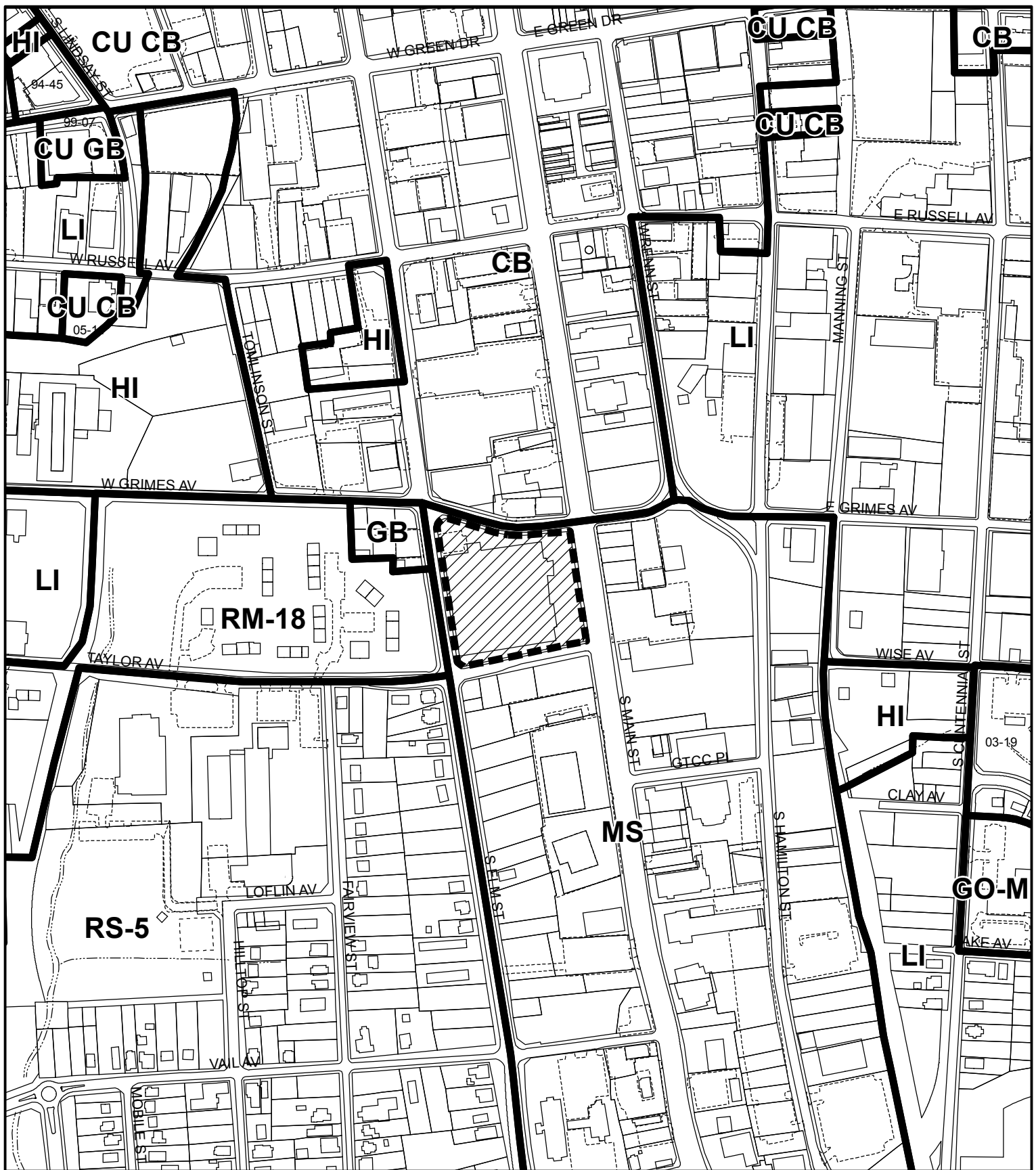
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City’s adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 MAP AMENDMENT ZA16-06

From: Main Street
To: Central Business

Existing Zoning Boundary
Subject Property Boundary



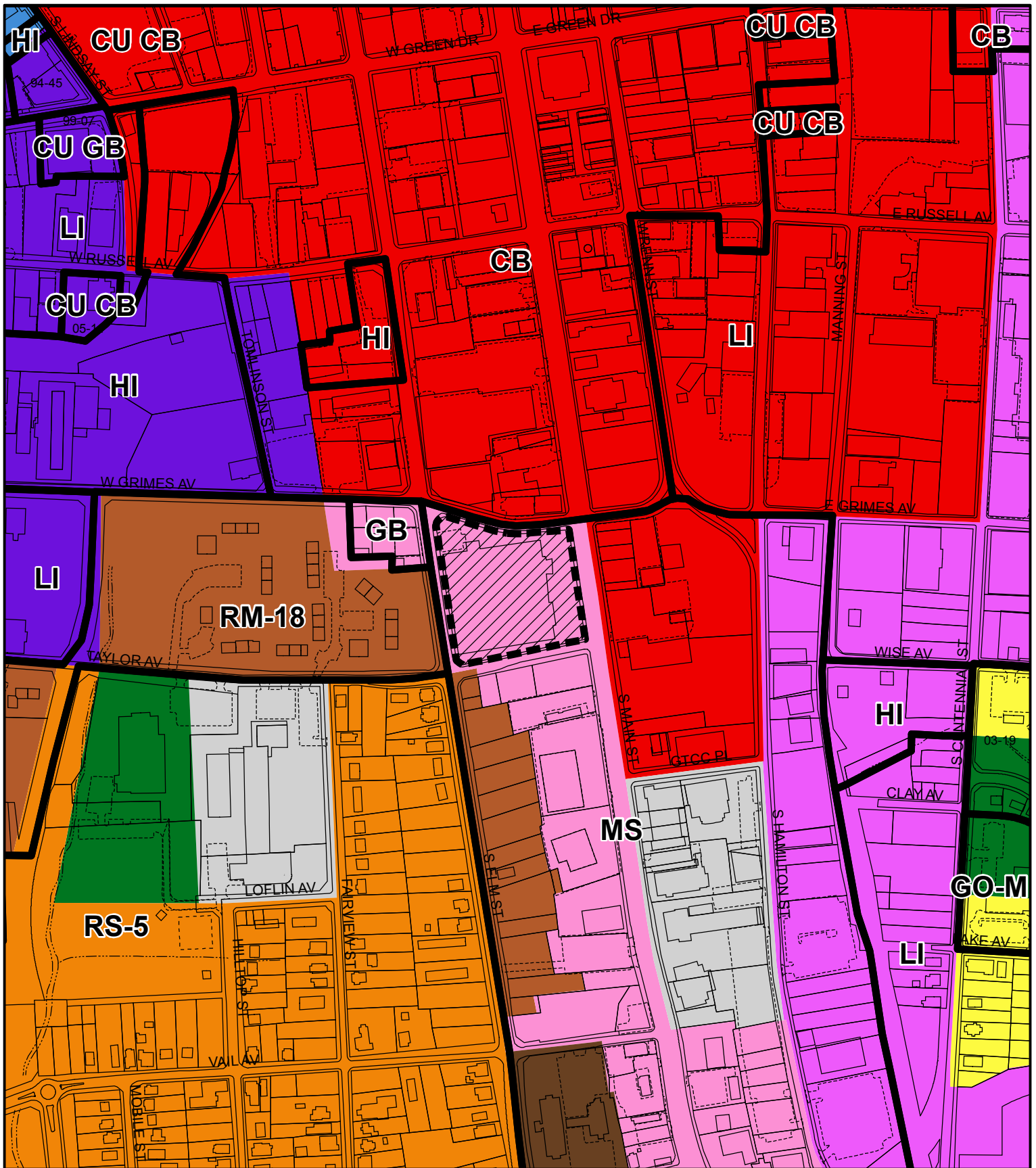
Planning & Development
Department

City of High Point

Date: April 26, 2016



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ZONING MAP AMENDMENT ZA16-06

Land Use Plan

	Low-Density Residential		Community/Regional Commercial
	Moderate-Density Residential		Light Industrial
	Medium-Density Residential		Heavy Industrial
	High-Density Residential		Institutional
	Local/Convenience Commercial		Recreation/Open Space

Planning & Development
Department

City of High Point

Date: April 26, 2016



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ZONING MAP AMENDMENT ZA16-06

Topography

Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point

Date: April 26, 2016



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ZONING MAP AMENDMENT ZA16-06



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 April 26, 2016 and before the City Council of the City of High Point on May 16, 2016 regarding **Zoning Case 16-06** 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 April 17, 2016, for the Planning and Zoning Commission public hearing and on May 4, 2016 and May 11, 2016, 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 May 16, 2016.

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: **Central Business (CB) District.** The property is approximately 3.46 acres lying along the west side of S. Main Street, between W. Grimes Avenue and Taylor Avenue (600 S. Main Street). The property is also known as Guilford County Tax Parcel 0172544.

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.
16th day of May, 2016.

Lisa B. Vierling, City Clerk

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

**STAFF REPORT
TEXT AMENDMENT 16-01
April 26, 2016**

Request	
Applicant: Zaki Uddin Khalifa	Affected Ordinance Sections: Section 9-4-5(a)(1) (Special District) <i>Main Street District Boundaries</i>
Proposal: To revise the boundary of the Main Street (MS) District (northern boundary of sub-area C).	

Background

In 2008, the City Council adopted Zoning Case 08-11, which established the Main Street (MS) zoning district along portions of the North and South Main Street corridor. This district was established to foster a wide range of retail, service, and office uses, as well as to encourage mixed-use development that included an integration of residential uses. The MS District was divided into various sub-areas (A thru D) that provided specific design standards to reflect the character of development envisioned for each specific segment of this corridor. The northern segment of this district (which includes sub areas A and B) generally includes those properties fronting on N. Main Street from Ray Avenue to Eastchester/Westchester Drive (NC 68). The southern segment of this district (which includes sub areas C and D) generally includes those properties fronting along S. Main Street from Grimes Avenue to Business 85.

Details of Proposal

This text amendment proposes to revise the northern boundary line of sub-area C of the MS District. The applicant desires to move this northern line of sub-area C one block south, from W. Grimes Avenue to Taylor Avenue, in order to allow the property at 600 S. Main Street to be rezoned and incorporated into the CB District. In conjunction with this text amendment request, the applicant has also submitted a Zoning Map Amendment application to rezone the property at 600 S. Main Street from the MS District to the CB District (ZA-16-06).

Analysis

The applicant desires to establish a Market Showroom use on the property at 600 S. Main Street, but the MS District does not permit this use. Historically, land use policy enacted by the City Council has had the goal of keeping Market Showroom uses primarily concentrated in the core area. A change to the MS District could be in conflict with this policy. However; with this site being located at the edge of the CB District, the applicant has requested this amendment of the boundary description of the MS District be revised in order to allow this property to be considered part of the CB District.

This site is located at the southern boundary of the CB District along S. Main Street. The various city blocks lying north of this site primarily consist of multistory structures that occupy most of

the property. South of this site (south of Taylor Avenue), except for the GTCC campus, development primarily consists of smaller single story retail structures with development (buildings) occupying less than 50% of a city block. The CB District encourages high intensity, compact urban development; whereas the MS District proposes to foster mixed-use development that integrates residential uses. Due to this block being at the edge of the established CB District and the manner in which the site is developed with a larger commercial use occupying the entire block, the character of this block is more in line with the goals established for the CB District.

Recommendation

Staff recommends approval.

Since the development characteristics of this block are consistent with the compact development characteristics typically found in the CB District; and the proposed amendments move this boundary line a relatively small distance (approximately 350 feet), staff supports this minor adjustment in the boundary of the MS 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 staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

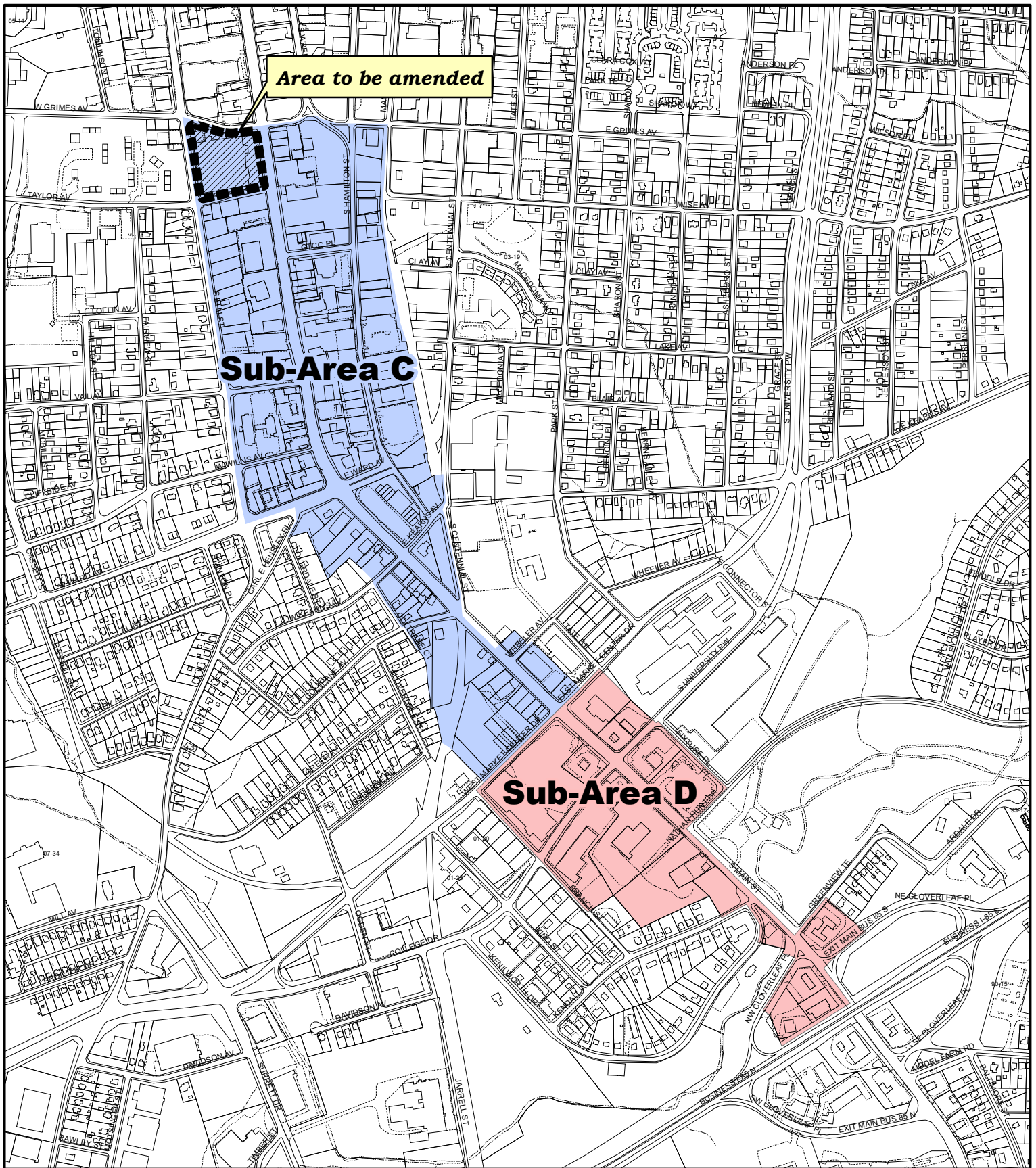
City Council:

Upon rendering its decision in this case, the High Point City Council must also place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) With respect to consistency with adopted plans, this text amendment is not in conflict with the Land Use Plan; 2) Approval of the text amendment would be a logical extension of the limits of the downtown area as this block abuts the CB District and its development pattern is generally more consistent with that of the downtown area; 3) This is a minor adjustment, approximately 350 feet, in the boundary line of the sub area C portion of the Main Street District; and 4) Rather than using property lines to set a boundary description, this proposal uses a permanent physical feature (Taylor Avenue right-of-way) as the new boundary description.

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.



TEXT AMENDMENT TA16-01

Amendment to Main Street (MS) District Boundary

Existing Zoning Boundary
Subject Property Boundary



Planning & Development
Department

City of High Point

Date: April 26, 2016



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**NOTICE OF APPROVED AMENDMENT
TO THE CODE OF ORDINANCES
OF THE CITY OF HIGH POINT, NORTH CAROLINA**

TEXT AMENDMENT: 16-01

Ordinance #xxxx / 16-xx

APPLICANT: Zaki Uddin Khalifa

AN ORDINANCE AMENDING TITLE 9 OF THE CODE OF ORDINANCES, PURSUANT TO SECTION 9-3-15, TEXT 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; and

WHEREAS, public hearings were held before the Planning and Zoning Commission on April 26, 2016 and before the City Council on May 16, 2016 regarding **Text Amendment 16-01**; and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on April 17, 2016 for the Planning and Zoning Commission public hearing and May 4 & 11, 2016 for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, this amendment was adopted by the City Council of the City of High Point on May 16, 2016;

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

An amendment affecting Section 9-4-5(a)(1), *Special District* which contains the description or boundaries of the *Main Street District*.

SECTION 1.

9-4-5 SPECIAL DISTRICTS

(a) Main Street District

(1) Boundaries:

The Main Street Zoning District is divided into four sections, referred to as sub-areas A, B, C and D. All of the district sub-areas share the same fundamental concepts and have similar requirements; however there are some differences in the requirements regarding the setback from a street, sign standards, landscape standards, and permitted uses.

The sub-areas are located as follows. Sub-area A extends from the intersection of North Main Street and Eastchester/Westchester Drive south to a line perpendicular to North Main Street that is 160-feet north of the right-of-way of State Avenue. Sub-Area B extends from a line perpendicular to North Main Street that is 160-feet north of the right-of-way of State Avenue south to the intersection of North Main Street and Ray Avenue. Sub-area C extends from the intersection of South Main Street and ~~Grimes~~ **Taylor** Avenue and **East Grimes Avenue** south to the intersection of South Main Street and Market Center Drive. Subarea D extends from the intersection of South Main Street and Market Center Drive south to the intersection of South Main Street and Business Interstate 85.

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.

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 16th day of May, 2016
Lisa B. Vierling, City Clerk