

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 16-24  
(Wesleyan Education Center)

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

**Meeting Date:** November 21, 2016

**Public Hearing:** Yes

**Advertising Date:** November 9 & 16, 2016

**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 Wesleyan Education Center to rezone approximately 1.89 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying along the south side of Sandy Ridge Road, approximately 570 feet west of Legacy Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### BACKGROUND:

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

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended *approval* of this request, as outlined in the attached staff report.
- B. On October 25, 2016, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 16-24. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 6-0, as outlined in the staff report and recommended by staff.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Wesleyan Education Center**

### **Zoning Map Amendment 16-24**

At its October 25, 2016 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximate 1.89-acre parcel to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District. All members of the Commission were present except for Mr. Jim Armstrong and Mr. John McKenzie. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

#### **Speaking in favor of the request:**

Speaking in favor of the request was the applicant's representative, Mr. Luke Dickey, Stimmel Associates, PA, 601 N. Trade Street, Suite. 200; Winston-Salem, N.C. Mr. Dickey gave a brief history on the zoning site. He also noted that 170 people were invited to attend a neighborhood meeting to discuss the proposal and seven people attended. He made himself, and Wesleyan Christian Academy Head of School, Dr. Rob Brown, available to answer questions.

#### **Speaking in opposition of the request:**

No one spoke in opposition to this request.

### **Planning & Zoning Commission Action**

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 16-24 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 Plan; and
- 2) The previous zoning request by the applicant, Zoning Case 13-02, surrounds this 1.89-acre parcel. The inclusion of this parcel into their development is a logical expansion and consistent with Goal #5 of the Land Use Plan which promotes an orderly urban growth pattern.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-16-24  
October 25, 2016**

Request		
<b>Applicant:</b> Wesleyan Education Center	<b>Owner:</b> Wesleyan Education Center	
<b>Zoning Proposal:</b> 1) To annex and apply initial City zoning to a 1.89-acre parcel. 2) To amend a previous zoning approval to add a 1.89-acre parcel.	<b>From:</b>	<b>AG</b> Agricultural District <i>(Guilford Co)</i>
	<b>To:</b>	<b>CZ RS-9</b> Conditional Zoning Residential Single Family-9 District

Site Information	
<b>Location:</b>	The site is lying along the south side of Sandy Ridge Road, approximately 570 feet west of Legacy Drive.
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcel 0169220
<b>Site Acreage:</b>	Approximately 1.89 acres
<b>Current Land Use:</b>	Single family dwelling
<b>Physical Characteristics:</b>	The property has a moderately sloping terrain with no noteworthy environmental features.
<b>Water and Sewer Proximity:</b>	A 16-inch City sewer line lies approximately 300 feet west of the site along a stream corridor and a 12-inch City water line currently terminates near the eastern boundary of the site within Sandy Ridge Road.
<b>General Drainage and Watershed:</b>	The site drains in a southwesterly direction and development is subject to the Oak Hollow Lake General Watershed Area requirements. Engineered stormwater treatment measures are required for development with a total impervious surface area greater than 24% of the site, and for single-family developments with a gross density of 2 units per acre or more.
<b>Overlay Districts:</b>	Oak Hollow Lake General Watershed Area Airport Overlay District – Zone 3

Adjacent Property Zoning and Current Land Use			
<b>North:</b>	<b>AG</b>	Agricultural ( <i>Guilford County</i> )	Single family dwelling
<b>South:</b>	<b>CU RS-9</b>	Conditional Use Residential Single Family-9 District	Single family dwelling
<b>East:</b>	<b>CU RS-9</b>	Conditional Use Residential Single Family-9 District	Single family dwelling
<b>West:</b>	<b>CU RS-9</b>	Conditional Use Residential Single Family-9 District	Single family dwelling

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	There are no policies that support or oppose this case.

<b>Land Use Plan Map Classification:</b>	This 1.89-acre parcel has a Low-Density Residential classification, which is primarily intended for single-family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The following goal of the Land Use Plan are relevant to this request: <u>Goal #5:</u> Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.
<b>Relevant Area Plan:</b>	<u>Northwest Area Plan:</u> Goal 1: Protect the natural environment and its many features. Obj.#1a: Preserve streams, wetlands and steep slopes through the siting of development in appropriate locations.
<b>Zoning History:</b>	<u>Zoning Map Amendment 13-03 and Special Use Permit 13-02:</u> This 1.89-acre parcel is surrounded by approximately 66 acres that was annexed and granted CZ- RS-9 District zoning in 2013. In conjunction with that request, a Special Use Permit was also approved to allow an Elementary & Secondary School on the surrounding 66-acre parcel.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Sandy Ridge Road		Major Thoroughfare	705 ft.
Vehicular Access:	Sandy Ridge Road			
Traffic Counts: (Average Daily Trips)	Sandy Ridge Road		2,900 AADT (NCDOT 2011)	
Estimated Trip Generation:	None			
Traffic Impact Analysis:	Required		Pedestrian Access:	
	<u>Yes</u>	<u>No</u> X	Development of the site is subject to the sidewalk requirements of the Development Ordinance.	
Transportation Department Comments:	If a residential development exceeds 150 trips in the AM or PM peak hour a TIA will be required.			

School District Comment
The proposed amendment to add 1.89-acres to a larger 66-acre parcel is not expected to negatively impact schools in this area if the property is development with a residential use.

Details of Proposal
This 1.89-acre parcel is surrounded on three sides by approximately 66 acres, which is also owned by the applicant, that was granted a CZ RS-9 District zoning approval in 2013. The applicant has submitted this Zoning Map Amendment application to amend their 2013 zoning approval to add this 1.89-acre parcel to their development. All of the previously adopted zoning conditions for development under the CZ-RS-9 District remain the same.

Staff Analysis
Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall

give consideration to the following in the review and discussion of any Conditional Zoning application.

Since this application only amends an area of the site, leaving all other zoning conditions as previously adopted, only the evaluation of this additional 1.89-acre parcel is being addressed in the review factors.

**Consistency with Adopted Plans:**

**The proposed Conditional 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 area is designated as Low Density Residential in both the Land Use Plan and the Northwest Area Plan. Residential uses, as allowed by the requested CZ RS-9 District, are supported by these plans in this area.

**Review Factors:**

**The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:**

<b><u>Factor #1</u></b>	<b>Produces a development that is compatible with surrounding development character and land uses;</b> <u>Staff Comments:</u> Except for the request to expand the site area with the addition of a 1.89-acre parcel, all previously adopted zoning conditions still apply. Therefore, the requested amendment remains compatible with surrounding development and land uses.
<b><u>Factor #2</u></b>	<b>Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;</b> <u>Staff Comments:</u> All previously adopted zoning conditions still apply; therefore, the amended CZ-RS-9 District still effectively mitigates adverse impacts.
<b><u>Factor #3</u></b>	<b>Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</b> <u>Staff Comments:</u> The requested amendment to add a 1.89-acre parcel will have no adverse environmental impacts.
<b><u>Factor #4</u></b>	<b>Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;</b> <u>Staff Comments:</u> The requested amendment has no impact on municipal services.
<b><u>Factor #5</u></b>	<b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</b> <u>Staff Comments:</u> All previously adopted zoning conditions still apply; therefore, the requested amendment does not adversely impact adjacent properties.

**Changes in the Area:**

**There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.**

**Staff Comments:**

There have been no significant changes in this area since the site was initially annexed and granted City zoning approval in 2013.

**Development Patterns:**

**The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.**

**Staff Comments:**

Since the mid 1990's, the City of High Point's corporate limits have gradually expanded to include more of the northern portion of its Planning Area. The requested amendment to add a 1.89-acre parcel and to established a CZ RS-9 District zoning is consistent with the established land use policy and development pattern for this portion of the City's planning area.

**Reasonableness/Public Interest:**

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

**Staff Comments:**

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because:

- 1) The request is consistent with the Land Use Plan; and
- 2) The previous zoning request by the applicant, Zoning Case 13-02, surrounds this 1.89-acre parcel. The inclusion of this parcel into their development is a logical expansion and consistent with Goal #5 of the Land Use Plan which promotes an orderly urban growth pattern.

**Recommendation**

**Staff Recommends Approval:**

The Planning & Development Department recommends approval of the request to add a 1.89-acre parcel and to establish an amended CZ RS-9 District for the 68.5-acre area lying west of Johnson Street and south of Sandy Ridge Road. As conditioned, the amended CZ RS-9 District will be compatible with the surrounding area and in conformance with adopted plans.

**Required Action**

**Planning and Zoning Commission:**

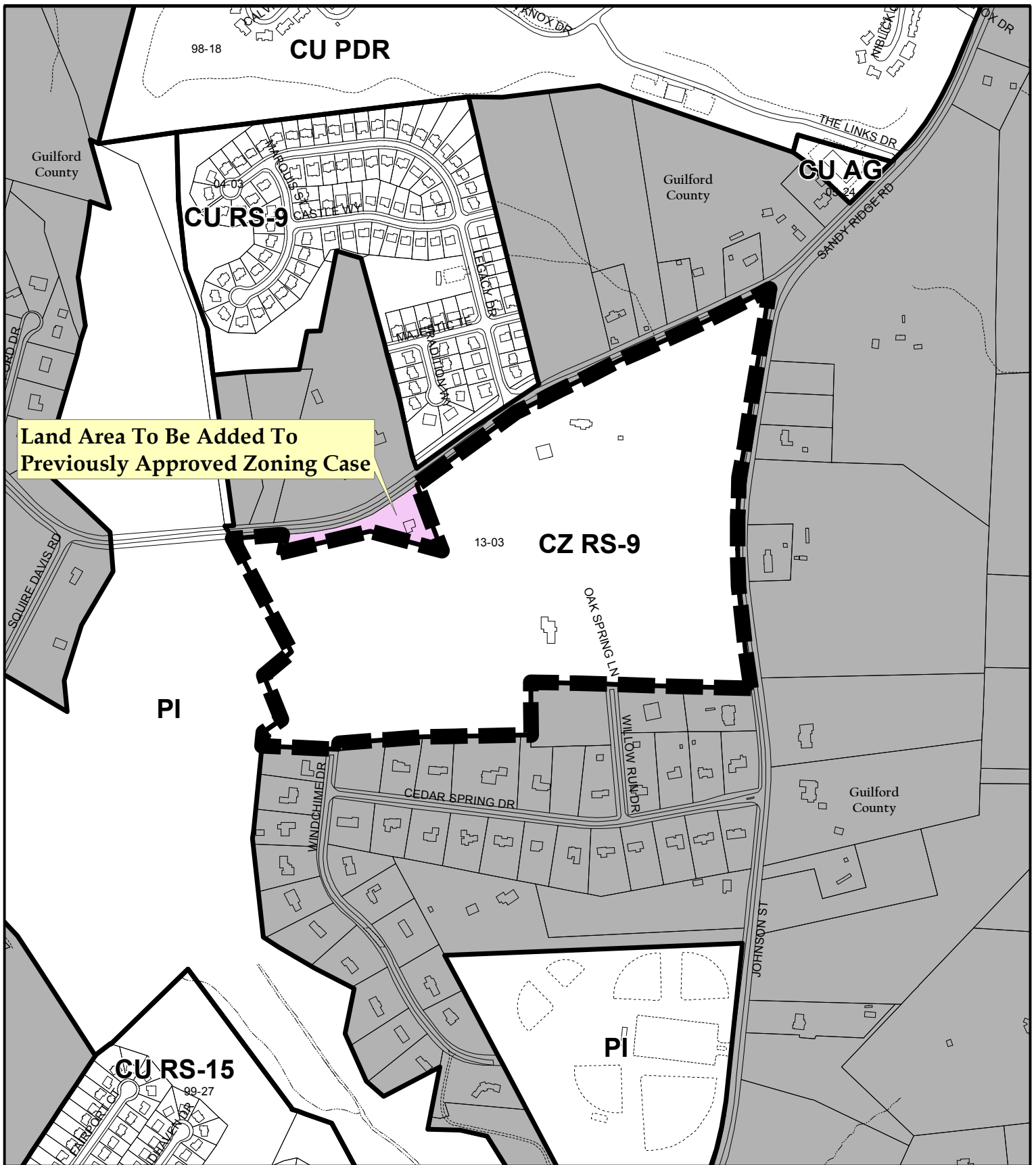
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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



## ZONING MAP AMENDMENT ZA-16-24

**From: Conditional Zoning Residential Single Family-9**  
**To: Conditional Zoning Residential Single Family-9**

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

**Planning & Development  
 Department**

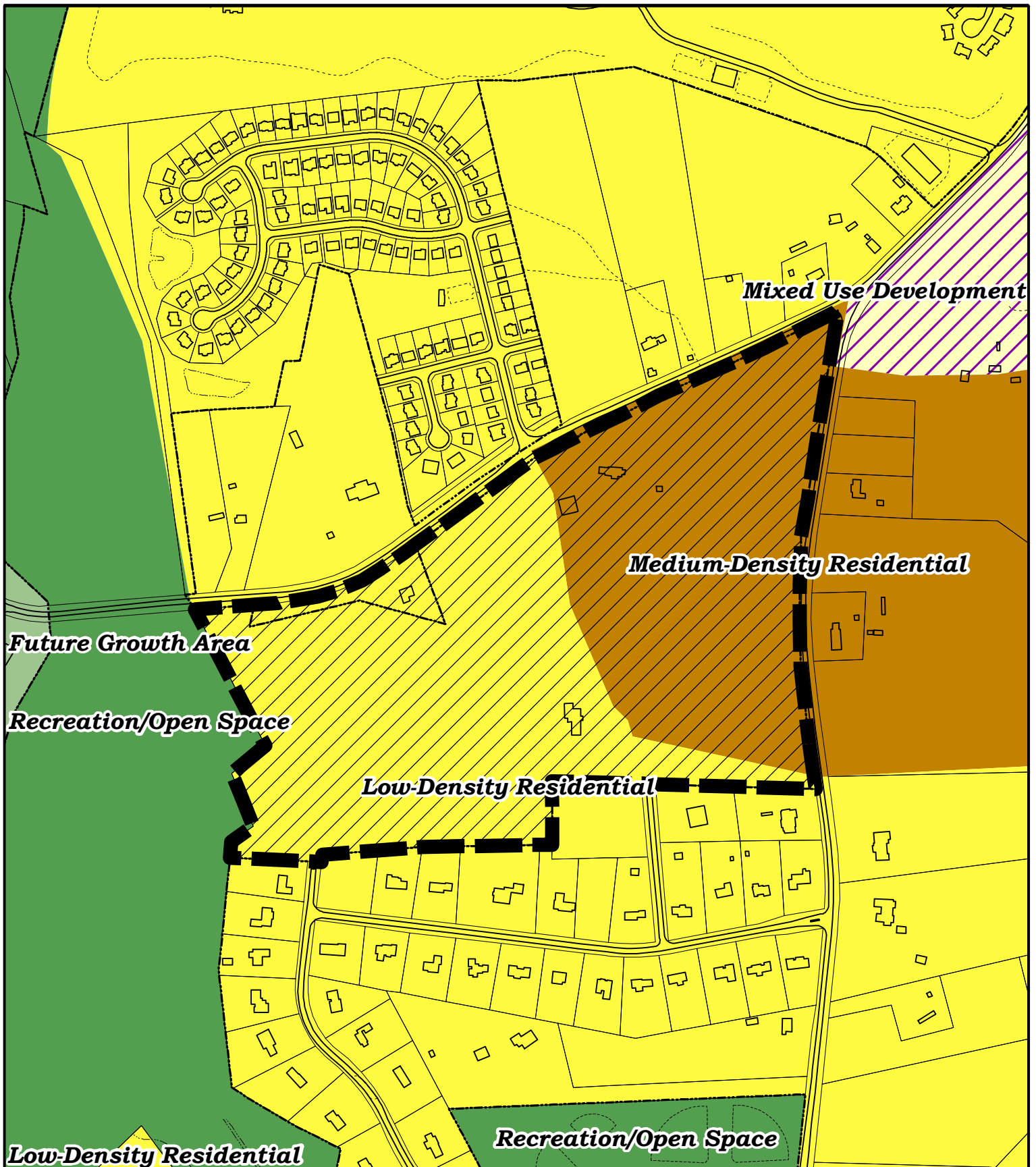
**City of High Point**

**Date: October 25, 2016**



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# **ZONING MAP AMENDMENT ZA-16-24**

## **Land Use Plan**

**Existing Land Use Plan**  
**Subject Property Boundary**



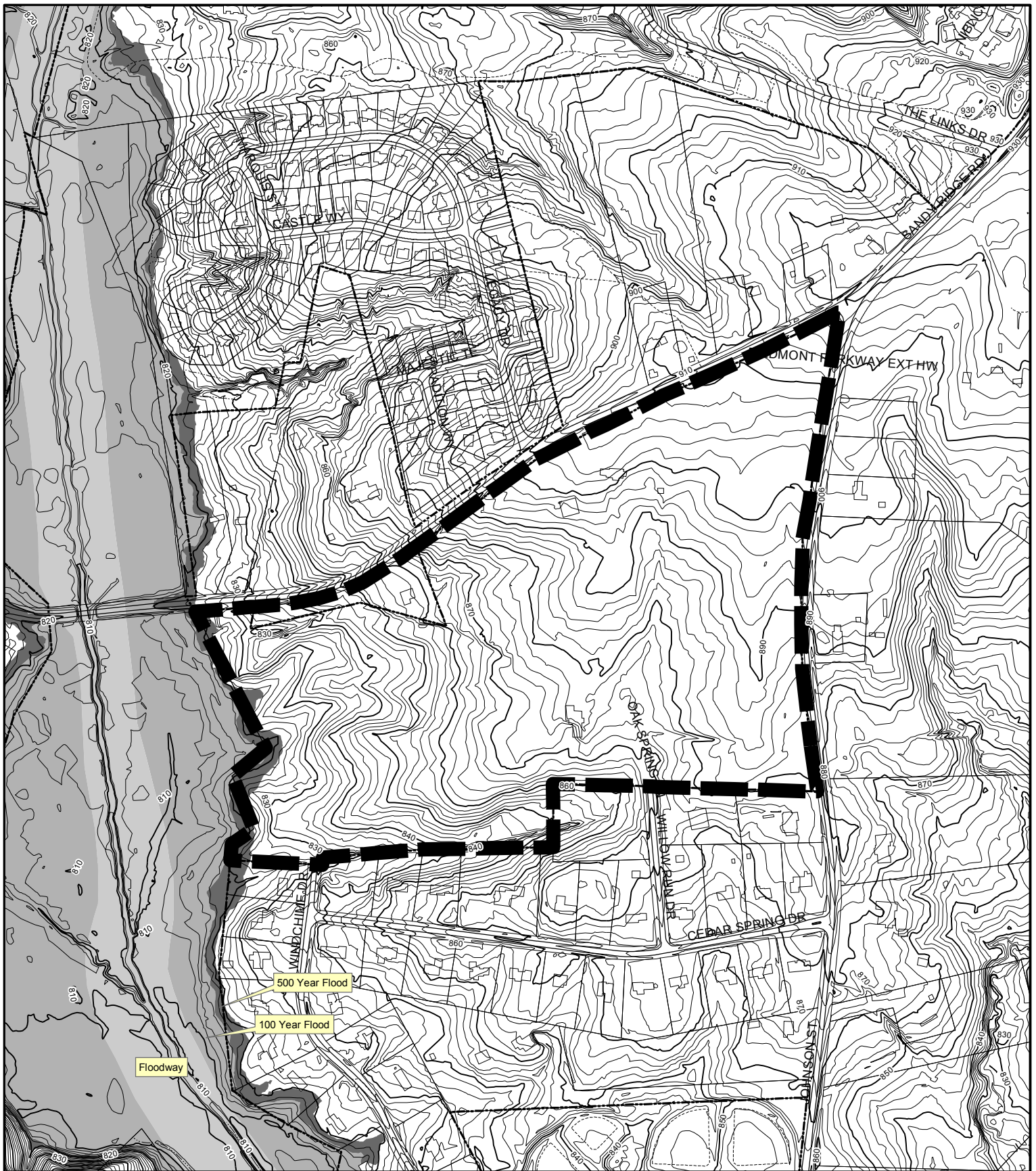
**Planning & Development  
 Department**

**City of High Point**

**Date: October 25, 2016**



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# ZONING MAP AMENDMENT ZA-16-24

Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: October 25, 2016



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# ZONING MAP AMENDMENT ZA-16-24





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 October 25, 2016 and before the City Council of the City of High Point on November 21, 2016 regarding **Zoning Case 16-24** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on October 16, 2016, for the Planning and Zoning Commission public hearing and on November 9, 2016 and November 16, 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 \_\_\_\_\_, **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: **A Conditional Zoning Residential Single Family-9 District (CZ RS-9) District**. The property is approximately **68.5** acres and lying at the southwest corner of Johnson Street and Sandy Ridge Road. The property is also known as Guilford County Tax Parcel 0169206 **and 0169220**.

**SECTION 2**

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. **USES:**

Any of the land uses allowed in the Residential Single Family-9 (RS-9) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

- A. All principal use(s) of the site shall be connected to the City's water and sewer system for service.
- B. Transportation Conditions.
  - 1. If development ~~under RS-9 zoning~~ produces at least 150 trips in the AM or PM peak hour, an updated TIA will be required to determine the extent of improvements necessary to mitigate traffic impacts.
  - 2. Right-of-Way Dedication
    - a. The property owner shall dedicate a minimum of seventy (70) feet of right-of-way from the existing centerline of Johnson Street along the entire frontage of the zoning site.
    - b. The property owner shall dedicate a minimum of sixty five (65) feet of right-of-way from the existing centerline of Sandy Ridge Road along the entire frontage of the zoning site.
    - c. The property owner shall dedicate additional right-of-way for the realignment of the Johnson Street/Sandy Ridge Road Intersection as shown on the Special Use Permit Sketch Plan (SU-16-02).
  - 3. The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.

SECTION 4

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 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.  
\_\_\_\_<sup>th</sup> day of November, 2016.

Lisa B. Vierling, City Clerk