

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:**    **Zoning Map Amendment 17-21**  
              **Plan Amendment 17-04**  
              **Zoning Map Amendment 17-20**

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

**Meeting Date:**       November 20, 2017

**Public Hearing:**   Yes

**Advertising Date:**   November 8, 2017 and  
                              November 15, 2017

**Advertised By:**       Planning & Development

**Attachments:**    A. Planning and Zoning Commission Recommendation  
                          B. Staff Report  
                          C. Plan Amendment Resolution  
                          D. Zoning Ordinances

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### PURPOSE:

**1.    Zoning Map Amendment 17-21**

A request by the City Council to amend the boundary of the Airport Overlay (ARO) District as it pertains to approximately 50.94 acres lying along the north side of Willard Dairy Road, directly east of Southwest School Road.

**2.    Plan Amendment 17-04**

A request by Keystone Homes and the City of High Point to change the Land Use Map classification for approximately 286.06 acres. The request pertains to land lying along the north and south side of Willard Dairy Road, east of the intersection of Southwest School Road, and along the east and west side of Barrow Road, north of the intersection of Willard Dairy Road.

**3.    Zoning Map Amendment 17-20**

A request by Keystone Homes to rezone an approximate 22.2-acre parcel from the Agricultural District, within Guilford County's jurisdiction, to a Conditional Zoning Residential Multifamily-16 (CZ-RM-16) District. The site is lying along the north side of Willard Dairy Road, approximately 800 feet east of Southwest School Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

A. Staff recommended *approval* of these request, as outlined in the attached staff reports.

B. On October 24, 2017, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 17-24, Plan Amendment 17-04 and Zoning Map Amendment 17-20. The Planning & Zoning Commission recommended *approval* of these request, by a vote of 8-1, as outlined in the staff reports and as recommended by staff.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

At their October 24, 2017 public hearing, the Planning & Zoning Commission reviewed Zoning Map Amendment 17-21, Plan Amendment 17-04 and Zoning Map Amendment 17-20. Mr. Herbert Shannon, Senior Planner, and Mr. Andy Piper, Senior Planner, conducted a combined presentation of these three cases as they are related. Staff recommended approval of the requests as outlined in the staff reports.

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

Speaking in favor of these requests were Ms. Judy Stalder, 665 N. Main Street, High Point and Mr. Scott Wallace, president of Keystone Homes, 3708 Alliance Drive, Greensboro. Ms. Stalder explained that the physical features of the property, including two streams and challenging topography, would not support industrial development. Ms. Stalder also noted that the projected PTIA flight patterns have changed since the last study, and more closely follow the Eastchester Drive corridor, which is further away from this property. Mr. Wallace stated that this rezoning is intended to facilitate the development of 86-unit townhome subdivision. They are not ignoring the airport and potential for noise, the dwellings will be constructed using City-required measures to mitigate noise impact.

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

Speaking in opposition to these requests were Tanya Stewart, 3616 Cottesmore Drive and Danny Clegg, 2531 Willard Dairy Road. These speakers expressed the following concerns:

- Air traffic noise: The residents of the proposed development will not be aware the property was rezoned from Zone 2 to Zone 3 and may be subject to a lot of air traffic noise.
- Inconsistent with neighboring uses: This is an agricultural area that includes a dairy farm. The request for townhomes is inconsistent with the land uses and development density already established in the area.
- Overcrowded schools: The development would put undue strain on already overcrowded schools.
- Traffic and safety: The access point for the development is located in an unsafe bend in the road on Willard Dairy Road. The development will add more traffic to an already busy Southwest School Road where traffic is heavy due to the location of the elementary, middle and high schools. The additional traffic poses safety concerns, especially as traffic continues to increase.

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

#### **1. Zoning Map Amendment 17-21: (Amending the boundary of the Airport Overlay District)**

##### **a) Consistency Statement**

The Commission stated that the request is consistent with adopted policy guidance and appropriate for this location. The Planning & Zoning Commission **adopted this statement** by a vote of 8-1, with Ms. Stone dissenting.

##### **b) Zoning Map Amendment**

The Commission recommended ***approval*** of Zoning Map Amendment 17-21, as recommended by staff, by a vote of 8-1, with Ms. Stone dissenting.

#### **2. Plan Amendment 17-04: (Land Use Map classification change for approximately 286.06 acres)**

The Commission recommended ***approval*** of Plan Amendment 17-04, as recommended by staff, by a vote of 8-1, with Ms. Stone dissenting.

3. **Zoning Map Amendment 17-20:** (A request to establish a CZ-RM-16) District)

a) **Consistency Statement**

Based upon action taken on the previous two cases (ZA-17-21 and PA-17-04), the Commission stated that the request is appropriate for its proposed location, is consistent with the City's adopted policy guidance documents, consistent with the Land Use Plan and the Airport Overlay District, and compatible with the surrounding land use pattern. The Planning & Zoning Commission **adopted this statement** by a vote of 8-1, with Ms. Stone dissenting.

b) **Zoning Map Amendment**

The Commission recommended ***approval*** of Zoning Map Amendment 17-20, as recommended by staff, by a vote of 8-1, with Ms. Stone dissenting.

Ms. Stone noted that her votes in opposition were due to concerns with allowing additional residential uses in this area based on the proximity of the site to the NC 68 corridor and associated airplane noise impacts, school overcrowding and traffic safety concerns.

**STAFF REPORT  
ZONING MAP AMENDMENT 17-21  
October 24, 2017**

Request		
<b>Applicant:</b> City of High Point City Council	<b>Owners:</b> Nina H. Willard Family Trust (Edward L. Willard Trustee)  James Willard Clegg and Amy P. Clegg Willard Family Trust and Willard Survivors (Ruth S. Willard, Brenda Wood, John M. Willard)	
	<b>Zoning Proposal:</b> To amend the Airport Overly District for approximately 50.94 acres.	<b>From:   ARO – 2   </b> Airport Overlay District (Zone 2)  <b>To:       ARO – 3   </b> Airport Overlay District (Zone 3)

Site Information	
<b>Location:</b>	This map amendment request pertains to approximately 50.94 acres lying along the north side of Willard Dairy Road, directly east of Southwest School Road.
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcels 0169927, 169949, 0169933 and 0169918
<b>Site Acreage:</b>	Approximately 50.94 acres
<b>Current Land Use:</b>	Single family dwelling, agricultural use with multiple accessory structures, industrial use, and undeveloped parcel.
<b>Physical Characteristics:</b>	This 50.94-acre area is mostly wooded with a moderate to severely sloping terrain. A perennial stream runs in a west to east direction through the middle of the site and an intermittent stream runs in a south to north direction from Willard Dairy Road to the perennial stream.
<b>Water and Sewer Proximity:</b>	A 12-inch City water line terminates to the west at the intersection of Willard Dairy Road and Southwest School Road. A separate water line terminates approximately 1,200 feet to the east near the intersection of Willard Dairy Road and Penny Road. An 8-inch City Sewer line runs along the northern portion of the site along the stream corridor.
<b>General Drainage and Watershed:</b>	The terrain drains toward the middle of this 50.94 acres into the perennial stream that bisects the site. Development is subject to the City Lake General Watershed Area (GWA) requirements. Engineered storm water 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>	City Lake General Watershed Area (GWA) Airport Overlay (Zone 2)

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	CU-LI AG	Conditional Use Light Industrial District Agricultural District ( <i>Guilford County</i> )	Nursery & undeveloped parcels
<b>South:</b>	AG	Agricultural District ( <i>Guilford County</i> )	Single-family dwellings, FAA navigational aid & undeveloped parcels
<b>East:</b>	AG	Agricultural District ( <i>Guilford County</i> )	Grading contractor & single-family dwellings
<b>West:</b>	PDR	Planned Development – Residential District	Single family detached dwellings and single family attached dwellings (townhomes)

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement:</b>	This Community Growth Vision Statement does not speak to this type of zoning map amendment.
<b>Land Use Plan Map Classification:</b>	<p>The subject site has a Restricted Industrial land use designation. This classification is intended to accommodate office, warehouse, research &amp; development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.</p> <p>A plan amendment request (Plan Amendment 17-04) has been submitted to change the land use classification of this 50.94-acre area to a Medium-Density Residential Classification.</p>
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The Land Use Plan's goals and objectives do not address this type of zoning map amendment.
<b>Relevant Area Plan:</b>	Not applicable
<b>Zoning History:</b>	The ARO District was adopted by City Council in 2003. The district is based upon a noise analysis by Wyle Laboratories of the Piedmont Triad International Airport (PTIA) cargo hub and runway expansion. In 2012, the City Council approved revisions to the ARO District based on a noise analysis of the PTIA Part 150 Airport Noise Compatibility Study.

<b>Transportation Information</b>
Not applicable to this zoning case.

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

### **Details of Proposal**

In April 1998, Federal Express (Fed Ex) selected the Piedmont Triad International Airport (PTIA) as the location for an air cargo hub facility. The airport improvements made to accommodate the air cargo facility included the construction of a new runway parallel to the existing main runway.

In October 1998, the staff began an area plan for the northwest portion of the planning area, which included evaluating the impact from the PTIA expansion. The adopted Johnson Street/Sandy Ridge Road Area Plan identified an area of concern due to the potential nighttime aircraft noise impacts and recommended that additional analysis of potential noise impacts was needed.

Based on the area plan recommendations, the City retained the services of Wyle Laboratories to assess potential aircraft noise impacts from PTIA flight arrivals and departures, and to assist in developing land use policy and standards that mitigate those impacts on noise sensitive land uses. Wylie's noise analysis was based upon data from the approved Environmental Impact Statement for the airport expansion.

The ARO District was adopted by City Council in 2003 and later revised in 2012 in response to the PTIA Part 150 Airport Noise Compatibility Study, which reflected changes in the aircraft used on the runways and their flight tracks. The ARO is an overlay district that is applied onto underlying zoning districts and to property when it is annexed into the city. It is divided into 4 different zones that have different noise mitigation standards. The 4 zones are based upon specific noise metrics and the zones utilize physical features such as streets and streams as boundaries. Property lines are used as boundaries when such physical features are not practical or feasible.

Zone 1: The intent of Zone 1 is to prevent the development of land uses sensitive to objectionable noise resulting from daytime and nighttime aircraft flights. No new residences are allowed, new daytime noise sensitive uses like schools are prohibited, and certain land uses presenting safety concerns are barred. Notification of potential aircraft over-flight noise is required.

Zone 2: The intent of Zone 2 is to prevent the development of land uses sensitive to objectionable noise resulting from nighttime aircraft flights. No new residences are allowed. Notification of potential aircraft over-flight noise is required.

Zone 3: The intent of Zone 3 is to protect residents by reducing the interior level of objectionable noise resulting from nighttime aircraft flights. New residences within new subdivisions are required to meet design standards that reduce interior sound levels by 30 dB. Notification of potential aircraft over-flight noise is required.

Zone 4: The intent of Zone 4, along with the other three zones, is to provide public notification of potential night time aircraft noise impacts.

All 4 zones require that the owner of a new subdivision provide a waiver of claim to protect the City against actions resulting from aircraft noise impacts to properties or from other consequences of the district's noise mitigation requirements.

The applicant for ZA-17-20 requested department staff review the potential for changing a tract of land within Zone 2 of the ARO District to allow residential development. After the staff concluded it was feasible to amend the district for a specific area and continue to maintain effective noise mitigation, the request was presented to the City Council for discussion at a briefing session. Later at their September 18<sup>th</sup> regular meeting, the City Council initiated this zoning map amendment.

### Staff Analysis

Staff reviewed the noise metrics and the basis for the zone boundaries near the subject site. It was determined that the noise metrics would support properties within the subject site being reclassified to Zone 3. Zone 3 allows residential development provided new residential dwellings meet a 30 dB noise level reduction design standard. The potential aircraft noise impacts for the subject site are comparable to the area that adjoins to the west with residential development, which is within Zone 3. Property lines were utilized when this portion of the boundary between Zone 2 and 3 was originally created because there are no physical features in this portion of the district that align with the noise metric analysis.

The staff inquired with the executive director of PTIA to gather comments and concerns regarding this proposed change to allow residential development within this specific site. The airport executive director does not object to this change on condition that an aviation easement is provided to the airport by the property owner. That issue can be addressed as part of the conditional zoning of property within this subject site.

Property to the north and east is sparsely developed with nonresidential uses but is planned for industrial development. The area immediately to the west is fully developed with residential dwellings and a FAA navigational aid prevents development to the south. Because of the existing and planned industrial land use to the east, the staff strongly advises against extending Zone 3 further eastward than proposed under this map amendment. More importantly, daytime and nighttime aircraft flights departing PTIA from the main runway fly along the Eastchester Drive (NC 68) corridor. The potential noise impact is greater to the east along the corridor.

The ARO District is based upon the noise analysis of aircraft flight data from first the EIS and later the more detailed Part 150 study. Amendments to the district should not be made without consideration and support of the noise metrics and analysis on which the district is based. Otherwise, such district amendments would be arbitrary and without a basis in the data that created the district. PTIA is planning to update their Part 150 study in the future and revisions to the ARO District may be warranted after that study is complete.

#### **Consistency with Adopted Policy Guidance:**

**Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the purpose, goal objectives, and policies of the City's adopted policy guidance.**

**The proposed amendment does not conflict with the Land Use Plan or other adopted plans.** More specifically, the City does not have adopted plans or policies that address this type of zoning map amendment.

#### **Reasonableness/Public Interest:**

**Whether an approval of the zoning map amendment is reasonable and in the public interest.**

**The change of the subject site from Zone 2 to Zone 3 will continue to provide sufficient noise mitigation protection measures.** Specifically:

- 1) The noise metrics and analysis on which the ARO District is designed will support a reclassification of the subject site from Zone 2 to Zone 3.

- 2) ARO District Zone 3 provides aircraft noise mitigation protection to homeowners by requiring owner notification and a 30 dB noise level reduction standards for new residential dwellings.
- 3) And, City interests are protected through the district's waiver of claim requirement and PTIA can be protected through a grant of an aviation easement by the property owner through conditional zoning.

### Recommendation

#### **Staff Recommends Approval:**

The Planning & Development Department recommend approval of the request to change this 50.94-acre subject site from Zone 2 to Zone 3 of the ARO 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 statement in the Staff Analysis section of this report or by adopting its own statement.

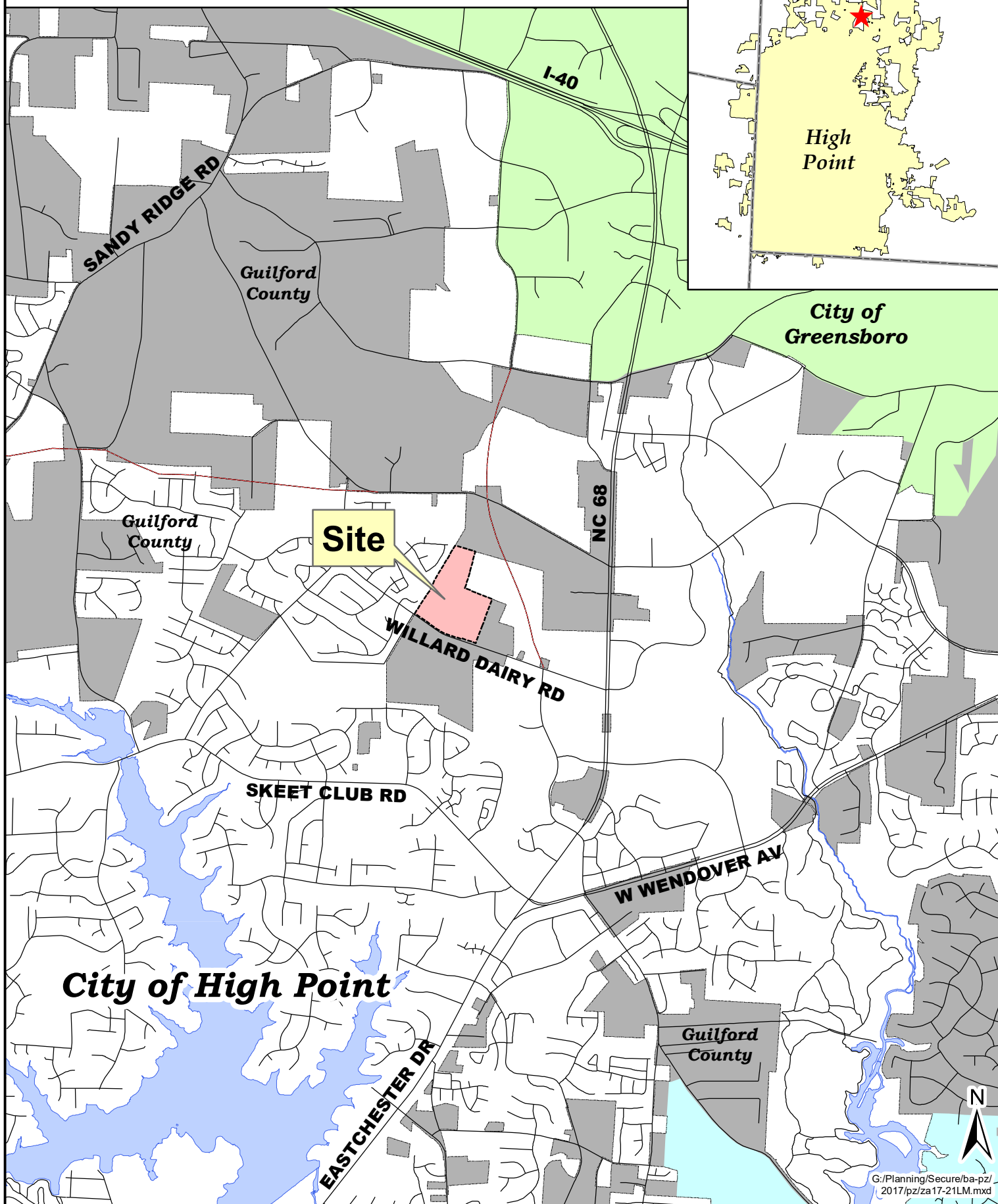
#### **City Council:**

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 statements.

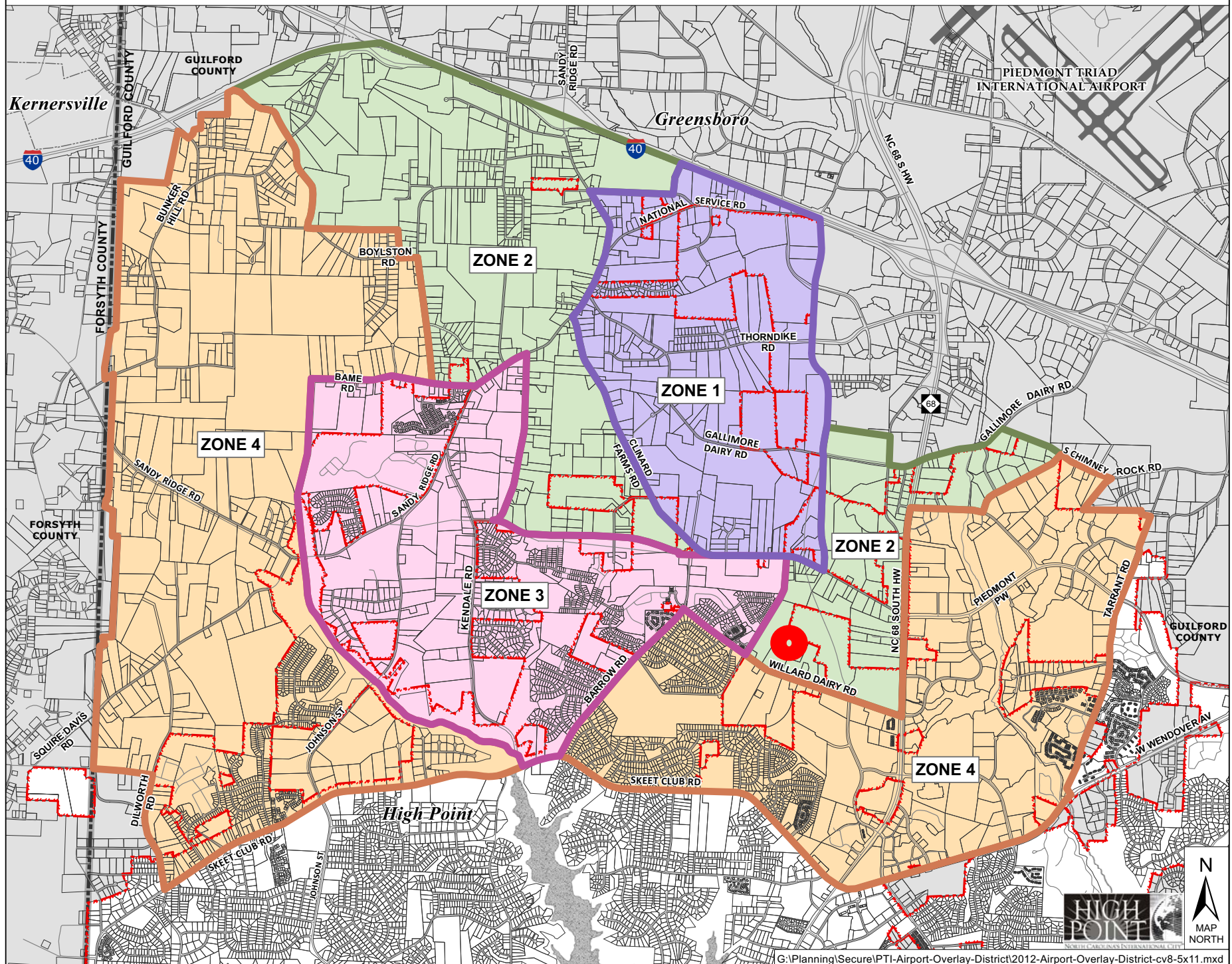
### Report Preparation

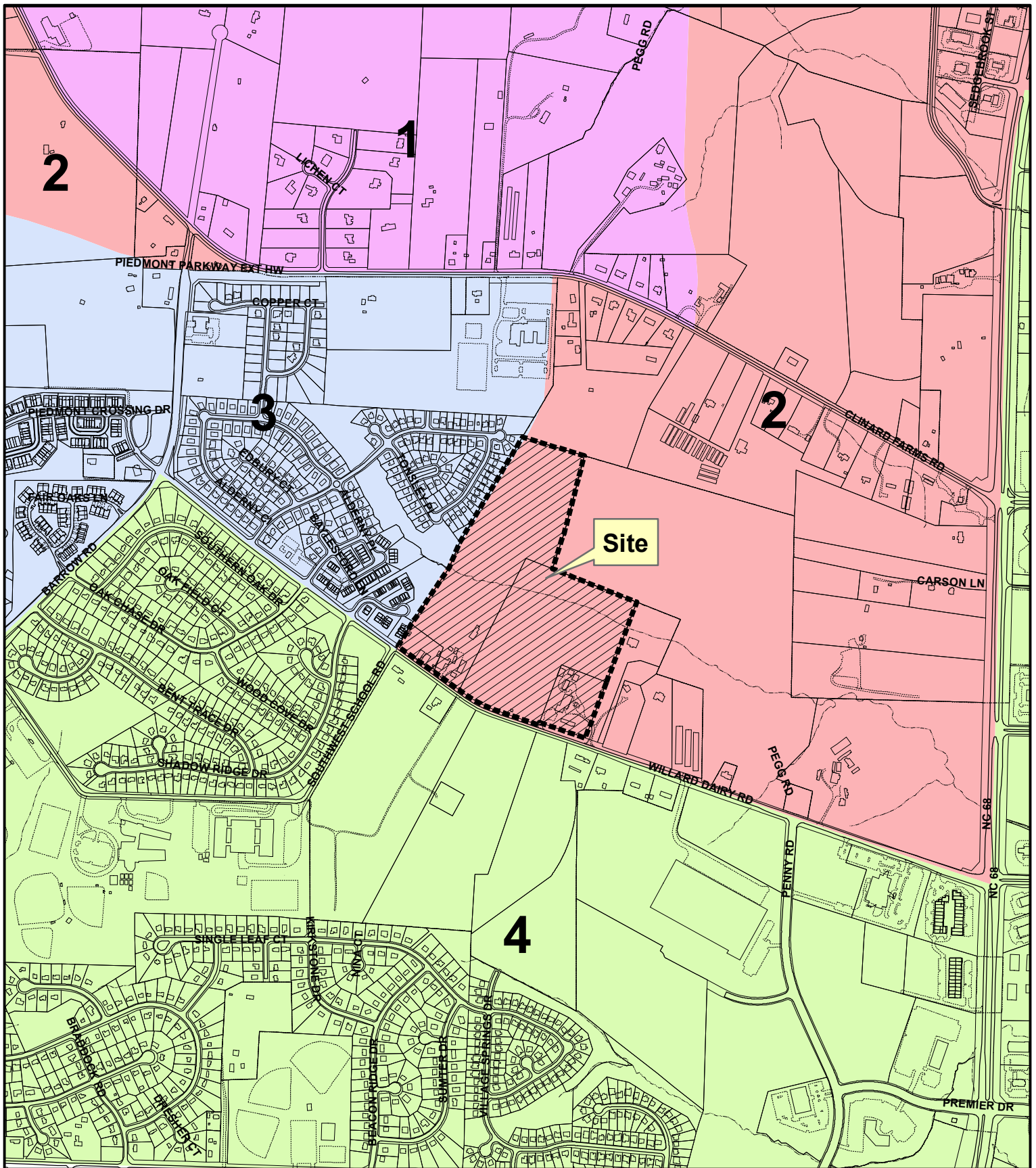
This report was prepared by Planning and Development Director G. Lee Burnette, AICP, and reviewed by Robert Robbins, AICP, Development Administrator.

**Applicant: City of High Point**



# AIRPORT OVERLAY DISTRICT





# ZONING MAP AMENDMENT ZA-17-21

**From: Airport Overlay District 2**  
**To: Airport Overlay District 3**

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

**Planning & Development**  
**Department**

**City of High Point**

**Date: October 24, 2017**



**Scale: 1"=1,000'**

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