

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 19-06
(City of High Point)

From: Lee Burnette, Planning & Development
Director

Meeting Date: June 3, 2019

Public Hearing: Yes

Advertising Date: May 22, 2019 and May 29, 2019

Advertised By: Planning & Development

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

PURPOSE:

A request by the City Council to amend the boundary of the Airport Overlay (ARO) District that changes approximately 227.67 acres from Zones 1 & 2 to Zone 3 and approximately 39.5 acres from Zone 1 to Zone 2. The area lies between Gallimore Dairy Road and Clinard Farms Road, generally east of Barrow Road and west of Pegg Road.

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 this request as outlined in the attached staff report.
- B. On May 28, 2019, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 19-06. The Planning & Zoning Commission recommended *approval* of this request, as outlined in the staff report and recommended by staff, by a vote of 7-0.

PLANNING AND ZONING COMMISSION RECOMMENDATION

City of High Point

Zoning Map Amendment 19-06

At its May 28, 2019 public hearing, the Planning and Zoning Commission reviewed a request to amend the boundary of approximately 227.67 acres of the Airport Overlay (ARO) District. All members of the Commission were present except for Mr. Ray Wheatley 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 on the request:

No one spoke in favor nor in opposition to the request.

Planning & Zoning Commission Action

Zoning Map Amendment

The Commission recommended *approval* of Zoning Map Amendment 19-06, as recommended by staff, by a vote of 7-0.

Consistency & Reasonableness Statements

The Commission adopted a statement that the Zoning Map Amendment is consistent because the proposed ARO District amendment does not conflict with the Land Use Plan and other adopted plans and it does not conflict with the noise metrics upon which the district is based. Furthermore, the request is reasonable because the change of the subject site to Zones 2 & 3 as proposed will continue to provide noise mitigation protection measures by limiting incompatible uses, requiring design standards and providing notification to potential property owners.

The Planning & Zoning Commission adopted these statements by a vote of 7-0.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-19-06
May 28, 2019**

Request	
Applicant: City Council	Owners: Oasis Investment LLC, Joyce G Beard, First Community Banc Shares Inc (a Nevada Corporation), Gossett Land LLC, JJNAN LLC, KRM 1 LLC
Zoning Proposal: To amend the Airport Overlay District to: <ul style="list-style-type: none"> • Change approximately 225.57 acres from Zone 1 to Zone 3, • Change approximately 0.29 acres from Zone 2 to Zone 3, • Change approximately 1.81 acres from Zone 2 to Zone 3, and • Change approximately 39.5 acres from Zone 1 to Zone 2. 	From: ARO - 1 Airport Overlay District (Zone 1)
	To: ARO - 2 Airport Overlay District (Zone 2) ARO - 3 Airport Overlay District (Zone 3)

Site Information	
Location:	This map amendment request pertains to approximately 267.17 acres lying between Gallimore Dairy Road and Clinard Farms Road, generally east of Barrow Road and west of Pegg Road.
Tax Parcel Numbers:	Guilford County Tax Parcels 169884, 169887, 169889, 169890, 169895, 169899, 169907 thru 09, 169956, 169959, 169963, 169966, 169967, 169970 thru 72, 169974, 169978 thru 82, 169986 thru 99, 207903, 207904, 212506, 212507, 212511 and 218290
Site Acreage:	Approximately 267.17 acres
Current Land Use:	Single family detached dwellings, agricultural uses with multiple accessory structures, industrial uses, and undeveloped parcels.
Physical Characteristics:	The site contains a mixture of wooded areas and open pasture lands. Multiple streams run through the area, converging at the Sandy Ridge tributary stream to the east of the site.
Water and Sewer Proximity:	A 12-inch City water line and a 15-inch City sewer line both lie to the east within Gallimore Dairy Road. There is also a 12-inch sewer line that runs along Clinard Farms Road.
General Drainage and Watershed:	The terrain drains in a general easterly direction toward the Sandy Ridge tributary stream. This tributary runs in a southeasterly direction. 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.
Overlay Districts:	City Lake General Watershed Area (GWA) Airport Overlay (Zone 1 and Zone 2)

Adjacent Property Zoning and Current Land Use			
North:	CZ-EC AG	Conditional Zoning Employment Center District Agricultural District (<i>Guilford County</i>)	An industrial/office/warehouse facility is under construction. Single family dwelling and undeveloped parcels.
South:	R-5 CZ R-5 AG RS-40	Residential Single Family-5 District Conditional Zoning Residential Single Family-5 District Agricultural District (<i>Guilford County</i>) Residential Single Family-40 District (<i>Guilford County</i>)	Single family detached dwellings, elementary/middle school and undeveloped parcels.
East:	AGR AG	Agricultural/Rural District Agricultural District (<i>Guilford County</i>)	Single family detached dwelling and undeveloped parcels.
West:	AG	Agricultural District (<i>Guilford County</i>)	Commercial nursey/landscaping facility and single family detached dwellings.

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	This request is neither consistent or inconsistent with the goals and objectives of the Community Growth Vision Statement.
Land Use Plan Map Classification:	The subject site has a Restricted Industrial land use designation. This classification is intended to accommodate office, warehouse, research & development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
Land Use Plan Goals Objective & Policies:	This request is neither in conflict with the goals and objectives of the Land Use Plan, nor does it promote those goals and objectives.
Relevant Area Plan:	Not applicable.
Zoning History:	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 the results of the PTIA Part 150 Airport Noise Compatibility Study.

Transportation Information
Not applicable to this zoning case.

School District Comment

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 Planning & Development Department began an area plan for the northwest portion of the City's 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 night time 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. The Wyle 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 in addition to the underlying zoning district to property when it is annexed into the city. The ARO district 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.

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.

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.

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.

Notification: Each of the four ARO zones require notification by a seller of property to a future owner regarding the potential for aircraft over-flight noise. Furthermore, within all zones the owner of a new subdivision must provide a waiver of claims to protect the City against actions from all existing and future landowners resulting from aircraft noise impacts on properties or other consequences of the noise mitigation requirements within the district.

The applicant for ZA-19-07 (a separate Map Amendment application) requested department staff review the potential for changing the ARO for two parcels, totaling approximately 79.5 acres of land within Zone 1 of the ARO District to allow a medical-related industrial/business research park. As part of this development, there will be a limited residential component intended to complement and support the park. Residential uses are prohibited in Zones 1 and 2 of the ARO District.

Staff conducted a comprehensive review of this area beyond the specific 79.5 acres the applicant desires to develop. Staff concluded that an approximate 267.17 acres was feasible for consideration for amendment while continuing to maintain effective noise mitigation. The request was presented to the City Council for discussion and they initiated this zoning map amendment at the March 18, 2019 regular meeting.

Staff Analysis

The ARO District is based upon the noise analysis of aircraft flight data from the 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 noise metric data that created the district. In June, PTIA will begin an update to the Part 150 study and revisions to the ARO District may be warranted after that study is complete.

Staff inquired with the executive director of PTIA to gather comments and concerns regarding this proposed change. The airport executive director does not object to the changes on the 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.

Staff reviewed the noise metrics and the basis for the ARO zone boundaries near the subject site. Based upon those noise metrics, the proposed change can be supported

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 City's adopted policy guidance.

The proposed ARO District amendment does not conflict with the Land Use Plan and other adopted plans and it does not conflict with the noise metrics upon which the district is based.

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.

The change of the subject site to Zones 2 & 3 as proposed will continue to provide noise mitigation protection measures by limiting incompatible uses, requiring design standards and providing notification to potential property owners.

Recommendation

Staff Recommends Approval:

The Planning & Development Department recommend approval of the proposed amendment to 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 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

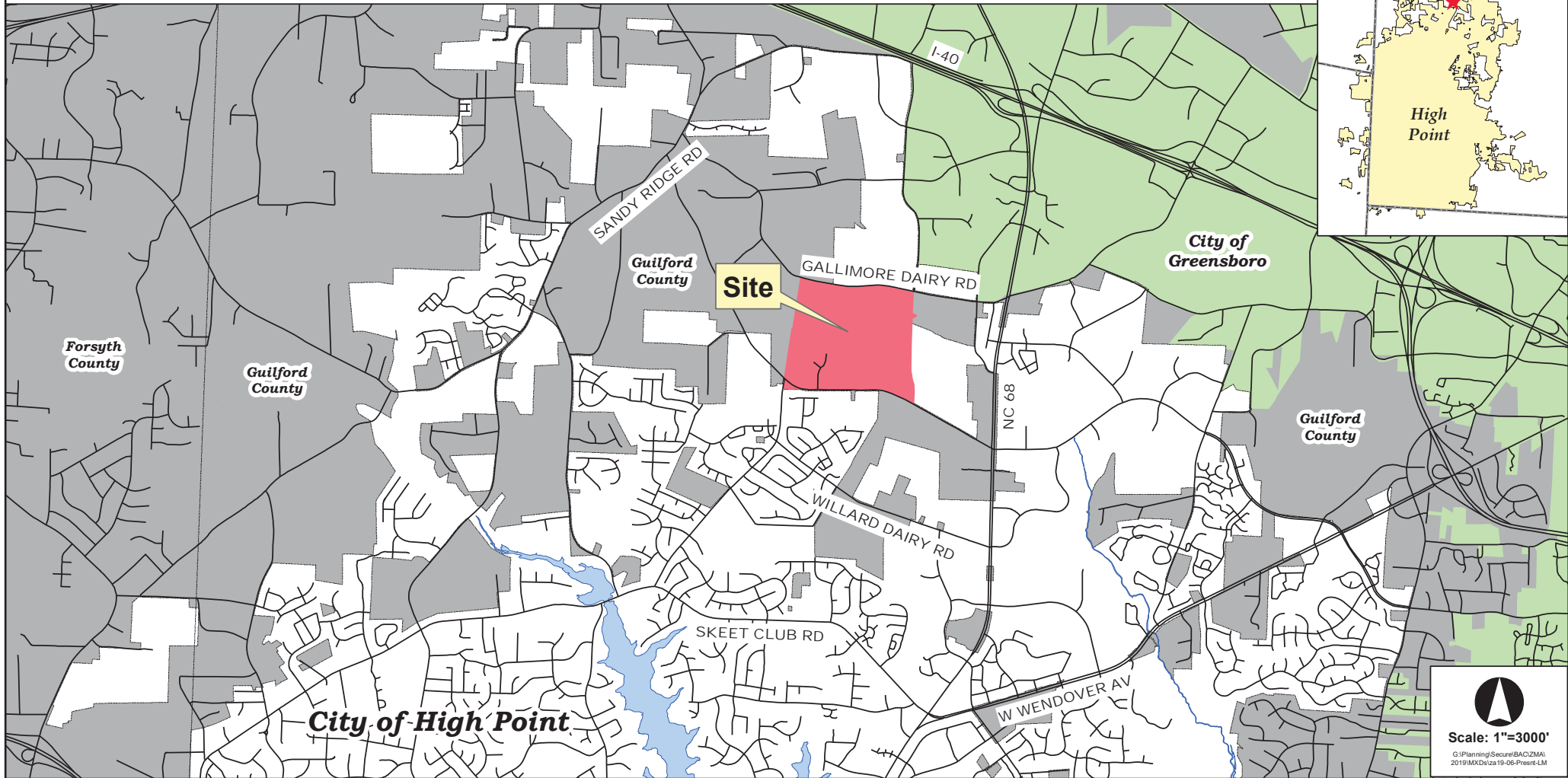
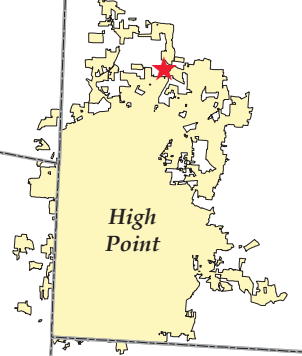
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and G. Lee Burnette AICP, Director.

LOCATION MAP

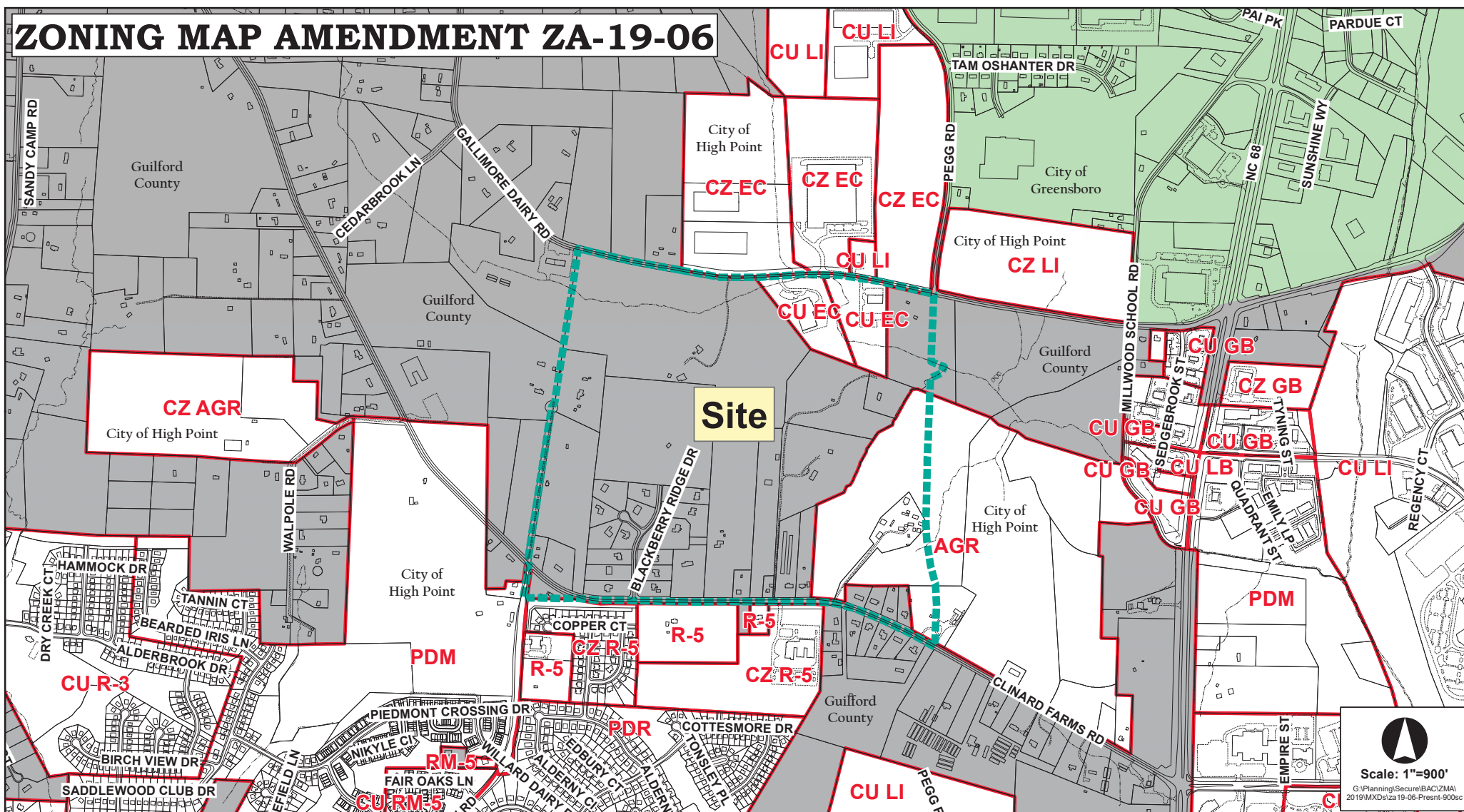
ZONING MAP AMENDMENT: ZA-19-06

Applicant: City of High Point

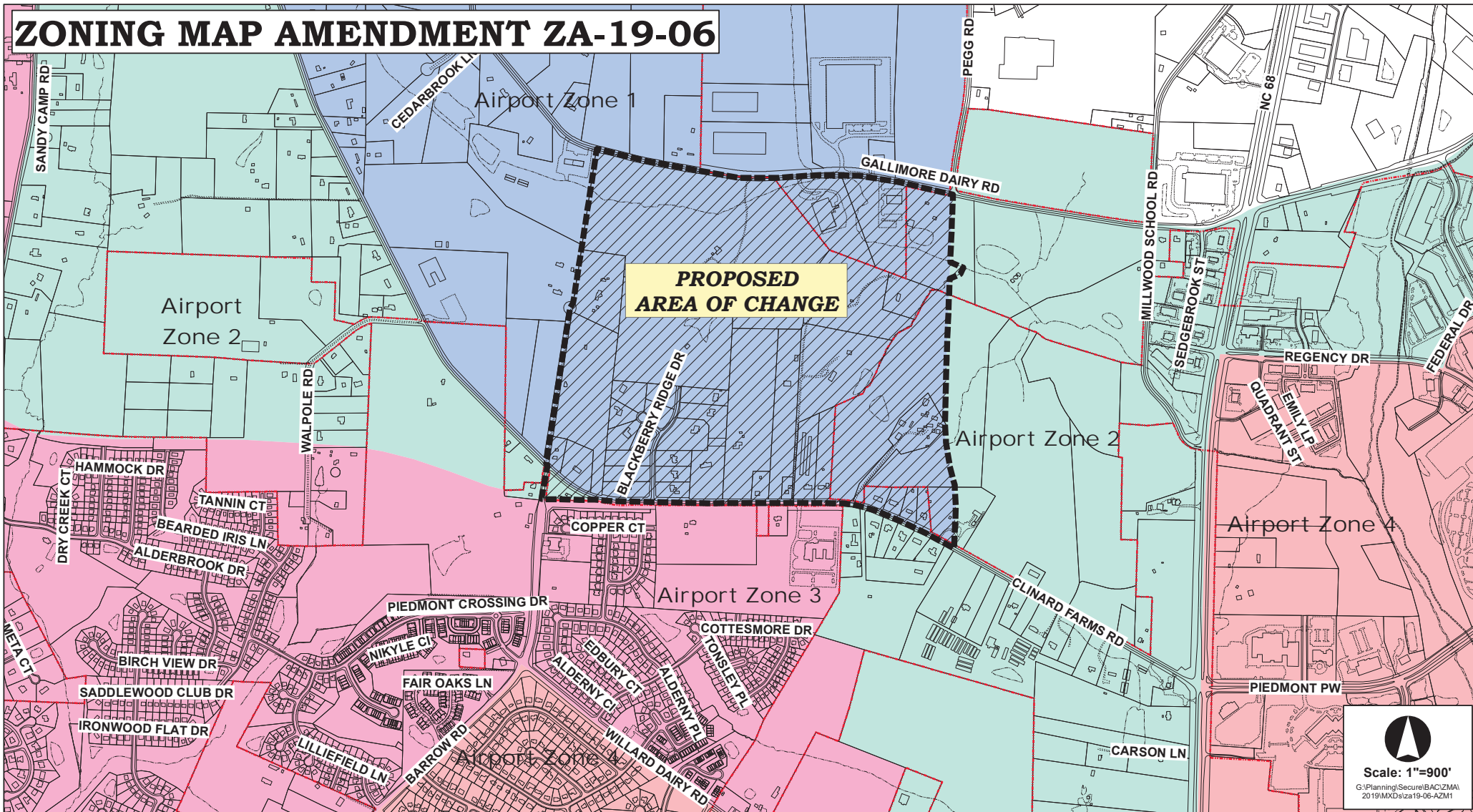
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ZONING MAP AMENDMENT ZA-19-06

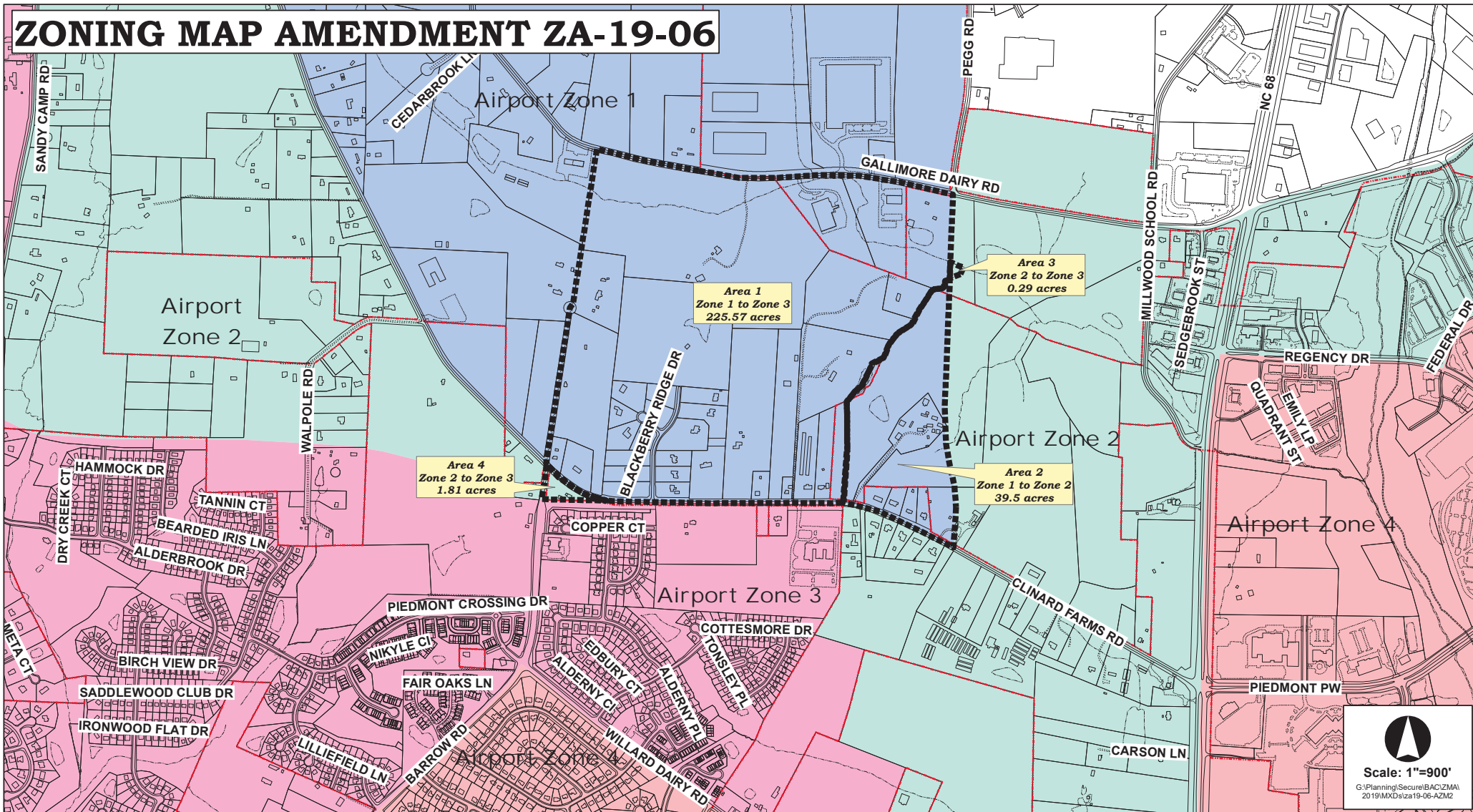


ZONING MAP AMENDMENT ZA-19-06



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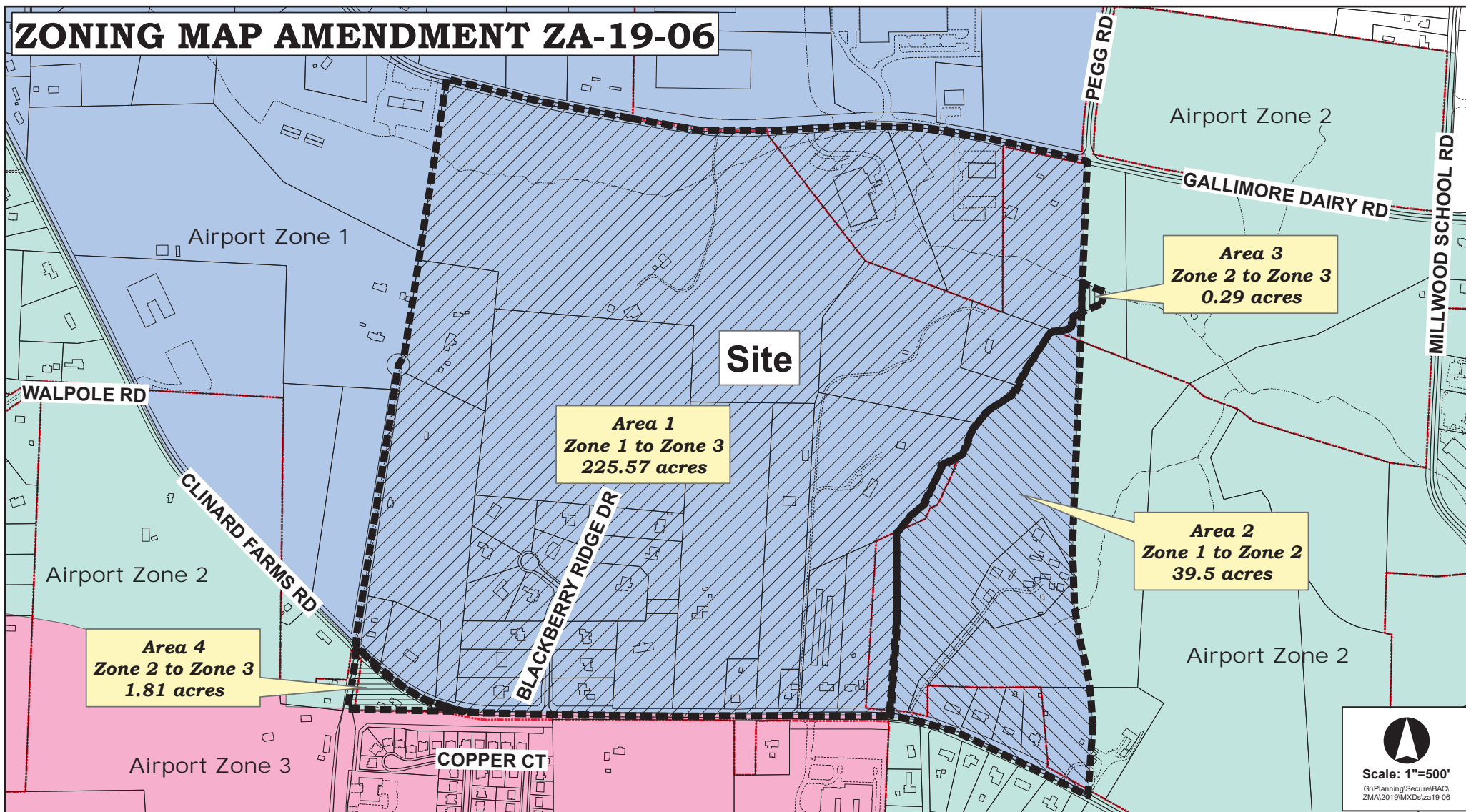




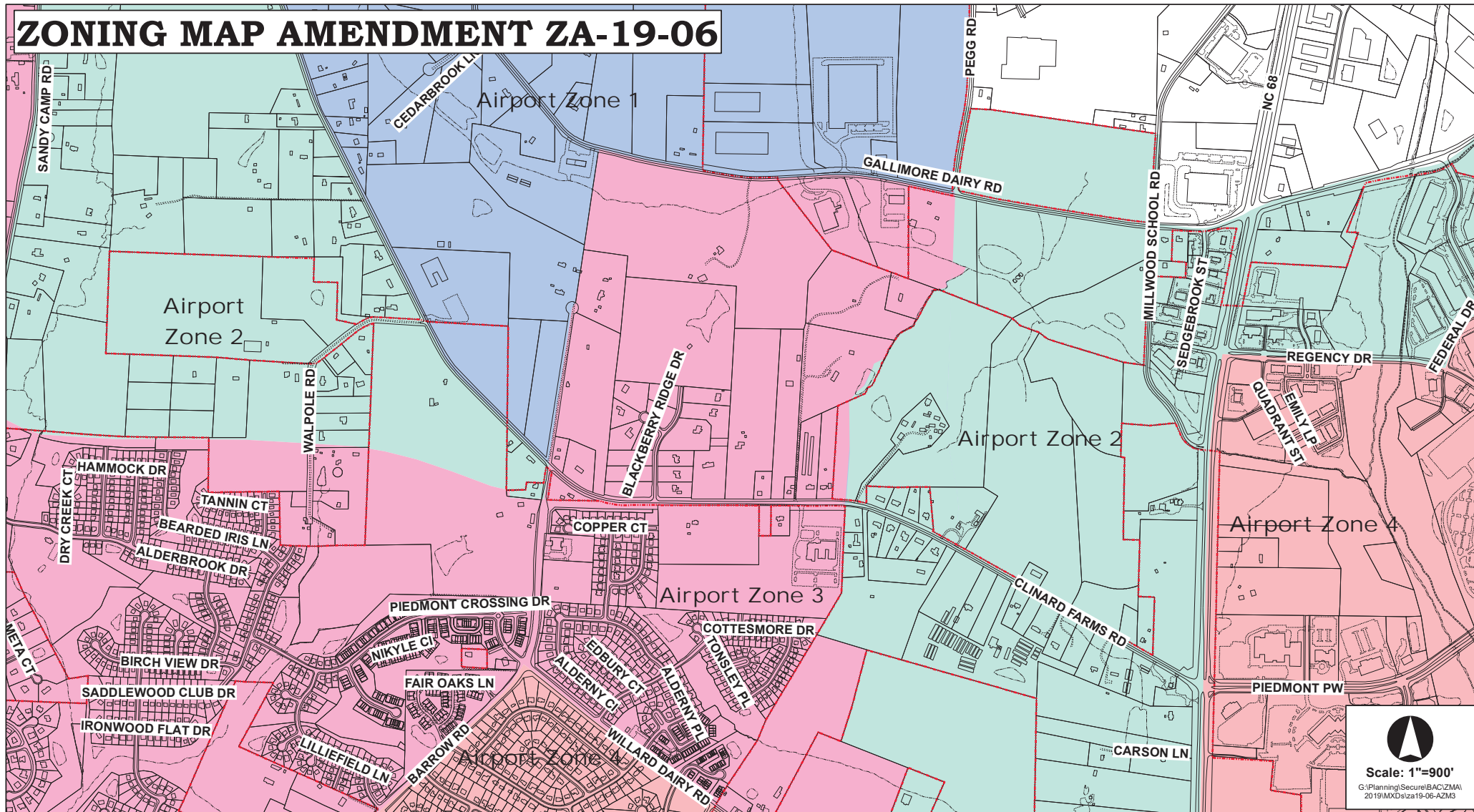
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ZONING MAP AMENDMENT ZA-19-06



ZONING MAP AMENDMENT ZA-19-06



DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.19, 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 May 28, 2019 and before the City Council of the City of High Point on June 3, 2019 regarding **Zoning Map Amendment Case 19-06 (ZA-19-06)** 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 May 19, 2019, for the Planning and Zoning Commission public hearing and on May 22, 2019 and May 29, 2019, 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 3, 2019**.

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: **Airport Overlay - Zone 2 (ARO – Zone 2) and Airport Overlay - Zone 3 (ARO – Zone 3).**

The property is approximately 267.17 acres lying between Gallimore Dairy Road and Clinard Farms Road, generally east of Barrow Road and west of Pegg Road. The site is more specifically described below.

Amending the Airport Overly District to:

- **Area #1** - Change approximately 225.57 acres from Zone 1 to Zone 3.
Guilford County Tax Parcels 169889 (portion lying west of stream), 212506 (portion lying west of stream), 169890 (portion lying west of stream), 169884, 169887, 169956, 169959, 169963, 169966, 169967, thru 72, 169974, 169978 thru 82, 169986 thru 99, 207903, 207904, and 218290.
- **Area #2** - Change approximately 39.5 acres from Zone 1 to Zone 2.
Guilford County Tax Parcels 169890 (portion lying east of stream), 212506 (portion lying east of stream), 212507, 169895, 169907, 169908, 169909, 212511 (western half of parcel), 169889 (eastern portion lying east of stream).
- **Area #3** - Change approximately 0.29 acres from Zone 2 to Zone 3,
Eastern most portion of Guilford County Tax Parcel 169890 lying east of the stream.
- **Area #4** - Change approximately 1.81 acres from Zone 2 to Zone 3.
Guilford County Tax Parcel 169970

(See attached Map)

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.

3rd day of June, 2019.

Lisa B. Vierling, City Clerk

ZONING MAP AMENDMENT ZA-19-06

