

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 19-14
(Larry Wright)

From: Lee Burnette, Planning & Development
Director

Meeting Date: September 16, 2019

Public Hearing: Yes

Advertising Date: September 5, 2019, and
September 11, 2019

Advertised By: Planning & Development

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

PURPOSE:

A request by Larry Wright to rezone approximately 1.5 acres from the Office Institutional (OI) District and the Transitional Office (TO) District to a Conditional Zoning Limited Business (CZ-LB) District. The site is located west of Westchester Drive, approximately 600 feet south of Coventry Road (1720 and 1726 Westchester Drive).

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 August 27, 2019, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 19-14. The Planning & Zoning Commission recommended *approval* of this request, as outlined in the staff report and recommended by staff, by a vote of 6-0.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Larry Wright

Zoning Map Amendment 19-14

At its August 27, 2019 public hearing, the Planning and Zoning Commission reviewed a request to rezone approximately 1.5 acres to a Conditional Zoning Limited Business (CZ-LB) District. All members of the Commission were present, except for Mr. Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Speaking on behalf of the request was Mr. Bradley Wright, Manager, Wright Cremation & Funeral Services, 1726 Westchester Drive, High Point.

No one spoke in opposition.

Planning & Zoning Commission Action

Zoning Map Amendment

The Commission recommended *approval* of Zoning Map Amendment 19-14, as recommended by staff, by a vote of 6-0.

Consistency & Reasonableness Statements

The Commission voted 6-0 to approve the following statement: That the Zoning Map Amendment is consistent with the City's adopted policy guidance because, the Land Use Plan classifies the property for Office uses, which includes professional, personal and business uses. Furthermore, the request is reasonable because approval of this zoning request only allows an increase in size for personal service uses and enables reuse of an existing building.

**STAFF REPORT
ZONING MAP AMENDMENT ZA-19-14
August 27, 2019**

Request		
Applicant: Larry C. Wright	Owners: Larry C. Wright and Jill Paris Wright 1 st Medcentral Properties, LLC	
Zoning Proposal: To rezone approximately 1.5 acres	From:	OI Office Institutional District TO Transitional Office District
	To:	CZ-LB Conditional Zoning Limited Business District

Site Information	
Location:	The site is located west of Westchester Drive, approximately 600 feet south of Coventry Road (1720 and 1726 Westchester Drive).
Tax Parcel Numbers:	Guilford County Tax Parcels 185856 and 185857
Site Acreage:	Approximately 1.5 acres
Current Land Use:	The site is developed with a 4,300 square-foot structure (funeral home) and a two-story 12,100 square-foot structure (vacant office building).
Physical Characteristics:	The site has a gentle to severely sloping terrain. The steeper terrain lies at the rear or western portion of the property.
Water and Sewer Proximity:	A 12-inch City water and an 8-inch City sanitary sewer line lie directly across from the site in the Westchester Drive right-of-way.
General Drainage and Watershed:	The site drains in an easterly direction, toward Westchester Drive, and is within the Yadkin Pee-Dee (non-water supply) watershed.
Overlay Districts:	None

Adjacent Property Zoning and Current Land Use			
North:	TO	Transitional Office District	Undeveloped parcel
South:	OI	Office Institutional District	Vacant office building
East:	PDM	Planned Unit Development Mixed District	Office use and nursing home/congregate care facility
West:	R-3	Residential Single Family-3 District	Single family dwellings

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.
Land Use Plan Map Classification:	The site has an Office land use designation. This classification includes professional, personal and business service uses.
Land Use Plan Goals, Objectives & Policies:	The following objective of the Land Use Plan is relevant to this request: Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.

	The Land Use Plan also contains a policy about evaluating conditional zoning requests for office and commercial developments bordering residential neighborhoods that also front thoroughfare streets. The intent is to minimize to the extent feasible the intrusive impact of non-residential uses on adjacent neighborhoods.
Relevant Area Plan:	Not applicable
Zoning History:	<u>Zoning Map Amendment 15-06:</u> This 2015 application rezoned the southern portion of the site to the OI District to support the current funeral home use.

Transportation Information			
Adjacent Streets:	Name		Classification
	Westchester Drive		Major Thoroughfare
	Approx. Frontage		
	350 ft.		
Vehicular Access:	Via the existing driveway access points from Westchester Drive		
Traffic Counts: (Average Daily Trips)	Westchester Drive	23,000 ADT (NCDOT 2017 trip count)	
Estimated Trip Generation:	Not applicable		
Traffic Impact Analysis (TIA):	Required		TIA Comments
	<u>Yes</u>	<u>No</u> X	Not applicable

School District Comment
Not applicable to this zoning case.

Details of Proposal

This zoning site is currently developed with a 4,300 square-foot funeral home and a vacant two-story 12,100 square-foot medical office building. The funeral home is owned by the applicant and he is requesting rezoning to facilitate expansion of his facility to include the abutting office building.

The Development Ordinance classifies a funeral home as a personal service use type. Some examples of personal services include day spas, banks, photography studios, funeral homes, mailing or packaging services, and barber & beauty shops. The ordinance divides personal services into two use types:

- 1) Major personal service establishment, a facility with more than 4,000 square feet of gross floor area; and
- 2) Minor personal service establishment, a facility with less than 4,000 square feet of gross floor area.

The current OI and TO zoning districts permits Minor personal service establishments but prohibits Major personal service establishments. The applicant has requested rezoning to the CZ-LB District to permit a Major personal service establishment (facility over 4,000 square feet) to permit a larger funeral home. The requested LB District is the least intensive zoning district that permits this use type. In conjunction with this request, the applicant has submitted a conditional zoning ordinance, in which he has offered to restrict allowable uses to OI District uses and Major personal service uses. Therefore, the only new use allowed is the Major Personal Service.

Staff Analysis

Section 2.4.5.(C) of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below.

Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

The Land Use Plan classifies the property for Office uses, which includes professional, personal and business service uses.

Reasonableness/Public Interest:

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

Approval of this zoning request only allows an increase in size for personal service uses and enables reuse of an existing building.

Compatibility with Surrounding Areas

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
- Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
- Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.

The Land Use Plan has development guidelines for evaluating zoning proposals for office and commercial development bordering residential neighborhoods. These guidelines include the evaluation of the mass, scale and height of proposed uses; topography; neighborhood compatibility; impact on the neighborhood, and the sufficiency of buffering, setback and landscaping.

- 1) As conditioned, the proposed CZ-LB District will only permit uses allowed in the OI District and Major personal services uses.
- 2) The zoning site contains 1.5 acres and has a lot depth of 190 feet. There is sufficient land area to meet required building setbacks and perimeter planting yard standards to provide separation from adjacent residential uses.
- 3) The district has a maximum building height of 50 feet; however, it can be increased up to 80 feet provided additional setback is met.
- 4) The site fronts a 4-lane major thoroughfare and is within 450 feet of a signalized intersection. All access will be from Westchester Drive.

Mitigation of Impacts

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:

Mitigation #1	Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc. <ul style="list-style-type: none">❖ A Minor personal service use is currently operating on the site, all vehicular access will be from Westchester Drive and both parcels have existing paved parking areas.❖ The proposal will allow for a larger personal service use then currently permitted.❖ Standards in the Development Ordinance pertaining to exterior lighting, screening of mechanical equipment/dumpsters and parking lot landscaping will also assist in mitigating impacts to nearby lands.
Mitigation #2	Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat. <p>The site is within the Yadkin Pee-Dee (non-water supply) watershed. If development, grading and site improvements exceeds one acre in area, the stormwater watershed regulations may require stormwater controls to be provided to mitigate runoff.</p>
Mitigation #3	Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire. <p>The site is developed and currently served by City of High Point municipal services. The zoning request will not adversely impact the City's ability to continue to provide services.</p>
Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands. <ul style="list-style-type: none">❖ The only new use allowed by this zoning request will be the Major personal services use type (establishment over 4,000 square feet). The vacant office building currently has a footprint exceeding 4,000 square feet.❖ In the event of new construction or building expansion, the Development Ordinance will require the installation of a landscaping where the site abuts a residential zoning district, perimeter parking lot landscaping and free-standing lighting standards to minimize adverse effects on adjacent properties due to excessive light intensity and glare.

Supportive Changes in the Area

Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

There have been no significant changes in the type or intensity of land development in this area. Adjacent office and medical structures to the north and south of the zoning site were constructed in the 1980s and 1990s and range in size from 2,800 to 58,000 square feet.

Promotes a Preferred Development Pattern

Whether and the extent to which the proposed conditional zoning district will results in development that promotes a logical, preferred, and orderly development pattern.

As conditioned, allowable uses will consist of office and personal service uses, which is consistent with the existing development pattern established along this western segment of the Westchester Drive corridor. Furthermore, the applicant is proposing to renovate the existing vacant office structure which has a gross floor area of approximately 12,100 square feet.

Recommendation

Staff Recommends Approval:

The Planning & Development Department recommends approval of the request to rezone this 1.5-acre area to the CZ-LB District. As conditioned, the requested CZ-LB 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

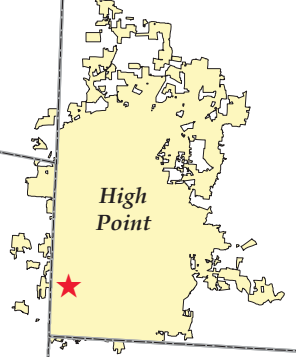
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Development Administrator and Lee Burnette AICP, Director.

LOCATION MAP

ZONING MAP AMENDMENT ZA-19-14

Applicant: Larry Wright

Vicinity Map



Site

City of High Point

WESTCHESTER DR

N MAIN ST

BRENTWOOD ST

BUSINESS I-85

I-74

Guilford County

BAKER RD

S MAIN ST

E FAIRFIELD RD

NC 62

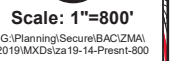
Guilford County

Randolph County

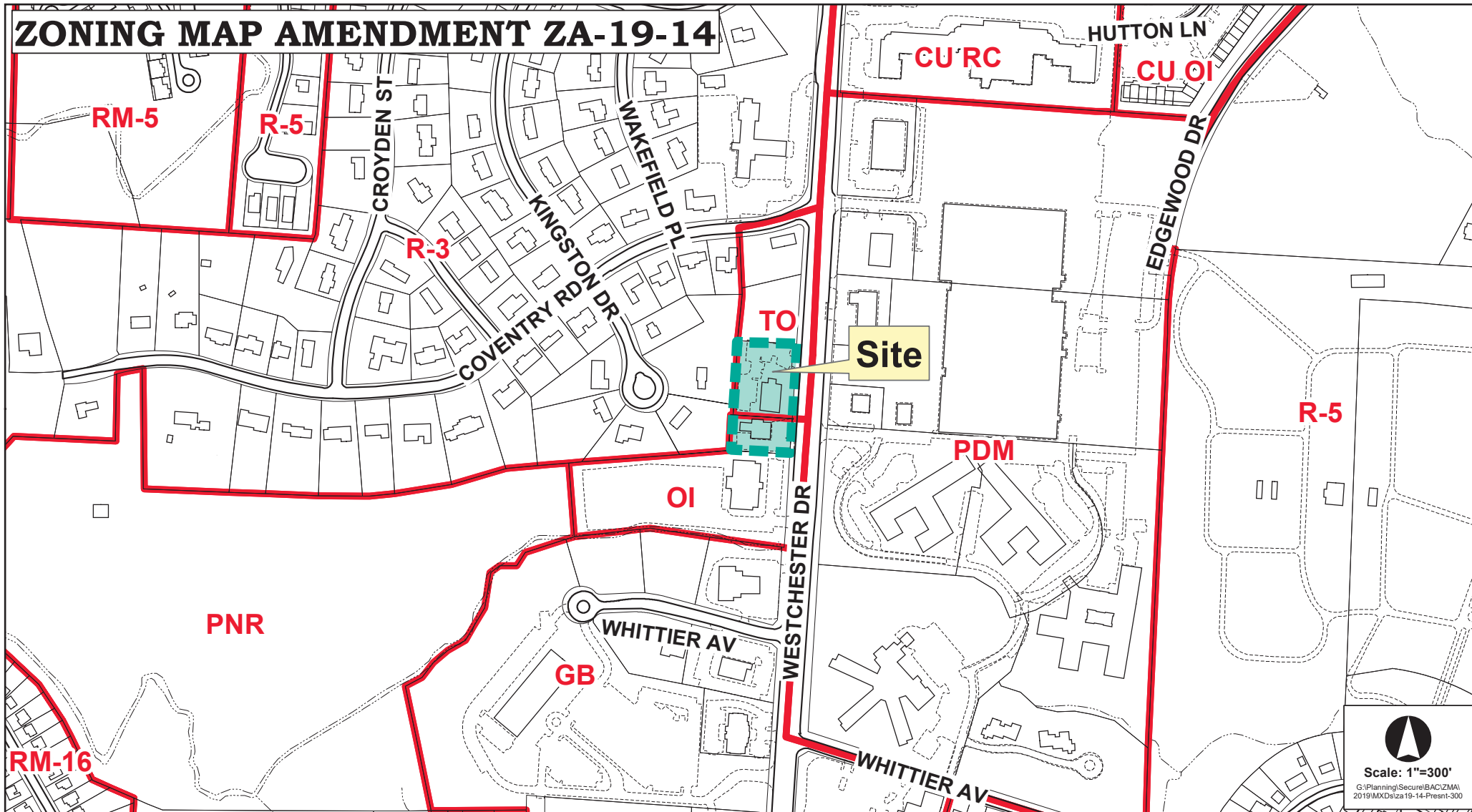
City of Archdale



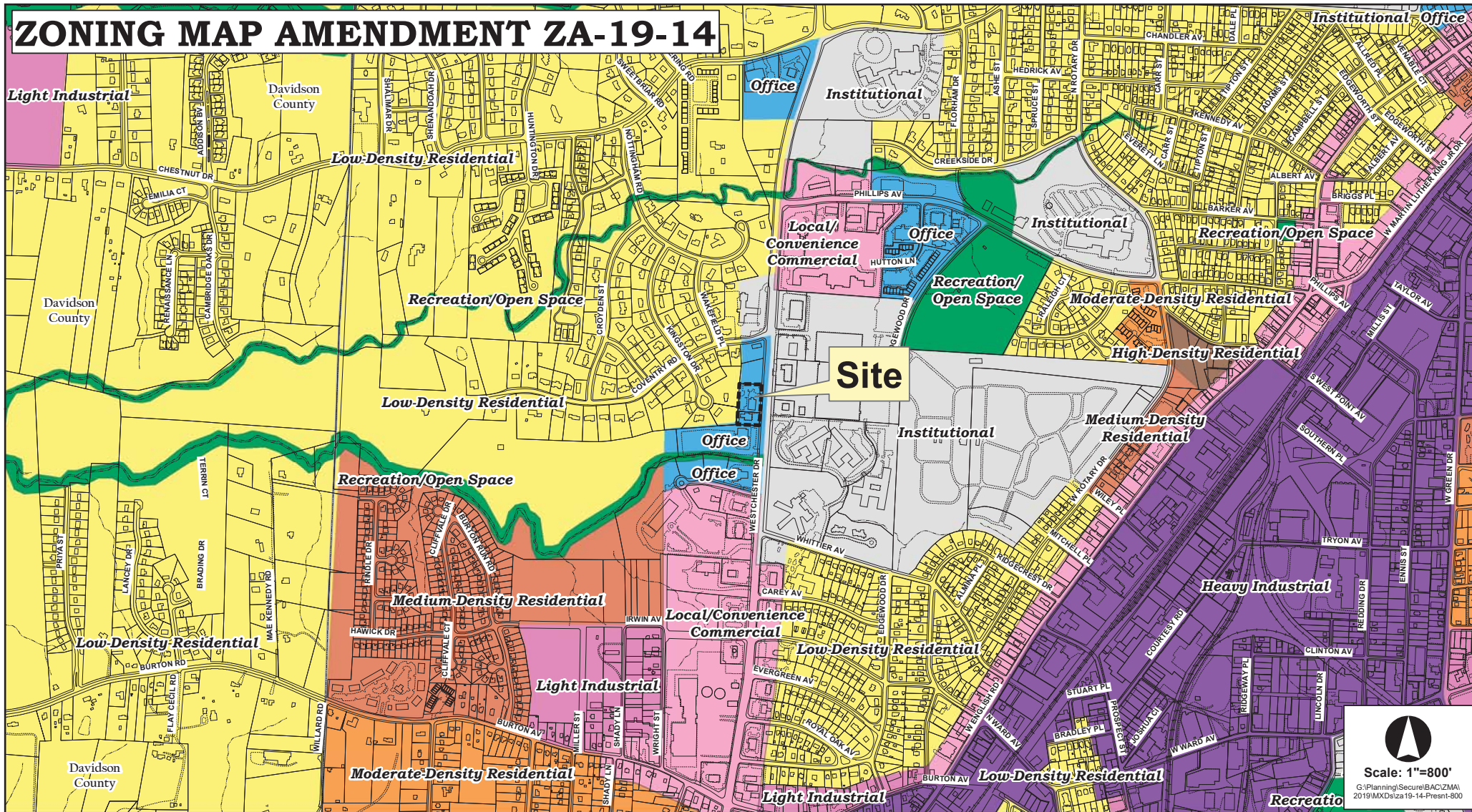
Scale: 1"=3000'
G:\Planning\Secure\BACI\ ZA\2019\za19-14 Present LM

[illegible]

ZONING MAP AMENDMENT ZA-19-14

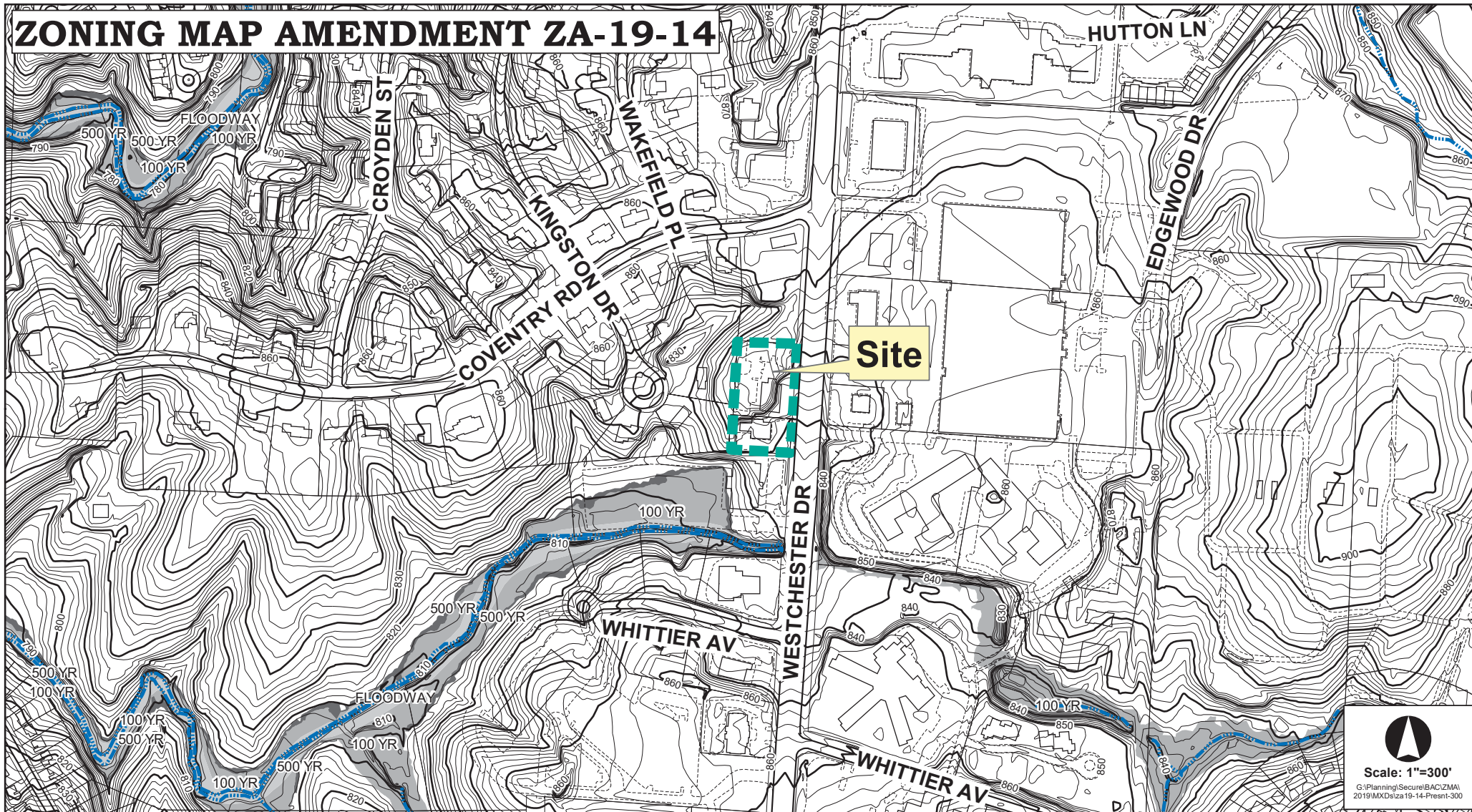



ZONING MAP AMENDMENT ZA-19-14



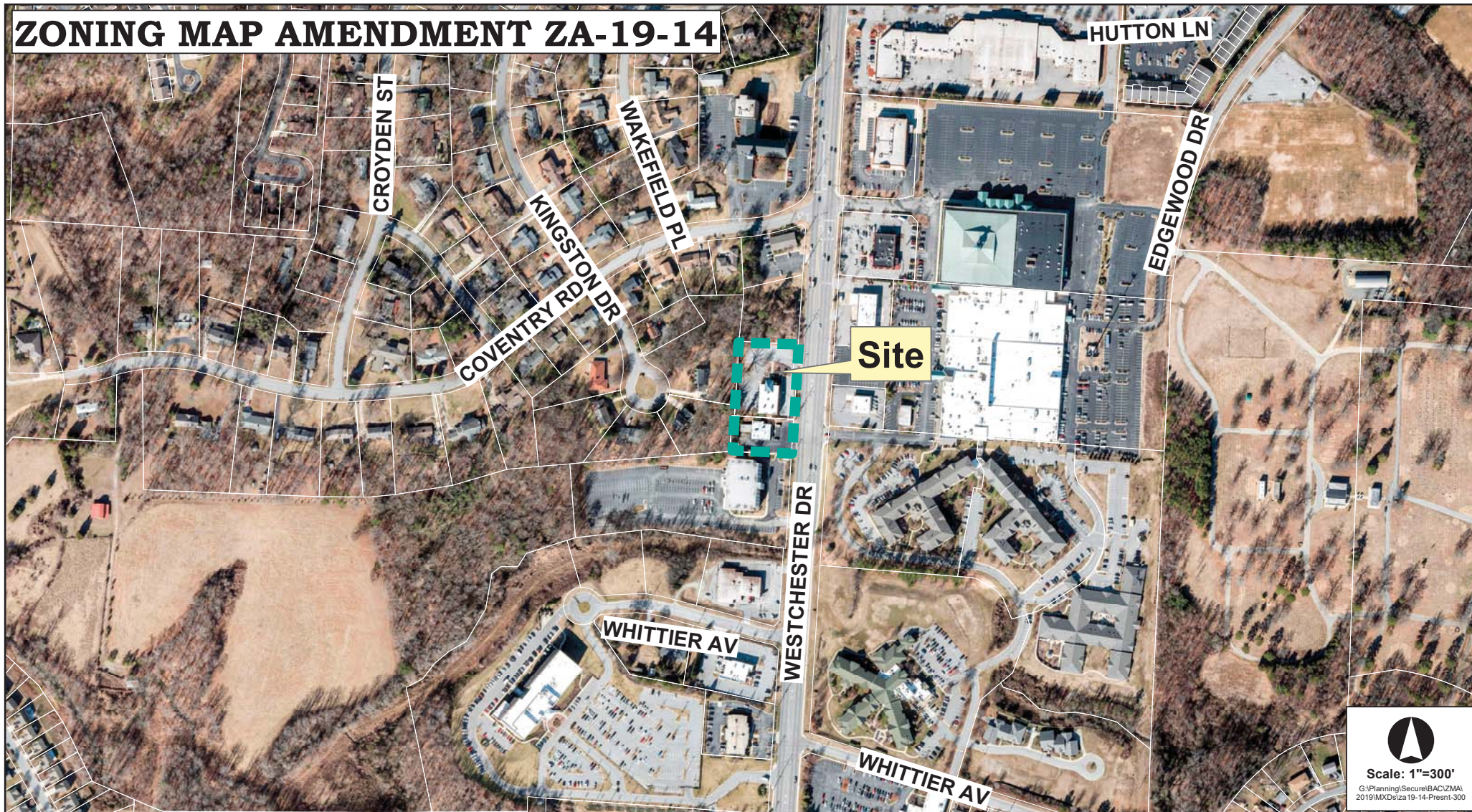
Scale: 1"=800'
 G:\Planning\Secure\BAC\ZMA\ 2019\MX\Za19-14-Present-800

ZONING MAP AMENDMENT ZA-19-14




Scale: 1"=300'
G:\Planning\Secure\BAC\ZMA\2019\MX\Za19-14-Present-300

ZONING MAP AMENDMENT ZA-19-14



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA 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 August 27, 2019 and before the City Council of the City of High Point on September 16, 2019 regarding **Zoning Map Amendment Case 19-14 (ZA-19-14)** 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 August 18, 2019, for the Planning and Zoning Commission public hearing and on September 2, 2019 and September 11, 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 **September 16, 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: **Conditional Zoning Limited Business (CZ-LB) District**. The property is approximately 1.51 acres, lying along the west side of Westchester Drive, approximately 600 feet south of Coventry Road (1720 and 1726 Westchester Drive). The property is also known as Guilford County Tax Parcel 185856 & 185857).

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:**

- a) Any principal use of the Limited Business (LB) District, as listed in the Principal Use Table 4.1.9 of the Development Ordinance, that is also a principal use in the Office Institutional (OI) District (use must be principal use in both districts).
- b) All principal uses authorized under the “Personal Service, Major & Minor” Use Type (Commercial Use Category) as listed in Principal Use Table 4.1.9 of the Development Ordinance.

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 that are 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.

Adopted by the City Council
City of High Point, North Carolina
The 16th day of September, 2019

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Map Amendment 19-14

Submitted by: Larry C. Wright



WRIGHT

Cremation & Funeral Service

Larry C. Wright
Owner/Funeral Director

Bradley E. Wright, CFSP
Manager/Funeral Director

1726 Westchester Drive, High Point, NC 27262 336-882-0022 www.wrightcremationandfuneral.com

High Point City Planning and Zoning

This is to inform the committee that Bradley E. Wright (manager) will be my representative at the committee meeting on August 27, 2019. He will be there to answer questions you may have.

Larry C. Wright
Owner



Bradley E. Wright

WRIGHT

Funerals ♦ Cremations

1726 Westchester Dr.
High Point, NC 27262

336-882-0022

Locally Family Owned



"Locally Family Owned"



WRIGHT

Cremation & Funeral Service

Larry C. Wright
Owner/Funeral Director

Bradley E. Wright, CFSP
Manager/Funeral Director

1726 Westchester Drive, High Point, NC 27262 336-882-0022 www.wrightcremationandfuneral.com

Meeting Recap

July 23, 2019

To: City of High Point, North Carolina
Planning and Development Department

From: Larry C. Wright
Owner of Wright Funerals-Cremations

Re: Rezoning Case ZA 19-14
Citizens Information Meeting, July 17, 2019, 5:00 PM - 6:00 PM

Larry C. Wright and Bradley E. Wright conducted a Citizens' Information Meeting in support of Rezoning Case ZA 19-14. The meeting was held at Wright Funerals-Cremations, 1726 Westchester Drive, High Point, NC. Letters of invitation were mailed to twenty residents on July 11, 2019 (letter attached). The application is for Rezone Case ZA 19-14 which includes the rezoning from office institution and transitional office TO conditional zoning limited business, at 1720 and 1726 Westchester Drive, which will be additional existing funeral home.

No one attended the meeting. The only response was from Nick Vakakis owner of Rainbow Restaurant, he said he was happy for us and was glad to see new business on this side of Westchester.

A copy of the Sign In Sheet for this case is also attached.

Larry C. Wright
Owner Wright Funerals-Cremations

"Locally Family Owned"



WRIGHT

Cremation & Funeral Service

Larry C. Wright
Owner/Funeral Director

Bradley E. Wright, CFSP
Manager/Funeral Director

1726 Westchester Drive, High Point, NC 27262 336-882-0022 www.wrightcremationandfuneral.com

July 11, 2019

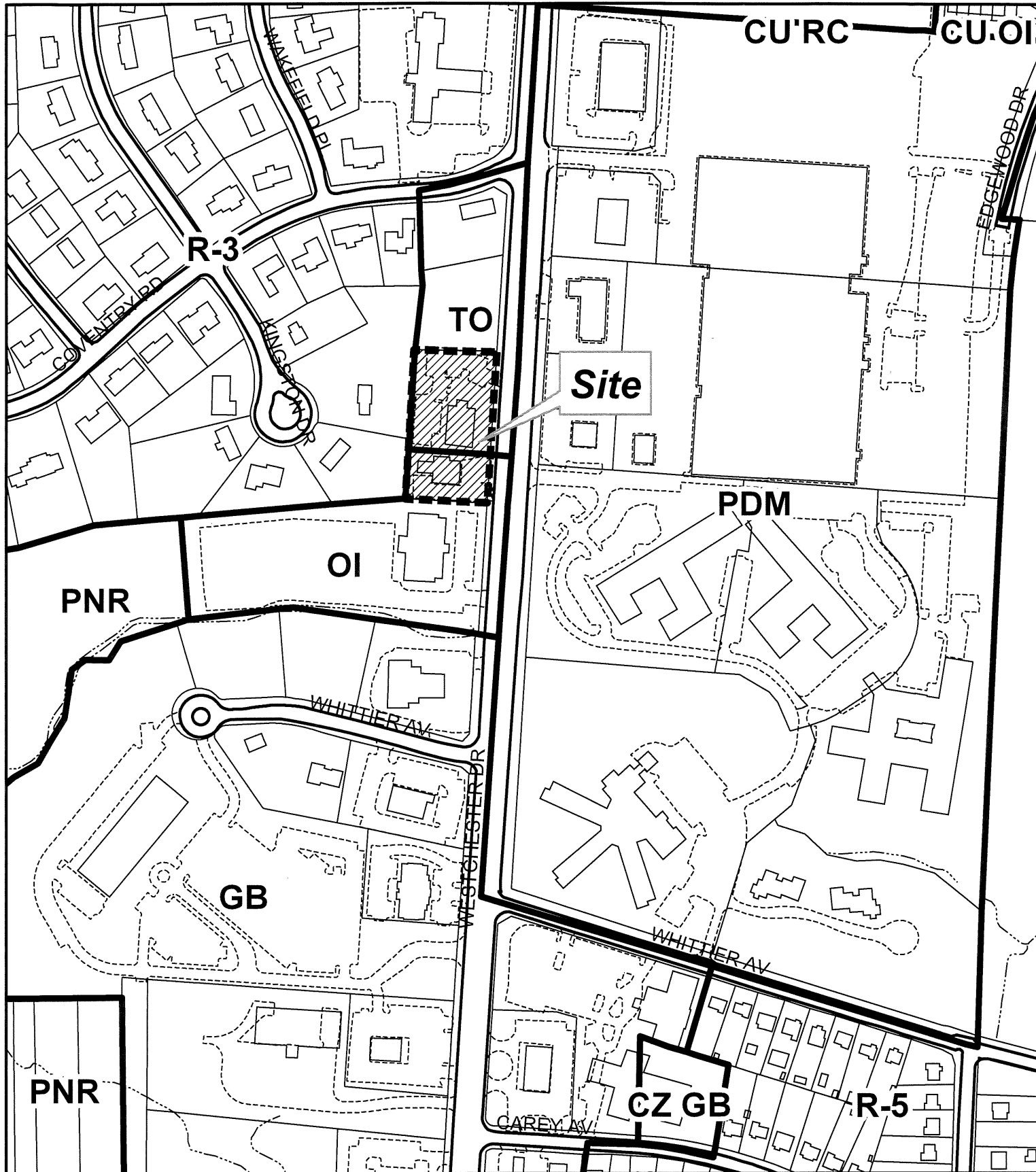
Dear Neighbor,

I have submitted a request to rezone property at 1720 & 1726 Westchester Drive from office institutional (OI) and transitional office (TO) to conditional zoning limited business (CZ-LB), in order to allow a personal service use and office use plan, expanding existing funeral business with a chapel at this location. Per requirements of the city of High Point Development Ordinance, I am sending you this letter to invite you to a Citizen Information Meeting to provide an overview of my application, to gain your input and address any questions you may have. The Citizens Information Meeting will take place from 5:00 PM until 6:00 PM Wednesday, July 17, 2019, at 1726 Westchester Drive. If you have any questions, please feel free to give me a call at 336-689-1595.

Sincerely,

Larry C. Wright

"Locally Family Owned"



ZONING MAP AMENDMENT ZA-19-

From:
To:

Existing Zoning Boundary
Subject Property Boundary



Planning & Development
Department

City of High Point



Scale: 1"=300'
G:\Planning\Secure\BAC\ZMA\2019\MXDs\za19-

Sign-in Sheet

Citizens Information Meeting

July 17, 2019

Wright Funerals-Cremations

1720 & 1726 Westchester Drive

Rezoning

Name

Address

No one Attended

