

CITY OF HIGH POINT

AGENDA ITEM



Title: **Zoning Map Amendment 20-12**
(*High Point Investment Holdings, LLC and Dennis Bunker et al*)

From: Lee Burnette, Planning & Development
Director

Meeting Date: July 20, 2020

Public Hearing: Yes

Advertising Date: July 8, 2020, and
July 15, 2020

Attachments: A. ☐ Staff Report
B. ☐ Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by High Point Investment Holdings, LLC and Dennis Bunker et al to rezone approximately 7.9 acres from the Conditional Zoning Residential Multifamily-16 (CZ RM-16) District to an amended Conditional Zoning Residential Multifamily-16 (CZ RM-16) District. The site is located east of NC 66 and north of Thomas Street.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their June 23, 2020 regular meeting and took final action when the meeting was reconvened on June 25, 2020. On the date of final action, all members of the Commission were present except for Mr. Thad Juszczak. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

The applicant's representative, Ms. Judy Stalder, 665 N. Main Street, High Point, was in attendance remotely. Ms. Stalder spoke in favor of the request.

There were no public comments received in regard to the request.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. ☐ Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. ☐ Planning and Zoning Commission Action

1. ☐ The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 7-0.

2. ☐ Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 7-0 to approve the following statement:

That Zoning Map Amendment 20-12 is consistent with the City's adopted policy guidance because the Land Use Plan designates this area as Medium Density Residential, which supports a variety of residential use types at densities up to 16 units per acre. Furthermore, the request is reasonable and in the public interest because the amendment only adjusts the timing of the transportation improvements in conjunction with modifications to tract boundaries and does not change any previously required improvements.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-20-12
June 23, 2020**

Request	
Applicant: High Point Investment Holdings, LLC and Dennis Bunker et al	Owners: Dennis N. Bunker, KMBunker Holdings LLC, Equity Trust Company Custodian FBO
Zoning Proposal: To amend the conditional zoning on approximately 7.9 acres	From: CZ RM-16 Conditional Zoning Residential Multifamily -16 District
	To: CZ RM-16 Conditional Zoning Residential Multifamily -16 District

Site Information	
Location:	The site is located east of NC 66 and north of Thomas Street.
Tax Parcel Number:	Forsyth County Tax Parcels 6882-78-1725.00, 6882-68-9726.00, 6882-78-4954.00 and 6882-69-9041.00
Site Acreage:	Approximately 7.9 acres
Current Land Use:	Two single family detached dwellings and undeveloped parcels.
Physical Characteristics:	The NC 66 frontage and Thomas Street frontage of the site have been previously cleared and developed with single family dwellings. The rear of the site is heavily wooded.
Water and Sewer Proximity:	A 12-inch City water line lies adjacent to the site along NC 66 Highway. A 12-inch City sewer line lies approximately 1,100 feet east of the site within the Rich Fork Creek stream corridor.
General Drainage and Watershed:	The site drains in an easterly direction and is within the Yadkin Pee-Dee (non-water supply) watershed. Based upon the acreage and allowable development intensity, stormwater controls are required.
Overlay District:	None

Adjacent Property Zoning and Current Land Use			
North	RS-20	Residential Single Family-20 District (Forsyth County)	Single family dwelling
South	RS-20	Residential Single Family-20 District (Forsyth County)	Single family dwellings
East	RS-20	Residential Single Family-20 District (Forsyth County)	Undeveloped parcel
West	RS-20 GI-S	Residential Single Family-20 District General Industrial – Special Use (Both in Forsyth County)	Single family dwelling and quarry

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	<u>Obj. 5E</u> : Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access.
Land Use Plan Map Classification:	The site has a Medium-Density Residential land use designation. This classification includes a variety of attached dwellings, generally including higher density townhouses and less land-intensive multi-family housing such as garden apartments. Development densities shall range from eight to sixteen dwellings units per gross acre.
Land Use Plan Goals, Objectives & Policies:	The following goals and objective of the Land Use Plan are relevant to this request: Goal #3: Provide a wide range of housing opportunities for families of all income levels.
Relevant Area Plan: <i>Northwest Area Plan</i>	<u>Goal 2</u> : Achieve high quality development in the built environment. Objective 2d: Provide for residential development at a variety of densities and affordability levels.
Zoning History:	<u>Rich Fork Heights Subdivision</u> In 2018, this site was annexed, granted a CZ RM-16 District zoning and incorporated into the Rich Fork Heights subdivision as part of Zoning Map Amendment 18-19 (ZA-18-19).

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Thomas Road NC 66		Local Street Major Thoroughfare	480 ft. 425 ft.
Vehicular Access:	NC 66 and Thomas Road			
Traffic Counts: (Average Daily Trips)	N. Main Street NC66		4,400 AADT (NCDOT 2017 Traffic Counts) 6,000 AADT (NCDOT 2017 Traffic Counts)	
Estimated Trip Generation:	At buildout (600 dwelling units) the development is estimated to generate approximately 4,146 daily trips with approximately 366 PM peak hour trips.			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	Yes	No X	The previous TIA from 2018 is still applicable and a new study is not required at this time.	
Conditions:	Transportation-related conditions from the 2018 zoning approval are being carried forward in this amended request. The following conditions are proposed to be added to Section II.3.C (Transportation Improvements) of the Conditional Zoning Ordinance are to clarify the installation of road improvements in conjunction with the development of various tracts. c. <input type="checkbox"/> <u>Monteray Circle Improvements:</u> Monteray Circle shall be extended from the end of the existing ribbon paved street to the property boundary to serve the development and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tracts A, B, or C. d. <input type="checkbox"/> <u>Beechnut Drive (segment north of Monteray Circle) Improvements:</u> If access to Beechnut Drive to serve the development is taken, Beechnut Drive shall be extended from the existing ribbon paved street to Thomas Street along			

	<p>the property frontage of Beechnut Drive and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tracts C or D.</p> <p>e. <input type="checkbox"/> <u>Thomas Road (segment east of Delray Avenue) Improvements:</u> If access to Thomas Road to serve the development is taken east of the intersection of Delray Avenue and Thomas Street, Thomas Street shall be extended from the existing ribbon paved street to the property boundary and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tract C or D.</p> <p>f. <input type="checkbox"/> <u>Thomas Road (segment west of Delray Avenue) Improvements:</u> Thomas Road shall be improved along the property frontage of Thomas Road and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tract D.</p>
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School District Comment

Not applicable, the requested amendment does not change allowable residential use types or the allowable number of residential dwellings.

Details of Proposal

This Zoning Map Amendment proposes to amend two conditions of a 2018 zoning request (ZA-18-18 and ZA-18-19) to develop a previously approved 600-unit mixed residential development on this 7.9-acre site and an adjacent 65.1-acre site. The 2018 submittal was prepared by the property owner in preparation to market the site to potential residential developers. A development firm has purchased the southern 42 acres to develop a portion of the single-family detached dwellings. However, they desire to phase the development in a manner that requires the previously identified tract boundaries to be modified; which in turn impacts conditions pertaining to the timing of street improvements.

The previously approved Conditional Zoning Ordinance included a map identifying the locations of Tracts A, B, C and D of the development. The previously considered amendment, ZA-20-11, proposes to adjust the tract boundaries in a manner that will revise the configuration of Tract A, increase the area of Tract B, and decrease the area associated with Tract C. No changes are proposed to the 7.9 acres associated with Tract D, which encompasses this zoning site. The applicant has submitted an amended Conditional Zoning Sketch Plan that adjusts these tract boundaries and amends the transportation improvement conditions to adjust what street connections and improvements are to be completed in conjunction with the development of each tract. This request does not change the type or overall number of residential dwelling units that can be developed, and all other previously adopted zoning conditions will be carried over into the amended ordinance. Only boundaries of the tracts and the associated timing of transportation improvements would change.

Staff Analysis

Section 2.4.6.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 designates this area as Medium Density Residential, which supports a variety of residential use types at densities up to 16 units per acre.

Reasonableness/Public Interest:

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

The requested amendment only adjusts the timing of transportation improvements in conjunction with modifications to tract boundaries and does not change any previously required improvements .

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 requested amendment does not change compatibility findings from the previous zoning approval. There is no change as to types of residential uses permitted within the Tract D and no change to maximum number of residential dwellings permitted.

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.
	The amendment adjusts the timing of road improvements and no changes are proposed for Tract D.
Mitigation #2	Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.
	The requested amendment does not change previously approved environmental findings from the initial zoning approval. All environmental and stormwater control standards of the Development Ordinance are still required to be met.

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.
	Impacts to public streets from this development will still be mitigated. Along with the proposed clarification to the timing of street improvements in the abutting rural subdivision, all street improvements recommended from the 2018 TIA and the previously approved transportation conditions are being carried forward in this amended request.
Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.
	The requested amendment will not adversely affect adjacent lands as no changes are proposed to the allowable uses or to the configuration of Tract D.

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.

Except for the extension of City of High Point water and sewer lines to this area in early 2015, there have been no significant changes in this area from when the site was originally annexed and granted residential zoning in 2018.

Promotes a Preferred Development Pattern

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

The adopted Land Use Plan supports residential development at a density up to 16 units per acre for this area. There have been no substantial changes in initial findings or uses to establish the CZ RM-16 District on the site.

Recommendation

Staff Recommends Approval:

The requested amendments adjust the timing of transportation improvements to the modifications in tract development. The Planning and Development Department recommends approval of this request.

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.

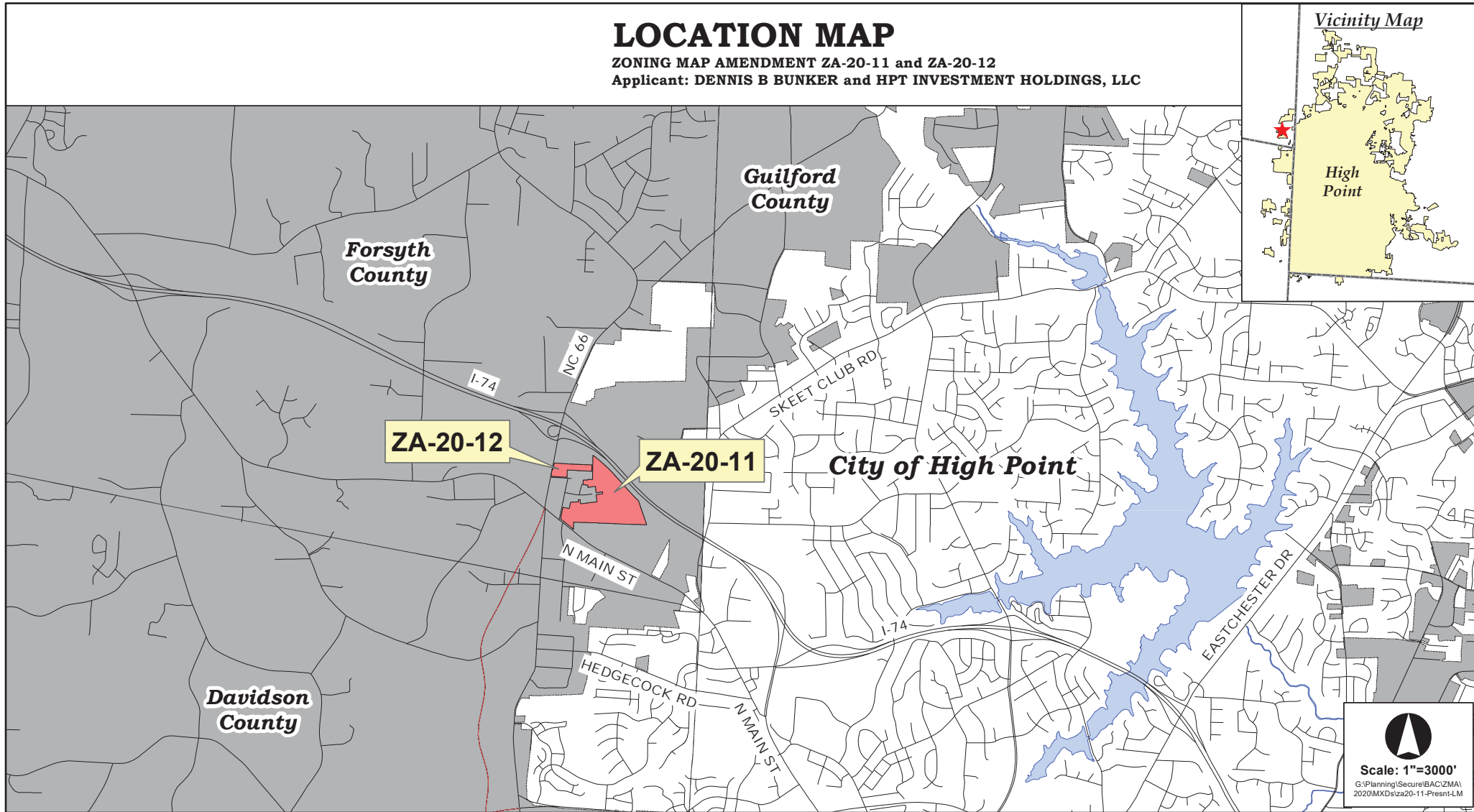
LOCATION MAP

ZONING MAP AMENDMENT ZA-20-11 and ZA-20-12

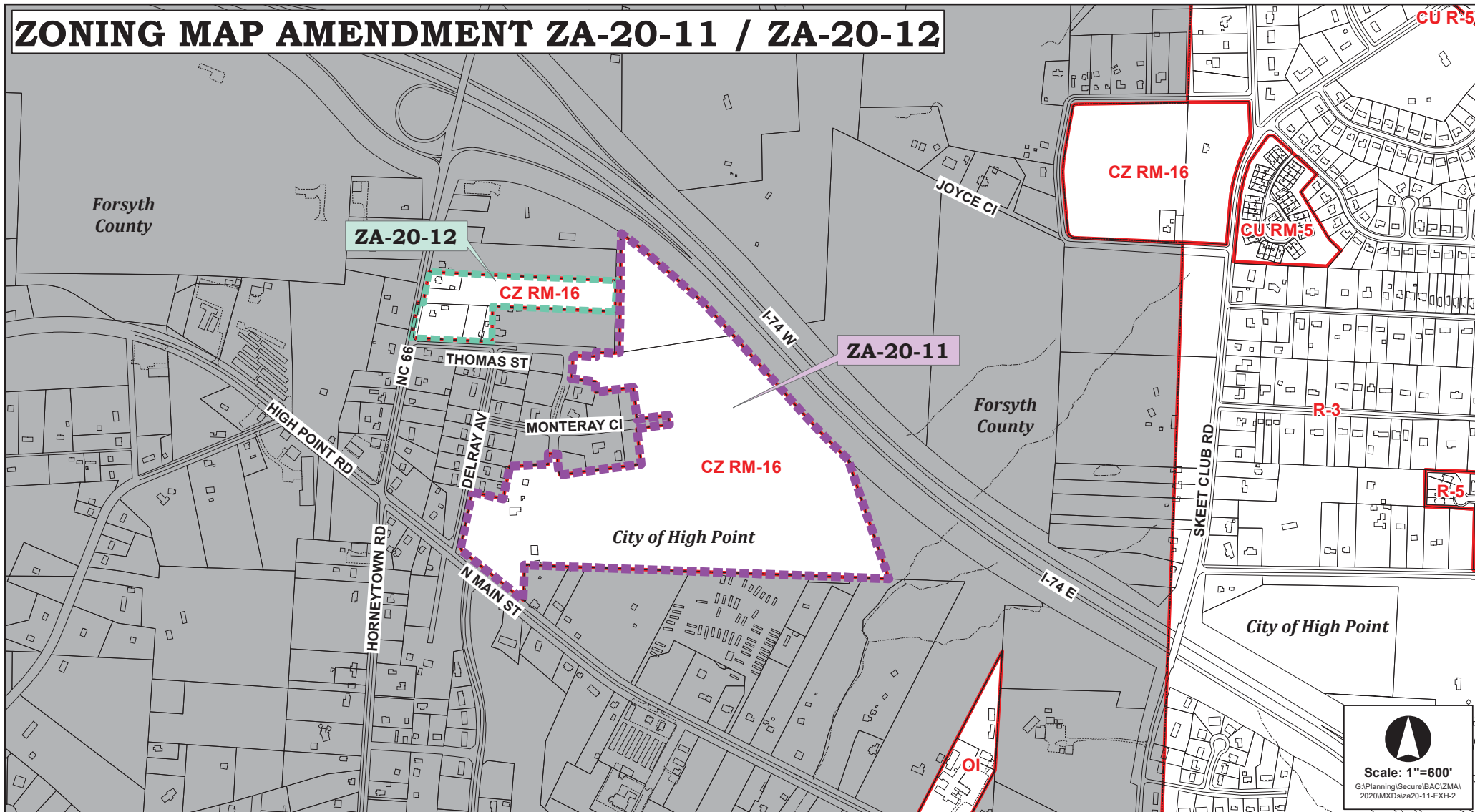
Applicant: DENNIS B BUNKER and HPT INVESTMENT HOLDINGS, LLC

Vicinity Map

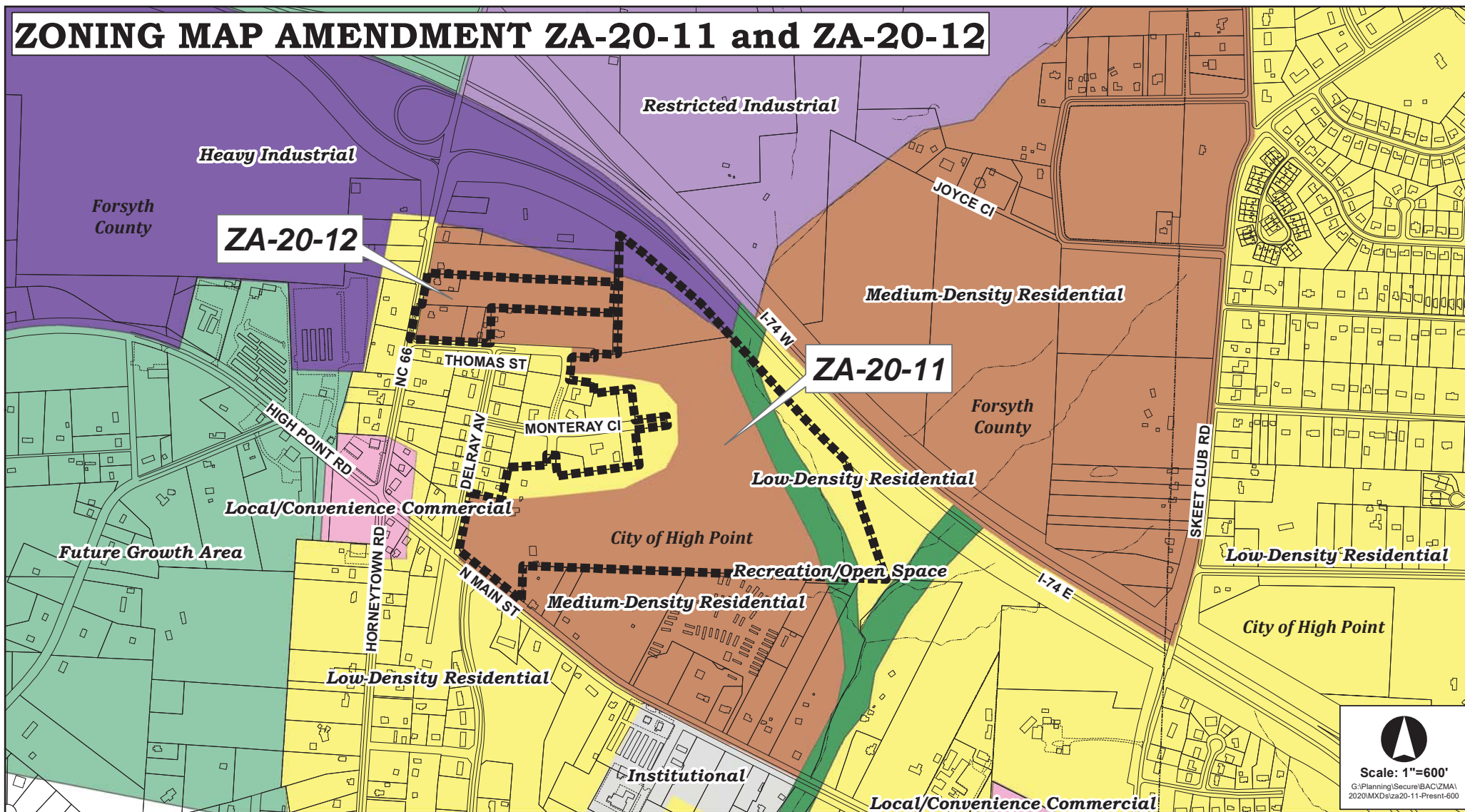
High Point




ZONING MAP AMENDMENT ZA-20-11 / ZA-20-12

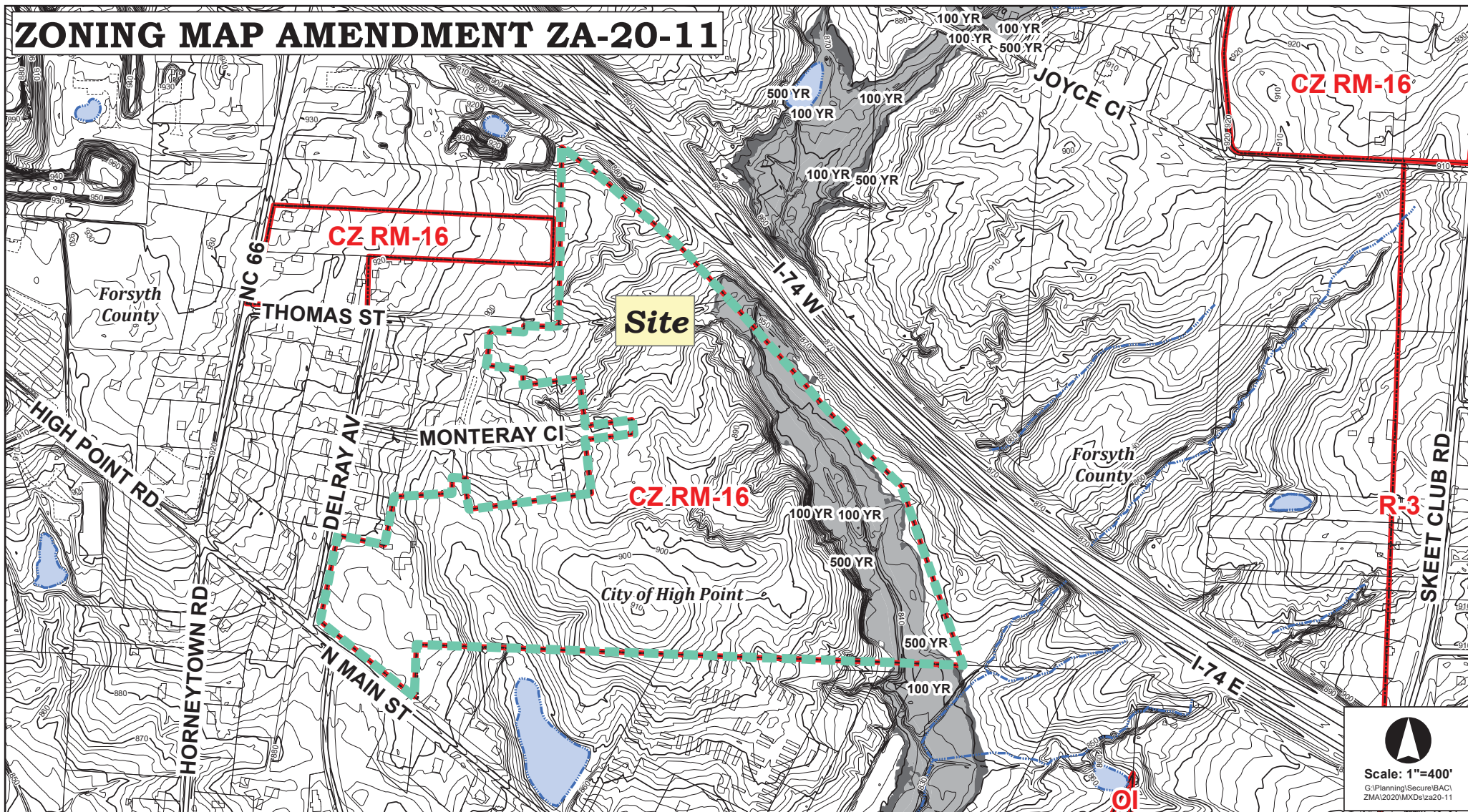


ZONING MAP AMENDMENT ZA-20-11 and ZA-20-12




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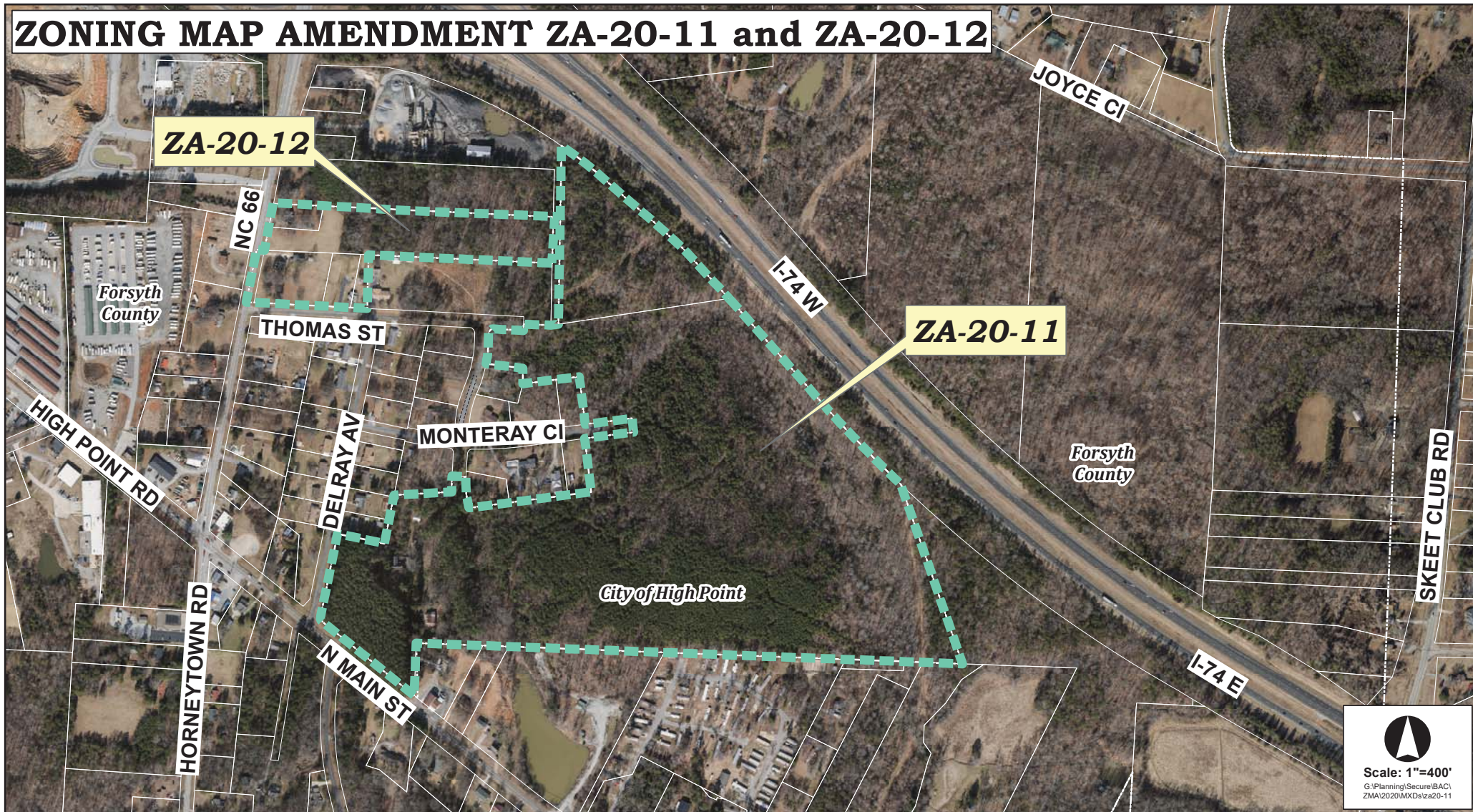
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ZONING MAP AMENDMENT ZA-20-11 and ZA-20-12

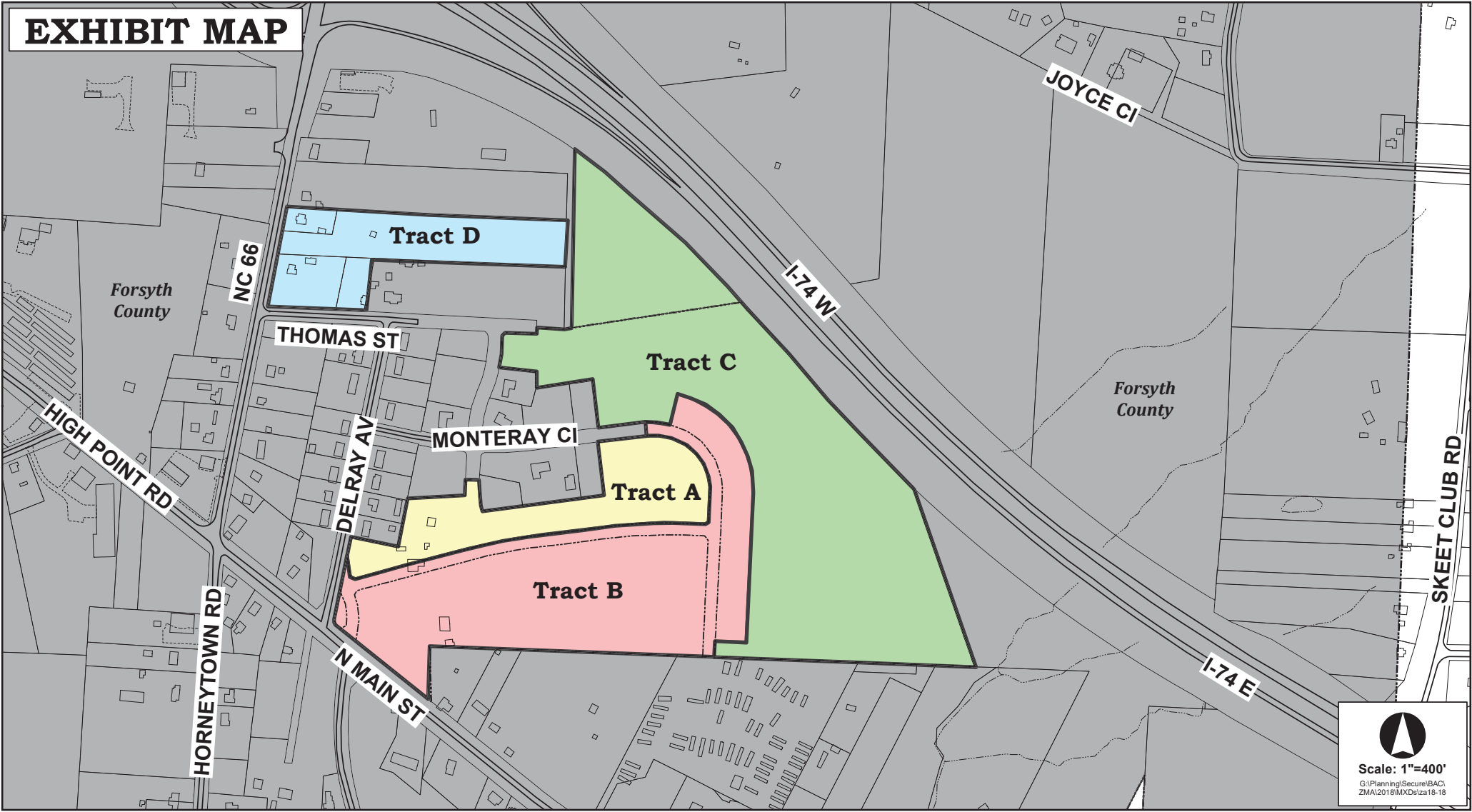
ZA-20-12

ZA-20-11



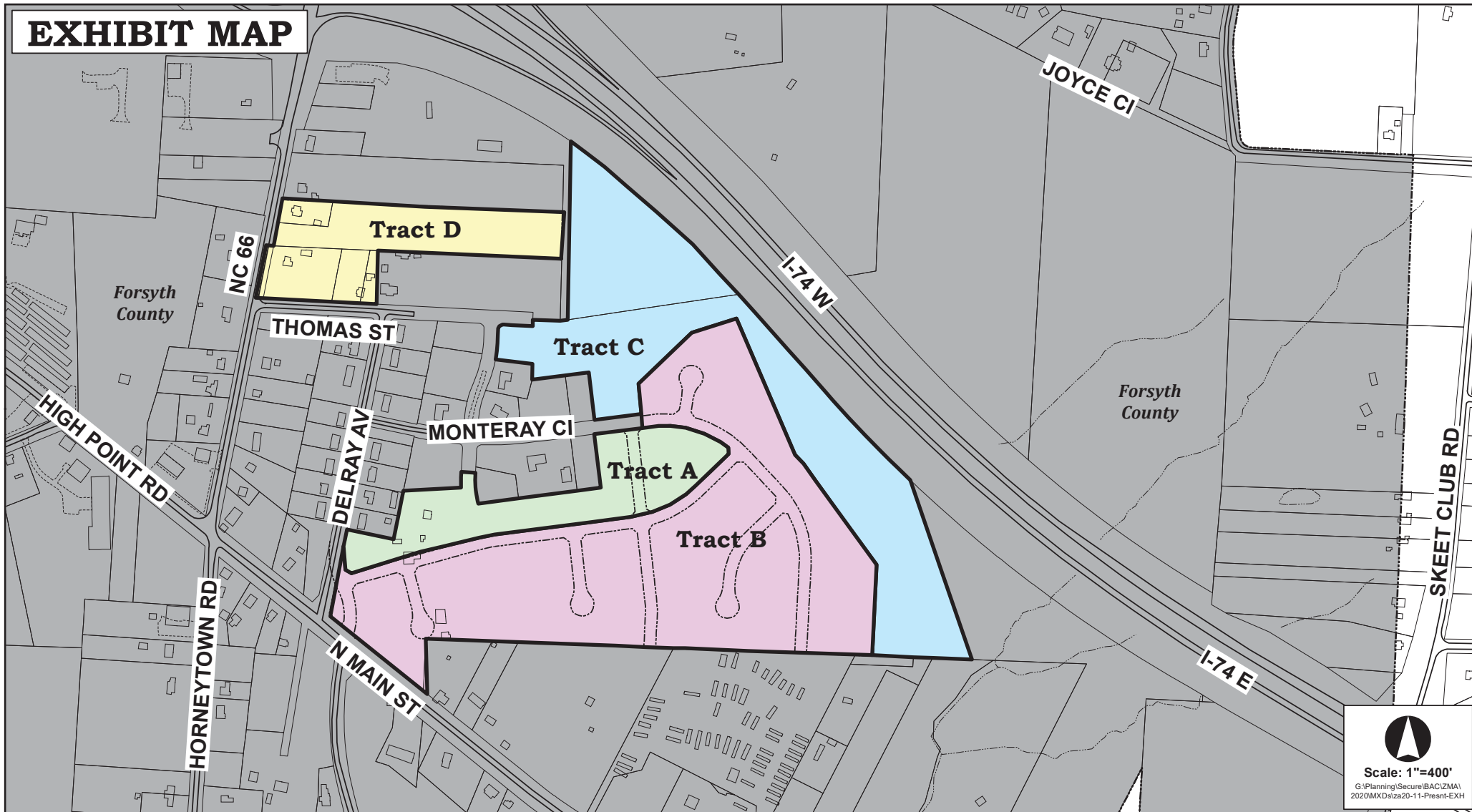
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Current Tract Boundary Plan (under ZA-18-18 & 18-19)



Proposed New Tract Boundary Plan (under ZA-20-11 & 20-12)

EXHIBIT MAP



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, 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 June 23, 2020 and before the City Council of the City of High Point on July 20, 2020 regarding **Zoning Map Amendment Case 20-11 and Zoning Map Amendment Case 20-12 (ZA-20-11 and ZA-20-12)** 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 June 14, 2020, for the Planning and Zoning Commission public hearing and on July 8, 2020 and July 15, 2020, 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 July 20, 2020.

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 Multifamily -16 (CZ RM-16) District.** The property is approximately 73 acres and lying to the northeast of the intersection of N. Main Street & Delray Avenue, east of Monteray Circle, east of Beechnut Drive, north of Thomas Road and east of NC 66. The property is also known as Forsyth County Tax Parcels 6882-88-2913.00; 6882-78-1754.00; 6682-68-9756.00; 6882-78-4954.00; and 6882-69-9041.00.

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:

Tract A: Only Single Family Detached dwellings and Single Family Attached dwellings, as allowed in the Residential Single Family-7 (R-7) District, and their customary accessory uses shall be permitted. Development shall be subject to the development and dimensional requirements of the R-7 District, Residential Use Standards (Section 4.3.2) of the Development Ordinance, and the specific conditions listed in this Ordinance.

Tract B: Any uses allowed in the Residential Multifamily - 16 (RM-16) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance. This tract shall be limited to a maximum density of 8 dwelling units per acre.

Tract C: Any uses allowed in the Residential Multifamily - 16 (RM-16) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Tract D: Any uses allowed in the Residential Multifamily - 16 (RM-16) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. ☐ CONDITIONS:

A. Development, Dimensional and Density Requirements.

1) Density:

(a). ☐ A maximum of 600 dwelling units shall be permitted.

(b). ☐ A new Traffic Impact Analysis (TIA) shall be required to be submitted and approved by the City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) in order to allow more than 200 single family detached and/or Twin Home dwelling units. All improvements required by the updated TIA, City of High Point Director of Transportation and NCDOT shall be required to be installed prior to exceeding this 200-unit limit.

(c). ☐ Tract B: This tract shall be limited to a maximum density of 8 dwelling units per acre.

B. Sketch Plan: The purpose of the sketch plan is to illustrate the boundary of Tracts A, B, C and D as referred to in this ordinance.

C. Transportation Conditions.

1. Right-of-Way Dedication: The property owner shall dedicate a maximum of fifty (50) feet of right-of-way, as measured from the existing centerline of NC 66, along the entire frontage of the zoning site. This dedication shall be required prior to the development of any portion of Tract D.

2. Access

a. One (1) point of access will be allowed to N. Main Street at the realignment of Delray Avenue with Cedarwood Trail.

b. One (1) point of access will be allowed to NC 66 subject to approval of NCDOT.

- c. One (1) point of access will be allowed to NC 66 at Thomas Road.
- d. Internal:
 - i. Two (2) access points will be allowed to Thomas Road between NC 66 and Delray Avenue.
 - ii. One (1) point of access will be allowed to either Thomas Road extension **(segment lying east of Delray Avenue)** or to the north end of existing Beechnut Drive.
 - iii. One (1) point of access will be allowed to Monterey Circle extension.
 - iv. The developer shall provide two (2) public street stubs from Tracts B and/or C to the site's southern boundary.
 - v. No connection will be required to the southern terminus of Beechnut Drive at Tract A.
 - vi. One (1) point of access to Delray Avenue.

3. **Improvements**

- a. The property owner shall realign Delray Avenue with Cedarwood Trail at N. Main Street and shall construct an eastbound left turn lane on N. Main Street. These improvements shall be installed concurrent with any development on Tracts A or B.
- b. The property owner shall construct a southbound left turn lane on NC 66 at site access or at Thomas Road if proposed access to NC 66 is not approved by NCDOT. This improvement shall be installed concurrent with any development on Tracts C or D.
- c. **Monterey Circle Improvements:** ~~Improvements to extend or to access existing streets (Monterey Circle, Thomas Road, and/or Beechnut Drive) to serve the development shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tracts A, B, or C.~~
Monterey Circle shall be extended from the end of the existing ribbon paved street to the property boundary to serve the development and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tracts A, B, or C.
- d. **Beechnut Drive (segment north of Monterey Circle) Improvements:**
If access to Beechnut Drive to serve the development is taken, Beechnut Drive shall be extended from the existing ribbon paved street to Thomas Street along the property frontage of Beechnut Drive and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tracts C or D.

- e. **Thomas Road (segment east of Delray Avenue) Improvements:**
If access to Thomas Road to serve the development is taken east of the intersection of Delray Avenue and Thomas Street, Thomas Street shall be extended from the existing ribbon paved street to the property boundary and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tract C or D.
 - f. **Thomas Road (segment west of Delray Avenue) Improvements:**
Thomas Road shall be improved along the property frontage of Thomas Road and shall be constructed to either NCDOT or City standards. These improvements shall be installed concurrent with any development on Tract D.
 - g. Streets internal to the development shall be constructed to City standards.
4. **Other Transportation Conditions**
The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) shall approve all transportation 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 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.

XXth day of xxxxxxxxxxxx, 2020.

Lisa B. Vierling, City Clerk

**Citizens Information Meeting Report
Zoning Map Amendment 20-11 & 20-12**

Citizen Information Meeting Report

Rich Fork Subdivision

Zoning Case ZA-20-11

Although a formal Citizen Information Meeting was not scheduled, a letter explaining the zoning amendment, dated June 3, 2020, was sent by US Mail to addresses supplied by the City of High Point Planning and Development Department. The mailing included maps showing the current zoning tract configuration and the proposed changes. A copy of the letter and a list of addressees is attached. The same information was emailed to those neighbors that have attended past Citizen Information meetings.

Margot Moore formerly of 202 Beechnut Drive responded to the email to let us know she no longer lives in the area.

Ron and Sarah Martin of 118 Delray Avenue telephones and requested a meeting. Judy Stalder met with the Martins on Friday, June 12 at their property. A site map was provided with Martin property highlighted and Ms. Stalder walked the property boundaries with the Martins. Because the Martins do not have internet capabilities, Ms. Stalder offered to provide a laptop for the Planning and Zoning Commission meeting.

Submitted by Judy Stalder

The Stalder Group LLC PO Box 5581 High Point NC 27262
336.688.2204 jstalder@northstate.net

June 3, 2020

Dear Neighbor,

This letter is to notify you of an amendment to the rezoning request for the Rich Fork Subdivision, currently under development at the northeast corner of North Main Street and Delray Avenue. A public hearing will be held on June 23 at 6:00 pm. You will receive an official notice from the City of High Point. Unfortunately, due to constraints of Covid19, we are unable to convene a Neighborhood Information Meeting. However, we want to provide you with information about our request and contact information for your questions and comments.

As you know, this property was rezoned to allow single family detached homes, twin homes, town homes and apartments on designated tracts. Please review the description of the tracts below.

Tract A: This is the property adjacent to most of the existing single family homes. The property will be developed with single family or twin family homes in accordance with the current R-7 district. If twin homes are built, there will be a planted buffer installed along the boundary adjacent to existing homes.

Tract B: This area may be developed with single family, twin homes and/or townhomes at a density of no more than 8 units per acre.

Tract C and D: These tracts may be developed with multifamily residences. A planted buffer will be installed along the property line adjacent to existing residential properties.

PROPOSED CHANGES

1. Please refer to the enclosed Tract Maps (Current and Proposed). We are requesting Tract B be expanded in size and Tract C to be reduced in size. The change increases the area that allows single family homes and decreases the area where apartments can be built.

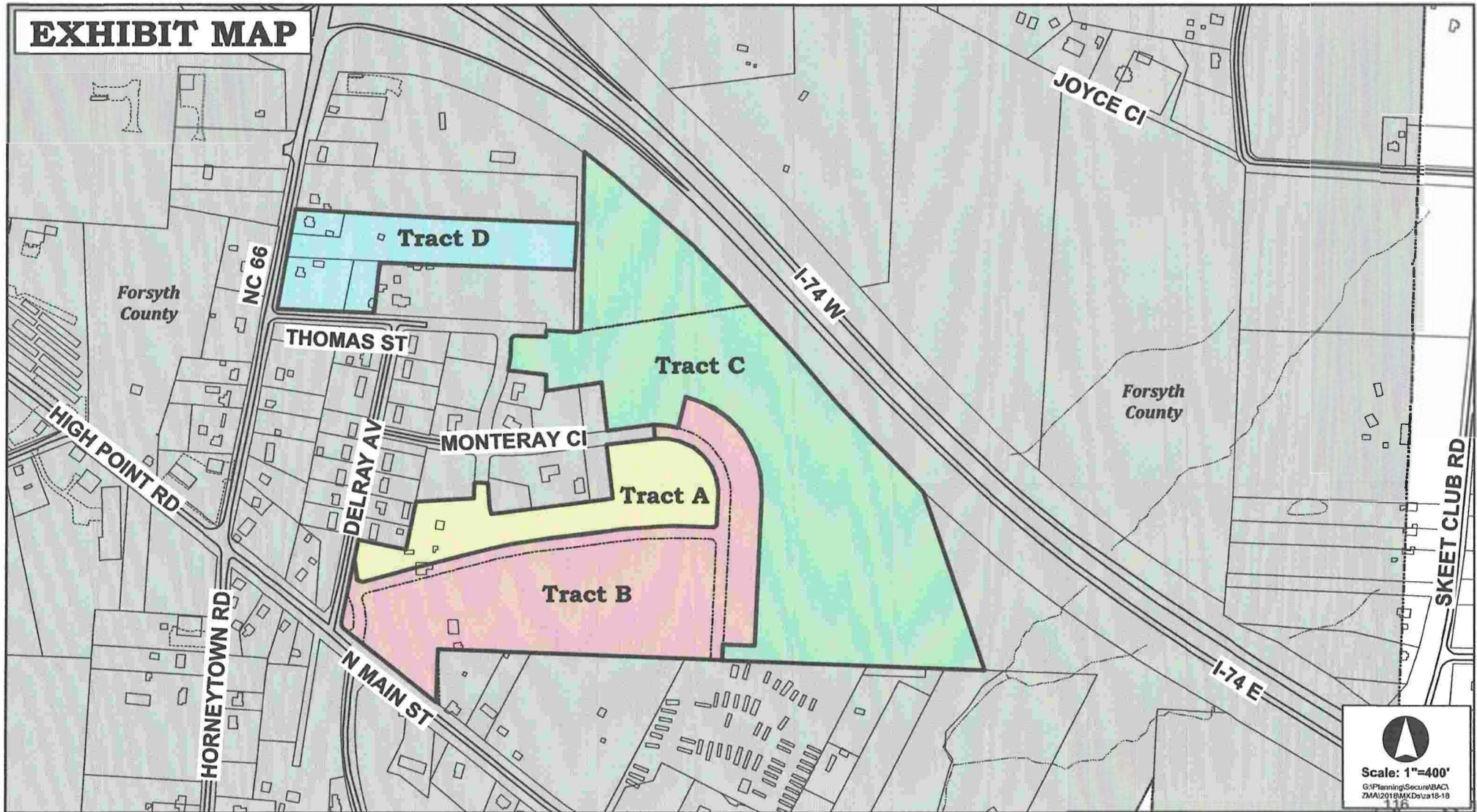
2. Transportation conditions will be revised to clarify required improvements to existing Thomas Road and Monteray Circle.

You may contact me at 336.688.2204 or jstalder@northstate.net with questions and comments. Thank you for your input in the past and we look forward hearing from you.

Sincerely,

Judy Stalder

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PROPOSED

