

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 20-18  
(Robert J. Hunter)

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

**Meeting Date:** November 16, 2020

**Public Hearing:** Yes

**Advertising Date:** November 4, 2020, and  
November 11, 2020

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

**Advertised By:** Planning & Development

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### PURPOSE:

A request by Robert J. Hunter to rezone approximately 6.8 acres from the Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to the Employment Center (EC) District. The site is located along the south side of Tyner Road, approximately 1,300 feet east of Sandy Ridge Road (8229 Tyner Road). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### BACKGROUND:

The Planning and Zoning Commission reviewed this request at their October 27, 2020 regular meeting and took final action when the meeting was reconvened on October 29, 2020. On the date of final action, all members of the Commission were present except for Mr. Mark Walsh and Mr. Mark Morgan. 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, Mr. Robert Hunter, was in attendance remotely but was unable to speak during the public hearing due to a technical problem with his microphone. Mr. Hunter was available to address any questions when the meeting reconvened on October 29, 2020. The Commission had no questions for the applicant.

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 20-18 is consistent with the City's adopted policy's guidance because the Land Use Map Plan and Northwest Area Plan designate the area of the proposed zoning map amendment as Restricted Industrial, which supports warehouse and distribution and minor manufacturing uses. Furthermore, the request is reasonable and in the public interest because the EC District's allowable uses, and its building and site design standards are similar and compatible with previous CU-LI conditional zoning approvals granted in this area.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-20-18  
October 27, 2020**

<b>Request</b>	
<b>Applicant:</b> Robert J. Hunter	<b>Owners:</b> Robert J. Hunter and Janice W. Hunter
<b>Zoning Proposal:</b> To annex and apply initial City zoning to a 6.8-acre parcel	<b>From: RS-40</b> Residential Single Family – 40 District (Guilford County)
	<b>To: EC</b> Employment Center (EC) District

<b>Site Information</b>	
<b>Location:</b>	The site is located along the south side of Tyner Road, approximately 1,300 feet east of Sandy Ridge Road (8229 Tyner Road).
<b>Tax Parcel Number:</b>	Guilford County Tax Parcel 170870
<b>Site Acreage:</b>	Approximately 6.8 acres
<b>Current Land Use:</b>	Undeveloped
<b>Physical Characteristics:</b>	The site has a gentle to moderately sloping terrain with the eastern half of the property being heavily wooded.
<b>Water and Sewer Proximity:</b>	A 12-inch City water line lies adjacent to the site along Tyner Road. An 8-inch City sewer line runs through the northwest and middle of the site.
<b>General Drainage and Watershed:</b>	The site drains in a southerly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Engineered stormwater treatment measures are required for development with a total impervious surface area greater than 24% of the site.
<b>Overlay Districts:</b>	City Lake General Watershed Area Airport Overlay (Zone 1)

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North</b>	CU-HB	Conditional Use Highway Business District (Guilford County)	Retail use (Farmers Market)
<b>South:</b>	RS-40	Residential Single Family – 40 District (Guilford County)	Single family dwellings and an undeveloped parcel
<b>East:</b>	CU-LI	Conditional Use Light Industrial District	Industrial/manufacturing uses
<b>West:</b>	RS-40	Residential Single Family – 40 District (Guilford County)	Single family dwellings and an undeveloped parcel

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement:</b>	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.

<b>Land Use Plan Map Classification:</b>	The site has a Restricted Industrial land use designation. This classification is intended to accommodate office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	This request is neither in conflict with the goals and objectives of the Land Use Plan nor does it promote those goals and objectives.
<b>Relevant Area Plan:</b>	<u>Northwest Area Plan</u> The site is located in an area designated Restricted Industrial in the area plan, which matches its designation on the Land Use Plan. Although it is across the street from an area identified as a Business Support Area, this property is not intended for a wider variety of uses or subject to the higher design standards associated with that designation. However, the general goals and objectives of the plan include the following: Goal 2: Achieve high quality development in the built environment. Obj. 2a: Ensure quality development by requiring high aesthetic standards in site and building design, construction materials and intra-development coordination.
<b>Zoning History:</b>	Since the late 1980s and early 1990s, property in this northern portion of the City's planning area have been annexed to support restricted industrial uses.  To the east of this current zoning site is the Willard Tucker industrial subdivision that was annexed and granted Conditional Use Light Industrial (CU-LI) District zoning in 1996, subject to the former Corporate Park (CP) District development standards. As conditioned, to meet the CP District development standards, the abutting industrial park zoning is equivalent to the Employment Center (EC) District in the current Development Ordinance.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Tyner Road		Local	320 feet
Vehicular Access:	Via driveway access from Tyner Road.			
Traffic Counts: (Average Daily Trips)	Tyner Road		Not applicable, no counts.	
Estimated Trip Generation:	A 79,000 square-foot warehouse and distribution facility, with some minor manufacturing/assembly, is proposed to be developed on the site. This use is anticipated to generate approximately 392 daily trips during a 24-hour time period, with approximately 73 AM peak hour trips (6 a.m. – 9 a.m.) and approximately 66 PM peak hour trips (4 p.m. – 7 p.m.).			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	A TIA is not required. This analysis is only required for nonresidential developments that generate more than 100 trips within the AM or PM peak hours.	
Comments:	The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements.			

#### **School District Comment**

Not applicable to this zoning case.

#### **Details of Proposal**

The applicant desires to develop an industrial use on this parcel. In order to have access to City utilities, the applicant has submitted applications to annex and to establish initial City zoning on the property. This property is situated in the northern portion of the City's planning area, which extends northward to I-40, and is designated on the adopted Land Use Map for Restricted Industrial uses. There have been several zoning approvals to allow Restricted Industrial type uses in this portion of the City's Planning area since the 1990s. Also, the site is located in Zone 1 of the Airport Overlay District, which only allows nonresidential uses.

#### **Staff Analysis**

The applicant has requested the EC zoning district be granted for this property to facilitate the development of a warehouse and distribution and minor manufacturing use. The EC District has been established to accommodate office, warehouse, research and development, light industrial, and supporting activities in a well-planned, high-quality business park setting. In addition to an expectation for high quality design, the district includes standards to help ensure compatibility between development and nearby residential uses.

The zoning site is adjacent to similarly zoned properties to the east that were annexed in the mid-1990s. Although these adjacent industrial developments have a CU-LI District zoning, they were conditioned to meet the higher development standards of the former Corporate Park (CP) District. The LI District was utilized to allow for a higher building area coverage percentage. Under the new Development Ordinance, which became effective on January 1, 2017, the CP District was eliminated, and the newly established EC District was adopted to support industrial development in areas designated by the City's Land Use Plan as Restricted Industrial. The EC District contains building and site design standards, prohibits heavy industrial uses and allows greater building coverage. This new district eliminated the need to have a conditional zoning request with a mixture of numerous CP and LI District standards.

Allowable uses of the requested EC District include the applicant's proposed warehouse and distribution and minor manufacturing use and similar uses envisioned by the Restricted Industrial classification. The minor manufacturing use type involves indoor processing or assembly of finished or partially finished goods that do not require large stockpiles of raw material. Key to the designation of "minor" is that the processing and storage activities take place within enclosed buildings, limiting the creation of noise, vibration, dust, glare, heat, odor, and smoke.

Section 2.4.20.C. of the Development Ordinance states that the advisability of a zoning map amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the City Council shall weigh the relevance of and consider the following:

**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 Land Use Plan and Northwest Area Plan designate the area of the proposed zoning map amendment as Restricted Industrial, which supports warehouse and distribution and minor manufacturing uses.**

**Reasonableness/Public Interest:**

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

**The EC District's allowable uses, and its building and site design standards are similar and compatible with previous CU-LI conditional zoning approvals granted in this area.**

**Recommendation**

**Staff Recommends Approval:**

The Planning and Development Department recommends approval of the request to rezone this 8.7-acre parcel to the EC District. The requested EC District is 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**

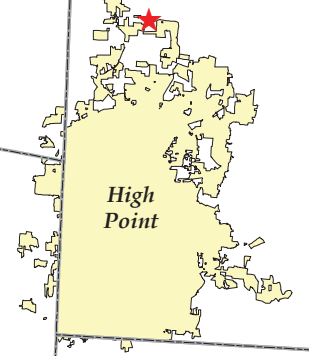
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Development Administrator and Lee Burnette AICP, Director.

# LOCATION MAP

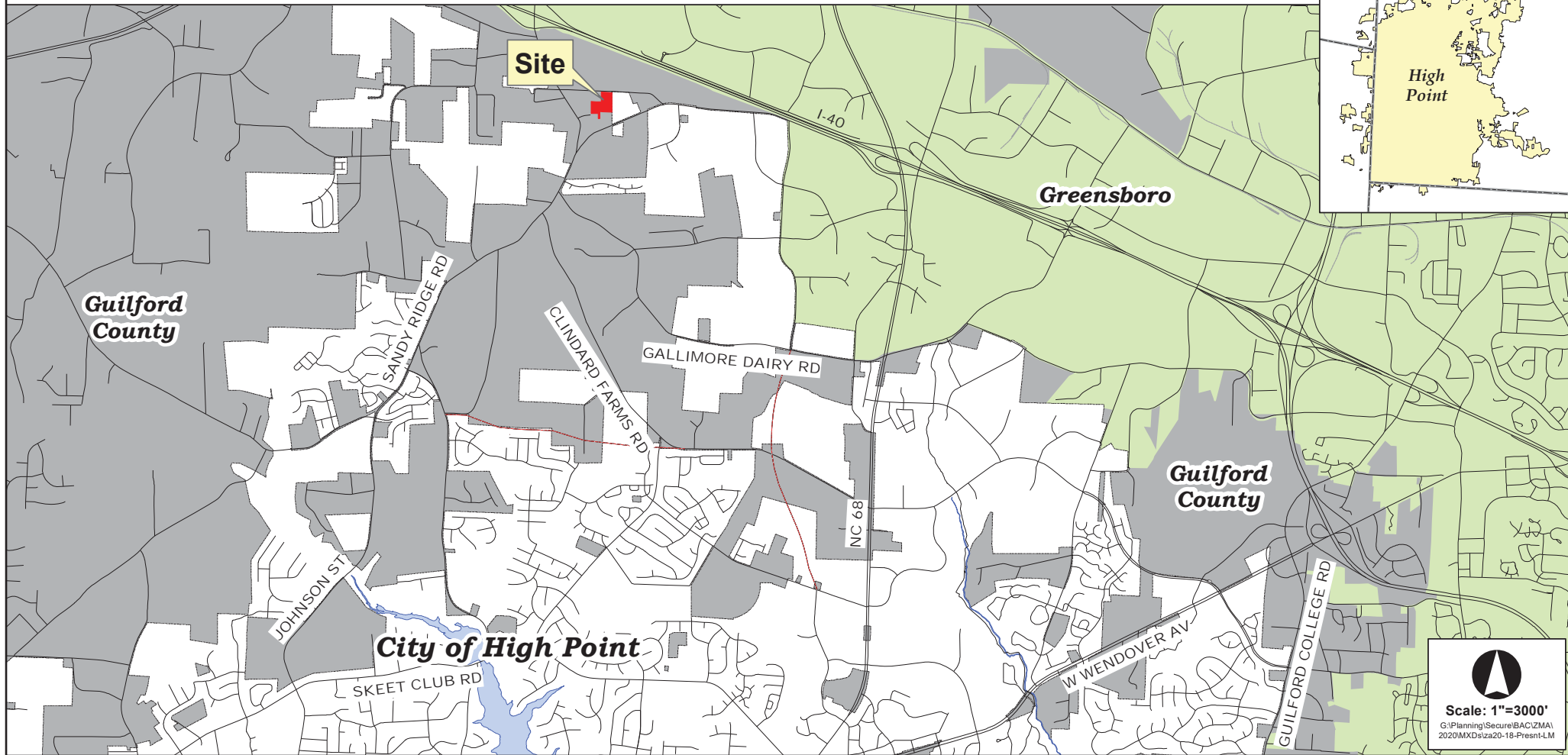
ZONING MAP AMENDMENT ZA-20-18

Applicant: Jeff Hunter

## Vicinity Map



High Point



Site

I-40

Greensboro

Guilford County

City of High Point

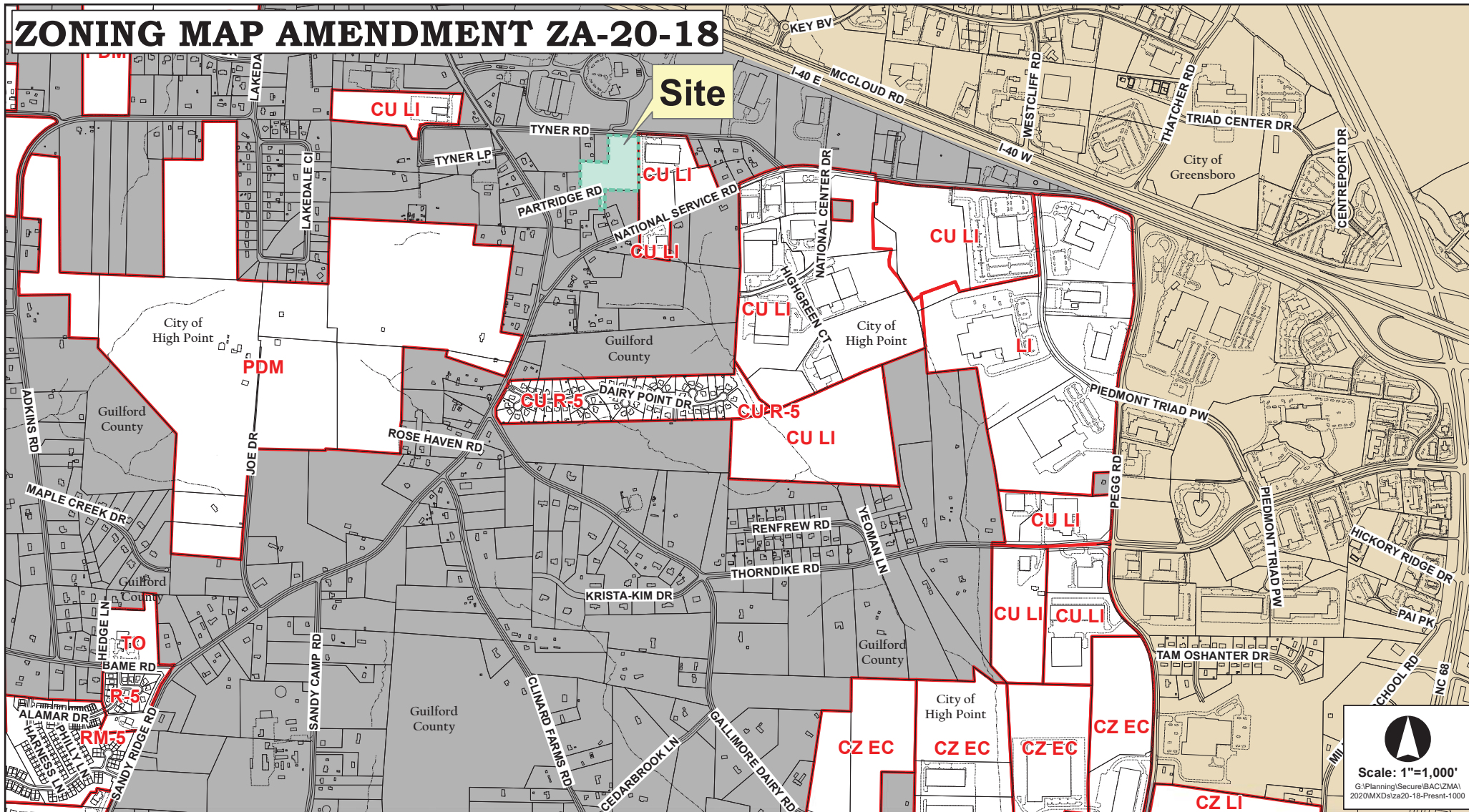
Guilford County



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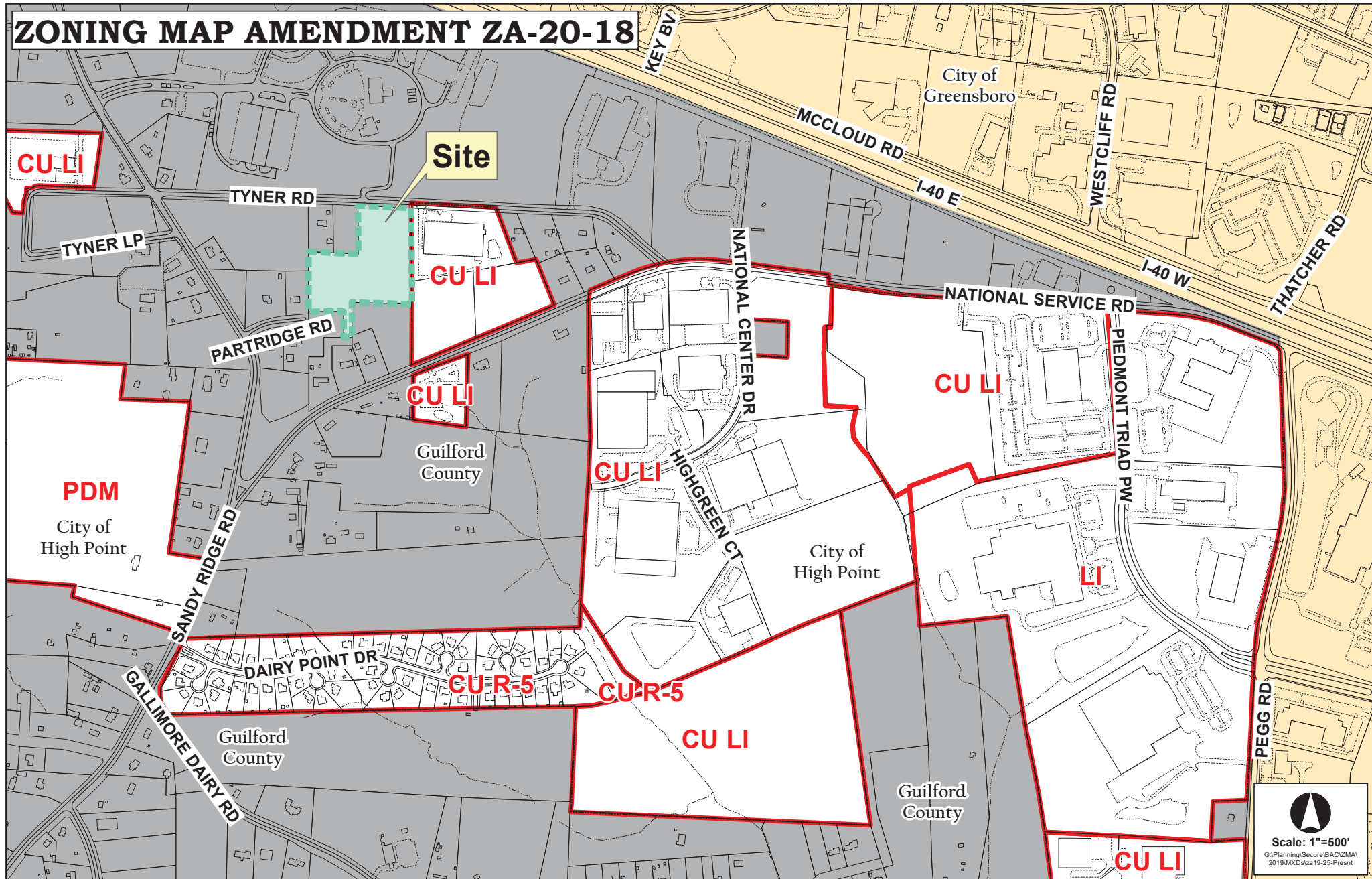
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# ZONING MAP AMENDMENT ZA-20-18



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# ZONING MAP AMENDMENT ZA-20-18



# ZONING MAP AMENDMENT ZA-20-18

*Community/Regional Commercial*

*Institutional*

**Site**

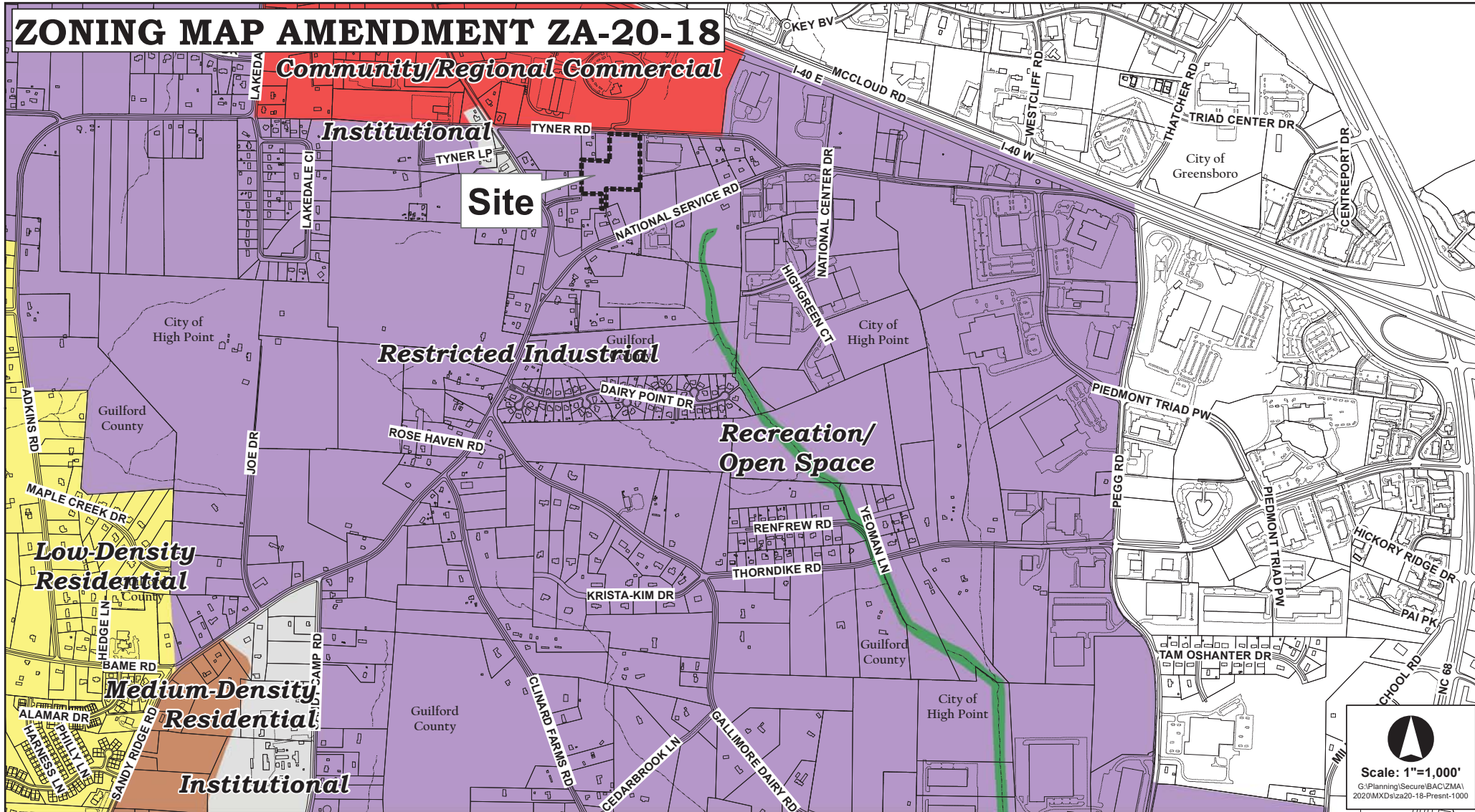
*Restricted Industrial*

*Recreation/  
Open Space*

*Low-Density  
Residential*

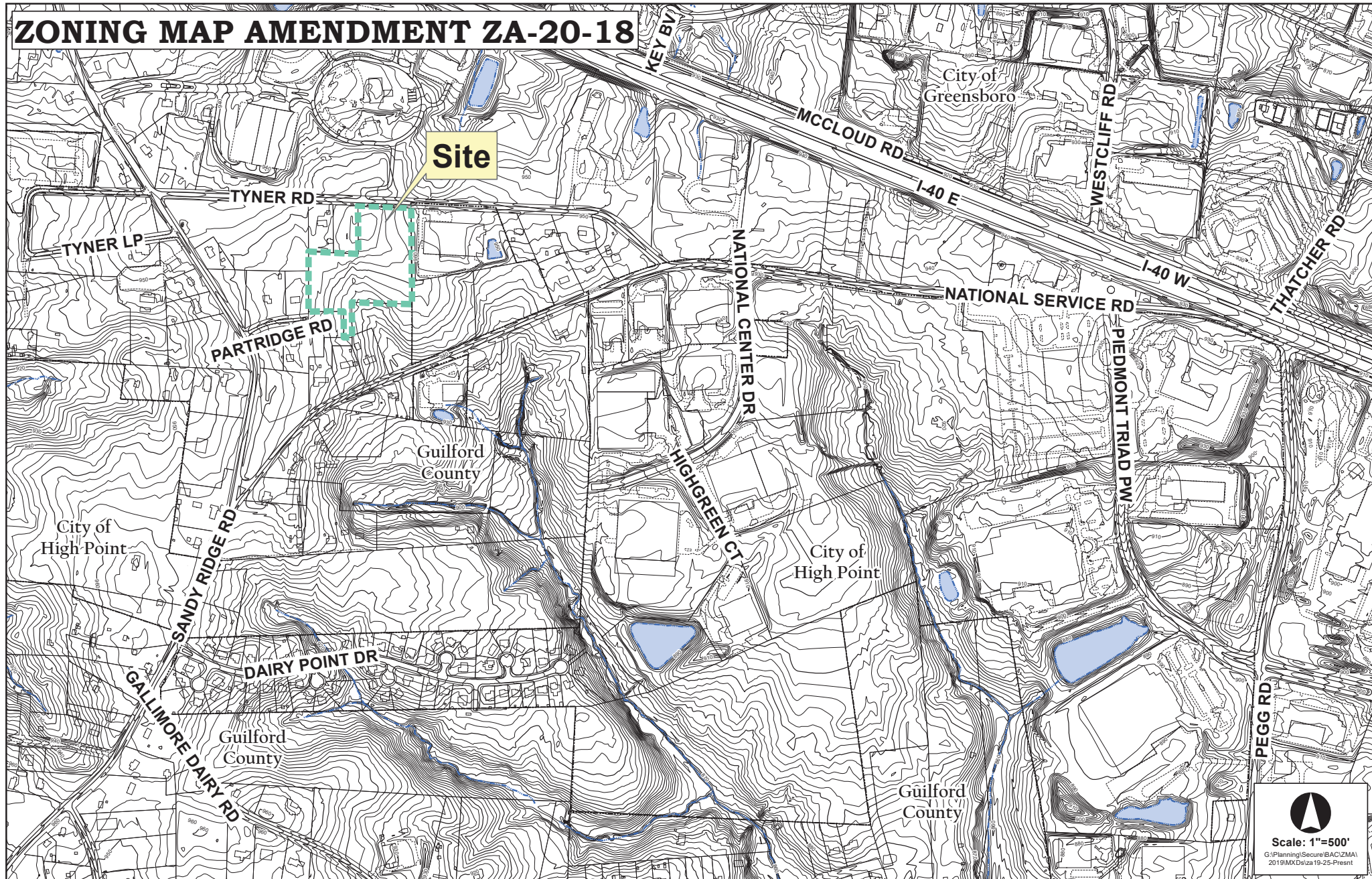
*Medium-Density  
Residential*

*Institutional*

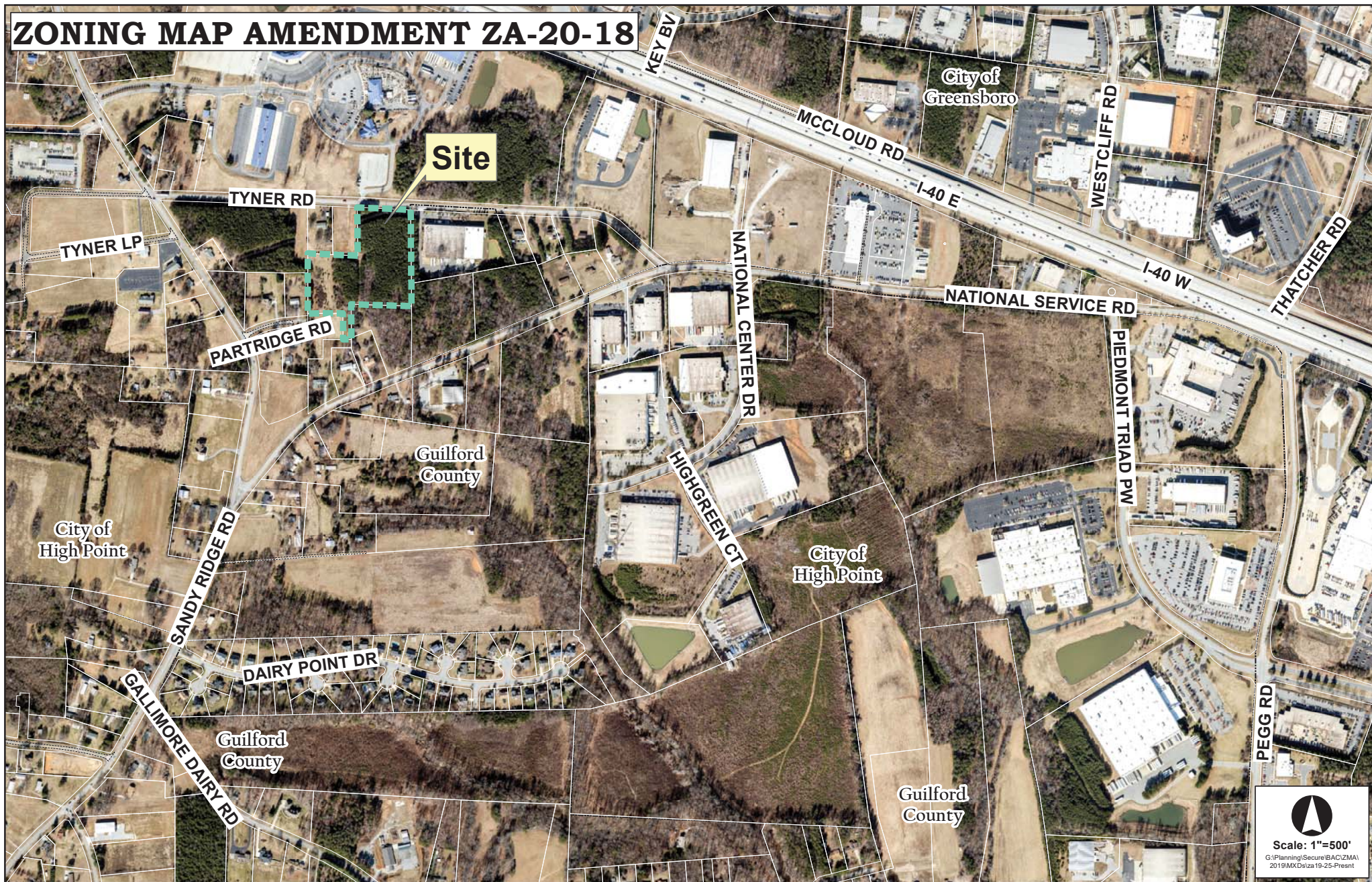


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# ZONING MAP AMENDMENT ZA-20-18



# ZONING MAP AMENDMENT ZA-20-18



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 October 27, 2020 and before the City Council of the City of High Point on November 16, 2020 regarding **Zoning Map Amendment Case ZA-20-18 (ZA-20-18)** 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 October 18, 2020, for the Planning and Zoning Commission public hearing and on November 4, 2020 and November 11, 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 **November 18, 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: **Employment Center (EC) District**. The property is approximately 6.8-acres, located along the south side of Tyner Road, approximately 1,300 feet east of Sandy Ridge Road (8229 Tyner Road). The property is also known as Guilford County Tax Parcel 170870.

#### 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.

Adopted by the City Council  
City of High Point, North Carolina  
The 18<sup>th</sup> day of November, 2020

By: \_\_\_\_\_

Jay W. Wagner, Mayor

ATTEST:

\_\_\_\_\_  
Lisa B. Vierling, City Clerk

# **Citizens Information Meeting Report Zoning Map Amendment 20-18**

Submitted by: Mr. Jeff Hunter, on behalf of Hunter  
Commercial Properties

October 6, 2020

Herb,

Attached is the letter that I sent to neighbors on August 26, 2020 along with the list of neighbors within 300 feet of the property at 8229 Tyner Road. I have not heard from anyone except LRA RE who is next door to the property and has interest in leasing the property.

Thanks,

Jeff Hunter

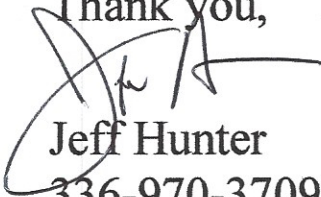
[huntercommercialproperties@gmail.com](mailto:huntercommercialproperties@gmail.com)

336-970-3709

August 26, 2020

My name is Jeff Hunter and I am a longtime resident of Kernersville. My company owns land at 8229 Tyner Road that we plan to develop for a warehouse-distribution facility. In order to keep you informed I have enclosed a site plan of what the final development will look like. Should you have any questions, please feel free to call or email me at any time.

Thank you,

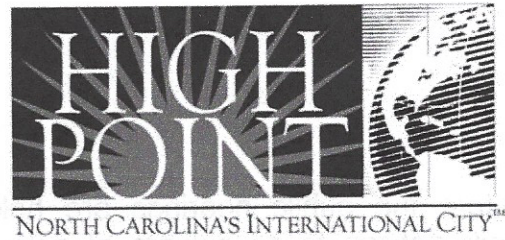
A handwritten signature in black ink, appearing to read 'Jeff Hunter', is written over the printed name.

Jeff Hunter

336-970-3709

huntercommercialproperties@gmail.com

**City of High Point**  
**Citizen Information Meetings**



Persons filing certain development applications with the City of High Point are required to hold a citizen information meeting. This requirement applies to applications for a Conditional Zoning District, Planned Development District, Special Use and a Zoning Map Amendment that proposes to establish a more intense zoning district.

The City of High Point finds that quality development is better achieved through an informed and cooperative process than an adversarial one. The purpose of the citizen information meeting is to allow the person filing an application, otherwise known as the applicant, the opportunity to inform citizens about their development proposal and to provide citizens the opportunity to ask questions and find out more about the proposal prior to any official public hearings.

The applicant's development proposal is officially presented to the Planning & Zoning Commission and City Council at their respective public hearings. At the public hearings, the Commission and Council hear comments and concerns from citizens regarding the proposal prior to making decisions. The public hearings are not the preferred setting for citizens to learn about a development proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing. The citizen information meeting is important in that it can provide basic information and allow communication with the applicant before the public hearings, so that citizens may informatively develop their comments and any concerns, and later present them at the public hearings for consideration.

Applicants may vary the form and number of citizen information meetings they conduct; however, they are required to contact or otherwise notify owners of property located within 300 feet of the proposed site. Whatever form the meeting takes, those citizens participating are provided with this written statement from the City of High Point, which describes the purpose of the citizen information meeting, the application process and where additional information may be obtained from the City. In addition, the applicant must provide a description of the development proposal and are encouraged to share any other available information that would help citizens to better understand it.

After the application is filed with the City's Planning & Development Department, the applicant submits to the City a written summary of the citizen information meeting(s). At a minimum, this report records:

- The date, time, and location of the meeting;
- The method and date of notification about the meeting;
- A list of landowners notified about the meeting;
- A list of meeting attendees;
- If the meeting was conducted as a series of telephone calls;
- The description of the development proposal presented to the attendees; and
- A summary of attendee comments, ideas, and suggestions from citizens to be incorporated into the development proposal.

Before the public hearings are held, the City's Planning & Development Department mails notices to all owners of property located within 300-feet of the site. This notice provides a brief summary of the application; the time, date and place of the Planning & Zoning Commission public hearing; and contact information. A second notice is mailed prior to the City Council's public hearing with similar information. Also, signs are placed on the site giving notice of the request and the City's public hearings.

After hearing public comments and considering the development proposal, the Planning & Zoning Commission makes a recommendation to the City Council who, after holding their public hearing, decides what action should be taken on the proposal. Changes to the applicant's proposal can occur during this process in order to insure consistency with City policy and development regulations, and to minimize expected impacts that can be generated by the development or use of the site.

Development conditions can be adopted by the City Council for a Conditional Zoning District, Planned Development District, or Special Use. However, no condition can be included that:

- Specifies the ownership status, race, religion, or other characteristics of the development's occupants;
- Establishes a minimum size of a dwelling unit;
- Establishes a minimum value of buildings or improvements;
- Excludes residents based upon race, religion, or income; or
- Obligates the City to perform in any manner relative to the approval of or development of the land.

Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the website below for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department 336-883-3328

[www.buildhighpoint.com](http://www.buildhighpoint.com)