

CITY OF HIGH POINT

AGENDA ITEM



Title: **Zoning Map Amendment 21-25**
(*High Point Land Investment, LLC*)

From: Chris Andrews,
Interim Planning & Development Director

Meeting Date: November 15, 2021

Public Hearing: Yes

Advertising Date: November 5, 2021, and
November 10, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by High Point Land Investment, LLC to rezone approximately 29 acres from the Light Industrial (LI) District to a Conditional Zoning Heavy Industrial (CZ-HI) District. The site is located at the northern terminus of Alleghany Street and south of Durand Avenue.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their October 26, 2021 public hearing. All members of the Commission were present. 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 in favor of the request on behalf of the applicant was Mr. Tom Terrell, attorney, Fox Rothschild LLP, 230 N. Elm Street, Suite 1200, Greensboro. Mr. Terrell gave a brief overview of the proposal and noted that he and Jeremy Roberts, from Eagle Engineering, Inc., were available for any questions.

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 9-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 9-0 to approve the following statement:

That Zoning Map Amendment 21-25 is consistent with the City's adopted policy guidance because, subject to approval of the Plan Amendment to establish a Heavy Industrial land use classification for this area, the proposed CZ-HI District would be supported by adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because the site is surrounded by LI zoned lands and isolated by various physical and environmental constraints. As conditioned, it is reasonable to support some limited HI District land uses at this location.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-25
October 26, 2021**

Request	
Applicant: High Point Land Investment, LLC	Owner: Blue Skye Holdings, LLC
Zoning Proposal: To rezone approximately 29 acres	From: LI Light Industrial District
	To: CZ-HI Conditional Zoning Heavy Industrial District

Site Information	
Location:	The site is located at the northern terminus of Allegany Street and south of Durand Avenue.
Tax Parcel Number:	Guilford County Tax Parcel 180717
Site Acreage:	Approximately 29 acres
Current Land Use:	Undeveloped
Physical Characteristics:	<p>A perennial stream, running in a general east-west direction, with a corresponding floodway and 100 & 500 year flood zone runs through the northern and middle of the site. This floodway/flood zone area ranges in width from 500 to 600 feet.</p> <p>A 72-foot wide City of High Point electrical transmission line easement runs in an east-west direction through the middle of the site. There is also an additional 200-foot wide Duke Power transmission line that runs across the southern portion of the site.</p>
Water and Sewer Proximity:	A 48-inch City sewer line runs across the northern portion of the site near Durand Avenue. An 8-inch City water and an 8-inch City sewer line are adjacent to the site along Allegany Street.
General Drainage and Watershed:	The site drains in a general northerly direction, and development is subject to the Randleman Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for non-residential development with an impervious surface area that exceeds 12% or more of the site.
Overlay District:	Randleman Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	LI	Light Industrial District	Durand Avenue and US 29 (formerly Business 85) right-of-way
South:	LI	Light Industrial District	Industrial and warehousing use
East:	LI	Light Industrial District	Industrial use, undeveloped parcel and single family dwelling
West:	LI	Light Industrial District	Single family 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 site has a Light Industrial land use classification. The applicant has submitted a Plan Amendment application (PA-21-07) to change the Land Use Plan designation to the Heavy Industrial classification. This classification supports a whole range of assembling, fabricating, and heavy manufacturing activities, some of which have significant environmental impacts or nuisance effects, as well as certain intense and large-scale open land uses like wastewater treatment plants, landfills and quarries.
Land Use Plan Goals, Objectives & Policies:	The following goals of the Land Use Plan are relevant to this request: Goal #1: Ensure that development respects the natural environment. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.
Relevant Area Plan:	<u>Business Interstate 85 Corridor Plan</u> This request is neither consistent or inconsistent with the goals and objectives of the Business Interstate 85 Corridor Plan.
Zoning History:	There has been no recent zoning activity in this area since the 1980s. A Special Use Permit was approved in 2008 (SU-08-04) for a parcel in the abutting industrial park for a food manufacturing facility.

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	Alleghany Street		200 ft
	Durand Avenue		925 ft
	Lorraine Avenue		30 ft
Vehicular Access:	Via driveway aces from Alleghany Street.		
Traffic Counts: (Average Daily Trips)	None, the NCDOT does not typically take traffic count along local streets.		
Estimated Trip Generation:	Not applicable		
Traffic Impact Analysis (TIA):	Required		TIA Comments
	<u>Yes</u>	<u>No</u> X	A TIA is not required.
Conditions:	<u>Access:</u> Only one point of vehicular access shall be permitted to Alleghany Street. No access shall be permitted to Lorraine Avenue.		

School District Comment
Not applicable to this zoning case.

Details of Proposal

The applicant is requesting rezoning of this 29 acre parcel from the Light Industrial (LI) District to a Conditional Zoning Heavy Industrial (CZ-HI) District to support development of an asphalt plant and a concrete plant. A corresponding Special Use application to be reviewed by City Council has been submitted to allow the asphalt plant use in the HI District. In conjunction with this request, the applicant has submitted a conditional zoning ordinance with conditions pertaining to permitted uses and vehicular access.

Staff Analysis

The site lies at the northern limits of the Alleghany Industrial Park which was established in the 1990s. This industrial park and all surrounding lands are zoned LI. The applicant desires to develop a combination asphalt plant/concrete plant at the northern edge of this industrial park which requires rezoning to the HI District.

The HI District permits the highest intensity and some of the most noxious land uses permitted in the Development Ordinance. Thus, the establishment of this district in an area not currently zoned HI should be carefully considered. This site is separated from surrounding lands by two highways, several utility easements and various environmental features. These constraints also limit the developable area to approximately 30% of the parcel's land area. The combination of surrounding lands being zoned for LI District uses and the manner in which the parcel is isolated from surrounding lands suggest this area be given serious consideration to support some limited HI District uses.

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.

Subject to approval of the Plan Amendment to establish a Heavy Industrial land use classification for this area, the proposed CZ-HI District would be supported by adopted policy guidance documents.

Reasonableness/Public Interest:

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

The site is surrounded by LI zoned lands and isolated by various physical and environmental constraints. As conditioned, it is reasonable to support some limited HI District land uses at this location.

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 site lies south of the US-29 corridor and east of the I-74 corridor, both of which are existing multilane highways. These highways act as a barrier that separates the zoning site from adjacent land to the north and west.
- ❖ A 200-foot wide Duke Power transmission line easement lies along the southern boundary of the site. Other electrical easements, utility easements and a stream with a 500 to 600 foot wide flood zone area lies along the northern portion of the site. Of the 29 acres associated with this parcel, only 30% (approximately 8 acres in the middle of the parcel) is available for any significant development. Allowable HI District uses, as conditioned by the applicant, will be compatible with adjacent land as these manmade and environmental features isolate the area of development from surrounding lands.

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	<p>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.</p> <ul style="list-style-type: none"> ❖ Along its southern boundary the site has frontage on Alleghany Street and Lorraine Avenue. The applicant has offered a condition to prohibit access from Lorraine Avenue. ❖ The southern 200-foot wide Duke Power transmission easement will separate the area of development from adjacent parcels in the abutting industrial park.
Mitigation #2	<p>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</p> <ul style="list-style-type: none"> ❖ The site is within the Randleman Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance. ❖ Stream buffer and environmental standards of the Development Ordinance will limit encroachment into the environmentally sensitive areas of the site.
Mitigation #3	<p>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> <p>The site is within an area currently served by City of High Point utilities and municipal services. The zoning submittal has no known adverse impacts on municipal services.</p>
Mitigation #4	<p>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</p> <ul style="list-style-type: none"> ❖ Except for the Asphalt Plant and Major Manufacturing (concrete manufacturing) use types, the applicant's conditional zoning ordinance restricts development to LI District uses. ❖ Due to physical and environmental constraints, development is restricted to a 9± acre area in the middle of the site and a narrow 2.5± acre area along the northern Durand Avenue frontage of the site. These constraints will assist to limit the intensity of development and also provide separation from abutting lands. ❖ Lands within the industrial park are situated at a higher elevation

	(approximately 20 feet higher) than the zoning site. This topographical difference will assist to limit impact of development activity to adjacent lands.
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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.

All surrounding lands are either developed with, or zoned to support industrial uses.

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 site is located between two highways, multiple utility easements and wide environmental features, resulting in an isolated, limited area of development. When feasible, it is preferable that higher intensity industrial uses be separated from low intensity land uses.

Recommendation

Staff Recommends Approval:

The Planning and Development Department recommends approval of the request to rezone this approximately 29 acre parcel to the CZ-HI District. As conditioned, and subject to approval of Plan Amendment Case 21-07, the request 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, Interim Planning and Development Director.

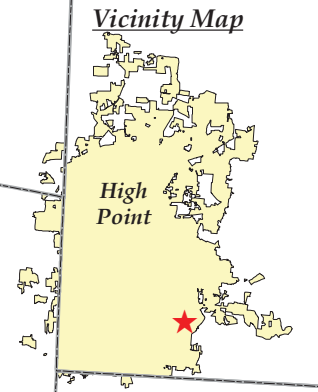
LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-25

Applicant: High Point Land Investment, LLC

Vicinity Map

High Point



Davidson
County

City of High Point

Jamestown

Site

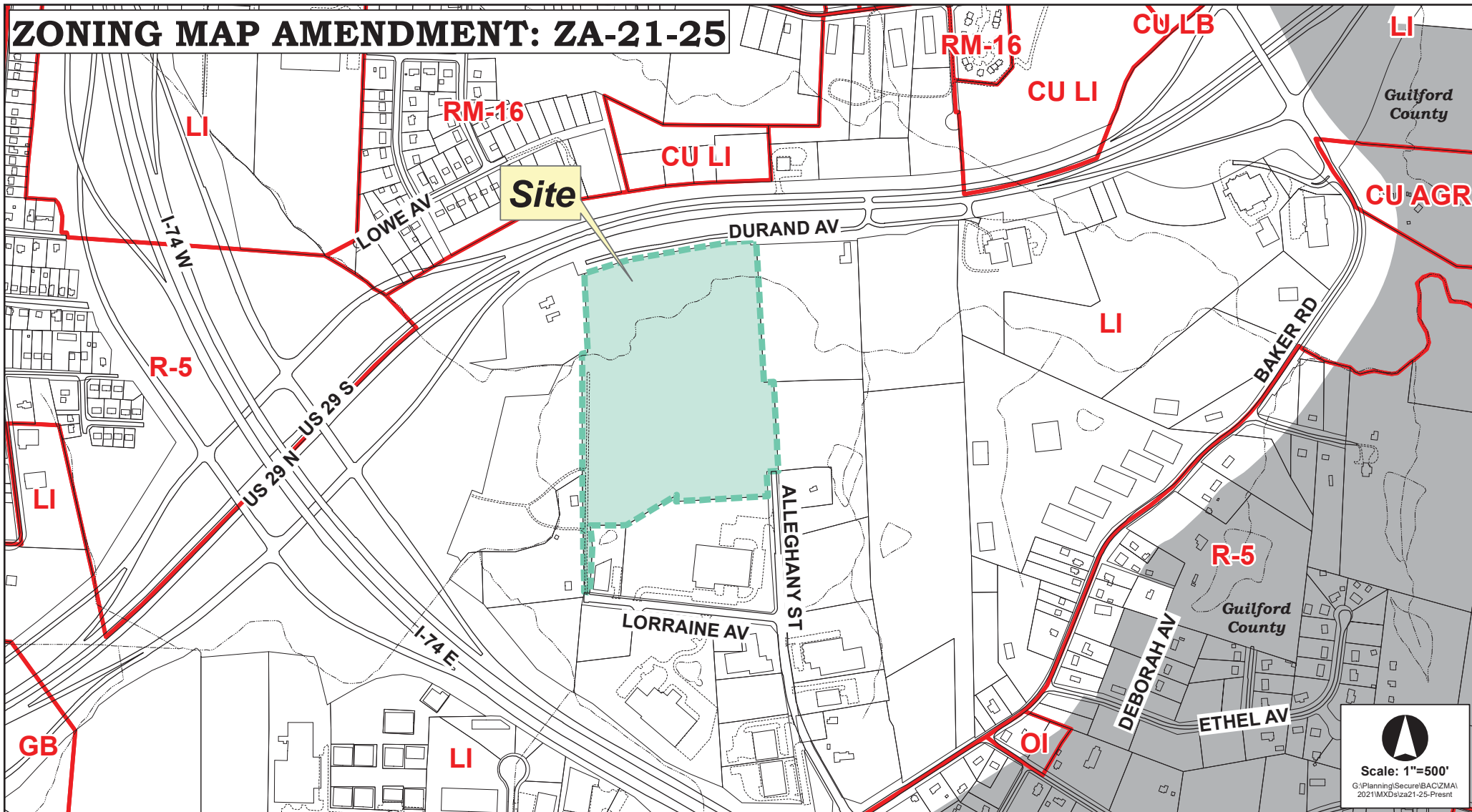
Guilford
County



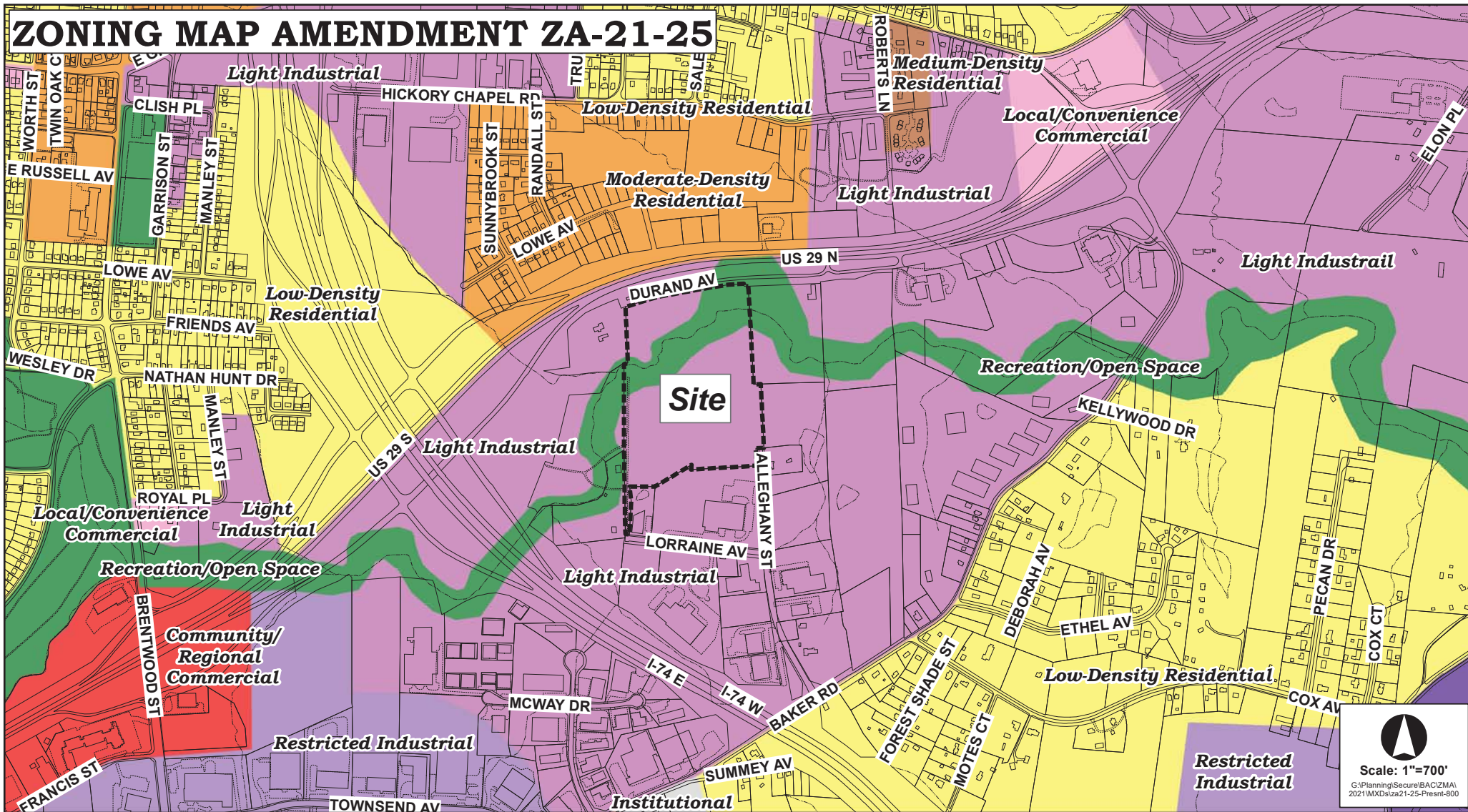
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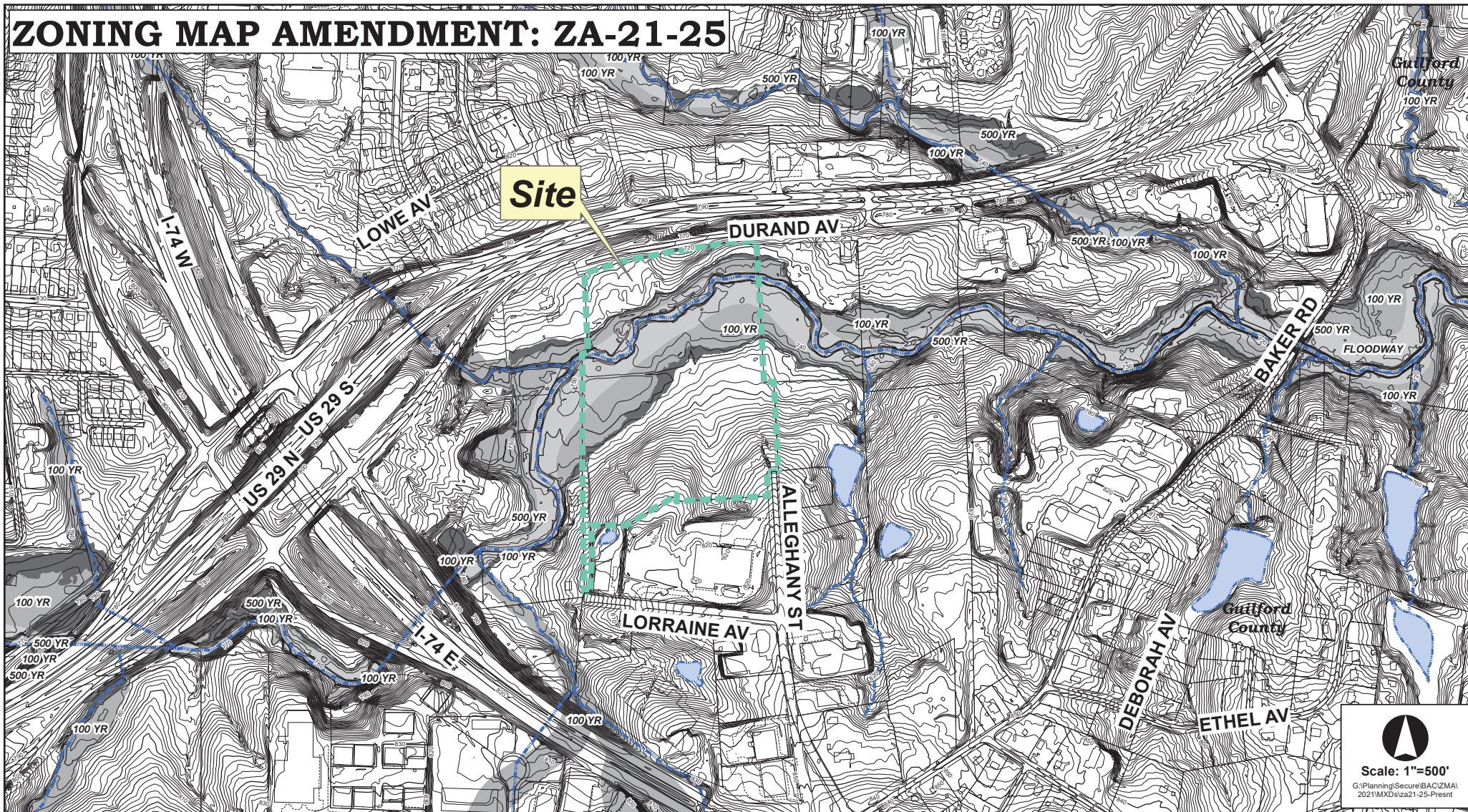
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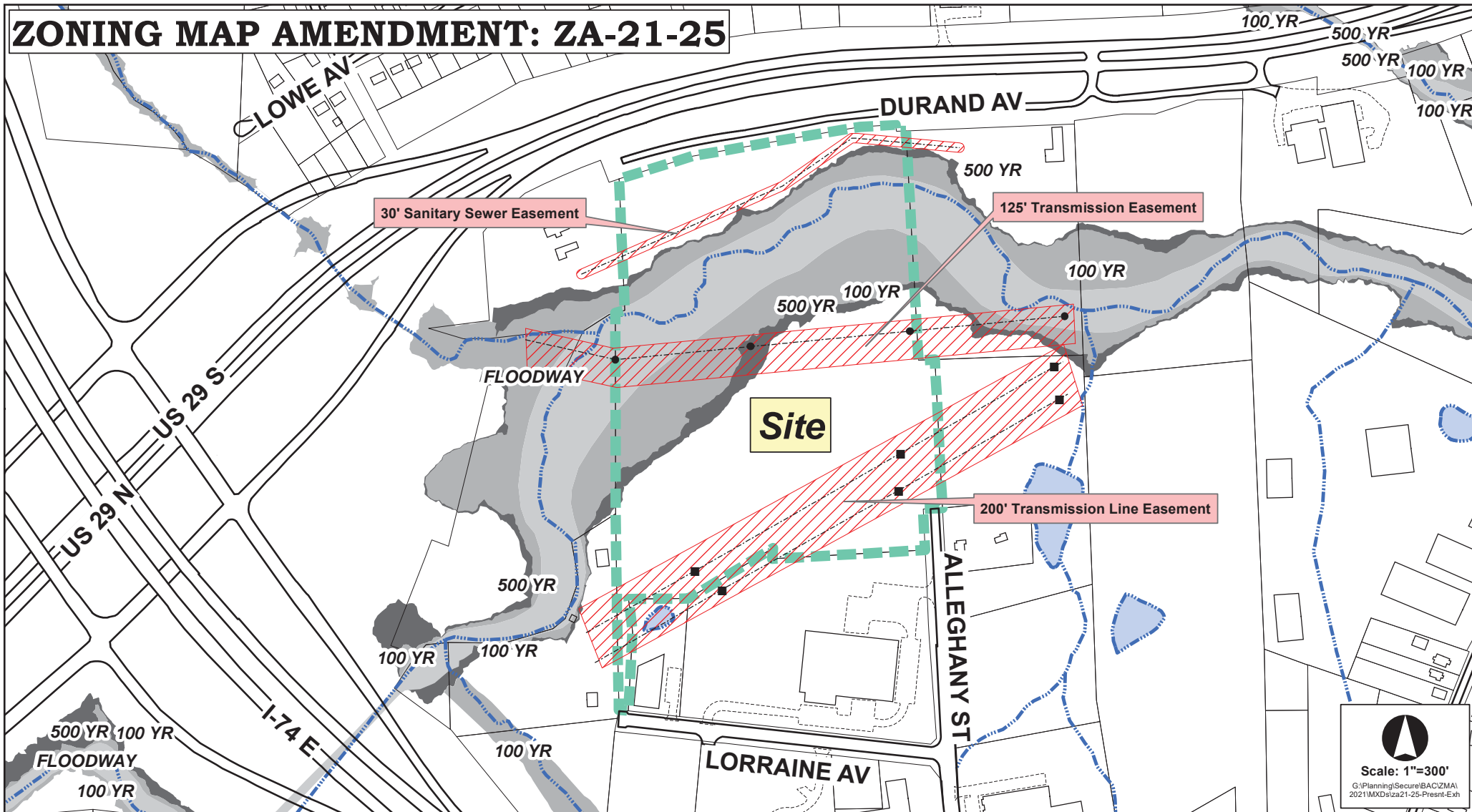
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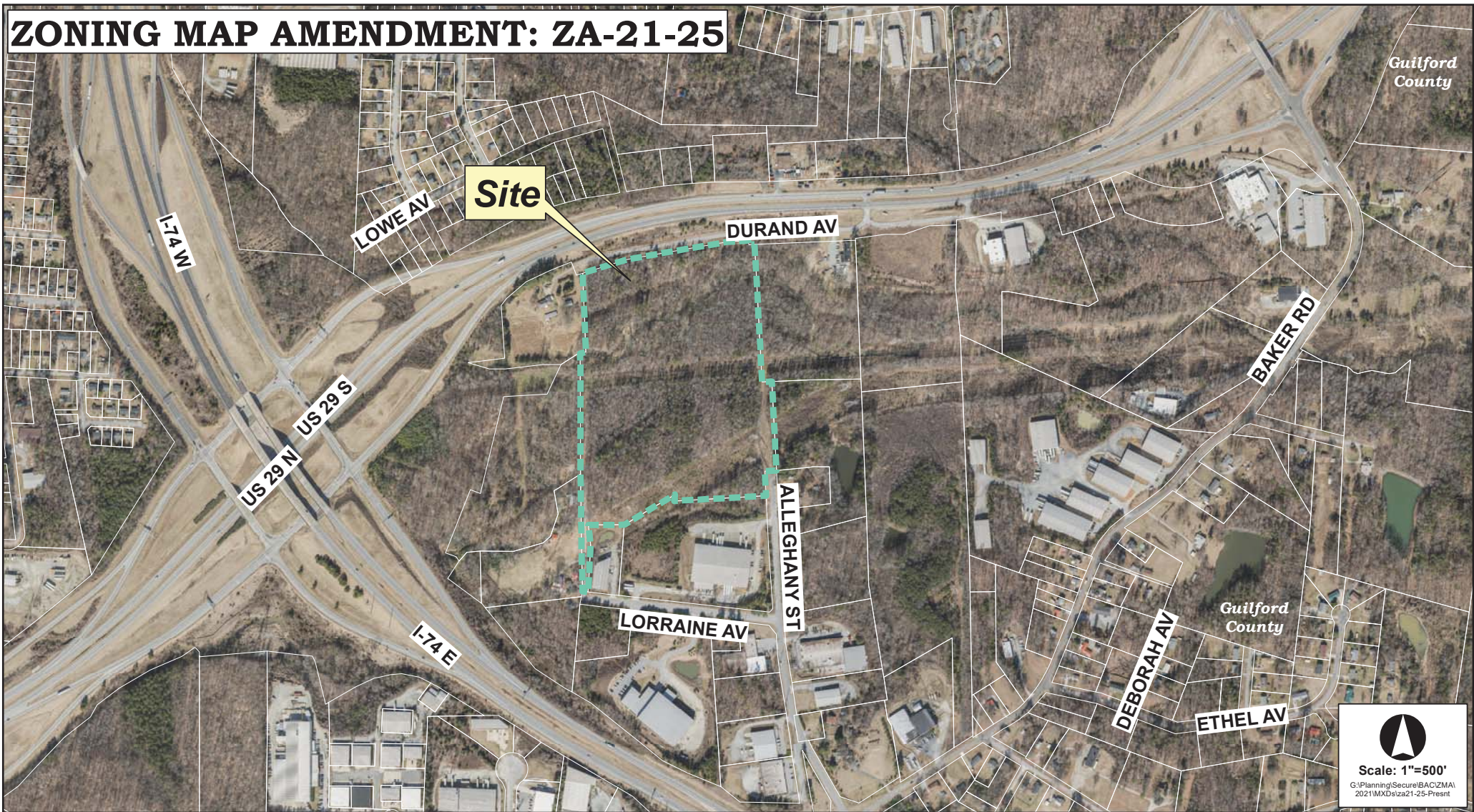
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AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

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 26, 2021 and before the City Council of the City of High Point on November 15, 2021 regarding **Zoning Map Amendment Case 21-25 (ZA-21-25)** 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 17, 2021, for the Planning and Zoning Commission public hearing and on November 3, 2021 and November 10, 2021, for the City Council public hearing pursuant to Chapter 160D-602 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 15, 2021**.

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 Heavy Industrial (CZ-HI) District**. The property is approximately 29 acres, and located at the northern terminus of Allegany Street and south of Durand Avenue. The property is also known as Guilford County Tax Parcel 180717.

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. Permitted Uses

1. Except as excluded below in Part I.A.2, permitted uses shall be limited to those principal use of the Heavy Industrial (HI) District, as listed in the Principal Use Table 4.1.9 of the Development Ordinance, that is also a permitted use in the Light Industrial (LI) District (use must be permitted in both districts). Development shall be subject to Dimensional Standards and District Standards of the HI District, unless further restricted by this ordinance.
2. The following HI District uses, which are not permitted in the LI District, shall be permitted per standards of Principal Use Table 4.1.9 and other related standards of the Development Ordinance:
 - a) Asphalt plants
 - b) Major Manufacturing

Part II. CONDITIONS:

A. Greenway Easement Dedication:

As part of land development permit approval, the property owner shall dedicate a minimum 50-foot wide greenway easement centered over, or within the vicinity of, the 48-inch sewer line that runs in a general east-west direction across the northern portion of the zoning site.

B. Transportation Conditions.

1. Access: Only one point of vehicular access shall be permitted to Alleghany Street. No access shall be permitted to Lorraine Avenue.
2. Other Transportation Conditions: The City of High Point Transportation Director shall approve the exact location and design of all access points 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.

Adopted by the City Council
City of High Point, North Carolina
The 15th day of November, 2021

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk