

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**January 22, 2019**  
City of High Point  
Municipal Office Building  
City Council Chambers  
6:00 p.m.

**MEMBERS**

**PRESENT:** Tom Kirkman, Chairman  
Jim Armstrong  
Marie Stone  
John McKenzie  
Mark Walsh  
Ray Wheatley  
Andrew Putnam (Ineligible to vote)

**MEMBERS**

**ABSENT:** Angela McGill (Excused)  
Ozzie Hough (Unexcused)

**STAFF**

**PRESENT:** Lee Burnette, Planning & Development Director  
Heidi Galanti, Planning Administrator  
Bob Robbins, Development Administrator  
Herbert Shannon, Senior Planner  
Greg Venable, Transportation Planning Administrator  
John Hanes, Transportation Planner  
Fred Baggett, Legal Counsel for the Board

**5:30 p.m. Commission Dinner Session**  
Third Floor Conference Room

The meeting began at 6:00 p.m. in the City Council Chambers.

**A. Call to Order**

Mr. Kirkman called the meeting to order and it was determined that a quorum was present.

**B. Approval of Minutes**

**1. Approval of the November 13, 2018 Minutes of the Planning and Zoning Commission**

Mr. Armstrong made a motion to approve the November 13, 2018 minutes of the regular meeting of the Planning and Zoning Commission as presented. Mr. Walsh seconded the motion. The minutes were approved by a vote of 6-0.

**C. Public Hearing Items**

*Prior to opening the public hearing portion of the meeting, Mr. Kirkman noted that the order of business would be amended to hear Text Amendment 18-05 and 18-06 after Zoning Map Amendment 18-22 followed by the rest of the items on the agenda.*

**1. High Point Economic Development Corporation Street Name Change 18-01**

A request by the High Point Economic Development Corporation to rename Executive Drive to Amada Drive.

Mr. Herbert Shannon, Senior Planner, presented Street Name Change 18-01 and recommended approval of the request as outlined in the staff report, with an effective date of March 7, 2019.

The following people spoke on behalf of the applicant:

- Marshall Yandle, Economic Development Research Manager, High Point Economic Development Corporation, 211 S. Hamilton Street, High Point

Mr. Yandle made himself available to answer questions.

No one else spoke.

Mr. McKenzie made a motion to recommend approval of Street Name Change 18-01 as presented by staff. Mr. Wheatley seconded the motion. The Planning and Zoning Commission recommended approval of the request by the High Point Economic Development Corporation by a vote of 6-0, with an effective date of March 7, 2019.

**2. Parkway Associates, LLC Zoning Map Amendment 18-22**

A request by Parkway Associates, LLC to rezone approximately 15.7 acres from a Conditional Use Light Industrial (CU LI) District to a Conditional Zoning General Business (CZ GB) District. The site is lying along the east side of Piedmont Parkway, opposite Morris Farm Drive, and approximately 800 feet southeast of Tarrant Road.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 18-22 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Barry Siegal, 3929 Tinsley Drive, High Point

Mr. Siegal provided a historical overview of the property since it was annexed in the late 1990s and how the dedication of approximately five acres of land for the Piedmont Parkway extension significantly impacted the configuration of this property. He closed by providing an overview of the proposed development on the site.

**Consistency & Reasonableness Statements**

Mr. Walsh made a motion that the Commission adopt a statement that Zoning Map Amendment 18-22 is consistent with adopted policy guidance because as conditioned, the proposed zoning allows for office, personal service and limited retail uses on a

constrained site while maintaining City policy to keep more intensive commercial uses to the south on W. Wendover Avenue. Furthermore, the request is reasonable and in the public interest because due to the manner a major thoroughfare extension and site constraints have impacted this property, it is reasonable to allow other uses on the site that do not impact the area. Ms. Stone seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

#### Zoning Map Amendment 18-22

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 18-22 as presented by staff. Mr. Wheatly seconded the motion. The Planning and Zoning Commission recommended approval of the request by Parkway Associates, LLC by a vote of 6-0.

The request will be heard by City Council on Monday, February 4, 2019 at 5:30 p.m.

### **3. City of High Point**

#### **Text Amendment 18-05**

A request by the Planning and Development Department to amend Table 4.1.9 Principal Use Table and Section 4.3.5.B Industrial Use Standards for Manufacturing and Production Use of the City of High Point Development Ordinance to add Minor Manufacturing to the Mixed Use (MX) District with use standards.

Ms. Heidi Galanti, Planning Administrator, provided an overview of the changes included in Text Amendment 18-05 and recommended approval of the request as outlined in the staff report.

The following members of the public spoke on this request:

- Tom Van Dessel, 1011 Wickliff Avenue, High Point

Mr. Van Dessel stated that this would allow him to reuse buildings in the Washington Street and Downtown Mixed-Use Districts.

#### Consistency & Reasonableness Statements

Ms. Stone made a motion that the Commission adopt a statement that Text Amendment 18-05 is consistent with adopted policy guidance because the Community Growth Vision Statement supports making downtown a vibrant, diverse mix of uses; the Land Use Plan supports revitalization of the City's older neighborhoods; the Core City Plan and the Washington Drive District Plan call for the reuse of existing buildings; and the Downtown Mixed-Use Area Plan calls for private investments in the area. Furthermore, the request is reasonable and in the public interest because it protects existing and future investments, and the amendment is user-friendly and manageable. Mr. Walsh seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

#### Text Amendment 18-05

Mr. Armstrong made a motion to recommend approval of Text Amendment 18-05 as presented by staff. Mr. McKenzie seconded the motion. The Planning and Zoning

Commission recommended approval of the request by the City of High Point by a vote of 6-0.

The request will be heard by City Council on Monday, February 4, 2019 at 5:30 p.m.

**4. City of High Point Text Amendment 18-06**

A request by the City Attorney to amend various sections of the Development Ordinance, pertaining to sign regulations to ensure compliance with applicable State and federal laws. This request proposes to amend Section 3.8.7.E Gateway Corridor Overlay, Section 5.7.7 Exempt Signs, Section 5.7.8 Signs Not Requiring a Sign Permit, Section 5.7.9 Freestanding Signs Requiring a Sign Permit, Section 5.7.11 Outdoor Advertising Sign Requiring a Sign Permit, to add Section 5.7.14 Savings Clause and to amend various sign related definitions in Section 10.4.

Mr. Bob Robbins, Development Administrator, provided an overview of the changes included in Text Amendment 18-06 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Chad Essick, Attorney, Poyner-Spruill LLC, 301 Fayetteville Street, Ste. 1900, Raleigh.

Mr. Essick explained that he is assisting the City Attorney in this matter and provided an overview of the legal aspects of this amendment and how it is intended to address recent US Supreme Court and Circuit Court rulings pertaining to sign regulations and the freedom of speech.

The following members of the public spoke on this request:

- Mr. Bobby Soule, VP/GM at Lamar Outdoor Advertising, 433 Coopers Hawk Drive, Asheville

Mr. Soule asked various questions pertaining to whether the proposed text amendment would allow the placement of billboards in the City of High Point. Mr. Lee Burnette, Planning Director, addressed these questions, noting that the amendment would remove the differences between on-site and off-site signage.

Consistency & Reasonableness Statements

Ms. Stone made a motion that the Commission adopt a statement that Text Amendment 18-06 is consistent with adopted policy guidance because the recommended changes are deemed necessary to correct potential deficiencies in City sign regulations and they do not conflict with adopted policies. Furthermore, the request is reasonable and in the public interest because the City must ensure that adopted sign regulations are compliant with applicable State and federal laws. Mr. Wheatley seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

Text Amendment 18-06

Mr. Walsh made a motion to recommend approval of Text Amendment 18-06 as presented by staff. Mr. McKenzie seconded the motion. The Planning and Zoning Commission recommended approval of the request by the City of High Point by a vote of 6-0.

The request will be heard by City Council on Monday, February 4, 2019 at 5:30 p.m.

**5. Medical Realty Advisors, LLC Zoning Map Amendment 18-23**

A request by Medical Realty Advisors, LLC to rezone an approximate 8.6-acre parcel from a Conditional Zoning Office Institutional (CZ OI) District to a Conditional Zoning General Business (CZ GB) District. The site is lying along the west side of Eastchester Drive, approximately 1,300 feet south of the intersection of Eastchester Drive and Deep River Road (1925 Eastchester Drive).

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 18-23 and recommended denial of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Tom Terrell, Attorney, Fox Rothchild LLP, 300 N. Greene Street, Ste 1400, Greensboro.

Mr. Terrell provided an overview of his client's proposal to convert this existing office building to an internal self-storage use. He suggested to the Commission that this request should not be viewed as a commercial development as the proposed internal self-storage use will be the only permitted GB District use. In conclusion, Mr. Terrell stated that as conditioned, the request will be in harmony with the adjacent residential development because the exterior of the building will remain the same.

The following members of the public spoke on this request:

- David Ciser, 1935-D Eastchester Drive, High Point
- Rebecca Latta, 1935-A Eastchester Drive, High Point

Mr. Ciser stated that because this use will have minimal impact on the abutting townhome development and the developer will be adding additional landscaping, he supported the reuse of this building.

Ms. Latta expressed concerns with the proposal and wants to keep GB zoning out of this area. She stated that her purchased of a townhome in the Lake Point Development was due to it being next to an office use and does not know how the Commission can make an exception for this site without setting a precedent.

The commission had a lengthy discussion on this request. Some members were concern with making changes to the established zoning pattern and with setting a precedent. Other Commission members liked that the proposal would allow reuse of

an existing building, generate less traffic than office use, and keep the building exterior the same.

Consistency & Reasonableness Statements

Mr. Fred Baggett, Legal Counsel for the Board, read the following statement for the boards consideration: Zoning Map Amendment 18-23 is consistent with adopted policy guidance because the proposal is surrounded by office and residents and it is compatible because it is a reuse of an existing building with no architectural or structural changes. It restricts vehicular access to the existing driveway, reuses the existing building, and prohibits building expansion, which effectively mitigate adverse impacts. The site is subject to watershed and watershed critical area standards, which limits development to the existing portions of the site. There is no evidence of any impact on municipal services. And, a Type A planting yard is required, and outdoor storage or evidence of storage operations cannot be visible from Eastchester Drive, minimizing effects on adjacent lands. Furthermore, the request is reasonable and in the public interest because the reuse of a vacant building involving no or minimal adverse impacts is reasonable and it is unlikely that approval will be a significant precedent affecting future zoning requests due to the unique character of the case, including the conditions imposed. Mr. Walsh made a motion that the Commission adopt the statement. Mr. Armstrong seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 5-1. Ms. Stone voted in opposition of these statements.

Zoning Map Amendment 18-23

Mr. Armstrong made a motion to recommend approval of Zoning Map Amendment 18-23. Mr. Wheatley seconded the motion. The Planning and Zoning Commission recommended approval of the request by Medical Realty Advisors, LLC by a vote of 5-1. Ms. Stone voted in opposition of the motion.

The request will be heard by City Council on Monday, February 18, 2019 at 5:30 p.m.

**6. LeoTerra Acquisition, LLC Zoning Map Amendment 18-24**

A request by LeoTerra Acquisitions, LLC to rezone an approximate 47-acre parcel from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family - 5 (CZ R-5) District. The site is lying along the east side of Kendale Road, approximately 2,000 feet north of Skeet Club Road, opposite the intersection of Kendale Road and Sawyers Lane.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 18-24 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Tom Terrell, Attorney, Fox Rothchild LLP, 300 N. Greene Street, Ste 1400, Greensboro.

Mr. Terrell provided an overview of his client's proposal to develop a single family subdivision on this property. He stated that the zoning request is consistent with the City's Land Use Plan which permits residential development up to five dwelling units

per acre. However, because the property is within a watershed critical area their proposed development will not reach the five units per acre threshold. The Commission asked what is the anticipated number of homes that will be developed. Mr. Buddy Lyons, 3608 W. Friendly Avenue, Greensboro, applicant, spoke and stated they are looking at approximately 135 to 150 homes, which is around 2.8 to 3.2 units per acre.

The following members of the public spoke on this request:

- Sandra Culmer, 4326 Oakton Drive, High Point.
- Pamela Hunter, 2424 Wildcrest Court, High Point
- Ann Williams, no address provided

These speakers expressed concern with traffic congestion, school overcrowding, higher density development and the amount of development taking place in this general area of the city.

#### Consistency & Reasonableness Statements

Mr. Kirkman made a motion that the Commission adopt a statement that Zoning Map Amendment 18-24 is consistent with adopted policy guidance because the requested CZ R-5 zoning is in harmony with the Low Density Residential designation for the site. Furthermore, the request is reasonable and in the public interest because adjacent properties in the City along this segment of Kendale Road are similarly zoned to support single family development. Mr. Walsh seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

#### Zoning Map Amendment 18-24

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 18-24 as presented by staff. Mr. Armstrong seconded the motion. The Planning and Zoning Commission recommended approval of the request by LeoTerra Acquisition, LLC by a vote of 6-0.

The request will be heard by City Council on Monday, February 18, 2019 at 5:30 p.m.

#### **7. R & J Hudson Family Limited Partnership et al. Zoning Map Amendment 18-25**

A request by the R&J Hudson Family Limited Partnership et al. to rezone an approximate 33-acre parcel from the Agricultural/Rural (AGR) District to a Conditional Zoning Employment Center (CZ EC) District. The site is lying at the northwest corner of Gallimore Dairy Road and Pegg Road.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 18-25 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Luke Dickey, Stimmel & Associates, 601 N. Trade St., Ste. 200, Winston-Salem

Mr. Dickey gave an overview of the request and outlined how the transportation conditions that they have offered will help improve traffic flow along the frontage of the site.

The following members of the public spoke on this request:

- William Mills, 8105 Tam Oshanter Drive, Greensboro

Mr. Mills stated that he lives across the street from the zoning site and expressed concerns regarding vehicles constantly speeding, limited visibility from an S-curve at the northern portion of the zoning site, and that the additional development will increase crime in the area.

#### Consistency & Reasonableness Statements

Mr. Wheatley made a motion that the Commission adopt a statement that Zoning Map Amendment 18-25 is consistent with adopted policy guidance because the request is in harmony with the Restricted Industrial land use designation and it represents an orderly expansion of industrial development. Furthermore, the request is reasonable and in the public interest because the requested EC District is similar and compatible with previous conditional zoning approvals granted in this area. Mr. McKenzie seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

#### Zoning Map Amendment 18-25

Mr. McKenzie made a motion to recommend approval of Zoning Map Amendment 18-25 as presented by staff. Mr. Walsh seconded the motion. The Planning and Zoning Commission recommended approval of the request by R&J Hudson Family Limited Partnership et. al. by a vote of 6-0.

The request will be heard by City Council on Monday, February 18, 2019 at 5:30 p.m.

### **D. New Business**

#### **1. 2019 Regular Meeting Schedule**

Mr. Walsh made a motion to adopt the proposed 2019 Regular Meeting Schedule for the Planning and Zoning Commission. Mr. Armstrong seconded the motion. The Planning and Zoning Commission approved the motion by a vote of 6-0.

### **E. Director's Report**

#### **Status of Key Projects**

- Comprehensive Zoning Map Amendments: Staff continues to work on a second set of map amendments for City Council initiation.
- GIS Orthoimagery Project: Project completed
- Montlieu Corridor Design Project: The department's work is completed.
- Sign Standards Revisions: The consultant is preparing to survey the public for input and is working on planning and legal assessment reports.

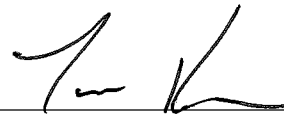


- Miscellaneous Text Amendment: Council adopted the fifth set of miscellaneous amendments at its December 3, 2018

**Information.**

- Next regular meeting – February 26, 2018– 1 zoning map amendment and 1 street abandonment; presentation of comprehensive plan

Being no further business, the meeting adjourned at 8:30 p.m.



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Tom Kirkman, Chairman

2-26-19

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Date