

MINUTES
PLANNING AND ZONING COMMISSION
March 26, 2019
City of High Point
Municipal Office Building
City Council Chambers
6:00 p.m.

MEMBERS

PRESENT: Tom Kirkman, Chairman
Jim Armstrong
Ozzie Hough
John McKenzie
Andrew Putnam
Mark Walsh
Ray Wheatley

MEMBERS

ABSENT: Angela McGill
Marie Stone (Approved Absence)

STAFF

PRESENT: Lee Burnette, Planning & Development Director
Bob Robbins, Development Administrator
Herbert Shannon, Senior Planner
Sam Hinnant, Senior Planner
Gina Lindsey, Administrative Coordinator
Genine Solis, Acting Recording Secretary
Greg Venable, Transportation Planning Administrator
John Hanes, Transportation Planner
Meghan Maguire, Assistant City Attorney

5:15 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 February 26, 2019 Minutes of the Planning and Zoning Commission**
Mr. Armstrong made a motion to approve the February 26, 2019 minutes of the regular meeting of the Planning and Zoning Commission as presented. Mr. Wheatley seconded the motion. The minutes were approved by a vote of 7-0.

C. Public Hearing Items

1. Chick-fil-A, Inc. Zoning Map Amendment 19-02

A request by Chick-fil-A, Inc. to rezone an approximate 1.3-acre parcel from a Conditional Use Retail Center (CU RC) District to a Conditional Zoning General Business (CZ GB) District.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 19-02 and recommended approval of the request as outlined in the staff report.

The following person spoke on behalf of the applicant:

- Charles Barks, Hill Foley Rossi and Associates, 3680 Pleasant Hill Rd Ste. 200, Duluth, GA

Mr. Barks made himself available to answer questions.

No one else spoke.

Zoning Map Amendment 19-02

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 19-02 as presented by staff. Mr. Wheatley seconded the motion. The Planning and Zoning Commission recommended approval of the request by Chick-fil-A, Inc. by a vote of 7-0.

Consistency & Reasonableness Statements

Mr. Walsh made a motion that the Commission adopt a statement that Zoning Map Amendment 19-02 is consistent with adopted policy guidance because similar properties fronting this section of N. Main Street as adopted by Land Use Plan in a GB District. Furthermore, the request is reasonable and in the public interest because the GB District is applied along N. Main Street in individual parcels, small group developments, and other shopping center developments similar to the rezoning site. Mr. Wheatley seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 7-0.

The request will be heard by City Council on Monday, April 15, 2019 at 5:30 p.m.

2. Wynnefield Properties, Inc. Zoning Map Amendment 19-03

A request by Wynnefield Properties, Inc. to rezone an approximate 5.8-acre parcel from a Conditional Use Office Institutional (CZ OI) District and the Residential Single Family – 3 (R-3) District to a Conditional Zoning Office Institutional (CZ OI) District. The site is lying along the east side of Skeet Club Road, approximately 240 feet north of Fountain Grove Drive (1559 Skeet Club Road).

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 19-03 and recommended approval of the request as outlined in the staff report. He emphasized that although there are existing standards for landscaping in the Development Ordinance, the applicant is offering a condition that requires 50% of the plantings to be

evergreen materials. In addition, he noted that the applicant has offered a condition to require the perimeter parking lot plantings to consist of evergreen materials and that existing vegetation along the perimeter of the site next to residential uses be preserved. He also emphasized that although the applicant proposes to remove the one-story height restriction, since the surrounding zoning permits building heights up to fifty feet, a new condition is offered to maintain a 25-foot building height restriction for multi-family dwellings and non-residential buildings within sixty feet of the Birchwood Home development.

Mr. Kirkman requested clarification on the one-story restriction placed on buildings within sixty feet of the Birchwood development. Mr. Shannon stated the condition offered by the applicant proposes to restrict building height to 25 feet, not necessarily one-story.

The following people spoke on behalf of the applicant:

- Craig Stone, President of Wynnefield Properties, Inc., 5614 Riverdale Road, Jamestown, NC

Mr. Craig stated the company has done similar successful developments in the past. This proposed 84-unit multifamily development is to consist of 1, 2, and 3-bedroom apartments and would serve 434 members of the community. It would be an investment of \$11.8 million. The company is a local development, construction, and management firm and would have a 30-year minimum management guarantee. The site has been redesigned and reorganized to fit in with the surrounding area. Mr. Craig made himself available for questions.

Mr. Kirkman asked Ms. Meghan Maguire, Assistant City Attorney, about any restrictions regarding who would be renting the apartments. Ms. Maguire referred to the Fair Housing Act, which states that there can be no consideration made for race, religion, ethnicity, ownership status, or income in deciding who may rent.

The following people spoke in favor of the request:

- Michael McNair, Director of Community Development and Housing, City of High Point
- Dalton Lucas (HPU student), 1 University Parkway, High Point, NC

Mr. McNair stated affordable housing is needed throughout the City. There have been six such developments submitted, five of which have been approved by City Council. Mr. Lucas stated he has seen the need in the area through volunteer work in the community. While he understands the concerns raised, he feels there is a need for this type of development and this would help alleviate the persistent poverty and homelessness in the city.

The following people spoke in opposition to the request:

- Tim Andrew, 3719 Village Springs Drive, High Point, NC
- Karris Chatman, 3911 Fountain Village Lane, High Point, NC
- Bennie Taylor, 4204 Somma Court, High Point, NC
- David Skowron, 4012 Fountain Grove Drive, High Point, NC
- Barbara Williams, 3943 Fountain Village Lane, High Point, NC
- Sanjay Dave, 4080 Fountain Grove Drive, High Point, NC
- Tom Cramton, 4228 Sunburst Drive, High Point, NC
- Jackie Astrop, 3935 Fountain Village Lane, High Point, NC
- Gina Tran, 4008 Fountain Grove Drive, High Point, NC
- Nadine Winberry, 1618 Lakeland Point, High Point, NC
- John Jicha, 3911 Fountain Grove Drive, High Point, NC
- Matthew Miller, 1618 Lakeland Point, High Point, NC
- Kristin Harvey, 3408 Wildwood Avenue, High Point, NC
- Abigail Harvey, 3408 Wildwood Avenue, High Point, NC
- Lindsey Craven, 4222 Sunburst Drive, High Point, NC
- Joyce Taylor, 4204 Somma Court, High Point, NC
- Tanya Stewart, 3616 Cottesmore Drive, High Point, NC
- Kathryn Copple, 4220 Sunburst Drive, High Point, NC

Their concerns included:

- Privacy: The height of the buildings will result in a loss of privacy in their yards.
- Consistency: Multi-story buildings are inconsistent with the surrounding development pattern and will be an eye-sore.
- Traffic: The development will increase traffic in an area that is already congested and pose additional safety hazards with a potential increase in traffic accidents.
- Transportation & Noise: Bus transportation is currently unavailable in the area and adding it would increase noise and pose a safety hazard as people cross high-traffic streets.
- Lights: The height and amount of lighting will be bothersome to the current residents.
- Quality of Life: Additional development will detract from the suburban feel of the area.
- Environmental Impact: The loss of green space and trees and the addition of paved parking areas may cause drainage problems. The development may negatively impact the local ecosystem.
- Property values/ability to sell: Property values will be negatively impacted by the development. One homeowner stated a contract to sell her home fell through when the buyers became aware of the potential development. Abutting HOA presidents expressed concerned property values will fall.
- Overcrowded schools: The development will cause additional strain on already overcrowded schools.
- Character of residents: Some expressed concern that the residents would fail to maintain the property.

Mr. Stone provided the following information in response to questions from the Commission:

- It will likely be more than a year before construction would commence.
- Addington Ridge, another Wynnefield Properties development, had more than 2,500 applicants in the first 3 months for 58 units.
- Market studies indicate a significant need within the community [for this type of housing].
- The shortest [tax credit] guarantee Wynnefield Properties signs is for 30 years, then it would likely be re-syndicated, and the property would be put back in the pool with the programs with which Wynnefield Properties works.
- Wynnefield Properties will work with the Technical Review Committee and go through a rigorous engineering process to mitigate stormwater issues.
- Light plans will be submitted to the insurance company for protection of the residents and people living in the surrounding area. A local utility, which will provide the lights, will explore lighting options to minimize any [negative] impact from the lights.

Mr. Shannon and Mr. Burnette provided the following information in response to questions from the Commission:

- Under current zoning, the land could be used for single family, multi-family, townhomes, offices, or limited sized retail uses.
- The current CU-OI District zoning on the property, which was established in 1993, allows up to 16 units per acre.
- The zoning is not changing the use; it is only changing the conditions associated with building height, landscaping and exterior lighting. It is also changing a one-half acre portion of the property from the R-3 District to the OI District.

Mr. Greg Venable, Transportation Planning Administrator, responded to the question of when the Skeet Club Road widening project would be finished. He reported that the NCDOT stated it would be open from Barrow Road to NC 68 by December of 2019 and would be completed all the way to Johnson Street by December of 2020.

The Commission had the following concerns regarding the development:

- Conformity of the buildings with the surrounding area.
- Additional traffic to an already congested area.
- Height disparity of the proposed buildings vs. height of homes in surrounding neighborhoods.

Zoning Map Amendment 19-03

Mr. Putnam made a motion to deny approval of Zoning Map Amendment 19-03. Mr. Armstrong seconded the motion. The Planning and Zoning Commission recommended denial of the request by Wynnefield Properties, Inc. by a vote of 6-1. Member Ozzie Hough was the one opposing vote.

Consistency & Reasonableness Statements

Mr. Putnam made a motion that the Commission adopt a statement that Zoning Map Amendment 19-03 is not consistent with the City's adopted policy guidance because

the mostly CU-OI zoned site is within an area along Skeet Club Road that is classified by the adopted Land Use Plan as Office. It adjoins property also zoned CU-OI and the requested zoning is CZ-OI district. Furthermore, the request is not reasonable and in the public interest because the proposed CZ-OI district is not compatible and does impact adjacent properties that were adopted in 1993 in reference to this site. The Planning and Zoning Commission adopted these statements by a vote of 6-1. Member Ozzie Hough was the one opposing vote

The request will be heard by City Council on Monday, April 15, 2019 at 5:30 p.m.

3. City of High Point Text Amendment 19-01

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance regarding the following: 1) amend the rules of evidence for quasi-judicial public hearing procedures 2) standardize language and formatting among conditional zoning, planned development and zoning map amendment procedures; 3) amend development agreement review standards; 4) amend the MS district landscaping requirements; 5) clarify compliance requirements for GCO district development located at entrances to residential subdivisions; 6) change separation requirements for waste-related service uses; 7) clarify a cross access exemption; 8) clarify required plant material for parking lot perimeter landscaping; 9) correct an error regarding landscape yard type application; 10) reduce the land use intensity score for minor manufacturing and microbrewery use types; 11) correct an omission regarding standards for electronic changeable copy signs; 12) add several new features to the table that lists allowable encroachments into setbacks; and 13) modify and delete definitions.

Mr. Bob Robbins, Development Services Administrator, presented Text Amendment 19-01 and recommended approval of the request as outlined in the staff report.

No one else spoke.

Text Amendment 19-01

Mr. Putnam made a motion to approve Text Amendment 19-01 as presented by staff. Mr. Walsh seconded the motion. The Planning and Zoning Commission recommended approval of the request by the City of High Point by a vote of 7-0.

Consistency & Reasonableness Statements

Mr. Armstrong made a motion that the Commission adopt a statement that the proposed Text Amendments are appropriate and are consistent with the purposes, goals, objectives, and policies of relevant, comprehensive land use or area plans. Furthermore, the request is consistent with adopted policy guidance because these miscellaneous amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance. The request is reasonable and in the public interest because the proposed amendments continue to pursue making the Development Ordinance error-free, easier to read and understand, and more consistent in its use of language and formatting. Mr. Putnam seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 7-0.

The request will be heard by City Council on Monday, April 15, 2019 at 5:30 p.m.

4. Development Agreement

A request by Elliott Sidewalk Communities High Point, LLC to establish a Development Agreement with the City of High Point for an approximate 3.11-acre area lying west of N. Elm Street, north of W. English Street and east of N. Lindsay Street.

Mr. Herbert Shannon, Senior Planner, presented the Development Agreement and recommended approval of the request as outlined in the staff report.

He explained that this is an agreement between the City of High Point and the developer which locks in standards that projects may develop under. The length of the agreement would be 15 years, with two 5-year extensions. This proposed development will wrap around the southern boundary of the new stadium.

The following people spoke on behalf of the applicant:

- Tim Elliott, Managing Director, Elliott Sidewalk Communities Firm of Maryland, 909 Ridgebrook Road, Suite 216, Sparks, MD

Mr. Elliott stated they work in communities to revitalize downtown areas all along the east coast. They are looking to invest \$85 million in construction projects. He thanked Lee Burnette, Randy Hemann, Jim Flannery, and Molly Stewart for working with him on this. Without this agreement, they would not be able to go forward.

Development Agreement

Mr. Kirkman made a motion to approve of the Development Agreement as presented by staff. Mr. Walsh seconded the motion. The Planning and Zoning Commission recommended approval of the request by Elliott Sidewalk Communities by a vote of 7-0.

The request will be heard by City Council on Monday, April 15, 2019 at 5:30 p.m.

D. 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.
- Sign Standards Revisions: The consultant is preparing a planning and legal assessment report that will be presented jointly to City Council and Planning and Zoning on Wednesday, April 10, 2019 at 3:00 p.m. and at a public meeting on Thursday, April 11, 2019 at 6:00 p.m. Another joint City Council and Planning and Zoning meeting regarding the draft ordinance is targeted for Monday, July 15, 2019.

- Miscellaneous Text Amendment: Staff prepared a set of miscellaneous amendments for consideration at the March Planning and Zoning Commission meeting.

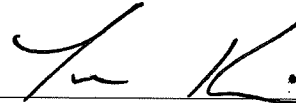
Discussion

- FY19-20 Department Work Program

Information

- Next regular meeting – April 23, 2019 – 4 zoning map amendments

Being no further business, the meeting adjourned at 8:12 p.m.



Tom Kirkman, Chairman

4-26-19

Date