

MINUTES
PLANNING AND ZONING COMMISSION
April 25, 2023
City of High Point
Municipal Office Building
City Council Chambers
6:00 p.m.

MEMBERS

PRESENT: Tom Kirkman, Chairman
Angela Jiménez
Thad Juszczak
Alex Moore
Joan Swift
Terry Venable
Mark Walsh
Ray Wheatley

MEMBERS

ABSENT: Mark Morgan

STAFF

PRESENT: Sushil Nepal, Planning & Development Director
Sam Hinnant, Senior Planner
Herbert Shannon, Senior Planner
Gina Lindsey, Recording Secretary
George Eckart, Transportation Engineer
John Hanes, Transportation Planner
Meghan Maguire, Deputy City Attorney

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

A. Call to Order

Mr. Kirkman called the meeting to order at 6:00 p.m. and it was determined that a quorum was present.

B. Approval of Minutes

1. March 28, 2023 Planning and Zoning Commission Regular Meeting

Mr. Kirkman made a motion to approve the March 28, 2023 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 8-0.

C. Unfinished Business

1. Diversified Estate Holdings, LLC Zoning Map Amendment 23-08

A request by Diversified Estate Holdings, LLC to rezone approximately 9.6 acres from a Conditional Use Agricultural (CU-AGR) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located west of the intersection of Penny Road and East Fork Road (*1711 and 1701 Penny Road*).

Mr. Herbert Shannon, Senior Planner, gave a brief summary of Zoning Map Amendment 23-08. He noted that the applicant proposed additional landscaping and fencing conditions for the Commission's consideration. As these conditions did not address key issues outlined in the staff report, primarily development intensity and vehicular access, staff maintained its recommendation of denial.

There was no public comment the public comment period was closed during the March 28 meeting.

Ms. Judy Stalder, the applicant's representative, was asked to come forward to respond to questions by the commission. In response to their questions, she explained that the higher density of RM-16 is necessary to make the planned apartment community a feasible project. She noted the topographical limitations of the site and that there is no binding site plan. Ms. Stalder said the plan provided, when staff requested a site plan, shows the maximum of what could be on the site so as not to mislead anyone.

Commissioners noted the difficulty involved in developing this particular site and that there will likely be more difficult sites to consider in the future. The board expressed concern about potentially setting a new precedent in addressing one such site, and thus were not supportive of higher density at this location, especially as it is surrounded by lower density development.

Zoning Map Amendment 23-08

Mr. Walsh made a motion to recommend denial of Zoning Map Amendment 23-08 as presented by staff. Mr. Juszczak seconded the motion. The Planning and Zoning Commission recommended denial of the request by Diversified Estate Holdings, LLC by a vote of 8-0.

Consistency & Reasonableness Statements

Mr. Venable made a motion that the Commission adopt a statement that Zoning Map Amendment 23-08 is not consistent with the City's adopted policy guidance because, as conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses at the intensity proposed by the applicant at this location. Furthermore, the request is not reasonable and in the public interest because, as conditioned, it would not be in the public interest to establish the intensity of residential development, as allowed by the RM-16 District, upon this entire parcel without additional detail regarding the transition of intensity or buffering. Mr. Walsh seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 8-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, May 15, 2023 at 5:30 p.m.

D. Public Hearing Items

1. SL Wendover LLC/Deep River Partners Zoning Map Amendment 23-10

A request by SL Wendover LLC/Deep River Partners to rezone an approximate 54.8 acres from a Planned Development - Mixed (PDM) District to a Planned Development - Periphery (PD-P) District. The site is located along the east side of NC 68, approximately 620 feet north of Piedmont Parkway, and at the northern terminus of Empire Street.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 23-10 and recommended approval of the request with an amendment, as outlined in the staff report.

Mr. Shannon noted that since the requested Planned Development District offers a lot of flexibility for a developer, in return staff expects much higher development standards. Thus, staff recommends approval, with the inclusion of a condition to restrict the location of parking lots along the NC 68 frontage of the site. To prevent from having a sea of parking along the frontage of this development, staff recommends parking lots be limited to the sides and rear of buildings for future lots that will front along NC 68.

The following people spoke on behalf of the applicant:

Ms. Judy Stalder, applicant's representative, 3735 Admiral Dr., High Point

Ms. Stalder provided an overview of the proposal to amend the current Planned Development zoning of the site and highlighted the many higher development standards the applicant has provided in their Conditional Zoning Ordinance to promote a cohesive/unified planned development. Requirements for public street extensions, sidewalks along both sides of streets and the extension of an onsite pedestrian trail to Piedmont Parkway to eventually connect to the Bicentennial greenway are all part of the zoning conditions. Finally, Ms. Stalder noted that the two nonresidential tracts fronting along NC 68 are subject to the higher development standards of the Eastchester Gateway Corridor Overlay District. Thus, her client does not agree to the parking lot location condition recommended by staff.

There were no public comments regarding the request.

After the public hearing was closed, the Commission had a lengthy deliberation that included questions to staff and the applicant. After its deliberation, the commission noted that it did not support the additional zoning condition, pertaining to parking, recommended by staff.

Zoning Map Amendment 23-10

Ms. Swift made a motion to recommend approval of Zoning Map Amendment 23-10 with conditions offered by the applicant (without staff recommended parking condition).

Ms. McGill seconded the motion. The Planning and Zoning Commission recommended approval of the request by SL Wendover LLC/Deep River Partners by a vote of 8-0.

Consistency & Reasonableness Statements

Mr. Walsh made a motion that the Commission adopt a statement that Zoning Map Amendment 23-10 is consistent with the City's adopted policy guidance because the zoning site is within an area with a mixture of land uses. As conditioned, with higher intensity residential uses and limited commercial uses, the requested PD-P District is supported by adopted policy guidance. Furthermore, the request is reasonable and in the public interest because a planned development district has already been established for this area. The proposed update would be to continue to facilitate a mixture of land uses as supported by adopted land use policy. Mr. Venable seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 8-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, May 15, 2023 at 5:30 p.m.

2. PEX Wendover LLC Zoning Map Amendment 23-11

A request by PEX Wendover LLC and Maria T. Montoya-Couch to rezone approximately 35.03 acres from the Conditional Zoning Retail Center (CZ-RC) District to an amended Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 23-11 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Mr. Dennis Bunker, 1140 Dilworth Crescent Road, Charlotte

Mr. Bunker made himself available to address any questions from the commission.

There were no public comments regarding the request.

Zoning Map Amendment 23-11

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 23-11 as presented by staff. Mr. Moore seconded the motion. The Planning and Zoning Commission recommended approval of the request by PEX Wendover LLC by a vote of 8-0.

Consistency & Reasonableness Statements

Ms. Swift made a motion that the Commission adopt a statement that Zoning Map Amendment 23-11 is consistent with the City's adopted policy guidance because the proposed amendment of the CZ-RC District does not conflict with adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because, as conditioned, the proposed amendment will still provide for a CZ-RC District that will be similar and compatible with previous conditional zoning

approvals granted in this area. Mr. Walsh seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 8-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, May 15, 2023 at 5:30 p.m.

3. City of High Point Text Amendment 23-02

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance to correct errors, provide consistency, and make revisions related to specific development standards.

Mr. Sam Hinnant, Senior Planner, presented Text Amendment 23-02 and recommended approval of the request as outlined in the staff report.

The following people spoke on the request:

- Ms. Judy Stalder, TREBIC, 115 South Westgate Drive, Greensboro
- Mr. Jim Grdich, Blue Ridge Companies, 5826 Samet Drive, Ste. 105

Ms. Stalder spoke regarding Section 1 and noted that TREBIC had concerns that the change in time would add additional time to the zoning process and recommended that the period of time remain at 2 days. Ms. Stalder spoke regarding Section 7 and noted that TREBIC recommended extending the direct utility provision to serve accessory dwelling units (ADU).

Mr. Grdich echoed Ms. Stalder's comments and provided that Blue Ridge Companies could utilize direct utility service to ADU's.

During deliberation, commissioners had a lengthy discussion about Section 1 and the amount of time required for the submittal and review of changes to applications of Conditional Zoning or Planned Development applications prior to City Council consideration. The amendment changes the timeframe for the applicant to make revisions to its conditions from no later than 2 business days prior to final action by City Council to no later than 10 business days prior to the council meeting. The commission discussed lowering the number of days.

Mr. Kirkman expressed the importance of having enough time to ensure the public is made aware of any changes to conditions before an item goes to City Council, and the potential legal ramifications.

Deputy City Attorney Meghan Maguire said there are no legal requirements that the public be made aware of changes to the conditions. Although, awareness of such changes could impact someone's decision as to whether or not they feel the need to attend a City Council meeting.

Mr. Shannon noted that staff stresses to applicants the need to work out the conditions prior to application submittal [to prevent or minimize any last-minute changes]. Also, this text amendment time-frame change more accurately reflects the time required by management for the submittal of complete agenda items to the City Clerk's Office.

Mr. Sushil Nepal, Planning & Development Director, noted that this is to prevent an applicant from adding major conditions at the last minute without providing staff adequate time to review them. He noted that such a practice could result [City Council] being forced to decide on its own without enough information, which could result in poor decisions or continuances.

Commissioners also expressed concern regarding limiting utility connection for accessory dwelling units to properties that are at least 2 acres. They noted that the threshold is too high and prevents owners of smaller properties with ample room for an accessory dwelling unit from being able to get a separate utility connection. Staff responded by noting that ADU standards are within a different section of the ordinance and do not directly relate to this section of the ordinance being reviewed. Furthermore, as there are multiple competing bills before the North Carolina General Assembly regarding ADUs, staff recommends that section of the Development Ordinance be looked at after the various competing bills in the general assembly are resolved. Finally, Mr. Nepal stated that it would be more appropriate to look at the ADU section of the ordinance comprehensively rather than in a piece-meal manner.

Once the public hearing was closed the Commission had a lengthy discussion on this text amendment request. The Commission recommended Section 7 be removed from the Text Amendment Case and that the issues be discussed in a more comprehensive manner at a later time or as a separate text amendment case.

Text Amendment 23-02

Mr. Wheatley made a motion to recommend approval of Text Amendment 23-02 as presented by staff except for section 7, which was omitted from the request. Ms. Swift seconded the motion. The Planning and Zoning Commission recommended approval of the request by the City of High Point by a vote of 8-0.

Consistency & Reasonableness Statements

Mr. Venable made a motion that the Commission adopt a statement that Text Amendment 23-02 is consistent with the City's adopted policy guidance because these general amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance. Furthermore, the request is reasonable and in the public interest because the proposed amendments to the Development Ordinance address necessary changes required to better clarify existing standards, expand allowable uses within the City and continue to provide consistent language and formatting. Mr. Kirkman seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 8-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, May 15, 2023 at 5:30 p.m.

E. Director's Report

Council Meeting Updates:

- Council items that were approved on April 17, 2023:
 - Sign Ordinance with a few changes
 - Roof sign added as permitted sign in Mixed Use Districts
 - Murals (originally referred to as wall painted signs) allowed without permits
 - Electronic signs added as allowable use in Mixed Use and Gateway Corridors.
 - Light Pole Banner sizes (private property like parking lots) increased from 6 sq. ft. to 15 sq. ft. max area.
 - Woodhaven Development Group, ZA-23-02
 - Rezoning for General Business (Tesla Showroom) approved
 - Corner of N. Main & University Pkwy.
 - Wynnfield Properties, ZA 23-05 & 23-06
 - Rezoning for Multifamily residential approved
 - Corner of Old Winston & University Pkwy. (23-05)
 - Along Brentwood Street, between Brentwood & Worth St. (23-06)
 - Keystone Group, ZA-23-07
 - Previously adopted project, condition modification approved to allow floodplain amendment on future homesites
 - Solution Architects Inc., ZA-23-09
 - Rezoning for Multifamily Residential and General Business approved
 - Corner of Jamestown Pkwy. & Deep River Rd.

Open Positions:

- Senior Planner: Position accepted, pending background checks, expected to start May 8
- Planner: Setting up interviews
- Development Administrator: Chris Andrews' last day was April 20. Temporary planning staff added while the recruitment process is underway

Status of Key Projects:

Comprehensive Plan

- April 5 Speaker Series – Anita Brown-Graham spoke @ Loft at Congdon Yards.
- April 11 & 12: Four different public open houses were held with 80+ attendees.

Planning Legislation

- Staff presented some options and received guidance from City Council at its Special Meeting on April 17. There is no timeline yet, but staff will bring this amendment for consideration soon.

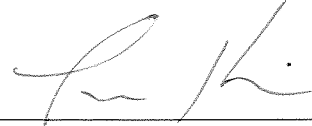
Information

- Next Meeting: May 23, 2023

F. Adjournment

Mr. Kirkman made a motion to adjourn the meeting. Mr. Venable seconded the motion. The motion passed by a vote of 8-0.

Being no further business, the meeting adjourned at 7:43 p.m.



Tom Kirkman, Chairman

5-23-23

Date