

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Remote Public Hearing**  
**May 25, 2021**  
City of High Point  
Municipal Office Building  
City Council Chambers  
6:00 p.m.

**MEMBERS**

**PRESENT:** Tom Kirkman, Chairman  
Thad Juszczak  
Angela McGill (May 27 only)  
Alex Moore  
Mark Morgan  
Joan Swift (May 25 only)  
Mark Walsh  
Ray Wheatley (May 27 only)

**MEMBERS**

**ABSENT:** Terry Venable

**STAFF**

**PRESENT:** Lee Burnette, Planning & Development Director  
Chris Andrews, Development Administrator  
Herbert Shannon, Senior Planner  
Gina Lindsey, Recording Secretary  
George Eckart, Transportation Engineer  
Greg Venable, Transportation Planning Administrator  
Meghan Maguire, Assistant 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 6:01 p.m. and it was determined that a quorum was present. He also noted that all public hearing items would be continued to Thursday, May 27 at 6:00 p.m. to allow time for the public to submit comments.

**B. Approval of Minutes**

**1. Approval of the April 27, 2021 Minutes of the Planning and Zoning Commission**

Mr. Juszczak made a motion to approve the April 27, 2021 minutes of the regular meeting of the Planning and Zoning Commission as presented. Ms. Swift seconded the motion. The minutes were approved by a vote of 6-0.

**C. Public Hearing Items**

*Staff and applicant presentations occurred during the May 25 portion of the meeting. Questions from the Commission were also answered at that time.*

*All votes on public hearing items took place on May 27 when the Commission reconvened with 7 members present, including Tom Kirkman, Thad Juszczak, Angela McGill, Alex Moore, Mark Morgan, Mark Walsh and Ray Wheatley.*

*Public comments were received via e-mail at [build@highpointnc.gov](mailto:build@highpointnc.gov) or by calling (336) 883-3522 and leaving a message. Written comments could also be submitted by placing them in the City of High Point's utility payment drop-boxes located on both sides of the Municipal Building located at 211 S. Hamilton Street in the Green Drive and Commerce Avenue parking lots. The comment period was extended 24 hours after the close of the last public hearing held on May 25, 2021.*

**1. Classic Dyestuff, Inc. Zoning Map Amendment 21-07**

A request by Classic Dyestuff, Inc. to rezone approximately 3.4 acres from the Light Industrial (LI) District to a Conditional Zoning Heavy Industrial (CZ-HI) District. The site is located east of the intersection of Brentwood Street and Gavin Drive (323 & 401 Brentwood Street) and west of the northern terminus of New Street (222, 226, 228 & 230 New Street).

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 21-07 and recommended denial of the request as outlined in the staff report.

Mr. Shannon explained that prior to submitting the rezoning application, staff requested the applicant submit a letter detailing their current and proposed uses that will be part of their expansion to determine how their uses would be classified. The current use of the property is classified as minor manufacturing, which is allowed in both the LI & HI Districts. Staff reviewed their letter and determined that their future use and expansion would also be a minor manufacturing use, and thus, a rezoning is not required. However, Mr. Shannon said that the applicant expressed concern that future Planning and Development staff may interpret their proposed land use activity differently and consider it a major manufacturing use. Therefore, the applicant submitted this rezoning application to rezone to a CZ-HI District to allow the major manufacturing use on these abutting parcels.

The following people spoke on behalf of the applicant:

- Mr. Grant Almond, attorney, Wyatt-Early-Harris-Wheeler, 1912 Eastchester Dr., Ste. 400, High Point.

Mr. Almond noted that Classic Dyestuff, Inc. has operated at 301 Brentwood Street, abutting this zoning site, since the late 1970s. He explained that Classic Dyestuff produces paints, dyes, coatings, and disinfectants. The company is preparing to expand the operation with the addition of a new 40,000-square-foot facility where they will continue the same type of business. Mr. Almond noted that his client understands that the Planning and Development Department has determined that their current use and proposed expansion would be classified as a minor manufacturing facility and would not need to be rezoned. However, they are of the opinion their operation falls under the major manufacturing use type, which is only permitted in the HI District. Due to the cost of the proposed expansion and concern that future staff may interpret their

proposed land use activity differently, they would feel more comfortable proceeding forward with this proposed expansion if all lands associated with their development is zoned HI District for a major manufacturing facility.

No public comments were received on this public hearing item.

Once the public hearing was closed the Planning and Zoning Commission deliberated on this request. The commission asked staff to address the applicants concern that future staff may interpret this use differently. Mr. Shannon, Senior Planner and Mr. Lee Burnette, Planning & Development Director, addressed this question. They noted that the applicant can request a code confirmation for their use, and they will receive a written response from the Planning and Development Department. This becomes a binding document/interpretation, and as long as their use description/site operation does not change, the code confirmation letter protects them from varying use interpretations. Furthermore, the current Development Ordinance is more flexible than the prior ordinance. The principal use table focuses more on the manner in which a use operates rather than just a listing of uses. Since the applicant has noted that all activity for their current and future expansion will occur indoors, and there will be no smoke, odor, noise, or vibration that go beyond the limits of the site, this is considered a minor manufacturing use.

Several commissioners did express concern with expanding the HI District zoning in this area, especially if staff has determined that the current and proposed uses are permitted in the existing LI District zoning governing this area.

#### Zoning Map Amendment 21-07

Mr. Kirkman made a motion to recommend denial of Zoning Map Amendment 21-07 as recommended by staff. Mr. Wheatley seconded the motion. The Planning and Zoning Commission recommended denial of the request by Classic Dyestuff, Inc. by a vote of 7-0.

#### Consistency & Reasonableness Statements

Mr. Juszczak made a motion that the Commission adopt a statement that Zoning Map Amendment 21-07 is not consistent with the City's adopted policy guidance because a goal of the Land Use Plan is to encourage development that enhances and preserves established neighborhoods and major manufacturing, and the wholesale trade of toxic chemicals as allowed in the requested CZ-HI District, does not enhance or protect the adjacent neighborhoods; such uses should not be allowed within the proximity of the nearby residences without adequate protection. Furthermore, the request is not reasonable and in the public interest because the rezoning is not necessary to allow the proposed expansion as described. Ms. McGill seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 7-0.

The Chair announced that the request was tentatively scheduled to be heard by City Council on Monday, June 21, 2021 at 5:30 p.m.

**2. High Point University & City of High Point Street Name Change 21-01**

A request by High Point University and the Planning & Development Department to:

- a) Rename E. Hartley Drive, from Eastchester Drive to N. Main Street, to N. University Parkway; and
- b) To rename W. Hartley Drive, from N. Main Street to Shadow Valley Road, to Hartley Drive.

Mr. Herbert Shannon, Senior Planner, presented Street Name Change 21-01 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Ms. Lyndsey Ayers, attorney, 1 University Parkway, High Point

Ms. Ayers stated that the request reflects continued university pride throughout the city, adding that the streets proposed to be renamed are in an area where High Point University already owns much of the property. She said High Point University attracts about 100,000 plus visitors to High Point each year and the name change would provide more seamless access to campus for guests traveling from out of state. She also highlighted the support received from property owners along E. Hartley Drive and the receipt of a signed letter of support from the CEO of the Hartley Drive YMCA, Lynn Lomax. She also requested the effective date be as soon as possible with respect to the property owners to allow them time to change their addresses.

Mr. Kirkman said that he feels the request is reasonable and finds it confusing when the same street carries more than one name. He also noted that there have been no objections from affected property owners and the cost for the change is minimal.

No public comments were received on this public hearing item.

Commissioners had a brief discussion about the effective date for the street name change in an attempt to find a compromise that would suit city staff and the applicant. George Eckhart, Transportation Engineer, expressed some concern that city streets staff may have difficulty meeting a July 1 effective date due to other project commitments. Commissioners determined that September 1, 2021 would be a reasonable effective date.

Street Name Change 21-01

Mr. Walsh made a motion to recommend approval of Street Name Change 21-01 as presented by staff and set an effective date of September 1, 2021. Ms. McGill seconded the motion. The Planning and Zoning Commission recommended approval of the request by High Point University & the City of High Point by a vote of 7-0.

**3. John Ritner Zoning Map Amendment 21-09**

A request by John Ritner to rezone approximately 51 acres from a Planned Development Mixed (PDM) District to a Planned Development – Core City (PD-CC) District. The site is located east of Westchester Drive, approximately 1,500 feet south of Phillips Avenue, and north of Whittier Avenue.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 21-09 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Mr. John Ritner, Owner and Head of Production for Pinnacle Foods Company.

Mr. Ritner provided an overview of their proposal to open a wholesale food processing facility on the zoning site. He noted that they produce freeze dried meals and primarily market their product to hikers and hunters. They propose to locate in the former Canterbury Restaurant in the former mall building on the zoning site. Their business will cook full meal and then remove the moisture via electric freeze dry machine which produces no exhaust. Once all the moisture is removed, the meals are packed in airtight packaging that have a shelf life of 10-years. They are currently a retail operation; they wish to expand to include wholesaling which makes them a minor manufacturing use. In conclusion, Mr. Ritner stated their facility will occupy approximately 3,200 square feet of the former restaurant.

No public comments were received on this public hearing item.

The Commission had questions as to the intensity of development. Mr. Shannon stated that the only new use in this updated planned development zoning ordinance is the minor manufacturing use type. To ensure compatibility the applicant has offered a condition to limit minor manufacturing uses to 5,000 square feet per establishment and that all activities be within the structure it is located (no outside processing activity). In conclusion, Mr. Shannon stated that the condition to limit the square footage of this use type will ensure compatible with the surrounding area.

#### Zoning Map Amendment 21-09

Mr. Kirman made a motion to recommend approval of Zoning Map Amendment 21-09 as presented by staff. Mr. Walsh seconded the motion. The Planning and Zoning Commission recommended approval of the request by John Ritner by a vote of 7-0.

#### Consistency & Reasonableness Statements

Mr. Morgan made a motion that the Commission adopt a statement that Zoning Map Amendment 21-09 is consistent with the City's adopted policy guidance because as conditioned, the requested PD-CC District does not conflict with the Institutional land use designation of this area or with adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because the request is to update an old planned development district to a new PD CC District and add one small-scale use type to allowable use and mixed development. Mr. Juszczak seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 7-0.

The Chair announced that the request was tentatively scheduled to be heard by City Council on Monday, June 21 at 5:30 p.m.

**4. Hunter Farms Zoning Map Amendment 21-10**

A request by Hunter Farms to rezone approximately 0.92 acres from the Residential Single Family – 5 (R-5) District and a Conditional Use General Business (CU-GB) District to a Conditional Zoning Office Institutional (CZ-OI) District. The site is located at the southwest corner of Irbywood Drive and Montgomery Street (108 and 110 Irbywood Drive).

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 21-10 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

- Mr. Sam Lasine, attorney, Keziah-Gates LLP, 300 N. Main St., Ste. 400, High Point

Mr. Lasine noted that the Hunter Farm facility has continued to grow, and with the hiring of additional staff they are requesting rezoning to support expansion of their employee parking lot. To ensure they will continue to be a good neighbor to the abutting residential area, Hunter Farms has offered conditions to limit access and to screen the proposed parking area with fencing and landscaping. Mr. Lasine concluded by noting no one attended their neighborhood meeting. The only contact he has received was a phone call from the owner of the Sir Pizza restaurant, which fronts along N. Main Street, who wanted to ensure their property was not being rezoned.

No public comments were received on this public hearing item.

Zoning Map Amendment 21-10

Mr. Juszczak made a motion to recommend approval of Zoning Map Amendment 21-10 as presented by staff. Mr. Walsh seconded the motion. The Planning and Zoning Commission recommended approval of the request by Hunter Farms by a vote of 7-0.

Consistency & Reasonableness Statements

Mr. Moore made a motion that the Commission adopt a statement that Zoning Map Amendment 21-10 is consistent with the City's adopted policy guidance because the requested conditional zoning district provides a transition between the manufacturing use and the adjacent residences. Furthermore, the request is reasonable and in the public interest because the requested zoning change includes the last residentially zoned parcel in the block and down zones the commercially zoned portion of the site to a district that provides better protection for the adjoining neighborhood. Mr. Morgan seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 7-0.

The Chair announced that the request was tentatively scheduled to be heard by City Council on Monday, June 21 at 5:30 p.m.

**5. City of High Point Zoning Map Amendment 21-11**

A request by the High Point City Council to rezone 91 properties, totaling approximately 25.6 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone 22 properties, totaling approximately 4.13 acres, within the Arbors Subdivision. This site is located at the southeast corner of Guyer Street and Beaucrest Avenue.
- b) To rezone 69 properties, totaling approximately 21.5 acres, within the Ashton Woods Subdivision and two abutting parcels at the northern terminus of Wickham Avenue. This site is located north of the intersection of Suffolk Avenue and Stoneycreek Drive, with parcels fronting along a portion of Boulding Avenue, a portion of Stoneycreek Drive, a portion of Wickham Avenue and along Arborbrook Lane.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 21-11 and recommended approval of the request as outlined in the staff report.

No public comments were received on this public hearing item.

Zoning Map Amendment 21-11

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 21-11 as presented by staff. Mr. Juszczak 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. Walsh made a motion that the Commission adopt a statement that Zoning Map Amendment 21-11 is consistent with the City's adopted policy guidance because the proposed zoning map amendments are supported by the Low-Density Residential designation for these areas, as contained in the adopted Land Use Plan. Furthermore, the request is reasonable and in the public interest because the amendments are needed to remove unneeded restrictions on the properties and to remove the conditional use zoning districts, which cannot be amended. Mr. Kirkman seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 7-0.

The Chair announced that the request was tentatively scheduled to be heard by City Council on Monday, June 21 at 5:30 p.m.

**D. New Business**

*This new business item was presented during the May 25, 2021 portion of the regular meeting.*

**1. Amendments to Rules of Procedures – Amendments to Rules of Procedure due to NCGS 160D**

Chris Andrews, Development Administrator, provided a brief overview of some changes to the Commission's Rules of Procedure that will be presented for consideration at the June 22 meeting of the Planning and Zoning Commission. He noted that the changes are directly related to NC General Statute 160D.

**E. Director's Report**

*The report was reviewed during the May 25, 2021 portion of the regular meeting.*

**Status of Key Projects**

- Comprehensive Zoning Map Amendments: The second of the group 4 map amendments are on the Commission's agenda for consideration. A third set of amendments will be on the June regular meeting agenda.
- Eastchester Drive/I-74 Land Use Assessment: Awaiting City Council action after the May 17 public hearing.
- Jamestown Bypass Land Use Assessment: Awaiting City Council action after the May 17 public hearing.
- NCGS 160D Legislation Amendments: Awaiting City Council action after the May 17 public hearing.
- Part 150 Update Assessment: Staff is reviewing PTIA's Part 150 Update and is currently preparing an assessment report. Staff anticipates presenting the report to the Commission at the June regular meeting.
- Sign Standards Revisions: The consultant is working on a draft of the sign regulations that will be presented for public review and comment.
- Southwest Downtown Area Plan: Staff is working with a steering committee on developing a small area plan for the older industrial area south of the downtown and west of Main Street; due to COVID-19, committee meetings are delayed.

**Information**

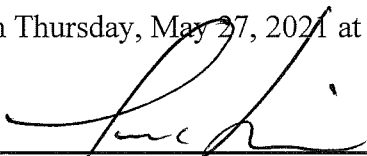
- Next regular meeting – June 22 & 24 – 1 zoning map amendment, rules of procedure amendments and PTIA Part 150 Update Assessment
- Training session for June meeting
- Tablets – status

**F. Adjournment**

On May 25, after the conclusion of staff and applicant presentations, Mr. Kirkman made a motion to recess the meeting until Thursday, May 27 at 6:00 p.m. Mr. Walsh seconded the motion. The Planning and Zoning Commission approved the motion by a vote of 6-0.

On May 27, Mr. Kirkman made a motion to adjourn the meeting. Mr. Wheatley seconded the motion. The motion passed by a vote of 7-0.

Being no further business, the meeting adjourned on Thursday, May 27, 2021 at 6:33 p.m.

  
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Tom Kirkman, Chairman

6-22-21  
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Date