

**MINUTES
PLANNING AND ZONING COMMISSION**

June 27, 2023
City of High Point
Municipal Office Building
City Council Chambers
6:00 p.m.

MEMBERS

PRESENT: Tom Kirkman, Chairman
Thad Juszczak
Mark Morgan
Joan Swift
Terry Venable
Mark Walsh
Ray Wheatley

MEMBERS

ABSENT: Angela Jiménez

STAFF

PRESENT: Sushil Nepal, Planning & Development Director
Herbert Shannon, Senior Planner
Gina Lindsey, Recording Secretary
Andrew Edmonds, Transportation Administrator
John Hanes, Transportation Planner
Meghan Maguire, City Attorney
Nick Tosco, Legal Counsel for the Board

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. May 23 Planning and Zoning Commission Regular Meeting

Mr. Kirkman made a motion to approve the May 23, 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 7-0.

C. Public Hearing Items

1. City of High Point Zoning Map Amendment 23-14

A request by the High Point City Council to rezone 80 parcels, totaling approximately 67.5 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone the Wynngate Subdivision, totaling approximately 42.5 acres (45 parcels), from the Conditional Use Residential Single Family – 3 (CU R-3) District to a Residential Single Family – 3 (R-3) District. The Wynngate Subdivision is located north of the intersection of Burton Road and Flay Cecil Road (*approximately 1,300 feet west of the Guilford/Davidson County line*).
- b) To rezone the Burton Oaks Subdivision, totaling approximately 25 acres (35 parcels), from the Conditional Use Residential Single Family – 3 (CU R-3) District to a Residential Single Family – 3 (R-3) District. The Burton Oaks Subdivision is located north of the intersection of Burton Road and Priya Street (*approximately 2,200 feet west of the Guilford/Davidson County line*).

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 23-14 and recommended approval of the request as outlined in the staff report.

There were no speakers in favor or opposition to this request.

Zoning Map Amendment 23-14

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 23-14 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

Ms. Swift made a motion that the Commission adopt a statement that Zoning Map Amendment 23-14 is consistent with the City's adopted policy guidance because this zoning map amendment is supported by the Low-Density Residential land use classifications of the Land Use Plan. Furthermore, the request is reasonable and in the public interest because the amendment is needed to remove unneeded restrictions on the properties, to remove the conditional use zoning districts, and establish zoning to match the manner in which this neighborhood has developed. Mr. Venable seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 7-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, July 17, 2023 at 5:30 p.m.

2. Dale & Esther Enterprise, LLC Zoning Map Amendment 23-15

A request by Dale & Esther Enterprise, LLC to rezone approximately 1.48 acres from a Conditional Use Limited Business (CU-LB) District and a Conditional Use General Business (CU-GB) District to the Conditional Zoning General Business (CZ-GB) District. The site lies at the northwestern corner of W. Lexington Avenue and Westchester Drive (*800 W. Lexington Avenue and 724 Westchester Drive*).

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 23-15 and recommended approval of the request as outlined in the staff report.

The following people spoke on behalf of the applicant:

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

Mr. Harris provided an overview of the proposal for rezoning to support expansion of the existing automotive repair facility. He explained that his client purchased this lot from the abutting apartment complex several years ago and as part of that purchase an access easement for exiting the site to Westchester Drive was also acquired. He stated that the primary purpose for rezoning is for these parcels to be combined and all the land area be under the same zoning district standards.

In conclusion, Mr. Harris noted that to ensure compatibility with other land uses at this intersection, conditions have been offered to restrict higher intensity commercial uses, to provide for higher landscaping standards and to restrict access to the existing drive from W. Lexington Avenue and to the exiting access easement acquired from the apartment complex.

There were no speakers in opposition to this request.

Zoning Map Amendment 23-15

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 23-15 as presented. Ms. Swift seconded the motion. The Planning and Zoning Commission recommended approval of the request by Dale & Esther Enterprise, LLC by a vote of 7-0.

Consistency & Reasonableness Statements

Mr. Juszczak made a motion that the Commission adopt a statement that Zoning Map Amendment 23-15 is consistent with the City's adopted policy guidance because the requested CZ GB District, as restricted by the proposed conditional zoning ordinance, does not conflict with adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because as conditioned, the requested CZ-GB District would be reasonable as it would support expansion of an existing commercial use at an intensity level similar to uses upon other parcels at this intersection. 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 is tentatively scheduled to be heard by City Council on Monday, July 17, 2023 at 5:30 p.m.

D. Continued Public Hearing Item

(Case referred back to the Planning & Zoning Commission by City Council)

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 update on ZA-23-08 (from March 28, 2023, initial review by the Planning and Zoning , to its current status). He noted that this case was referred by City Council back to the Planning and Zoning Commission due to a number of changes, included in an updated conditional zoning ordinance, that was submitted by the applicant after the Planning and Zoning Commission’s April 25, 2023 public hearing.

The City Council expressed concerns that this updated conditional zoning ordinance has not been shared with the public as part of the official staff report and that these new conditions were not offered to the Planning and Zoning Commission for its consideration.

New conditions offered include the following:

- Next to the southern boundary of the site:
 - Number of units reduced from 56 to 33
 - Max. building height locked in at 50 ft. with pitched-root building construction.
 - Multifamily building setback increased from 15 ft. to 30 ft.
 - Max. building length reduced from 250 ft. to 200 ft.
*These conditions are similar to the RM-5 District standards except for density. (If southern half of site was RM-5 density would be limited to approx. 24 units.)
- Next to northern boundary of site:
 - Setback from Penny Rd. for a multifamily building increased from 20 ft. to 250 ft. This pushes higher intensity development away from the adjacent historic property.
*This higher setback standard does not apply to garages and other accessory structures.
- Landscaping standards:
 - Southern boundary
 - Applicant offered Type C Planting Yard (15ft. average width containing 7 trees and 20 shrubs every 100 linear ft. with 50% of shrubs to be evergreen)
 - 6-foot-high screening fence next to building

A full list of conditions is available in the staff report.

Mr. Shannon noted that staff is generally supportive of the request following those changes.

The following people spoke on behalf of the applicant:

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

Ms. Stalder outlined their proposal to develop this site for a multifamily project with approximately 145 dwelling units. She provided an overview of the changes offered to the conditional zoning ordinance to address concerns raised by staff and surrounding property owners. Based upon the amended zoning condition, she noted that the proposed development can be compatible with the surrounding area.

The following people spoke in opposition to the request:

- Mr. William Jones, 3643 Hickswood Forest Dr.
- Ms. Deborah Davis, 3951 Cobblestone Bend Dr.
- Ms. Melody Thomas, 3933 Cobblestone Bend Dr.
- Mr. Reid Nifong, 3948 Cobblestone Bend Dr.

These speakers expressed the following concerns:

- Development intensity/density
 - A petition in opposition to multifamily development was submitted into the public record.
 - The proposed multifamily development, at 16 units per acre, is inconsistent with the low-to-medium-density development around the site. A multi-story multifamily development is too intense next to the abutting single story residential dwellings.
 - Even with updated conditions the intensity of development south of the power lines is still too high.
- Building height and location
 - Development south of the powerlines should be limited to two-story structures.
 - Development should be focused on portion of site lying north of the powerlines.
- Traffic
 - This proposed multifamily development, in conjunction with other previously approved multifamily to the north, will increase traffic in an area where traffic is already a problem.

After the public hearing, the Planning and Zoning Commission members had a lengthy discussion. Commissioners appreciated that the applicant revamped their development proposal to address issues raised by staff at the March and April public hearings. There was still concern that this is a transitional parcel, and the development intensity should be lower (reduction in number of units and reduction in building height to a two-story structure) along the southern half of the site next to the single story townhome development. There was also concern with having a multistory multifamily development next to a single-story residential development.

Mr. Juszczak noted that he is concerned with having multifamily next to single-family on the southern side of the property. While he noted there is a need for additional housing in the city, he didn't think that need outweighed the inconvenience that would be imposed on surrounding homeowners by adding multifamily housing on this site.

Mr. Morgan stated that positive changes had been made to the applicant's conditions and there is a high demand for housing that he feels the city isn't meeting. He commented on the value of utilizing an infill property to meet that demand with a major commercial hub within walking distance. Mr. Walsh added that while he sees all sides, he felt like the applicant has addressed the concerns of staff and the board. He noted the additional conditions offered by the applicant that lowered building height, provided more buffering and fencing. Mr. Venable echoed Mr. Walsh's comments in saying that it's an imperfect site, but that the developer has addressed the previous concerns and provides some protection to adjacent property.

Zoning Map Amendment 23-08

Mr. Morgan made a motion to recommend approval of Zoning Map Amendment 23-08 with the condition that a 6-foot fence be installed along the southside of the building.

Amend Condition Part II. B. 4 (*Landscaping, Buffers and Screening*)

4. Along the southern property boundary, a 6 foot high opaque screening fence will be erected adjacent to any multifamily building (**between the building and the southern property line**). The fence shall extend a minimum of 10 feet beyond the side walls of the building.

Mr. Walsh seconded the motion. The Planning and Zoning Commission recommended approval of the request by Diversified Estate Holdings, LLC by a vote of 6-1. Member Thad Juszczak vote in opposition due to concern with intensity of development proposed next to the single-story residential development.

Consistency & Reasonableness Statements

Mr. Venable made a motion that the Commission adopt a statement that Zoning Map Amendment 23-8 is consistent with the City's adopted policy guidance because the requested zoning map amendment, as conditioned by the applicant, is to a certain degree aligned with the Land Use Plan and adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because conditions offered by the applicant for reduced development density along the southern half of the site, greater building setbacks and higher perimeter landscaping, will support multifamily development that is generally compatible with abutting lower intensity land uses. Mr. Walsh seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-1 with Mr. Juszczak voting against the motion.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, July 17 at 5:30 p.m.

E. Election of Officers (Chair and Vice Chair)

Mr. Walsh made a motion for Mr. Kirkman to serve as chairman of the Planning and Zoning Commission until June 30, 2024. Ms. Swift seconded the motion. The Commission passed the motion by a vote of 7-0.

Mr. Morgan made a motion for Mr. Walsh to serve as vice chair of the Planning and Zoning Commission until June 30, 2024. Mr. Kirkman seconded the motion. The Commission passed the motion by a vote of 7-0.

F. Director's Report

June 20 Council items

- Comprehensive Zoning Map Amendment 23-13
 - Burton Run Subdivision, north of Burton Rd and Burton Run Rd Intersection
 - Rezoning approved: from Residential Multi-family (RM 16 and RM-26) to Single Family Residential (R-5)
- Zoning Map Amendment 23-12 and Associated Annexation 23-02
 - Southwest Corner of S Bunker Hill Rd and Boylston Rd
 - Annexation and Rezoning approved for future school site: from Agricultural District (AG) in the County to High Point's Conditional Zoning Institutional (CZ-I).

Open positions

- Senior Planner started May 8– Planning Services (Amy McBride, came to us from Winston-Salem Planning Dept.)
- Recruitment ongoing:
 - Planner
 - Planning Administrator (interview set for week of July 3)
 - Development Administrator

Status of Key Projects

- Comprehensive Plan:
 - Wrapped up first round of public engagement in April – around 300 participants.
 - Summary of findings available on the website, was sent to you via email.
 - Next round of engagement set for July 18 and 19, check email for details or visit the website www.highpoint2045.org
- Planning Legislation:
 - Continued discussion among staff and legal team – had a meeting today, plan is to bring this to P&Z in August.

Information

- Next Meeting: July 25, 2023

G. Adjournment

Mr. Kirkman made a motion to adjourn the meeting. Ms. Swift seconded the motion. The motion passed by a vote of 7-0.

Being no further business, the meeting adjourned at 7:37 p.m.



Tom Kirkman, Chairman

7-25-2023

Date