

**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**August 23, 2022**  
City of High Point  
Municipal Office Building  
City Council Chambers  
6:00 p.m.

**MEMBERS**

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

**MEMBERS**

**ABSENT:** Alex Moore

**STAFF**

**PRESENT:** Sushil Nepal, Planning & Development Director  
Chris Andrews, Development Administrator  
Heidi Galanti, Planning Administrator  
Andy Piper, Senior Planner  
Herbert Shannon, Senior Planner  
Gina Lindsey, Recording Secretary  
Greg Venable, Interim Transportation Director  
George Eckart, Transportation Engineer  
John Hanes, Transportation Planner  
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 6:00 p.m. and it was determined that a quorum was present.

**B. Approval of Minutes**

**1. Approval of the July 26, 2022 Minutes of the Planning and Zoning Commission**

Mr. Walsh made a motion to approve the July 26, 2022 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 8-0.

**C. Public Hearing Items**

**1. Evolve Companies Plan Amendment 22-03**

A request by Evolve Companies to change the Land Use Plan classification for approximately 19.8 acres from the Restricted Industrial classification to the Medium Density Residential classification. The site is located along the west side of NC 68, between Penny Road and Premier Drive.

AND

**2. Evolve Companies Zoning Map Amendment 22-19**

A request by Evolve Companies to rezone approximately 18.9 acre from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Multifamily-16 (CZ RM-16) District. The site is located along the west side of NC68, between Penny Road and Premier Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Mr. Andy Piper, Senior Planner, presented Plan Amendment 22-03 and Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 22-19 and recommended approval of the requests as outlined in the staff reports.

Mr. Shannon also noted that there is a separate annexation petition related to these requests that will be reviewed by City Council.

The following people spoke on behalf of the applicant:

- Ms. Amanda Hodierne, attorney with Isaacson Sheridan, 804 Green Valley Rd., Ste. 200, Greensboro

Ms. Hodierne provided an overview of the proposal to rezone this site to a CZ RM-16 District to develop a 264-unit multifamily development. She outlines the fact that a Traffic Impact Analysis was performed, and its findings were accepted by the North Carolina Department of Transportation (NCDOT) and the City of High Points Transportation Department, with the primary access being from Penny Road. She also noted the rezoned for a multifamily development is a compatible infill development at the outer edge of this commercial node and it will provide housing options close to this employment/activity node. In conclusion, Ms. Hodierne outline the site layout as depicted on their binding Conditional Zoning Plan and that there was no attendance from surrounding property owners at their Citizens Information Meeting.

No one spoke in opposition to these requests.

Mr. Shannon responded to a question from the Commission regarding building height limitations noting that there are no conditions limiting building height related to the rezoning request. He said the building height could be up to 50 feet, or up to 80 with additional setbacks.

There was also some discussion on the number of access points and the spacing between them. Mr. Shannon noted that a development of the one proposed requires three access points, based on the number of units. However, the NCDOT will not allow access directly from Eastchester Drive, so that is why only two access points are shown. Ms. Hodiernie also said that the Technical Review Committee is already reviewing the plan and she believes the access points meet the spacing requirements.

Plan Amendment 22-03

Mr. Wheatley made a motion to recommend approval of Plan Amendment 22-03 as presented by staff. Ms. Swift seconded the motion. The Planning and Zoning Commission recommended approval of the request by Evolve Companies by a vote of 8-0.

Zoning Map Amendment 22-19

Mr. Wheatley made a motion to recommend approval of Zoning Map Amendment 22-19 as presented by staff. Ms. Jiménez seconded the motion. The Planning and Zoning Commission recommended approval of the request by Evolve Companies by a vote of 8-0.

Consistency & Reasonableness Statements

Ms. Swift made a motion that the Commission adopt a statement that Zoning Map Amendment 22-19 is consistent with the City's adopted policy guidance because, because, subject to approval of Plan Amendment Case 22-03, and as conditioned, the zoning request is supported by adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because, as conditioned, the requested CZ RM-16 District would be similar to previous multifamily zoning approvals granted at the perimeter of this commercial node. Mr. Morgan seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 8-0.

The Chair announced that the requests are tentatively scheduled to be heard by City Council on Monday, September 19, 2022 at 5:30 p.m.

**3. City of High Point Zoning Map Amendment 22-20**

A request by the High Point City Council to rezone 14 properties, totaling approximately 137.3 acres, as part of the Comprehensive Zoning Map Amendment project.

- a) To rezone 9 parcels, totaling approximately 55.3 acres, from a Conditional Use Residential Single Family – 5 (CU R-5) District, Conditional Use Institutional (CU-I) District and the Conditional Use Heavy Industrial District (CU-HI) District to the Residential Single Family – 5 (R-5) District and the Light Industrial (LI) District. This site consists of multi parcels located south of the railroad tracks, north of Avondale Street, north of Spring Garden Circle and west of Hendrix Street.
- b) To rezone 5 parcels, totaling approximately 82 acres, from a Conditional Use Heavy Industrial District (CU-HI) District and a Conditional Use Light Industrial District (CU-LI) District to a Light Industrial (LI) District. The site is located along both sides of N. Pendleton Street, approximately 500 feet north of the railroad tracks.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 22-20 and recommended approval of the request as outlined in the staff report.

The following people spoke on the request:

- Mr. Willie Smith, 3400 Lovington Ct., High Point

Mr. Smith, who lives in the neighborhood abutting Area A in the request, expressed concern with industrial uses being developed next to the homes along Lovington Court. Mr. Shannon explained that the portion of Area A abutting Lovington Court is proposed to be rezoned to the R-5 District, which supports residential uses, and that industrial uses are not permitted in the R-5 zoning district.

Mr. Shannon responded to a question from Mr. Kirkman regarding whether any specific development was proposed at this time, to which he responded that there is nothing proposed.

#### Zoning Map Amendment 22-20

Mr. Morgan made a motion to recommend approval of Zoning Map Amendment 22-20 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 8-0.

#### Consistency & Reasonableness Statements

Mr. Venable made a motion that the Commission adopt a statement that Zoning Map Amendment 22-20 is consistent with the City's adopted policy guidance because the zoning map amendment is supported by Goal #1 and Objective #10 of the Land Use Plan, which speaks to encouraging development that enhances and preserve established neighborhoods, and the conservation and revitalization of industrial locations. Furthermore, the request is reasonable and in the public interest because the amendments are needed to match the manner in which these areas have developed and to remove unneeded restrictions. 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, September 19, 2022 at 5:30 p.m.

#### **4. City of High Point Zoning Map Amendment 22-21**

A request by the City of High Point City Council to amend the Airport Overlay District based on the recent Piedmont Triad International Airport Part 150 Study. There are 8 areas of recommended change to Airport Overlay District zones, totaling approximately 5,523 acres.

AND

**5. City of High Point Plan Amendment 22-04**

A request by the Planning and Development Department to change the Land Use Plan classification for approximately 77.8 acres from the Restricted Industrial classification to the Low Density Residential classification. The site is located between Sandy Camp Road and Clinard Farms Road, south of Sandy Ridge Road.

AND

**6. City of High Point Text Amendment 22-03**

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance related to the Airport Overlay District.

Mr. Chris Andrews, Development Administrator, presented Zoning Map Amendment 22-21 and Text Amendment 22-03, and Heidi Galanti, Planning Administrator, presented Plan Amendment 22-04, as outlined in the staff reports. Staff recommended approval of all three requests.

The following people spoke on the request:

- Stephen Gossett, 192 Roy Martin Rd., Gray, TN
- Ms. Amanda Williams, BSC Holdings, 4425 Monument Trace, Greensboro
- Mr. Barry Siegal, BSC Holdings, 4425 Monument Trace, Greensboro
- Mr. Ed Price, Price Realtors, 1220 N Main St., High Point

Mr. Gossett, who is a joint owner of 44 acres on Clinard Farms Road in Area H and grew up on the road, said that he's happy to see the proposed changes. He said the lack of residential [zoning] has previously hampered his options for the land, but the proposed changes provide him additional opportunities for the future, so he is 100 percent in favor of the requests.

Ms. Williams and Mr. Siegal presented the Commission with results of an independent analysis of the Part 150 Study Update and the City's recommended zoning amendment. Ms. Williams also noted that the Airport Overlay District is too restrictive in where residential developments can be established. She noted that the demand for housing is especially high, and that the airport has not negatively impacted the area, so more residential development should be allowed. She said there is an opportunity, especially in Airport Overlay Zones 1 and 2, for potential annexation into the city and development to help meet the housing needs of people in the community. Mr. Siegal asked the Commission to table the three requests for 90 days to allow staff and the development community to work together. He added that he believes there is the ability to meet [the city's] goals and provide housing in High Point.

Mr. Price echoed the comments made by Ms. Williams and Mr. Siegal noting that more homes are needed to meet the demand for housing and the lack of it is driving up rental rates. He also added that an additional school is needed south of Interstate 40.

Mr. Kirkman inquired about Mr. Siegal's previous meetings with staff. Mr. Siegal responded that he has met with staff several times, including in June 2022 and with Lee

Burnette, the former Planning and Development Director, prior to his retirement in August 2021 to discuss his concerns with the Airport Overlay District.

Furthermore, Mr. Kirkman asked staff if the Commission were to recommend approval of the requests, if it would prevent a developer from requesting a future change to the land use plan. Mr. Andrews noted that he is correct, that it would not prohibit such a request.

Mr. Siegal followed up Mr. Andrews' response with a question as to whether staff would support a developer's request to change the Land Use Plan to permit residential homes in Zones 1 and 2 of the Airport Overlay District. Mr. Andrews responded that staff would not permit it. Mr. Siegal once again urged the commission to table the requests noting that time is needed to come up with something for Zones 1 and 2 to allow for much-needed housing.

Commissioners made the following additional comments related to the request to table the plan amendment, zoning map amendment and text amendment requests for 90 days:

- Mr. Walsh supported tabling the three requests for 90 days to allow time for discussion between the development community and staff to see if they can come up with a compromise regarding Zones 1 and 2 of the Airport Overlay District. He added that he understands the need for more housing. Mr. Walsh also commended staff for their work on these proposals.
- Ms. Jiménez did not feel there is a need to table the items. She noted the Commission needs to move forward as there are already opportunities [within the Airport Overlay District] for additional housing.
- Mr. Juszczak said he didn't think tabling the items for 60-90 days would make any difference. He noted the complexities involved with Federal Aviation Administration requirements, along with scientific data and the needs of all parties to allow as much land available for development.
- Mr. Kirkman agreed that he doesn't see a benefit to tabling the items, noting that there is little chance either side will budge.
- Mr. Morgan supported tabling the requests for 90 days to reexamine the established Airport Overlay Zones. He noted that from what he's heard, models are being used instead of actuals and we know that there is a real need for additional housing.
- Ms. Swift noted she is also in favor of tabling the items and didn't see a reason why the Commission couldn't delay a decision. She added that she lives in Zone 3 of the Airport Overlay District and the [airplane noise] has never been a bother.
- Mr. Wheatley didn't feel the need for a delay, and that 90 days wouldn't make any difference. He said the Commission should go ahead and approve the items tonight.

Zoning Map Amendment 22-21

Mr. Kirkman made a motion to recommend approval of Zoning Map Amendment 22-21 as presented by staff. Mr. Wheatley seconded the motion. The Planning and Zoning Commission recommended approval of the request by the City of High Point by a vote of 5-3 with Mr. Morgan, Ms. Swift and Mr. Walsh voting against the motion.

Consistency & Reasonableness Statements (ZA-22-21)

Mr. Kirkman made a motion that the Commission adopt a statement that Zoning Map Amendment 22-21 is consistent with the City's adopted policy guidance because the proposed amendment does not conflict with the Land Use Plan or other adopted policy guidance. More specifically, the City does not have adopted plans or policies that address this type of zoning map amendment. Furthermore, the request is reasonable and in the public interest because the amendments to the Airport Overlay District will continue to provide noise mitigation protection measures and prohibit certain uses within the vicinity of the Piedmont Triad International Airport. Additionally, the noise metrics and analysis on which the ARO District is designed support a reclassification of multiple areas to other overlay zones. Furthermore, City interests are protected through the district's waiver of claim requirement. Mr. Juszczak seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 5-3 with Mr. Morgan, Ms. Swift and Mr. Walsh voting against the motion.

Plan Amendment 22-04

Mr. Wheatley made a motion to recommend approval of Plan Amendment 22-04 as presented by staff. Ms. Jiménez seconded the motion. The Planning and Zoning Commission recommended approval of the request by the City of High Point by a vote of 5-3 with Mr. Morgan, Ms. Swift and Mr. Walsh voting against the motion.

Text Amendment 22-03

Mr. Venable made a motion to recommend approval of Text Amendment 22-03 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 5-3 with Mr. Morgan, Ms. Swift and Mr. Walsh voting against the motion.

Consistency & Reasonableness Statements (TA-22-03)

Mr. Juszczak made a motion that the Commission adopt a statement that Text Amendment 22-03 is consistent with the City's adopted policy guidance because this text amendment does not conflict with adopted policy guidance. Furthermore, the request is reasonable and in the public interest because the proposed amendment provides increased clarity to the Development Ordinance related to the applicability and physical description of the Airport Overlay District. Mr. Venable seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 5-3 with Mr. Morgan, Ms. Swift and Mr. Walsh voting against the motion.

The Chair announced that the requests are tentatively scheduled to be heard by City Council on Monday, September 19, 2022 at 5:30 p.m.

**D. New Business**

**E. Director's Report**

**Status of Key Projects**

- Sign Ordinance: Staff held a public drop-in session on June 14, 2022 from 4-7 p.m. related to the proposed amendments, as well as the draft sign standards in ordinance form. Staff plans to bring a final public hearing draft to the Commission at its September meeting.
- Comprehensive Plan: City Council allocated funding for the City's Comprehensive Plan update through the American Rescue Plan Act (ARPA) at its February 21, 2022 meeting. The city dedicated \$400,000 to a new comprehensive plan.
  - The City's Purchasing Department advertised the RFQ on Friday, June 10, 2022, and provided placement of the RFQ on the American Planning Association and Congress of New Urbanism websites.
  - The City has received 5 proposals, 3 of which have been interviewed. Staff will decide which consulting firm to use within the next week. The full process is expected to take 12-14 months to complete, and the Commission will be involved in that process.
- H263 Council Delegate Rezoning Powers: The legislation passed allowing City Council to give the Planning and Zoning Commission rezoning authority. Ms. Meghan Maguire, Assistant City Attorney, noted that implementation has not been discussed and there is no timetable for it. She added that City Council is aware the bill passed, but it has not provided any direction to City staff at this time. Ms. Galanti noted that if the City Council chose to grant that authority to the Commission it would require a text amendment.

**F. Adjournment**

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

Being no further business, the meeting adjourned at 7:52 p.m.



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Tom Kirkman, Chairman

10-25-2022

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Date