

MINUTES
PLANNING AND ZONING COMMISSION
September 28, 2021
City of High Point
Municipal Office Building
City Council Chambers
6:00 p.m.

MEMBERS

PRESENT: Tom Kirkman, Chairman
Alex Moore
Mark Morgan
Joan Swift
Terry Venable
Mark Walsh

MEMBERS

ABSENT: Thad Juszczak
Angela McGill
Ray Wheatley

STAFF

PRESENT: Chris Andrews, Interim Planning & Development Director
Heidi Galanti, Planning Administrator
Herbert Shannon, Senior Planner
Gina Lindsey, Recording Secretary
George Eckart, Transportation Engineer
Greg Venable, Transportation Planning Administrator
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 August 24, 2021 Minutes of the Planning and Zoning Commission

Ms. Swift made a motion to approve the August 24, 2021 minutes of the regular meeting of the Planning and Zoning Commission as presented. Mr. Morgan seconded the motion. The minutes were approved by a vote of 6-0.

C. Public Hearing Items

1. City of High Point Text Amendment 21-05

A request by the Engineering Services Department to amend Section 6.3.2. (*Soil Erosion and Sedimentation - Exemptions*) of the Development Ordinance, to add an exemption to the requirements of a Land Disturbance Permit.

Mr. Chris Andrews, Interim Planning & Development Director, presented Text Amendment 21-05 and recommended approval of the request as outlined in the staff report.

Speaking on the request:

There were no public comments regarding the request.

Text Amendment 21-05

Mr. Walsh made a motion to recommend approval of Text Amendment 21-05 as presented by staff. Mr. Venable seconded the motion. The Planning and Zoning Commission recommended approval of the request by the City of High Point by a vote of 6-0.

Consistency & Reasonableness Statements

Ms. Swift made a motion that the Commission adopt a statement that Text Amendment 21-05 is neither consistent nor inconsistent with adopted policy guidance. Furthermore, the request is reasonable and in the public interest because the proposed amendment provides relief only to specific development activities, which are minor in scope. Furthermore, this amendment allows the City to continue to monitor land disturbance activities at the level required by the State, but reduce the erosion control permitting and plan reviews required for all residential construction permit applications throughout the city. The amendments are intended to improve customer service related to residential construction permits. Mr. Kirkman seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, November 1, 2021 at 5:30 p.m.

2. COHAB Zoning Map Amendment 21-17

A request by COHAB to rezone approximately 3 acres from the Planned Development – Core City (PD-CC) District and a Heavy Industrial (HI) District to an amended Planned Development – Core City (PD-CC) District. The site is lying along the east side of W. English Drive, between S. West Point Avenue and Phillips Avenue.

Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 21-17 and recommended approval of the request as outlined in the staff report.

The following people spoke in favor of the request:

- Mr. John Muldoon, applicant, 1547 W English Rd., High Point

Mr. Muldoon provided an overview of the request and made himself available to the Commission for questions.

No one else spoke regarding the request.

Zoning Map Amendment 21-17

Mr. Moore made a motion to recommend approval of Zoning Map Amendment 21-17 as presented by staff. Ms. Swift seconded the motion. The Planning and Zoning Commission recommended approval of the request by COHAB by a vote of 6-0.

Consistency & Reasonableness Statements

Mr. Morgan made a motion that the Commission adopt a statement that Zoning Map Amendment 21-17 is consistent with the City's adopted policy guidance because of the expansion of this PD-CC district will continue the reuse of the historic structures in this area and is supported by the goals and objectives of the Community Growth Vision Statement, and the Land Use Plan. Furthermore, the request is reasonable and in the public's interest because the proposed expansion of this PD-CC district meets the ordinance standards and continues advancing city's policy for redevelopment in this area as a mixed use center as envisioned by the Core City Plan. Mr. Venable seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, November 1, 2021 at 5:30 p.m.

3. Leoterra Development, Inc. Plan Amendment 21-05

A request by Leoterra Development, Inc. to change the Land Use Plan classification for approximately 70 acres from the Restricted Industrial and Low-Density Residential classifications to the Moderate-Density Residential classification. The site is located south of Cox Avenue and west of Jackson Lake Road.

AND

4. Leoterra Development, Inc. Zoning Map Amendment 21-19

A request by Leoterra Development, Inc. to rezone approximately 70 acres from the Conditional Use Employment Center (CU-EC) and Residential Single Family - 5 (R-5) Districts, within the City of High Point's Extraterritorial Jurisdiction, to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located south of Cox Avenue and west of Jackson Lake Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Ms. Heidi Galanti, Planning Administrator, presented Plan Amendment 21-05 and Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 21-19. They recommended approval of the requests as outlined in the staff reports.

The following people spoke in favor of the request:

- Mr. Tom Terrell, applicant's representative, Fox Rothschild LLP, 529 W Parkway Ave., High Point

Mr. Terrell provided an overview of Leoterra Developments proposal to rezone this site to a CZ RM-16 District to develop an approximate 450-unit-residential development consisting of single family homes and townhomes. Mr. Terrell noted that they have offered conditions to restrict the density to 6.5 units per acre and to prohibit multifamily uses. He also outlined summary of the Traffic Impact Analysis and outlined transportation-related conditions offered which are supported by their traffic impact analysis.

The following people spoke in opposition of the request:

- Ms. Deana Carter, 1515 Jackson Lake Rd., High Point
- Ms. Rudy Anne Johns and Mr. Larry Johns, 1431 Motes Ct., High Point
- Ms. Katie Caudle, 1310 Cox Ave., High Point
- Ms. Christel Oliphant, 1259 Elon Pl, High Point
- Mr. Rick Lawrence, 1614 Jackson Lake Rd., High Point

These speakers expressed the following concerns:

- Density: They desire to keep the development in the area as low density, similar to their existing neighborhoods.
- Environmental: Concern over the impacts of development on the wetlands and endangered animal and plant species.
- Traffic: The proposed 450-unit development would potentially have a negative impact and increase traffic on Cox Avenue.
- Access: Another access point to the development is needed in addition to Cox Road.
- Stormwater & Flooding Concerns: Development could potentially worsen existing problem with stormwater runoff flooding properties along Cox Avenue after heavy rainfall
- Blasting from the construction of I-74 impacted many residents' water wells. There is concern if there is blasting related to this residential development that it will further impact their wells.
- Approximately 30 – 40 residents stood in opposition to this request as a protest petition was submitted to the Commission.

After the public hearing was closed there was a lengthy discussion among the commissioners. This discussion period among the Commission included questions for Mr. Terrell, for some of the neighbors who spoke and for the Planning & Development Department and Transportation Department staff members.

Staff provided the following information in response to questions from the commissioners:

- Staff is unaware of the sewer problem noted, but will contact the Public Services Department to investigate further.
- The applicant must meet the watershed standards of the Randleman Lake Watershed area, which would be reviewed by city staff as part of the development approval process.
- The plan submitted is not binding, however, the conditions are. As conditioned, single family townhomes would be permitted within 150 feet of Jackson Lake Rd.

Mr. Terrell added that he would be glad to speak with Ms. Caudle about a fence to provide a buffer between the development and adjacent properties. He also stated that the applicant can make it a condition that single-family homes will abut single-family homes. Regarding density, Mr. Terrell noted that density typically goes down as additional constraints to development are identified, adding that the topography of the land already limits the area that can be developed. He also addressed a question regarding the traffic impact analysis, explaining that the traffic engineers use data collected and sophisticated modeling software to produce the traffic estimates.

Plan Amendment 21-05

Mr. Walsh made a motion to recommend approval of Plan Amendment 21-05 as presented by staff. Mr. Morgan seconded the motion. The Planning and Zoning Commission recommended approval of the request by Leoterra Development, Inc. by a vote of 6-0.

Zoning Map Amendment 21-19

Mr. Kirkman made a motion to recommend approval of Zoning Map Amendment 21-19 as presented by staff, including all conditions noted by Mr. Terrell. Mr. Walsh seconded the motion. The Planning and Zoning Commission recommended approval of the request by Leoterra Development, Inc. by a vote of 6-0.

Consistency & Reasonableness Statements

Mr. Venable made a motion that the Commission adopt a statement that Zoning Map Amendment 21-19 is consistent with the City's adopted policy guidance because, subject to approval of a plan amendment to establish a Moderate-Density Residential land use classification for this area, and based upon conditions offered by the applicant, the proposed CZ RM-16 District is supported by the goals and policies of the Community Growth Vision Statement and the Land Use Plan. Furthermore, the request is reasonable and in the public interest because, as conditioned, the requested CU RM-16 District will support development similar to the surrounding area. Mr. Kirkman seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, November 1, 2021 at 5:30 p.m.

5. Shamrock Petey, LLC and City of High Point Plan Amendment 21-06

A request by Shamrock Petey, LLC and the City of High Point to change the Land Use Plan classification for approximately 41 acres from the Office and Medium Density Residential classifications to the Community/Regional Commercial classification. The site is located at the southeast corner of W. Wendover Avenue and Penny Road.

AND

6. Shamrock Petey, LLC Zoning Map Amendment 21-20

A request by Shamrock Petey, LLC to rezone approximately 25.5 acres from the Agricultural (AG) District, Residential Single Family – 40 (RS-40) District and General Office-Moderate Intensity (GO-M) District all within Guilford County's

zoning jurisdiction, to a Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Ms. Heidi Galanti, Planning Administrator, presented Plan Amendment 21-06 and Mr. Herbert Shannon, Senior Planner, presented Zoning Map Amendment 21-20. They recommended approval of the requests as outlined in the staff reports.

The following people spoke in favor of the request:

- Mr. Tom Terrell, applicant's representative, Fox Rothschild LLP, 529 W Parkway Ave., High Point
- Dennis Bunker, applicant, 1140 Dilworth Crescent Rd, Charlotte

Mr. Terrell provided an overview of the proposal and offered an outline of proposed new conditions. Planning staff noted this is the first time seeing these proposed new conditions and could not comment on them at this public hearing. Staff would need time to review them and determine if they addressed the issues outlined in the staff report. The staff report, under the "Recommendation Section", has five recommended amendments to the proposed conditional zoning ordinance. Mr. Terrell noted that with a minor adjustment to the last sentence in the transportation conditions (Amendment #5 in staff report) they accept the Transportation Department conditions. The applicant and staff agreed to meet to attempt to resolve issues with the staff recommended conditions, Amendment #1 through #4, as noted in the staff report, prior to City Council public hearing.

Mr. Terrell also noted other conditions offered, including no outdoor storage along Wendover Avenue and Penny Road, automobile bays would be internally facing on the site, higher landscaping standards to create a buffer against Nottingham subdivision, and use restrictions (no retail) abutting Nottingham subdivision.

Mr. Bunker noted that he wishes that he could agree to all conditions, but the project has become more expensive than expected. He was asked to donate right-of-way along Samet Drive, which he agreed too, but it also added cost and risk to the project. He said financial risks were more manageable before Covid. Mr. Bunker added that he has been working on the project with the city for two years and he feels like it's been a good partnership.

The following people spoke in opposition of the request:

- David Chrismon, 3722 Queenswood Ln., Jamestown

Mr. Chrismon expressed concern that the proposal would hurt property values in the area and create traffic and safety concerns. He noted that he felt better about the proposed development after hearing the staff and applicant presentations, adding that as long as it is done in line with other development in the area, he would be satisfied.

Plan Amendment 21-06

Mr. Walsh made a motion to recommend approval of Plan Amendment 21-06

as presented by staff. Mr. Morgan seconded the motion. The Planning and Zoning Commission recommended approval of the request by Shamrock Petey, LLC and City of High Point by a vote of 6-0.

Zoning Map Amendment 21-20

Mr. Walsh made a motion to recommend approval of Zoning Map Amendment 21-20 as presented by staff (with the five amendments noted in the staff report). Mr. Moore seconded the motion. The Planning and Zoning Commission recommended approval of the request by Shamrock Petey, LLC by a vote of 5-1 with Mr. Morgan voting against the motion.

It was noted by Mr. Walsh and Mr. Kirkman that staff and the applicant will meet to attempt to iron out the details pertaining to the five amendments noted in the staff report prior to the City Council public hearing.

Consistency & Reasonableness Statements

Mr. Walsh made a motion that the Commission adopt a statement that Zoning Map Amendment 21-20 is consistent with the City's adopted policy guidance because, subject to approval of the plan amendment to establish a Community/Regional Commercial land use classification for this area, and subject to meeting staff recommended zoning ordinance conditions, the proposed CZ-RC District would be supported by adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because, subject to the request being amended to meet staff-recommended zoning ordinance conditions, the requested CZ-RC District will be similar and compatible with previous conditional zoning approvals granted in this area. Mr. Venable seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 5-1 with Mr. Morgan voting against the motion.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, November 1, 2021 at 5:30 p.m.

7. City of High Point Text Amendment 21-04

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. Chris Andrews, Interim Planning & Development Director, presented Text Amendment 21-04 and recommended approval of the request as outlined in the staff report.

Speaking on the request:

There were no public comments regarding the request.

Text Amendment 21-04

Mr. Kirkman made a motion to recommend approval of Text Amendment 21-04 as presented by staff. 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 6-0.

Consistency & Reasonableness Statements

Mr. Kirkman made a motion that the Commission adopt a statement that Text Amendment 21-04 is consistent with the City's adopted policy guidance because these general amendments make the Ordinance more user-friendly and flexible, and they are 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. Walsh seconded the motion. The Planning and Zoning Commission adopted these statements by a vote of 6-0.

The Chair announced that the request is tentatively scheduled to be heard by City Council on Monday, November 1, 2021 at 5:30 p.m.

D. Director's Report

Status of Key Projects

- Comprehensive Zoning Map Amendments: The fifth set of the group 4 amendments will be on the November regular meeting agenda.
- Airport Overlay District Assessment: The assessment report, with recommendations, was presented to City Council on July 19, 2021. Staff requested, and City Council supported, initiation at its meeting on September 20, 2021.
- 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.

Information

- Next regular meeting – October 26 – 6 zoning map amendments, 1 plan amendment, 1 street abandonment, and a presentation of the Comprehensive Plan Community Inventory and Assessment report
- November and December meeting reminders (2nd Tuesday, not 4th Tuesday)
- UNC SOG training feedback

E. Adjournment

Mr. Kirkman made a motion to adjourn the meeting. Mr. Morgan seconded the motion. The motion passed by a vote of 6-0.

Being no further business, the meeting adjourned at 8:50 p.m.



Tom Kirkman, Chairman

10-26-21

Date