

CITY OF HIGH POINT AGENDA ITEM



Title: Plan Amendment 15-06; and
Zoning Map Amendment 15-19
(Redwolf Development Company, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: February 15, 2016

Public Hearing: Yes

Advertising Date: February 3 & 10, 2016

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Zoning Ordinance

PURPOSE:

Plan Amendment 15-06

A request by Redwolf Development Company, LLC to change the Land Use Map classification for approximately 8.7 acres from the Low Density Residential classification to the Moderate Density Residential classification. The site is lying along the east side of Penny Road, abutting the north side of Horney Road (2000 Penny Road).

AND

Zoning Map Amendment 15-19

A request by Redwolf Development Company, LLC to rezone approximately 8.7 acres from the Conditional Use Public & Institutional (CU-PI) District to the Conditional Zoning Residential Multifamily-8 (CZ RM-8) District. The site is lying along the east side of Penny Road, abutting the north side of Horney Road (2000 Penny Road).

BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On January 26, 2016, a public hearing was held before the Planning and Zoning Commission regarding Plan Amendment 15-06 and Zoning Map Amendment 15-19. Staff recommended *approval* of both requests.
- B. The Planning & Zoning Commission recommended approval of Plan Amendment Case 15-06 by a vote of 8-0.
- C. The Planning & Zoning Commission recommended approval of Zoning Map Amendment 15-19, with amendments recommended by the Transportation Department, by a vote of 8-0

PLANNING AND ZONING COMMISSION RECOMMENDATION

Redwolf Development Company, LLC

**Plan Amendment 15-06 and
Zoning Map Amendment Case 15-19**

At its January 26, 2016 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present. Mr. Andy Piper, Senior Planner, presented the Plan Amendment request and Mr. Herbert Shannon, Senior Planner, presented the Zoning Map Amendment request. Staff recommended approval of these requests. In addition, Ms. Vicky Embry, City of High Point Transportation Engineer, spoke on the Transportation Department's January 15, 2016 Memorandum, and provided an overview of conditions they recommend be included in the conditional zoning ordinance.

Speaking in favor of the request:

Speaking in favor of these requests was the applicant, Mr. David Michaels, Manager of Redwolf Development Company, 621 Eugene Court, Greensboro. Mr. Michaels gave a brief overview of the proposal to develop a 69-unit townhome development on the site and outlined the unique challenges of the lot, including its narrow dimensions and a gasline easement that restricts development. In conclusion, Mr. Michaels expressed concern regarding the Transportation Department's recommended road improvements to Horney Road. He is worried that Redwolf Development would be asked to take responsibility for road improvements to portions of roadway that are primarily used to access Florence Elementary School. As such, he felt Guilford County Schools should be responsible for making some of those improvements.

Speaking in opposition of the request:

Gary Bruce Johnson, 3332 Barnsdale Road; Pastor Angeline Sumpter, 2000 Penny Road; Tommy Biagioli, 3339 Barnsdale Road; Larry Kreis, 4020 Maid Marion Court; Jason Mikles, 3776 Windstream Way; Rachel Biagioli, 3339 Barnsdale Road; Sue Headley, 7603 Horney Road; Jackie Allen, 3763 Windstream Way and Paul Shrier, 3701 Tuxford Lane. Those in opposition of the request had the following concerns:

- The requested density is too high and will produce too much additional traffic, especially during the arrival and dismissal times of the adjacent Florence Elementary School;
- The topography of the land will place the development on a hill above adjacent homes and there are potential negative impacts from storm water runoff; and
- Provisions should be provided to protect the privacy of neighboring homes and to prevent disruptions from vehicle headlights.

Once the public hearing was closed, the Commission had several questions for staff and the applicant. The Planning & Zoning Commission recommended approval of Plan Amendment 15-06, as recommended by staff, by a vote of 8-0.

In regard to the Zoning Map Amendment, contingent upon the conditional zoning ordinance being amended to include all conditions set forth in the City of High Point DOT memo dated January 15, 2016, the Planning & Zoning Commission recommended approval of Zoning Map Amendment 15-19 by a vote of 8-0. Upon making its recommendation, the Commission stated that its approval of Zoning Map Amendment 15-19 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) Subject to approval of the associated Plan Amendment 15-03,

the requested CZ RM-8 District will be consistent with the Land Use Plan; 2) The Conditional Zoning Ordinance offered by the applicant prohibits multifamily (apartment) uses and limits building height. Along with landscaping standards of the ordinance, the development of the site, as permitted by the RM-8 District, will be in character with the surrounding uses in the area; and 3) The request will promote an orderly growth pattern and encourage higher residential densities at appropriate locations as supported by Goal #5 and Objective #8 of the Land Use Plan.

**CITY OF HIGH POINT
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT
PLAN AMENDMENT 15-06, AND ZONING MAP AMENDMENT 15-19
January 26, 2016**

Requests	
Applicant: Redwolf Development Company, LLC	Owner: North Carolina Remodel Masters Inc.
LUPA Proposal: To change the future land use designation for approximately 8.7 acres	From: Low Density Residential To: Moderate Density Residential
Zoning Proposal: To rezone approximately 8.7 acres	From: CU-PI Conditional Use Public & Institutional District To: CZ RM-8 Conditional Zoning Residential Multifamily-8 District

Site Information	
Location:	The site is lying along the east side of Penny Road, abutting the north side of Horney Road (2000 Penny Road).
Tax Parcel Numbers:	Plan Amendment
	Zoning Request
	0209235 Same
Site Acreage:	Plan Amendment
	Zoning Request
	Approximately 8.7 acres Same
Current Land Use:	Plan Amendment
	Zoning Request
	Undeveloped Same
Physical Characteristics:	The site is an undeveloped wooded parcel. Except for a 50-foot wide Piedmont Natural Gas Pipeline easement, which runs across the eastern portion of the property, the site has no noteworthy features.
Water and Sewer Proximity:	A 12-inch City water line lies adjacent to the site along Penny Road and a 6-inch City water line lies adjacent to the site along a portion of Horney Road. An 8-inch sanitary sewer line is proposed to be extended to the site from the north via connection to the 8-inch City sanitary sewer line lying within Windstream Way.
General Drainage and Watershed:	The site drains in a general easterly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Engineered storm water treatment measures are required for multi-family development with a total impervious surface area greater than 24% of the site, and for single family developments with a gross density of 2 units per acre or more.
Overlay District:	City Lake General Watershed Area

Adjacent Property Zoning and Current Land Use			
North:	CU RS-9	Conditional Use Residential Single Family – 9 District	Single family dwellings
South:	PI RS-40	Public & Institutional District Residential Single Family – 40 District (<i>Guilford County</i>)	Florence Elementary School, single family dwellings, church and undeveloped parcels
East:	CU RS-9	Conditional Use Residential Single Family – 9 District	Single family dwellings
West:	CU RM-12	Conditional Use Residential Multifamily – 12 District	Townhomes dwellings

Adjacent Land Use Plan Designations	
North:	Low Density Residential
South:	Institutional and Low Density Residential
East:	Low Density Residential
West:	Medium Density Residential

Purpose of Existing and Proposed Land Use Plan Designations	
Existing Designation:	Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.
Proposed Designation:	Moderate-Density Residential: This classification includes a variety of detached or attached dwellings, generally including single family homes, cluster homes, duplexes and townhouses. Development densities shall range from five-to-eight dwelling units per gross acre.

Relevant Land Use Policies and Related Zoning & LUPA History	
Community Growth Vision Statement:	This request is neither in conflict with the Community Growth Vision Statement goals and objectives, nor does it support those goals and objectives.
Land Use Plan Goals, Objectives & Policies:	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #3: Provide a wide range of housing opportunities for families of all income levels. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj. #8. Stimulate more efficient use of the City’s land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations. Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.
Relevant Area Plan:	Not Applicable
Zoning History:	<ul style="list-style-type: none"> • <u>ZA99-22</u>: In 1999, this 8.7-acre parcel was annexed and granted a CU-PI District zoning to facilitate the development of a church and daycare use. This project never came to fruition and the property has remained

	<p>undeveloped.</p> <ul style="list-style-type: none"> • <u>ZA93-03 and ZA95-28</u>: The abutting residential subdivision to the north (Nottingham Subdivision) and east (Parkside at Nottingham Subdivision) were annexed and granted CU RS-9 District zoning in 1993 and 1996, respectively. • <u>ZA02-01</u>: In 2002 Florence Elementary school and an adjacent single family home were annexed and granted PI District zoning to facilitate an expansion of the school and to connect to City utilities. • <u>ZA02-15</u>: In 2002 the adjacent townhome development (Parkhill Townhome Subdivision), lying along the west side of Penny Road, was annexed and granted a CU RM-12 District zoning.
LUPA History:	The site was designated Medium Density Residential in the previous Land Use Plan adopted in 1992 and then changed to Low Density Residential sometime in 1993 or 1994, which was carried forward to the current Land Use Plan in 2000.

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	Penny Road Horney Road	Major Thoroughfare Local Street	120 ft. 1,693 ft.
Vehicular Access:	Horney Road (public street)		
Traffic Counts: <i>(Average Daily Trips)</i>	Penny Road	19,000 ADT, (2013, NCDOT count)	
Estimated Trip Generation:	No information provided		
Traffic Impact Analysis:	Required		Comment
	<u>Yes</u>	<u>No</u> X	None
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.		

School District Comment					
Guilford County Schools					
Local Schools:	Enrollment:		Maximum Design Capacity:	Mobile Classrooms:	Projected Additional Students:
	Fall 2014	Fall 2015			
<i>Florence Elementary School</i>	675	679	800	11	19 - 20
Southwest Middle School	1,135	1,081	1,254	10	10 - 12
Southwest High School	1,530	1,527	1,595	11	9 - 11
School District Remarks: None					

Details of Proposal

1. General Overview:

The subject site is currently designated by the Land Use Map as Low Density Residential and has a Conditional Use Public Institutional (CU-PI) District with conditions limiting the site to

church and daycare center uses. The applicant is requesting a Plan Amendment and a Zoning Map Amendment to develop the site with townhomes.

2. Summary of Land Use Plan Amendment Request:

The applicant has requested a Land Use Plan Amendment to change the future land use designation for the site from Low Density Residential to Moderate Density Residential. When requests are made for Land Use Plan Map amendments, staff analyzes the request and the surrounding area to determine whether the proposal is logical and whether there is a rationale for the change based on the goals, objectives and policies of the Land Use Plan and any relevant area plans or other planning documents.

The previous Land Use Plan, adopted in 1992, designated this site and the area to the north as Medium Density Residential. However, the land use designation was changed to Low Density Residential in the mid-1990s, which was then carried forward to the current Land Use Plan adopted in 2000. While the area immediately to the north and east developed as single family residential, areas to the northwest have developed with a mix of commercial and higher density residential, which provides some precedent in the area for the requested change in land use designation. The request is supported by several goals and objectives in the Land Use Plan, such as making efficient use of the city's land resources through higher density "in-fill" development, and providing transitions between more and less intensive land uses.

3. Summary of Zoning Request:

The applicant is proposing to purchase the property in order to develop a townhome development. To allow for residential development, the applicant has submitted a request to rezone the site to the CZ RM-8 District. The RM-8 District is primarily intended to accommodate duplexes, twinhomes, townhouses, cluster housing, and similar residential uses at a density of eight units per acre. The applicant has submitted a Conditional Zoning Ordinance with this request that restricts the allowable uses. As conditioned, the only residential uses permitted are single family detached dwellings, townhouse dwellings and two-family dwellings (twin homes or duplexes).

Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Development Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Plans:

The proposed Conditional Zoning District is appropriate for its proposed location and is consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans

Staff Comments:

Provided the Land Use Plan Amendment is approved, the proposed conditional zoning district will be consistent with the Land Use Plan. The proposal is consistent with several goals and

objectives of the Land Use Plan in regard to providing affordable housing near employment and shopping/service areas. It also promotes the efficient use of land through higher density in-fill development where appropriate, while also providing transitions between more and less intensive land uses.

Review Factors:

The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:

<u>Factor #1</u>	Produces a development that is compatible with surrounding development character and land uses;
	<i>Staff Comments:</i> Conditions offered by the applicant to prohibit multifamily uses (apartment or condominiums) and to limit building height to two stories, will ensure development will be compatible with surrounding development.
<u>Factor #2</u>	Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;
	<i>Staff Comments:</i> This zoning district allows a maximum of 69 residential dwelling units to be developed, which does not trigger the requirement for a Traffic Impact Analysis. The Transportation Department has noted that Horney Road must be improved to meet minimum right-of-way (ROW) width and to meet minimum NCDOT standards regarding width and pavement structure. Due to the narrow configuration of the site, the applicant is not sure if the proposed 69 dwelling units can be placed on the site while still dedicating additional ROW. The applicant desires to work with the Transportation Department on these issues during the Technical Review Committee (TRC) review process. When a group development plan or subdivision plan is submitted, the TRC has the authority to require additional ROW and improve abutting streets to City standards.
<u>Factor #3</u>	Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;
	<i>Staff Comments:</i> The site is within a City Lake General Watershed Area, and as such, development of the site is required to meet watershed standards of the Development Ordinance.
<u>Factor #4</u>	Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;
	<i>Staff Comments:</i> The site is within an area currently served by City of High Point utilities and municipal services. The zoning submittal has no known adverse impacts on municipal services.
<u>Factor #5</u>	Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.

	<p><u>Staff Comments:</u></p> <ul style="list-style-type: none">❖ Conditions offered by the applicant prohibiting multifamily uses, and restricting building height will assist in ensuring that the development will not adversely impact the use or value of adjacent property owners.❖ The Development Ordinance requires a Type C planting yard be installed where a new townhome use abuts an existing single family use. This planting yard requires an average width of 20 feet and the installation of 5 trees and 17 shrubs every 100 linear feet. This landscaping standard of the Development Ordinance will assist in ensuring development of the property, as permitted by the RM-8 District zoning, will not substantially injure the value of adjacent property owners..
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Changes in the Area:

There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.

Staff Comments:

The Penny Road corridor has changed during the past 25 years. In the early 1990s, it was a rural area on the outer fringes of the City. Today, it's in the heart of the northern portion of the City's corporate limits and serves as a major thoroughfare between Greensboro Road and W. Wendover Avenue. Since the 1990s, numerous residential developments (single family, twinhome and townhome developments) have been developed along the Penny Road corridor and a major commercial hub has been developed within walking distance (1/4 mile) north of this zoning site at the intersection of Penny Road and Samet Drive.

Development Patterns:

The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.

Staff Comments:

The City's Land Use Plan supports higher density residential uses along the opposite side of Penny Road (up to 16 units per acre) and a townhome development has been established in that area. To the south of the site is an institutional use consisting of an elementary school. The allowance of a moderate density townhome development (up to 8 units per acre) on this site addresses the intent of objectives #8 & 9 of the Land Use Plan, which speaks to stimulating more efficient use of the City's land resources by encouraging in-fill, mixed-use, and higher residential densities at appropriate locations; and providing a transition in uses between more and less intensive land uses.

Reasonableness/Public Interest:

An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because:

- 1) Subject to approval of the associated Plan Amendment 15-03, the requested CZ RM-8 District will be consistent with the Land Use Plan;
- 2) The Conditional Zoning Ordinance offered by the applicant prohibits multifamily (apartment) uses and limits building height. Along with landscaping standards of the ordinance, the development of the site, as permitted by the RM-8 District, will be in character

- with the surrounding uses in the area; and
- 3) The request will promote an orderly growth pattern and encourage higher residential densities at appropriate locations as supported by Goal #5 and Objective #8 of the Land Use Plan.

Recommendation

1. Plan Amendment 15-05:

Staff Recommends Approval:

The requested Moderate Density Residential classification is an appropriate land use to separate a single family development (Low Density Residential classification) from a school (Institutional classification). There is a similar higher intensity land use classification established in this area and the request meets the goals and objectives of the Land Use Plan. Staff recommends approval of the request to change the Low Density Residential land use designation for approximately 8.7 acres to a Moderate Density Residential land use designation.

2. Zoning Map Amendment 15-19:

Staff Recommends Approval:

As addressed in the Staff Analysis section of this report, conditions offered by the applicant address objectives of the Land Use Plan and will ensure development of the zoning site will be compatible with adjacent uses. The Planning & Development Department recommends approval of the request to rezone this 8.7-acre parcel to the CZ RM-8 District. As conditioned, the request will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

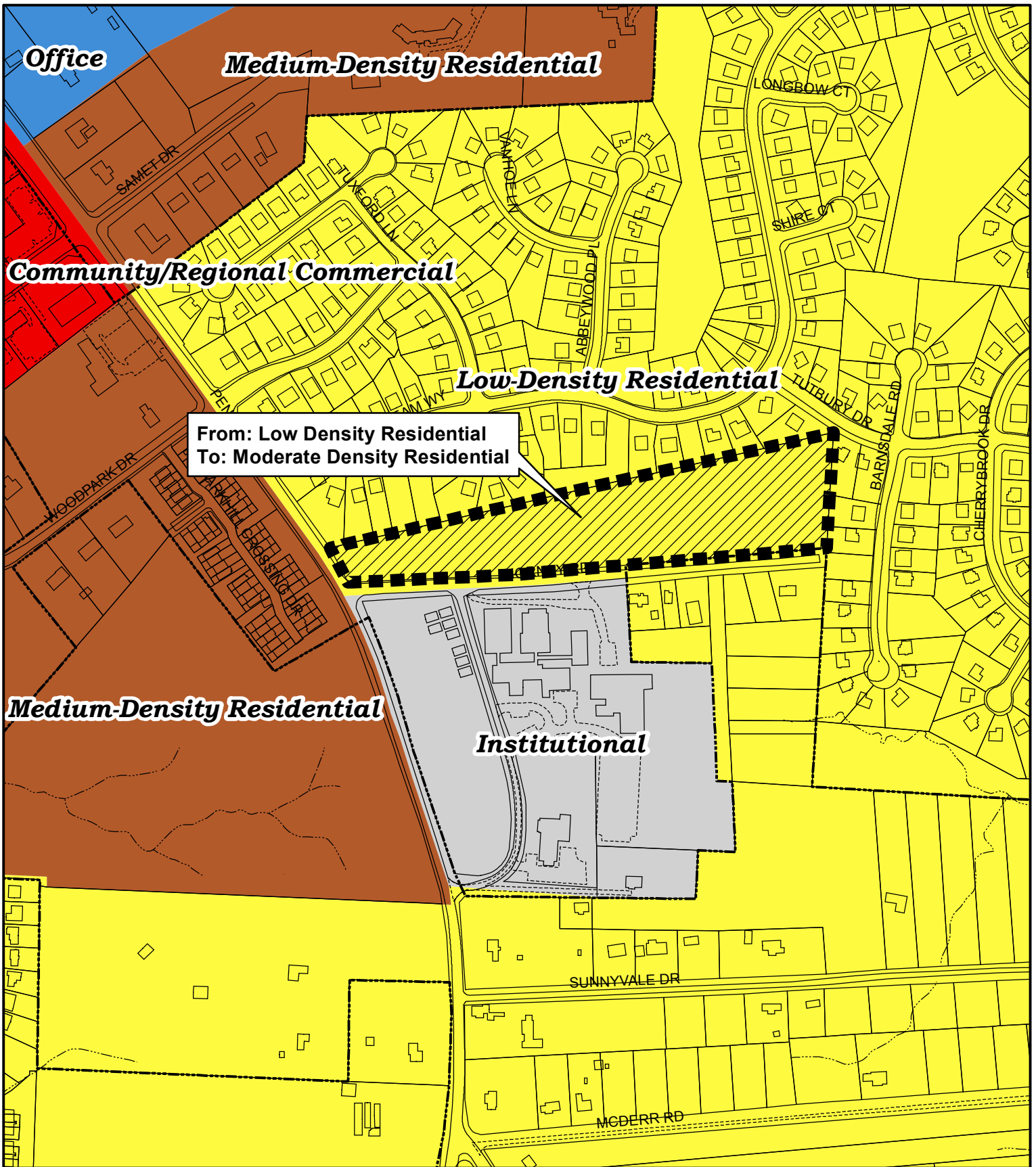
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and Andy Piper, AICP, Senior Planner and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



Office

Medium-Density Residential

Community/Regional Commercial

Low-Density Residential

From: Low Density Residential
To: Moderate Density Residential

Medium-Density Residential

Institutional

PLAN AMENDMENT PA15-06

**From: Low Density Residential
To: Moderate Density Residential**

Existing Zoning Boundary **—————**
Subject Property Boundary **- - - - -**

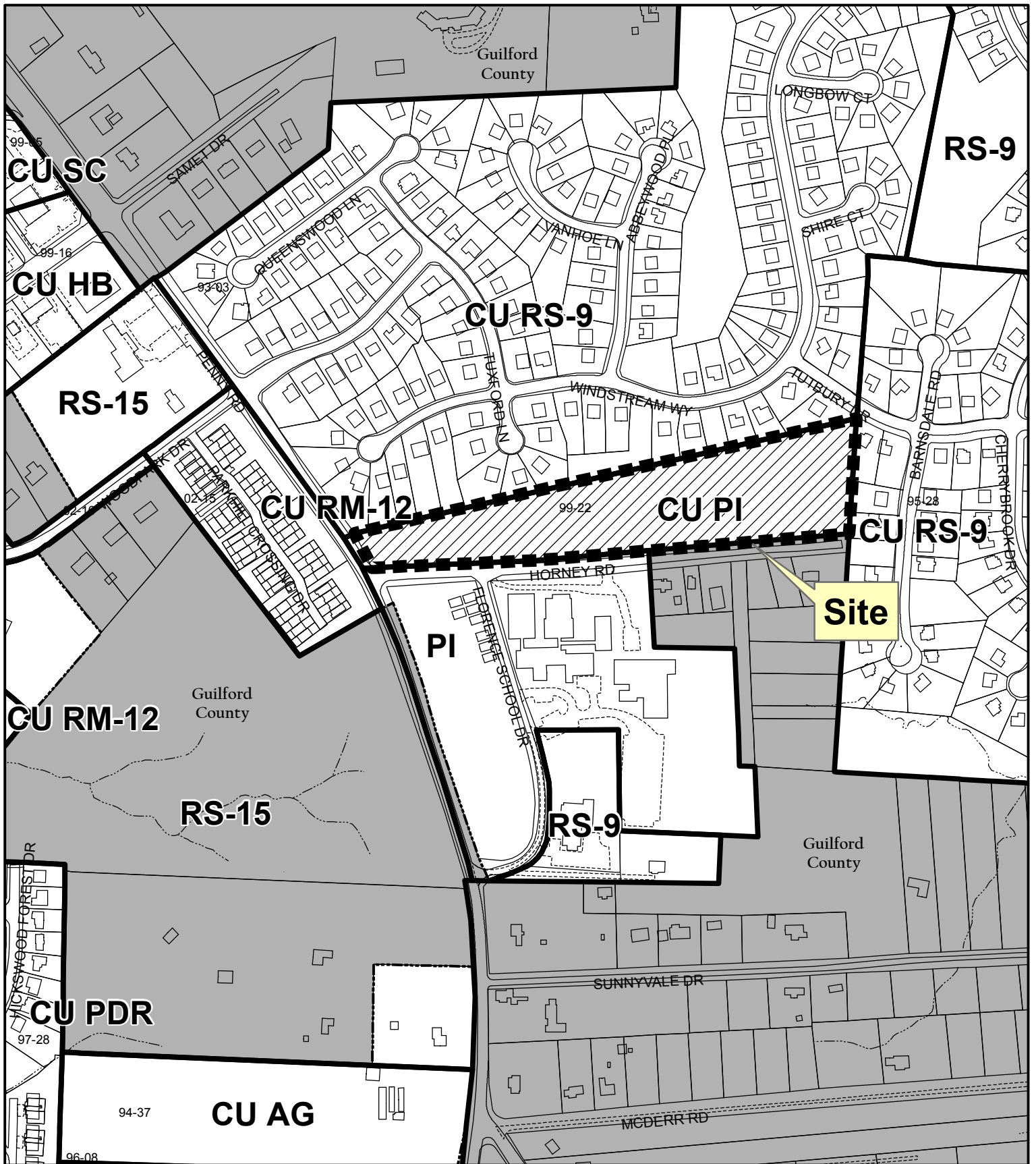
**Planning & Development
Department**

City of High Point

Date: January 26, 2016



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ZONING MAP AMENDMENT ZA15-19

**From: Condition Use Public Institutional
To: Conditional Zoning Residential Multifamily-8**

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

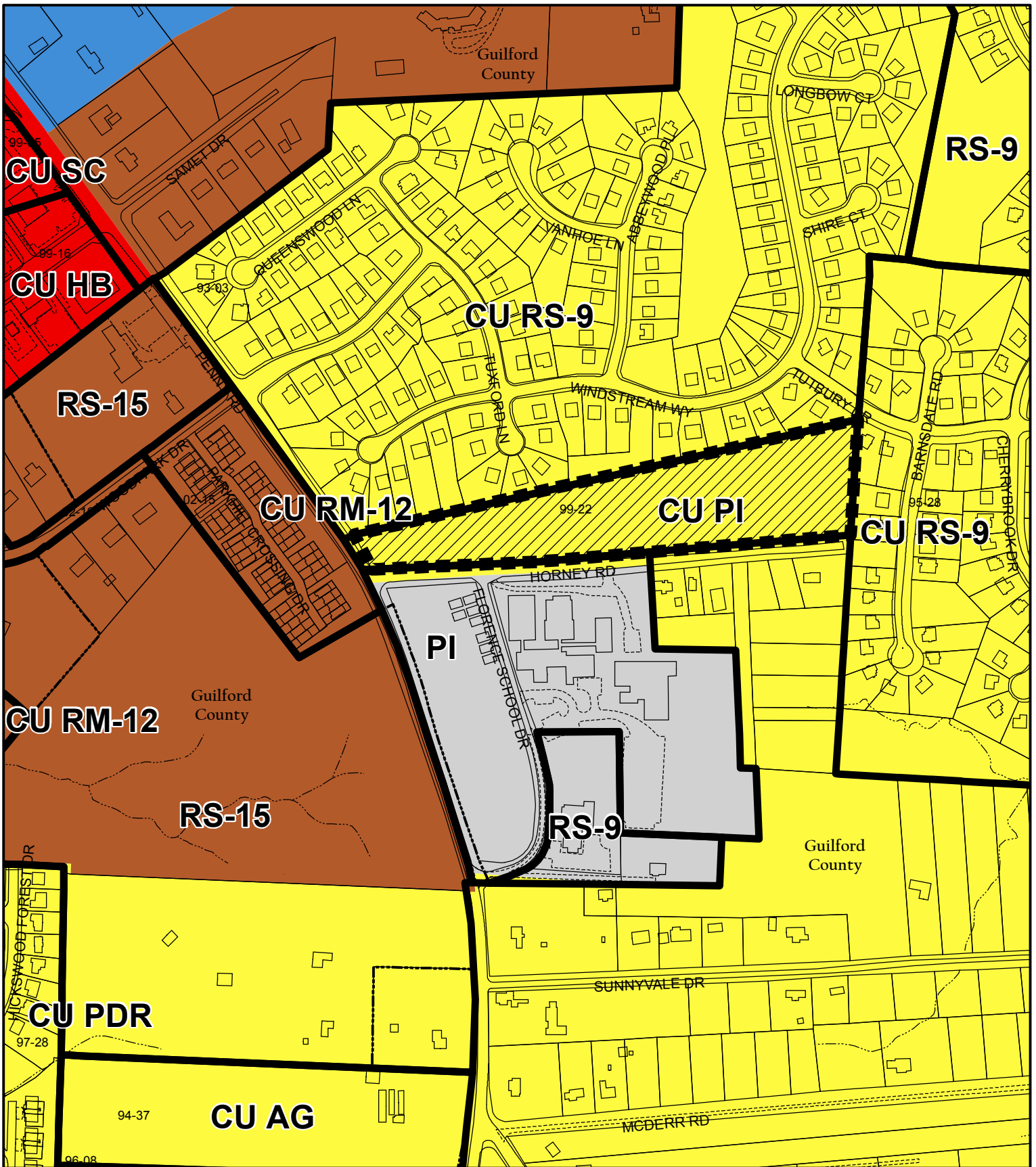
**Planning & Development
Department**

City of High Point

Date: January 26, 2016








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ZONING MAP AMENDMENT ZA15-19

Land Use Plan

- | | |
|---|---|
|  Low-Density Residential |  Office |
|  Medium-Density Residential |  Institutional |
| |  Community/Regional Commercial |

**Planning & Development
Department**

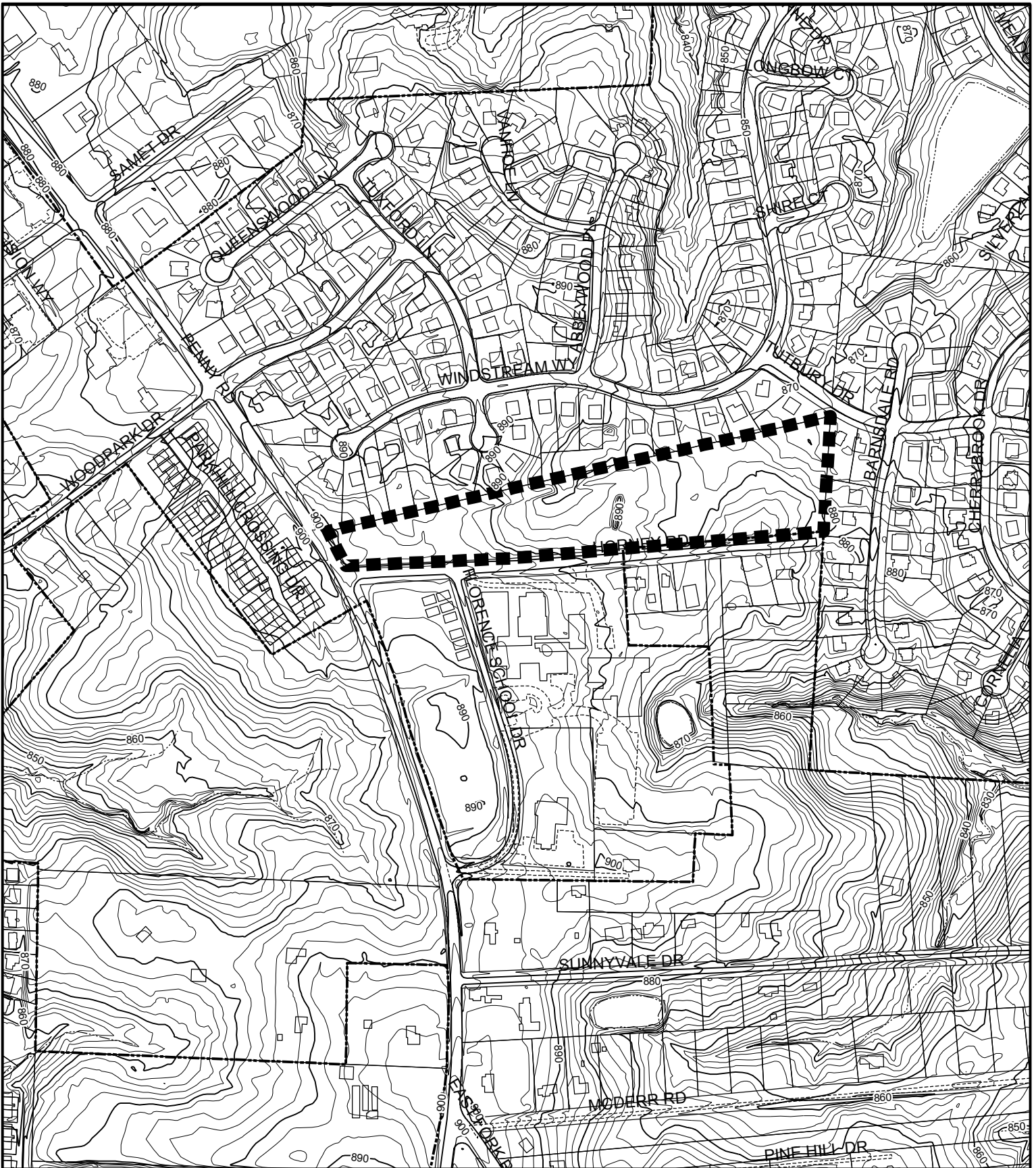
City of High Point

Date: January 26, 2016



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ZONING MAP AMENDMENT ZA15-19

Topography

Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point

Date: January 26, 2016



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ZONING MAP AMENDMENT ZA15-19





January 15, 2016

To: Lee Burnette, Director of Planning and Development
From: Mark McDonald, P.E., Transportation Director 
Subject: **Zoning Case #15-19**, Redwolf Development Company, LLC. Property located on the east side of Penny Road and north of Horney Road.

My staff and I have reviewed the rezoning request and have the following comments:

A traffic impact analysis was not required for this development. To require a traffic study the proposed development must be expected to produce at least one hundred and fifty (150) trips in the AM or PM peak hour.

Right-of-way:

The Developer shall dedicate right-of-way thirty (30) feet as measured from the centerline along Horney road and forty-two (42) feet as measure from the centerline of Penny Road.

Access:

Western entrance shall align with Florence School Drive.

Roadway Improvements:

Horney Road must be improved to minimum NCDOT standards regarding width and pavement structure.

Sidewalk:

Sidewalk is required along Penny Road and Horney Road per Subdivision requirements.

The City of High Point Transportation Director and North Carolina Department of Transportation shall approve all construction and improvements.

If you have any questions or would like to further discuss this case, please advise.



February 5, 2016

Mr. Herb Shannon
City of High Point Planning Department

VIA Email: HERBERT SHANNON JR herb.shannon@highpointnc.gov

RE: Conditional Zoning Case 15-19

Dear Herb,


This memo will confirm our conversation this morning in regard to the above zoning case. We are in agreement with the conditions represented in the attached letter dated January 15, 2016 presented by Transportation staff at the January 26, 2016 Planning and Zoning Commission meeting with the following exception:

- Right-of-way – we request that dedication of right-of-way on Horney Road be limited to 25 feet from centerline of the existing right-of-way rather than 30 feet and without the requirement to construct curb and gutter along the north side of Horney Road. I have discussed this matter with Mark McDonald and with Vickie Embry and they have indicated to me that they are in support of this modification.

I am submitting a modification request, with justification for the modification, to Mr. Justin Westbrook for consideration of this matter at TRC as their schedule may allow and as our plans for development are finalized. Hopefully a favorable recommendation from City Council as part of this rezoning will be adequate to ensure TRC's final agreement at the appropriate time.

The other conditions and ordinance clarifications in the January 15, 2016 letter are acceptable as stated.

Yours truly,



David Michaels
Manager

621 Eugene Court, Suite 103
Greensboro, NC 27401

PO Box 20706
Greensboro, NC 27420-0706

Phone: (336)378-8888
Fax: (336)378-8862

www.redwolfdevelopment.com

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted “The City of High Point Development Ordinance” on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on January 26, 2016 and before the City Council of the City of High Point on February 15, 2016 regarding **Zoning Amendment Case 15-19** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on January xx, 2016, for the Planning and Zoning Commission public hearing and on February xx, 2016 and February xx, 2016, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on _____.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Conditional Zoning Residential Multifamily-8 (CZ RM-8) District**. The property is approximately 8.7 acres lying along the east side of Penny Road and north of Horney Road (2000 Penny Road). The property is also known as Guilford County Tax Parcel 0209235.

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. **USES:**

- A. Any of the land uses allowed in the Residential Multifamily-8 (RM-8) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the Residential Multifamily-8 (RM-8) District and the specific conditions listed in this ordinance.
- B. The following uses shall be prohibited.
 1. **Residential Uses**
 - a. Multifamily Dwellings
 - b. Shelters, Temporary

2. Accessory Uses and Structures
 - a. Communication Towers (exceeding height limits of zoning district)
3. Transportation, Warehousing and Utilities
 - a. Communication Towers (exceeding height limits of zoning district)
 - b. Communication Towers (not exceeding height limits of zoning district)
4. Other Uses
 - a. Automotive Parking
 - b. High Mast Outdoor Lighting > 50' in ht.
 - c. Temporary Events
 - d. Christmas Tree Sales

Part II. CONDITIONS:

- A. Development and Dimensional Requirements: Development shall be limited to a maximum two-story building height
- B. Transportation Conditions:
 1. Right-of-way Dedication
 - a. The property owner shall dedicate a minimum of forty-two (42) feet of right-of-way as measured from the centerline of Penny Road.
 - b. The property owner shall dedicate up to twenty-five (25) feet of right-of-way as measured from the centerline of the existing Horney Road right-of-way.
 - c. A 20-foot by 20-foot sight distance chord shall be dedicated at the northeast corner of Penny Road and Horney Road.
 2. Access:
 - a. Development of the site shall take access from Horney Road. No access shall be permitted from Penny Road.
 - b. The western most access or development entrance to Horney Road shall align with Florence School Drive.
 3. Improvements:
 - a. Horney Road must be improved to minimum North Carolina Department of Transportation (NCDOT) standards regarding width and pavement structure without the requirement to construct curb and gutter along the north side of Horney Road.
 - b. Sidewalks shall be installed along Penny Road and Homey Road.
 4. Other Transportation Conditions: The North Carolina Department of Transportation and the City of High Point Transportation Director shall approve all improvements and construction thereof.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

This ordinance shall become effective upon the date of adoption.
____th day of XXXXXXXXXX xx, 2016.

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Map Amendment Case 15-19

Submitted by: Mr. David Michaels on behalf
of Redwolf Development
Company, LLC

Notes from neighborhood meeting for 2000 Penny Road rezoning request held January 7, 2016 at Parkwood Baptist Church.

Attendance list is attached. A total of 20 people signed the attendance sheets. Notices were sent to 96 residents. 6 residents from Park Hill townhomes; 6 residents from Horney Road – mostly representing the church; 5 from Nottingham; 3 from Parkside

Meeting was opened by David Michaels, manager of Redwolf Development Company at 6:35 PM. Mr. Homer Wade was also in attendance and Mr. Wade is a principal with Borum, Wade and Associates engineers and surveyors.

An outline of Mr. Michaels presentation is attached along with a copy of a handout given to each person in attendance. A copy of the boundary survey of the site was shown and then a preliminary layout of the site with 69 townhouses shown was also presented and discussed. Mr. Michaels stated that this layout was illustrative only and that it had been submitted to the City of High Point TRC for comment so that Redwolf would have a better understanding of specific requirements of city staff as related to development of this site. Mr. Michaels cautioned that this layout was not final, was subject to change but that it would be helpful in guiding the discussion.

Question and answer period:

Mark Burkhart (Barnsdale) – turnaround or extension forward at end of Horney Road; retention pond impact on downstream ponds and sediment control; size of homes, number of bedrooms, price point; how will we get water into the pond and across the Piedmont Gas easement.

Response: Horney Road would not be extended to Barnsdale Drive and would remain a dead end street unless property to the south is developed; the retention pond would function initially as a sediment trap and then as a wet detention pond. Mr. Wade explained that the pre-development and post-development stormwater flows would have to be maintained; townhomes would likely be very similar in size, price and style to those in Park Hill subdivision to the west. Site conditions will likely dictate that all units have at least one-car garages to accommodate parking; we have spoken with Piedmont Gas officials about crossing the gasline easement and have their regulations in hand and we are confident we can get water across the easement and into the pond.

Deborah Love (Parkhill) – traffic volume on Penny Road; future improvements to Penny Road and how that might impact her residence in Park Hill town homes.

Response: we know that Penny road has a high volume of traffic but are not sure what improvements are currently planned or when; the City of High Point or maybe the NCDOT would handle any future improvements and would know more. We are dedicating additional right-of-way along Penny Road to accommodate future widening.

Jason Mikles (Windstream) – lives beside common area in Nottingham – concern about drainage coming off this site; question about marketability of these units due to proximity of Florence School and traffic concerns on Horney Road during AM unloading and PM loading of students; concern about buffers against his property and trying to save nice trees;

Response: our site plan and drainage requirements would likely reduce the volume of water flowing toward his property by directing it to the proposed retention pond at the northeast corner of the property; we like the general area and feel that the proposed product will be marketable. I have observed the morning and afternoon school traffic and have met with the principal at Florence Elementary School and also discussed the school traffic with Donna Bell of Guilford County schools. There is about a 15 minute period between 7:45 and 8:00 AM that traffic backs up slightly on Horney Road but otherwise I see no concerns; we would preserve or install a Type C buffer along the northern property line and if there are nice trees that can be saved we will, but there will be grading of the site in this area and I can't say for sure what will be saved or lost. We specifically located his house on the site plan and noted that there is about 60 feet of common area controlled by the Nottingham HOA between his property line and this site so he already has more buffer than most.

Cynthia Walker (Parkhill) – traffic issues on Penny Road; traffic impact study requirements

Response: we discussed the need for a traffic impact study for this site based on up to 69 dwellings with city transportation staff and were informed that no traffic study is required and that we were not planning to provide one.

Pete Scribner (Tuxford) – traffic impact study; hydrology studies; water line sizing and fire protection concerns.

Response: see above re TIS – it is not required for this level of development; hydrology studies would be completed as we get further into the process but are not required at this time; the city fire department has reviewed the sketch plan and does not have apparent concerns about the ability of the 6" water main to serve this development.

Cal Sumpter (CHD Church) – improvements to Horney Road; how many entrances to Horney Road and any turn lanes on Horney Road;

Response: city staff has indicated that they want Horney Road improved to the minimum NCDOT standard – we are trying to determine exactly what that means but do not have an answer as yet; the site plan we presented shows three entrances onto Horney Road but this is subject to change. I represented that there would be at least 2 entrances onto Horney as we have more than 50 lots proposed; there are already left and right turn lanes leaving Horney Road onto Penny Road and we would not expect to add any more.

Bob Busch (Parkhill) – what utilities are in Horney Road; how will site be served with water and sewer; how much control does Redwolf have with final builder; when and where is zoning meeting;

Response: there is a 6” water line in Horney Road that will require a short extension. The sanitary sewer line will connect to an existing line in Windstream Way via an easement across common area in Nottingham subdivision (a copy of this is attached). We already have an agreement with the Nottingham HOA to acquire the necessary easement for this sewer line; Redwolf would design the final site plan in conjunction with a selected builder. Currently that builder has not been selected but we are talking with two that are interested in the site; the zoning meeting will be held in council chambers at city hall on 1/26/16 at 6 PM.

Larry Kreiss (Nottingham HOA, Maid Marion) – will Horney Road be improved with curb and gutter; encouraged folks to attend the zoning meeting;

Response: it is possible that curb and gutter could be installed along our side of Horney Road but we can't say for sure at this time.

Sue Headley (Horney) – concern about annexation

Response: her property would remain in Guilford County and would not be affected by this action.

Paul and Rebecca Krauss (Tuxford) – buffers near units that are close to the property line; privacy and grading issues;

Response: The Type C buffer would be installed as discussed and grading requirements will be determined once the final site plan is determined.

Frank Marrasa (Tuxford) – concern about drainage near his property line; old sediment pits left from when church had started grading the site;

Response: we will need to look more closely at the drainage near the common property line and will do what we can to ensure that water does not stand in this area; all the old sediment pits will be removed and replaced as this site is developed in accordance with an approved grading plan.

Rodney Quick (CHD Church) – more questions about Horney Road improvements and ability to handle traffic loads from 69 townhouses;

Response: we feel that Horney road can accommodate the volume of traffic generated by this development. We are concerned about the heavy bus traffic already on this road for the school and will have further discussions with staff in regard to any required improvements to Horney Road.

Meeting was closed at 7:50 PM

To: Property Owners within 300 feet of 2000 Penny Road
RE: Meeting notice: Parkwood Baptist Church, 2107 Penny Road
January 7, 2016 from 6:30 to 8 PM.

Redwolf Development Company has requested a rezoning for property located at 2000 Penny Road. The City of High Point will hold a public hearing for this matter on January 26, 2016 and you should receive additional information from the City of High Point with details of this meeting. However, in support of our request, we are hosting an informational meeting at the location and time set forth above. I will be available to answer questions and discuss any concerns you may have about this request. The zoning we are requesting is a Conditional Use RM-8 classification which will permit a maximum of up to 8 homes per acre.

Site acreage	8.72 acres
Proposed zoning	CU RM-8
Proposed home sites	69 total

I encourage your comments and questions. If you cannot attend the meeting on January 7, then feel free to call me at 336-378-8888.

Yours truly,

David B. Michaels
Manager

2000 Penny Road – Conditional Use Rezoning

Citizens Information Meeting – January 7, 2016

- 1 Introduction - David Michaels, Redwolf Development Company
Homer Wade – Borum Wade and Associates & RDC
- 2 Thank the staff and congregation here at PBC.
- 3 Join me in a word of prayer to open the meeting.
- 4 Thanks for attending - please sign one of the attendance records.
- 5 High Point requires me to turn in a roster of those in attendance.
- 6 Handouts – copy of zoning map & informational letters from City of High Point.
- 7 Purpose of meeting:
 - A. Outline zoning proposal,
 - B. Receive your comments and concerns – please hold comments to the end.
 - C. Advise you of Zoning Commission public hearing – January 26 at 6:00 PM
- 8 Redwolf Development Company:
 - A. Redwolf formed in 1998,
 - B. We have developed numerous communities in Guilford and Forsyth counties:
 - 1) St Charles Place – Whites Mill Road
 - 2) Others include Trinity Lake, Candace Ridge, Chestnut Bend, Liberty Valley, McKenzie Place, Streamside, Scotland Ridge
 - C. Mr. Wade and I are the sole owners of Redwolf
 - D. I was involved in the Piedmont Centre site during early stages of development
- 9 Background
 - A. This property has been on the market for many months.
 - B. Prior to that it was owned by Community Holiness Deliverance Church
 - C. They had it rezoned in 1999 to current CU-PI
 - D. We have a contract to purchase it from current owner (NC Remodel Masters)
 - E. Feel that best use is residential.
 - F. Site constraints make it difficult for SFD lots so prefer townhomes
- 10 Proposed Rezoning
 - A. 8.72 acres total
 - B. Rezone from CU-PI to CU RM-8
 - C. RM-8 allows up to 8 units per acre
 - D. It provides transition from existing higher density (RM12 & PI) to existing lower density (RS9).

E. Other zoning conditions: (see handout)

- 1) Prohibited: family care homes, multifamily dwellings (townhouses would be allowed), manufactured dwellings, temporary shelters, communication towers, parking lots, other minor uses.
- 2) Maximum of 69 residential dwellings.
- 3) No access to Penny Road.
- 4) Dedicate additional right of way along Penny Road.
- 5) Buffers will be required against
 - (1) Parkside and Nottingham
 - (a) Type C = 2 canopy, 3 understory and 17 shrubs per 100 feet
 - (2) Penny Road and Horney Road
 - (a) Street Yard = 2 canopy, 17 shrubs per 100 feet
- 6) One retention pond will be required. Locate at rear of gas easement.

F. Transportation – no issues

- 1) No street connection to existing neighborhoods
- 2) All traffic to Penny Road

G. Utilities

- 1) Water and sewer – public or private
- 2) Underground electrical, gas, etc

H. HOA

- 1) Will set up HOA to maintain retention pond and signage
- 2) Will have deed restrictions, bylaws, etc.
- 3) No active recreation proposed – Various parks close by

11 Questions & comments

A. I appreciate everyone coming out tonight to be involved in this process

B. I hope I have answered all your questions but there may be more

Comparable Densities:

Park Hill Townhomes	CU RM 12	up to 12 per acre	1700 sf/\$130,000
Parkside	CU RS 9	9000 sf lots up to 4/acre	\$170-215,000
Nottingham	CU RS 9		\$130-180,000
School	PI		
County Land	RS 40 / AG		

2000 Penny Road - Re-zoning

Neighborhood Meeting - January 7, 2016

Name(s)	Address	
Vicky Sumpter	7609 Horney Rd, High Point, N.C.	✓
Rodney Quick	7609 Horney Rd High Point	✓
Robert W. Busch	3531 Parkhill Crossing Dr. H.P.	✓
* James C. Kea	3808 Tutbury Dr Jamestown	✓
Sue Headley	7603 Horney Rd	✓
Janet Lyon	3519 Parkhill Crossing Dr.	✓
Cul Sumpter	Horney Road - church	✓
Deborah Love	3546 Parkhill Crossing Drive	✓
Rebecca Krauss	3701 Tuxford Lane	✓
Jason Mirles	3776 Windstem Way	✓
Larry Kreis	4020 Maid Marion Ct.	✓
Frank Maccara	3700 Tuxford Ln.	✓
Mark Brookhart	3327 Barns Dale Dr	✓
Lynn Brookhart	3327 Barnsdale Dr.	✓
Laine Bacon	3514 Parkhill	✓
PETE SCRIBNER	3724 TUXFORD LN.	✓
Gloria Middleton	7609 Horney Rd. High Point N.C.	✓
Betty Wall	7609 Horney Rd. H.P. N.C.	✓

2000 Penny Road – Re-zoning

Neighborhood Meeting – January 7, 2016

Name(s)

Cynthia Walker

Marilyn Long

Address

3557 Parkhill Crossing Dr

3543 Parkhill Crossing Dr

✓

✓

2000 PENNY ROAD
Development Proposal

Handout
(4 pages TOTAL)

Redwolf Development Company proposes to rezone 8.72 acres of vacant land located at 2000 Penny Road (northeast corner of Penny Road and Horney Road). It is our desire to develop this property for a residential subdivision. We are requesting that the zoning be changed from Conditional Use – Private Institutional to Conditional Use - Residential Multifamily – 8 (RM-8). The proposed style of houses would likely be townhomes similar to those located across Penny Road in the Park Hill Townhome development.

The proposed conditions to the zoning are as follows:

USES: Any of the land uses allowed in the Residential Multifamily-8 (RM-8) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the Residential Multifamily-8 (RM-8) District and the specific conditions listed in this ordinance.

The following uses shall be prohibited:

Residential Uses

Family Care Homes
Manufactured Dwellings (Class AA)
Multifamily Dwellings (including Condominiums)
Shelters, Temporary

Accessory Uses and Structures

Communication Towers (exceeding height limits of zoning district)
Communication Towers (not exceeding height limits of zoning district)
Disabled Motor Vehicles

Other Uses

Automotive Parking
High Mast Outdoor Lighting > 50' in height.
Temporary Events
Christmas Tree Sales

OTHER CONDITIONS:

Development and Dimensional Requirements: A maximum of sixty-nine (69) residential dwellings shall be permitted.

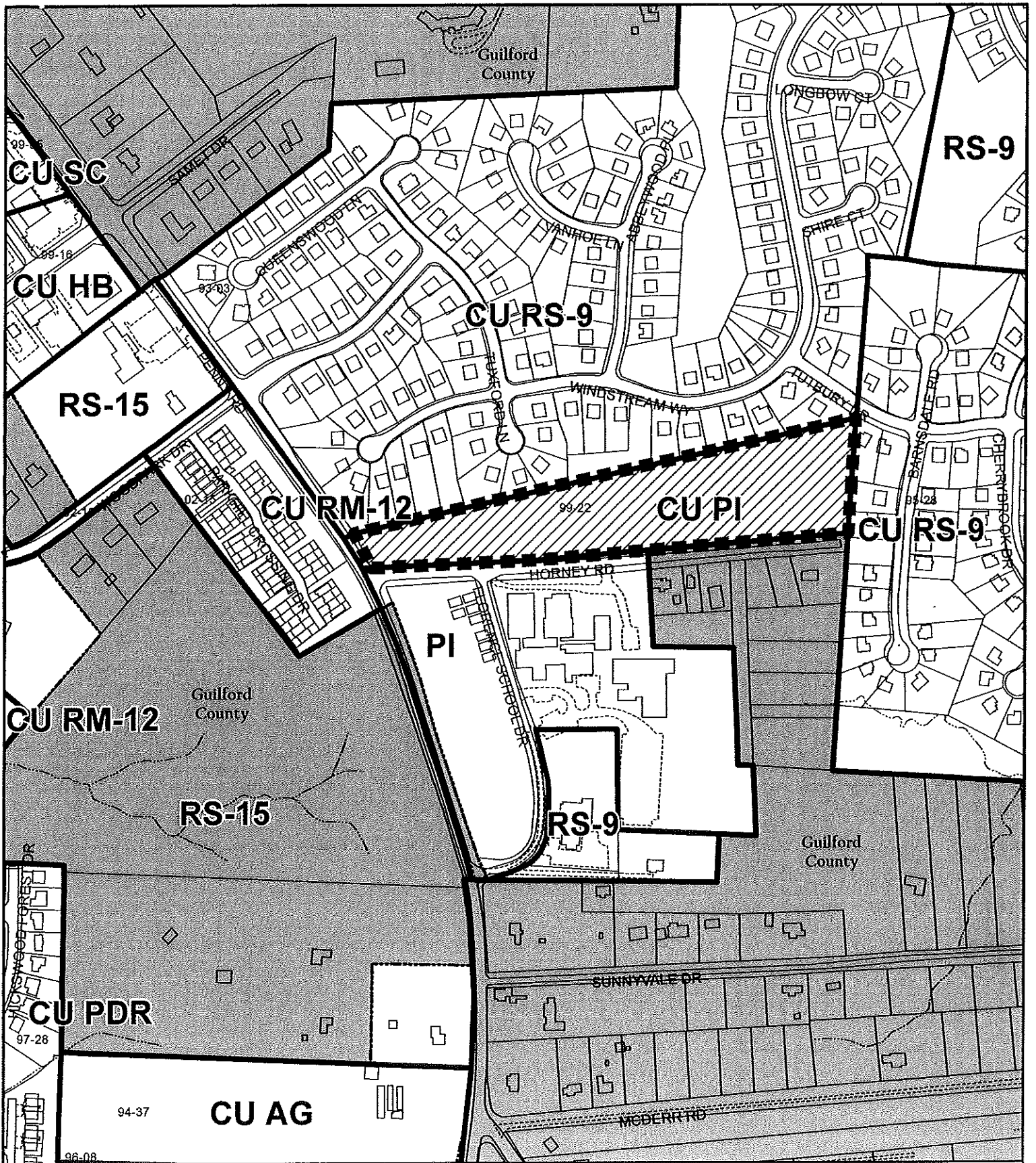
Landscaping, Buffers and Screening: The ordinance will require Type C buffer along the northern & eastern property lines and a street planting yard along Penny Road and Horney Road.

Transportation Conditions:

The property owner shall dedicate a minimum of forty-two feet of right-of-way as measured from the centerline of Penny Road.

A 20 foot by 20 foot sight distance chord shall be dedicated at the northeast corner of Penny Road and Horney Road.

Development of the site shall take access from Horney Road. No access shall be permitted from Penny Road.



ZONING CASE ZA15-19

From: CU PI
 To: RM-8 or RM-12

Existing Zoning Boundary —————
 Subject Property Boundary - - - - -

Planning & Development
 Department

City of High Point

Date:



Scale: 1"=400'
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**City of High Point
Conditional Zoning District
Citizen Information Meetings**

Anyone planning to file a zoning application for a conditional zoning district from the City of High Point is required to hold a citizen information meeting prior to filing the application. This requirement applies only to an application for a conditional zoning district or an application to amend a previously approved conditional zoning district. Conditional zoning is a type of zoning where property owners can impose specific conditions or restrictions on the development and use of their property, and where the conditions are enforceable by the City regardless of the property's future ownership.

The City of High Point finds that quality development is better achieved through an informed and cooperative process than an adversarial one. The purpose of the citizen information meeting is to allow the person planning to file an application, otherwise known as the applicant, the opportunity to inform citizens about the development proposal and to provide citizens the opportunity to ask questions and find out more about the proposal prior to any official public hearings.

The applicant's development proposal is officially presented to the Planning & Zoning Commission and City Council at their respective public hearings. At the public hearings, the Commission and Council hear comments and concerns from citizens regarding the proposal prior to making decisions. The public hearings are not the preferred setting for citizens to learn about a development proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing. The citizen information meeting is important in that it can provide basic information and allow communication with the applicant before the public hearings, so that citizens may informatively develop their comments and any concerns, and later present them at the public hearings for consideration.

Applicants may vary the form and number of citizen information meetings they conduct; however, they are required to contact or otherwise notify owners of property located within 300 feet of the proposed zoning site. Whatever form the meeting takes, those citizens participating are provided with this written statement from the City of High Point, which describes the purpose of the citizen information meeting, the application process and where additional information may be obtained from the City. In addition, the applicant must provide a written description of the development proposal and any other available information that would help citizens to better understand it. After the zoning application is filed with the City's

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

Planning & Development Department, the applicant submits to the City a written report of the citizen information meeting(s). At a minimum, this report records the property owners notified; date, time and location of the meeting(s); the written description of the development proposal; and any comments, ideas or suggestions from citizens that were incorporated into the development proposal.

Before the public hearings are held, the City's Planning & Development Department mails notices to all owners of property located within 300 feet of the zoning site. This notice provides information on the conditional zoning district request; the time, date and place of the Planning & Zoning Commission public hearing; and contact information. A second notice is mailed prior to the City Council's public hearing with similar information. Also, signs are placed on the zoning site giving notice of the request and the City's public hearings.

After hearing public comments and considering the development proposal, the Planning & Zoning Commission makes a recommendation to the City Council who, after holding their public hearing, decides what action should be taken on the proposal. Changes to the applicant's proposal can occur during this process in order to insure consistency with City policy and development regulations, and to minimize expected impacts that can be generated by the development or use of the zoning site.

No condition can be included in a conditional zoning district that specifies ownership status, race, religion or characteristics of the development's occupants, the minimum size of a dwelling, the minimum value of buildings or improvements, or ones that otherwise excludes specific races, religions or classes of people.

Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the department's website for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department
336-883-3328
www.highpointnc.gov/plan/



November 19, 2015

Mr. Larry Kreis
President, Nottingham Homeowners Association, Inc.
4020 Maid Marion Court
Jamestown, NC 27282

RE: Agreement for Sewer Easement

Dear Larry,

As discussed, I am providing this letter to summarize our agreement for obtaining an easement to construct a sanitary sewer line across the Common Area located on Windstream Way in the Nottingham community. Our agreement is as follows:

1. The parties to the agreement are Redwolf Development Co., LLC, its successors or assigns, (Redwolf) and the Nottingham Homeowners Association, Inc. (HOA).
2. Redwolf intends to submit a proposed residential development plan and rezoning request to the City of High Point for an 8.72 acre tract of land that abuts the Nottingham subdivision.
3. Redwolf shall not request nor allow that more than eight (8) single-family units per acre be built in the proposed development. Units may be attached or detached single-family dwellings.
4. Upon approval of the proposed development by the City of High Point, the (HOA) will convey a 20' permanent easement and a 40' temporary construction easement for the construction of a sanitary sewer line and any necessary trenching, bore pits and temporary stockpiling of dirt as shown on the attached drawing by Borum, Wade and Associates (the Easement).
5. Upon execution of the Easement, Redwolf shall make a contribution to the HOA in the amount of \$~~15~~ per linear foot for an approximate 200 feet easement for a total of ~~XXXX~~
6. The proposed sanitary sewer line will be designed and constructed to the City of High Point standards and requirements and will be conveyed to the City of High Point for permanent maintenance upon completion.

621 Eugene Court, Suite 103
Greensboro, NC 27401

PO Box 20706
Greensboro, NC 27420-0706

Phone: (336)378-8888
Fax: (336)378-8862

www.redwolfdevelopment.com

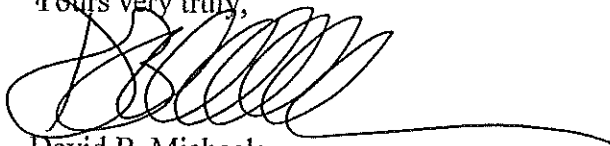
7. As a condition of the approved development plan, Redwolf shall require that a minimum Type C landscaping buffer, as defined by the City of High Point development ordinance, be preserved and/or installed within the proposed development and along the common property line between the Nottingham subdivision and Redwolf's proposed development.

8. During the construction of the sanitary sewer line across the Common Area, Redwolf will minimize any tree cutting and removal and shall repair all disturbed areas on the Common Area as near as possible to their original condition and to the satisfaction of the HOA. Repairs shall include re-grading, sowing grass, mulching and repairing any asphalt pavement or concrete curb and gutters.

9. All costs related to the above items shall be paid by Redwolf.

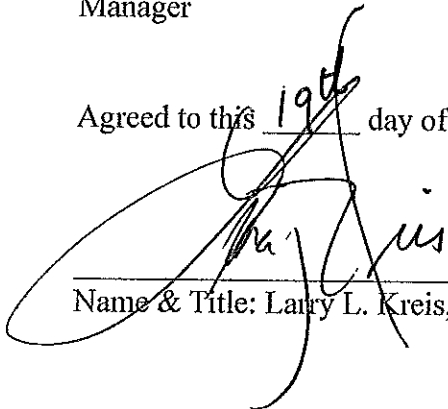
I appreciate your assistance in this matter and if you have any questions or need further clarification about any of this information, please contact me to discuss.

Yours very truly,

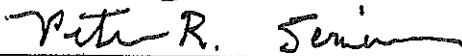


David B. Michaels
Manager

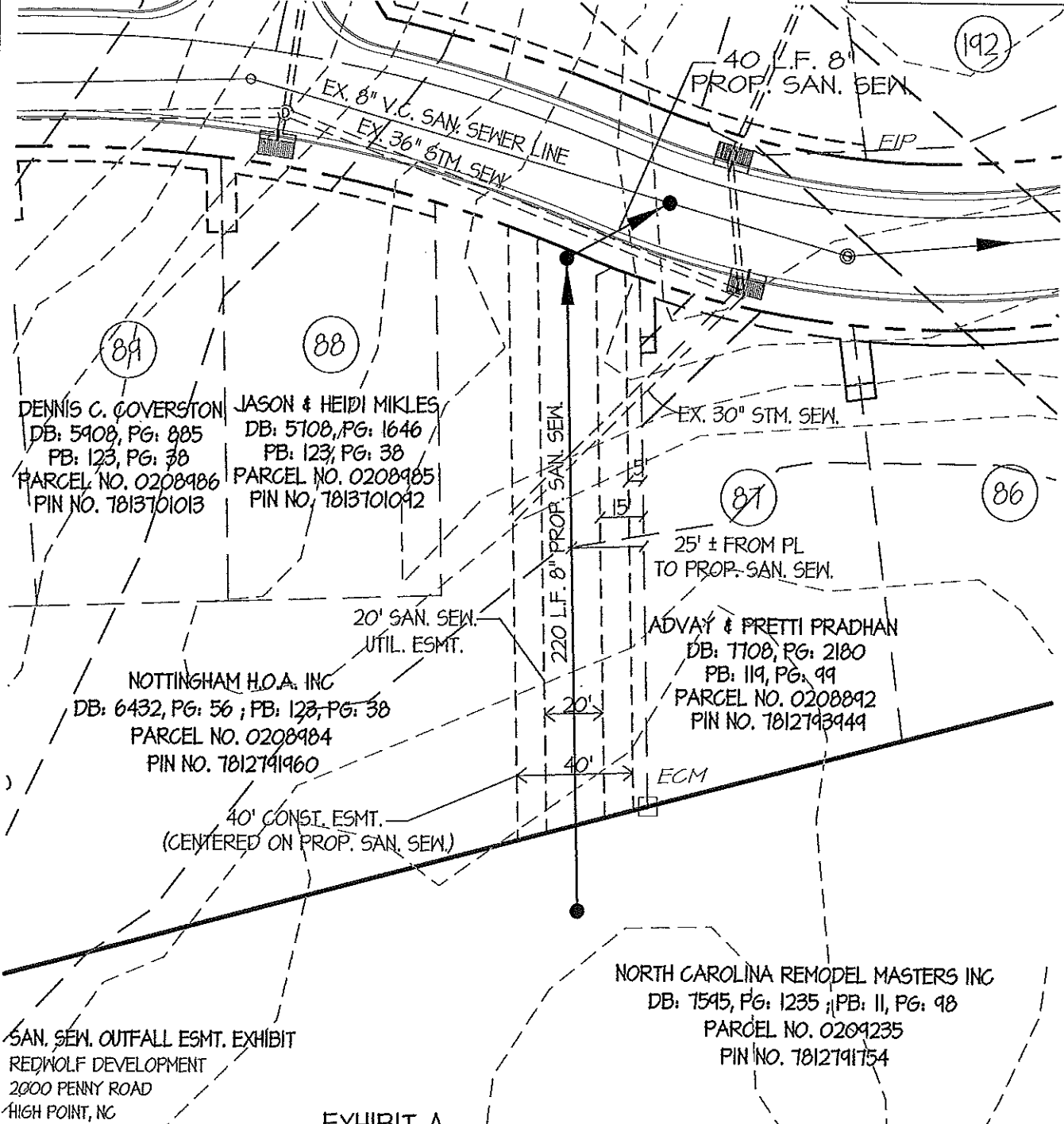
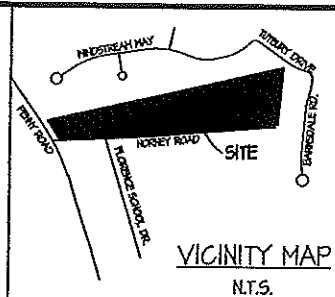
Agreed to this 19th day of November 2015



Name & Title: Larry L. Kreis, President, Nottingham Homeowners Association, Inc.



Name & Title: Peter R. Scribner, Board Member, Nottingham Homeowners Association, Inc.



89
DENNIS C. COVERSTON
DB: 5908, PG: 885
PB: 123, PG: 38
PARCEL NO. 0208986
PIN NO. 7813701013

88
JASON & HEIDI MIKLES
DB: 5108, PG: 1646
PB: 123, PG: 38
PARCEL NO. 0208985
PIN NO. 7813701092

NOTTINGHAM H.O.A. INC
DB: 6432, PG: 56 ; PB: 123, PG: 38
PARCEL NO. 0208984
PIN NO. 7812741960

87
ADVAY & PRETTI PRADHAN
DB: 7108, PG: 2180
PB: 119, PG: 99
PARCEL NO. 0208892
PIN NO. 7812743949

86
NORTH CAROLINA REMODEL MASTERS INC
DB: 7595, PG: 1235 ; PB: 11, PG: 98
PARCEL NO. 0209235
PIN NO. 7812741754

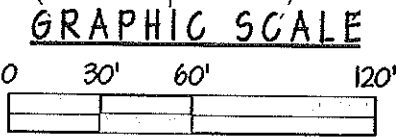
SAN. SEW. OUTFALL ESMT. EXHIBIT
REDWOLF DEVELOPMENT
2000 PENNY ROAD
HIGH POINT, NC

EXHIBIT A



Engineers
Planners
Surveyors
Borum, Wade and Associates, P. A.
621 Eugene Court, Suite 100, Greensboro, NC 27401-2711
Phone: 336-275-0471 Fax: 336-275-3719

SCALE: 1" = 60' DATE: NOV. 19, 2015



1" = 60'