

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 23-11  
(PEX Wendover LLC)

**From:** Sushil Nepal, AICP  
Planning & Development Director

**Meeting Date:** May 15, 2023

**Public Hearing:** Yes

**Advertising Date:** May 3, 2023, and May 10, 2023

**Attachments:** A. Staff Report  
B. Zoning Ordinance

**Advertised By:** Planning & Development

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### **PURPOSE:**

A request by PEX Wendover LLC to rezone approximately 35.03 acres from the Conditional Zoning Retail Center (CZ-RC) District to an amended Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road.

### **BACKGROUND:**

The Planning and Zoning Commission reviewed this request at their April 25, 2023 public hearing. All members of the Commission were present except for Mr. Mark Morgan. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

### Speaking on the request:

The applicant's representative, Mr. Dennis Bunker, 1140 Dilworth Crescent Road, Charlotte, made himself available to address any questions from the commission.

No one spoke in opposition to this request.

### **BUDGET IMPACT:**

There is no budget impact.

### **RECOMMENDATION / ACTION REQUESTED:**

#### A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

#### B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0.

#### 2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to approve the following statement:

That Zoning Map Amendment 23-11 is consistent with the City's adopted policy guidance because the proposed amendment of the CZ-RC District does not conflict with adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because as conditioned, the proposed amendment will still provide for a CZ-RC District that will be similar and compatible with previous conditional zoning approvals granted in this area.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-23-11  
April 25, 2023**

<b>Request</b>	
<b>Applicant:</b> PEX Wendover LLC	<b>Owners:</b> PEX Wendover LLC and Maria T. Montoya
<b>Zoning Proposal:</b> To amend the conditional zoning ordinance for approximately 36.3 acres	<b>From: CZ-RC</b> Conditional Zoning Retail Center District
	<b>To: CZ-RC</b> Conditional Zoning Retail Center District (amended)
<b>Notices:</b> <ul style="list-style-type: none"> <li>• Applicant held a Citizen Information Meeting (<i>Sent Letter</i>)</li> <li>• As required by Section 2.3.6 (Notification) of the Development Ordinance, the Planning and Development Department provided published, mailed and posted notice of this public hearing</li> </ul>	

<b>Site Information</b>	
<b>Location:</b>	The site is located at the southeast corner of W. Wendover Avenue and Penny Road.
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcels 196674, 196671, 196672, 196673, 170002, 170004, 170005, 170006, 170007, 235990
<b>Site Acreage:</b>	Approximately 36.3 acres
<b>Current Land Use:</b>	Single family dwellings, rural residential dwelling, utility building and undeveloped parcel.
<b>Physical Characteristics:</b>	The topography of the site ranges from relatively level adjacent to the abutting roads, to steep towards the interior of the site. The eastern portion of the site is encumbered by a pond. Also, a 50-foot-wide Piedmont Natural Gas easement runs through the middle of the site, from north to south.
<b>Water and Sewer Proximity:</b>	12-inch and 16-inch City water lines lie adjacent to the site along Penny Road and W. Wendover Avenue. 8-inch City sewer lines lies along W. Wendover Avenue and along the southern boundary of the site.
<b>General Drainage and Watershed:</b>	The site drains in a general easterly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for 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.
<b>Overlay Districts:</b>	City Lake General Watershed Area (GWA)

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	CZ-RC PDM	Conditional Use Retail Center District Planned Development – Mixed District	Commercial development <i>(Shoppes at Deep River and Palladium Shopping Centers)</i>
<b>South:</b>	R-5 RS-40	Residential Single Family – 5 District Residential Single Family – 40 District <i>(Guilford County)</i>	Single-family dwellings
<b>East:</b>	R-5	Residential Single Family – 5 District	Single-family dwellings
<b>West:</b>	CZ-RC	Conditional Use Retail Center District	Commercial <i>(Wendover Crossing Shopping Center)</i>

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement:</b>	The following objectives of the Community Growth Vision Statement are relevant to this request: <u>Goal 5:</u> Balance the efficient movement of vehicles with the needs of pedestrians, alternative transit modes, and aesthetic quality. <u>Obj. 5D:</u> Develop new streets and retrofit existing streets in accordance with design standards intended to balance efficient vehicular flow with other planning objectives, such as creating pedestrian-friendly environments.
<b>Land Use Plan Map Classification:</b>	The site has a Community/Regional Commercial land use designation. This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The following goal and objectives of the Land Use Plan are relevant to this request: Obj. #11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.
<b>Relevant Area Plan:</b>	<b><u>West Wendover Avenue/Guilford College Road Corridor Plan:</u></b> Due to this being an important gateway into the city, the plan recommends maintaining the corridor’s visual quality through buffering and landscaping requirements, sign control, and development standards or design guidelines that address topics such as roof pitch, exterior building materials, color, awnings, and building height and orientation. Furthermore, this corridor plan recommends transportation related conditions to protect W. Wendover Avenue as a commuting corridor by restricting the number of access points and that the number of median crossings not be increased.
<b>Zoning History:</b>	In December 2021, City Council rezoned a 36-acre tract of land lying at the southeast corner of W. Wendover Avenue and Penny Road to the CZ-RC District to support development of a future commercial shopping center (Zoning Map Amendment Case 21-23). An additional 0.3 acres was later added under Zoning Case 21-39 in February 2022.

<b>Transportation Information</b>			
<b>Adjacent Streets:</b>	<b>Name</b>		<b>Classification</b>
	Wendover Avenue		Major Thoroughfare
	Penny Road		Major Thoroughfare
<b>Vehicular Access:</b>	W. Wendover Avenue, Penny Road, Samet Drive Extension		
<b>Traffic Counts:</b> <i>(Average Daily Trips)</i>	Wendover Avenue		33,000 AADT (NCDOT 2019 traffic counts)
	Penny Road		22,000 AADT (NCDOT 2019 traffic counts)
<b>Estimated Trip Generation:</b>	The proposed mixed-use development consisting of approximately 160,000 square feet of commercial uses and a 180-unit multifamily development is anticipated to generate approximately 17,464 daily trips with approximately 1,578 AM peak-hour trips and approximately 1,810 PM peak-hour trips		
<b>Traffic Impact Analysis (TIA):</b>	<b>Required</b>		<b>TIA Comments</b>
	<u>Yes</u>	<u>No</u> X	
	The addition of this 0.3-acre parcel will not change findings of the TIA used to approve ZA-21-23 (see attached TIA executive summary for ZA-21-23).		
<b>Conditions:</b>	See Conditional Zoning Ordinance.		

**School District Comment**

Not applicable to this amendment to the landscaping and access conditions.

**Details of Proposal**

This zoning site is for a future development consisting of various commercial uses and a multifamily development. The review of engineering plans for the extension of Samet Drive is underway; however specific users and individual lot configuration has not been established at this time.

The applicant is requesting to amend the previously adopted zoning conditions pertaining to landscaping and number of access points to Samet Drive. The amendment to the landscaping condition would allow the Planning Director to approve an alternate landscaping plan addressing the screening of the rear of commercial buildings along Samet Drive that face single family residences. Furthermore, the request proposes to reduce the number of access points along Samet Drive from five to four. All other previously approved zoning conditions will be carried forward into this updated zoning case.

**Staff Analysis**

Section 2.4.6.C of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. 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 Policy Guidance**

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City’s adopted policy guidance.

**The proposed amendment of the CZ-RC District does not conflict with adopted policy guidance documents.**



**Reasonableness/Public Interest:**

Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.

**As conditioned, the proposed amendment will still provide for a CZ-RC District that will be similar and compatible with previous conditional zoning approvals granted in this area.**

**Compatibility with Surrounding Areas**

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
  - Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
  - Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.
- ❖ As conditioned to meet various standards of the Gateway Corridor Overlay District, future development will provide for a complimentary character and the higher development standards that have been established for adjacent commercial developments.
  - ❖ The proposed amendment to allow consideration of an alternate landscaping/screening plan will further ensure development will be compatible with the abutting residential dwellings.

**Mitigation of Impacts**

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:

<b>Mitigation #1</b>	<b>Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.</b>
	The proposed amendment to landscaping and access standards along Samet Drive will further ensure development impacts are mitigated and not negatively impact adjacent lands.
<b>Mitigation #2</b>	<b>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</b>
	The site is within the City Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance.
<b>Mitigation #3</b>	<b>Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire.</b>
	The site is within an area currently served by City of High Point utilities and municipal services.
<b>Mitigation #4</b>	<b>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</b>

	The requested amendments to landscaping standards and number of access points to Samet Drive does not change initial findings under the prior zoning approval to support commercial land uses at this location.
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**Supportive Changes in the Area**

Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

Adopted policy guidance, including prior zoning approvals, has set land use policy and precedent to support commercial development with specific development standards at this intersection.

**Promotes a Preferred Development Pattern**

Whether and the extent to which the proposed conditional zoning district will result in development that promotes a logical, preferred, and orderly development pattern.

Adopted policy guidance documents, including the Land Use Plan, Eastchester Corridor Plan, W. Wendover Avenue Corridor Plan, and conditions established from prior zoning approvals have established a preferred development pattern for commercial development at this intersection. As conditioned, the proposed CZ-RC District will ensure this preferred development pattern will be continued.

**Recommendation**

**Staff Recommends Approval:**

Staff recommends approval of this request to establish and amended CZ-RC District. As conditioned the requested CZ-RC District will be compatible with the surrounding area and in conformance with adopted policy guidance documents.

**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**

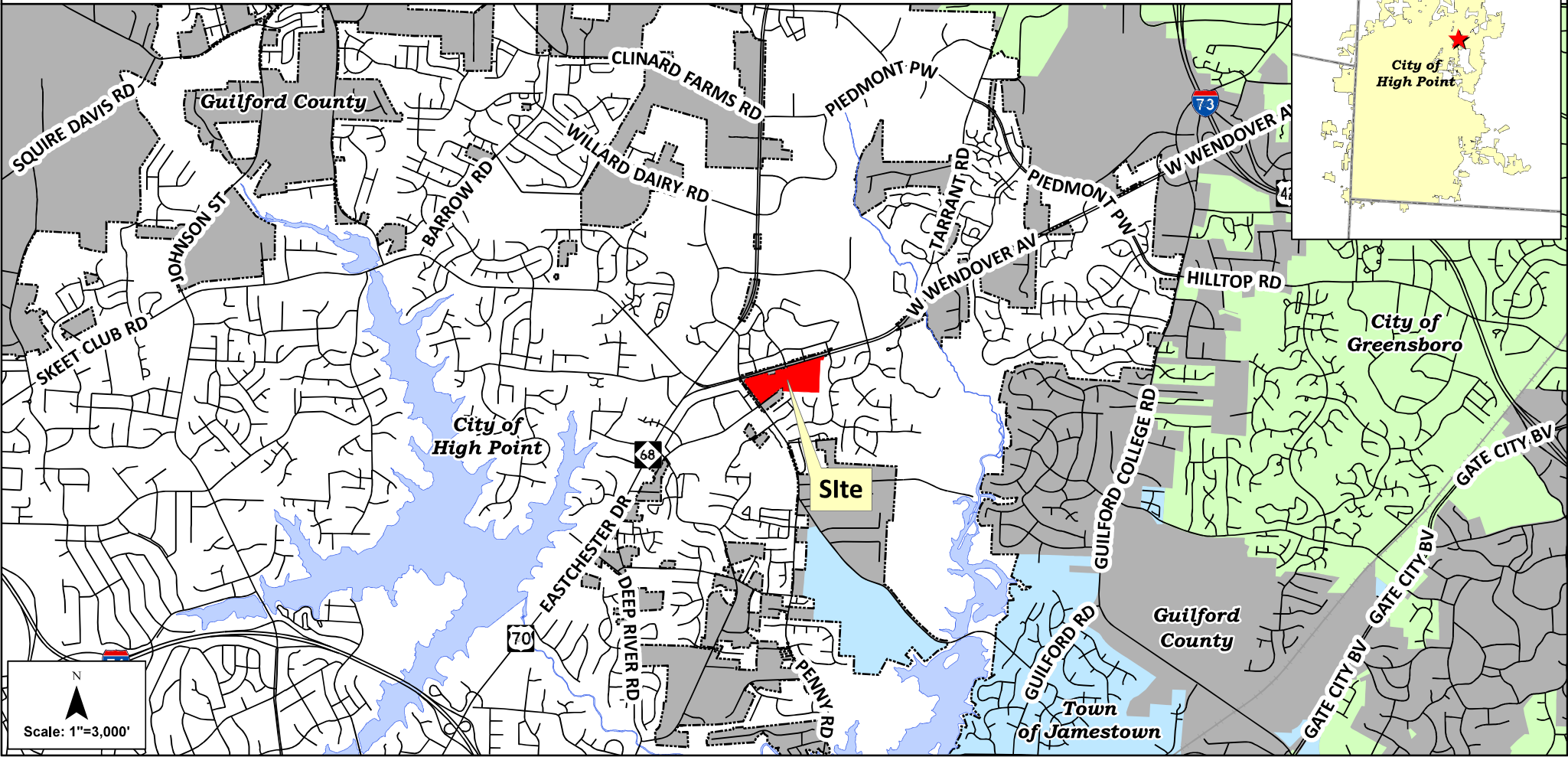
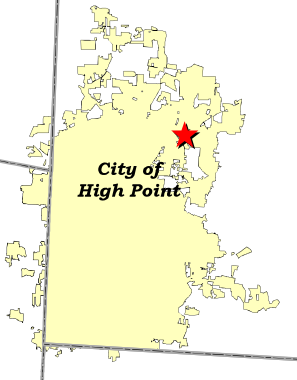
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Christopher Andrews AICP, Development Administrator, and Sushil Nepal AICP, Planning and Development Director.

# LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-11

Applicant: PEX Wendover LLC & Maria T. Montoya-Couch

## Vicinity Map



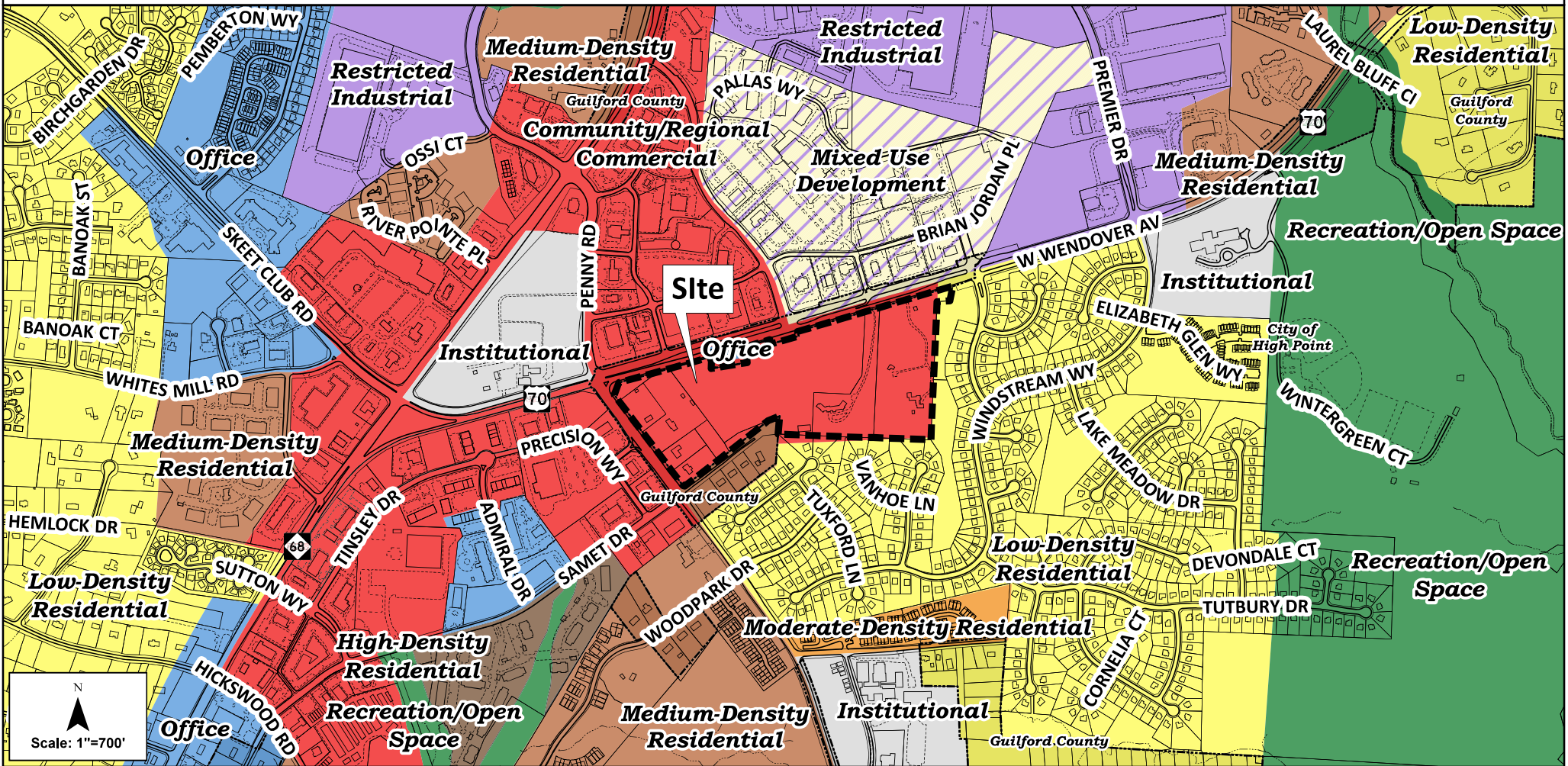
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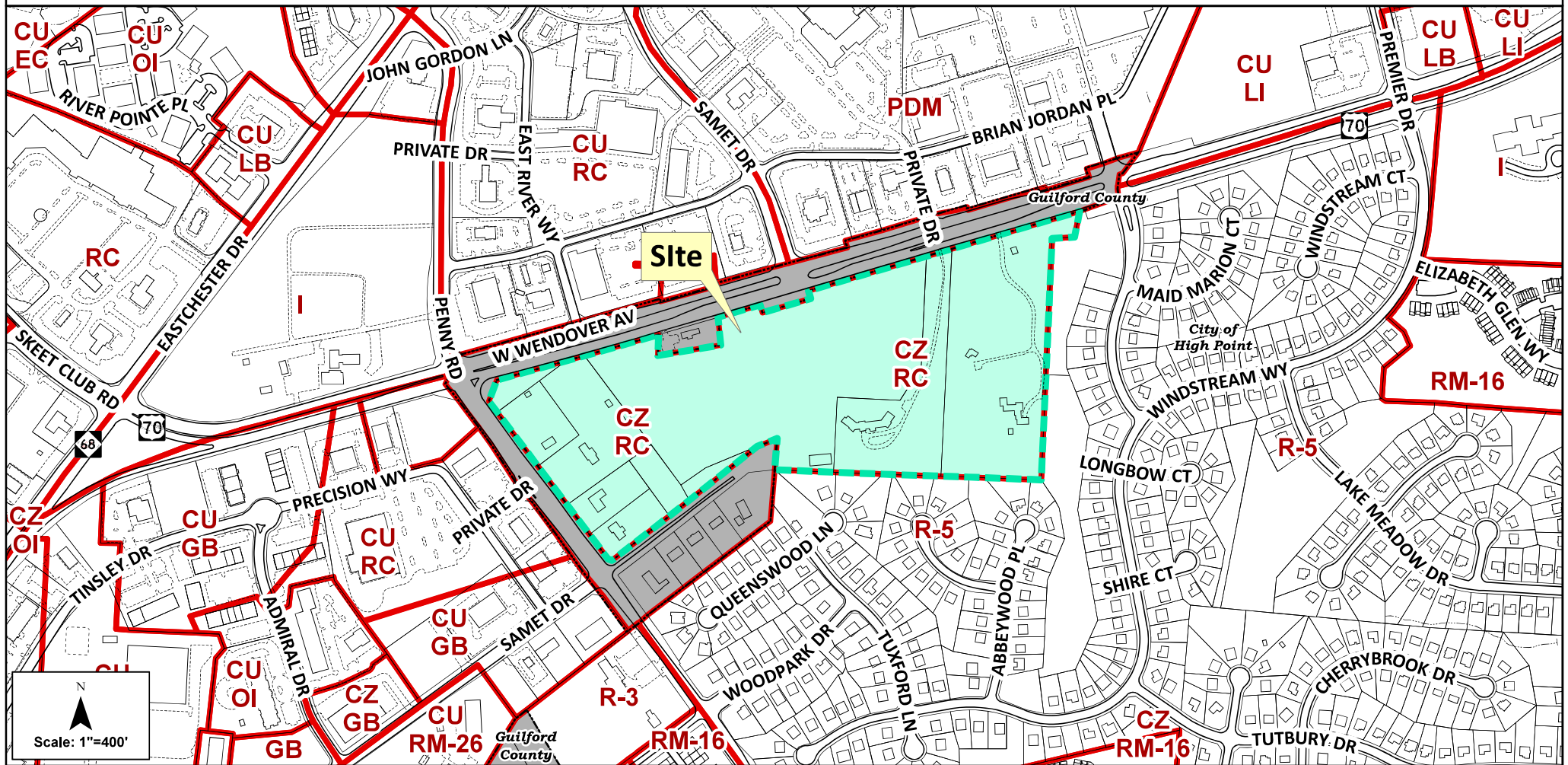
# ZONING MAP AMENDMENT: ZA-23-11

## LAND USE PLAN MAP



# ZONING MAP AMENDMENT: ZA-23-11

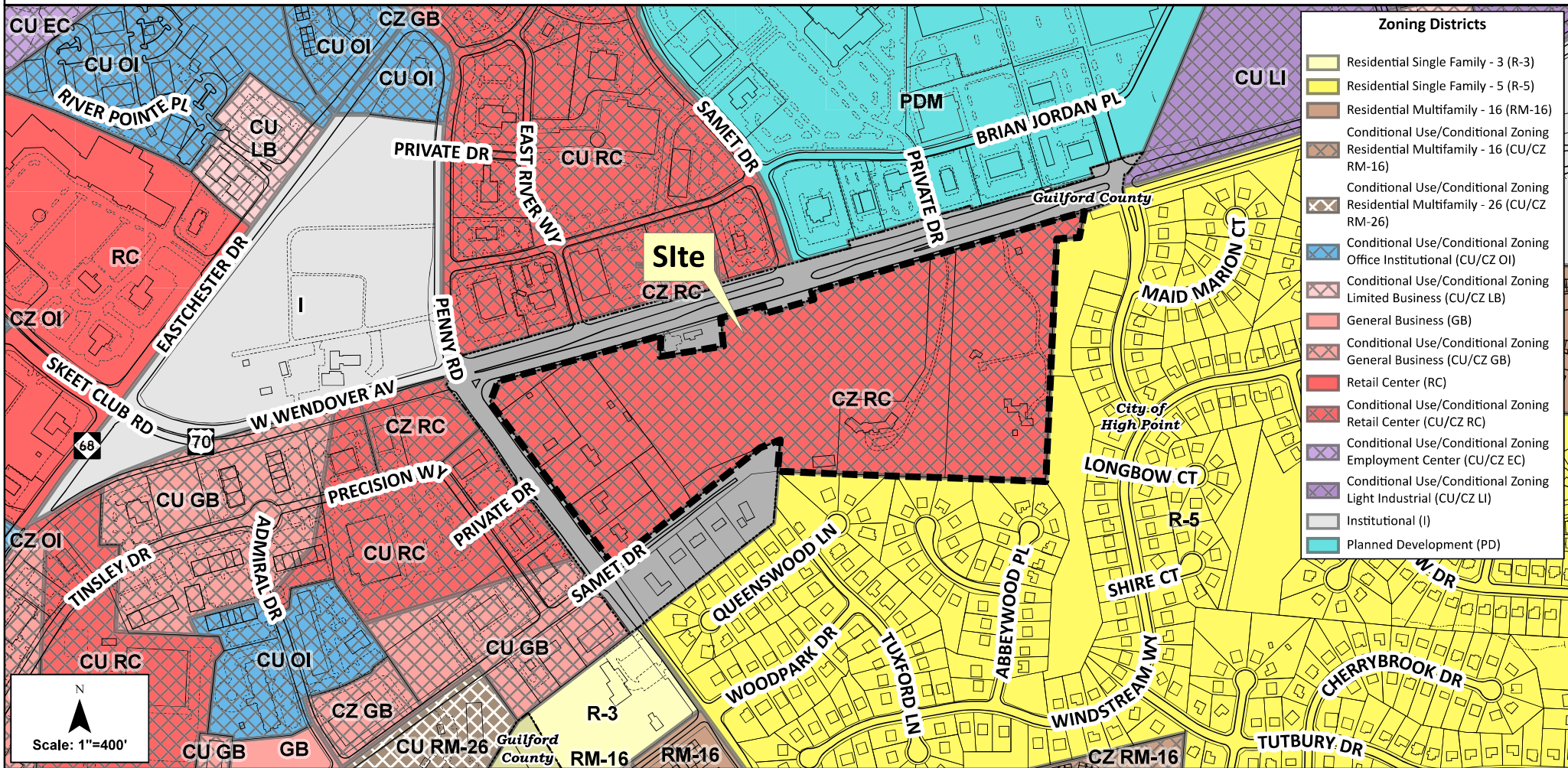
## ZONING MAP





# ZONING MAP AMENDMENT: ZA-23-11

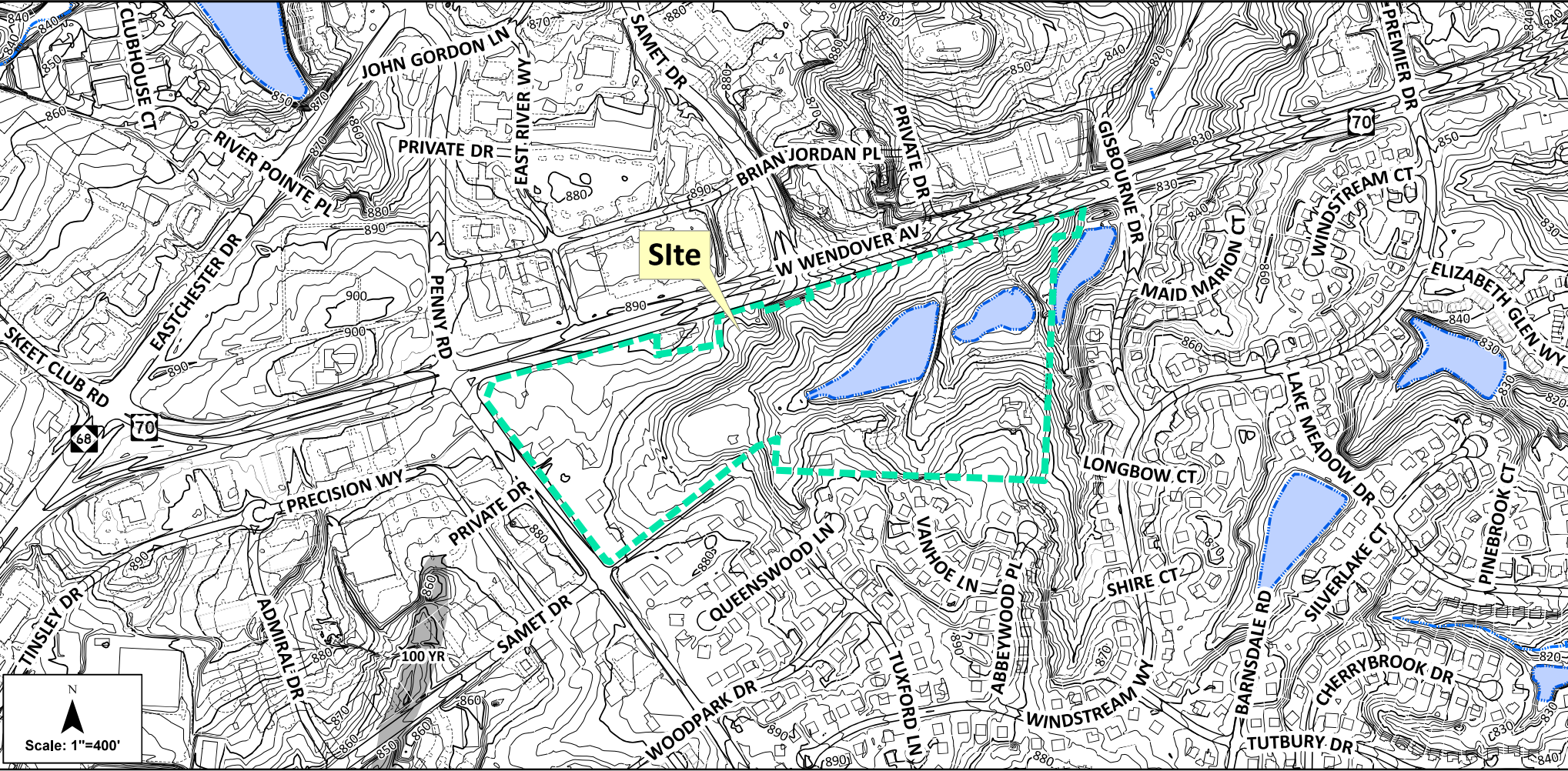
## COLOR-CODED ZONING MAP





# ZONING MAP AMENDMENT: ZA-23-11

## TOPOGRAPHY

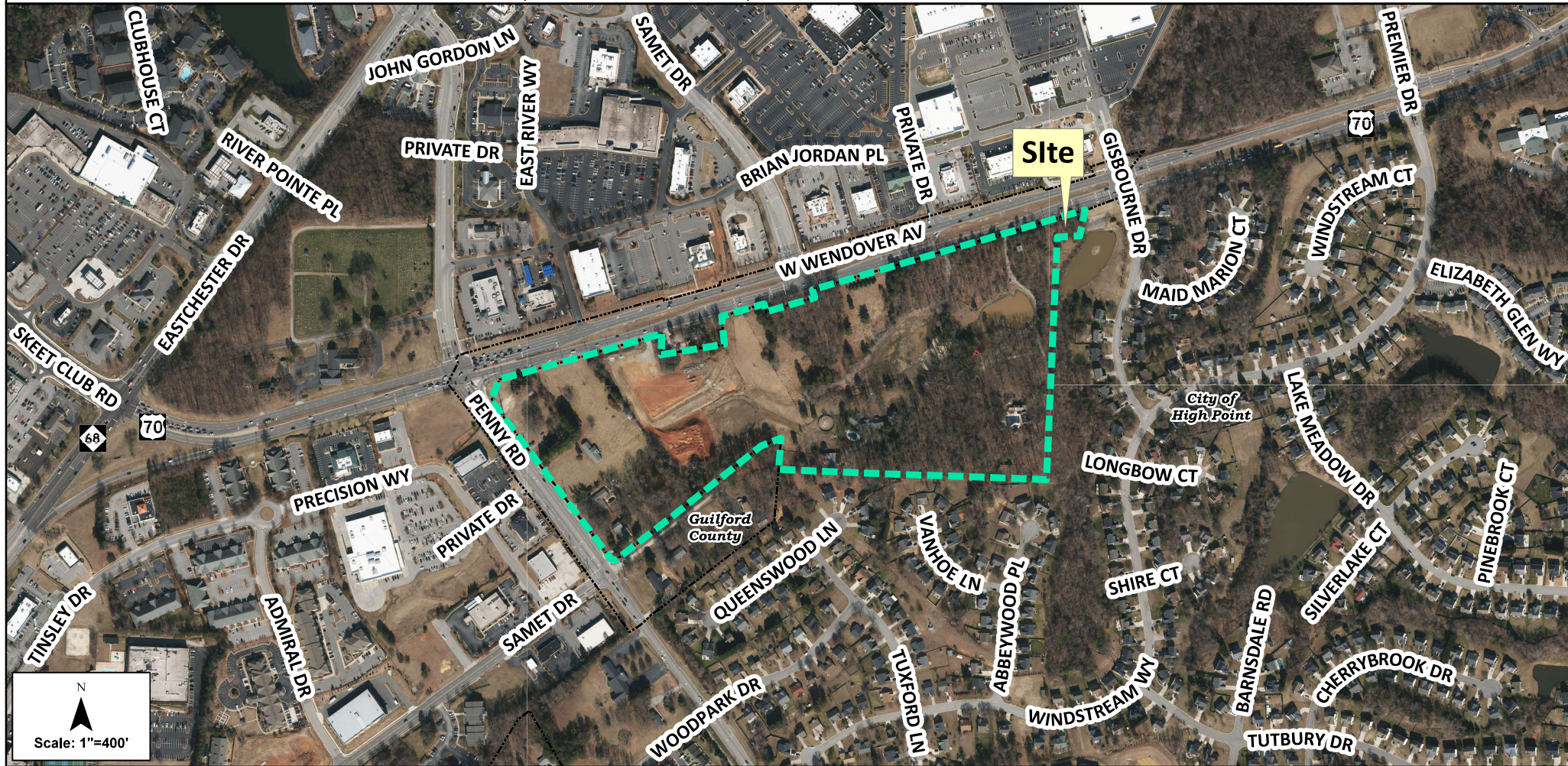


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# ZONING MAP AMENDMENT: ZA-23-11

## AERIAL PHOTOGRAPHY (FEB. 2022)





AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on April 25, 2023 and before the City Council of the City of High Point on May 15, 2023 regarding **Zoning Map Amendment Case 23-11 (ZA-23-11)** 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 April 15, 2023, for the Planning and Zoning Commission public hearing and on May 3, 2023 and May 10, 2023, for the City Council public hearing pursuant to Chapter 160D-602 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 **May 15, 2023**.

**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 a: **Conditional Zoning Retail Center (CZ-RC) District**. The property is approximately 35 acres, lying at the at the southeast corner of W. Wendover Avenue and Penny Road. The site is also known as Guilford County Tax Parcels 196671, 196672, 196673, 196674, 170002, 170004, 170005, 170006 and 170007 and 235990.

**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. **Permitted Uses:**

Any of the land uses allowed in the Retail Center (RC) District shall be permitted subject to the requirements of the Development Ordinance and subject to the specific conditions of this Permit.

B. **Restricted Uses:**

1. Within 250 feet of the W. Wendover Avenue right-of-way and within 250 feet of the Penny Road right-of-way, the following land uses shall be prohibited:
  - a) Wireless telecommunication facility.

2. Within 200 feet of the southeastern property boundary of Guilford County Tax Parcel 17005 and the southern boundary of Tax Parcels 17007 **and 235990** (where ~~this~~ **these parcels** abut the Nottingham Subdivision) all land uses under the Commercial Use Classification shall be prohibited. Except that the following Use Types under the Commercial Use Classification shall not be part of this use restriction:
  - a) Office Use Types
  - b) Personal Services Use Types

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multiple Lot Development

As part of land development permit approval, the property owner shall submit and obtain approval for a Multiple Lot Development (Section 5.14.5 of the Development Ordinance) for the entire zoning site.

2. The following standards shall apply to all parcels abutting W. Wendover Avenue and to all parcels abutting Penny Road:

- a) No outdoor storage, outdoor display or outdoor retail sales activity shall be permitted between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building.
- b) Automobile bays shall not face Penny Road or W. Wendover Avenue.
- c) Air hoses, vacuum pedestals and other outdoor automobile service equipment shall not be located between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building principal.

3. Development at the northwestern corner of the rezoning site (opposite historic Deep River Friends Meeting):

At the northwestern corner of the rezoning site, all principal building(s) located within 250 feet of the Penny Road right-of-way and within 250 feet of the W. Wendover Avenue right-of-way shall be designed to ensure that such building(s) will be architecturally compatible with the historic Deep River Friends Meetinghouse. Building design standards will include compatible building materials, compatible colors, and a roof design (a pitched roof or a parapet wall system that visually conceals the roof and roof-mounted HVAC systems from the road).

4. Eastchester Gateway Corridor Overlay District Standards:

The following standards from the Eastchester Gateway Corridor Overlay District Standards shall apply:

- a) Site Standards: The rezoning site shall be subject to the Site Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.4 (Site Standards) of the Development Ordinance.

- b) Signage: The rezoning site shall be subject to the Signage Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.6 and Table 3.8.7.F.6 (Signage) of the Development Ordinance.
- c) Building Standards: The rezoning site shall be subject to the ~~following~~ Building Standards requirements in Section 3.8.7.F.7 (Building Standards) of the Development Ordinance
- c) Landscaping: The rezoning site shall only be subject to Section 3.8.7.F.5(a) and (b) (Landscaping Standards) of the Eastchester Gateway Corridor Overlay District.

B. Landscaping, Buffers and Screening.

1. Higher Landscaping at the southeastern boundary of the zoning site  
For nonresidential uses, a minimum 25 foot wide perimeter planting yard shall be installed along the southeastern property boundary of Guilford County Tax Parcel **235990**, 17005 and 17007 (where ~~this~~ **these** parcels abut the Nottingham Subdivision) . At a minimum, this planting yard shall consist of a double row of evergreen trees. The evergreen trees are to be planted approximately fifteen (15) feet on center with an approximate five (5) foot offset between the rows. The evergreen trees shall be a plant species that will have a minimum height at maturity of 25 feet.
2. Required Streetyard (Perimeter Landscape Yards), along the W. Wendover Avenue and Penny Road frontages of the zoning, site shall be planted at a rate of 4 canopy trees per 100 linear feet and 17 shrubs per 100 linear feet.
3. Along the southwestern boundary of the rezoning site (~~northern side~~ ~~western boundary~~ of Samet Drive facing the single-family homes to the south), a minimum 25-foot wide landscaping street yard (planted to the Type C-Yard Rate) shall be installed along the north side of Samet Drive **and behind the building footprint** if the back of any future building(s) face Samet Drive. **An alternate landscaping/buffering/screening plan may be approved by the Planning and Development Director. In addition to the guidelines noted in Section 5.5.13 (Alternate Landscape Plan) of the Development Ordinance, landscaping, buffering, and screening:**
  - a. **Shall not be less than 10 feet in width;**
  - b. **Shall function as a partial opaque screen behind the building footprint from the ground to a height of 6 feet; and shall create a sense of spatial separation between commercial and adjacent residential uses; and**
  - c. **May include an opaque screening as outlined in Section 5.6.6 (Screening Method) of the Development Ordinance, but said opaque screening shall not be the only buffering method.**

This higher landscape standard or alternate plan shall not apply where front or sides of any building(s) face Samet Drive

C. Transportation Conditions.

1. Right-of-way Dedication:

- a) Samet Drive Extension: Provided that City constructs Same Drive Extension, the property owner shall dedicate sufficient right-of-way from land that it owns or controls to achieve 10 feet of right-of-way from the back of curb on each side of the proposed Samet Drive Extension in accordance with a separate Dedication Agreement between the City and the owner. The right-of-way shall be enough to include all necessary lane configurations at intersections and to accommodate sidewalks and planting strips on both sides of Samet Drive Extension.
- b) West Wendover Avenue: Where turn lanes are required, an additional 10 feet of right-of-way shall be dedicated from the new back of curb of all turn lanes.
- c) Penny Road: Where turn lanes are required, an additional 10 feet of right-of-way shall be dedicated from the new back of curb of all turn lanes.

2. Access:

- a. West Wendover Avenue: The project shall have three points of access to West Wendover Avenue (pending NCDOT approval) as described in Tables A & B and Exhibits A & B of the TIA:
  - i. One full movement access (Samet Drive Extension, not constructed by the owner).
  - ii. One right-in/right-out between Penny Road and Samet Drive Extension (Site Access 1, constructed by the owner).
  - iii. One right-in/right-out with a left-over on westbound Wendover Avenue across from Brian Jordan Place (Site Access 2, constructed by the owner).
- b. Penny Road: The project shall have two points of access to Penny Road (pending NCDOT approval) as described in Tables A & B and Exhibits A & B of the TIA:
  - i. One full movement access (existing Samet Drive, not constructed by the owner)
  - ii. One right-in/right-out across from the Walmart Neighborhood Market Driveway (Site Access 3, constructed by the owner).
- c. Samet Drive Extension: The Project shall have ~~five~~ **four** points of full access to Samet Drive Extension, substantially as depicted on Exhibit B of the TIA. The exact location and design of these access points will be determined during the plan submittal process and is not a requirement of the owner.

3. Improvements:
  - a) West Wendover Avenue and Site Access 1 – As described in Table B and Exhibit B of the TIA, right-in/right-out.
    - i. The owner shall construct an east bound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper.
  - b) West Wendover Avenue and Site Access 2 – As described in Table B and Exhibit B of the TIA, right-in/right-out with a left-over.
    - i. The owner shall construct an eastbound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper.
    - ii. The owner shall construct a westbound left-over on West Wendover Avenue with 200 feet of storage and appropriate taper.
  - c) Penny Road and Site Access 3 – As described in Table B and Exhibit B of the TIA, right-in/right-out.
    - i. The owner shall construct a northbound right turn lane on Penny Road with 100 feet of storage and appropriate taper.
    - ii. The owner shall construct a minimum four (4) foot wide monolithic median island on Penny Road in front of Access 3. The design and length of this median will be determined by NCDOT during the plan submittal process.
4. Other Transportation Conditions: The City of High Point Transportation Department and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements. However, location and design shall not materially depart from the information within the TIA. The owner's obligations under this ordinance are limited to conveying the land as described above and construction of improvements listed above in section 3.a through c of these conditions, further described as Site Accesses 1, 2, 3 in Table B and depicted on Exhibit B of the TIA. Design and construction of Samet Drive Extension are not obligations of the developer.

### 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.

Adopted by the City Council  
City of High Point, North Carolina  
The 15<sup>th</sup> day of May 2023

By: \_\_\_\_\_

Jay W. Wagner, Mayor

ATTEST:

\_\_\_\_\_  
Sandra Keeney, City Clerk

**Neighborhood Communications Report**  
**PEX Wendover, LLC**  
**ZA-23-11**

**Wendover, Penny, and Samet Dr. Ext.**

Submitted by  
Dennis Bunker  
April 13, 2023

**1. Invitation**

All neighbors within 300 feet were sent the letter attached as **Exhibit A** which included the city's prepared statement. The letter included (a) a vicinity map showing the location of the property; (b) the mandatory statement about the zoning process; (c) a full description of the rezoning conditions requested; (d) ways the neighbors could personally contact the applicant, Dennis Bunker, with questions.

Recipients of the letter are the neighbors listed on **Exhibit B**.

**2. Communications**

We did not receive any communications from any neighbors or other individuals.



# EXHIBIT A

# **PEX Wendover, LLC**

March 27, 2023

Dear Neighbor:

PEX Wendover, LLC, and Maria T. Montoya Couch, an individual, owns 35 acres of property, collectively, located at W. Wendover Road and Penny Road. This property was rezoned back in 2021 to a Conditional Zoning Retail Center (CZ-RC).

In order to facilitate our development plan, we have applied to the City of High Point to revise two minor details in the zoning conditions for the property. The conditions concern the reduction of the landscape buffer width and access along Samet Drive Extension, internal to the project and the reduction of the number of accesses from 5 to 4 points along Samet Drive Extension internal to Palladium South. These changes do not affect the boundaries adjacent to our neighbors. The granting of our request will enable us to proceed with our plans for an attractive and well-located retail center at this location. Please review the included site plan for more information.

You are receiving this letter because you own property within 300 feet of this site. If one of your neighbors has not received the letter it is because they live farther away and are not on the city's notification list, but please feel free to share this information. Please find included in this mailing an explanation about the zoning process in the City of High Point.

Please feel free to contact our project representative, Dennis Bunker, with any questions you have about this request to change these minor conditions of the zoning for the property. His direct phone number is 704-351-9757, or you can email him at [dnb@bunkerlandgroup.com](mailto:dnb@bunkerlandgroup.com).

The High Point Zoning Commission will meet to consider our request on April 25, 2023, at 6:00 pm. You may participate in person at the City Council Chambers located at 211 S. Hamilton St, 3<sup>rd</sup> Floor, High Point, NC 27261. If you have any questions about participation, please call the Planning Department at 336-883-3328 or visit [www.buildhighpoint.com](http://www.buildhighpoint.com).

Sincerely,



Dennis N. Bunker, III

Enclosures

**City of High Point**  
**Citizen Information Meetings**



Persons filing certain development applications with the City of High Point are required to hold a citizen information meeting. This requirement applies to applications for a Conditional Zoning District, Planned Development District, Special Use and a Zoning Map Amendment that proposes to establish a more intense zoning district.

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 filing an application, otherwise known as the applicant, the opportunity to inform citizens about their 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 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 description of the development proposal and are encouraged to share any other available information that would help citizens to better understand it.

After the application is filed with the City's Planning & Development Department, the applicant submits to the City a written summary of the citizen information meeting(s). At a minimum, this report records:

- The date, time, and location of the meeting;
- The method and date of notification about the meeting;
- A list of landowners notified about the meeting;
- A list of meeting attendees;
- If the meeting was conducted as a series of telephone calls;
- The description of the development proposal presented to the attendees; and
- A summary of attendee comments, ideas, and suggestions from citizens to be 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 site. This notice provides a brief summary of the application; 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 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 site.

Development conditions can be adopted by the City Council for a Conditional Zoning District, Planned Development District, or Special Use. However, no condition can be included that:

- Specifies the ownership status, race, religion, or other characteristics of the development's occupants;
- Establishes a minimum size of a dwelling unit;
- Establishes a minimum value of buildings or improvements;
- Excludes residents based upon race, religion, or income; or
- Obligates the City to perform in any manner relative to the approval of or development of the land.

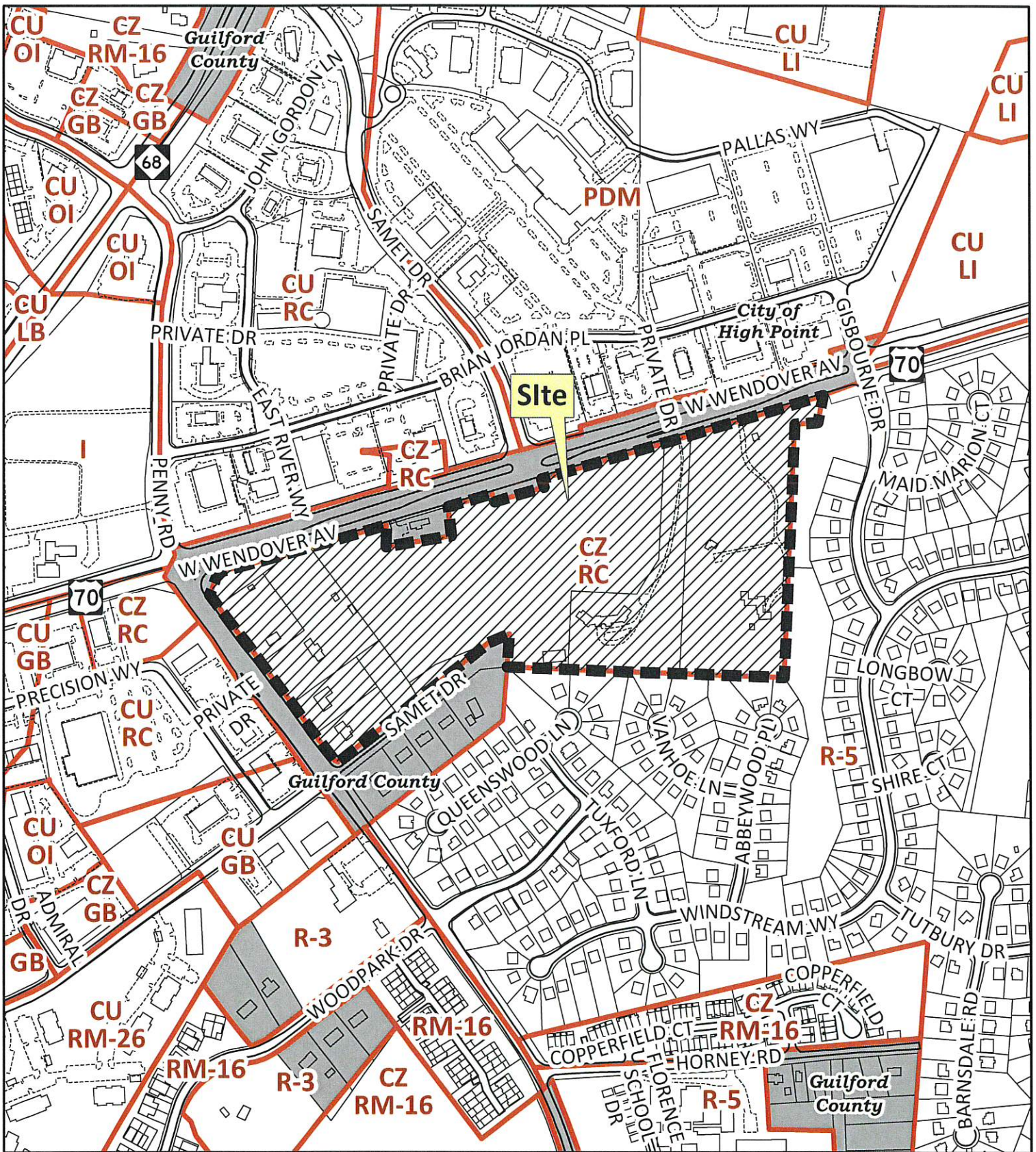
Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the website below for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department 336-883-3328

[www.buildhighpoint.com](http://www.buildhighpoint.com)





### ZONING MAP AMENDMENT ZA-23-11

**From: Conditional Zoning Retail Center (CZ RC)**  
**To: Conditional Zoning Retail Center (CZ RC)**



Planning & Development Department



Scale: 1" = 500'

**Existing Zoning Boundary** —————  
**Subject Property Boundary** ■■■■■■



# EXHIBIT B

510 SFR NC OPERATIONS I LLC  
12906 TAMPA OAKS BLVD  
STE 100  
TEMPLE TERRACE, FL 33637

ADENOLA, TUNDE A;  
ADENOLA, MODUPE  
3906 GISBOURNE DR  
JAMESTOWN, NC 27282

AJIT PROPERTIES LLC  
101 WHIRLAWAY LN  
CHAPEL HILL, NC 27516

AMERICAN HOMES 4 RENT  
PROPERTIES NINE LLC  
ATTN: PROPERTY TAX DEPT,  
23975 PARK SORRENTO STE 300  
CALABASAS, CA 91302

AMH 2015-1 BORROWER LLC  
23975 PARK SORRENTO STE  
300 CALABASAS, CA 91302

AMH 2015-2 BORROWER LLC  
23975 PARK SORRENTO  
STE 300  
CALABASAS, CA 91302

AMH NC PROPERTIES LP  
23975 PARK SORRENTO  
STE 300  
CALABASAS, CA 91302

AMOS, GILBERT WAYNE;MCLAUGHIN,  
AUDREY LEIGH  
3713 QUEENSWOOD LN  
JAMESTOWN, NC 27282

API - HIGH POINT LLC  
106 WOODWINDS INDUSTRIAL CT  
CARY, NC 27511

BAILEY, MICHAEL D  
164 KEEL CT  
STOKESDALE, NC 27357

BELEUZ, LIVIU;PASCALIN,  
VIOLETA  
3715 QUEENSWOOD LN  
JAMESTOWN, NC 27282

BELMAR RIO LLC  
PO BOX 51166  
NEW BEDFORD, MA 02740

BRAWNER, AMANDA LYNNE;EVANS,  
CHRISTOPHER  
3720 QUEENSWOOD LN  
JAMESTOWN, NC 27282

BROWN, WILLIAM L III  
3909 GISBOURNE DR  
JAMESTOWN, NC 27282

CALIN, MINERVA;CALIN, AUREL CALIN  
3920 GISBOURNE DR  
JAMESTOWN, NC 27282

CALM III LLC  
8000 TOWER POINT DR  
CHARLOTTE, NC 28227

CANA HOLDING COMPANY LLC  
3707 QUEENSWOOD LN  
JAMESTOWN, NC 27282

CAROLINA BANK  
101 N SPRING ST  
GREENSBORO, NC 27401

CASNER CONSOLIDATED LLC  
1020 HUNTINGTON DR  
SAN MARINO, CA 91108

CH RETAIL FUND II/GREENSBORO  
PALLADIUM LLC  
3819 MAQPLE AVE  
DALLAS, TX 75219

CHRISMON, DAVID L;CHRISMON,  
PAMELA P  
3722 QUEENSWOOD LN  
JAMESTOWN, NC 27282

CLINE, DANIEL R;YOWELL,  
BETHANY  
3817 ABBEYWOOD PL  
JAMESTOWN, NC 27282

COLEMAN, ANTHONY LEE;JOHNSON-  
COLEMAN, ROCHELLE  
3916 GISBOURNE DR  
JAMESTOWN, NC 27282

COPPER, KEITH T;COPPER,  
CHAE D  
3721 QUEENSWOOD LN  
JAMESTOWN, NC 27282

D & Q PROPERTY LLC  
3703 QUEENSWOOD LN  
JAMESTOWN, NC 27282

DEEP RIVER CENTER LLC  
2209 EASTCHESTER DR  
STE 107  
HIGH POINT, NC 27265

DEEP RIVER FRIENDS CHURCH  
5300 W WENDOVER AVE  
HIGH POINT, NC 27265

DEGRAFENARIED, DARIN K;LILLEVIG,  
SARAH KATE  
3728 TUXFORD LN  
JAMESTOWN, NC 27282

DG HIGH POINT LLC  
2234 WHEAT ST  
COLUMBIA, SC 29205

DVORSCAK, JASON M;DVORSCAK,  
CHRISTINE R  
3811 WINDSTREAM WAY  
JAMESTOWN, NC 27282

EASTER, S LOWELL  
PO BOX 49579  
GREENSBORO, NC 27419

FKH SFR PROPCO D L P  
1850 PARKWAY PL #900  
MARIETTA, GA 30067

FKH SFR PROPCO I LP  
1850 PARKWAY PL  
STE 900  
MARIETTA, GA 30067

GOODWILL INDUSTRIES OF  
CENTRAL NORTH CAROLINA INC  
125 S EUGENE ST  
GREENSBORO, NC 27406

GUTIERREZ, JOSE LARA;LEMUS, RUTH  
ZAMORA  
2116 PENNY RD  
HIGH POINT, NC 27265

HAGGERTY, RICHARD C JR TRUSTEE;THE  
RICHARD C HAGGERTY JR LIVING TRUST  
5231 W WENDOVER AVE  
HIGH POINT, NC 27265

HALLE PROPERTIES LLC  
20225 N SCOTTSDALE RD  
SCOTTSDALE, AZ 85255

HAMPTON HEIGHTS ONE LLC;  
HAMPTON HEIGHTS TWO LLC;  
HAMPTON HEIGHTS THREE LLC  
11151 VEIRS MILL RD  
WHEATON, MD 20902

HANNAH, FREDERICK W;HANNAH,  
KRISTA ANN  
3815 ABBEYWOOD PL  
JAMESTOWN, NC 27282

HARDISON, PATRINA ROSE  
3700 QUEENSWOOD LN  
JAMESTOWN, NC 27282

HIGH POINT BK POOH LLC  
101 W 55TH ST  
NEW YORK, NY 10019

HOMELIKE APARTMENTS INC  
PO BOX 644  
SPRINGFIELD, MA 61690

HUSSEIN, FERAS  
3701 QUEENSWOOD LN  
JAMESTOWN, NC 27282

JACOBS, URSULA S  
3797 VANHOE LN  
JAMESTOWN, NC 27282

JOHNSON, CALVIN D;JOHNSON,  
SHARON P  
7701 SAMET DR  
HIGH POINT, NC 27265

KIMBRELL'S INVESTMENT  
COMPANY INC  
4524 S BLVD STE C  
CHARLOTTE, NC 28209

LTW PARTNERS LLC  
3816 ABBEYWOOD PL  
JAMESTOWN, NC 27282

M J K INVESTORS LLC  
307 WINROW DR  
JAMESTOWN, NC 27282

MADI, AZZA;MADI, MOTAZ  
3820 ABBEYWOOD PL  
JAMESTOWN, NC 27282

MARIANI, THOMAS  
3793 VANHOE LN  
JAMESTOWN, NC 27282

MATTHEWS, DONALD W JR;MATTHEWS,  
PAIGE N  
3719 QUEENSWOOD LN  
JAMESTOWN, NC 27282

MATURINO, JUAN M;MATURINO,  
ELEINA N  
3790 VANHOE LN  
JAMESTOWN, NC 27282

MAUCERE, CHRISTOPHER C;MAUCERE,  
HANNAH ELIZABETH  
3726 TUXFORD LN  
JAMESTOWN, NC 27282

MCGREGOR, CORINNE L;CHAPLIN,  
MARTIN A  
3814 ABBEYWOOD PL  
JAMESTOWN, NC 27282

MCSWAIN, JON S;MCSWAIN,  
APRIL R  
3809 WINDSTREAM WAY  
JAMESTOWN, NC 27282

MONTAGUE, CORRETTA F  
3801 VANHOE LN  
JAMESTOWN, NC 27282

MORELLI, JOYCE  
117 DUCHESS CT  
JAMESTOWN, NC 27284

MURPHREE, MICHAEL;MURPHREE,  
KELLY  
3918 GISBOURNE DR  
JAMESTOWN, NC 27282

NOHO OST HIGH POINT LLC  
PO BOX 1098  
ALPINE, NJ 07620

NOTTINGHAM HOME OWNERS ASSN  
2306 W MEADOWVIEW RD STE 111  
GREENSBORO, NC 27407



OREILLY AUTOMOTIVE  
STORES INC  
PO BOX 9167  
SPRINGFIELD, MO 65801

PAGE, BRYAN T;PAGE, CHITOSE  
PAGE  
3788 VANHOE LN  
JAMESTOWN, NC 27282

PALLADIUM DEVELOPMENT III LLC;  
PEX PALLADIUM III LLC  
5826 SAMET DR STE 10  
HIGH POINT, NC 27265

PALLADIUM RETAIL LLC  
5826 SAMET DR STE 105  
HIGH POINT, NC 27265

PARKER, JAMES H;  
WHITE RESIDENTIAL TRUST  
3109 LODGE DR  
JAMESTOWN, NC 27282

PARKWOOD BAPTIST CHURCH  
2107 PENNY RD  
HIGH POINT, NC 27265

PIERCE, CHARLES RAYMOND  
3818 ABBEYWOOD PL  
JAMESTOWN, NC 27282

REARDON, DIANA LEE  
3821 WINDSTREAM WAY  
JAMESTOWN, NC 27282

RICHARDSON, THAXTON JR  
TRUSTEE;THAXTON RICHARDSON JR  
LIVING TRUST  
1350 W LAKE DR  
GREENSBORO, NC 27408

RIVAS, MARKO;RIVAS, VICTORIA  
3795 VANHOE LN  
JAMESTOWN, NC 27282

RODRIGUEZ, EDUARDO LUIS  
CASTR;CASTRO, ISABEL LOPEZ  
3789 VANHOE LN  
JAMESTOWN, NC 27282

SC CAR WASHES LLC  
PO BOX 116  
COLFAX, NC 27235

SCOTT, JOHNATHAN W  
3908 GISBOURNE DR  
JAMESTOWN, NC 27282

SEVERI HEALTHCARE INC  
3922 GISBOURNE DR  
JAMESTOWN, NC 27282

SHERRILL, KEVIN R  
3913 GISBOURNE DR  
JAMESTOWN, NC 27282

STUCKI, HEIDI O;STUCKI, RALPH  
PO BOX 16105  
HIGH POINT, NC 27261

SUNBELT INVESTMENTS LLC  
530 MCCALL RD STE 110  
MANHATTAN, KS 66502

TECHNICAL METHODS LLC  
307 S SWING RD  
GREENSBORO, NC 27409

TURNER, FREELAN TONDA;TURNER,  
ROBERTA LYNN G  
7707 SAMET DR  
HIGH POINT, NC 27265

TURNER, ROBERTA L  
7707 SAMET DR HIGH  
POINT, NC 27265

WALMART REAL ESTATE BUSINESS TRUST  
PO BOX 8050, ATTN: 0555  
BENTONVILLE, AR 72716

WEST WENDOVER LAND  
DEVELOPMENT LLC  
5826 SAMET DR STE 105  
HIGH POINT, NC 27265

WEST WENDOVER LAND  
DEVELOPMENT LLC  
PO BOX 36799  
CHARLOTTE, NC 28236

YOOK, SEUNG HEE;YOOK, SUNHEE  
3711 QUEENSWOOD LN  
JAMESTOWN, NC 27282

YURKO, GAROLD M;YURKO,  
LINDA W  
3817 WINDSTREAM WAY  
JAMESTOWN, NC 27282

ZENTE, LUKE ANTHONY  
3911 GISBOURNE DR  
JAMESTOWN, NC 27282