

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 23-08
(Diversified Estate Holdings, LLC)

From: Sushil Nepal, AICP
Planning & Development Director

Public Hearing: Yes

Meeting Date: July 17, 2023

Advertising Date: July 5, 2023, and
July 12, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by Diversified Estate Holdings, LLC to rezone approximately 9.6 acres from a Conditional Use Agricultural (CU-AGR) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road).

BACKGROUND:

Mr. Herbert Shannon, Senior Planner, provided an overview of the history of this zoning request, changes to the Conditional Zoning Ordinance offered by the applicant, and the updated staff recommendation that is generally supporting this zoning request based upon changes offered by the applicant.

Speaking in favor of the request:

The applicant's representative, Ms. Judy Stalder, 3735 Admiral Drive, High Point, spoke in favor of the request. She outlined their proposal to develop this site for a multifamily project with approximately 145 dwelling units. Ms. Stalder provided an overview of the changes offered to the conditional zoning ordinance to address concerns raised by staff and surrounding property owners. Based upon the amended zoning conditions, she noted that the proposed development can be compatible with the surrounding area.

Speaking in opposition to the request:

Speaking in opposition to this request were Mr. Williams Jones, 3646 Hickwood Forest Drive, Ms. Deborah Davis 3951 Cobblestone Drive, Ms. Melody Thomas 3933 Cobblestone Bend Drive and Mr. Reid Nifong, 3948 Cobblestone Bend Drive. These speakers expressed the following concerns:

1. Development intensity/density:

- The proposed multifamily development, at 16 units per acre, is inconsistent with the low-to-medium-density development around the site. A multi-story multifamily development is too intense next to the abutting single story residential dwellings.
- Even with the updated conditions, the intensity of development south of the power lines is still too high.

2. Building Height and Location: Development should be focused on the portion of the site lying north of the powerlines. Any development south of the powerlines should be limited to two-story structures.

3. Traffic: This proposed multifamily development, in conjunction with other previously approved multifamily to the north, will increase traffic in an area where traffic is already a problem.

After the public hearing, the Planning and Zoning Commission members had a lengthy discussion. They appreciated that the applicant revamped their development proposal to address issues raised by staff at their March and April public hearings. There was still concern that this is a transitional parcel, and the development intensity should be stepped down. There was also concern with having a multistory multifamily development next to a single-story residential development.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Based upon these changes and the updated Conditional Zoning Ordinance, the Planning and Development Department is *supportive* of this amended request.

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 6-1. Member Thad Juszczak vote in opposition due to concern with intensity of development proposed next to the single-story residential development.

2. Consistency and Reasonableness Statements

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

That Zoning Map Amendment 23-08 consistent with the City's adopted policy guidance because the requested zoning map amendment, as conditioned by the applicant, is to a certain degree aligned with the Land Use Plan and adopted policy guidance documents. Furthermore, conditions offered by the applicant for reduced development density along the southern half of the site, greater building setbacks and higher perimeter landscaping will support multifamily development that is generally compatible with abutting lower intensity land uses.



MEMORANDUM

TO: Jay Wagner, Mayor
City Council Members

FROM: Herbert Shannon, AICP, Senior Planner

DATE: July 17, 2023

SUBJECT: Zoning Map Amendment Case 23-08 (1711 & 1701 Penny Road)
Applicant: Diversified Estate Holding, LLC

Overview

This zoning map amendment application (ZA-23-08) proposes to rezone a 9.7-acre parcel, lying east of the intersection of Penny Road and East Fork Road, from a Conditional Use Agricultural (CU-AG) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. This rezoning is being sought to support a multifamily development at a density of 16 dwelling units per acre (up to 155 dwelling units) [See *Maps #1 & 2*].

The zoning site is situated at the transition point where higher intensity development, associated with the commercial node at the W. Wendover Avenue and Penny Road intersection, transitions to lower intensity land uses. The adopted land use plan supports Medium Density land uses (8 to 16 dwelling units per acre) along the northeastern 1/3 of the site while the southern 2/3s of the site is classified as Low-Density Residential which supports single family or other lower intensity residential development up to 5 units per acre [See *Map #3*].

Development options, as to building placement, is limited as most of the parcel is encumbered by a 150-foot wide Duke Power easement that runs through the entire length of the parcel. This restricts the developable area of this parcel to roughly 40%. Structures are limited to a triangular area at the northeastern and southwestern portions of the site [See *Map #4*].

A conceptual site plan presented by the applicant depicts 4-story multifamily structures, each containing 56-dwelling units, at the northeastern and southwestern corners of the site. These multifamily structures would abut lower intensity development consisting of a single family home and one-story townhomes. As outlined in the Staff Report (ZA-23-08 Staff Report March 28, 2023) the Planning and development Department expressed concerns with this request as to 1) compatibility of development at this transitional point of land use intensity and 2) intensity of development and conditions offered by the applicant does not adequately mitigate impacts [See *Map #5 and attached Staff Report ZA-23-08*].

Public Hearings Summary

- A. Planning & Zoning Commission (4th public hearing): The Planning and Zoning Commission held a 4th public hearing pertaining to this request at their **June 27, 2023 public hearing**. The Planning and Development Department provided an updated staff presentation and general recommendation of approval, based upon submittal of amended zoning conditions that addressed most of staff's concerns.

After the applicant's presentation and comments from the public (4 speakers in opposition), ***the Planning and Zoning Commission offered an updated recommendation of approval of the request, by a vote of 6-1.***

- B. City Council (3rd public hearing): This application was reviewed by the High Point City Council at their **May 15, 2023 public hearing**. The Friday prior to the City Council meeting (June 12), the applicant submitted a updated conditional zoning ordinance. At this public hearing staff provided a presentation and recommendation of denial. The applicant also provided a presentation and there were nine speakers in opposition.

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

The City Council unanimously voted (9-0) to refer this case back to the Planning and Zoning Commission.

- C. Planning & Zoning Commission (1st and 2nd public hearings): The Planning and Zoning Commission held the first public hearing pertaining to this request at their **March 28, 2023 public hearing**. After receiving a staff presentation and recommendation of denial, applicants' presentation and comments from the public (7 speakers in opposition), the Commission continued the request to their April 25, 2023 meeting to allow the applicant to address issues raised by the Planning Department.

The second public hearing was held on **April 25, 2023**. Staff outlined new conditions offered by the applicant. These changes did not address the primary issues of concern raised by the Planning Department at the March public hearing. Staff maintained its recommendation of denial to the zoning request.

The Planning and Zoning Commission made a recommendation to forward ZA-23-08 to the City Council with a recommendation of denial, by a vote of 8-0.

(See attached summary of changes to Conditional Zoning Ordinance ZA-08 as presented at the 4th public hearing – Planning & Zoning Commission June 27, 2023 meeting)

Staff Recommendation

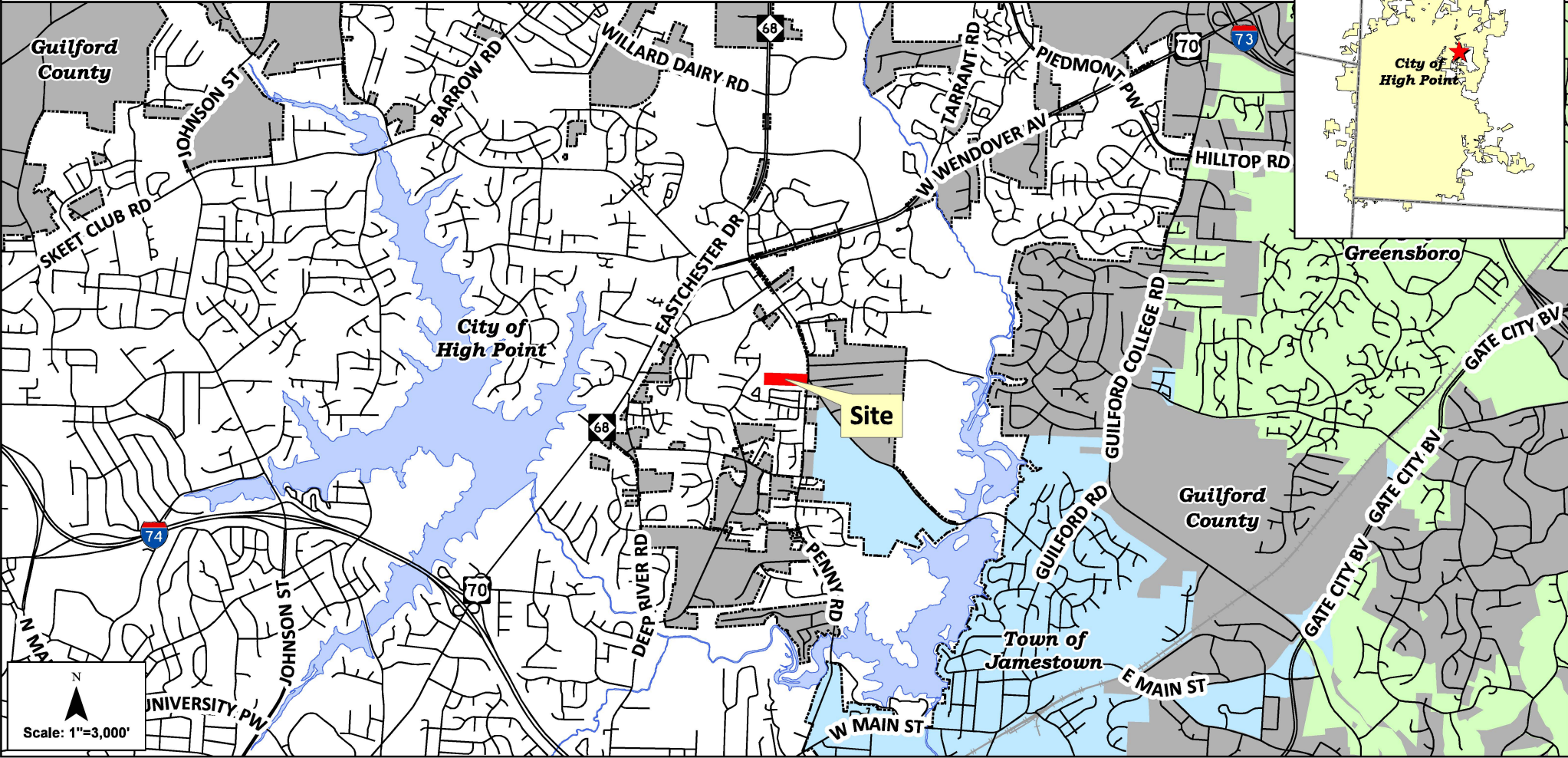
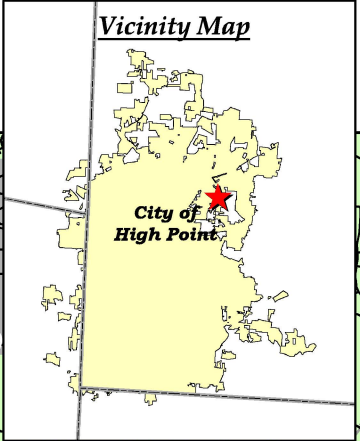
The table below outlines a general summary of changes to Conditional Zoning Ordinance 23-08. **Based upon these changes to the Conditional Zoning Ordinance, the Planning and Development Department is supportive of this amended request.**

Summary of Zoning Conditions	
Staff Recommendation	Conditions Offered by Applicant
Binding Conditional Zoning Plan.	Not addressed
<p><u>Next to Southern Boundary of site</u></p> <p>Staff proposed conditions to restrict building height, restrict building length, higher building setback.</p> <p><i>(Option: staff noted that the P&Z Commission could consider rezoning the southern half of site to RM-5 District)</i></p>	<p><u>Next to Southern Boundary of site</u> <u>(New conditions)</u></p> <ul style="list-style-type: none"> • Number units reduced from 56 to 33. • Max. building height locked in at 50 ft. with pitched-roof building construction. • Multifamily building setback increased from 15 ft. to 30 ft. • Maximum building length reduced from 250 ft. to 200 ft. <p><i>(Note: Conditions are similar to the RM-5 District standards except for density (if southern half of site was RM-5 density would be limited to approx. 24 units).</i></p>
<p><u>Next to Northern Boundary of site</u></p> <p>Staff proposed conditions to restrict building height, restrict building length, higher building setback.</p>	<p><u>Next to Northern Boundary of site</u> <u>(New conditions)</u></p> <p>Setback from Penny Road for a multifamily building increased from 20 ft to 250 ft. This pushes higher intensity development away from the history site with single family home.</p> <p><i>(higher setback standard does not apply to garages and other accessory structures).</i></p>
<p><u>Transportation Conditions</u></p> <p>Require at least two points of access for more than 50 dwelling units.</p> <p>One of access points shall be to Penny Road (align with the Penny Road/East Fork Road intersection).</p> <p>Intersection improvements <i>(traffic signal modification and turn lanes).</i></p>	<p><u>Transportation Conditions</u></p> <p>Applicant has agreed to these transportation conditions.</p>

Staff Recommendation	Conditions Offered by Applicant
<p><u>Landscaping Standards</u></p> <p><u>Southern boundary</u> Nothing required by Ordinance. Staff recommended a min. 25-foot-wide Type B Yard (<i>10 trees and 25 shrubs every 100 linear ft</i>)</p> <p><u>Northern boundary</u> Type C Yard required by Ordinance. Staff recommended a min. 25-ft-wide Type B Yard (<i>10 trees & 25 shrubs every 100 liner ft – 50% of shrubs to be evergreen</i>)</p> <p><u>Penny Road frontage</u> 10-foot wide Street Yard, planted to the Type C (7 trees and 20 shrubs every 100 linear feet - 25% of shrubs to be evergreen)</p>	<p><u>Landscaping Standards</u> <u>(New conditions)</u></p> <p><u>Southern boundary</u></p> <ul style="list-style-type: none"> • Applicant offered Type C Yard (15-ft average width containing 7 trees & 20 shrubs every 100 linear ft, with 50% of shrubs to be evergreen) • 6-foot high screening fence next to building <p><u>Northern boundary</u> Applicant proposed a Type C Yard planting yard of greater than 50% evergreen.</p> <p><u>Penny Road frontage</u> Higher Type C Planting rate not agreed to by applicant.</p>

LOCATION MAP

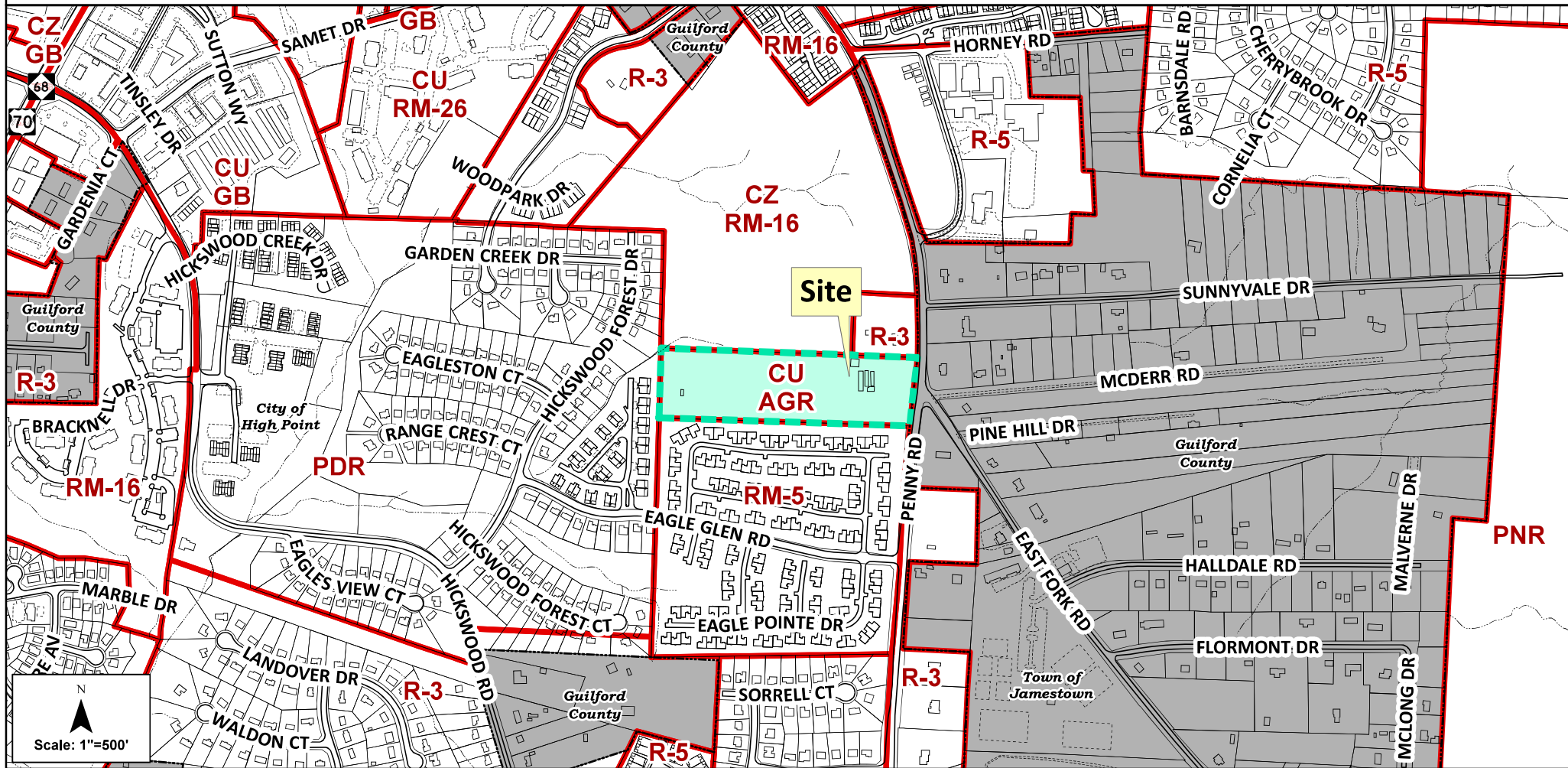
ZONING MAP AMENDMENT: ZA-23-08
Applicant: Diversified Estate Holdings LLC



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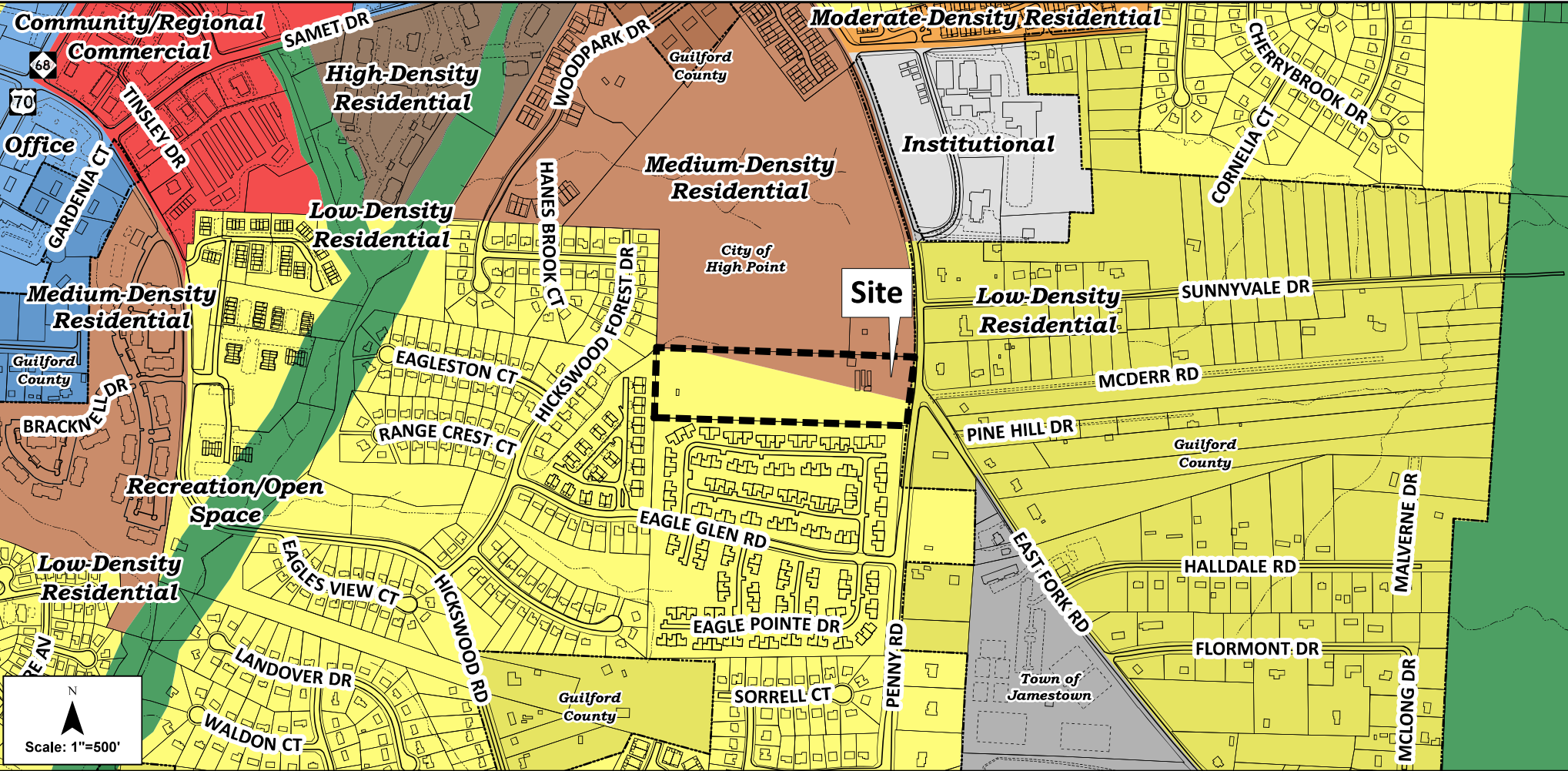
ZONING MAP AMENDMENT: ZA-23-08

ZONING MAP



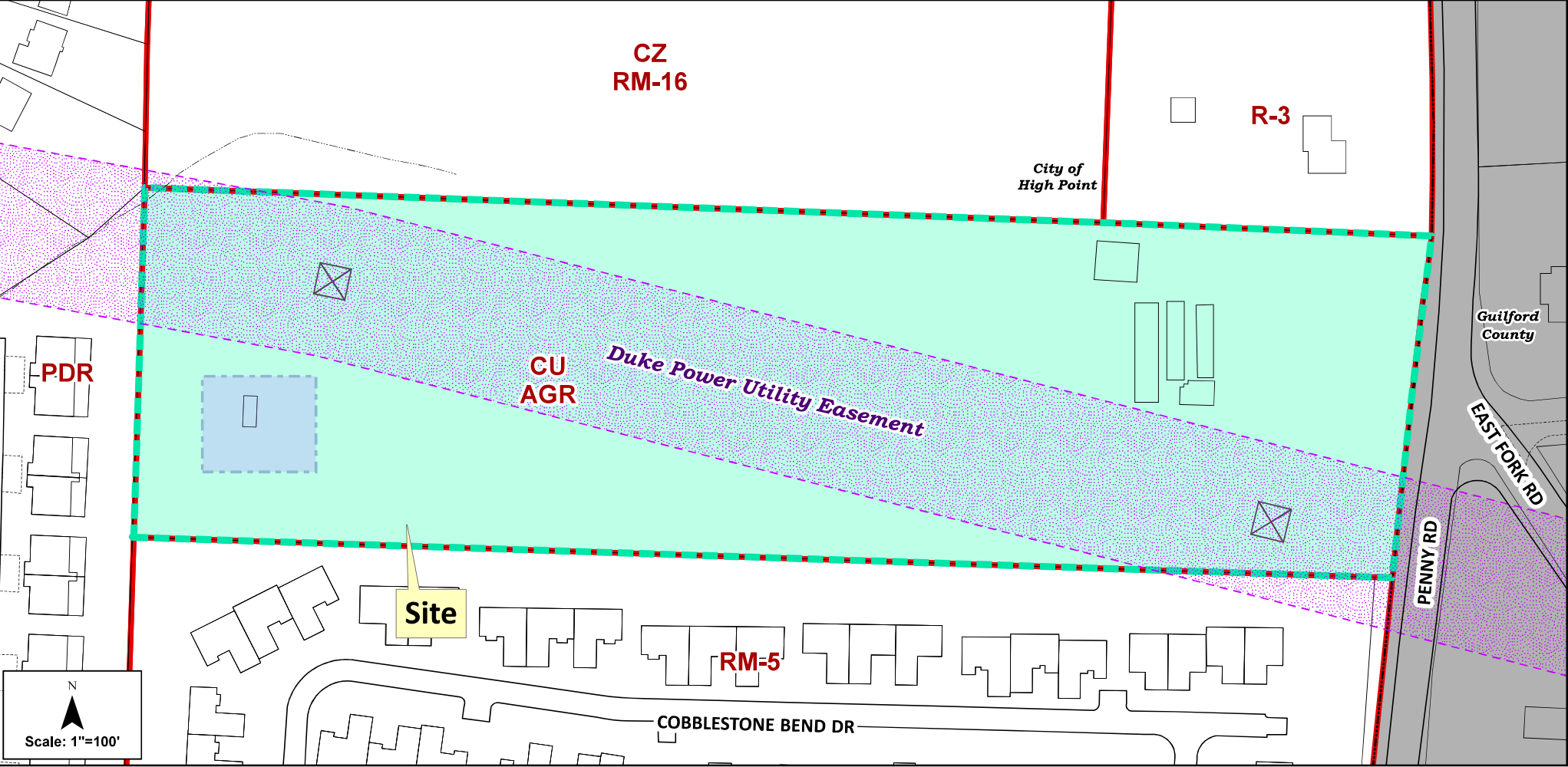
ZONING MAP AMENDMENT: ZA-23-08

LAND USE PLAN MAP



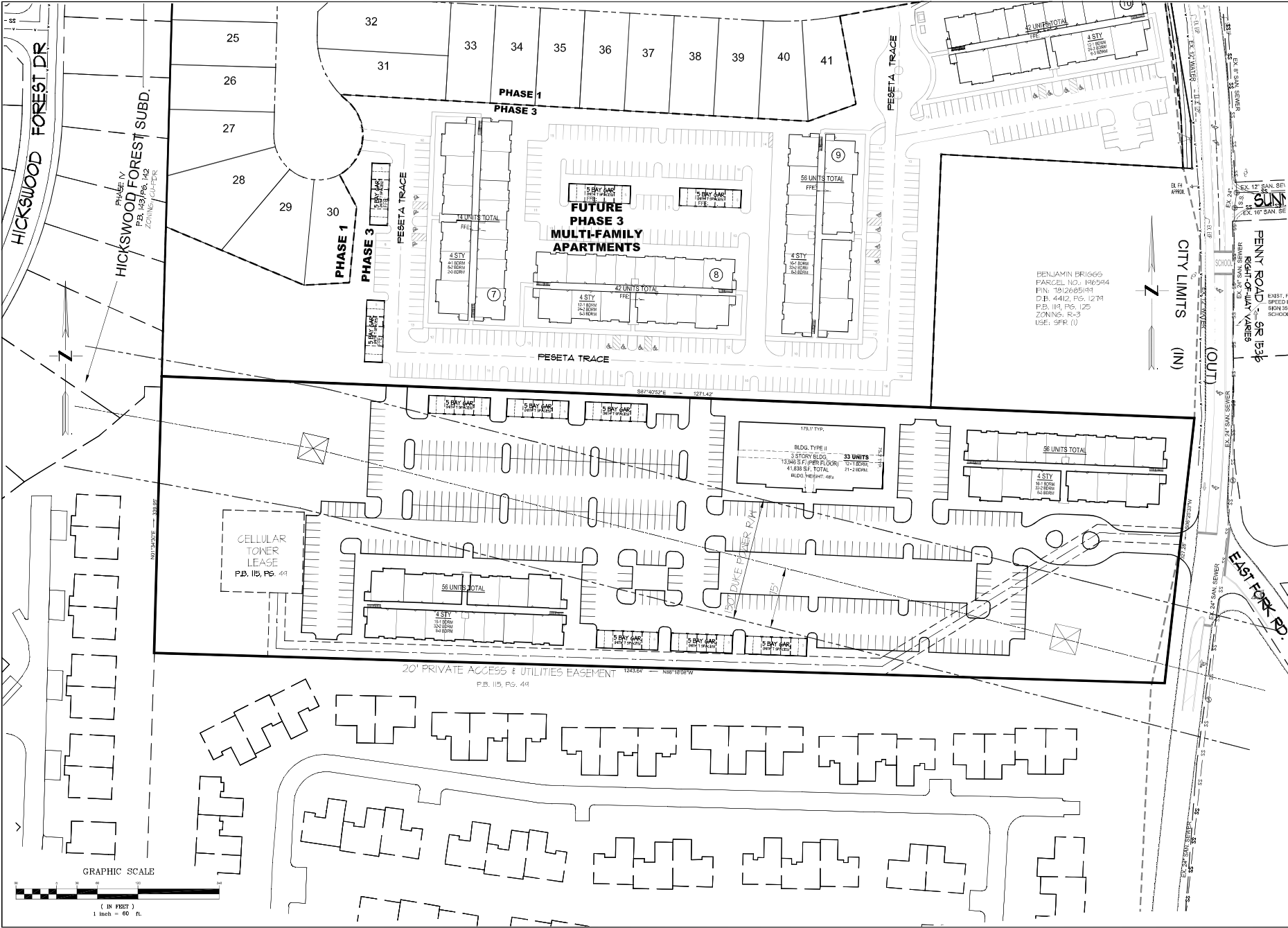
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ZONING MAP AMENDMENT: EXHIBIT MAP



City Planning/Secure Board Action Cases/Zoning Map Amendments/2023/Zoning Map Amendments_2023.aprx

Map #5



REVISIONS

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 4400 TRINITY STREET
 HIGH POINT, NORTH CAROLINA 27025
 PHONE: (336) 852-5500 • FAX: (336) 852-5190

GP

Diversified Estate Holdings, LLC
 HIGH POINT TOWNSHIP • GUILFORD COUNTY
 HIGH POINT • NORTH CAROLINA

CONCEPTUAL SITE PLAN FOR ILLUSTRATIVE PURPOSES ONLY

SCALE: 1" = 50'
 DATE: 2/3/23
 PROJECT: 1546-16
 DRAWN BY: TM

SHEET **C-1**

H:\PROJECTS\1546-16\1546-16.dwg DATE: 2/3/23 11:58:00 AM PLOT: 2/3/23 11:58:00 AM PLOT_SCALE: 1/4"=1'-0" PLOT_SIZE: 11.00x17.00

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, 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 March 28, 2023 and before the City Council of the City of High Point on April 17, 2023 regarding **Zoning Map Amendment Case 23-08 (ZA-23-08)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

18, 2022, for the Planning and Zoning Commission public hearing and on April 5, 2023 and April 12, 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 Residential Multifamily - 16 District (CZ RM-16) District**. The property is approximately 9.7 acres, located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road). The property is also known as Guilford County Tax Parcel 187199.

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:** Any uses allowed in the Residential Multifamily – 16 (RM-16) District shall be permitted, subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multifamily Dwelling Use Type Development Standards:

- a. **Penny Road Setback: A minimum building setback of 250 feet shall be required from the Penny Road right-of-way line for multifamily building(s). This higher setback standard shall not apply to accessory structures associated with a multifamily development.**
- b. **The following development and dimensional standards shall apply to multifamily structures that are developed on that portion of the property south of the Duke Energy Transmission Line Easement.**
 - i. **A maximum of 33 dwelling units shall be allowed.**
 - ii. **A minimum building setback of 30 feet shall be provided from the southern property line of the zoning site.**
 - iii. **A maximum building height of 50 feet shall be allowed, and buildings shall be of pitched roof construction.**
 - iv. **A maximum building length of 200 feet.**

B. Landscaping, Buffers and Screening.

- 1. Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 - (a Guilford County Historic Landmark Property): **Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a Type C perimeter landscape yard, of greater than 50% evergreen will be established.** In the event the R-3 zoning of tax parcel 196594 is changed to a multifamily or non-single family zoning district and the Guilford County Landmark historic designation is removed, this higher landscaping standards shall not apply.
- 2. **Southern boundary of the site (abutting the Eagle Glen Eagle subdivision): Along the southern boundary of the zoning site, adjacent to the Eagle Glen Subdivision, a Type C perimeter landscape yard, of greater than 50% evergreen, shall be established. This planting yard shall not encroach into the Duke Energy Transmission Line Easement.**

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 15 feet in width;**

- b) **Shall function as a partial opaque screen and shall create a sense of spatial separation between the zoning site and adjacent residential uses to the south; 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.**
3. Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.
4. **Along the southern property boundary, a 6 foot high opaque screening fence will be erected adjacent to any multifamily building (between the building and the southern property line). The fence shall extend a minimum of 10 feet beyond the side walls of the building.**
- C. Pedestrian Access: As a part of development permit approval, the property owner shall install a minimum five (5) foot wide concrete or asphalt pedestrian connection from the internal pedestrian circulation area(s), within the zoning site to the perimeter sidewalk along Penny Road.
- D. Transportation Conditions.
- 1. Access:
 - a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, two physical vehicular access connections shall be required to be installed to an **improved** public/private street or existing improved access drive corridor. **One of the required access points shall align with Penny Road/East Fork Road. Right and left turn lanes, with appropriate storage and taper, shall be provided on Penny Road.**
 - b) **If more than 50 dwelling units are approved, the developer shall be responsible for signal modifications at the site access at Penny Road/East Fork Road.**

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 15th day of May, 2022

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

Citizen Information Meeting Report
1711 Penny Road
Zoning Case ZA-23-08

A second Citizen Information Meeting was held for property owners in the vicinity of 1711 Penny Road. An informational letter dated May 26, 2023, was sent by US Mail to the 87 addresses supplied by the City of High Point Planning and Development Department inviting property owners to a meeting on June 6 at 5:30 pm at Keystone at James Landing, 5500 Freedom Lane, Jamestown NC. The letter described the new conditions proposed for the zoning of the property and included an illustrative site plan. A copy of the letter and list of addressees is attached. The meeting was hosted by Scott Wallace and Judy Stalder

Attendees:

Bill Robertson 3953 Cobblestone Bend Drive, High Point NC 27265
 Mel Thomas 3933 Cobblestone Bend Drive, High Point NC 27265
 Teresa Cochran 3931 Cobblestone Bend Drive, High Point NC 27265
 Deborah Davis 3951 Cobblestone Bend Drive, High Point NC 27265
 Lillie McKeathen 2986 Cloverwood Drive, High Point NC 27265

Presentation

Judy Stalder presented the changes in conditions that were presented to High Point City Council in May:

PORTION OF SITE SOUTH OF DUKE ENERGY TRANSMISSION LINE EASEMENT	
Originally Proposed	Revised Conditions
56 homes	33 homes maximum
4 story building with flat roof	3 story building with pitched roof construction
60 foot maximum building height	50 foot maximum building height
15 foot setback w/ a 25 ft setback for buildings over 50 feet	30 foot minimum setback
250 foot maximum building length	200 foot maximum building length
No additional landscaping	Type C planting yard greater than 50% evergreen
No fence	6 foot screening fence adjacent to multifamily buildings

- As a result of the revised conditions, that part of the site adjacent to the existing RM-5 zoning district to the south, meets all the requirements for RM-5 zoning except density. The proposed density is only slightly higher at 6.75 units per acre.
- The 30 foot setback from the property line will result in a separation between the proposed multifamily building and existing townhomes of approximately 90 feet at the closest point.

PORTION OF SITE NORTH OF DUKE ENERGY TRANSMISSION LINE EASEMENT (ADJACENT TO BRIGGS PROPERTY)	
Original Conditions	Revised Conditions

20 foot minimum setback from Penny Road	250 foot minimum setback from Penny Road for multifamily buildings
Type C planting yard	Type C planting yard greater than 50% evergreen

- The 250 foot setback from Penny Road results in a building location that is not immediately adjacent to the Briggs home.
- The planting yard will incorporate plantings that honor the historical designation of the home.

OVERALL SITE	
Original Conditions	Revised Conditions
No transportation conditions beyond ordinance requirements	<p>If more than 50 homes are permitted on the site:</p> <p>One of the two required access points will align with Penny Road.</p> <p>Right and left turn lanes with appropriate storage and taper shall be provided on Penny Road.</p> <p>The developer shall be responsible for signal modifications.</p>

- Transportation conditions include all the improvements suggested by HPDOT.

Questions and Comments

How many apartments will you build? *We are not sure at this time, but the maximum number that can be accommodated on the property is 144.*

Will you consider just not building on the south side of the property? *No, but the new conditions in regard to height, width, number of units, setback from the property line, landscaping and fencing, will greatly mitigate the impact of the building.*

Would you consider single family homes? *The transmission line easement and communications towers make this property impractical to develop as single family.*

What will the landscaping between the building and Eagle Glen look like? *For every 100 linear feet, 3 canopy trees, 4 understory trees and 20 shrubs will be required. The plantings will be at least 50% evergreen to give year round separation.*

When will construction start? *Construction is 3-4 years in the future. Once construction begins, we estimate 200 days per building to complete.*

How much parking is required? *At this time we are showing more parking than required by ordinance. The parking layout will be determined at TRC review.*

How many bedrooms will each unit have? *There will be 1, 2 and 3 bedroom units available.*

What is the rent for these units? *The rental rates have not been determined yet. However, the rates will be similar to our rates at Keystone at James Landing where one bedroom units start around \$1350 per month.*

What amenities will be provided? *Amenities will be similar to those at James Landing including a clubhouse and pool.*

Will the clubhouse be next to our property? *No. The clubhouse will be on the northern part of the site.*

Will there be windows on the back side of the building? *Yes.*

These buildings are directly under the power lines. Are you aware of studies that say you should not live under power lines? *These buildings will not be directly under the power lines.*

Have you contacted Florence Elementary School about all the changes in this area? *The school system is notified by the City when a development is proposed. In addition, Florence Elementary School officials were notified and in attendance at the zoning hearings for the adjacent Keystone Development.*

When will something be done about the school overcrowding in this area? *The School Board is currently in the process of rezoning property for a new school in the Boylston Road area that will relieve some of the overcrowding.*

What will happen at the intersection? *The access road for this development will be aligned with the Penny Road/East Fork Road intersection. Right and left turn lanes will be built on Penny Road at the signal. . The signal will be modified by the developer to accommodate the access road.*

Will the left turn lane extend to the entrance of Eagle Glen? *The turn lane is not required to extend that far to the south, but you may talk to HPDOT about additional improvements on Penny Road.*

What access will the property have other than the Penny Road/East Fork Road intersection? *This site will be integrated into the plans for apartments and single family homes to the north. Access through that site consists of a circuitous connection to Hickwood Forest Drive and 2 additional connections to Penny Road.*

Will our berm remain? *Development of this site will not affect the berm on the Eagle Glen property.*

When are the public hearings? *The Planning and Zoning Commission hearing is on Tuesday, June 27 at 6:00 pm. The date and time for the City Council hearing will be announced at the P&Z meeting.*

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 23-08
Diversified Estate Holdings, 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

PURPOSE:

A request by Diversified Estate Holdings, LLC to rezone approximately 9.6 acres from a Conditional Use Agricultural (CU-AGR) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located west of the intersection of Penny Road and East Fork Road (*1711 and 1701 Penny Road*).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their March 28, 2023 public hearings. Mr. Herbert Shannon, Senior Planner, presented the case. Staff **recommended denial** of the request due to concerns as to the lack of compatibility with adopted land use policy and intensity of development next to less intensive residential uses. The Planning and Zoning Commission continued this request to their April 25, 2023 public hearing so that the applicant could address the list of concerns outlined in the staff report, including.

- Compatibility and development intensity next to lower intensity uses.
- Submittal of a binding Conditional Zoning Plan that would lock in the intensity of development.
- Access and transportation related improvements.
- Perimeter buffering/landscaping standards

At the April 25, 2023 public hearing, the applicant proposed additional landscaping and fencing conditions for the Commission's consideration. As these conditions did not address key issues outlined in the staff report, primarily development intensity and vehicular access, staff maintained its **recommendation of denial**.

Speaking in favor of the request:

The applicant's representative, Ms. Judy Stalder, 3735 Admiral Drive, High Point, and the applicant, Mr. Scott Wallace, 3708 Alliance Drive, Greensboro, with Keystone Group, Inc./Diversified Estate Holdings, LLC, spoke in favor of the request. The speakers outlined their proposal to develop this site for a multifamily project with approximately 145 dwelling units. Ms. Stalder provided a handout to commissioners detailing the obstacles that the developer is trying to overcome to develop multifamily housing units on the site and some proposed changes to their Conditional Zoning Ordinance. She also highlighted the high demand for new apartments/housing. In conclusion, she noted that this particular site is limited to two areas where vertical development is possible (northeastern and southwestern portion of the site) and they are working with the owner of that adjacent property, Benjamin Briggs, to mitigate his concerns about development.

Speaking in opposition to the request:

The following people spoke in opposition to the request:

- Mr. Arthur Patterson & Ms. Lisa Walker, 3973 Sorrell Court, High Point
- Mr. Wayne Matlosz, 2917 Eagle Pointe Drive, High Point
- Ms. Diana Engel, 3971 Sorrell Court, High Point
- Ms. Janice Doherty, 3971 Cobblestone Bend Drive, High Point
- Mr. Benjamin Briggs, 1753 Penny Road, High Point
- Ms. Wanda McCorquodale, 3616 Rock Meadow Circle, High Point
- Mr. B.J. Fortson, 3618 Rock Meadow Circle, High Point

These speakers expressed the following concerns:

- Development intensity/density: The proposed multifamily development, at 16 units per acre, is inconsistent with the low-to-medium-density development around the site. They argued that a 145-unit multifamily development, with 4-story buildings towering over abutting single story residential dwelling, is not compatible with abutting lands.
- Traffic: This proposed multifamily development, in conjunction with previously approved multifamily development under construction to the north, will increase traffic in an area where traffic is already a problem, and the existing roads are not built to handle it.
- Stormwater Control & Flooding: The zoning site topography is higher than the residential development to the south. Concern development will cause flooding problems for surrounding residents.
- Environmental Impact: The removal of more trees will increase soil erosion and decrease habitat to animals in the area.
- Overcrowded schools: The proposed development will add to the existing overcrowding issues at Florence Elementary, Southwest Middle and Southwest High schools.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

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

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **denial** 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 forward to City Council the following statement of denial:

That Zoning Map Amendment 23-08 is **not consistent** with the City's adopted policy guidance. As conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.. Furthermore, as conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Herbert Shannon, AICP, Senior Planner
DATE: April 25, 2023
SUBJECT: Zoning Map Amendment Case 23-08 (1711 & 1701 Penny Road)

At your March 28, 2023 public hearing, the Planning & Zoning Commission reviewed the above referenced case pertaining to an approximate 9.7-acre parcel located west of the intersection of Penny Road and East Fork Road. The applicant is requesting rezoning to a CZ RM-16 District to allow a multifamily development. Under the proposed RM-16 District, up to 155-dwelling units would be permitted on this 9.7-acre parcel.

The zoning site is situated at the transition point where higher intensity land use changes to lower intensity land use. Development options, with respect to building placement, is limited due to the fact that most of the parcel is encumbered by a 150-foot wide Duke Power easement, limiting development to roughly 40% of the parcel. Proposed multifamily structures can only be placed at the northeastern and southwestern portions of the site.

Staff recommended denial of the case due to concerns as to the compatibility of development and due to the proposed intensity of development. The applicant is proposing to construct 3 and 4-story multifamily structures, with up to 56-units per building in close proximity to lower intensity single story residential development.

The Planning and Zoning Commission continued this request to their April public hearing so that the applicant could address the list of concerns and additional zoning conditions noted by staff in our March 28, 2023 staff report. Since the March P&Z Commission public hearing, the applicant has offered conditions that:

- Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a minimum 25-foot building setback shall be required for any building that exceeds 50 feet in height.
- Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a type C planting yard of greater than 50% evergreen will be established.
- Along the southern property boundary, a 6-foot screening fence will be erected adjacent to any building that exceeds 50 feet in height. The fence shall extend a minimum of 10 feet beyond the side walls of the building.

As outlined in the conclusion of the staff report, there were several proposed conditions to address compatibility and development intensity, including a proposal for the submittal of a binding Conditional Zoning Plan that would lock in the location, size, height, and intensity of development next to lower intensity uses. There were also several conditions pertaining to access and transportation related improvements. As these issues have not been fully addressed, the Planning and Development Department maintains its recommendation of denied.

If the P&Z Commission desires to support this case, staff would strongly encourage you to take the following recommendations into consideration:

- 1) Limit the development intensity for the southern half of the site (approx. 4.8 acres) to the CZ RM-5 District and require pitched-roof buildings; and
- 2) That all transportation recommendations list in the staff report also be part of your approval.

Development Ordinance Standards

RM-5 vs. RM16 Comparison table for 1711 Penny Road.

RM-5 District (south half of site – approx. 4.8 acres)	RM-16 District (north half of site – approx. 4.9 acres)
5 du/ac (approx. 24 dwelling units)	16 du/ac (approx. 78 dwelling units)
20 foot perimeter setback	15 foot perimeter setback
Maximum building height 50 feet	No maximum building height, higher setbacks for buildings over 50 feet.
Maximum building length 200 feet	Maximum building length 300 feet
Add condition to require pitched-roof buildings.	

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-08
March 28, 2023**

Request	
Applicant: Diversified Estate Holdings, LLC	Owners: Diversified Estate Holdings, LLC
Zoning Proposal: To rezone approximately 9.6 acres	From: CU-AGR Conditional Use Agricultural District
	To: CZ RM-16 Conditional Zoning Residential Multifamily - 16
Notices:	
<ul style="list-style-type: none"> • Applicant held a Citizen Information Meeting (Yes) • 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 	

Site Information	
Location:	The site is located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road).
Tax Parcel Number:	Guilford County Tax Parcel 187199
Site Acreage:	Approximately 9.7 acres
Current Land Use:	There are vacant greenhouse structures near the Penny Road frontage of the site and two telecommunication towers at the rear of the site.
Physical Characteristics:	The site has a flat to gently sloping terrain with no significant natural features. A 150-foot wide Duke Power easement and two electrical transmission towers run through the middle of the site.
Water and Sewer Proximity:	A 12-inch City water line and a 24-inch City sewer line both lie adjacent to the site along Penny Road.
General Drainage and Watershed:	The site drains in a westerly 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.
Overlay Districts:	City Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	R-3 CZ RM-16	Residential Single Family – 3 District Conditional Zoning Residential Multifamily - 16 District	Single family dwelling and undeveloped parcel
South:	RM-5	Residential Multifamily-5 District	Twinhome and townhome dwellings
East:	RS-40	Residential Single Family – 40 District	Single family dwelling
West:	PDR	Planned Development – Residential	Twinhome dwellings

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	<p>Goal 1: Preserve and enhance High Point’s most important natural and cultural resources.</p> <p><u>Obj. 1D</u>: Preserve and revitalize key historic landmarks and unique areas in High Point.</p> <p>Goal 5: Balance the efficient movement of vehicles with the needs of pedestrians, alternative transit modes, and aesthetic quality.</p> <p><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.</p> <p><u>Obj. 5E</u>: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access.</p>
Land Use Plan Map Classification:	<p>The site has both a Low-Density Residential and a Medium-Density Residential land use designation.</p> <ul style="list-style-type: none"> • The Low-Density Residential land use classification includes primarily single family detached dwellings at a gross density of five dwelling units per acre. • The Medium-Density Residential classification supports a variety of attached dwellings, generally including higher density townhouses and less land-intensive multi-family housing such as garden apartments. Development densities shall range from 8 - 16 units per gross acre.
Land Use Plan Goals, Objectives & Policies:	<p>The following goals and objectives of the Land Use Plan are relevant to this request:</p> <p>Goal #3: Provide a wide range of housing opportunities for families of all income levels.</p> <p>Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development.</p> <p>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.</p> <p>Obj.#5. Maintain an appropriate balance between the size, location and density of new development and the availability and demands upon the public services and facilities required to serve that development.</p> <p>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.</p> <p>Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.</p>
Relevant Area Plan:	Not applicable
Zoning History:	<u>Zoning Map Amendment 94-43 and 97-28</u> : Abutting lands to the south and west are part of the Eagle Glen and Hickwood Forest subdivisions which were granted zoning approvals in the 1990s. These lands were granted lower

	<p>intensity RM-5 and PUD zoning. The abutting Eagle Glenn twinhome/townhome development is limited to 4.5 units per acre, while the abutting twinhome and single family portions of the Hickwood Forest subdivision are restricted to 5 and 3.5 units per acre.</p> <p><u>Zoning Map Amendment 18-09</u>: Abutting land to the north was annexed and granted a CZ-RM-16 District zoning in 2018.</p>
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Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Penny Road		Minor Throughfare	330 ft.
Vehicular Access:	Penny Road			
Traffic Counts: <i>(Average Daily Trips)</i>	Penny Road		10,500 AADT (2021 NCDOT Traffic Counts)	
Estimated Trip Generation:	A 145-unit multifamily development is proposed, which is anticipated to generate approximately 789 daily trips during a 24-hour time period) with approximately 46 AM peak-hour trips (6am – pam) and approximately 35 PM peak-hour trips (4pm – 7pm).			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	A TIA is not required. This analysis is only required for developments that generate more than 150 trips within the AM or PM peak hours.	
Conditions:	<p><u>Access:</u></p> <p>a) If more than 50 dwelling units are approved, two physical access connections shall be required. One of the required access points shall aligned with Penny Rd/East Fork Rd. Right and left turn lanes with appropriate storage and taper shall be provided on Penny Rd.</p> <p>b) Developer shall be responsible for signal modifications at the site access at Penny Rd / East Fork Rd.</p>			

School District Comment				
Guilford County School District				
Local Schools:	Enrollment: 2022 – 2023 (20 th day of class)	Maximum Design Built Capacity: (2022 – 2023):	Mobile Classrooms:	Projected Additional Students:
Florence Elementary	618	761	11	40 - 42
<u>School Choice Zone</u> Willborn Middle	424	690	0	20 - 22
Southwest Middle	1,107	1,223	10	
<u>School Choice Zone</u> Andrews High	725	1,254	0	18 - 22
Southwest High	1,676	1,506	11	
<p><u>School District Remarks:</u> With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021 – 2022. Elementary built capacity assumes reduced K-3 class sizes per applicable core academic classroom as of the stated year. Middle and high school built capacity assumes 30 students per core academic classroom.</p>				

Details of Proposal

The applicant is requesting rezoning of this 9.7-acre parcel to a CZ RM-16 District to develop a multifamily project. Based upon review of a non-binding concept plan submitted by the applicant, a 145-unit multifamily development is proposed. In conjunction with this request is a Conditional Zoning Ordinance in which the applicant has offered conditions pertaining to building setback, landscaping, pedestrian access and vehicular access.

Staff Analysis

The zoning site is situated at the transition point where higher intensity development, associated with the commercial node at the W. Wendover Avenue and Penny Road intersection, transitions to lower intensity land uses. The adopted land use plan supports Medium Density land uses (8 to 16 dwelling units per acre) along the northeastern portion of the site while the remaining center and southern two-thirds of the site is classified as Low-Density Residential which supports single family or other lower intensity residential development up to 5 units per acre.

Development options, as to building placement, for this site is limited due to the fact most of the parcel is encumbered by a 150-foot wide Duke Power easement that runs through the entire length of the parcel. There are also two wireless telecommunications towers on the western portion of the parcel. These previously established encumbrances limit the developable area to roughly 40% of the parcel. Structures are limited to a triangular area at the northeastern portion of the site (approximately 2.7 acres) and a triangular area to the southwestern portion of the site (approximately 1.5 acres). Below are issues that need to be further addressed concerning any current or future development proposal for this site.

Compatibility of development at this transitional point of land use intensity:

As a transitional parcel, care must be taken to ensure development is of the appropriate intensity, bulk, height, and massing to establish compatibility with adjacent land uses. Such care has been taken with surrounding zoning approvals to provide for higher building setbacks (up to 100 feet), and higher perimeter landscaping standards, where higher intensity multifamily development abuts lower intensity development. The importance of compatibility becomes further emphasized as the northeastern portion of the site abuts a Guilford County Landmark Property (Florence Female Academy Dormitory) and the southern boundary of the site abuts a single story twinhome townhome subdivision, Eagle Glen, that is developed at a density of 4.5 units per acre. To address these concerns, conditions should address density, building setback, building height, building bulk and mass, and higher landscaping standards.

Intensity of Development

The applicant proposes rezoning to support development up to 16 units per acre. A conceptual drawing of potential development depicts the northeastern portion of the site being developed with two multifamily structures (89 units in 3 and 4 story buildings) next to the historic parcel. The plan also depicts a third building consisting of a 56-unit, 4-story multifamily building, with a length of approximately 250 feet, being placed at the southwestern portion of the site next to the single story Eagle Glenn development. Development of this intensity, especially along the southern boundary of the site, is not supported by adopted policy guidance documents and sufficient conditions have not been offered to ensure development will be compatible with abutting low intensity uses.

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.

As conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.

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, it would not be in the public interest to establish the intensity of residential development, as allowed by the RM-16 District, upon this entire parcel without additional detail regarding the transition of intensity, or buffering.

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, the requested CZ-RM-16 District will not result in a development that is compatible with the abutting lower intensity land uses to the south. There is not sufficient buffering and perimeter landscaping to ensure compatibility with abutting land uses, or appropriate transition between more and less intensive land uses as encouraged by Objective 9 of the Land Use Plan.
 - ❖ Building massing, building height and intensity of development, as proposed under this CZ RM-16 District request, is not compatible with abutting lands to the south. As conditioned the request does not promote an urban growth pattern that occurs in a compatible or orderly fashion.

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:

Mitigation #1	<p>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.</p> <ul style="list-style-type: none"> ❖ At the proposed density of 16 units per acre, 2 to 3 vehicular access points are required. As conditioned, there is no assurance that one of these access points will be to Penny Road. ❖ Due to the physical impediments related to this site, a binding Conditional Zoning Plan should be required to ensure building placement, bulk, height and massing will be compatible and not adversely impact the abutting lower intensity residential development to the south.
Mitigation #2	<p>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</p> <p>The site is within the City Lake General Watershed Area (GWA), and as such, development is required to meet the watershed standards of the Development Ordinance.</p>
Mitigation #3	<p>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.</p> <ul style="list-style-type: none"> ❖ The site is within an area currently served by City of High Point utilities and municipal services. ❖ Connectivity to pending development to the north is encourage. However, at the density allowed by the proposed RM-16 District, access should also be required to Penny Road. As encouraged by Goal #5 of the Community Growth Vision Statement and Goal #4 of the Land Use Plan, vehicular connectivity to both the north and to Penny Road will assist to avoid congestion at a single access point, improve traffic safety, enhance emergency management access and ensure services are sequenced to meet demands of development.
Mitigation #4	<p>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</p> <p>Based on the allowable development density of the RM-16 District, the request lacks sufficient development conditions to address transition of development intensity along the southern half of the zoning site as to building height, massing, setback and development intensity.</p>

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.

There has been no change in land use policy in this area to support the intensity of development allowed by the RM-16 District upon the southern half of the site.

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.

Key policies of the land use plan and community vision statement as to unique historic landmarks, balance of vehicular flow and street connectivity, and transition of development intensity are not fully

addressed. Furthermore, conditions offered do not promote policies for preferred development pattern between higher and lower intensity developments.

Recommendation

Staff Recommends Denial

As currently submitted the request is not in line with adopted policy guidance documents. Staff is not in opposition to some form of multifamily development at this location, but suggests the request be withdrawn and the applicant take a more detailed look at incorporating the following zoning conditions as part of a future request:

1. Include a Conditional Zoning Plan.
2. RM-16 District zoning for the northern portion of the site and RM-5 District zoning, or its development standards, for the southern half of the site.
3. Multifamily Dwelling Use Type Development Standards:
 - a) Within forty (40) feet of the southern property line of the zoning site:
 - i. Maximum building height shall be fifty (50) feet (not to exceed two stories).
 - ii. Maximum building length shall be two hundred (200) linear feet (*a RM-5 District standard*)
 - iii. Increase building setback from 15 feet to 25 feet.
 - b) Within forty (40) feet of Guilford County Tax Parcel 196594 (*a Guilford County Historic Landmark Property - 1753 Penny Road*):
 - i. Maximum building length shall be two hundred (200) linear feet.
 - ii. Increase building setback from 15 feet to 25 feet.
4. Landscaping, Buffers and Screening.
 - a) Southern boundary of the site: If a multistory multifamily structure is to be developed within 40 feet of the southern boundary of the zoning site, a minimum 25-foot-wide Type B planting yard shall be installed and maintained.
 - b) Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 - (*a Guilford County Historic Landmark Property*)): A minimum 25-foot wide Type B planting yard shall be installed next to Tax Parcel 196594.
 - c) Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard, planted to the Type C rate, shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.
 - d) In the event easement(s) exist or will be established in the above noted planting yards, the planting yard shall be reestablished outside the easement area.
5. Transportation Conditions.
 - a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, a minimum of two physical vehicular access connections shall be required to be installed to an existing improved public/private street or existing improved access drive corridor. One of the required access points shall be from Penny Road, this access point shall align with the Penny Road/East Fork Road intersection.

- b) Penny Road Access Point and Improvements:
 - i. As part of development permit approval, the access point from the Penny Road/East Fork Road intersection shall provide right and left turn lanes with appropriate storage and tapers on Penny Road.
 - ii. As part of development permit approval, the property owner shall be responsible for the design and installation of traffic signal modifications at the Penny Road / East Fork Road intersection access point. The property owner shall also be responsible for realignment of travel lane configuration at this intersection as may be required by the City of High Point Transportation Department and NCDOT.

- c) Other Transportation Conditions: The City of High Point Transportation Director and the North Carolina Department of Transportation (if applicable) shall approve the exact location and design of all access points and improvements.

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

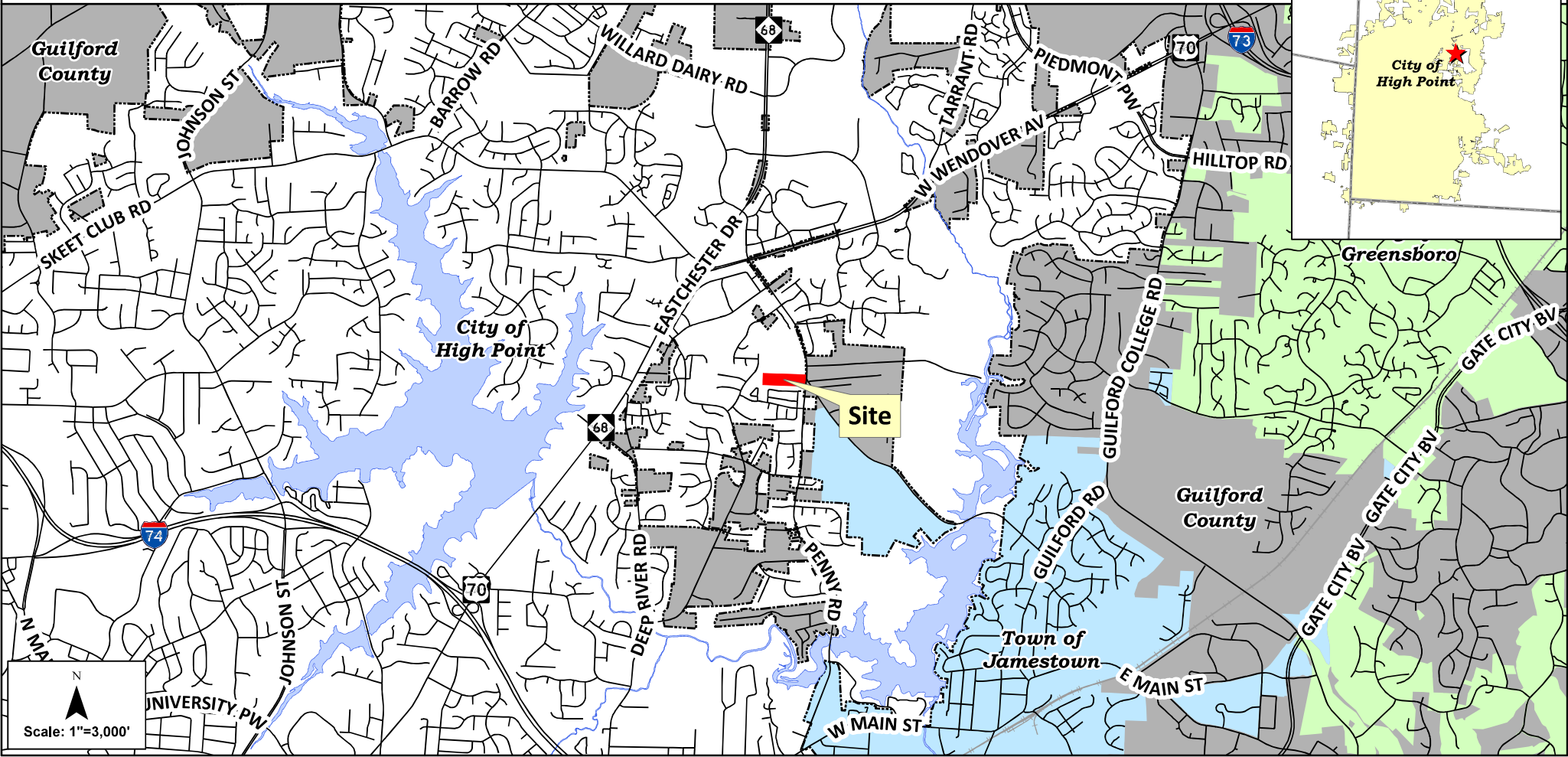
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Christopher Andrews AICP, Development Administrator, and Sushil Nepal AICP, Planning and Development Director.

LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-08
Applicant: Diversified Estate Holdings LLC

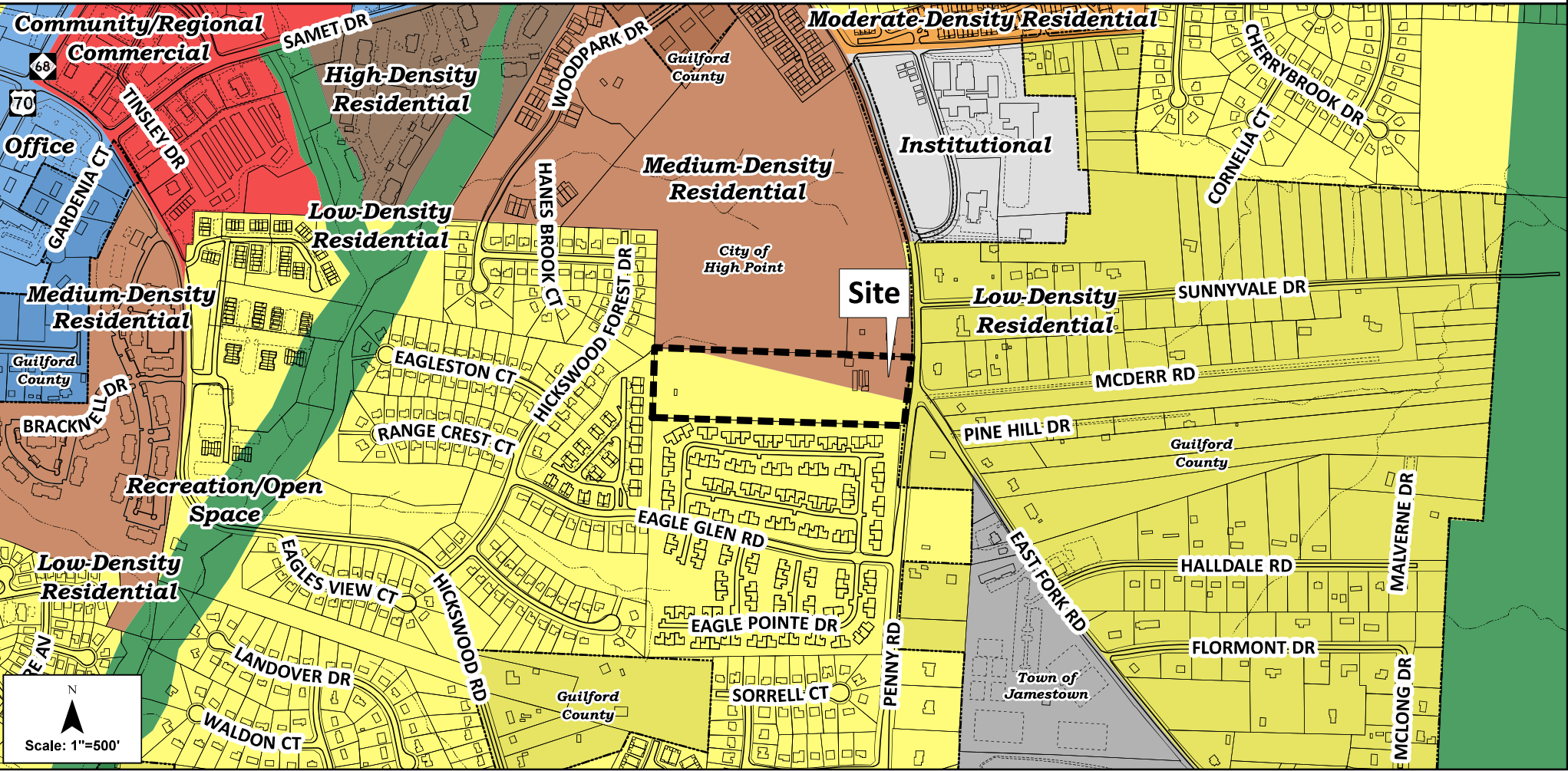
Vicinity Map

City of High Point



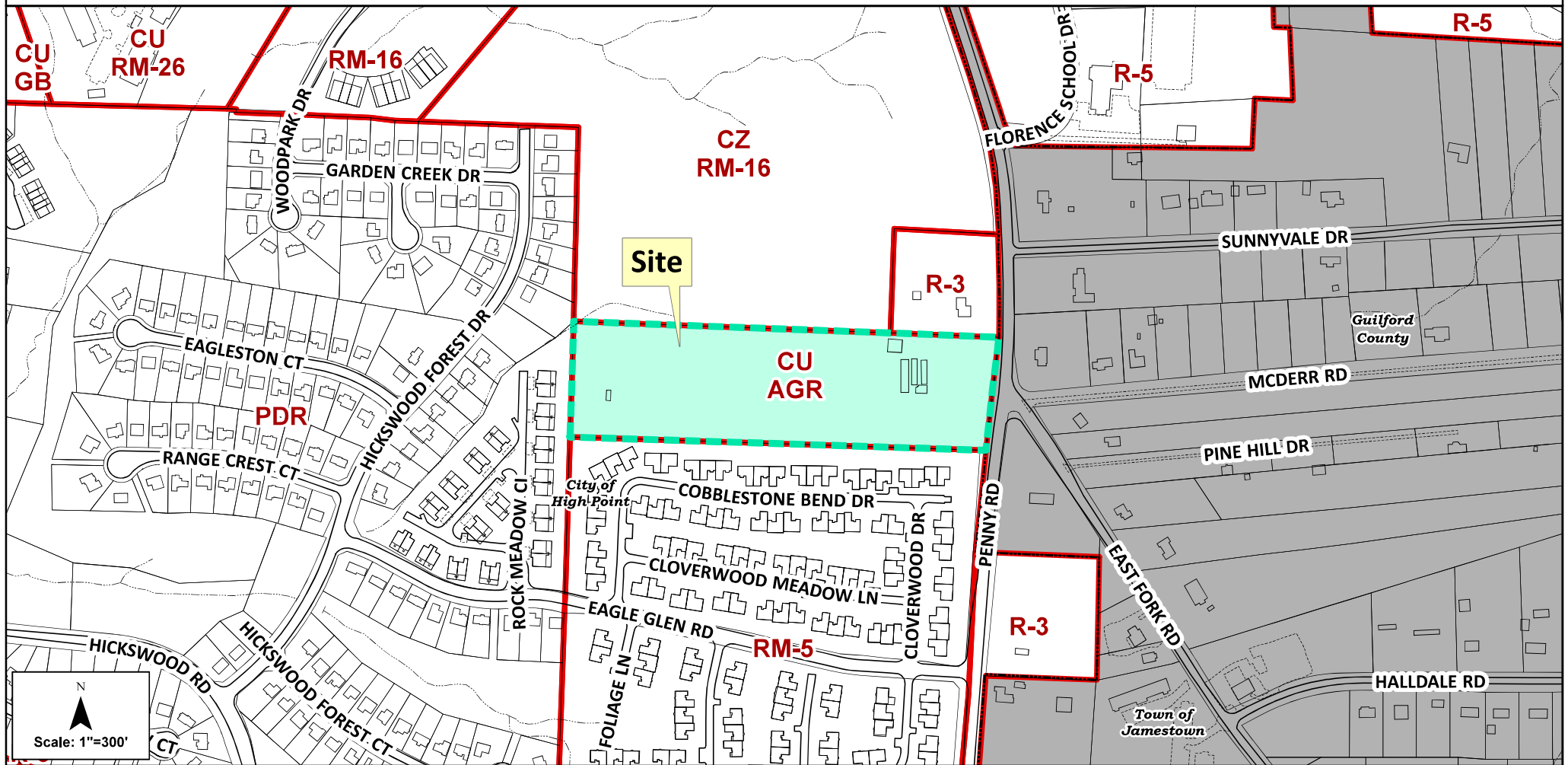
ZONING MAP AMENDMENT: ZA-23-08

LAND USE PLAN MAP

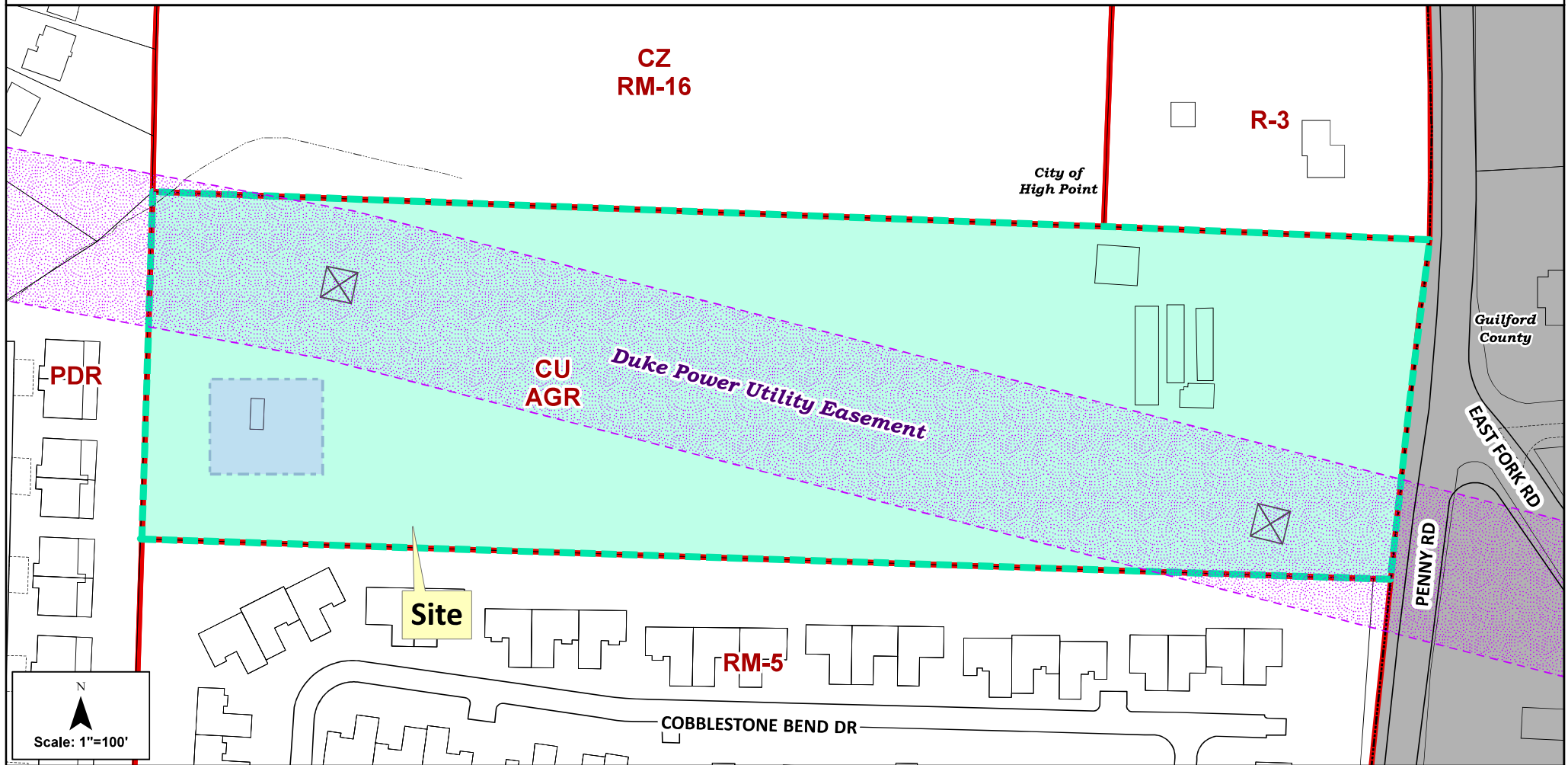


ZONING MAP AMENDMENT: ZA-23-08

ZONING MAP

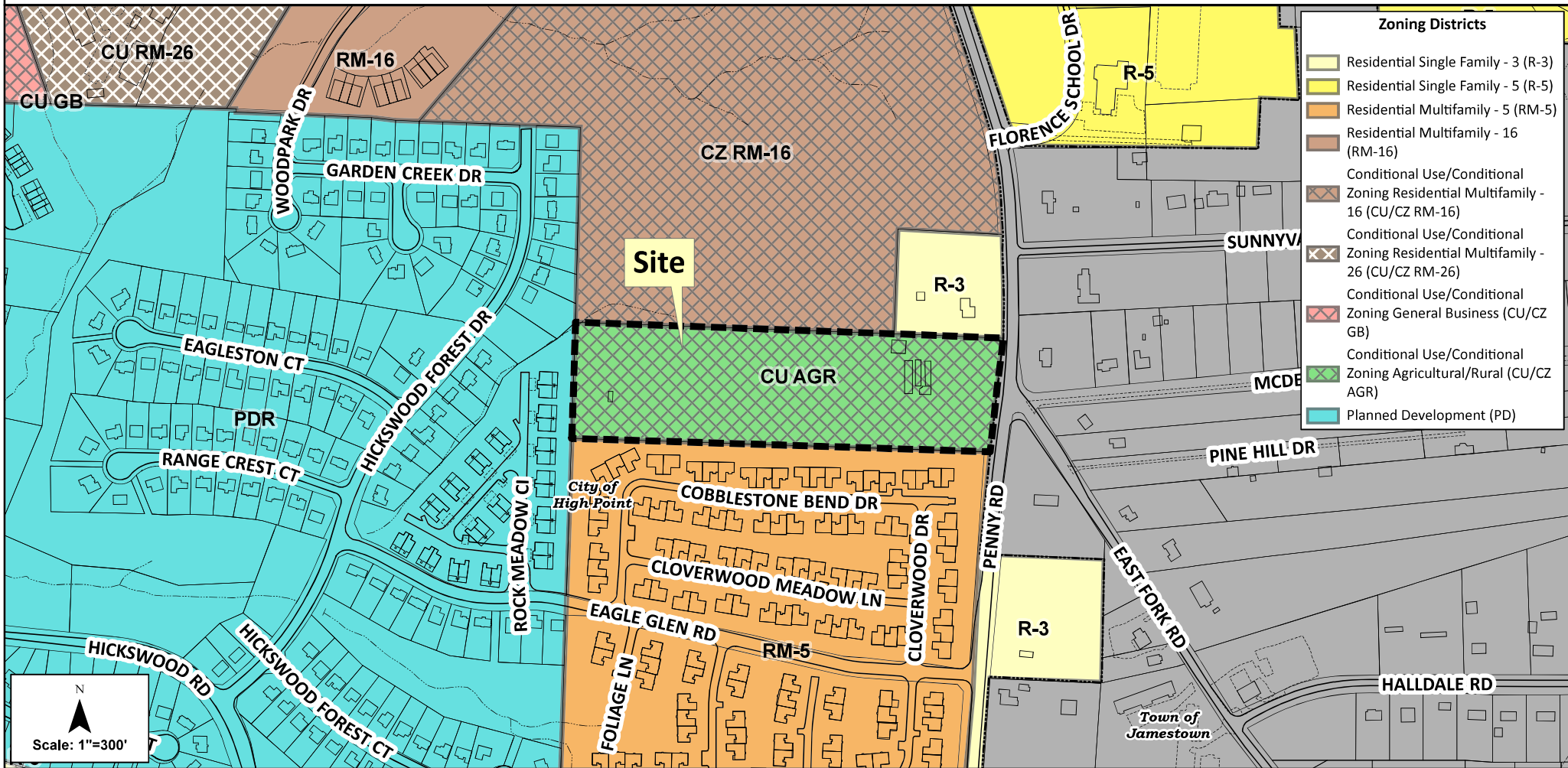


ZONING MAP AMENDMENT: EXHIBIT MAP



ZONING MAP AMENDMENT: ZA-23-08

COLOR-CODED ZONING MAP



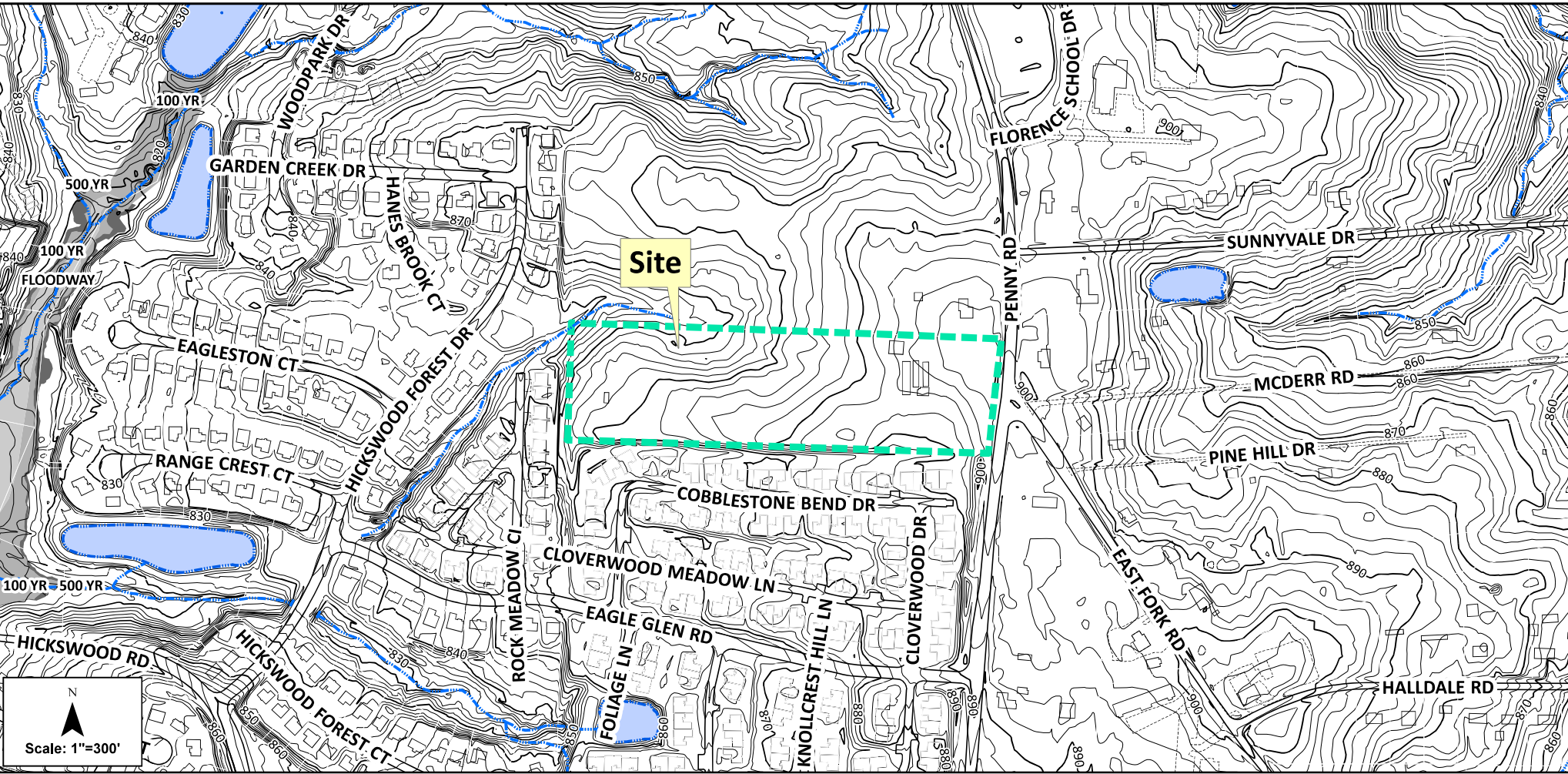
ZONING MAP AMENDMENT: ZA-23-08

AERIAL PHOTOGRAPHY (FEB. 2022)



ZONING MAP AMENDMENT: ZA-23-08

TOPOGRAPHY



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, 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 March 28, 2023 and before the City Council of the City of High Point on April 17, 2023 regarding Zoning Map Amendment Case 23-08 (ZA-23-08) 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 March 18, 2022, for the Planning and Zoning Commission public hearing and on April 5, 2023 and April 12, 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 Residential Multifamily - 16 District (CZ RM-16) District**. The property is approximately 9.7 acres, located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road). The property is also known as Guilford County Tax Parcel 187199.

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:** Any uses allowed in the Residential Multifamily – 16 (RM-16) District shall be permitted, subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multifamily Dwelling Use Type Development Standards:

- a) Adjacent to the southern property line of the zoning site, the following development standards shall apply to all multifamily structures:
- i. A minimum 25-foot building setback shall be required for any building that exceeds 50 feet in height.

- b) ~~Within fifteen (15) feet of Guilford County Tax Parcel 196594 (a Guilford County Historic Landmark Property – 1753 Penny Road), the following development standards shall apply to all multifamily structures: TBD after meeting with owner of parcel.~~

Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a minimum 25 foot building setback shall be required for any building that exceeds 50 feet in height.

B. Landscaping, Buffers and Screening.

1. ~~Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 – (a Guilford County Historic Landmark Property):~~ **Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a type C planting yard of greater than 50% evergreen will be established.** In the event the R-3 zoning of tax parcel 196594 is changed to a multifamily or non-single family zoning district and the Guilford County Landmark historic designation is removed, this higher landscaping standards shall not apply.

2. Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.

3. **Along the southern property boundary, a 6 foot screening fence will be erected adjacent to any building that exceeds 50 feet in height. The fence shall extend a minimum of 10 feet beyond the side walls of the building.**

- C. Pedestrian Access: As a part of development permit approval, the property owner shall install a minimum five (5) foot wide concrete or asphalt pedestrian

connection from the internal pedestrian circulation area(s), within the zoning site to the perimeter sidewalk along Penny Road.

D. Transportation Conditions.

1. Access:

- a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, two physical vehicular access connections shall be required be installed to an public/private street or existing improved access drive corridor. If one of the required access points is from Penny Road, this access point shall align with the Penny Road/East Fork Road intersection.
- b) If one of the access points is to Penny Road:
 - i. As part of development permit approval, the access point from the Penny Road/East Fork Road intersection shall provide right and left turn lanes with appropriate storage and tapers on Penny Road.
 - ii. As part of development permit approval, the property owner shall be responsible for the design and installation of traffic signal modifications at the Penny Road / East Fork Road intersection access point.

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 15th day of May, 2022

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

Citizens Information Meeting Report Zoning Map Amendment 23-08

Submitted by: Mrs. Judy Stalder, Development Consultant, on
behalf of Diversified Estate Holdings, LLC

Citizen Information Meeting Report
1711 Penny Road
Zoning Case ZA-23-08

A Citizen Information Meeting was held for property owners in the vicinity of 1711 Penny Road. An informational letter dated February 27, 2023, was sent by US Mail to the 87 addresses supplied by the City of High Point Planning and Development Department. The letter invited property owners to a meeting on March 7 at 6:30 pm at Keystone at James Landing, 5500 Freedom Lane, Jamestown NC. The mailing also included the *City of High Point Conditional Zoning Citizen Information Meetings* statement and an illustrative site plan. A copy of the letter and list of addressees is attached. The letter provided a general description of the property, the proposed zoning of RM-16 for apartments and an explanation of what could be expected at the meeting. The meeting was hosted by Scott Wallace and Judy Stalder

Attendees:

Antwaniece Williams, 1702 Penny Road, High Point NC

Presentation

Because there was only one attendee, the meeting was in the form of an informal conversation. The developer explained that Keystone has a chance to acquire this property and wants to rezone it to match the zoning of the adjacent property. An illustrative site plan was shared showing the maximum development potential of the property.

Questions and Comments

How many apartments will you build? *We are not sure at this time, but we think the maximum number that can be accommodated on the property is 144.*

Is there any other way to arrange the buildings? *Because of the transmission line easement, there are only a couple of buildable areas on this property.*

Would you consider single family homes? *The transmission line easement and communications towers make this property difficult to develop as single family.*

Have you contacted Florence Elementary School? *The school system is notified by the City when a development is proposed.*

When will construction start? *Construction is 4-5 years in the future.*

What will happen at the intersection? *The access road for this development will be aligned with the Penny Road/East Fork Road intersection and turn lanes may be required on Penny Road. Either the signal will be modified to accommodate the access road, or a roundabout will be installed in lieu of the signal.*

Will there be any landscaping along Penny Road? *Yes. The Development Ordinance requires at a minimum a street planting yard that includes 2 canopy trees and 17 shrubs for every 100 feet of frontage.*

When are the public hearings? *The Planning and Zoning Commission hearing is on Tuesday, March 28 at 6:00 pm. The date and time for the City Council hearing will be announced at the P&Z meeting.*

Will this be like Keystone at James Landing or low income? *Development will be typical Keystone quality. There will be a clubhouse and pool with amenities similar to James Landing.*

Ms. Williams acknowledged the need for more housing.

THE STALDER GROUP LLC PO BOX 5581 HIGH POINT NC 27262
(336) 688-2204 jstalder@northstate.net

February 27, 2023

Dear Neighbor,

This letter is to notify you of a Citizen Information Meeting to present rezoning plans for property at 1711 Penny Road. The meeting will be held on Tuesday, March 7 at 6:30 pm at the Keystone at James Landing Clubhouse, 5500 Freedom Lane, Jamestown NC 27282. Please refer to the enclosed statement from the High Point Planning and Development Department concerning Citizen Information Meetings.

The property consists of approximately 9.62 acres. Keystone Group Inc. has applied to rezone the property to Conditional Zoning Residential Multifamily-16. The zoning will allow multifamily apartments similar to our project at James Landing.

At the Citizen Information Meeting you will be able to learn more about our plans and to ask any questions you may have. A preliminary site plan will be presented for illustrative purposes.

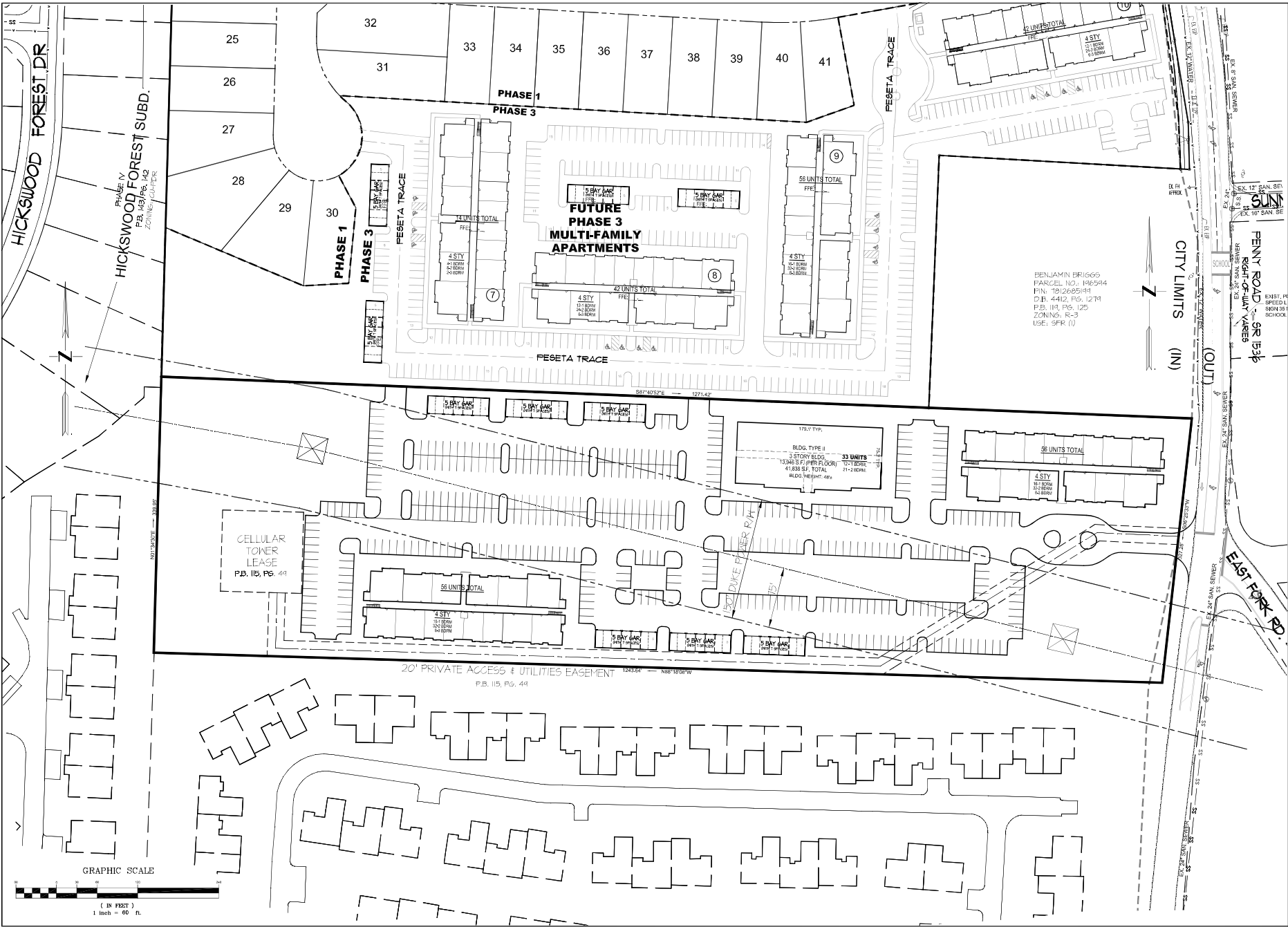
Scott Wallace from Keystone and I will be available at this meeting. If you are unable to attend or you have questions prior to the meeting, you may contact me at 336.688.2204 or jstalder@northstate.net.

The High Point Planning and Zoning Commission has scheduled a public hearing on the request for Tuesday, March 28 at 6:00 pm at 211 South Hamilton Street.

Sincerely,

Judy Stalder
Development Consultant

PROJECT: 15-0001-DIV-10-10-10-001-CONCEPTUAL SITE PLAN FOR PHASE 3 OF HICKSWOOD FOREST SUBD. DATE: 11/21/2018 10:00 AM PLOT: 1



GRAPHIC SCALE

(1 IN FOOT)

1 inch = 60 ft.

REVISIONS

ENGINEERING AND SURVEYING, INC.
LAND SURVEYING CONSULTANTS
1425 BRIDGESIDE CIRCLE
HIGH POINT, NORTH CAROLINA 27025
PHONE: (336) 852-3300 • FAX: (336) 852-3100

Diversified Estate Holdings, LLC
HIGH POINT TOWNSHIP ~ GUILFORD COUNTY
HIGH POINT ~ NORTH CAROLINA

CONCEPTUAL SITE PLAN FOR ILLUSTRATIVE PURPOSES ONLY
SCALE: 1" = 50'
DATE: 2/3/23
PROJECT: 1546-10
DRAWN BY: TM

SHEET **C-1**

3461 ROCK MEADOW CIRCLE LLC
2307 ALDERBROOK DR
HIGH POINT, NC 27265

ALEXANDER, KIMBERLY A
2942 SHADY VIEW DR
HIGH POINT, NC 27265

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

ANKOMAH, GLORIA;ANKOMAH, PAUL
3968 COBBLESTONE BEND DR
HIGH POINT, NC 27265

BARNHART, ERIC
3628 ROCK MEADOW CIR
HIGH POINT, NC 27265

BASHAM, JOHN DAVID;BASHAM, RHODA C
3639 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

BEST, EDITA L
3636 ROCK MEADOW CIR
HIGH POINT, NC 27265

BRANDON, LESLIE K
3620 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

BRAZEAU, DAVID
3956 COBBLESTONE BEND DR
HIGH POINT, NC 27265

BRIGGS, BENJAMIN
1753 PENNY RD
HIGH POINT, NC 27260

BULMER, GAIL T;BULMER, NANCY R
2984 CLOVERWOOD DR
HIGH POINT, NC 27265

BURROUGHS, GENEVA B
3614 ROCK MEADOW CIR
HIGH POINT, NC 27265

CALDABAUGH, CONSTANCE E
3624 ROCK MEADOW CIR
HIGH POINT, NC 27265

CALIS, SOFIA
3905 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

CASTANO, CARMELA
3957 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COCHRAN, TERESA G
3931 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COLLIER, HASSAN;SANTIAGO- COLLIER, MIGDALIA
3965 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COOPER, ANNETTE CLARK
7226 E FORK RD
HIGH POINT, NC 27265

CRAVEN, LOIS O
3952 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DABBS, THERESA TATE
4007 WALDENBROOK CT
GREENSBORO, NC 27407

DANIEL URIAH CREGAR JR LIVING TRUST;CREGAR,
DANIEL URIAH JR TRUSTEE
3961 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DAVIS, MOSES EARL;DAVIS, DEBORAH W
3951 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DOHERTY, EDWARD A;DOHERTY, JANICE L
3971 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DOYLE, DAMON A;DOYLE, HEATHER M
3654 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

EAGLE GLEN HOMEOWNERS ASSOCIATION INC
222 S SWING RD STE 6
GREENSBORO, NC 27409

FARRINGTON, ROSS ADRIAN JR
2981 CLOVERWOOD DR
HIGH POINT, NC 27265

FLOWERS, GAIL J/T R/S;HAYES, VIVIAN F J/T R/S
7546 MCDERR RD
HIGH POINT, NC 27265

FORTSON, BILLIE J JR;FORTSON, RITA H
3618 ROCK MEADOW CIR
HIGH POINT, NC 27265

GIBSON, MARY LEE
1411 BERGAMOT LOOP UNIT F
HIGH POINT, NC 27260

GODETTE, MAE C
4800 TOOLEY DR
CHESTER, VA 23831

HAGA, TONY M
3630 ROCK MEADOW CIR
HIGH POINT, NC 27265

HARRIS, ALVIS WESLEY L/T;HARRIS, LOUELLA M
L/T;HARRIS, ALVIS WESLEY JR;HARRIS, EDWARD
BUHL;HARRIS, JOHN DELAND
3909 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

HARRISON, MATTHEW T;HARRISON, REBEKAH
HAYNES
3648 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

HICKSWOOD HOA INC
PO BOX 24961
WINSTON SALEM, NC 27114

HINNANT, JOSEPH JAMES
3640 ROCK MEADOW CIR
HIGH POINT, NC 27265

HIRAKAWA, HIROKO
3981 COBBLESTONE BEND DR
HIGH POINT, NC 27265

HOLBROOK, DAVID SCOTT;HOLBROOK, JESSICA
RAE
3642 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

HOLMES, PATRICIA
3970 COBBLESTONE BEND DR
HIGH POINT, NC 27265

HUDLER, BILLY D
3652 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

JONES, WILLIAM C;JONES, MARGARET S
3643 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

KEMP, MARIE ANN
3935 COBBLESTONE BEND DR
HIGH POINT, NC 27265

KEYSTONE AT PENNY ROAD LLC
3708 ALLIANCE DR
GREENSBORO, NC 27408

KIMBALL, JOAN D
3974 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEDBETTER, ROBERT M
3939 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEE, CAROL ROBBINS
3954 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEWIS, MICHELLE E
3975 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MANRING, JONATHAN DOUGLAS
3964 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MCCORQUODALE, WANDA KAY
3616 ROCK MEADOW CIR
HIGH POINT, NC 27265

MCINTOSH, LINDA S
3610 ROCK MEADOW CIR
HIGH POINT, NC 27265

MCKEATHEN, GEORGE K;MCKEATHEN, LILLIE T
2986 CLOVERWOOD DR
HIGH POINT, NC 27265

MCNIEL, SANDRA L
3608 ROCK MEADOW CIR
HIGH POINT, NC 27265

MEBANE, RHONDA COLE
3302 REHOBETH CHURCH RD APT C
GREENSBORO, NC 27406

MERRITT, NANCY LEONARD
3977 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MILLER, LINDA;OWENS, DELACY
3634 ROCK MEADOW CIR
HIGH POINT, NC 27265

MILLOWAY, GARRY A;MILLOWAY, VALLIE S
3950 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MOORE, BRENDA C
3960 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MORGAN, SALLIE JO
2982 CLOVERWOOD DR
HIGH POINT, NC 27265

MULLIN, FLORENCE M
3919 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

MULLIN, FLORENCE M;MULLIN, JOHN S
3919 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

NIFONG, REID F JR;ROBERTSON, WILLIAM A
3953 COBBLESTONE BEND DR
HIGH POINT, NC 27265

NIFONG, REID FRANKLIN
3948 COBBLESTONE BEND DR
HIGH POINT, NC 27265

OSCAR JACKSON COLE SR TRUST;COLE, OSCAR
JACKSON JR TRUSTEE
1725 JUNIPER ST NW
WASHINGTON, DC 20012

PASCENTE, JOHN MICHAEL
3650 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

PEARCE, GRAHAM T
3946 COBBLESTONE BEND DR
HIGH POINT, NC 27265

PEELER, DAVID C
3643 ROCK MEADOW CIR
HIGH POINT, NC 27265

RAQUENO, MARVIN ORLANDO LIZAMA;SALMERON,
MARIA CANDELARIA CRUZ
7224 E FORK RD
HIGH POINT, NC 27265

RIDGEVIEW HOA INC
1171 W 4TH ST
WINSTON SALEM, NC 27101

RUFE, EDWARD JR;RUFE, SARAH
3628 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

SANDERS, JANICE C
3979 COBBLESTONE BEND DR
HIGH POINT, NC 27265

SCROFANI, JOANNE
3963 FOUNTAIN VILLAGE LN
HIGH POINT, NC 27265

SHOTWELL, DAVID
7549 SUNNYVALE DR
HIGH POINT, NC 27265

SIMMONS, ZALLO;SIMMONS, PENNY D
3632 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

SMITH, DEBORA LAWSON
7214 E FORK RD
HIGH POINT, NC 27265

STANLEY, DANNY E;STANLEY, FAY A
3943 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TALTON, RONALD K
3937 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TAYLOR, ERIC L;TAYLOR, KALA CONELIA
3642 ROCK MEADOW CIR
HIGH POINT, NC 27265

THAPA, SANJAY;THAPA, AZITA
3647 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

THOMAS, DONNA YVETTE
3976 COBBLESTONE BEND DR
HIGH POINT, NC 27265

THOMAS, LARRY L;THOMAS, KAYE P
3941 COBBLESTONE BEND DR
HIGH POINT, NC 27265

THOMAS, MELODY L
3933 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TROTTER, PAT R
3945 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TYSINGER, LINDA KENNEDY;TYSINGER, CURTIS
WILLIAM
3907 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

VANHOOK, CAROL W
3973 COBBLESTONE BEND DR
HIGH POINT, NC 27265

VASQUEZ, NESTOR;VASQUEZ, DIVA
781 SPRING ROSE CT APT 105
CASSELBERRY, FL 32707

WESTMORELAND, FANNIE R
3983 COBBLESTONE BEND DR
HIGH POINT, NC 27265

WILLIAMS, ANTWANIECE
1702 PENNY RD
HIGH POINT, NC 27265

WISSMILLER PROPERTIES LLC
4028 WINDSTREAM CT
JAMESTOWN, NC 27282

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