

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, 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 October 26, 2021 and before the City Council of the City of High Point on November 15, 2021; December 6, 2021 and December 20, 2021 regarding **Zoning Map Amendment Case 21-23 (ZA-21-23)** 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 October 17, 2021, for the Planning and Zoning Commission public hearing and on November 3, 2021 and November 10, 2021, 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 **December 20, 2021**.

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 37 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, 170002, 170004 (portion), 170005 and 170006 and 170007.

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 Parcel 17007 (where this parcel abuts 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 17005 and 17007 (where this parcel abuts 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 (northwestern boundary of Samet Drive facing the single-family homes to the south), a minimum 25-foot landscaping street yard (planted to the Type C-Yard Rate) shall be installed along the north side of Samet Drive if the back of any future building(s) face Samet Drive. This higher landscape standard 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 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

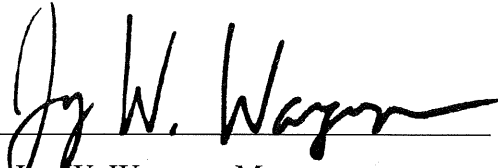
That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6.

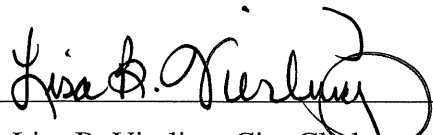
This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 20th day of December, 2021

By: _____


Jay W. Wagner, Mayor

ATTEST:


Lisa B. Vierling, City Clerk

