

CITY OF HIGH POINT

AGENDA ITEM



Title: Land Use Plan Amendment Case 15-02 and Zoning Case 15-14
(Carolina Custard, LLC)

From: Lee Burnette, Planning & Development
Director

Meeting Date: September 21, 2015

Public Hearing: Yes

Advertising Date: September 10 & 16, 2015

Advertised By: Planning & Development

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

PURPOSE:

Land Use Plan Amendment Case 15-02

A request by Carolina Custard LLC and the Planning & Development Department to change the Land Use Map classification for approximately 13 acres from Office and Restricted Industrial to Community/Regional Commercial. The site is lying along the west side of Eastchester Drive, and to the north and south of Penny Road.

AND

Zoning Case 15-14

A request by Carolina Custard LLC to rezone a 0.92-acre parcel from the Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (*2719 Eastchester Drive*).

BACKGROUND:

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

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. On August 25, 2015, a public hearing was held before the Planning and Zoning Commission regarding Land Use Plan Amendment Case 15-02 and Zoning Case 15-14. Staff recommended *approval* of both requests as outlined in the attached staff report.
- B. The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-02 by a vote of 8-0.
- C. The Planning & Zoning Commission recommended approval of Zoning Case 15-14 by a vote of 8-0.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Carolina Custard LLC

Land Use Plan Amendment Case 15-02 and Zoning Case 15-14

At its August 25, 2015 public hearing, the Planning and Zoning Commission reviewed these requests. All members of the Commission were present. Ms. Heidi Galanti, Planning Administrator, presented the Land Use Plan Amendment request and Mr. Robert Robbins, Development Administrator, presented the zoning request. Staff recommended approval of these requests as outlined in the staff report.

Speaking in favor of Land Use Plan Amendment 15-02 & Zoning Case 15-14 was the applicant, John Bartlett, owner of Panera Bread and Carolina Custard LLC, 2400 Penny Road, High Point. Mr. Bartlett provided an overview of his development proposal, passed out copies of a site plan to the commissioners and gave them a description of the plan, which includes a small building with walk-up and drive-thru service. Based on this plan, Mr. Bartlett requested to amend his Conditional Zoning Ordinance to include a less restrictive landscaping condition (Type C Planting Yard) along the northern property line of the site.

No one spoke in opposition of Land Use Plan Amendment 15-02 & Zoning Case 15-14.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-02, as recommended by staff, by a vote of 8-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-14, with the inclusion of the amended landscaping condition offered by the applicant, by a vote of 8-0. Upon making its decision for a favorable recommendation, the Commission concurred with the staff report and found it reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-02, the requested CZ-HB District will be consistent with the Land Use Plan; 2) The Land Use Plan supports nonresidential uses on the parcels lying north of the zoning site, the allowance of a Type C planting yard along the northern property line of the site will mitigate the impact of commercial activities on the adjacent single-family dwelling and the requested CZ-HB District will produce an orderly development pattern as required by the Land Use Plan and 3) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area.

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

**STAFF REPORT
LAND USE PLAN AMENDMENT CASE 15-02 AND ZONING CASE 15-14
September 11, 2015
(Revised)**

Requests		
Applicant: Carolina Custard LLC	Owner: Gregory Anderson, Sharon Anderson, Chris Anderson and Susan Leslie Anderson	
LUPA Proposal: To change the future land use designation for approximately 13 acres to a Community/Regional Commercial land use designation	From:	Office and Restricted Industrial
	To:	Community / Regional Commercial
Zoning Proposal: To rezone approximately 0.9 acres	From:	CU GO-H Conditional Use General Office-High Intensity District
	To:	CZ-HB Conditional Zoning Highway Business District

Site Information		
Location:	Lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (2719 Eastchester Drive)	
Tax Parcel Numbers:	Plan Amendment	Zoning Request
	0170013 & 14, 0207383 thru 85, 0207389 & 90, 0208147 thru 0208160 and 0208162 & 63	0207384
Site Acreage:	Plan Amendment	Zoning Request
	Approximately 13 acres	Approximately 0.9 acres
Current Land Use:	Plan Amendment	Zoning Request
	Restaurants, offices, undeveloped and overflow parking	Undeveloped and gravel overflow parking area
Physical Characteristics:	The site has a relatively flat terrain.	
Water and Sewer Proximity:	A 16-inch City water line lies adjacent to the site along Eastchester Drive. Additionally, both a 12-inch City water line and an 8-inch City sewer line runs 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 requirements. Engineered storm water treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site.	
Overlay District(s):	Eastchester Scenic Corridor Overlay District City Lake General Watershed Area and Airport Overlay Area – Zone 4	

Adjacent Property Zoning and Current Land Use			
North:	AG	Agricultural District (<i>Guilford County</i>)	Single family dwelling
South:	CU-HB	Conditional Use Highway Business District	Restaurant
East:	CU-SC	Conditional Use Shopping Center District	Restaurants (<i>across Eastchester Drive</i>)
West:	CU GO-H	Conditional Use General Office-High Intensity District	Undeveloped

Adjacent Land Use Plan Designations	
North:	Restricted Industrial
South:	Medium Density Residential and Community/Regional Commercial
East:	Community/Regional Commercial
West:	Restricted Industrial

Purpose of Existing and Proposed Land Use Plan Designations	
Existing Designation:	<u>Office:</u> This classification includes professional, personal and business service uses. AND <u>Restricted Industrial:</u> This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
Proposed Designation:	<u>Community/Regional Commercial:</u> This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.

Relevant Land Use Policies and Related Zoning & LUPA History	
Community Growth Vision Statement	This request is neither in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.
Land Use Plan Goals, Objectives & Policies:	The following goal and objective of the Land Use Plan are relevant to this request: <u>Goal #5:</u> Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the City and its planning area. <u>Obj. #11.</u> Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.
Relevant Area Plan:	<u>Eastchester Drive Corridor Plan- Phase III</u> Phase III of this Corridor Plan recommends new commercial development be clustered around major intersections and that no direct access shall be given to NC 68.
Zoning History:	1. <u>Zoning Case 89-30:</u> In 1989, a 48-acre area lying west of the intersection of Penny Road and Eastchester Drive was annexed. This current zoning site was part of that 48-acre area which was granted an Office/Institutional District and Residential-12 District zoning. This

	<p>area was developed with industrial, office & medical, commercial and multifamily uses.</p> <p>2. <u>Zoning Case 98-45</u>: In 1998, the abutting parcel (Panera Bread) was granted a CU-HB District to allow the development of a restaurant.</p> <p>3. <u>Zoning Case 99-25</u>: In 1999, the 48-acre Shoppes at Deep River commercial development, along the east side of Eastchester Drive across from the zoning site, was annexed and developed as a commercial node along the Eastchester Corridor.</p> <p>4. <u>Zoning Case 01-10</u>: In 2001, the 88-acre Premier Center industrial park, lying north of the zoning site, was annexed and granted a Light Industrial zoning.</p>
LUPA History:	Land use for this area was originally established in 1992 as part of the adopted Land Use Plan. This area was designated as Office.

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	Eastchester Drive		Major Thoroughfare
Vehicular Access:	Shared access off of Penny Road (public street)		
Traffic Counts: (Average Daily Trips)	Eastchester Drive		48,000 ADT (2011, NCDOT)
	Penny Road		8,600 ADT (2013, NCDOT)
Estimated Trip Generation:	No information.		
Traffic Impact Analysis:	Required		Comment
	<u>Yes</u>	<u>No</u> X	None
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.		

School District Comment
Not applicable to this zoning case.

Details of Proposal

- General Overview:
The subject site is currently designated by the Land Use Map as Office and zoned CU GO-H. The applicant is requesting a Land Use Plan Amendment and a Zoning Map Amendment application to allow the site to be developed for commercial use.
- Land Use Plan Amendment Request:
The applicant has requested a Land Use Plan amendment for a 0.9-acre parcel from the Office designation to Community/Regional Commercial. When requests are made for Land Use Plan amendments, staff analyzes the request and the surrounding area to determine the most logical new boundary for the land use designations.

This area was designated as Office in the 1992 Land Use Plan and carried forward in the 1994 Eastchester Corridor Plan. These plans established commercial nodes at key intersections to prevent the negative impact of unplanned commercial development along this

corridor. One of these commercial nodes was at the intersection of Eastchester Drive, Skeet Club Road and Wendover Avenue. In the late 1990s into the early 2000s, this commercial node was expanded with the annexation and development of the Shoppes at Deep River and the Palladium area. During this same time-period, corporate park development, spurred by Piedmont Center, expanded southward towards the intersection of Penny Road and Eastchester Drive culminating with the approval and development of the Premier Center corporate park to the north of the zoning site in the mid-2000s. The result of the development of this area during the past 25 years has been that this area initially established as office has become surrounded by commercial uses to the east and south with a corporate park to the north and west.

Therefore, the Planning & Development Department is recommending that a larger area, consisting of approximately 13 acres, surrounding this request be amended from Office and Restricted Industrial to Community/Regional Commercial.

3. Summary of Zoning Request:

The applicant desires to rezone the site from its current CU GO-H District, which is primarily intended for office uses, to a CZ-HB District to allow for the development of a restaurant use with a drive-thru window. The applicant has submitted a proposed Conditional Zoning Ordinance with this request that restricts a few of the higher intensity HB District uses and prohibits direct vehicular access to Eastchester Drive.

As part of the Conditional Zoning Ordinance, the applicant desires to reduce the landscape planting yard standards along the northern boundary of the site next to an existing single family dwelling. The Development Ordinance allows an applicant to request less restrictive standards only with regard to dimensional, parking, and landscaping standards. The Planning & Zoning Commission and City Council are under no obligation to accept or approve the applicant request for less restrictive landscaping standards.

Staff Analysis

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

Consistency with Adopted Plans:

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

Staff Comments:

The Land Use Plan and the Eastchester Drive Corridor Plan (Phase III) have policies, goals, and objectives that address the manner in which development should occur in this area. The Land Use Plan recommends an urban growth pattern that occurs in an orderly fashion and that enhances the appearance of major gateway streets. The Eastchester Corridor Plan recommends that new commercial development be located at major intersections and that no direct access be

given to Eastchester Drive. Due to the changes that have occurred in this area, the proposal to develop a small commercial use without direct access to Eastchester Drive is appropriate at this location.

Review Factors:

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

<u>Factor #1</u>	Produces a development that is compatible with surrounding development character and land uses;
	<p><u>Staff Comments:</u> The site is located in an area that has transitioned from a rural area to a commercial/industrial area. The overall development pattern of this area consists of commercial uses to the east, mixed use development consisting of commercial/multifamily/office to the south and industrial parks to north and west. The allowance of the requested CZ-HB District and expansion of commercial uses would be compatible with the manner this area has developed over the past 25 years. In addition, the site is adjacent to a similar CU-HB District fronting Eastchester Drive.</p>
<u>Factor #2</u>	Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;
	<p><u>Staff Comments:</u></p> <ul style="list-style-type: none"> ❖ The applicant desires to reduce the landscape planting yard standards along the northern boundary of the site next to an existing single family dwelling. The land area to the north has not been annexed and is designated by Guilford County as an Agricultural zoning district. It is anticipated in the future this area will be annexed by High Point and the City's adopted Land Use Map does not support residential uses for this area. A 30-foot wide Type B planting yard is required where commercial uses abut residential uses. As this area, when annexed, will be developed for nonresidential uses the applicant is proposing to install a 20-foot wide Type C planting yard along the northern property line. The width of this planting yard can be reduced to 10 feet with the installation of an opaque fence. The standards of the C yard, with fencing, will mitigate impact on adjacent residential uses. ❖ To mitigate the impact of the requested commercial zoning district, the applicant has submitted a Conditional Zoning Ordinance that prohibits a few of the higher intensity HB District uses. This list of prohibited uses is similar to what previous City Councils have historically adopted for commercial uses along this segment of the Eastchester Scenic Corridor in previous zoning cases.
<u>Factor #3</u>	Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;
	<p><u>Staff Comments:</u> The property has been cleared, graded and used for overflow parking. As the property is within a watershed area, development is required to be in compliance with the environmental standards of the Development Ordinance.</p>

<u>Factor #4</u>	Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;
	<u>Staff Comments:</u> The property is within an area served by City of High Point utilities and municipal services. This request will have no adverse impact on municipal services.
<u>Factor #5</u>	Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.
	<u>Staff Comments:</u> This portion of the City's Planning Area has seen a steady growth of non-residential uses consisting of office, commercial and industrial uses since the late 1980s. Subject to sufficient screening being provided to the abutting residential property to the north, the rezoning of the site from CU GO-H District to a CZ-HB District is not expected to negatively impact the values of adjacent property owners.

Changes in the Area:

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

Staff Comments:

When this area was annexed in 1989, it was a rural area consisting of farms and single family dwellings on large lots. Adopted plans designated this area as Office. The result of the development of this area during the past 25 years has been that the initially established office area, covering the intersection of Eastchester Drive and Penny Road, is surrounded by commercial and industrial uses. Thus, the requested CZ-HB District would be in line with the development pattern that has been established in this area over the past two decades.

Development Patterns:

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

Staff Comments:

The larger overall area, surrounding this intersection, is denoted on the Land Use Plan as being intended for commercial uses to the east and south and industrial uses to the north and west. Additionally, the abutting Panera Bread restaurant was been previously rezoned to allow for limited commercial uses as permitted by the HB District. Thus, the request by the applicant to rezone to a CZ-HB District is consistent with the development pattern that has emerged in this area over the past 25 years.

Reasonableness/Public Interest:

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

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-02, the requested CZ-HB District will be consistent with the Land Use Plan; 2) Since the abutting property to the north is designated on the City's Land Use Map as Office and Restricted Industrial, and the proposed Type C yard will require installation of an opaque fence if the width is less than 20 feet, impact on the adjacent property owner will be

mitigated; 3) The requested CZ-HB District will produce an orderly development pattern as required by Goal #5 of the Land Use Plan; and 4) The Conditional Zoning Ordinance offered by the applicant prohibits many of the automotive-related and higher intensive commercial uses that previous City Councils have historically prohibited along this segment of the Eastchester Scenic Corridor, thus ensuring development will be in character with the surrounding uses in the area.

Recommendation

1. Land Use Plan Amendment Case 15-02:

Staff Recommends Approval:

Staff recommends approval of the request to change the Office and Restricted Industrial land use designation for approximately 13 acres to the Community/Regional Commercial land use designation. The request meets the goals and objectives of the Land Use Plan and the Eastchester Drive Corridor Plan and will be in harmony with the land use pattern of the surrounding area.

2. Zoning Case 15-02:

Staff Recommends Approval with Revisions:

Subject to approval of Land Use Plan Amendment Case 15-02, the Planning & Development Department recommends approval of the request to rezone this 0.2-acre parcel to the CZ-HB District. As conditioned, the requested CZ-HB District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

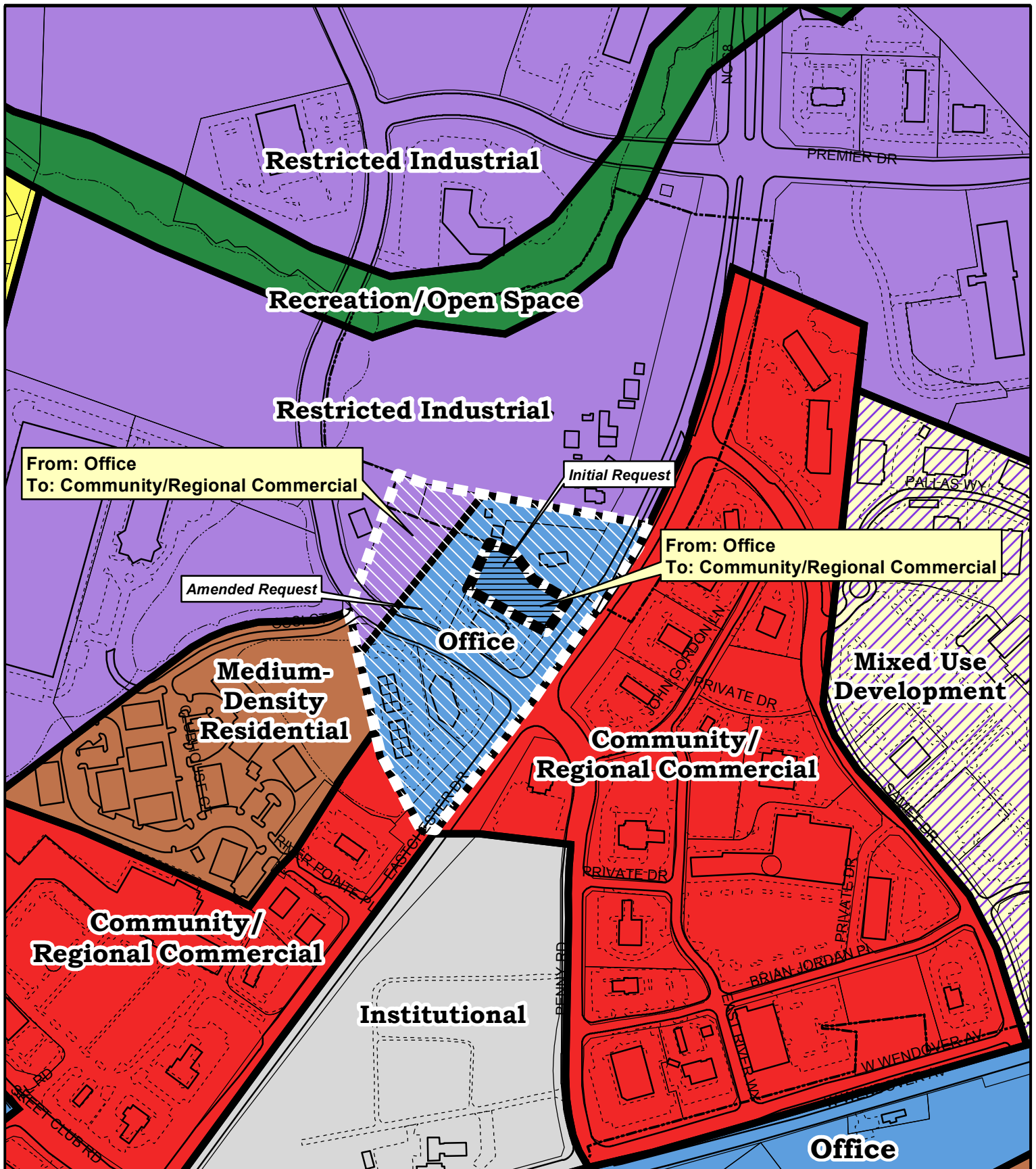
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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

City Council:

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

Report Preparation

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



LAND USE PLAN AMENDMENT 15-02

**Request - From: Office
To: Community/Regional Commercial**

Existing Land Use Plan
Subject Property Boundary



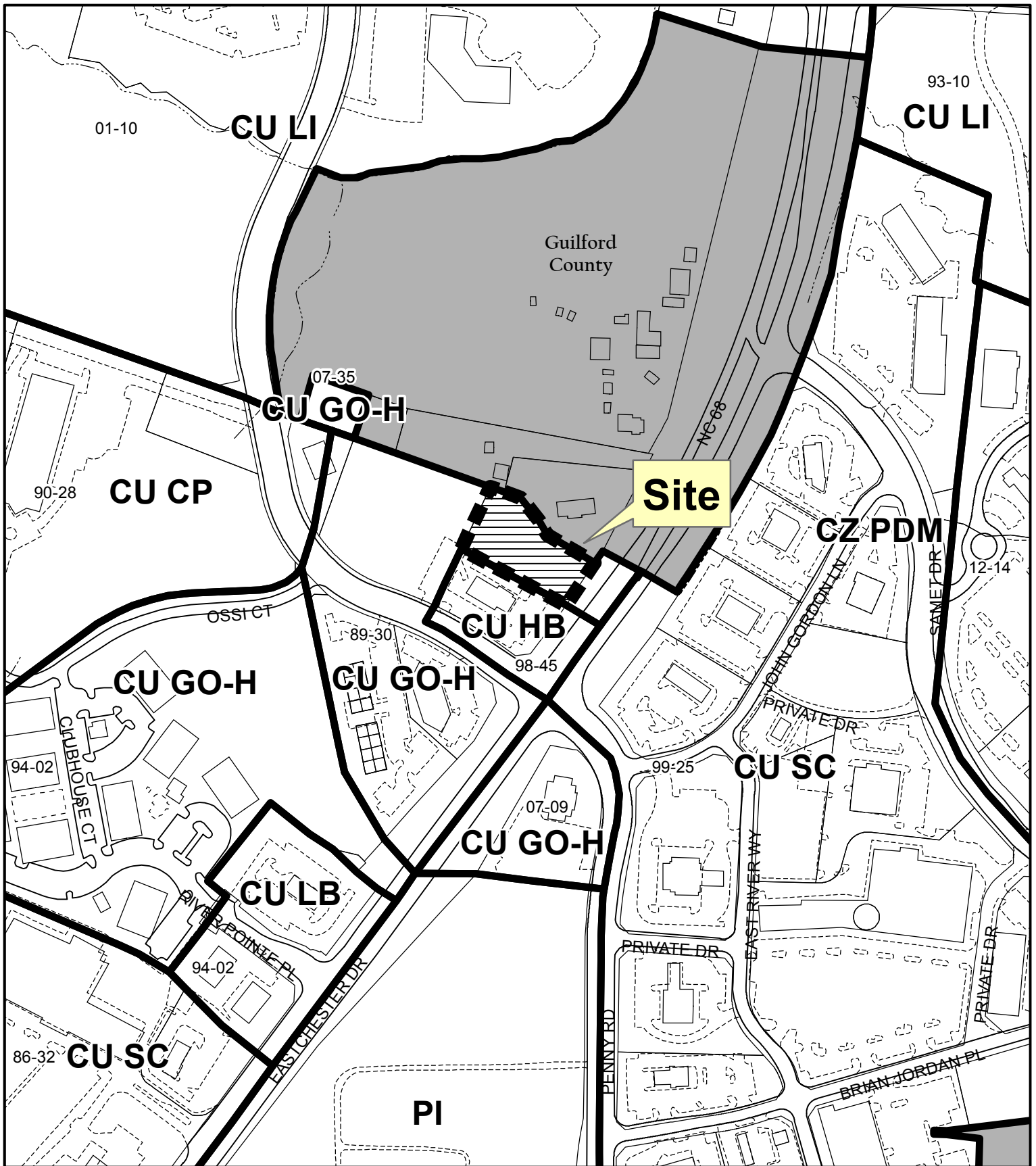
**Planning & Development
Department**

City of High Point

Date: August 25, 2015



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ZONING CASE 15-14

From: Conditional Use General Office-High Intensity
 To: Conditional Zoning Highway Business

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

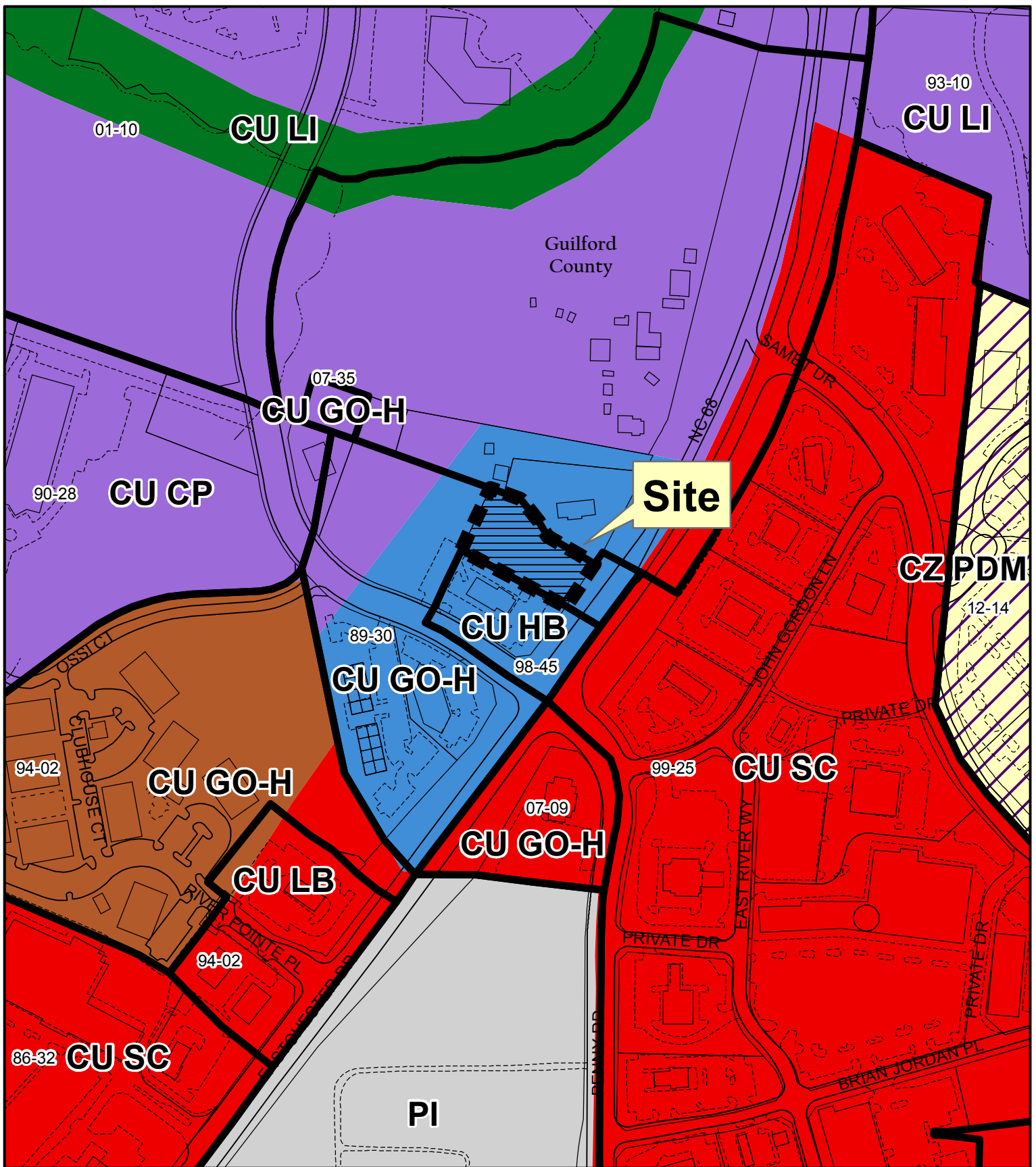
Planning & Development
 Department

City of High Point

Date: August 25, 2015










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ZONING CASE 15-14

Land Use Plan

	Mixed Use Development		Office
	Medium-Density Residential		Community/Regional Commercial
	Institutional		Restricted Industrial
	Recreation/Open Space		

Planning & Development
Department

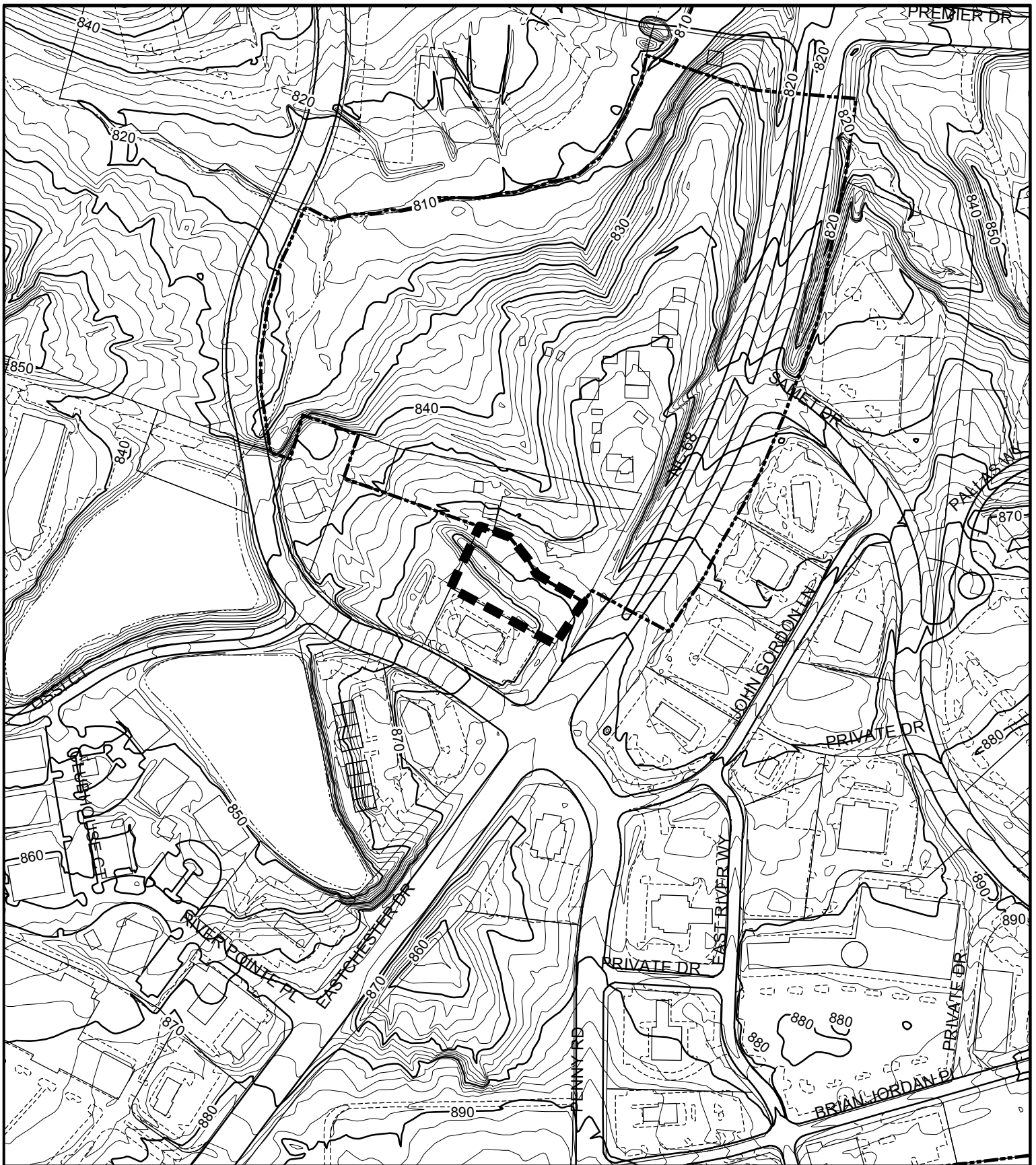
City of High Point

Date: August 25, 2015



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ZONING CASE 15-14

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: August 25, 2015



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2015\pz\z15-14topo.mxd

ZONING CASE 15-14





August 6, 2015

To: Lee Burnette, Director of Planning and Development
From: Mark McDonald, P.E., Transportation Director *MMcDonald*
Subject: **Zoning Case #15-14**, Carolina Custard. Property located on the west side of Eastchester Drive, approximately 200 feet north of Penny Road.

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

No access shall be allowed to Eastchester Drive. One (1) point of shared access with Panera Bread shall be allowed to Penny Road.

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

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

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

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 25, 2015 and before the City Council of the City of High Point on September 21, 2015 regarding **Zoning Case 15-14** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 16, 2015, for the Planning and Zoning Commission public hearing and on September 9, 2015 and September 16, 2015, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on September 21, 2015.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as: **Conditional Zoning Highway Business (CZ-HB) District**. The property is approximately 0.9 acres and lying along the west side of Eastchester Drive, approximately 200 feet north of Penny Road (*2719 Eastchester Drive*). The property is also known as Guilford County Tax Parcels 0207384.

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 of the land uses allowed in the Highway Business (HB) District shall be permitted, with the exceptions listed below, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

A. **Prohibited Uses**: The following uses, enumerated in Table 4-5-1, Permitted Use Schedule of the Development Ordinance, shall be prohibited:

1. **Accessory uses and structures**
 - a. Bulky Item Outdoor Display
 - b. Communication Towers (exceeding height limits of zoning district)

2. Business, Professional & Personal Services Uses
 - a. Automobile Rental or Leasing
 - b. Automobile repair services, major
 - c. Automobile repair services, minor
 - d. Automobile towing and storage services
 - e. Boat repairs
 - f. Car Washes
 - g. Recreational Vehicle Parks or Campsites
 - h. Truck Driving Schools
 - i. Truck & Util. Trailer Rent. & Leasing, Light
3. Retail trade uses
 - a. Boat Sales
 - b. Building Supply Sales (no storage yard)
 - c. Building Supply Sales (with storage yard)
 - d. Bulky Item Outdoor Display
 - e. Convenience Stores (with gasoline pumps)
 - f. Manufactured Home Sales
 - g. Motor Vehicle Sales (new and used)
 - h. Motorcycle Sales
 - i. Recreational Vehicle Sales
 - j. Service Stations, Gasoline
 - k. Tire Sales
 - l. Truck Stops
4. Transportation, Warehousing and Utilities Uses
 - a. Warehouses (general storage/enclosed) and Distribution Centers
 - b. Warehouses (self-storage)
5. All Manufacturing and Industrial Uses shall be prohibited
6. Other Uses
 - a. Bulky Item Outdoor Sales
 - b. Storage trailers as a principal uses

Part II. CONDITIONS:

- A. Development Design: Drive-through/service windows and menu boards shall not be permitted between the principal building and the street right-of-way along the Eastchester Drive street frontage.
- B. Landscaping: Type C Planting Yard standards may be applied along the site's northern boundary. If an opaque fence is used to reduce the planting yard width, its location within the planting yard shall be shown on the approved landscape plan. Lower planting yards standards, as permitted by the Development Ordinance, may be applied when residential uses are not abutting the northern property line of the site.

- C. Transportation Condition: No direct vehicular access shall be allowed to Eastchester Drive

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 now 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.
21st day of September, 2015.

Lisa B. Vierling, City Clerk

Citizens Information Meeting Report Zoning Case 15-14

Submitted by: John Bartlett

From: [John Bartlett](#)
To: [HERBERT SHANNON JR](#)
Cc: john.bartlett@panerabread.com; [Greg Anderson](#)
Subject: FW: Andys High Point
Date: Monday, August 10, 2015 9:03:44 PM
Attachments: [Untitled attachment 00004.htm](#)
[2015-08-10 CEDC Site Plan Andy's High Point.pdf](#)
[Untitled attachment 00007.htm](#)
[scan0026.pdf](#)

Herb:

This is the latest site plan from the Civil Engineer with a 5' landscape buffer. I've also attached the sign in sheet for tonight's Citizens Information meeting.

We only had 3 people show to what we were putting on the site. They didn't have any questions but they seemed excited for the concept.

Let's speak tomorrow on the next steps and what you may need from us.

Thank you,

John Bartlett
Operating Partner/Owner
Show Me Bread, Inc. dba Panera Bread
336-803-2594 Cell
336-841-1228 Fax

From: Greg Anderson [mailto:ganderso@usmo.com]
Sent: Monday, August 10, 2015 7:00 PM
To: John Bartlett
Subject: Fwd: Andys High Point

Sent from my iPhone

Begin forwarded message:

From: Brandon Harp <bharp@cedc.net>
Date: August 10, 2015 at 1:10:13 PM CDT
To: GREG ANDERSON <ganderso@usmo.com>
Subject: Andys High Point

Greg

See attached. Will this work?

Please call should you have any questions

Brandon A. Harp, P.E.
Principal

Andy's Frozen Custard Meeting held at Panera bread 2400 Penny Road

[illegible]

PLANT SCHEDULE

TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
AGG	3	Autumn Gold Ginkgo / Ginkgo biloba 'Autumn Gold' TM	2" Cal.
HACK	3	Common Hackberry / Celtis occidentalis	2" Cal.
QL	1	Greenspire Littleleaf Linden / Tilia cordata 'Greenspire'	2" Cal.
SAW	1	Sawtooth Oak / Quercus acutissima	2" Cal.
RSM	1	Red Sunset Maple / Acer rubrum 'Franksred'	2" Cal.
EVERGREEN TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
CBS	4	Colorado Blue Spruce / Picea pungens 'Glauea'	6"-7"
EMARS	7	Emerald Arborvitae / Thuja occidentalis 'Emerald'	6"-7"
NS	3	Norway Spruce / Picea abies	6"-7"
FLOWERING TREES	QTY	COMMON NAME / BOTANICAL NAME	SIZE
JTL	4	Ivory Silk Japanese Tree Lilac / Syringa reticulata 'Ivory Silk'	1.5" Cal.
RS	2	Redbud / Cercis canadensis	1.5" Cal.
SHRUBS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
ACM	4	Acoma Grape Myrtle / Lagerstroemia 'Acoma'	5 gal
BLL	4	Blooming Lilac / Syringa x 'Penda'	5 gal
DWY	14	Dwarf Yaupon / Ilex vomitoria 'Nana'	5 gal
GVC	5	Golden Privet / Ligustrum vicaryi	5 gal
GLS	5	Grass-Low Fragrant Sumac / Rhus aromatica 'Grass-Low'	5 gal
FUK	21	Lynwood Gold Forsythia / Forsythia intermedia 'Lynwood Gold'	5 gal
PSFQ	3	Pink Storm Flowering Quince / Chaenomeles speciosa 'Pink Storm'	5 gal
FJ	10	Procurmens Juniper / Juniperus procurmens 'Nana'	5 gal
WHT	33	Red Sprites Winterberry / Ilex verticillata 'Red Sprites'	5 gal
KCA	1	Knap Creek Azalea / Abelia x 'grandiflora' 'Knap Creek'	5 gal
SBWE	1	Sonic Bloom Weigela / Weigela florida 'Sonic Bloom'	5 gal
VVB	2	Vardar Valley Boxwood / Buxus sempervirens 'Vardar Valley'	5 gal
ULL	20	'Hummingbird' Summersweet / Clethra alnifolia 'Hummingbird'	5 gal
ANNUALS/PERENNIALS	QTY	COMMON NAME / BOTANICAL NAME	SIZE
ACS	17	Autumn Charm Sedum / Sedum x 'Autumn Charm'	1 gal
BBL	8	Big Blue Liriope / Liriope muscari 'Big Blue'	1 gal
HRD	13	Happy Returns Daylily / Hemerocallis hybrid 'Happy Returns'	1 gal
PC-KRH	8	Purple Coneflower / Echinacea purpurea 'Kim's Knee High' TM	1 gal

LANDSCAPE GUIDELINE SPECS:

GENERAL:

- All natural vegetation shall be maintained where it does not interfere with construction or the permanent plan of operation. Every effort possible shall be made to protect existing structures or vegetation from damage due to equipment usage. Contractor shall at all times protect all materials and work against injury to public.
- The landscape contractor shall be responsible for any coordination and sequencing with other site related work being performed by other contractors. Refer to additional drawings for further coordination of work to be done.
- Underground facilities, structures and utilities must be considered appropriate only. They may be others not previously shown. It shall be the landscape contractor's responsibility to determine or verify the existence of and exact location of the above (Call 1-800-485-4848 or 1-800-485-4848).
- Plant material shall be planted in the same relationship to grade as one grown in nursery conditions. All planting beds shall be cultivated to 6" depth minimum and graded smooth immediately before planting of plants. Plant groundcover to within 12" of trunk of trees or shrubs planted within the area.
- It shall be the landscape contractor's responsibility to:
 - Verify all existing and proposed features shown on the drawings prior to commencement of work.
 - Report all discrepancies found with regard to existing conditions or proposed design to the landscape architect immediately for a decision.
 - Obtain the location of all proposed plant material and obtain the approval of the owner's representative or landscape architect (in 10% copy prior to installation).
- Items shown on this drawing take precedence over the material list. It shall be the landscape contractor's responsibility to verify all quantities and conditions prior to implementation of this plan. No substitutions of types or size of plant materials will be accepted without written approval from the landscape architect.
- Provide single-stem trees unless otherwise noted in plant schedule.
- All plant material shall comply with the recommendations and requirements of ANSI Z601 "American Standards for Nursery Stock".
- It shall be the contractor's responsibility to provide for inspection of the plant material by the Landscape Architect (or Owner's Representative) prior to acceptance. Inspections may take place before, during or after installation. Plants not accepted by the owner shall not be accepted and shall be replaced at the landscape contractor's expense.
- All bids are to have unit prices listed. The Owner has the option to delete any portion of the contract prior to signing the contract or beginning work. This will be a unit price contract; no other shall be valid for 12 months.
- Should survey equipment be utilized in excavating any plant pits, vertical sides of plant pits shall be thoroughly scarified to avoid creation of "polished side walls" prior to plant material installation.
- All existing topsoil, rocks, debris and/or failed soils shall be removed by the general contractor prior to point project is turned over to the landscape contractor to commence landscape installation.
- Keep all plant material (except turf) a minimum of 30" clear of the hydrants.
- All tops, nursery stakes, labels, etc. shall be removed by the landscape contractor at completion of all landscape installation.
- Landscape contractor shall be in compliance with all federal, state and local laws / regulations relating to insect infestation and/or plant disease.

PRUNING:

- Lightly prune trees at time of planting. Prune only the crossover limbs, intercrossed leaders and/or any branch branches. Some lateral branches may be removed, but do not remove the terminal buds of branches that extend to the edge of the crown.
- All pruning shall comply with ANSI A300 standards.

INSURANCE:

- The landscape contractor shall submit certificates of insurance for workman's compensation and general liability.

MULCH:

- All mulch to be shredded oak bark mulch at 3" depth (after compaction) unless otherwise noted. Mulch shall be clean and free of all foreign materials, including weeds, mold, deleterious materials, etc.
- No plastic sheathing or filter fabric shall be placed beneath shredded bark mulch beds. Kraft fabric shall be used beneath all gravel mulch beds.
- Edge all beds with spade-cut edge unless otherwise noted.

MAINTENANCE:

- Landscape Contractor shall provide a separate proposal to maintain all plants, shrubs, groundcover, perennials and annuals for a period of 12 months after acceptance.
 - Contractor shall ensure that only competent and trained personnel shall provide such services and that such services be provided in a timely manner.
- TOPSOIL:**
- Topsoil mix for all proposed landscape plantings shall be five (5) parts well-drained screened organic topsoil to one (1) part Canadian sphagnum peat moss as per planting details. Rate—100 topsoil mix to a depth of 6" minimum and grade smooth.
 - Provide a soil analysis, as requested, made by an independent soil-testing agency outlining the % of organic matter, inorganic matter, deleterious materials, pH and mineral content.
 - Any foreign topsoil used shall be free of roots, stumps, weeds, brush, stones (larger than 1"), litter or any other extraneous or toxic material. Landscape contractor shall be fully responsible for correcting all negative soil issues prior to plant installation. Killing and removal of all weeds shall be the responsibility of the landscape contractor as part of this task.
 - Landscape contractor to apply pre-emergent herbicide to all planting beds upon completion of planting operations and before application of additional bark mulch.
 - Install erosion controls prior to commencement of any grading operations to correct drainage issues. Inspect and maintain all erosion fences daily until vegetation is established.

MISC. MATERIAL:

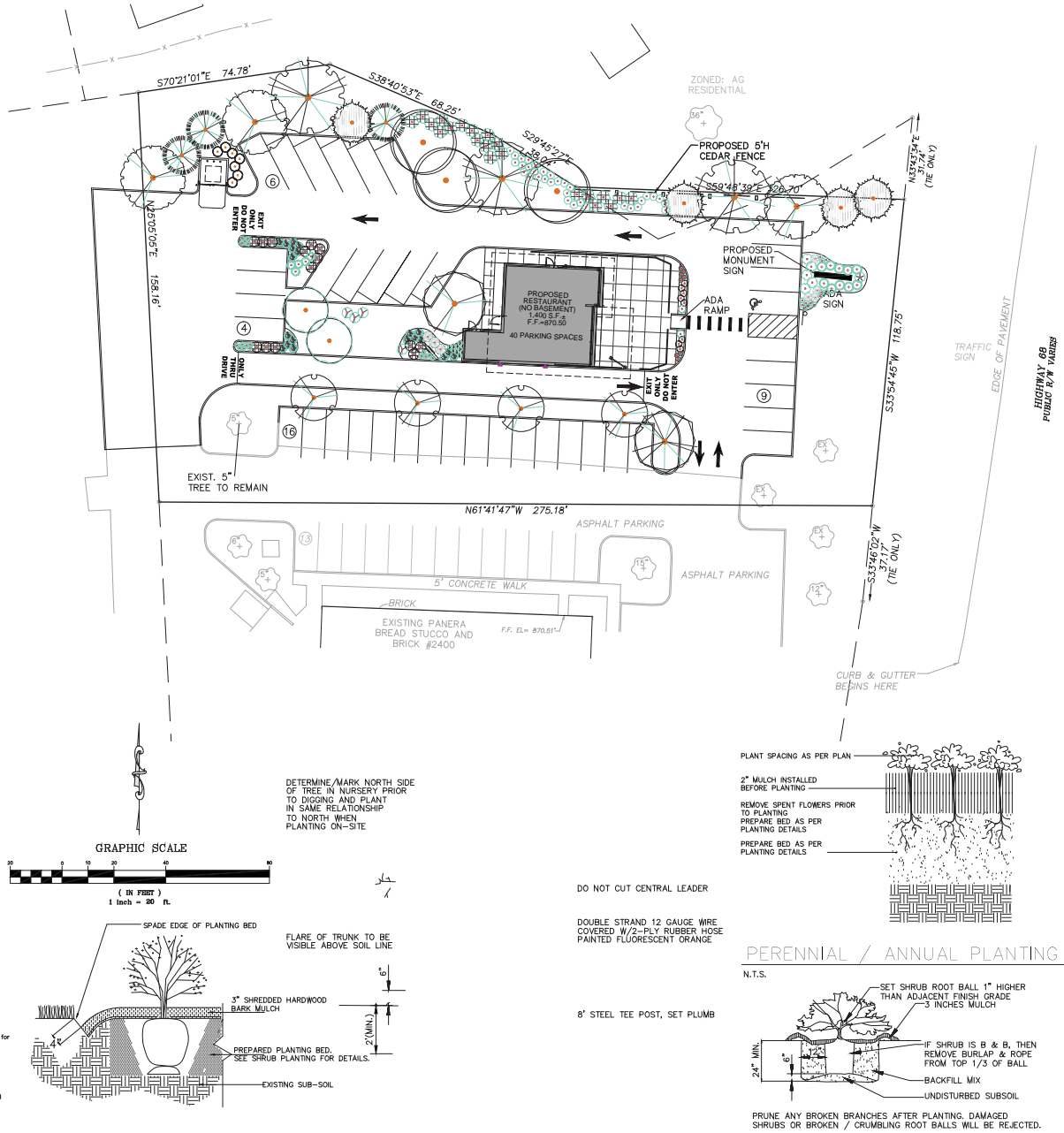
- Provide stakes and deadman of sound, new hardwood, free of knots and defects.
- Tree wrap tape shall be 4" minimum, designed to prevent borer damage and winter freezing. Additionally, only 3-ply tying material shall be used.

TURF:

- All disturbed lawn areas to be seeded with a mixture of Turf-Type Grass (50% per acre) and bluegrass (15% per acre). Lawn areas shall be unconditionally warranted for a period of 90 days from date of first acceptance. Bare areas more than one square foot per any 50 square feet shall be replaced.
- The landscape contractor shall be responsible for protection of planted grass, restore and repair any erosion or water damage and obtain owner's approval prior to seeding or sod installation.
- Landscape contractor shall offer an alternate price for sod if less seed. Sod shall be cut at a minimum of 3/4".
- No broken pieces, irregular pieces or torn pieces will be accepted.
- All sod shall be placed a maximum of 24 hours after harvesting.
- Recondition existing lawn areas damaged by Contractor's operations including equipment/material storage and use.
- Sod Contractor to ensure sod is placed below sidewalk and all paved areas elevations to allow for proper drainage.

WARRANTY:

- All plant material (excluding ground cover, perennials and annuals) are to be warranted for a period of 12 months after complete installation of all landscape material at 100% of the installed price.
- Any plant material found to be defective shall be removed and replaced within 30 days of notification or in growth season determined to be best for that plant.
- Only one replacement per tree or shrub shall be required at the end of the warranty period, unless loss is due to failure to comply with warranty.
- Lawn establishment period will be in effect once the lawn has been mowed three times. Plant establishment period shall commence on the date of acceptance and 100% completion.
- A written guarantee shall be provided to the owner per conditions outlined in #1 above.



BRANDON A. HUPP, P.E. 042832
PROFESSIONAL ENGINEER
CIVIL LICENSE NO. 0000000000

CEDC
CIVIL ENGINEERING
DESIGN CONSULTANTS

Site Development Plan
ANDY'S FROZEN CUSTARD
2400 PENNY ROAD
HIGH POINT, N.C., 27265

Proj. #	1524
No. Description	Date
TO CITY	08-24-15

LANDSCAPE PLAN

DRAWING NO.

L01