

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Land Use Plan Amendment Case 15-03 and Zoning Case 15-15  
(Winstead Properties, 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

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### PURPOSE:

#### Land Use Plan Amendment Case 15-03

A request by Winstead Properties, 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 15-15

A request by Winstead Properties, LLC to rezone approximately 2.59 acres from an Agricultural (AG) District, within Guilford County's zoning jurisdiction, and Conditional Use General Office-High Intensity (CU GO-H) District to the Conditional Zoning Highway Business (CZ-HB) District. The site is lying north of the intersection of Penny Road and OSSI Court (*2410 Penny Road*). Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### 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 15-03 and Zoning Case 15-15. 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 15-03 by a vote of 8-0.
- C. The Planning & Zoning Commission recommended approval of Zoning Case 15-15 by a vote of 8-0.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Winstead Properties LLC**

### **Land Use Plan Amendment Case 15-03 and Zoning Case 15-15**

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 15-03 & Zoning Case 15-15 was the applicant, Tom Mincher, of Winstead Properties LLC, 701 Woodland Drive, High Point. Mr. Mincher provided an overview of his development proposal and addressed questions from the Commission. In conclusion, Mr. Mincher said he is working with Dr. Claire Wilson, the owner of the dental office abutting the site, to design a mutually acceptable landscaping buffer to install between the two properties.

Speaking neither in favor nor against these two requests was Dr. Claire Wilson, 2430 Penny Road, High Point. Dr. Wilson stated that her concern is making sure that there is adequate landscaping to serve as a buffer between the properties.

Mr. Brent Cole, assistant city attorney, suggested that Mr. Mincher and Dr. Wilson form a written agreement, with the aid of private attorneys, to ensure whatever agreement they develop would remain in place if either of them sold their properties in the future.

The Planning & Zoning Commission recommended approval of Land Use Plan Amendment Case 15-03, as recommended by staff, by a vote of 8-0.

The Planning & Zoning Commission recommended approval of Zoning Case 15-15, as recommended by staff, by a vote of 8-0. Upon making its recommendation, the Commission stated that its approval of Zoning Case 15-15 would be consistent with the City's adopted plans. Additionally, the Commission concurred with the staff report and found its approval recommendation reasonable and in the public interest because: 1) Subject to approval of the associated Land Use Plan Amendment 15-03, the requested CZ-HB District will be consistent with the Land Use Plan; 2) 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, and 3) the request does not introduce new non-residential uses to this area. The adjacent restaurant was granted a CU-HB District and during the past two decades, this previously rural area has developed into a commercial node to the east and south and industrial area to the north and west. The requested CZ-HB District, as conditioned, will produce an orderly development pattern as required by Goal #5 of the Land use Plan.

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

**STAFF REPORT  
LAND USE PLAN AMENDMENT CASE 15-03 AND ZONING CASE 15-15  
August 25, 2015**

<b>Requests</b>		
<b>Applicant:</b> Winstead Properties, LLC	<b>Owner:</b> Everette M. Grayson and Patricia W. Grayson Theodore G. Bernthal and Gretchen K. Bernthal	
<b>LUPA Proposal:</b> To change the future land use designation for approximately 13 acres to a Community/Regional Commercial land use designation	<b>From:</b>	Office and Restricted Industrial
	<b>To:</b>	Community / Regional Commercial
<b>Zoning Proposal:</b> To rezone approximately 2.59 acres	<b>From:</b>	<b>AG</b> Agricultural District ( <i>Guilford County</i> )
	<b>To:</b>	<b>CU GO-H</b> Conditional Use General Office-High Intensity District <b>CZ-HB</b> Conditional Zoning Highway Business District.

<b>Site Information</b>		
<b>Location:</b>	Lying north of the intersection of Penny Road and OSSI Court ( <i>2410 Penny Road</i> )	
<b>Tax Parcel Numbers:</b>	<b>Plan Amendment</b>	<b>Zoning Request</b>
	0170013 & 14, 0207383 thru 85, 0207389 & 90, 0208147 thru 0208160 and 0208162 & 63	0170014 and 0207390
<b>Site Acreage:</b>	<b>Plan Amendment</b>	<b>Zoning Request</b>
	Approximately 13 acres	Approximately 2.59 acres
<b>Current Land Use:</b>	<b>Plan Amendment</b>	<b>Zoning Request</b>
	Restaurants, offices, undeveloped and overflow parking	Undeveloped and gravel overflow parking area
<b>Physical Characteristics:</b>	The site has a relatively flat to moderately sloping terrain.	
<b>Water and Sewer Proximity:</b>	A 12-inch City water line and an 8-inch City sewer are adjacent to the site along Penny Road.	
<b>General Drainage and Watershed:</b>	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.	
<b>Overlay District(s):</b>	Eastchester Scenic Corridor Overlay District City Lake General Watershed Area and Airport Overlay Area – Zone 4	

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	<b>AG</b>	Agricultural District ( <i>Guilford County</i> )	Single family dwellings
<b>South:</b>	<b>CU GO-H</b>	Conditional Use General Office-High Intensity District	Office uses ( <i>across Penny Road</i> )
<b>East:</b>	<b>CU-HB</b> <b>CU GO-H</b>	Conditional Use Highway Business District Conditional Use General Office-High Intensity District	Restaurants and undeveloped parcel
<b>West:</b>	<b>CU GO-H</b>	Conditional Use General Office-High Intensity District	Dentist office

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

<b>Purpose of Existing and Proposed Land Use Plan Designations</b>	
<b>Existing Designation:</b>	<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.
<b>Proposed Designation:</b>	<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.

<b>Relevant Land Use Policies and Related Zoning &amp; LUPA History</b>	
<b>Community Growth Vision Statement</b>	This request is neither in conflict with the Community Growth Vision Statement's goals and objectives nor does it promote those goals and objectives.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	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.
<b>Relevant Area Plan:</b>	<u>Eastchester Drive Corridor Plan- Phase III</u> Phase III of this Corridor Plan recommends that new commercial development be clustered around major intersections and that no direct access shall be given to NC 68
<b>Zoning History:</b>	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

	<p>current zoning site was part of that 48-acre area which was granted an Office/Institutional District and Residential-12 District zoning. This area was developed with industrial, office &amp; 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 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 annex and granted a Light Industrial zoning.</p>
<b>LUPA History:</b>	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
	Penny Road		Major Thoroughfare
<b>Vehicular Access:</b>	Shared access off of Penny Road (public street)		
<b>Traffic Counts:</b> (Average Daily Trips)	Eastchester Drive		48,000 ADT (2011, NCDOT)
	Penny Road		8,600 ADT (2013, NCDOT)
<b>Estimated Trip Generation:</b>	No information.		
Traffic Impact Analysis:	Required		Comment
	<u>Yes</u>	<u>No</u> X	None
<b>Pedestrian Access:</b>	Not applicable, sidewalks have already been installed along the segment of Penny Road.		

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.
- Summary of Land Use Plan Amendment Request:  
The applicant has requested a Land Use Plan amendment for approximately 2.59 acres from the Office and Restricted Industrial 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 results of the development of this area over 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 the development of a 9,000 square foot restaurant use. The applicant has submitted a Conditional Zoning Ordinance with this request that restricts a few of the higher intensity HB District uses.

### 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. Due to the changes that have occurred in this area the proposal to develop a commercial use makes the requested change to Community/Regional Commercial 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:**

<b><u>Factor #1</u></b>	<b>Produces a development that is compatible with surrounding development character and land uses;</b>
	<p><u>Staff Comments:</u> The site is located in an area that has transitioned from a rural area to 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 parcel fronting on Eastchester Drive.</p>
<b><u>Factor #2</u></b>	<b>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.;</b>
	<p><u>Staff Comments:</u> To mitigate 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 Scene Corridor in previous zoning cases.</p>
<b><u>Factor #3</u></b>	<b>Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</b>
	<p><u>Staff Comments:</u> In the early 1990s, in conjunction with extension of Penny Road to OSSl Court, the site was graded and cleared for development. As the property is within a watershed area, development is required to comply with the environmental standards of the Development Ordinance.</p>
<b><u>Factor #4</u></b>	<b>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;</b>
	<p><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.</p>
<b><u>Factor #5</u></b>	<b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</b>
	<p><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. The rezoning of the site from CU GO-H District to a CZ-HB District to permit commercial uses is not expected to negatively impact the values of adjacent property owners.</p>

**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 results of the development of this area over 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 15-03, the requested CZ-HB District will be consistent with the Land Use Plan; 2) 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 Scene Corridor, thus ensuring development will be in character with the surrounding uses in the area; and 3) The request does not introduce new non-residential uses to this area. The adjacent restaurant was granted a CU-HB District and over the past two decades, this previously rural area had developed into a commercial node to the east and south and industrial area to the north and west. The request CZ-HB District, as condition, will produce an orderly development pattern and required by Goal #5 of the Land Use Plan.

**Recommendation**

**1. Land Use Plan Amendment Case 15-03:**

**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 15-15:**

### **Staff Recommends Approval**

Subject to approval of Land Use Plan Amendment Case 15-02, the Planning & Development Department recommends approval of the request to rezone this 2.59 acre area 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:**

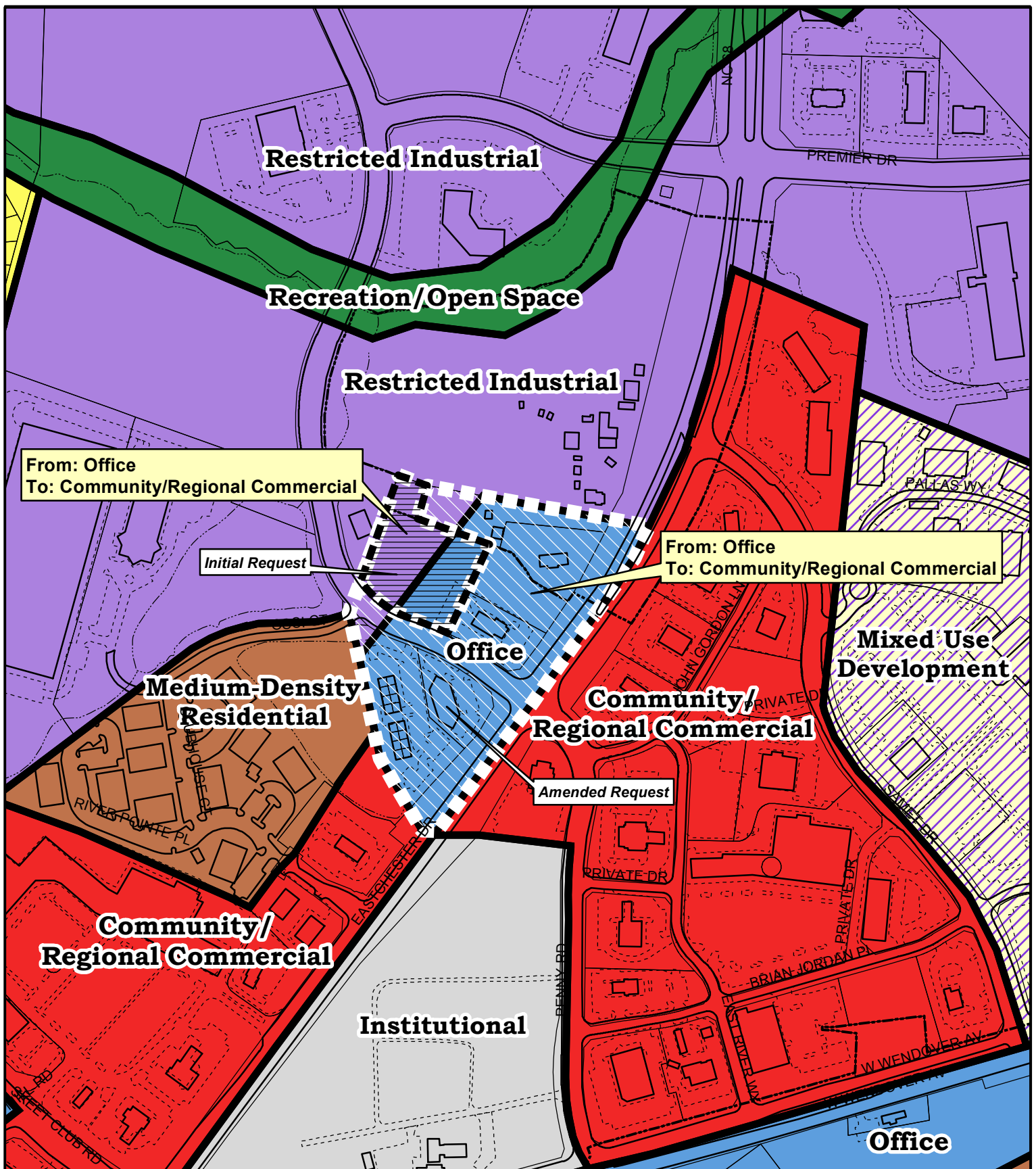
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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 15-03

**Request - From: Office & Restricted Industrial  
To: Community/Regional Commercial**

**Existing Land Use Plan**

**Subject Property Boundary**



**Planning & Development  
Department**

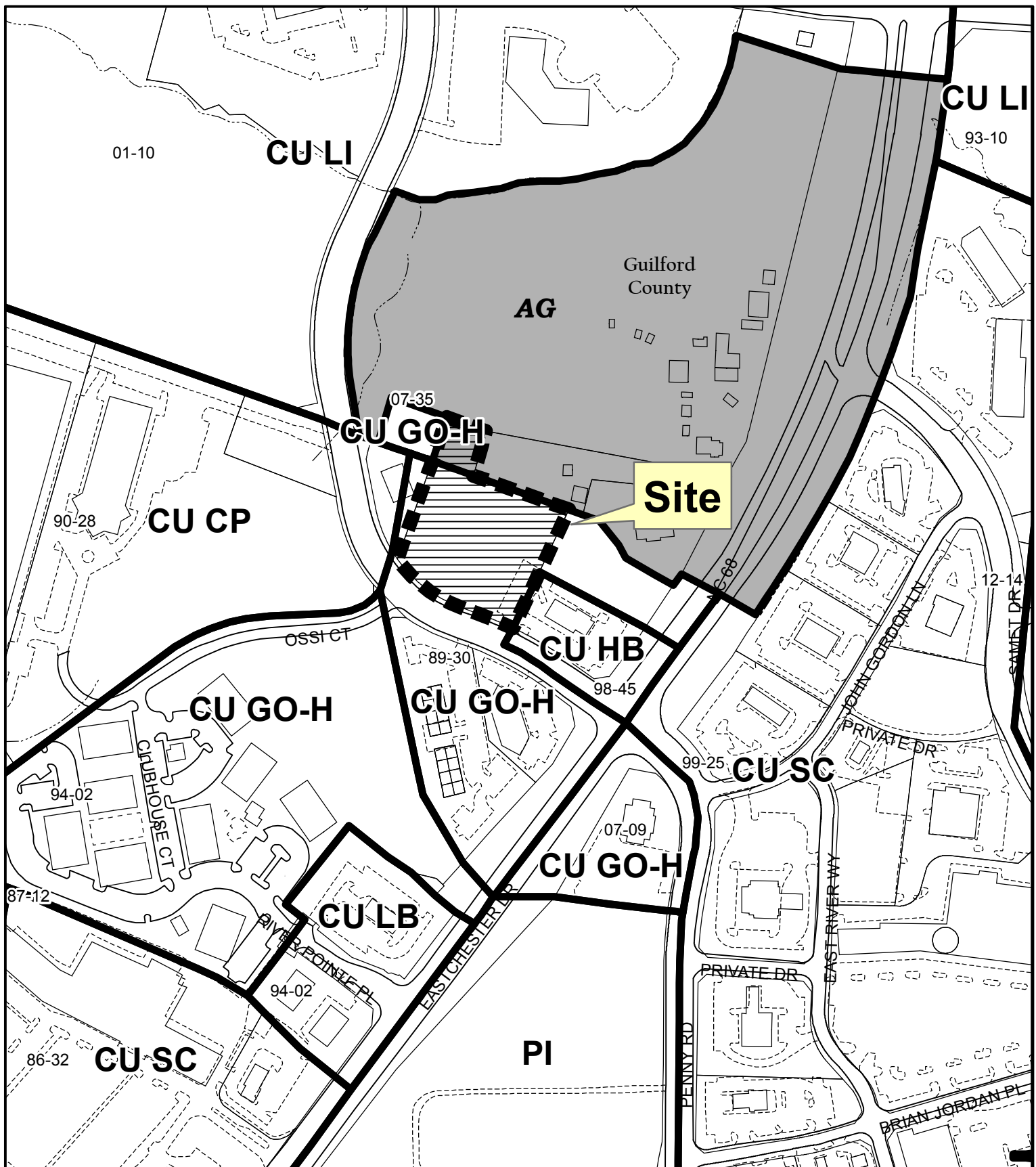
**City of High Point**

**Date: August 25, 2015**



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## ZONING CASE 15-15

**From:** Conditional Use General Office-High Intensity  
and Agricultural (Guilford County)

**To:** Conditional Zoning Highway Business

**Existing Zoning Boundary**

**Subject Property Boundary**



**Planning & Development  
Department**

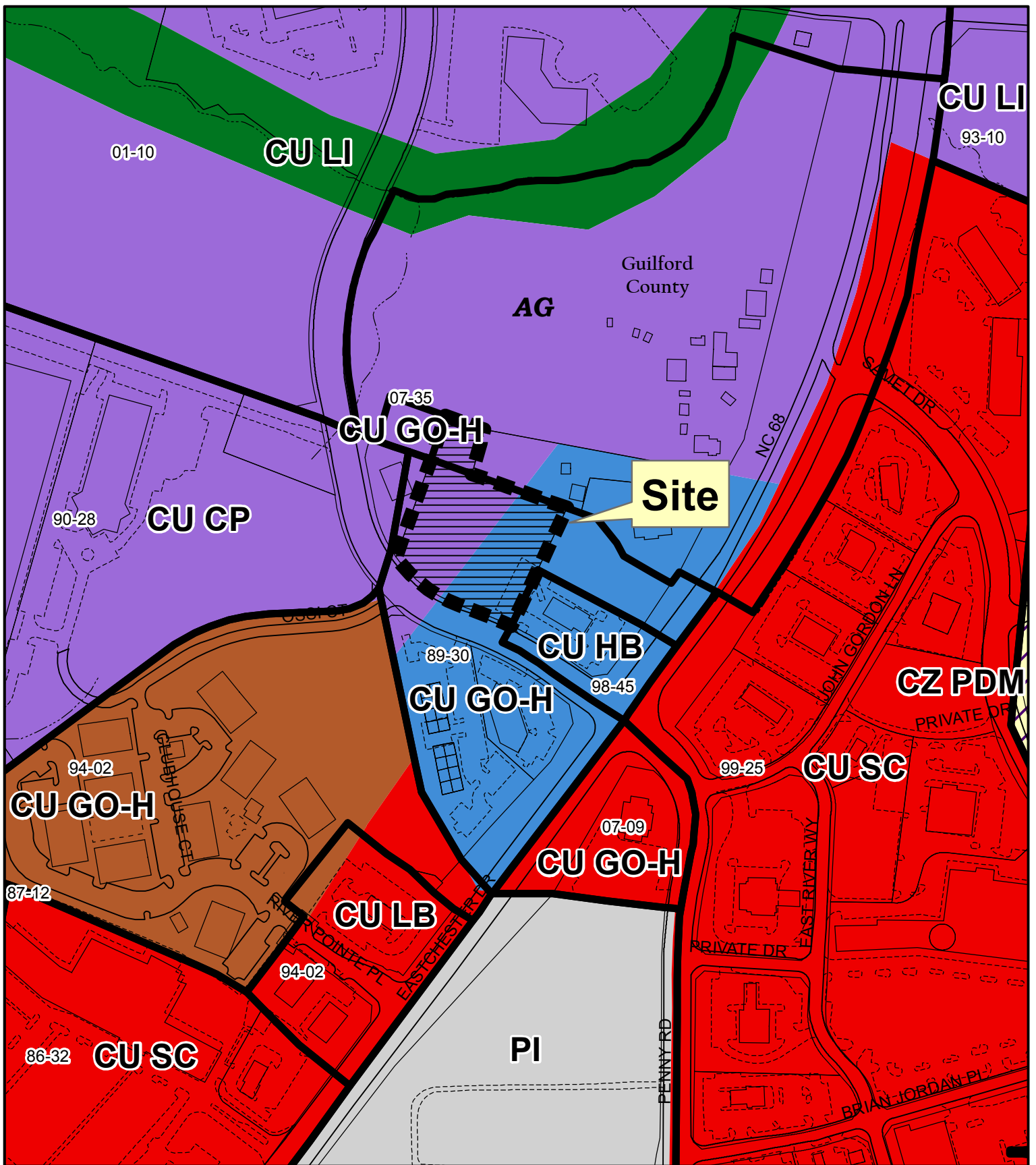
**City of High Point**

**Date: August 25, 2015**



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## ZONING CASE 15-15

### 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

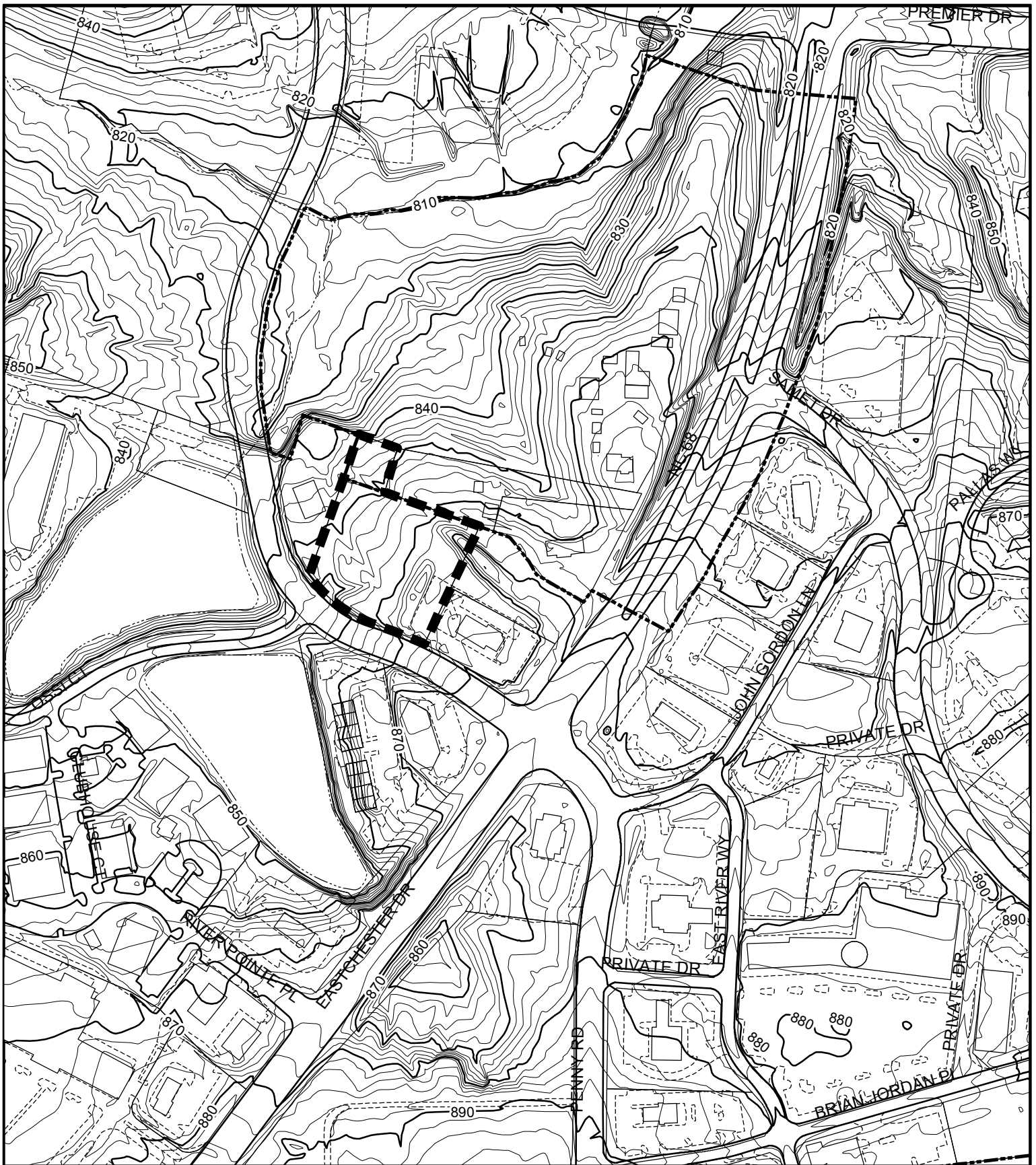
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## ZONING CASE 15-15

### Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: August 25, 2015



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# ZONING CASE 15-15








August 6, 2015

**To:** Lee Burnette, Director of Planning and Development

**From:** Mark McDonald, P.E., Transportation Director 

**Subject:** **Zoning Case #15-15**, Winstead Properties. Property located north of the intersection of Penny Road and OSSI Court.

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

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 15-15** 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 2.59 acres and lying north of the intersection of Penny Road and OSSI Court (2410 Penny Road). The property is also known as Guilford County Tax Parcels 0170014 and 0207390.

#### 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. Lot Combination: All tax parcels comprising the rezoning site shall be combined into one lot prior to development and/or re-subdivision.

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.  
xx<sup>th</sup> day of September, 2015.

Lisa B. Vierling, City Clerk

# **Citizens Information Meeting Report Zoning Case 15-15**

Submitted by:  
Tom Mincher, Jr. on behalf  
of Winstead Properties, LLC

City of High Point Rezoning Case 15-15  
Winstead Properties, LLC  
Rezone & Annexation (CU-GO-H to CU-HB)  
2.13 acre on Penny Road behind Panera Bread

**Report**  
**Citizen Information Meeting**  
**Held August 3, 2015 @ 7:00 pm**

The meeting was held at the Charis Companies, 2783 NC Highway 68 South, Suite 114, High Point, NC, which is within approximately a mile of the site. There was a property owner in attendance, as follows:

Claire Wilson, DDS (She owns the property and practices in the dentist office which directly adjoins the Subject Property)

The handwritten sign-in sheet is attached as Exhibit A.

Also in attendance was Tom Mincher, Jr., representing Winstead Properties, LLC.

A notification letter dated and mailed July 23, 2015 was sent to 24 parties as supplied by the High Point Planning Department. The list of parties/addresses to which it was mailed is attached as Exhibit B. The notification letter is attached as Exhibit C, and included the required statement provided by the High Point Planning and Development Department attached as Exhibit D. There were no prior notices of planned attendance as requested in the notifications letter.

Being that there was only one attendee, the meeting was very informal. After introductions, it became evident that Dr. Wilson had attended for the purpose of becoming familiar with our plans for development and to gain comfort with how we would address issues such as landscaping, dumpster screening and stormwater runoff. I laid a 24" x 36" Sketch Plan by BWA dated 8/03/15, as attached as Exhibit E, on the conference table for us to review and we discussed these various issues and noted that this is a preliminary plan and subject to some changes. Additionally, we reviewed the aerial of the area, attached as Exhibit F. Furthermore, we discussed our interest in building a restaurant on the site and of the nature and type of restaurant. I described the restaurant and explained our long history of operating restaurants in the Carolina's and Virginia and for the fact that we have a history of holding our properties and reinvesting in those properties.

Using the topo shown on the Sketch Plan, I was able to describe how we would need to flatten the site for development and that the combination of the adjusted grade and landscaping would create good screening for Dr. Wilson's office. Additionally, I expressed to Dr. Wilson that we would be willing to place some larger shrubs, such as Neely Stevens Hollies, along sections of the adjoining property line as necessary to help screen her office. Later in discussions, Dr. Wilson indicated that it may be beneficial to have a certain amount of visibility to the Dentist Office from our site. We also discussed the practicality of working together to control stormwater. Dr. Wilson offered to share her development plans to assist us in our efforts.

During the conversations, Dr. Wilson poised a question about the possibility of our patrons using the Dentist Office parking lot. I explained how we actually had a dentist office located directly behind our Asheboro restaurant and how we had maintained a really good relationship by keeping the dentist office parking and landscaped areas picked up as needed. Also, we discussed the fact that the development should have enough parking on its lot to support the use and how the topographical differences between the sites would create a natural deterrent to cross-parking.

During the meeting, it became apparent that it would be mutually beneficial for us and Dr. Wilson to develop a good working relationship as neighbors. Our meeting was very successful in that it allowed Dr. Wilson and myself to become acquainted with each other, to address our concerns, and to establish a cooperative relationship.

I have supplied Dr. Wilson both my contact information and that of our civil engineering firm's contact information so that she may reach us as any addition questions may rise and for future communications.

Submitted by

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Tom Mincher, Jr.      08/04/2015

## **Penny Road Development Team**

### **Developer**

Tom Mincher, Jr.  
Winstead Properties  
PO 4111  
Greensboro, NC 27404  
(336) 272-9355 (office)  
(336) 908-5149 (mobile)  
[tmincher@brginc.com](mailto:tmincher@brginc.com)

### **Civil Engineer/Survey**

Gene Mustin  
Borum Wade & Associates  
621 Eugene Court, Suite 100  
Greensboro, NC 27401  
(336) 275-0471 x 105 (office)  
(336) 209-0293 (mobile)  
[genemustin@borum-wade.com](mailto:genemustin@borum-wade.com)

# Exhibit A

## Sign In Sheet

Name  
Claire Wilson, DDS

Contact  
336-8829985 - office  
" 688 4067 - cell  
Lynette Whitt  
dentist@clairewilsondds.com

Exhibit B

AMELIA CLAIRE WILSON LLC  
3907 BANOAK ST  
HIGH POINT NC 27265

ANDERSON, GREGORY ; ANDERSON, SHARON ;  
ANDERSON, CHRIS ; ANDERSON, SUSAN LESLIE  
PO BOX 109  
CAMDENTON MO 65020

CAMP, JERRY WAYNE ; CAMP, AUDREY G  
3007 COUNTY CLARE RD  
GREENSBORO NC 27407

CSC INVESTMENTS 05 LLC  
PO BOX 2791  
HIGH POINT NC 27261

DEEP RIVER POINTE OFFICE CENTER  
1017 CANTERING RD  
HIGH POINT NC 27262

DEEP RIVER TRIAD APT PORTFOLIO LLC  
300 N GREENE ST STE 1000  
GREENSBORO NC 27401

FHS HIGH POINT LP & HAROLD J FREEMON  
111 PINE ST 18TH FLOOR  
SAN FRANCISCO CA 94111

GRAYSON, EVERETTE M ; GRAYSON, PATRICIA W  
; BERNTHAL, THEODORE G ; BERNTHAL,  
GRETCHEN K  
214 SHADOW VALLEY RD  
HIGH POINT NC 27262

HAILEY, JOYCE T  
75 WHITE TAIL DR  
SEDONA AZ 86351

HAWKS, TIMMY WAYNE  
2801 LAKEHILL COURT  
HIGH POINT NC 27265

JENKINS, VANDER E  
4601 CRYSTAL LAKE DR  
GREENSBORO NC 27410

JORDAN, COLON H ; JORDAN, CAROL B  
2721 NC 68 SOUTH  
HIGH POINT NC 27265

JORDAN, OPAL E ; H H JORDAN TRUST ; ODOM,  
DANIEL R TR  
2725 NC 68 SOUTH  
HIGH POINT NC 27265

MENIUS, JAMES L DDS  
926 SAM CT  
COLFAX NC 27235

NCRP LLC  
2415 PENNY RD UNIT 202  
HIGH POINT NC 27265

PARRETT, JEFFREY O  
P O BOX 35564  
GREENSBORO NC 27425

PREMIER CENTER ASSOCIATES LLC  
PO BOX 1066  
LEXINGTON NC 27292

SALES CONSULTANTS OF HIGH POINT INC  
2411 PENNY RD STE 101  
HIGH POINT NC 27265

SOUTHERN COMMUNITY BANK&TRUST E LEROY  
BRIGGS SR ETAL ATTN GEORGE BURNS  
4605 COUNTRY CLUB RD STE 200  
WINSTON SALEM NC 27104

STANFIELD, CHARLES N ; WOOD, MELANIE A  
2802 WOODLEY CT  
JAMESTOWN NC 27282

TOLTEC PROPERTIES LLC  
1001 WINESAP DR  
KERNERSVILLE NC 27284

VIKING PROPERTIES LLC  
2411 PENNY RD STE 202  
HIGH POINT NC 27265

WILSON, A CLAIRE  
2420 PENNY RD  
HIGH POINT NC 27265

YANG NC REALTY LLC  
1 KREN DRIVE  
RINGOES NJ 85510

Exhibit C

**Winstead Properties  
PO Box 4111  
Greensboro, NC 27404**

July 27, 2015

Amelia Wilson

3907 Banoak Street

High Point, NC 27265

Dear Neighbor,

The purpose of this letter is to notify you of a citizen information meeting being held concerning the request for rezoning the 2.3 acre parcel on Penny Road behind Panera Bread. So that we can have a location that is convenient to the property, the meeting will be held at the offices of Charis Companies at 2783 NC Hwy 68 South, Suite 114, High Point on Monday, August 3, 2015 at 7:00 pm.

Winstead Properties has contracted to purchase this parcel and has applied to rezone it from CU-GO-H to CU-HB, and to annex a .24 acre portion of the property to the City of High Point. We intend to develop the property for retail/restaurant use. A preliminary site plan has been prepared, for study and illustrative purposes, and will be presented at this meeting. The plan calls for one building of approximately 10,000 square feet to be located on the site. The access to the property will be from Penny Road at the current drive that will be shared with Panera Bread. The CU-HB zoning is consistent with much of the zoning in the area.

At the citizens information meeting you will be able to learn more about our plans and approach to development. Our Company has developed many quality retail/restaurant developments over the past 35 years. We hope that we can demonstrate to your satisfaction that we will create a well-planned and attractive development on the property.

Enclosed is a required statement provided by the High Point Planning & Development Department outlining the purpose of the citizen's information meeting as part of the process to rezone the property.

If you have any questions, please feel free to contact me either ahead or after the meeting at my office (336) 271-2130, cell (336) 908-5149 or tmincher@brginc.com. It would be further appreciated if you would contact me to let me know if you plan to attend the meeting so that we can make sure that the meeting arrangements are appropriate. Thank you for your consideration to this matter.

Sincerely,

Thomas D. Mincher, Jr.





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**City of High Point  
Conditional Zoning District  
Citizen Information Meetings**

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

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

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

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

Administration  
336.883.3328

Planning Services  
336.883.3328

Development Services  
336.883.3328

Inspection Services  
336.883.3151

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

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

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

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

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

Contact:

Planning & Development Department  
336-883-3328  
[www.highpointnc.gov/plan/](http://www.highpointnc.gov/plan/)







**ZONING CASE 15-15**

