

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 16-07 (BSC Holdings)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** May 16, 2016

**Public Hearing:** Yes

**Advertising Date:** May 4 & 11, 2016

**Advertised By:** Planning & Development

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

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### PURPOSE:

A request by BSC Holdings to rezone an approximately 25.5-acres parcel from a Conditional Use Residential Single Family-9 (CU RS-9) District to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District and the Residential Single Family-9 (RS-9) District. The site is lying along the south side of Bame Road, approximately 1,900 feet west of Sandy Ridge Road (8711 Bame Road).

### BACKGROUND:

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

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. The Planning & Development Department recommended approval of this request as outlined in the staff report.
- B. The Planning & Zoning Commission recommended approval of Zoning Map Amendment 16-07 by a vote of 6-0.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **BSC Holdings**

### **Zoning Map Amendment 16-07**

At its April 26, 2016 public hearing, the Planning and Zoning Commission reviewed this request to rezone an approximate 25.5-acre parcel. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval as outlined in the staff report.

#### **Speaking in favor of the request:**

Speaking in favor of the request was the applicant, Mr. Barry Siegel, BSC Holdings, 3929 Tinsley Drive; Suite 104, High Point. Mr. Siegel provided an overview of his development proposal. He stated that the zoning conditions are the same as was approved on the site in 2007, but with the removal of the turn lane requirement at the intersection of Bame Road and Sandy Road. He is requesting this condition be removed since the proposed widening of the Johnson Street/Sandy Ridge Road corridor, from Skeet Club Road to I-40, includes improvements at the Bame Road/Sandy Ridge Road intersection. Mr. Siegel concluded his presentation by noting that he has reviewed this request with the Transportation Department and they had no objections since this road widening project is anticipated to commence construction around 2021.

#### **Speaking in opposition of the request:**

Speaking in opposition was Mr. Patrick Sterling, 941 Maple Creek Drive, Colfax. He was speaking on behalf of his mother, Ms. Kate Sterling, who lives next to the zoning site. Mr. Sterling expressed the following concerns:

- The turn lane needs to remain a requirement. The Sandy Ridge Road project shouldn't be a factor in the potential removal of that requirement;
- The developer should be required to widen Bame Road;
- The requirement of the Development Ordinance that a stub street be provided for residential developments with over 50 lots should not be required for this case; and
- The proposed subdivision will place too much of a burden on already overcrowded schools.

### **Planning & Zoning Commission Action**

Mr. Putnam noted that this site is already in the City and current zoning permits residential uses under the RS-9 District standards. The primary role of the Commission in this case is to determine whether the condition for the construction of a turn lane at the intersection of Bame Road and Sandy Road should be removed.

The Planning & Zoning Commission recommended approval of this request, as recommended by staff, by a vote of 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Map Amendment 16-07 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) The request is consistent with the Land Use Plan; 2) Development intensity, as permitted by the RS-9 District, it is consistent with the Northwest Area Plan and with previous zoning approvals adopted in this area; 3) Future transportation improvements associated with the Johnson Street/Sandy Ridge Road widening project will mitigate long term traffic impacts; and 4) The request to establish a CZ-RS-9 and RS-9 District is not a significant alteration of the previous zoning approval granted for this site.

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

**STAFF REPORT  
ZONING MAP AMENDMENT 16-07  
April 26, 2016**

<b>Request</b>	
<b>Applicant:</b> BSC Holdings	<b>Owner(s):</b> Scotty and Phyllis Landreth
<b>Zoning Proposal:</b> To amend existing residential zoning on an approximate 25.5-acre parcel.	<b>From: CU RS-9</b> Conditional Use Residential Single Family-9 District
	<b>To: CZ RS-9</b> Conditional Zoning Residential Single Family-9 District
	<b>RS-9</b> Residential Single Family-9 District

<b>Site Information</b>	
<b>Location:</b>	Lying along the south side of Bame Road, approximately 1,900 feet west of Sandy Ridge Road ( <i>8711 Bame Road</i> )
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcel 0216524
<b>Site Acreage:</b>	Approximately 25.5 acres
<b>Current Land Use:</b>	Undeveloped
<b>Physical Characteristics:</b>	The site has a moderate to severely sloping terrain, an intermittent stream runs along the southeastern boundary of the property and the steeper terrain of the site is in the vicinity of this stream. Additionally, there is a 50-foot wide Piedmont Natural Gas easement running along the northern and eastern boundaries of the site.
<b>Water and Sewer Proximity:</b>	A 16-inch City water line is lying approximately 520 feet to the east at the intersection of Bame Road and Adkins Road; and an 8-inch City sanitary sewer line runs across the southern portion of the site.
<b>General Drainage and Watershed:</b>	The site drains in a southwesterly direction and development is subject to the Oak Hollow Lake General Watershed Area (GWA) requirements. Engineered stormwater treatment measures are required for multi-family development with a total impervious surface area greater than 24% of the site, and for single family developments with a gross density of 2 units per acre or more.
<b>Overlay District(s):</b>	Oak Hollow Lake General Watershed Area (GWA) Airport Overlay – Zone 3

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	<b>RS-40</b>	Residential Single-Family-40 District ( <i>Guilford County</i> )	Single family dwellings
<b>South:</b>	<b>CU-PDR</b>	Conditional Use Planned Unit Development Residential District	Senior retirement community

<b>East:</b>	<b>AG</b> <b>CU RM-5</b>	Agricultural District ( <i>Guilford County</i> ) Conditional Use Residential Multifamily-5 District	Single family dwellings Saddlebrook townhome/twin home subdivision
<b>West:</b>	<b>AG</b>	Agricultural District ( <i>Guilford County</i> )	Single family dwelling

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement</b>	This request is neither in conflict, nor does it promote, the Community Growth Vision Statement goals and objectives.
<b>Land Use Plan Map Classification:</b>	The site has a Low-Density Residential land use classification. This classification is primarily intended to accommodate single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The following goal of the Land Use Plan is 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.
<b>Relevant Area Plan:</b> <i>Northwest Area Plan</i>	<b>Goal 1:</b> Protect the natural environment and its many features. <u>Obj. 1b:</u> Maintain a high level of water quality for aesthetic, environmental and economic reasons through measures like minimizing land disturbing activities and improved stormwater management techniques. <u>Obj. 1c:</u> Where possible, preserve mature trees, and provide for increased planting and replanting rates in new development with an emphasis on native plant materials. <u>Obj. 1d:</u> Stress the maintenance of open space during development planning, and provide for the linking of open space areas and environmentally sensitive lands through multi-use greenways, more primitive nature trails and natural wildlife corridors. <u>Obj. 3b:</u> Provide intra-and inter-development transportation connectivity via streets, sidewalks, greenways and less formal trails.
<b>Zoning History:</b>	The following zoning requests have been approved in this general area: <ul style="list-style-type: none"> <li>In 1998, the River Landing (aka Presbyterian Homes) Mixed Use Planned Unit Development (PUD) was annexed. This is a 158-acre mixed use retirement facility lying south of the current zoning site. During the past 15 years there have been five amendments to this zoning case that have expanded the land area and number of units of this development to its current configuration.</li> <li>In 2004, the Saddlebrook subdivision to the east of the current site was annexed and granted zoning approval. This is a 53-acre development with a CU RS-7 and CU RM-5 zoning consisting of detached single family homes, twin homes and town homes.</li> <li>In May 2007, the Cap Care Group, Inc. submitted a zoning application for this current 25.5-acre parcel to establish a CU RS-7 District on this property. This request was denied due to density concerns. Cap Care Group submitted an amended application for a CU RS-9 District and restricted development to a maximum of 80 units. This amended request was approved.</li> </ul>

	<ul style="list-style-type: none"> <li>In November 2016, a Special Use Permit request was approved allowing a 160-foot telecommunication tower on the eastern portion of this 25.5-acre parcel.</li> </ul>
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Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Bame Road		Minor Thoroughfare	508 ft.
Vehicular Access:	Bame Road (public street)			
Traffic Counts: <i>(Average Daily Trips)</i>	Bame Road		1,222 ADT (2015 City of High Point 12-Hour traffic count)	
Estimated Trip Generation:	No information			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Not applicable			

School District Comment					
Guilford County School System					
Local Schools:	Enrollment:		Maximum Design Capacity:	Mobile Classrooms:	Projected Additional Students:
	Fall 2014	Fall 2015			
Colfax Elementary	592	597	812	7	20 - 22
Southwest Middle	1,135	1,081	1,230	10	10 - 12
Southwest High	1,530	1,527	1,506	11	9 - 11
<u>School District Remarks:</u> Southwest High School is over built capacity.					

### Details of Proposal

The applicant has submitted this Zoning Map Amendment application to amend the previously adopted development conditions on this property. The 2007 zoning approval for this site requires the developer to construct a turn lane at the intersection of Bame Road and Sandy Road. BSC Holdings is proposing to purchase a portion of the property and desires to remove this transportation-related condition. Conditional Use (CU) zoning was replaced with Conditional Zoning (CZ) in 2011, and as of January 1, 2014, amendments to previous conditional use permits are no longer permitted. Previously adopted CU zonings are still valid; however, an amendment of a CU zoning requires the submittal of a new zoning application to establish a new CZ district. In regard to this request, the applicant is proposing to maintain a single family zoning on the site and is primarily seeking to amend a transportation condition.

The western 18.7 acres of the site (Tract A) is proposed to be rezoned to a CZ RS-9 District with those relevant conditions from the 2007 zoning approval being carried forward in this new application. BSC Holdings is proposing to purchase this portion of the site in order to develop a single family subdivision consisting of approximately 60 lots.

The property owner is proposing to retain ownership of the eastern 5.7 acres of the site (Tract B) where a 160-foot tall telecommunication tower is proposed for installation. A RS-9 District is

proposed for this portion of the site. The Tract B portion of this parcel has limited development opportunities due to its narrow configuration, the location of a 50-foot wide Piedmont Natural Gas line easement, and the requirement that no residential lots be established within 160 feet of the proposed telecommunication tower. The property owner is considering subdividing Tract B to create two lots; one for the tower and the second for a future single family dwelling.

### 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 request is consistent with the Low Density Residential land use classification and it is an orderly extension of the community. If the area is developed with sensitivity to the natural environment by minimizing land disturbing activities, preserving mature trees and open space corridors where possible, then it will be consistent with the Northwest Area Plan as well.

#### **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>
	<b><u>Staff Comments:</u></b> This application proposes to amend a transportation condition, but still maintain the underlying requirement that the site be developed to the RS-9 District standards, which was established on this property in 2007. This request does not change the initial findings used in 2007 to approve this request and as conditioned it will still be compatible with the surrounding area.
<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>
	<b><u>Staff Comments:</u></b> This application is proposing to delete the condition requiring the developer to construct a turn lane at the intersection of Bame Road and Sandy Ridge Road. A Transportation Improvement Project (TIP) has been approved and funded to widen the Johnson Street/Sandy Ridge Road corridor from Skeet Club Road to I-40. This project includes intersection improvements at the Bame Road/Sandy Ridge Road

	intersection. It is anticipated that construction of this project will start around 2021. With this project being funded with an upcoming construction date, the Transportation Department has no objection to the removal of the condition.
<b>Factor #3</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>
	<u>Staff Comments:</u> Development of the site is subject to City of High Point environmental regulations. The site is within the Oak Hollow Lake General Watershed Area and stormwater treatment measures are required for single family developments with a gross density of two units per acre or more. Also, there is an intermittent stream that runs along the southeastern boundary of the site. The Development Ordinance will limit disturbances near this stream corridor by requiring a 50-foot wide stream buffer to be established along both sides of the stream corridor.
<b>Factor #4</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>
	<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.
<b>Factor #5</b>	<b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.</b>
	<u>Staff Comments:</u> The request does not change uses approved for the site when annexed in 2007. Also, based on approval of the Special Use to allow a telecommunication tower, previous development intensity is expected to be less than the 80 lots previously envisioned for the site. Staff has found no evidence that allowances of the requested CZ RS-9 District and RS-9 District will adversely impact adjacent properties.

#### **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:**

There have been no significant changes in the area, in regard to new development, since the site was annexed in 2007. However, between 2009 and 2010 the City extended water and sewer line into this this northwestern portion of this City Planning Area, which will spur future development in this area.

#### **Development Patterns:**

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

#### **Staff Comments:**

The Land Use Map supports residential development, with a density of up to five units per acre, in this area. This application retains the RS-9 zoning standard on this site, which permits single family development with a maximum density of four units per acre. Thus, this request will be

consistent with the development pattern and intensity establish by the adopted Land Use Map for this area.

**Reasonableness/Public Interest:**

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

Staff Comments:

In this case, staff suggests that the approval of the applicant's request is reasonable and in the public interest because: 1) The request is consistent with the Land Use Plan; 2) Development intensity, as permitted by the RS-9 District, it is consistent with the Northwest Area Plan and with previous zoning approvals adopted in this area; 3) Future transportation improvements associated with the Johnson Street/Sandy Ridge Road widening project will mitigate long term traffic impacts; and 4) The request to establish a CZ-RS-9 and RS-9 District is not a significant alteration of the previous zoning approval granted for this site.

**Recommendation**

**Staff Recommends Approval**

The requested CZ RS-9 District and RS-9 District, as conditioned, will be compatible with the surrounding area and in conformance with adopted plans. Staff recommends approval of this request.

**Required Action**

**Planning and Zoning Commission:**

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

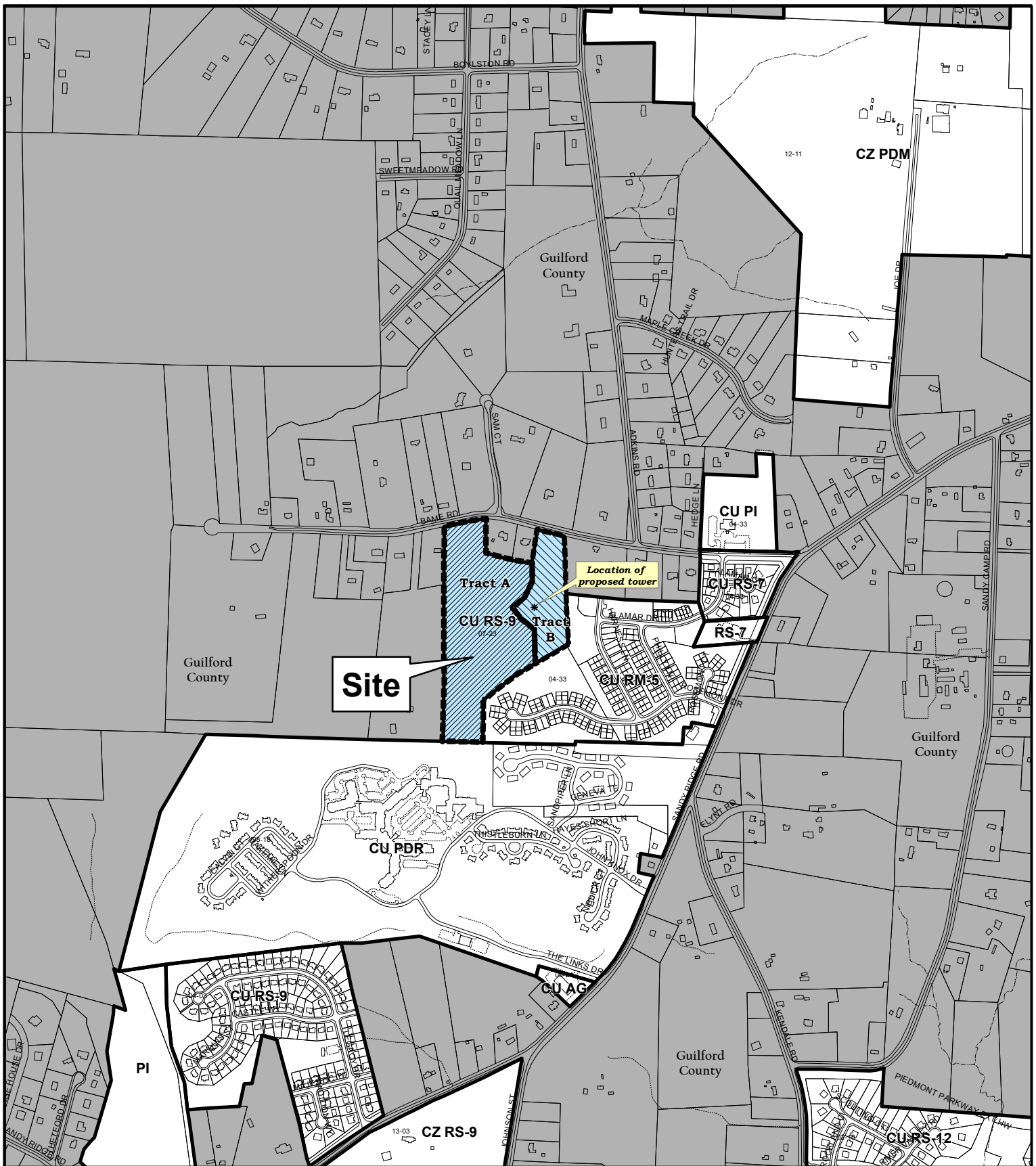
**City Council:**

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

**Report Preparation**

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





## ZONING MAP AMENDMENT ZA16-07

From: Conditional Use Residential Single Family-9  
 To: Tract A - Conditional Zoning Residential Single Family-9  
 Tract B - Residential Single Family-9

Existing Zoning Boundary  
 Subject Property Boundary



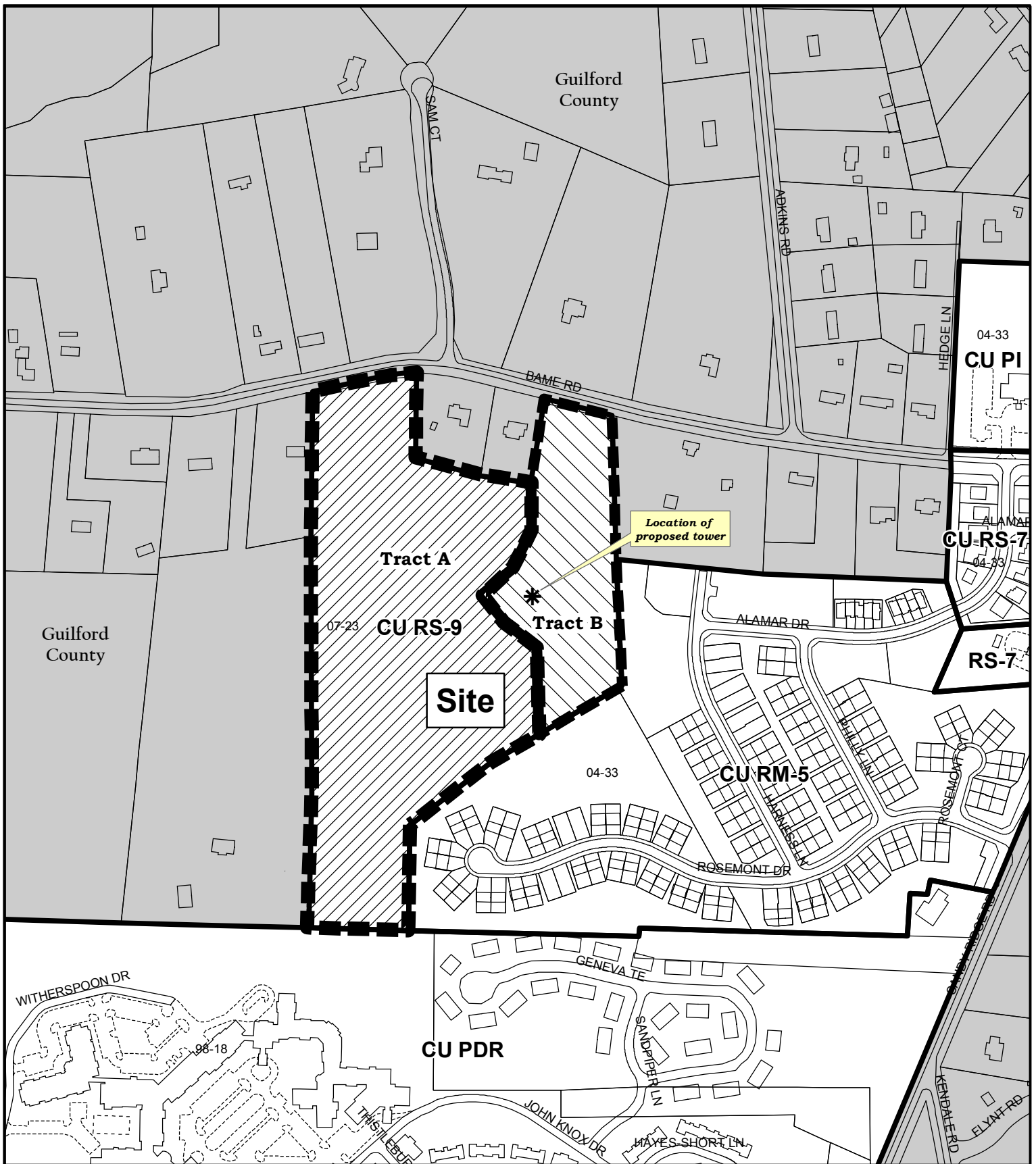
Planning & Development  
 Department

City of High Point

Date: April 26, 2016



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## ZONING MAP AMENDMENT ZA16-07

**From:** Conditional Use Residential Single Family-9  
**To:** Tract A - Conditional Zoning Residential Single Family-9  
 Tract B - Residential Single Family-9

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

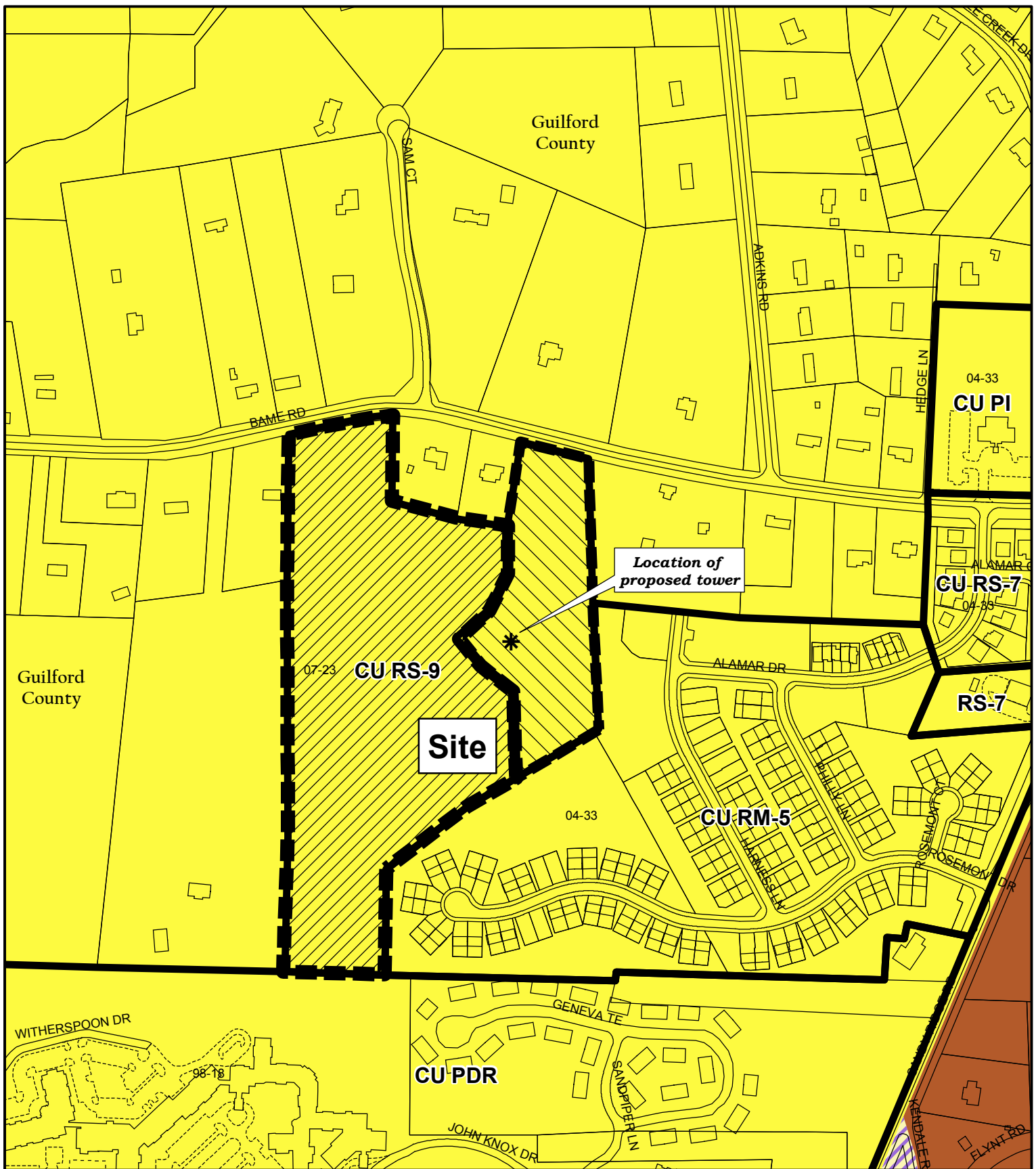
**Planning & Development  
 Department**

**City of High Point**

**Date: April 26, 2016**



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# ZONING MAP AMENDMENT ZA16-07

## Land Use Plan

- |  |                            |   |                       |
|--|----------------------------|---|-----------------------|
|  | Low-Density Residential    |  | Mixed Use Development |
|  | Medium-Density Residential |   |                       |

Planning & Development  
Department

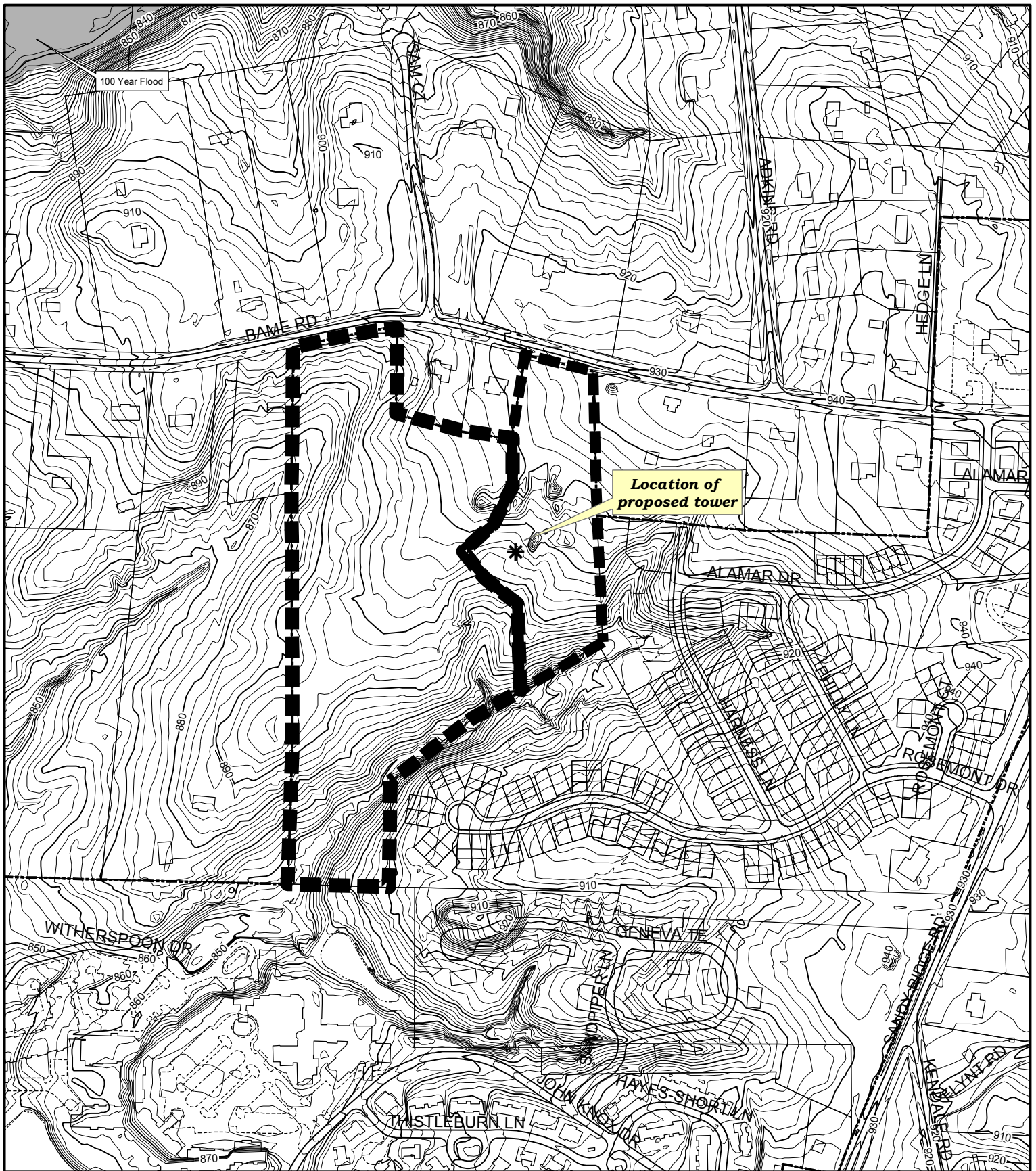
City of High Point

Date: April 26, 2016



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# ZONING MAP AMENDMENT ZA16-07

## Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: April 26, 2016



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# ZONING MAP AMENDMENT ZA16-07





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 April 26, 2016 and before the City Council of the City of High Point on May 16, 2016 regarding **Zoning Case 16-07** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on April 17, 2016, for the Planning and Zoning Commission public hearing and on May 4, 2016 and May 11, 2016, 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 \_\_\_\_\_.

**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 Residential Single Family-9 (CZ RS-9) District**. Approximately 18.7 acres lying along the south side of Bame Road, approximately 2,500 feet west of Sandy Ridge Road (*8711 Bame Road*). The property is also known as Guilford County Tax Parcel 0216524 (portion).

The site is more specifically described as follows:

BEGINNING at a corner in the new southern margin of the right-of-way of Bame Road (public right-of-way varies), said corner also lying in the eastern property line of Margaret C. Lambe (Deed Book 2660, Page 0139, Guilford County Registry); THENCE with said new southern margin of Bame Road the following two (2) courses and distances: 1) North 77 degrees 33 minutes 07 seconds East 148.17 feet to a point and 2) along a curve to the right with a radius of 738.00 feet having a chord bearing and distance of North 83 degrees 57 minutes 54 seconds East 164.87 feet to a point in the western property line of Dorothea H. and Floyd O. Murray (Deed Book 4955, Page 780); THENCE leaving said new southern margin of the right-of-way of Bame Road South 01 degree 38 minutes 48 seconds West 242.96 feet to Murray’s southwest property corner; THENCE with Murray’s southern property line South 73 degrees 20 minutes 34 seconds East 200.39 feet to Murray’s southeast property corner and southwest property corner of Gregory Charles and Diana W. Prochnow; THENCE with Prochnow’s southern property line South 80 degrees 03 minutes 58 seconds East 150.04 feet to a point being Prochnow’s southeast property corner; THENCE with new property lines the following six (6) courses and distances: 1) South 00 degrees 37 minutes 29 seconds West 150.33 feet to a point; 2) South 27 degrees 35 minutes 40 seconds West 124.24 feet to a point; 3) South 46

degrees 43 minutes 24 seconds West 122.40 feet to a point; 4) South 37 degrees 10 minutes 15 seconds East 103.21 feet to a point; 5) South 50 degrees 10 minutes 21 seconds East 125.92 feet to a point and 6) South 00 degrees 50 minutes 00 seconds East 264.18 feet to a point in the northern property line of Saddle Brook Flats HOA, Inc. (Deed Book 7373, Page 1409); THENCE with the northwestern property lines of said Saddle Brook Flats HOA, Inc. the following three (3) courses and distances: 1) South 59 degrees 34 minutes 21 seconds West 168.56 feet to a point; 2) South 52 degrees 28 minutes 51 seconds West 304.63 feet to a point and 3) South 01 degree 41 minutes 11 seconds West 311.65 feet to a point in the northern property line of Presbyterian Homes, Inc. (Deed Book 4738, Page 406); THENCE with said northern property line of Presbyterian Homes, Inc. South 89 degree 57 minutes 01 seconds West 298.53 feet to the southeast property corner of the Sterling Living Trust (Deed Book 7228, Page 571); THENCE with the eastern property line of said Sterling Living Trust North 01 degree 20 minutes 59 seconds East 1203.38 feet to a point, being the northeast property corner of said Sterling Living Trust and the southeast property corner of said Margaret C. Lambe; THENCE with said eastern property line of Margaret C. Lambe North 01 degree 22 minutes 40 seconds East 427.81 feet to the POINT and PLACE of BEGINNING, containing 18.719 acres more or less, being more particularly described as a portion of parcel 0216524, pin 7804057478 and new lot A of Plat Book 173, Page 61, High Point Township, Guilford County, High Point, North Carolina.

This legal description was compiled from recorded documents from the Guilford County Registry and its sole use is for rezoning purposes.

## 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 Residential Single Family-9 (RS-9) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the RS-9 District and the specific conditions listed in this ordinance.

### Part II. CONDITIONS:

A. Fencing, Wall, or Similar Barriers: In the event fencing, wall, or similar barriers are erected along the common areas or vicinity of the abutting the Bame Road right-of-way or the rear/side yards of lots within the vicinity of the Bame Road right-of-way, then a common fencing, wall or similar barrier plan shall be provided. This plan shall be provided prior to Preliminary Plat approval on the rezoning site.

B. Landscaping, Buffers and Screening.

A minimum twenty (20) foot wide street yard, planted at a Type C rate, shall be provided along the Bame Road frontage of the zoning site. This street yard shall be exclusive of any utility easements, except for perpendicular crossings

by utilities and roadways. In addition, this street yard shall be in common area and not part of lot area of and single family lot.

C. Transportation Conditions.

1. Right-of-way Dedication: The property owner shall dedicate a minimum of forty (42) feet of right-of-way along the Bame Road frontage of the zoning site, as measured from the existing centerline of Bame Road.
2. Access
  - a. The zoning site shall have one (1) point of access to Bame Road. No lot/dwelling unit shall take direct access (driveway access) onto Bame Road.
  - b. One (1) public street stub shall be installed to the western property boundary of the zoning site.
3. Improvements: The property owner shall improve Bame Road, from Adkins Road to the western property boundary, to minimum North Carolina Department of Transportation (NCDOT) standards.
4. The City of High Point Director of Transportation shall approve the exact location and design of all access points, turn lanes, and improvements. In addition, the City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

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.

\_\_\_\_<sup>th</sup> day of XXXXXXXXXX xx, 20XX.

Lisa B. Vierling, City Clerk



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 April 26, 2016 and before the City Council of the City of High Point on May 16, 2016 regarding **Zoning Case 16-07** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on April 17, 2016, for the Planning and Zoning Commission public hearing and on May 4, 2016 and May 11, 2016, 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 \_\_\_\_\_.

**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: **Residential Single Family-9 (RS-9) District**. Approximately 5.7 acres lying along the south side of Bame Road, approximately 1,900 feet west of Sandy Ridge Road (8711 *Bame Road*). The property is also known as Guilford County Tax Parcel 0216524 (portion).

The site is more specifically described as follows:

COMMENCING at a corner in the old southern margin of the right-of-way of Bame Road (public right-of-way varies), said corner also being the northwest property corner of Scotty M. and Phyllis B. Landreth (Deed Book 3502, Page 1844, Guilford County Registry); THENCE South 01 degrees 16 minutes 01 seconds East 12.60 feet to the true point of BEGINNING; THENCE with Landreth’s western property line South 01 degrees 16 minutes 01 seconds East 430.70 feet to Landreth’s southwest corner and northwest corner of Saddle Brook HOA, Inc. (Deed Book 7373, Page 1403); THENCE with the western property line of Saddle Brook HOA, Inc. and northern property line of Saddle Brook Flats HOA, Inc. (Deed Book 7373, Page 1409) the following two (2) courses and distances: South 01 degrees 16 minutes 01 seconds East 388.49 feet and 2) South 59 degrees 34 minutes 21 seconds West 285.39 feet to a new point in said northern line of Saddle Brook Flats HOA, Inc.; THENCE with new property lines the following six (6) courses and distances: 1) North 00 degrees 50 minutes 00 seconds West 264.18 feet to a point; 2) North 50 degrees 10 minutes 21 seconds West 125.92 feet to a point; 3) North 37 degrees 10 minutes 15 seconds West 103.21 feet to a point; 4) North 46 degrees 43 minutes

24 seconds East 122.40 feet to a point; 5) North 27 degrees 35 minutes 40 seconds East 124.24 feet to a point and 6) North 00 degrees 37 minutes 29 seconds East 150.33 feet to the southeast property corner of Gregory Charles and Diana W. Prochnow (Deed Book 5549, Page 2116); THENCE with said Prochnow's eastern property line North 09 degrees 57 minutes 52 seconds East 248.43 feet to a point, said point also being the new southern margin of the right-of-way of Bame Road; THENCE with said new southern margin of Bame Road along a curve to the right with a radius of 3,353.32 feet having a chord bearing and distance of South 75 degrees 18 minutes 50 seconds East 206.32 feet to the POINT and PLACE of BEGINNING, containing 5.735 acres more or less, being more particularly described as a portion of parcel 0216524, pin 7804057478 and new lot A of Plat Book 173, Page 61, High Point Township, Guilford County, High Point, North Carolina.

This legal description was compiled from recorded documents

## SECTION 2

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 3

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

## SECTION 4

This ordinance shall become effective upon the date of adoption.

\_\_\_\_<sup>th</sup> day of XXXXXXXXXX XX, 20XX.

Lisa B. Vierling, City Clerk

# Citizens Information Meeting Report

## Zoning Case ZA 16-07

Submitted by Barry Siegal

## Minutes for "Citizens Information Meeting" on the Rezoning of 18.7 Acres on Bame Road

A letter (see letter and mailing list attached) was sent to citizens who live within 300 feet of the property described below. The letter invited them to attend an informational meeting concerning the rezoning of this tract. The date and time set for this meeting was April 12, 2016 at 6PM at the office of Ed Price & Associates, Realtors.

On Tuesday evening, April 12, 2016, Bob Woodard, manager for Royal Homes of NC and Barry Siegal, Future developer of the 18.7 acres on Bame Road, met with eight (8) owners of property located within 300 feet of the proposed rezoning site. Carol Ferrell and Janet Brown with Ed Price & Associates were also in attendance. A register of the neighbors in attendance is attached.

Barry and Bob outlined the changes in the new rezoning proposal and discussed their plans for developing the property.

From the very beginning of the meeting the neighbors made it very clear that they were not receptive to any development on Bame Road. They expressed their anger toward River Landing and the Presbyterian Home for encroaching into their neighborhood and the City of High Point for annexing and rezoning the property. They believe that the City lied to them, misrepresented their intent for the area, and sent them down the river. A representative from River Landing was at the meeting and he was heckled at and spoken to in a very disrespectful manner. He left the meeting early as a result of the awful way he was treated.

The prospective Developer, Barry Siegal, tried to explain to the neighbors that the property was already rezoned RS-9 and that the only changes requested in the rezoning were a reflection of the subdivision of the property into two tracts, one ear marked for a single family development, Tract A, and the other that would remain under the current ownership which would have a cell tower which was previously approved by City Council. While most of the neighbors understood that, they expressed their position that no development should occur and that we were not welcomed into the neighborhood.

In our discussion, we shared with them the condition imposed by the City to stub a road to the western side of Tract A. They were opposed to the road stub and stated that it would not go anywhere because that property would never be developed. Some discussion occurred with regard to the location of the retention pond and we shared with them that the pond would be located on the property near the creek of the western side of Tract A. They asked about a buffer along the western side of the property adjoining one of their homes and we advised that a final plan had not yet been prepared but we expected that the lots would back up to the property line. They asked about the size of the lots, spacing between the homes and the value of the homes. It appeared that none of our answers, in which we tried to be clear and straightforward, were acceptable to them and that the only acceptable development was no development or very expensive homes \$500,000 plus on acre plus lots.

Most of the neighbors expressed their reservation about improvements to Bame Road and that this development would endanger their children, lead to crime and that the people buying these homes didn't deserve to live in their neighborhood.

Toward the end of the meeting we broached the subject of constructing a fence along the western property line in an effort to try to be a good neighbor in that regard. In some respect, this suggestion obtained some traction and we promise to send them a sketch plan that showed the lot development and agreed to meet with them again next Thursday, April 21, 2016.

The Developer and Builder answered all the questions of the neighbors. The neighbors left around 8pm. Most were still very bitter to us and angry with the City and distrustful of everyone outside their group.

# Register Citizen Information Meeting

Wayne Cadick — Cadick14@yahoo.com

Randall Spencer — rspencer@spdbenefits.com

Patrick Sterling — LoriSterling6@gmail.com

Key Sterling ksterling@triad.rr.com

Floyd Murray FMURRAY003@triad.rr.com  
8717 Bame Road - Colfax, NC 27235

Tina Webster twebster@presbyhomesinc.org  
2109 Sandy Ridge Rd - Colfax, NC 27235

Dear Neighbor,

We, Carol Ferrell and Janet Brown, are REALTORS with Ed Price & Associates. We represent Scotty and Phyllis Landreth, who own property near 8707 Bame Road in High Point, NC. As you may recall, on October 4, 2007, Scotty and Phyllis Landreth, and Dallas and Evelyn Ring rezoned and annexed into the City of High Point two tracts of land that they owned fronting Bame Road and which contained a total of approximately 25 acres. The property was rezoned from Agricultural to Residential Single Family (CU RS-7) District. This rezoning (Case 07-23) had several conditions which included a maximum of 80 dwelling units (single family homes) on the site, two driveway cuts on Bame Road, and the improvement of Bame Road from Adkins Road to the western boundary of the property.

In December 2015, Scotty and Phyllis Landreth requested a special use permit to allow a Telecommunications Tower on the property (which included the property they acquired from Dallas and Evelyn Ring). The permit (Permit 15-02) was approved by the City in January 2016.

Scotty and Phyllis Landreth are now in the process of subdividing their 25 acre tract and selling the western portion of the site (18.7 acres) to BSC Holdings, Inc. who along with their homebuilding company Royal Homes of North Carolina, are requesting a rezoning to permit construction of single family homes on the western tract. The Landreths would retain ownership of the eastern tract (6.8 acres) which has the (future) cell tower location. The rezoning would permit this tract to be subdivided to allow the Landreths the opportunity to build a home for their daughter.



Royal Homes of North Carolina is a very well respected home builder in the Triad Area. It is their intent to build homes in the \$225,000 to \$250,000 price range. Homes may range from 2,500 to 3,000 square feet. You can see the style and quality of their homes by visiting their website [www.Royalhomesofnc.com](http://www.Royalhomesofnc.com).

For your information, we are enclosing a copy of the Zoning Map Amendment ZA16-07 which shows the location of this 25 acre tract and proposed subdivision of it into the tract to be sold for development of single family homes to be constructed by Royal Homes of North Carolina (Tract A-CU RS-9). We are also enclosing a copy of the Conditional Use Application for the rezoning of this property. In essence, the zoning will remain the same as it was – that is Residential Single Family-9, but a few of the conditions have been modified slightly to reflect the subdivision of the property.

We invite you to meet with the developer, Barry Siegal, and the home builder, Bob Woodard to discuss their plans for this development. The meeting will be on Tuesday, April 12, 2016, at 6 PM at the offices of Ed Price and Associates located at 1220 N. Main Street, High Point, NC. Park in the back parking lot and come up the stairs to meet in the conference room.

We look forward to meeting you and showing you maps and plans and answering any questions you may have.

Respectfully,

  
  
Carol Ferrell

Janet Brown



2015-2 IH2 BORROWER LP  
901 MAIN ST STE 4700  
DALLAS TX 75202

AUMICK, CORA A  
2103 ROSEMONT DR  
COLFAX NC 27235

BIRMINGHAM, ANN M  
2107 ROSEMONT DR  
COLFAX NC 27235

BOWDEN, RUBY W  
8728 BAME RD  
COLFAX NC 27235

BRUCE O ESSICK AND CAROL H ESSICK  
REVOCABLE LIVING TRUST ; ESSICK,  
BRUCE O TRUSTEE ; ESSICK, CAROL H  
TRUSTEE  
932 SAM CT  
COLFAX NC 27235

CADICK, DENBY WAYNE ; CADICK, BETTY  
W  
2104 ROSEMONT DR  
COLFAX NC 27235

COMER, BETTY M  
8733 BAME RD  
COLFAX NC 27235

DUKE, ANNIE U  
2105 ROSEMONT DR  
COLFAX NC 27235

DYKES, IRIS W TR ; IRIS W DYKES  
REVOCABLE EDUCATIONAL TRUST  
2400 W GARY ST  
BROKEN ARROW OK 74012

EVERETT, BARBARA S ; EVERETT,  
WILBERT SPENCER  
2115 ROSEMONT DR  
COLFAX NC 27235

FRIES, LINDA L  
2111 ROSEMONT DR  
COLFAX NC 27235

GRIFFIN, HUGH A ; GRIFFIN, NANCY W  
PO BOX 460  
COLFAX NC 27235

HODGE, JOSEPH W ; HODGE, MARY R  
2117 ROSEMONT DR  
COLFAX NC 27235

HUGHES, DAVID C ; HUGHES, ANGELINE M  
5023 HARNESS LN  
COLFAX NC 27235

JOHNSON, SAMUEL JEROME ; JOHNSON,  
MARY Q  
8712 BAME RD  
COLFAX NC 27235

JONES, FORREST RANDALL ; JONES,  
APRIL R  
2101 ROSEMONT DR  
COLFAX NC 27235

LAMBE, MARGARET C  
8729 BAME RD  
COLFAX NC 27235

LANDRETH, PHYLLIS B ; LANDRETH,  
SCOTTY M  
940 GALLIMORE DAIRY ROAD  
HIGH POINT NC 27265

LUCHS, LYNN B  
2113 ROSEMONT DR  
COLFAX NC 27235

MURRAY, FLOYD O ; MURRAY, DOROTHA H  
8717 BAME RD  
COLFAX NC 27235

PRESBYTERIAN HOMES INC  
2109 SANDY RIDGE RD  
COLFAX NC 27235

PROCHNOW, GREGORY CHARLES ;  
PROCHNOW, DIANA W  
8715 BAME RD  
COLFAX NC 27235

RACZ FAMILY TRUST ; RACZ, NIKOLAUS  
TRUSTEE ; TACZ, ERZSBET TRUSTEE  
8736 BAME RD  
COLFAX NC 27235

REO FUNDING SOLUTIONS III LLC  
1170 PEACHTREE ST NE STE 2365  
ATLANTA GA 30301

RICH, AMY  
8706 BAME RD  
COLFAX NC 27235

RIPP, HENRY ; RIPP, MAUREEN P  
19263 SABAL LAKE DR  
BOCA RATON FL 33434

RUMSEY, MELBA JEAN B ; BRYANT, JAMES  
C  
8730 BAME ROAD  
COLFAX NC 27235

SADDLE BROOK FLATS HOA INC  
221 JONESTOWN RD  
WINSTON SALEM NC 27104

SADDLE BROOK HOA INC  
200 W 2ND ST  
WINSTON SALEM NC 27101

SCARBORO, HELEN S ; SCARBORO, RUFUS  
B  
2108 ROSEMONT DR  
COLFAX NC 27235

SHORT, RICK J ; SHORT, PAULA M  
5021 HARNESS LN  
COLFAX NC 27235

SHUGART ENTERPRISES LLC  
221 JONESTOWN RD  
WINSTON-SALEM NC 27104

SPENCE, CAROLYN MCGEE  
2106 ROSEMONT DR  
COLFAX NC 27235

SPENCER, RANDALL W ; SPENCER, DIANE  
B  
2102 ROSEMONT DR  
COLFAX NC 27235

STERLING LIVING TRUST ; STERLING,  
JOHN KENNETH TRUSTEE ; STERLING,  
KAY H TRUSTEE  
8731 BAME RD  
COLFAX NC 27235

TODD, LINDA H ; TODD, STUART A  
5024 HARNESS LN  
COLFAX NC 27235

VANCE, E C ; VANCE, DEBORAH M  
2109 ROSEMONT DR  
COLFAX NC 27235

WARWICK, ALVIN M JR ; WARWICK, CYNDI  
H  
2121 ROSEMONT DR  
COLFAX NC 27235