

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 16-30  
(JRE Real Estate, LLC)

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

**Meeting Date:** March 20, 2017

**Public Hearing:** Yes

**Advertising Date:** March 8 & 15, 2017

**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 JRE Real Estate, LLC to rezone approximately 35.2 acres from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Light Industrial (CZ-LI) District. The site is lying along the north side of Gallimore Dairy Road, between Millwood School Road and Pegg 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. Staff recommended *approval* of this request, as outlined in the attached staff report.
- B. On February 28, 2017, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 16-30. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 7-0, as outlined in the staff report and recommended by staff.

## PLANNING AND ZONING COMMISSION RECOMMENDATION

### JRE Real Estate, LLC

### Zoning Map Amendment 16-30

At its February 28, 2017 public hearing, the Planning and Zoning Commission reviewed a request to rezone approximately 35.2 acres to a Conditional Zoning Light Industrial (CZ-LI) District under the former 1992 Development Ordinance, which expired on December 31, 2016. All members of the Commission were present except for Mr. Keith McInnis and Ms. Marie Stone. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

#### Speaking in favor of the request:

Speaking in favor were the applicant's attorney Mr. Tom Terrell, 529 West Parkway Avenue, High Point, N.C. and the applicant, Mr. Mark Romer, President of James River Equipment, 5510 Riverside Drive, Richmond, VA.

These speakers provided an overview of the proposed development in which James River Equipment company is proposing to develop a 50,000-square-foot John Deere sales center, specializing in construction and farm equipment. They noted that James River Equipment Company is one of the largest agricultural and construction equipment companies in the Carolinas and Virginia. Mr. Terrell explained that the zoning site is in a transitional area where former farm lands are being converted to industrial and corporate park uses and highlighted an excerpt from the staff report noting that with the exception of the amount of outdoor storage, the applicant's request is the same as numerous other zoning approvals granted in this area by City Council under the 1992 Development Ordinance. Thus, the proposal is in line with other previously approved rezoning's in the area.

#### Speaking in opposition of the request:

No one spoke in opposition to this request.

### Planning & Zoning Commission Action

The Planning & Zoning Commission recommended approval of this request, as recommended by staff, by a vote of 7-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Map Amendment 16-30 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, as conditions offered restrict development to CP District standards;
- 2) The applicant has offered conditions to mitigate transportation-related impacts resulting from the proposed development;
- 3) Development standards of the CP District pertaining to the location of loading areas, and prohibiting certain outdoor activity will ensure development will be compatible with the character of the surrounding development; and
- 4) Standards of the CP District along with conditions offered by the applicant pertaining to the location and amount of outdoor display area and outdoor storage areas will assist in ensuring development will be compatible with adjacent uses.

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

**STAFF REPORT  
ZONING MAP AMENDMENT 16-30**

**March 9, 2017**

*Revised*

<b>Request</b>	
<b>Applicant:</b> JRE Real Estate, LLC	<b>Owner:</b> The R&J Hudson Family Limited Partnership and the Pleasant Farm Family Limited Partnership and Stella Pleasant
<b>Zoning Proposal:</b> To annex and apply initial City zoning to a 35.2-acre parcel.	<b>From: AG</b> Agricultural District ( <i>Guilford County</i> )
	<b>To: CZ-LI</b> Conditional Zoning Light Industrial District

<b>Site Information</b>	
<b>Location:</b>	Lying along the north side of Gallimore Dairy Road, between Millwood School Road and Pegg Road.
<b>Tax Parcel Number:</b>	Guilford County Tax Parcel 0169749 (northern portion of this parcel)
<b>Site Acreage:</b>	Approximately 35.2 acres
<b>Current Land Use:</b>	Undeveloped
<b>Physical Characteristics:</b>	The property has a moderate to severely sloping terrain and is heavily wooded. An intermittent stream, running in a north to south direction with associated wetland areas, bisects the eastern portion of the site. There is also a non-classified stream, running in a north to south direction, bisecting the western portion of the site. Finally, a 30-foot wide Duke Power easement bisects the western portion of the property.
<b>Water and Sewer Proximity:</b>	A 16-inch and 12-inch City water line lies adjacent to the site along Gallimore Dairy Road and Pegg Road, respectively. An 8-inch City sewer line is located within Gallimore Dairy Road, approximately 600 feet west of Pegg Road.
<b>General Drainage and Watershed:</b>	The site drains in a southerly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Engineered stormwater treatment measures are required for development with a total impervious surface area greater than 24% of the site.
<b>Overlay Districts:</b>	City Lake General Watershed Area and Airport Overlay (Zone 2)

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	<b>LI</b> <b>AG</b> <b>RS-40</b>	Light Industrial District ( <i>Greensboro</i> ) Agricultural District ( <i>Greensboro</i> ) Residential Single Family-40 District ( <i>Greensboro</i> )	Single family dwellings and industrial use
<b>South:</b>	<b>AG</b>	Agricultural District ( <i>Guilford County</i> )	Undeveloped
<b>East</b>	<b>CU-LI</b>	Conditional Use Light Industrial District ( <i>Greensboro</i> )	Industrial/wholesale distribution use
<b>West:</b>	<b>AG</b>	Agricultural District	Undeveloped

<b>Relevant Land Use Policies and Related Zoning 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 Map Classification:</b>	The site has a Restricted Industrial land use designation. This classification is intended to accommodate office, warehouse, research & development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The following goal of the Land Use Plan is relevant to this request: Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the City and its planning area.
<b>Relevant Area Plan:</b>	None
<b>Zoning History:</b>	Since the late-1980s there have been approximately 18 zoning applications approved for parcels lying along Gallimore Dairy Road northward to I-40. These approvals were for Conditional Use Corporate Park (CU-CP), Light Industrial (LI), Conditional Use Light Industrial (CU-LI), Conditional Zoning Light Industrial (CZ-LI) and Conditional Zoning Employment Center (CZ-EC) Districts.

<b>Transportation Information</b>				
<b>Adjacent Streets:</b>	<b>Name</b>		<b>Classification</b>	<b>Approx. Frontage</b>
	Gallimore Dairy Road		Minor Thoroughfare	1,850 feet
	Pegg Road		Local	800 feet
	Millwood School Road		Local	850 feet
<b>Vehicular Access:</b>	Access is proposed from Pegg Road, Gallimore Dairy Road, and Millwood School Road.			
<b>Traffic Counts:</b> <i>(Average Daily Trips)</i>	Gallimore Dairy Road	4,700 AADT (NCDOT 2015 Traffic Count)		
	Pegg Road	2,200 AADT (NCDOT 2015 Traffic Count)		
	Millwood School Road	None available		
<b>Estimated Trip Generation:</b>	None			
<b>Traffic Impact Analysis (TIA):</b>	<b>Required</b>		<b>TIA Comment</b>	
	<u>Yes</u>	<u>No</u> X	TIA may be required with any additional development. See comments below.	
<b>Pedestrian Access:</b>	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			
<b>Comments:</b>	<ul style="list-style-type: none"> <li>• <u>Right-of-way Dedication:</u> The property owner shall dedicate sixty (60) feet of right-of-way as measured from the existing centerline of Gallimore Dairy Road.</li> <li>• <u>Access:</u> The zoning site shall have no more than two points of access to Gallimore Dairy Road, one on the east side and the other on the west side of the stream that bisects the site. The access west of the stream shall not be allowed unless the site is further developed to construct buildings to the west of the stream. One point of access shall be allowed to Pegg Road and two points of access shall be allowed to Millwood School Road.</li> </ul>			

	<ul style="list-style-type: none"><li>• <b>Improvements:</b> The property owner shall construct right and left turn lanes, with appropriate storage and tapers, at the eastern-most Gallimore Dairy Road access into the rezoning site. If the western portion of the site is developed and a second access is constructed, its location and design shall be subject to the approval of the City of High Point Transportation Department.</li><li>• <b>Other Transportation Conditions:</b> Any development or redevelopment of the zoning site that generates over 150 vehicular trips in the peak hour (total for the entire site) shall require the submittal of a TIA for review and approval by the City of High Point Transportation Department. Any improvement noted from this TIA shall be required to be installed in conjunction with said development or redevelopment.</li><li>• The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements.</li></ul>
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**School District Comment**

Not applicable to this zoning case.

**Details of Proposal**

The applicant has submitted applications to annex and establish initial City zoning for an approximate 35.2-acre parcel, in the northern portion of the City’s planning area, along Gallimore Dairy Road. A complete Zoning Map Amendment application was submitted in December 2016, prior to the January 1, 2017 implementation of the new Development Ordinance. The applicant has requested rezoning to the Conditional Zoning Light Industrial (CZ-LI) District and has elected to use the zoning district uses and standards of the former Development Ordinance. Thus, declining use of the new Development Ordinance, specifically Chapter 3 “Zoning Districts”, Chapter 4 “Uses”, and Chapter 5 “Development Standards”. However, this provision for use of the former ordinance is time sensitive, and requires the developer to obtain site plan approval by December 31, 2017 or development and allowable land uses will be under the standards of the new Development Ordinance.

The applicant proposes to establish a “Wholesale Equipment” use on the site consisting of the selling, rental and repair of construction, agricultural, and turf equipment. This equipment includes, bulldozers, excavators, combines, tractors, lawn mowers and gator utility vehicles. Initial plans call for the construction of an approximately 50,000 square foot building with approximately half of the structure used for office and parts sales, and the remaining half as a repair facility. Due to the nature and size of the equipment associated with this use, there will be outdoor display areas where sales products will be situated for viewing and purchase by customers, and an outdoor storage area for equipment dropped off for repair and service.

In conjunction with this request, the applicant has submitted a Conditional Zoning Ordinance in which they have offered the following conditions pertaining to the use and development of the property that:

- Prohibit certain industrial and retail uses;
- Require the development of the property to be subject to the development and dimensional standards of the Corporate Park (CP) District, except for maximum building coverage and outdoor storage where LI District standards shall apply;

- Establish building design standards to prevent the construction of large blank facades.
- Provide for the installation of higher landscaping and screening along the Millwood School Road frontage of the site and restrict the location and amount of outdoor display area along the Gallimore Dairy Road frontage; and
- Limit the number of access points and require roadway improvements (left and right turn lanes) at the Gallimore Dairy Road access point.

**Staff Analysis**

There have been multiple annexations and zoning applications approved in this portion of the City’s Planning Area to allow the development of corporate offices, warehouse and distribution uses as envisioned by the area’s Restricted Industrial Land Use Map classification. Some of these zoning approvals were to the CP District, which is the primary zoning district used to carry out the objectives of the Restricted Industrial designated areas of the City under the former Development Ordinance. However, due to limitations on building coverage, most of the zoning applications that were adopted consisted of CU-LI and CZ-LI Districts, which allow a higher building coverage percentage, but are conditioned to require all other development standards of the CP District to be met. Additionally, the City Council has through various zoning approvals, established policy to prohibit certain LI District retail and industrial uses in this portion of the City’s Planning Area. Hence, this application mirrors previous zoning approvals granted by City Council for this area under the former development ordinance. One deviation from these past approvals is that the amount of outdoor storage area proposed exceeds limits previously considered in this area.

Section 2.4.5.(C) of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. Based on the applicant’s submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

**Consistency with Adopted Policy Guidance:**  
**Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City’s adopted policy guidance;**

*Staff Comments:*  
The request is consistent with the Land Use Plan because the conditions restrict the development to CP District standards, which are consistent with the Restricted Industrial land use classification.

**Review Factors:**  
**Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:**

<b><u>Factor #1</u></b>	<b>Result in a development that is compatible with surrounding development character and land uses;</b>
	<i>Staff Comments:</i> ❖ Development standards of the CP District, which includes prohibiting loading areas from facing public streets and prohibiting outside manufacturing/processing or assembly, will ensure development will be compatible with surrounding land uses.

	<ul style="list-style-type: none"> <li>❖ The applicant has offered conditions pertaining to prohibited uses and building design standards that have taken into account established land use policy from City Council's previous zoning actions in this area.</li> </ul>
<b><u>Factor #2</u></b>	<p><b>Minimize or effectively mitigates any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;</b></p> <p><i>Staff Comments:</i> The applicant has offered conditions for right-of-way dedication and road improvements to facilitate the movement of vehicles and trucks to the site. These conditions will mitigate impact for the proposed development of the property</p>
<b><u>Factor #3</u></b>	<p><b>Minimize or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;</b></p> <p><i>Staff Comments:</i> The site is within the City Lake General Watershed Area, and as such, development is required to meet the watershed and stream buffer standards of the Development Ordinance.</p>
<b><u>Factor #4</u></b>	<p><b>Minimize 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> <p><i>Staff Comments:</i> The site is within an area currently served by City of High Point utilities and municipal services. The zoning submittal has no known adverse impacts on municipal services.</p>
<b><u>Factor #5</u></b>	<p><b>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</b></p> <p><i>Staff Comments:</i></p> <ul style="list-style-type: none"> <li>❖ This application is similar to other zoning requests granted in this portion of the City's planning area. Conditions offered by the applicant for development to meet CP District standards, limiting the number of vehicular access point, and road improvements will assist in mitigating impact on adjacent lands.</li> <li>❖ Except along a portion of its northern boundary, the site is surrounded by industrial uses or undeveloped parcels. Where the site abuts existing residential uses to the north, the development ordinance requires the installation of a Type A planting yard to mitigate impacts. This planting yard requires an average minimum width of 50 feet with the installation of 14 trees and 33 shrubs every 100 linear feet.</li> </ul>

**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:*

During the past 25 years several industrial developments, consistent with goals and objectives of the Restricted Industrial Land Use classification, have been developed in this area.

**Development Patterns:**

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

**Staff Comments:**

- ❖ The implementation of the new Development Ordinance sets a clear demarcation line between permitted uses and development standards of the former and new development ordinance. Future applicants desiring to seek a zoning map amendment (rezoning) in this portion of the City's planning area will be encouraged to seek an Employment Center (EC) District zoning, under the new development ordinance, which was designed for land classified as Restricted Industrial. The EC District should reduce the number of zoning conditions attached to a rezoning.
  
- ❖ Except for the amount of outdoor storage, the applicant's request is the same as numerous other zoning approvals granted in this area by City Council under the 1992 Development Ordinance. The following zoning standards, along with the unique locational and physical characteristics of the site, will assist in screening their outdoor storage area to ensure that visually the desired development pattern for this area is being met.
  - The property abuts public streets on three sides and the outdoor storage area must be located behind the principle building and away from the Gallimore Dairy Road frontage.
  - An intermittent stream bisects the site and a minimum 100-foot-wide stream buffer (50 feet on both sides of the stream) is required to be preserved. Based on a concept plan envisioned by the applicant, the western limits of the outdoor storage area will be next to this stream buffer. This physical land feature, along with environmental standards of the development ordinance that limit land disturbance in stream buffers, will help screen and lock-down the western limits of the outdoor storage area.
  - Based on a concept plan envisioned by the applicant, the eastern limit of the outdoor storage area is adjacent to Millwood School Road. The applicant has offered to install a higher rate landscaping yard, with an opaque fence behind the plant materials, to screen that portion of the site along this road frontage. Additionally, the northeastern portion of the site, where the outdoor storage area is envisioned to be located, will be further screened by a 150,000 square foot wholesale distribution building on the adjacent parcel across Millwood School Road.

**Reasonableness/Public Interest:**

**Whether an approval of the conditional zoning is 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, as conditions offered restrict development to CP District standards;
- 2) The applicant has offered conditions to mitigate transportation-related impacts resulting from the proposed development;
- 3) Development standards of the CP District pertaining to the location of loading areas, and prohibiting certain outdoor activity will ensure development will be compatible with the character of the surrounding development; and
- 4) Standards of the CP District along with conditions offered by the applicant pertaining to the location and amount of outdoor display area and outdoor storage areas will assist in ensuring development will be compatible with adjacent uses.

### **Recommendation**

#### **Staff Recommends Approval:**

The Planning & Development Department recommends approval of the request to rezone this 35.2-acre parcel to the CZ-LI District. As conditioned, the requested CZ-LI District will be compatible with the surrounding area and in conformance with adopted zoning approvals established under the 1992 Development Ordinance.

### **Required Action**

#### **Planning and Zoning Commission:**

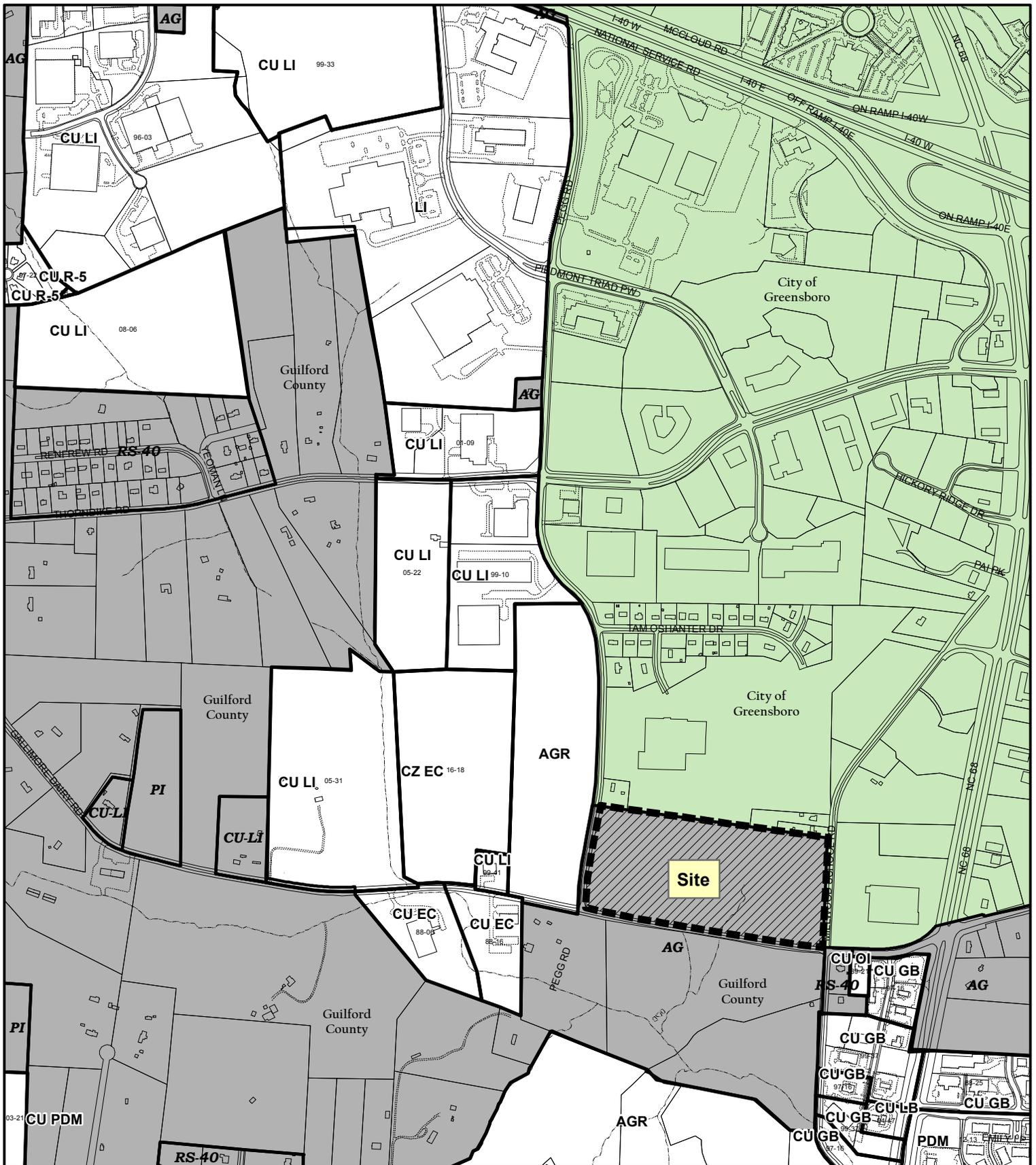
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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



**ZONING MAP AMENDMENT ZA-16-30**

**From: Agricultural (Guilford County)  
To: Conditional Zoning Light Industrial**

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

**Planning & Development  
Department**

**City of High Point**

**Date: February 28, 2017**



**Scale: 1"=1,000'**

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**ZONING MAP AMENDMENT ZA-16-30**

**Topography**

**Subject Property Boundary** - - - - -

**Planning & Development  
Department**

**City of High Point**

**Date: February 28, 2017**



**Scale: 1"=1,000'**

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# ZONING MAP AMENDMENT ZA-16-30



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 May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on February 28, 2017 and before the City Council of the City of High Point on March 20, 2017 regarding **Zoning Map Amendment Case 16-30 (ZA-16-30)** 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 February 19, 2017, for the Planning and Zoning Commission public hearing and on March 8, 2017 and March 15, 2017, 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 Light Industrial (CZ-LI) District**. The property is approximately 35.24 acres and lying along the north side of Gallimore Dairy Road, between Millwood School Road and Pegg Road. The property is also known as Guilford County Tax Parcel 0169749 (portion).

**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 Light Industrial (LI) District shall be permitted subject to the specific conditions listed in this permit, with the following exceptions:

- A. Trucking or Freight Terminals shall be prohibited.
- B. The following retail uses shall be prohibited:
  1. Bars
  2. Bars (capacity > 100 persons)

3. Boat Sales
4. Bulky Item Outdoor Sales
5. Convenience Stores (with gasoline pumps)
6. Convenience Stores (without gasoline pumps)
7. Dinner Theaters
8. Fabric or Piece Goods Stores
9. Floor Covering, Drapery or Upholstery
10. Fuel Oil Sales
11. Home Furnishings, Miscellaneous
12. Manufactured Home Sales
13. Motor Vehicle Sales (new and used)
14. Motorcycle Sales
15. Paint and Wallpaper Sales
16. Recreational Vehicle Sales
17. Restaurants (serving mixed alcoholic beverages)
18. Service Stations, Gasoline
19. Tire Sales
20. Truck Stops

C. Self-storage warehouses shall be prohibited.

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Development shall be subject to the development and dimensional requirements of the Corporate Park (CP) District of the Development Ordinance, except as follows:
  - a. The maximum permitted building coverage shall be 60 percent throughout the entire rezoning site as allowed in the Light Industrial (LI) District; and
  - b. The maximum permitted outdoor storage on the zoning site shall not cover an area exceeding 4.4 acres.
2. Design Standards: Any building facade that fronts along Gallimore Dairy Road or Pegg Road shall include architectural design features so as to prevent the appearance of large blank facades or large sections of a blank building wall. Therefore, such building façades shall incorporate architectural features such as (but not limited to) windows, arches, awnings, columns or similar architectural features so that no portion of such a façade extends a horizontal distance of more than 50 feet without such a feature.

B. Landscaping, Buffers and Screening.

1. Along Millwood School Road: A minimum 15-foot-wide Type C Planting Yard and a minimum six-foot tall opaque fence shall be installed along that portion of the Millwood School Road frontage of the site where outdoor storage or repair activity are proposed. The opaque fence shall be located behind the Type C Planting yard.

2. Gallimore Dairy Road: The zoning site shall be limited to one outdoor display area at the corner of Gallimore Dairy Road and Millwood School Road and a second outdoor display area, not to exceed one acre in size, located west of the stream that bisects the site. Except for the two outdoor display areas just described, all outdoor display areas shall be screened from public streets. Said screening shall include the installation of landscaping at a Type C Planting Rate (2 canopy trees, 3 understory trees and 17 shrubs every 100 linear feet) and an opaque fence behind this planting area. Such screening shall be designed to filter views from Gallimore Dairy Road but is not intended or required to create 100% visual screening.

C. Transportation Conditions.

1. Right-of-way Dedication: The property owner shall dedicate sixty (60) feet of right-of-way as measured from the existing centerline of Gallimore Dairy Road.
2. Access: The zoning site shall have no more than two points of access to Gallimore Dairy Road, one on the east side and the other on the west side of the stream that bisects the site. The access west of the stream shall not be allowed unless the site is further developed to construct buildings to the west of the stream. One point of access shall be allowed to Pegg Road and two points of access shall be allowed to Millwood School Road.
3. Improvements: The property owner shall construct right and left turn lanes, with appropriate storage and tapers, at the eastern-most Gallimore Dairy Road access into the rezoning site. If the western portion of the site is developed and a second access is constructed, its location and design shall be subject to the approval of the City of High Point Transportation Department.
4. Other Transportation Conditions  
Any development or redevelopment of the zoning site that generates over 150 vehicular trips in the peak hour (total for the entire site) shall require the submittal of a TIA for review and approval by the City of High Point Transportation Department. Any improvement noted from this TIA shall be required to be installed in conjunction with said development or redevelopment.
5. The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points 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 March, 2017.

Lisa B. Vierling, City Clerk

**Citizens Information Meeting Report  
Zoning Map Amendment 16-30**

Submitted by: Mr. Thomas E. Terrell, Jr. on  
behalf of JRE Real Estate, LLC

## Citizens' Communication Report

**JRE Real Estate, LLC  
ZA 16-30**

**Submitted by  
Thomas E. Terrell, Jr.  
Updated through February 9, 2017**

1. No Meeting Considered Necessary

The subject property lies just west of Highway 68 and directly behind the NAPA store that has Highway 68 frontage. Most of the residential and agricultural property in the area is already for sale or has been sold, and the area has been designated on the city's Land Use Map and Northwest Area Plan for uses that are neither residential nor agricultural. Only 11 neighbors lie within the notification area. Consequently, experience suggests that an informational letter offering one-on-one communications, rather than a meeting that no one likely would attend, is a more reasonable way to inform citizens of the proposed change.

2. Letter

The letter attached as Exhibit A (with map in color on original) was sent to all neighbors surrounding the site. The letter included copy of the official citizens' information statement.

The letter provided ample direct, personal contact information for any person to use if they had questions. The applicant or its representatives stand ready to meet with anybody, personally, if requested or even suggested. This report will be updated if a neighbor responds.

3. Recipients

The list of recipients, prepared by the City of High Point Planning Department, is attached as Exhibit B.

4. Personal Communications

On February 6 I received an email from Linda Jackson in response to the letter to neighbors. I immediately called her. She is the daughter-in-law of Charles and Vera Jackson who live in the City of Greensboro jurisdiction in the adjoining residential tract on Pegg Road. She explained that her in-laws are elderly and potentially looking to move and might be interested in selling their property if JRE were interested in buying. I forwarded the email and information to JRE. To her knowledge, her in-laws did not oppose growth and change in the area.

Also on February 6th I received a call from Day Atkins, whose family owns four residential properties as investment/rental properties southeast of the site at the corner of Millwood School Road and Gallimore Dairy Road, three of the tracts as Walton Holdings. Mr.

Atkins acknowledged that this area is “all going industrial” and they are eventually moving in the direction of a similar type of development as JRE or surrounding properties. He was, however, interested in what the site would look like and how it would develop. I emailed him a working draft of the site plan to show him the proposed equipment display at the subject property’s southeast corner. He was aware that there was a similar site owned by JRE nearby and knew James River Equipment Company by reputation. We discussed the history of the NAPA building approval and whether the surrounding properties were in the Greensboro, High Point or Guilford County jurisdictions. I also used the site plan and Guilford County GIS to approximately measure the distance from the corner to the point where the stream crosses the site and goes under Gallimore Dairy Road.

On February 8<sup>th</sup> I emailed Mr. Atkins a slightly revised site plan that showed a very small display area approximately 1,000 feet down Gallimore Dairy Road so that he had the latest iteration of plans.

I researched phone numbers for property owners Equivel and Zuniga who own the tracts to the north, but their numbers are not listed in the hard-copy High Point or Greensboro phone books or in an on-line listing. As of February 9, they have not responded to the letter.

# EXHIBIT A

February 1, 2017

Dear Neighbor,

I represent JRE Real Estate, LLC which has filed applications with the City of High Point to voluntarily annex and apply original zoning of the tract below from AG (Agricultural District, Guilford County jurisdiction) to CZ-LI (Conditional Zoning – Light Industrial, High Point jurisdiction).



JRE Real Estate develops and owns property for James River Equipment Company that sells, leases and repairs equipment for the construction and agricultural industries throughout the Carolinas and Virginia. You can visit its website at [www.jamesriverequipment.com](http://www.jamesriverequipment.com).

The proposed site will have appropriate fencing and vegetative buffers as well as dedicated turn lanes from Gallimore Dairy Road.

Enclosed is a sheet that explains how zoning decisions are heard by the Planning and Zoning Commission and City Council. The Planning and Zoning Commission will hear the matter at 6:00 pm on Tuesday, February 28, in High Point City Hall.

February 1, 2017  
Page 2

Because (1) this area is firmly established as being transitional from agricultural and residential to commercial, industrial and other forms of business, and (2) there are not many adjacent neighbors, we have elected to inform you of these applications by mail rather than to call a public meeting.

However, if you have any questions, please call me either at my direct office line (336) 378-5412 or on my cell (336) 847-2000. You can also email me at [tom.terrell@smithmoorelaw.com](mailto:tom.terrell@smithmoorelaw.com). I am pleased to arrange a private meeting with you and a local representative or to share any additional information you may need.

Sincerely,

Smith Moore Leatherwood LLP

A handwritten signature in black ink, appearing to read "Tom Terrell". The signature is fluid and cursive, with the first name "Tom" and last name "Terrell" clearly distinguishable.

Thomas E. Terrell, Jr.

TET/kwc



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**City of High Point  
Conditional Zoning District Zoning  
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 Planning & Development Department, the

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Administration 336.883.3328	Planning Services 336.883.3328	Development Services 336.883.3328	Inspection Services 336.883.3151
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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/)

[www.buildhighpoint.com](http://www.buildhighpoint.com)

# EXHIBIT B

AMP INC M S 176-41  
1050 WESTLAKES DR  
BERWYN PA 19312

ATKINS, GERTRUDE WALTON  
713 MILLWOOD SCHOOL RD  
HIGH POINT NC 27265

ESQUIVEL ZUNIGA, LUIS S  
640 MILLWOOD SCHOOL RD  
GREENSBORO NC 27409

ESQUIVEL-R, ROBERTO  
640 MILLWOOD SCHOOL RD  
GREENSBORO NC 27409

FLYNT, JAMES E ; FLYNT, WILLIAM B HEIRS  
; JAMES, PHYLLIS FLYNT T/C  
5445 MURRAY RD  
WINSTON-SALEM NC 27106

GENUINE PARTS COMPANY  
2999 CIRCLE 75 PARKWAY  
ATLANTA GA 30339

GRIFFIN, DAVID H SR  
2022 SHIMER DR  
JAMESTOWN NC 27282

JACKSON, CHAS L ; JACKSON, VERA MAE  
723 PEGG RD  
GREENSBORO NC 27409

R & J HUDSON FAMILY LMTD PTNRS &  
PLEASANTS FARM FAMILY LMTD P &  
STELLA L PLEASAN  
6117 WESTWIND DR  
GREENSBORO NC 27410

WALTON HOLDINGS OF NC LLC  
P O BOX 77134  
GREENSBORO NC 27417

WESTMORELAND, NANCY C  
628 MILLWOOD SCHOOL RD  
GREENSBORO NC 27409