

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 17-08  
(Lucky-7 Development Group)

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

**Meeting Date:** June 19, 2017

**Public Hearing:** Yes

**Advertising Date:** June 7, 2017 and June 14, 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 Lucky-7 Development Group to rezone an approximate 0.42-acre parcel from a Conditional Use Central Business (CU-CB) District to a Conditional Zoning Central Business (CZ-CB) District. The site is lying at the southwest corner of S. Lindsay Street and W. High Street (100 S. Lindsay Street).

### BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are 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 May 23, 2017, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 17-08. The Planning & Zoning Commission recommended ***approval*** of this request, by a vote of 6-0, as outlined in the staff report and recommended by staff.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Lucky-7 Development Group**

### **Zoning Map Amendment 17-08**

At its May 23, 2017 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximate 0.42-acre parcel to an updated Conditional Zoning Central Business (CZ-CB) District. All members of the Commission were present except for Mr. Keith McInnis, Ms. Marie Stone and Mr. Ray Wheatley. 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 of the request, on behalf of the applicant, was Attorney Mike Fox, Tuggle Duggins, Attorneys at Law, 100 N. Greene Street, Suite 600, Greensboro, N.C. Mr. Fox explained that the proposed rezoning will not change how the property is used. He said Lee Industries currently owns the building, and they will continue to use the building, but they will be the tenants after the sale is completed. He said the buyers had some concerns about the parking requirement, which is why the rezoning was requested.

#### **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 6-0.

Upon making its recommendation, the Planning & Zoning Commission stated that its approval of Zoning Map Amendment 17-08 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 site is in an established CB District area with multiple market showrooms;
- 2) The applicant has offered to retain previously adopted zoning conditions that address compatibility concern with the abutting historic structure;
- 3) Based on the manner in which this portion of the downtown developed, and changes to the transportation system under the Market Authority, on-site parking condition are no longer required for market showroom uses in this area; and
- 4) Except for the onsite parking conditions, the requested CZ-CB District is the same as the previous CB zoning approval granted on the site in 2003.

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

**STAFF REPORT  
ZONING MAP AMENDMENT 17-08  
May 23, 2017**

<b>Request</b>	
<b>Applicant:</b> Lucky-7 Development Group	<b>Owner:</b> Lucky-7 Development Group
<b>Zoning Proposal:</b> To rezone a 0.42-acre parcel to an updated Central Business District	<b>From: CU-CB</b> Conditional Use Central Business District
	<b>To: CZ-CB</b> Conditional Zoning Central Business District

<b>Site Information</b>	
<b>Location:</b>	The site is lying at the southwest corner of S. Lindsay Street and W. High Street (100 S. Lindsay Street).
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcel 0172454
<b>Site Acreage:</b>	Approximately 0.42 acres
<b>Current Land Use:</b>	The property is developed with an approximate 34,000 square-foot, 3-story, market showroom facility.
<b>Physical Characteristics:</b>	The site is relatively flat with no noteworthy features.
<b>Water and Sewer Proximity:</b>	Both a 12-inch City water line and an 8-inch City Sanitary sewer line lay adjacent to the site along S. Lindsay Street and W. High Street.
<b>General Drainage and Watershed:</b>	The site is relatively flat and drains in a general southerly direction, and development is subject to the Randleman Lake General Watershed Area (GWA) requirements. Engineered stormwater measures are required for non-residential development with an impervious surface area that exceeds 6% or more of the site.
<b>Overlay District:</b>	Randleman Lake General Watershed Area (Downtown area)

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	<b>CU-CB</b>	Conditional Use Central Business District	High Street ROW and railroad tracts
<b>South:</b>	<b>CU-CB</b>	Conditional Use Central Business District	<i>Market Showroom</i>
<b>East:</b>	<b>CB</b>	Conditional Use Central Business District	<i>Market Showroom (across S. Lindsay Street)</i>
<b>West:</b>	<b>CU-CB</b>	Conditional Use Central Business District	Bed & Breakfast

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement:</b>	<p><u>Obj. 1E:</u> Explore a variety of regulatory tools to preserve both commercial and residential historic areas meriting such protection.</p> <p><u>Obj. 4C:</u> Make the High Point Market more competitive by enhancing pedestrian access, transit and other services to the showrooms.</p>

<b>Land Use Plan Map Classification:</b>	The site has an Office land use designation. This classification is intended to accommodate professional, personal and business service uses.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	This request is neither in conflict, nor does it promote, the goals and objectives of the Land Use Plan.
<b>Relevant Area Plan:</b>	<u>Core City Plan:</u> The site is identified as being in the Showroom District, which is intended to be the area where market showrooms will continue to be the predominant use.
<b>Zoning History:</b>	The subject site is in an area that has transitioned from residential and industrial zoning to the CU-CB District. The zoning site was granted its current zoning approval in 2003 (CUP03-24) as part of a larger parcel that was rezoned from Heavy Industrial (HI) District to the Conditional Use Central Business (CU-CB) District. This zoning approval was the continuation of a trend that started in 1994, which has gradually rezoned most of the property in this area to the Central Business (CB) District zoning.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	S. Lindsay Street		Minor Thoroughfare	145 ft.
	W. High Street		Local Street	128 ft.
Vehicular Access:	Via an existing driveway from S. Lindsay Street to access a loading dock.			
Traffic Counts: (Average Daily Trips)	S. Lindsay Street W. High Street		1,300 ADT (NCDOT 2015 traffic count)	
Estimated Trip Generation:	Not applicable			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			
Conditions:	None			

School District Comment
Not applicable to this zoning case.

### Details of Proposal

The zoning site is in a block bounded by W. High Avenue, S. Lindsay Street and W. Green Drive; and situated at the western limits of the downtown area. Historically, this was a residential area with some commercial/industrial warehousing uses along the W. Green Drive and S. Lindsay Street frontages. Starting in the 1980s, this area began transitioning into an extension of the downtown area with the construction of the Market Square development along the east side of S. Lindsay Street, opposite the zoning site. During the 1990s, the expansion of market showrooms resulted in the expansion of the CB District to include most of the parcels in this block.

The 0.42-acre parcel associated with this current zoning request was initially part of a larger one-acre parcel that was rezoned to a CU-CB District in 2003. The CB District does not require any on-

site parking. However, since this site was situated at the western edge of the downtown area the City Council's 2003 zoning approval included a condition that some parking be installed for a proposed market showroom uses. This parking was established on the southern portion of the one-acre parcel.

Since obtaining zoning approval, the larger one-acre parcel was subdivided into two separate parcels. One parcel is 100 S. Lindsay Street, the northern portion of the former parcel, and the current zoning site where an approximately 34,000-square-foot, 3-story market showroom was developed. The second parcel is 108 S. Lindsay Street, the southern portion of the former one-acre parcel, and where parking was established to meet the zoning condition. The two parcels are now under separate ownership and the applicant is attempting to sell the property at 100 S. Lindsay Street. However, potential buyers expressed concern that the parking established to meet the zoning condition is on a separate parcel under the control of another property owner. Therefore, the applicant has requested rezoning to an updated CZ-CB District to remove the parking condition. Other former zoning conditions, designed to protect the character of the abutting historic structure, are proposed to remain in the updated conditional zoning ordinance.

### Staff Analysis

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:**

Although the Land Use Plan designation for the site is office, it is currently zoned CU-CB District and is simply being rezoned to change conditions related to parking. In addition, the surrounding properties are also zoned CB or CU-CB. The request does not conflict with any land use policies.

#### **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:

#### **Factor #1**

**Result in a development that is compatible with surrounding development character and land uses;**

#### **Staff Comments:**

- ❖ The subject site is in an area that has been firmly established as part of the downtown area. Surrounding zoning is the CB District and surrounding uses are market showrooms. Rezoning to establish an updated CB District zoning, based on conditions offered by the applicant, will be compatible with surrounding development.
- ❖ The CB District is intended for higher intensity urban development with limited building setbacks and no building height requirement. The adjoining property at 407 W. High Street contains a historic structure located within a Local Historic

	District and a National Register Historic District. In addition, the structure is designated as a Guilford County Landmark. Its architecture and historic character should be protected. To address these concerns, the applicant offered to continue to use zoning conditions established on the property in 2003 to protect the character of the abutting historic property. Those conditions include limiting building height, increasing building setback, as well as landscaping and screening reequipments. The carryover of these previously established standards will continue to ensure the protection and compatibility of development next to this historic district.
<b><u>Factor #2</u></b>	<b>Minimizes 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> <i>Staff Comments:</i> Based on conditions offered by the applicant, staff has found no evidence that the proposed updated CZ-CB District will negatively impact adjacent property owners.
<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> <i>Staff Comments:</i> The site is within the Randleman Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance.
<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> <i>Staff Comments:</i> The site is within an area currently served by City of High Point utilities and municipal services. The current use of the property has no known adverse impacts on municipal services.
<b><u>Factor #5</u></b>	<b>Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent lands.</b> <i>Staff Comments:</i> Based on conditions offered by the applicant, staff has found no evidence that the updated CZ-CB District would adversely effect the enjoyment or value of adjacent property owners.

**Changes in the Area:**

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

**Staff Comments:**

Since its rezoning to the CU-CB District in 2003, the footprint and organization of the biannual High Point Market has evolved. First, the way this area has been zoned and developed makes it firmly part of the downtown area and a market showroom destination. Second, the creation of the High Point Market Authority in 2001 centralized the organization of this biannual event. The Market transportation network consists of regional parking lots, buses and a shuttle transportation network which reduced the need for onsite parking for individual showrooms.

**Development Patterns:**

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

**Staff Comments:**

The zoning site is surrounded by the CB District and market showroom uses have been established on both sides of this segment of S. Lindsay Street. The application to establish an updated CZ-CB District, with conditions offered by the applicant, will be consistent with the development pattern that has been established in 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 site is in an established CB District area with multiple market showrooms;
- 2) The applicant has offered to retain previously adopted zoning conditions that address compatibility concern with the abutting historic structure;
- 3) Based on the manner in which this portion of the downtown developed, and changes to the transportation system under the Market Authority, on-site parking condition are no longer required for market showroom uses in this area; and
- 4) Except for the onsite parking conditions, the requested CZ-CB District is the same as the previous CB zoning approval granted on the site in 2003.

**Recommendation**

**Staff Recommends Approval:**

The Planning & Development Department recommends approval of the request to rezone this 0.42-acre parcel to the CZ-CB District. As conditioned, the requested CZ-CB 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.

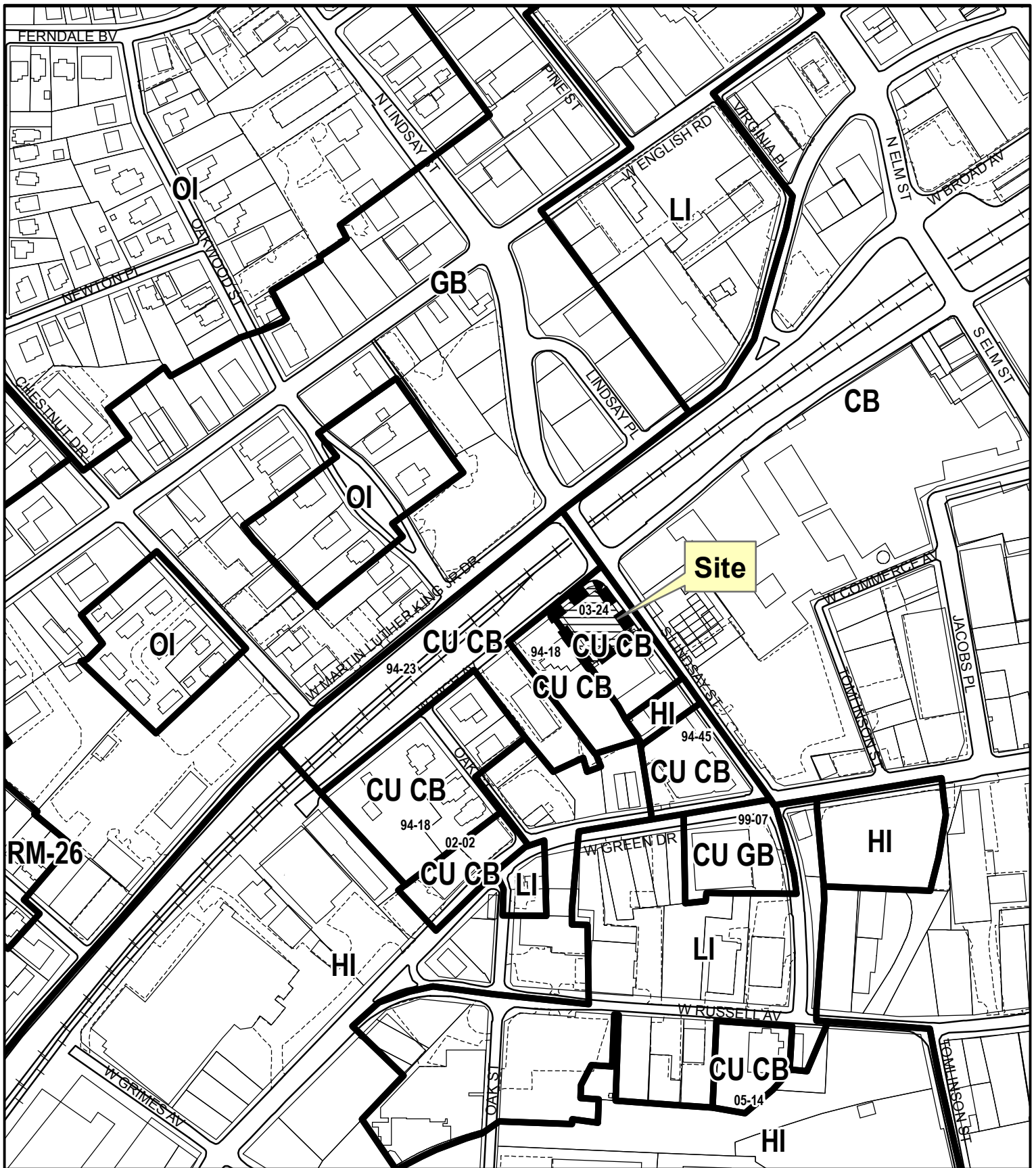
**City Council:**

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 reviewed by Robert Robbins AICP, Development Services Administrator and G. Lee Burnette AICP, Director.





# **ZONING MAP AMENDMENT ZA-17-08**

**From: Conditional Use Central Business  
To: Conditional Zoning Central Business**

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

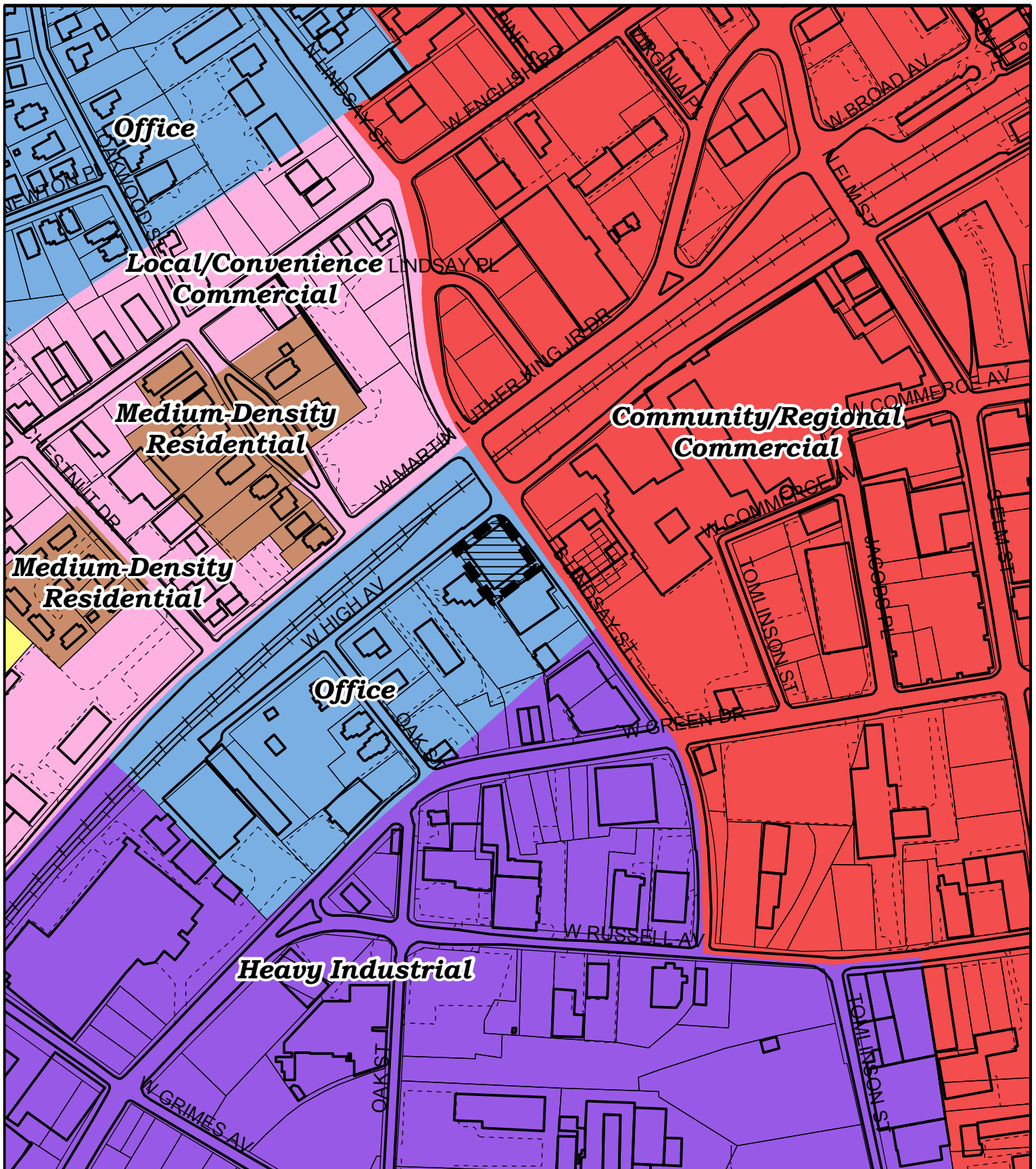
**Planning & Development  
Department**

**City of High Point**

**Date: May 23, 2017**



**Scale: 1"=300'**  
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2017/pz/za17-08.mxd



# **ZONING MAP AMENDMENT ZA-17-08**

## **Land Use Plan**

**Existing Land Use Plan**  
**Subject Property Boundary**



**Planning & Development  
 Department**

**City of High Point**

**Date: May 23, 2017**



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# ZONING MAP AMENDMENT ZA-17-08

## Topography

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

**Planning & Development  
Department**

**City of High Point**

**Date: May 23, 2017**



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2017/pz/za17-08topo.mxd



# ZONING MAP AMENDMENT ZA-17-08





AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.19, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on May 23, 2017 and before the City Council of the City of High Point on June 19, 2017 regarding **Zoning Map Amendment Case 17-08 (ZA-17-08)** 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 May 14, 2017, for the Planning and Zoning Commission public hearing and on June 7, 2017 and June 14, 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 **June 19, 2017.**

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

**SECTION 1**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Central Business (CZ-CB) District.** The property is approximately 0.42 acres and lying at the southwest corner of S. Lindsay Street and W. High Street (100 S. Lindsay Street). The property is also known as Guilford County Tax Parcel 017245.

**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 uses allowed in the Central Business (CB) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance

Part II. **CONDITIONS:**

A. **Development and Dimensional Requirements.**

1. A minimum fifteen (15) foot building setback shall be provided from the W. High Street right-of-way or northern property line of the zoning site.
2. A minimum ten (10) foot wide Street Yard planted at a rate of 2 understory trees per every 100 linear feet and 18 evergreen shrubs per every 100 linear feet shall be required along the northern property line of the zoning site.

3. No loading dock or access to loading dock shall be permitted from W. High Street. Loading or service areas shall not be visible from the W. High Street right-of-way.
4. As long as the abutting property to the west (Guilford County Tax Parcel 0172463 - 407 W. High Street) contains a historic structure/structure of historic significance, the following shall be required:
  - a) A minimum ten (10) foot building setback from the western property line of Guilford County Tax Parcel Guilford County Tax Parcel 0172463.
  - b) A minimum ten (10) foot wide planting yard planted at a rate of 2 understory trees per every 100 linear feet and 18 evergreen shrubs per every 100 linear feet shall be required along the western property line of Guilford County Tax Parcel Guilford County Tax Parcel 0172463.
  - c) A maximum building height of fifty (50) feet.

### 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.

**19<sup>th</sup>** day of **June, 2017.**

Lisa B. Vierling, City Clerk

# **Citizens Information Meeting Report Zoning Map Amendment Case 17-08**

Submitted by: Mr. Clinton Cogburn (Tuggle Duggins P.A.) on  
behalf of the Lucky-7 Development Group

**CITIZEN INFORMATION MEETING REPORT FOR 100 S. LINDSAY STREET**  
**(LUCKY SEVEN DEVELOPMENT)**

**1. Meeting Date, Time, and Location**

Applicant opted not to conduct a formal, in-person informational meeting, thus no specific meeting date, time, and location is available to report. As permitted under Subsection 2.3.3 (“Citizen Information Meeting”) of the City of High Point Development Ordinance, applicant elected to conduct the citizen information meeting telephonically. Via mailed notification (See Exhibit A), applicant notified all landowners required to be notified, at the addresses provided by the City of High Point (See Exhibit B). In the notification, applicant included information on the proposed rezoning, the goal of the proposed rezoning, contact information for applicant’s counsel, and a request for comments or questions from any notified or interested party.

**2. Method and Date of Notification**

Via mailed notification (See Exhibit A), applicant notified all landowners required to be notified, at the addresses provided by the City of High Point (See Exhibit B). In the notification, applicant included information on the proposed rezoning, the goal of the rezoning, contact information for applicant’s counsel, and a request for comments or questions from any notified or interested party. Notifications were sent out via mail on Tuesday, April 25, 2017.

**3. List of Landowners Notified**

Applicant notified all landowners required to be notified, at the addresses provided by the City of High Point (See Exhibit B).

**4. List of Meeting Attendees**

As noted, applicant did not conduct a formal, in-person informational meeting. As of the filing of this report, applicant has heard from two nearby landowners. First, Jarrell Investment Properties LLC acknowledged that it had received the notification and understood the proposed rezoning and the reasons behind the request. Second, John Jokinen of EJ Victor, Inc. discussed the notice with Applicant, through its representative, primarily inquiring into the reason behind the proposed rezoning, the parking element associated with the rezoning, and when the City of High Planning and Zoning Commission meeting concerning this request would occur. Applicant discussed the proposed zoning amendment and provided the date of the Planning and Zoning Commission hearing. Applicant, through its representative, remains committed to communicating with nearby landowners and interested parties concerning the proposed rezoning throughout the remainder of this process.

**5. Telephonic Meeting**

As permitted under Subsection 2.3.3 (“Citizen Information Meeting”) of the City of High Point Development Ordinance, applicant elected to conduct the citizen information meeting telephonically. Via mailed notification (See Exhibit A), applicant notified all landowners



required to be informed, at the addresses provided by the City of High Point (See Exhibit B). In the notification, applicant included information on the proposed rezoning, the goal of the rezoning, contact information for applicant's counsel, and a request for comments or questions from any notified or interested party.

#### **6. Description of the Development Proposal**

In applicant's mailings to surrounding and nearby neighbors, applicant included a description of the proposed rezoning (See Exhibit A) with the approved city statement from the City of High Point (See Exhibit C).

#### **7. Summary of Comments**

As of this report's filing, applicant has heard from two nearby landowners. One acknowledged that it had received the notification and understood the proposed rezoning and the reasons behind the request. The second property owner was contacted by phone after leaving an initial voicemail and primarily wanted to understand the reason behind the proposed rezoning, the parking element associated with the rezoning, and when the City of High Planning and Zoning Commission meeting concerning this request would take place. Applicant, through its representative, discussed the proposed zoning amendment and provided the date of the Planning and Zoning Commission hearing. Applicant, through its representative, remains committed to communicating with nearby landowners and interested parties concerning the proposed rezoning throughout the remainder of this process.

# **EXHIBIT A**

# TUGGLE DUGGINS P.A.

100 North Greene Street, Suite 600  
Greensboro, NC 27401

April 25, 2017

Neighbor

[Address]

Re: Rezoning at 100 S. Lindsay Street, High Point, NC 27260

Dear [Neighbor],

We are writing to you because you own property that is nearby or next to the property at 100 South Lindsay Street, High Point, NC 27260. We want to share with you some information regarding our plans for the property. As you may be aware, we have filed a rezoning application on behalf of our client, Lucky Seven Development Group, with the City of High Point. As explained in more detail below, the only real change in the zoning conditions that we are seeking is to eliminate the need for on-site parking. The use of the property will remain the same.

This property was previously rezoned to a Conditional Use-Central Business (CU-CB) District on February 4, 2004 (this is the current zoning designation for the property). Pursuant to that conditional use permit, off-street parking was to be provided at a rate of 50% of the minimum requirement. We are proposing rezoning the property to Conditional Zoning-Central Business (CZ-CB) District. This proposed rezoning is in response to changes in the requirements under the City of High Point Development Ordinance. Since the latest rezoning of this property, High Point has changed considerably, specifically the Central Business District, where 100 S. Lindsay is located. In that area, increased density, traffic, pedestrian volume, and business development has occurred, as a direct result of High Point's concerted efforts to grow the area. The intent of this rezoning is to align the parking requirements to those outlined for the Central Business District in the Development Ordinance.

As a result of our proposed rezoning, the current building, use, landscaping, and buffering will remain the same. The subject property will still house a furniture showroom. The only change will be to parking, simply making it consistent with the current parking requirements for Central Business District development.

We intend to continue to be a good neighbor to you. While we hope that you are excited about this change, we understand that you may have questions. Should you have any concerns or if you would like to simply discuss the project, please contact me at 336-271-5244 or [mfox@tuggleduggins.com](mailto:mfox@tuggleduggins.com). We look forward to working with you on this project.

Sincerely,

Michael S. Fox  
Attorney  
Tuggle Duggins P.A.

# **EXHIBIT B**

ADS REALTY LLC  
102 MADISON AVE 4TH FLOOR  
NEW YORK NY 10016

AMERICAN LEGION POST 87  
409 W HIGH AVE  
HIGH POINT NC 27260

BOLTON, DAVID BRYAN ; BOLTON, PRISCILLA  
LYNN  
218 IDOL ST  
HIGH POINT NC 27262

BRUNSVOLD, MARK  
PO BOX 16166  
MINNEAPOLIS MN 55416

CARING SERVICES INC  
101 OAKWOOD ST  
HIGH POINT NC 27262

CARING SERVICES INC  
PO BOX 5492  
HIGH POINT NC 27262

CARLS FURNITURE INC  
6810 N STATE RD 7  
COCONUT CREEK FL 33073

CAROLINA COACH CO  
P O BOX 52427  
ATLANTA GA 30355

DARR, DOROTHY GAY  
501 W HIGH AVE  
HIGH POINT NC 27260

DOCKS LIFE LLC POB 541  
65700 OVERSEAS HWY  
LONG KEY FL 33001

DOWDY, JAMES HENRY SR  
PO BOX 26026  
RALEIGH NC 27611

E J VICTOR INC  
110 WAMSUTTA MILL RD  
MORGANTON NC 28655

EZINE INCORPORATED  
4201 W BELMONT AVE  
CHICAGO IL 60641

FEIZY PROPERTIES LTD  
1949 N STEMMONS FREEWAY  
DALLAS TX 75207

FLASH GORDON MOTORS & LEASING INC  
1920 BETHEL DR  
HIGH POINT NC 27260

FREEWAY PLAZA LLC  
2301 SOUTH 300 WEST  
SALT LAKE CITY UT 84115

GALLOP, STEVEN F ; GALLOP, KAREN M  
4012 DUPLIN DR  
GREENSBORO NC 27407

HARRIS, JEFFERY D  
4 CHOWAN RD  
GREENSBORO NC 27407

I T MANN POST NUMBER 87 OF THE AMERICN  
LEGION INC  
PO BOX 5601  
HIGH POINT NC 27262

JARRELL INVESTMENT PROPERTIES LLC  
2527 WHITE OAK RD  
RALEIGH NC 27609

KOOBER LLC  
2145 TYSONS EXECUTIVE CT  
DUNN LORING VA 22027

LEE, ANNE HO ; LEE, DAVID JERRY  
6088 SWEETBRIAR COVE  
MEMPHIS TN 38120

LINDSAY MARKET LLC  
40 HARBOR PARK DR NORTH  
PORT WASHINGTON NY 11050

LUCKY 7 DEVELOPMENT GROUP  
210 4TH ST SW  
CONOVER NC 28613

LUNI INVESTMENTS LLC  
497 RIVARD BLVD  
GROSSE POINTE MI 48230

M&M REAL ESTATE INC  
PO BOX 1298  
CONOVER NC 28613

MANN I T POST NO 87 AMERICAN LEGION INC  
409 W HIGH AVE  
HIGH POINT NC 27260

MARKET SQUARE 12G LLC  
424 PALM ST  
WEST PALM BEACH FL 33480

MARKET SQUARE AC IV SPE LLC  
475 S GRAND CENTRAL PARKWAY SUITE 1615  
LAS VAGES NV 39106

MARKET SQUARE LIMITED  
305 W HIGH AVE  
HIGH POINT NC 27260

MARZILLI USA INC  
511 CHRISLEA RD  
WOODBIDGE ONTARIO CANADA L4L 8N6

ORBADEN INC  
4201 BELMONT AVE  
CHICAGO IL 60641

PHILLIPS PROPERTY CO LLC  
317 WEST HIGH ST  
HIGH POINT NC 27260

RASHID, MUHAMMAD ; RASHID, BIBI ABIDA  
1155 SWEETBRIAR RD  
HIGH POINT NC 27262

SNL HOLDINGS LLC  
1025 ROCKFORD RD  
HIGH POINT NC 27262

WILLIAM H CHILD LIVING TRUST ; CHILD, WILLIAM  
H TR ; CHILD, PATRICIA A TR  
2301 SOUTH 300 WEST  
SALT LAKE CITY UT 84115

WILLIARD INVESTMENT LLC  
449 S WRENN ST  
HIGH POINT NC 27260

# **EXHIBIT C**



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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

City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA  
Fax: 336.883.3056    [www.highpointnc.gov/plan](http://www.highpointnc.gov/plan)    Permit Fax: 336.883.8518    TDD 336.883.8517

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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)