

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 17-12  
(Blue Ridge Companies)

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

**Meeting Date:** September 18, 2017

**Advertising Date:** September 7, 2017 and  
September 13, 2017

**Public Hearing:** Yes

**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 Blue Ridge Companies to amend a previously adopted Planned Development-Mixed (PDM) District, approved under Zoning Map Amendment Case 12-14, as follows:

- 1) to allow an additional access point (total of three access points) from W. Wendover Avenue;
- 2) to delete the requirement for right-of way dedication for turn lanes at access points from W. Wendover Avenue;
- 3) to delete the requirement that prohibits air hoses, vacuum pedestals and other outdoor automotive service equipment from being located between the principal building and the W. Wendover Avenue right-of-way; and
- 4) to amend the PUD Master Plan to allow the changes outlined above.

### 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 *denial* of this request, as outlined in the attached staff report.
- B. On August 22, 2017, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 17-12. The Planning & Zoning Commission recommended *denial* of this request, by a vote of 6-3, as outlined in the staff report and recommended by staff.
- C. **Because this request is being forwarded to City Council with an unfavorable recommendation from the Planning & Zoning Commission, the Development Ordinance requires a 2/3 favorable vote by the City Council (6 members) for this request to be approved.**

## PLANNING AND ZONING COMMISSION RECOMMENDATION

### **Blue Ridge Companies**

### **Zoning Map Amendment 17-12**

At its August 22, 2017 public hearing, the Planning and Zoning Commission reviewed a request to amend a previously adopted Planned Development-Mixed (PDM) District (Palladium Development). The Palladium Development is a 74.4-acre PDM District that permits a mixture of commercial, office, industrial and multifamily uses. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented the case and recommended *denial* of the request as outlined in the staff report.

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

Speaking in favor of the request, were Mr. Nathan Duggins, Tuggle-Duggins Attorneys at Law, 100 N. Greene Street, Greensboro; Mr. John Davenport, Jr., P.E., the applicant's transportation engineer, 305 Fourth Street, Winston-Salem; Mr. Christopher Dunbar, president of Blue Ridge Companies, 5826 Samet Drive, High Point; and Ms. Judy Stalder, zoning consultant with Keller Williams Realty, 665 N. Main Street, High Point. These speakers provided an overview of the request and noted that it pertains to a proposed Sheetz convenience store that is insistent upon having an access point directly off W. Wendover Avenue to a 1.5-acre parcel that is part of the larger Palladium Development. As part of this presentation Mr. John Davenport presented a site plan, for illustrative purposes, to show that the requested new access can be installed in a safe manner. He also addressed transportation related questions from the Commission.

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

No one from the public spoke in opposition to this request. Ms. Vickie Embry, City of High Point Transportation Engineer, addressed comments from the applicant's traffic engineer and highlighted the following transportation related concerns:

- The length of the proposed deceleration lane and distance of the access point from the signalized intersection, both fall short of the minimum requirement of the City of High Point's Driveway Ordinance. A minimum distance of 250 feet is required, Mr. Davenport stated the distance would be about 180 feet.
- Right-turn-ins immediately before or after an intersection creates a dangerous situation for drivers and increase the likelihood of a collision.
- Due to its specific location, roadway configuration and traffic volumes, one cannot make an equitable comparison between a Sheetz at this location and an existing Sheetz at another location (i.e. Sheetz at Westchester Drive verses this proposal off W. Wendover Avenue). For instance, the average daily trips on Westchester Drive numbers 22,000, while the average daily trips on W. Wendover Avenue are much higher at 38,000. Furthermore, this proposed W. Wendover Avenue site has access options that other locations do not have, as it can obtain driveway access from Brian Jordan Place and from Gisbourne Drive.
- The proposed access point off W. Wendover does not meet the City of High Point Driveway Ordinance requirements and does not follow the adopted W. Wendover Avenue Corridor Plan.

The Commission closed the public hearing and had a lengthy debate among its members regarding the issues raised in the staff report, comments from the applicant and comments from the Transportation Department. The Commission recommended *denial* of this application, by a vote of 6-3, with Mr. Armstrong, Mr. Walsh, and Mr. Wheatley voting against the motion.

In this case, the Planning & Zoning Commission suggested that the denial of the applicant's request is reasonable and in the public interest because:

- 1) The request is inconsistent with the City Council adopted W. Wendover Avenue Corridor Plan and Objective #11 in the adopted Land Use Plan that seek to enhance the aesthetic appearance of W. Wendover Avenue, which is a major gateway street and travel corridor;

- 2) Allowing a driveway access to an individual parcel on W. Wendover Avenue and allowing service equipment to be visible along W. Wendover Avenue is inconsistent with previous zoning district approvals for properties along W. Wendover Avenue;
- 3) The subject parcel has sufficient vehicular access and visibility from W. Wendover Avenue under the current PDM development standards; the requested access is inconsistent with the City's driveway standards and will impact traffic safety; and
- 4) The request will produce a commercial development on the subject parcel that is inconsistent with the existing commercial developments along W. Wendover Avenue and which could impact the character of development in the area given that additional commercial development is expected

**Because this request is being forwarded to City Council with an unfavorable recommendation from the Planning & Zoning Commission, the Development Ordinance requires a 2/3 favorable vote by the City Council (6 members) for this request to be approved.**

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

**STAFF REPORT  
ZONING MAP AMENDMENT 17-12  
July 25, 2017**

<b>Request</b>		
<b>Applicant:</b> Blue Ridge Companies West Wendover Land Development, LLC	<b>Owner:</b> West Wendover Land Development, LLC	
<b>Zoning Proposal:</b> To amend a previously adopted Planned Development (PDM District), specifically as it relates to a 1.5-acre parcel at the eastern portion of the development fronting along W. Wendover Avenue.	<b>From:</b> PDM	Planned Unit Development Mixed District
	<b>To:</b> PDM	Planned Unit Development Mixed District

<b>Site Information</b>	
<b>Location:</b>	The overall PDM District, also known as the Palladium Development, is lying at the northeast corner of W. Wendover Avenue and Samet Drive, between Samet Drive and Premier Drive. The proposed amendment pertains to a 1.5-acre parcel lying at the eastern boundary of the development at the northwest corner of W. Wendover Avenue and Gisbourne Drive (4120 Brian Jordan Place).
<b>Tax Parcel Numbers:</b>	The proposed amendment pertains to tax parcel 0212274.
<b>Site Acreage:</b>	The entire PDM District consists of approximately 74.4 acres. The proposed amendment pertains to a 1.5-acre portion of this district.
<b>Current Land Use:</b>	The 1.5-acre parcel in question is undeveloped.
<b>Physical Characteristics:</b>	The 1.5-acre parcel has been previously graded to promote future development. An 8-inch sewer line, within a 20-foot wide easement, and a 48-inch stormwater line runs across the northern and northeastern corner of this parcel.
<b>Water and Sewer Proximity:</b>	An 8-inch City water line run across the northern and northeastern boundary of this parcel. An 8-inch private water line lies adjacent to the site along Gisbourne Drive. This private line connects to a 16-inch public water line in W. Wendover Avenue.
<b>General Drainage and Watershed:</b>	The site drains in an easterly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Engineered stormwater treatment measures are required for non-residential and multi-family development with a total impervious surface area greater than 24% of the site.
<b>Overlay Districts:</b>	Eastchester Gateway Corridor Overlay District (per adopted zoning conditions); City Lake General Watershed Area (GWA) and Airport Overlay Area – Zone 4

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	PDM	Planned Development Mixed	Undeveloped
<b>South:</b>	AG CU RS-5	Agricultural District ( <i>Guilford County</i> ) Conditional Use Residential Single Family-5 District	Single family dwellings
<b>East:</b>	PDM	Planned Development Mixed	Palladium development common area/stormwater control device
<b>West:</b>	PDM	Planned Development Mixed	Retail/commercial uses

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement:</b>	<p><u>Obj. 3F:</u> Encourage mixed use centers as an alternative to “strip commercial” corridors that would use land inefficiently, generate unnecessary traffic, and create traffic congestion and safety challenges because of frequent driveways and their associated turning movements.</p> <p><u>Obj. 5B:</u> Focus particular attention on the appearance of key gateways into High Point to convey to visitors a positive first and last impression of the community.</p>
<b>Land Use Plan Map Classification:</b>	The site has a Mixed Use Development land use designation. This classification provides for the siting of a variety of land uses in close proximity to each other where this is desirable due to existing land use patterns, environmental constraints, the need to preserve open space, the opportunity to provide alternative modes of transit and other factors.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	<p>The following objective of the Land Use Plan are relevant to this request:</p> <p><u>Obj. #11.</u> Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.</p>
<b>Relevant Area Plan:</b>	<p><u>West Wendover Avenue/Guilford College Road Corridor Plan:</u></p> <p>The site is located within the boundaries of this corridor plan, which makes several recommendations relevant to this request. This includes maintaining W. Wendover Avenue as a major traffic carrier with restricted vehicular access, especially within 500 feet of a major intersecting street. It also recommends avoiding strip development along W. Wendover Avenue and ensuring a high visual quality in the corridor through development standards and design guidelines.</p>
<b>Zoning History:</b>	<p>In December 2003, a PDM District zoning was granted to facilitate construction of the Palladium mixed use development. The adopted PDM District allowed a combination of commercial, office, and multifamily uses.</p> <p>In December 2012, the PDM District was amended to revised the internal tract boundaries and expanded where retail and industrial uses may be permitted.</p> <p>In 2013, the PDM District was amended again to add 4.45 acres to the northern boundary of the district. This additional land area was used to expand the multifamily section of the development.</p>

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	W. Wendover Avenue		Major Thoroughfare	270 feet
	Gisbourne Drive		Private drive	240 feet
	Brian Jordan Place		Private drive	270 feet
Vehicular Access:	Brian Jordan Place			
Traffic Counts: (Average Daily Trips)	W. Wendover Avenue		29,925 (NCDOT Turning Movement Count 2017)	
	Gisbourne Drive		1,116 (NCDOT Turning Movement Count 2017)	
	Brian Jordan Place		N/A	
Estimated Trip Generation:	Approximately 5,547 total trips for this 1.5 acre parcel			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u> X	<u>No</u>	See conditions below	
Conditions:	<p>Below are the Transportation Department comments and recommended conditions pertaining to this amendment request.</p> <p>A. <b><u>W. Wendover Access:</u></b> No access shall be allowed.</p> <p>The submitted Transportation Impact Analysis (TIA) showed only 15/17 (AM/PM Peak) Primary Site Trips into the Access 1 location off W. Wendover Avenue. There were 25/33 (AM/PM Peak) Pass-By trip into that access. These low numbers do not create a need for that access point considering:</p> <ol style="list-style-type: none"><li>1. The access point does not meet the approved zoning for the site. Per the zoning, “Two (2) points of access shall be allowed to W. Wendover Avenue. One (1) shall be a right-in/right-out access located approximately 600 feet east of Samet Drive that allows left turns in from W. Wendover via left-over, and one (1) shall be a full access that aligns with existing Gisbourne Avenue.</li><li>2. The access point does not meet the City of High Point Driveway Ordinance requirements. Per the ordinance, Major Thoroughfares shall have a 250 feet corner clearance.</li><li>3. The access point does not follow the approved W. Wendover Avenue Corridor Plan. The plan was written and approved to protect W. Wendover Avenue as a commuting corridor, to maintain the roadway as a major traffic carrier rather than a local service road. The goal is to minimize the impacts of development on major traffic circulation interchanges and intersections.</li><li>4. Immediate turns following traffic signals can create rear end crash problems. As the signal turns green, motorists hit the gas and begin speeding up, not anticipating immediate right turns. It’s a safety issue and a signal timing hindrance.</li></ol> <p>The other outparcels facing W. Wendover Avenue have requested access and have been denied. Allowing this access would set a precedent and open the door for others to follow in getting access along West Wendover Avenue.</p>			

	<p>B. <b><u>Gisbourne Access:</u></b> No access shall be allowed. No other access points have been allowed off the stems from W. Wendover Avenue into the developments. This proposed access point can cause backups on W. Wendover Avenue due to vehicles stopping in the stem to try to turn left and enter the property. This type situation also creates “courtesy gaps” which often becomes a high crash location. Attempting to allow a “courtesy gap” on a multi-lane road is not safe. The right turns out of the access point will be by “courtesy gap” during peak hours, which will be unsafe as well and will interfere with the signal timing by hindering the moving traffic. As the remaining vacant northern property develops, this stem allowing only 230 feet of queue length, will most likely not provide enough storage to accommodate the vehicles exiting the property.</p> <p>C. The City of High Point Transportation Director and the North Carolina Department of Transportation shall approve the exact location and design of all access points.</p>
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#### School District Comment

Not applicable to this zoning case.

#### Planned Unit Development (PUD) Overview

Planned Unit Development (PUD) Districts are termed “floating districts” by the Development Ordinance, meaning they may be applied anywhere within the City but only pursuant to a specific zoning map amendment request. From 2011 to 2016, PUD districts were reviewed and approved through the conditional zoning process and this application pertains to a PDM District from the former Development Ordinance. Section 1.8.7 of the current Development Ordinance, which became effective on January 1, 2017, allows amendments to this type of PUD District that was adopted under the prior Development Ordinance.

#### Details of Proposal

The Palladium development is a 74.4-acre PDM District that permits a mixture of commercial, office, industrial and multifamily uses. The applicant is proposing to amend this planned development, specifically as it relates to a 1.5-acre parcel at the eastern portion of this development at the intersection of W. Wendover Avenue and Gisbourne Drive. These proposed changes consist of the following:

A. **To allow an additional access point from W. Wendover Avenue:**

The applicant wants an additional vehicular access point to be permitted to the PDM District, from W. Wendover Avenue, to specifically serve this outparcel.

This is a planned development with an approved master plan. Access was designed to serve the entire Palladium mixed use development with an integrated internal circulation network. There are two approved access points to this Planned Development from W. Wendover Avenue. Both have been installed and they connect directly to the internal vehicular circulation network designed for this PDM District. One is a restricted movement access point at the midpoint of the development. The second is next to the 1.5 acre out parcel associated with this amendment application. It is a full movement, signalized access point, at the intersection of W. Wendover and Gisbourne Drive. Additionally, access can also be gained from the signalized intersection at Samet Drive (public street) and W. Wendover Avenue on the western boundary of the PDM District.

All the outparcels in this development gain access via the private drive network (Brian Jordan Place) that runs behind the outparcels. As this 1.5-acre parcel is a corner lot, a minimum of two access points can be installed to the internal private drive network (Brian Jordan Place and Gisbourn Drive). In addition to these permitted access points, the applicant requests an additional vehicular access point from W. Wendover Avenue that will be separate from the approved internal circulation network to specifically serve this outparcel.

B. Delete requirement for turn lane right-of-way (ROW) dedication:

The applicant wants to remove the previously adopted condition requiring ROW dedication for turn lanes at access points to the site from W. Wendover Avenue.

C. Delete standards as to placement of vehicular service equipment:

The applicant wants to remove the development standard prohibiting airhoses, vacuum pedestals and other outdoor automotive service equipment from being located between the principal building and the W. Wendover Avenue right-of-way. The condition does not prohibit such equipment, rather it states that it cannot be located along the street frontage where it is visible along W. Wendover Avenue. Including this 1.5-acre site, there are currently 11 commercial outparcels on the north side of W. Wendover Avenue between Penny Road and Gisbourne Drive. Nine of these outparcels have been developed, and each were developed in accordance with this development standard.

### 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 specific PUD Findings and Conditional Zoning Review Factors in its review and discussion of any PUD 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:

**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 proposed amendments to the PDM District are not consistent with the relevant planning recommendations for the area. The request to allow an additional access drive is inconsistent with the W. Wendover Avenue/Guilford College Road Corridor Plan, which recommends restricting vehicular access points along the corridor.

In addition, the Community Growth Vision Statement, Land Use Plan, and West Wendover Avenue/Guilford College Road Corridor Plan all recommend preserving the visual quality of key gateway corridors through appropriate design standards. The request to delete the standard as to placement of vehicular service equipment is in direct conflict with these City Council adopted policies.



<b>Review Factors:</b> <b>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>	
<b><u>Factor #1</u></b>	<b>Produces a development that is compatible with surrounding development character and land uses;</b> <i>Staff Comments:</i> Development along W. Wendover Avenue is governed by the adopted W. Wendover Avenue/Guilford College Road Corridor Plan. Additionally, this PDM District and other adjacent commercial developments are also governed by the standards of the Eastchester Gateway Corridor Overlay District per their zoning approvals. The corridor plan and zoning approvals have established development and design standards for this area. This proposal seeks to change an established standard for the benefit of one parcel, where other developed parcels along W. Wendover Avenue have meet the design standard.
<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> <i>Staff Comments:</i> The Transportation Department notes the following ordinance and public safety concerns pertaining to this application: <ul style="list-style-type: none"> <li>• The requested access point does not meet the City of High Point Driveway Ordinance requirements, nor does it follow the approved W. Wendover Avenue Corridor Plan.</li> <li>• Immediate turns following traffic signals can create rear end crash problems. As the signal turns green, motorists hit the gas and begin speeding up, not anticipating immediate right turns. It's a safety issue and a signal timing hindrance.</li> <li>• Other outparcels facing W. Wendover Avenue have requested direct access and have been denied. Allowing this access would set a precedence and open the door for others to follow which cumulatively will degrade the effeteness of this travel corridor.</li> <li>• It is standard city policy for turn lanes to be located within dedicated public right-of-way. This policy has been consistently applied, especially along W. Wendover Avenue. The purpose of the requirements is to insure that turn lanes are properly maintained, such as potholes repaired, and thus do not cause safety issues.</li> </ul>
<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 proposed changes do not have any environmental impacts.
<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 proposed changes do not have any adverse impacts upon 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 prohibition on accessory service equipment being located in front of buildings was established to protect the visual aesthetics along the W. Wendover Avenue corridor. The applicant wants to remove this standard for the subject parcel and has not offered any mitigation measures that would block views of the equipment from W. Wendover Avenue.

<b><u>Changes in the Area:</u></b> <b>There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.</b>
<u>Staff Comments:</u> This area has developed under higher architectural and development standards. There have been no changes in this area to support the removal of these standards for the subject parcel.

<b><u>Development Patterns:</u></b> <b>The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.</b>
<u>Staff Comments:</u> Development in this area began in 1999 with the annexation and zoning approval of approximately 76 acres bounded by Eastchester Drive, Penny Road and W. Wendover Avenue for a commercial and office development known as the Shoppes at Deep River. Approximately 42 acres between Penny Road and the current Samet Drive were zoned for commercial uses, consisting of a grocery store and multiple outparcels lining the perimeter of the development. The 34 acres lying east of Samet Drive (current Palladium Development) were zoned for high intensity office uses. As a part of this 1999 zoning approval, development standards were implemented to establish the character of the area and to protect W. Wendover and Eastchester Drive as major commuter corridors. These standards included: <ul style="list-style-type: none"><li>• limiting access to those points connected to internal private drive circulation system;</li><li>• requiring turn lanes at all access point to W. Wendover Avenue and Eastchester Drive; and</li><li>• restricting the type of exterior activities permitted between the perimeter thoroughfare roads and buildings. Air hoes, vacuum pedestals, and other outdoor automotive equipment were not permitted between building and W. Wendover Avenue.</li></ul> In 2003, a new zoning application was submitted for that portion of this former zoning approval lying east of Samet Drive. This new application changed the previous office zoning to a PDM District to allow construction of the Palladium Development mixed use development. This new PDM District continued the standards established for W. Wendover Avenue. This amendment seeks to change these long-standing development standards established through City Council adopted policy and zoning approvals for this area. Allowing an individual parcel access to a perimeter major thoroughfare street and removing standards pertaining to outdoor automotive equipment does not promote the preferred and orderly development pattern that has been established in this area since 1999.

## **PUD FINDINGS**

As an additional framework for review of planned unit development proposals, the City has established specific findings, in addition to those normally required for a conditional zoning district, that must be made for approval of a PUD. These findings help ensure that the proposed development will be constructed as a cohesive, unified project; that it will utilize an efficient, attractive, and environmentally sensitive design; and that it will generally be of a higher quality than otherwise required by the application of conventional the Development Ordinance zoning district regulations.

Applications for Planned Unit Development Districts shall be approved only if all of the following findings are made:

1. That application of planned unit development requirements to the property will produce a development of equal or higher quality than otherwise required by the strict application of conventional regulations of districts designated by the adopted Land Use Plan;
2. That application of planned unit development requirements to the property will encourage innovative arrangement of buildings and open spaces to provide efficient, attractive, flexible, and environmentally sensitive design;
3. That application of planned unit development requirements to the property will produce a development functioning as a cohesive, unified project and;
4. That application of planned unit development requirements to the property will not substantially injure or damage the use, value, and enjoyment of surrounding property nor hinder or prevent the development of surrounding property in accordance with the adopted plans and policies of the City.

### **Staff Comments:**

- ❖ This PDM District was granted zoning approval based on a master plan that included an integrated vehicular circulation system and design standards that were higher than conventional development. The requested changes would allow an individual parcel to have direct driveway access from W. Wendover Avenue, which is inconsistent with other parcels in the PDM District and contradictory to previous access requests on W. Wendover Avenue. Additionally, the changes would allow service equipment and facilities to be visible from the W. Wendover Avenue, which is inconsistent with the PDM development and other development along W. Wendover Avenue in the City.
- ❖ Based upon the Transportation Department's statement, traffic safety would be impacted based upon the design and location of the requested access drive to W. Wendover Avenue.
- ❖ The Shoppes at Deep River and the PDM development were approved with the same standards governing the location of service equipment and facilities. And, nine of the outparcels fronting W. Wendover Avenue in the immediate area developed under these standards. Additional development is expected on the two remaining parcels along the north side of W. Wendover Avenue as well as the undeveloped area on the south sided of W. Wendover Avenue. A change to allow this equipment to be visible from W. Wendover Avenue could impact the character of future development.
- ❖ The requested changes are not in keeping with a cohesive, unified development, will impact traffic safety, and will not result in producing a development unlike other conventional commercial development found elsewhere. It also conflicts with the Community Growth Vision, Land Use Plan, and the W. Wendover Avenue/Guilford College Road Corridor Plan policies as they pertain to enhancing the aesthetic appearance of the City's major gateway corridors.

**Reasonableness/Public Interest:**

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

**Staff Comments:**

In this case, staff suggests that the denial of the applicant's request is reasonable and in the public interest because:

- 1) The request is inconsistent with the City Council adopted W. Wendover Avenue Corridor Plan and Objective #11 in the adopted Land Use Plan that seek to enhance the aesthetic appearance of W. Wendover Avenue, which is a major gateway street and travel corridor;
- 2) Allowing a driveway access to an individual parcel on W. Wendover Avenue and allowing service equipment to be visible along W. Wendover Avenue is inconsistent with previous zoning district approvals for properties along W. Wendover Avenue;
- 3) The subject parcel has sufficient vehicular access and visibility from W. Wendover Avenue under the current PDM development standards; the requested access is inconsistent with the City's driveway standards and will impact traffic safety; and
- 4) The request will produce a commercial development on the subject parcel that is inconsistent with the existing commercial developments along W. Wendover Avenue and which could impact the character of development in the area given that additional commercial development is expected.

**Recommendation**

**Staff Recommends Denial:**

Staff recommends denial of the amendment to have an individual access point to this single parcel, denial to delete the requirement for dedication of right-of-way for turn lanes, and denial to remove the design standards for the location of service equipment.

**Required Action**

**Planning and Zoning Commission:**

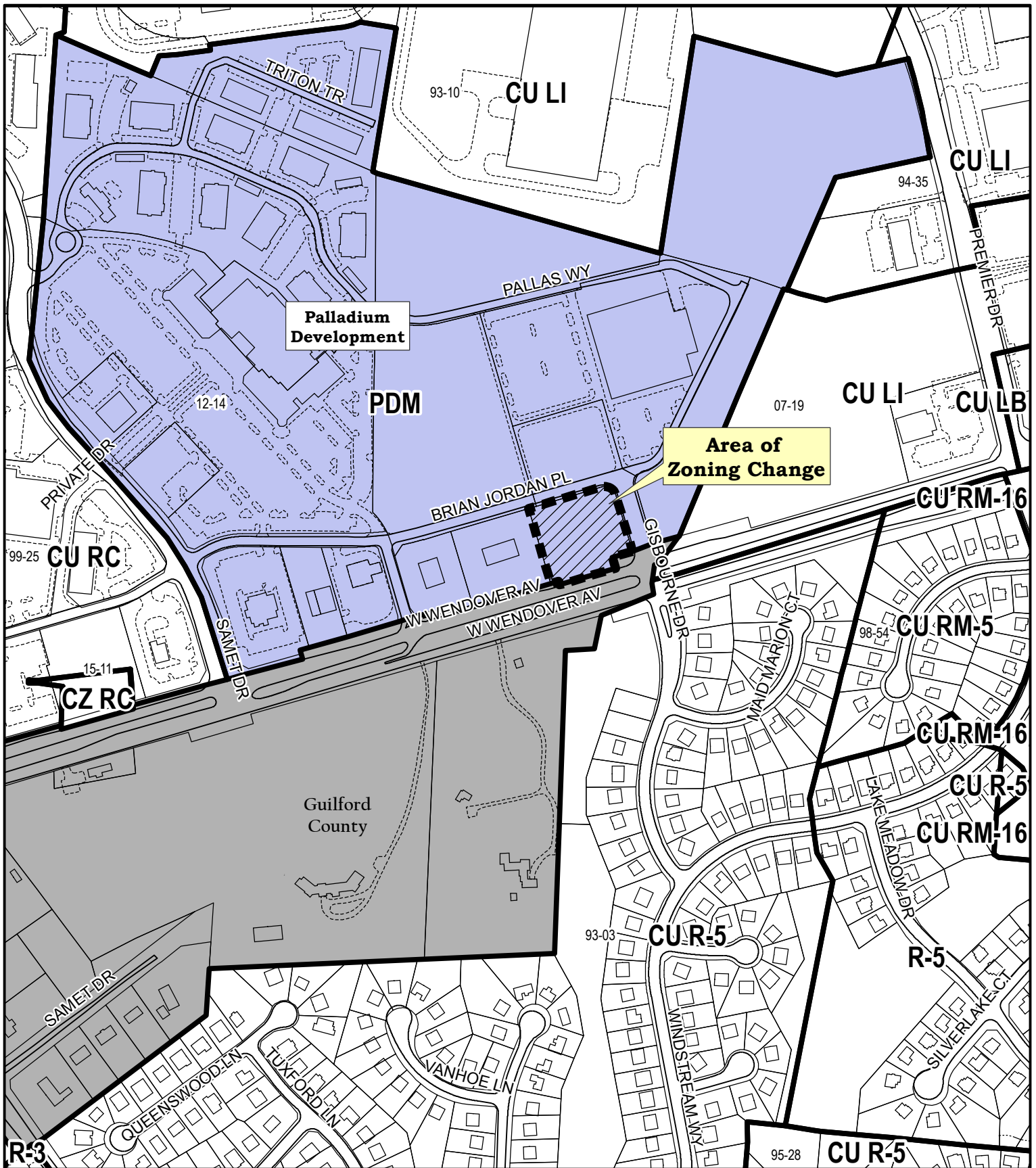
The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting 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-17-12

**From: Planned Unit Development Mixed**  
**To: Planned Unit Development Mixed**

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

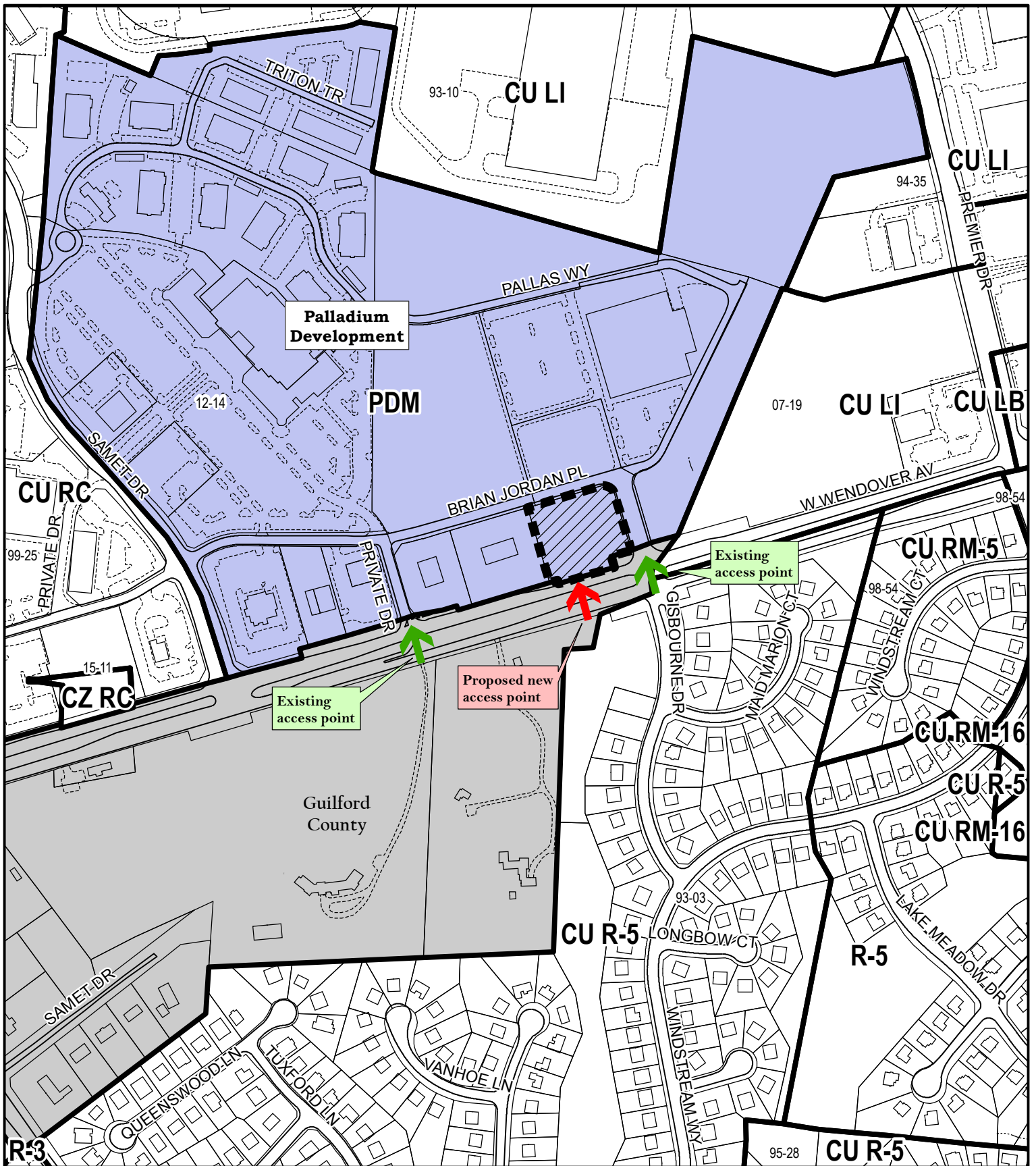
**Planning & Development**  
**Department**

**City of High Point**

**Date: July 25, 2017**



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## ZONING MAP AMENDMENT ZA-17-12

**From: Planned Unit Development Mixed**  
**To: Planned Unit Development Mixed**

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

**Planning & Development  
 Department**

**City of High Point**

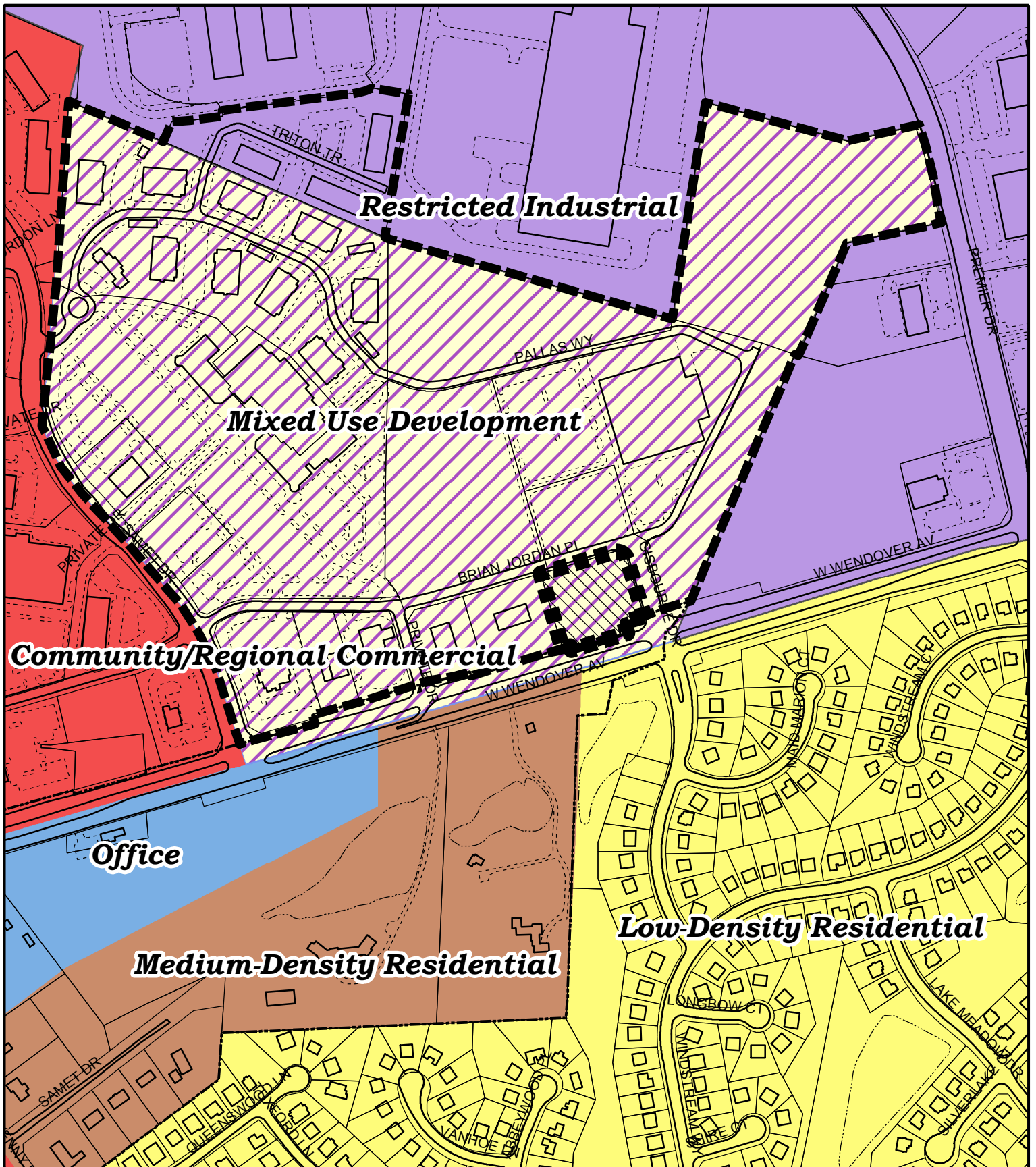
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# ZONING MAP AMENDMENT ZA-17-12

## Land Use Plan

Existing Land Use Plan  
Subject Property Boundary



Planning & Development  
Department

City of High Point

Date: July 25, 2017



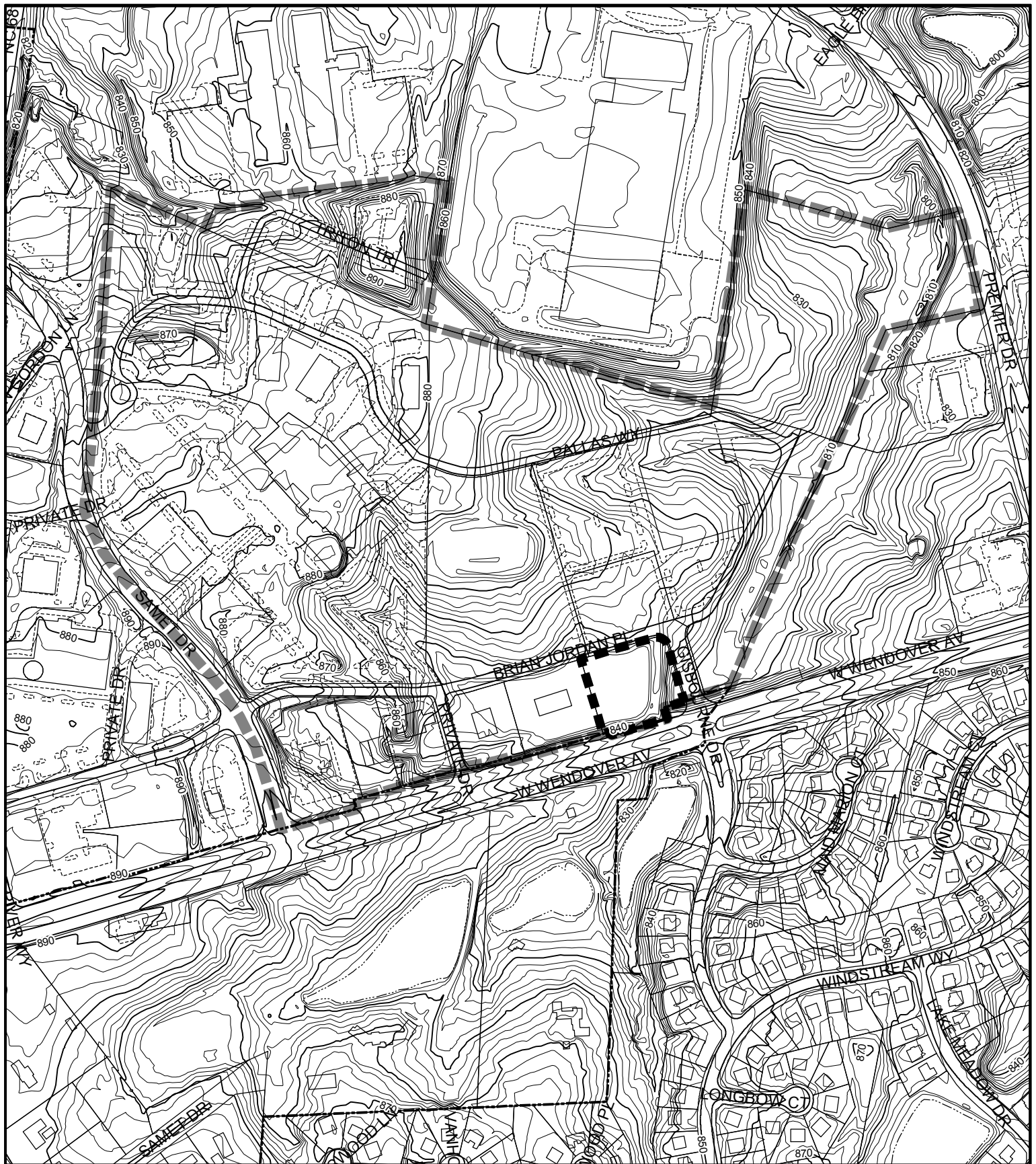
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**ZONING MAP AMENDMENT ZA-17-12**

The map displays an aerial view of a suburban area with several streets and a proposed zoning boundary indicated by a dashed white line. The streets shown include Triton Tr, Pallas Wy, Brian Jordan Pl, Private Dr, W Wendover Av, and Eagle Hill. The proposed boundary follows a path that starts near Triton Tr, runs along Pallas Wy, then follows Brian Jordan Pl, and continues along Private Dr. The map also shows existing buildings, parking lots, and residential areas. The text 'ZONING MAP AMENDMENT ZA-17-12' is prominently displayed at the top in a yellow box.





# ZONING MAP AMENDMENT ZA-17-12

## Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: July 25, 2017



Scale: 1"=400'

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

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on August 22, 2017 and before the City Council of the City of High Point on September 18, 2017 regarding **Zoning Case 17-14 (formerly known as ZA-12-14)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings was published in the High Point Enterprise on July 16, 2017, for the Planning and Zoning Commission public hearing and on September 7, 2017 and September 13, 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: A **Planned Unit Development Mixed (PDM) District**. The property is approximately 74.4 acres lying at the northeast corner of W. Wendover Avenue and Samet Drive, between Samet Drive and Premier Drive. The property is also known as Guilford County Tax Parcels Guilford County Tax Parcels 0209695, 0212263, 0212284, 0218575 and 0212274 thru 0212280 and a portion of Guilford County tax parcel 0209703 as described below:

BEING A PORTION OF LOT 3-B OF PIEDMONT CENTRE SECTION X – PHASE 2, AS SHOWN ON PLAT BOOK 172 PAGE 102 OF THE GUILFORD COUNTY REGISTRY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERN PROPERTY LINE OF THE PALLADIUM PARK APARTMENTS(NOW OR FORMERLY) AS RECORDED IN PLAT BOOK 161, PAGE 58 IN THE GUILFORD COUNTY REGISTER OF DEEDS OFFICE, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE FASTENAL COMPANY (NOW OR FORMERLY) RECORDED IN PLAT BOOK 112, PAGE 67 OF THE GUILFORD COUNTY REGISTER OF DEEDS OFFICE, SAID POINT OF BEGINNING BEING LOCATED S 11° 51’ 05” W 1135.47 FEET FROM THE NORTHEAST CORNER OF LOT 3-B, SECTION X – PHASE 2 OF PIEDMONT CENTRE AS RECORDED IN PLAT BOOK 172, PAGE 102 IN THE GUILFORD COUNTY REGISTER OF DEEDS OFFICE, THENCE ALONG SAID NORTHERN PROPERTY LINE OF THE PALLADIUM PARK APARTMENTS N 64° 03’ 51” W 745.27 FEET TO A POINT, THENCE N 25° 56’ 09” E 67.00 FEET TO A POINT, THENCE

ON A CURVE TO THE LEFT AND HAVING A CHORD BEARING AND DISTANCE OF N88° 28' 49" E 61.35 FEET AND A RADIUS OF 1017.47 FEET TO A POINT; THENCE N 85°18' 05" E 97.86 FEET TO A POINT ; THENCE N 04°41' 55" W 18.50 FEET TO A POINT, SAID POINT BEING AN EXISTING CORNER OF LOTS 3-A AND 3-B OF PIEDMONT CENTRE SECTION X – PHASE 2; THENCE WITH LOT 3-A, N 85° 18' 05" E 402.11 FEET TO A POINT; THENCE WITH LOT 3-A, ON A CURVE TO THE LEFT AND HAVING A CHORD BEARING AND DISTANCE OF N 77° 34' 53" E 66.59 FEET AND A RADIUS OF 247.87 FEET TO A POINT; THENCE S 78° 08' 55" E 112.18 FEET TO A POINT, SAID POINT BEING IN THE WESTERN PROPERTY LINE OF FASTENAL COMPANY (NOW OR FORMERLY) AS RECORDED IN PLAT BOOK 112, PAGE 67 OF THE GUILFORD COUNTY REGISTER OF DEEDS OFFICE, THENCE ALONG SAID PROPERTY LINE S 11° 51' 05" E 448.07 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 4.45 ACRES MORE OR LESS, ACCORDING TO A MAP PREPARED BY CPT ENGINEERING. DATED 03-12-13.

## 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:

- A. Uses permitted by this Conditional Zoning Ordinance are permitted as allowed by Table 4-7-1 of the Development Ordinance. All uses shall be subject to development standards, Special Use Permit public hearing approval or additional standards as noted in Table 4-7-1. Except as provided for by this Planned Unit Development-Mixed (PDM) District, development shall be subject to all of the applicable standards, procedures, and regulation of the City of High Point Development Ordinance (including watershed regulation and airport overlay standards).
- B. The following land uses shall be permitted within the individual tracts of the Planned Unit Development subject to the development and dimensional requirements of the Development Ordinance, the approved Planned Unit Development Sketch Plan and the specific conditions listed in this Permit.
  1. Tract A: Any of the land uses allowed in the Shopping Center District (SC) and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the SC District and the specific conditions listed herein.
  2. Tract B: Any of the land uses allowed in the General Office High Intensity District (GO-H) and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the GO-H District and the specific conditions listed herein.
  3. Tract C:
    - a. Any of the land uses allowed in the Shopping Center (SC) District and their customary accessory uses shall be permitted, subject to the development and

dimensional requirements of the SC District and the specific conditions listed herein; or

- b. Any of the land uses allowed in the General Office High Intensity (GO-H) District (GO-H) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the GO-H District and the specific conditions listed herein.
4. Tract D:
    - a. Any of the land uses allowed in the Shopping Center (SC) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the SC District and the specific conditions listed herein; or
    - b. Any of the land uses allowed in the General Office High Intensity (GO-H) District (GO-H) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the GO-H District and the specific conditions listed herein.
  5. Tract E: Any of the land uses allowed in the Shopping Center (SC) District and their customary accessory uses shall be permitted subject to the development and dimensional requirements of the SC District and the specific conditions listed herein.
  6. Tract F:
    - a. Any of the land uses allowed in the Shopping Center (SC) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the SC District and the specific conditions listed herein; or
    - b. Any of the land uses allowed in the Light Industrial (LI) District and their customary accessory uses shall be permitted subject to the specific conditions listed herein. Development within this tract shall be subject to the development and dimensional requirements of the Corporate Park (CP) District of the Development Ordinance, except the maximum permitted building coverage shall be sixty percent (60%) as allowed in the Light Industrial (LI) District; or
    - c. Any of the land uses allowed in the General Office High Intensity (GO-H) District (GO-H) District and their customary accessory uses shall be permitted, subject to the development and dimensional requirements of the GO-H District and the specific conditions listed herein.

Part II. CONDITIONS:

- A. Prohibited Uses: Within 250 feet of the W. Wendover Avenue right-of-way or upon any lot abutting W. Wendover Avenue right-of-ways, the following land uses shall be prohibited:

Recreational Uses:

1. Bingo Games
2. Golf Courses, miniature

3. Skating Rinks

Educational & Institutional Uses:

1. Auditoriums, Coliseums, or Stadiums

Business, Professional & Personal Service Uses:

1. Laundromats, Coin-Operated
2. Television, Radio or Electronic Repairs (principal use)

Retail Trade Uses:

1. Building Supply Sales (with storage yard)
2. Services Stations, Gasoline

Other Uses:

1. Storage Trailers (accessory uses)
2. Demolition Debris Landfills, Minor

B. Prohibited Uses within in individual tracts:

1. The following GO-H District uses shall be prohibited in Tracts C, D and F
  - a. Boarding and Rooming Houses (9 or less)
  - b. Boarding and Rooming Houses (10 or more)
  - c. Group Care Facilities
  - d. Private Dormitories
  - e. Shelters for the Homeless
  - f. Shelters, Temporary
  - g. Single Family Detached Dwellings

2. The following LI District uses shall be prohibited in Tract F

- a. All Residential Uses
- b. Recreational Uses
  - 1). Amusement or Water Parks, Fairgrounds
  - 2). Bating cages
  - 3). Go-cart Raceways
  - 4). Golf Course, Miniature
  - 5). Golf Course
  - 6). Golf Driving Ranges
- c. Business, Professional, and Personal Services Uses:
  - 1). Automobile Rental or Leasing
  - 2). Automobile Repair Services, Major
  - 3). Automobile Repair Services, Minor
  - 4). Automobile Towing and Storage Services
  - 5). Boat Repairs
  - 6). Car Washes
  - 7). Equipment Rental & leasing (with outside storage)
  - 8). Equipment Repair, Light
  - 9). Hotels or Motels
  - 10). Kennels or Pet Grooming Services

- 11). Laundry and Dry Cleaning substations
  - 12). Truck Driving Schools
  - 13). Truck & Utility Trailer Rental & Leasing, light
  - 14). Truck & Utility Trailer Rental & Leasing, heavy
- d. Retail Trade Uses:
- 1). Boat Sales
  - 2). Building Supply Sales (with storage yard)
  - 3). Bulky Item Outdoor Sales
  - 4). Convenience Stores (with gasoline pumps)
  - 5). Convenience Stores (without gasoline pumps)
  - 6). Fuel Oil Sales
  - 7). Manufactured Home Sales
  - 8). Motor Vehicle Sales (new and used)
  - 9). Motorcycle Sales
  - 10). Recreational Vehicle Sales
  - 11). Service Station, Gasoline
  - 12). Tire Sales
  - 13). Truck Stops
- e. Wholesale Trade Uses
- 1). Farm supplies (other) (Ref. SIC 5191)
  - 2). Forest products (Ref. SIC 5099)
  - 3). Lumber and millwork (Ref. SIC 5031)
  - 4). Lumber and other construction materials (Ref. SIC 5030)
  - 5). Motor vehicles (Ref. SIC 5012)
- f. Transportation, Warehousing & Utilities:
- 1). Demolitions Debris Landfills, Minor
  - 2). Heliports
  - 3). Moving and storage services
  - 4). Recycling processing centers
  - 5). Taxi terminals)
  - 6). Transportation, Warehousing & Utilities
  - 7). Trucking or freight terminals
  - 8). Utility equipment and storage yards
- g. Manufacturing and Industrial Uses
- 1). Fats and oils plant
  - 2). Manufacturing of manufactured housing and wood buildings
  - 3). Motorcycle assembly
- h. Other Uses
- 1). Storage Trailers (accessory)
  - 2). Storage trailers as a principal use

C. Development & Dimensional Standards:

1. Tract A & E

- a. Drive-through/service windows and menu boards shall not be permitted between the principal building and the street right-of-way along the West Wendover and Samet Drive street frontage.
- b. Any use with gasoline pumps shall be designed so that the canopy and the gasoline pumps are no closer to the W. Wendover Avenue street right-of-way than the front façade of the principal building.
- c. Automobile bays shall not face West Wendover Avenue. Furthermore, air hoses, vacuum pedestals and other outdoor automobile service equipment shall not be located between the principle building and the West Wendover Avenue right-of-way.

2. Tract B

- a. In addition to the development and dimensional requirements of the GO-H District, Section 9-4-11(b)4b.1&2 of the Development Ordinance, is not required for Tract B, and instead the minimum distance between multifamily residential buildings shall be fifteen (15) feet.

3. Tracts C and D and F

- a. If developed as multifamily residential, then the dimensional requirements for multifamily residential under the GO-H District shall apply, with exception to Section 9-4-11(b)4b.1&2 of the Development Ordinance is not required, and the minimum building separation between multifamily residential buildings shall be fifteen (15) feet.
- b. If developed as SC District uses, then the minimum 20,000 square foot lot size requirement shall not apply.

D. Architectural Design:

1. Tracts A and E shall be subject to the architectural requirements of the Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(e), (Architecture), of the Development Ordinance.
2. The exterior colors of all principal and accessory structures shall be of low reflectance, subtle, neutral or earth tone. The use of high intensity colors, metallic colors, or fluorescent colors is prohibited. Building trim and accent areas may feature brighter colors including primary colors. Neon tubing shall not be permitted for building trim or accent elements.
3. Metal and vertical sided buildings shall be prohibited on the rezoning site.

E. Landscaping, Buffering & Screening:

1. Tract A and Tract E shall be subject to the landscaping requirements of the Eastchester Scenic Overlay District, section 9-4-4(c)(4)(c), (Landscaping) and Table 4-4-1 (Penny Road north to Gallimore Dairy Road), of the Development Ordinance for W. Wendover Avenue, except that the minimum street yard width along W. Wendover Avenue shall be twenty (20) feet.

2. A minimum eight (8) foot wide street yard planted at a type C planting yard rate shall be established along the Samet Drive street frontage.
3. A minimum five (5) foot wide Type D planting yard shall be provided adjacent to Guilford County Tax Parcels 0209694 (*4110 Premier Drive*) and 0209702 (*4350 Premier Drive*).
4. Parking lot landscaping shall be provided within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement. Parking lot canopy trees required at a rate of one (1) canopy tree per twelve (12) parking spaces.
5. Dumpsters shall be screened as required by Section 9-5-1(d)(2) of the Development Ordinance.
6. At the tract boundary line between residential and non-residential uses a minimum Type D planting yard shall be installed.

F. Transportation:

1. Right-of-way: Where turn lanes are required along Wendover Avenue, an additional 12 feet of right-of-way shall be dedicated from the new back of curb or the new edge of pavement of the turn lane, if required by the High Point Transportation Department or the North Carolina Department of Transportation (NCDOT).
2. Vehicular Access: The property shall have access to public streets as follows:
  - a. W. Wendover Avenue: ~~Two (2)~~ **Three (3)** points of access shall be allowed to W. Wendover Avenue. One (1) shall be a right-in/right-out access located approximately 600 feet east of Samet Drive that allows left turns in from W. Wendover via left-over, and one (1) shall be a full access that aligns with existing Gisbourne Drive, **and one (1) shall be a right-in maneuver from W. Wendover Avenue.**
  - b. Samet Drive: Three (3) points of access shall be allowed to Samet Drive. One (1) shall align with Brian Jordan Place; one (1) shall align with the driveway to the Food Lion; and one (1) shall align with John Gordon lane.
  - c. Premier Drive: One (1) point of access shall be allowed to Premier Drive. Unless vehicular access from the rezoning site to Premier Drive is provided via a public street, the development's traffic circulation system shall be designed to discourage through traffic movements from Samet Drive and W. Wendover Avenue to Premier Drive.
3. Road Improvements:
  - a. A traffic control device shall be installed on Samet Drive at the main access to the theater when warranted.
  - b. Dual left turn lanes shall be provided on eastbound W. Wendover Avenue into Samet Drive and from southbound Samet Drive onto W. Wendover Avenue.
  - c. An additional lane will be required on Samet Drive to accept traffic from the eastbound dual left turn lane from W. Wendover Avenue. This lane shall not end before the entrance to the theater.



- d. A left-over from W. Wendover Avenue into the proposed driveway between Samet Drive and Gisbourne Drive must be approved by the NCDOT. If allowed this left-over will require the installation of a left turn lane along W. Wendover Avenue. Also, a right turn lane shall be required at the access point on W. Wendover Avenue into the site.
- e. The developer shall provide a southbound right turn lane at the access point on Premier Drive.
- f. The developer shall provide a westbound right turn lane on Wendover Avenue at the access point opposite Gisbourne Drive.
- g. The developer shall be responsible for a new traffic signal at the intersection of Wendover Avenue and Gisbourne Drive when warranted. As part of the signal installation, the developer will be responsible for connecting the signal to the City of High Point Signal System.
- h. An additional eastbound left turn lane and the traffic signal at the intersection of Gisbourne Drive and Wendover Avenue must be constructed prior to the issuance of Certificate of Occupancy for any building(s) or addition(s) that individually or collectively exceeds a 65,000 sq. ft on tracts D & E or at the request of City of High Point, whichever occurs first.

4. Pedestrian Access:

- a. The developer shall install a sidewalk on the east side of Samet Drive along the property frontage.
- b. A pedestrian access system shall be provided so as to provide safe and convenient pedestrian access to recreational areas for all dwelling units.
- c. A pedestrian access plan for the entire rezoning site shall be submitted for review and approval by the City of High Point Technical Review Committee. This plan shall be submitted as a part of the Preliminary Plat approval process.
- d. Once 50% of a tract's land area is developed or 50% of the tract's dwelling units are constructed, whichever occurs first, the required pedestrian access shall be required to be installed.
- e. In the event pedestrian trails (not including sidewalks in ROW) are used, they shall consist of all weather surface material. Trails and walkways shall be no less than five (5) feet in width. The location of all trails shall be indicated on plans submitted for approval.

- 5. The City of High Point Director of Transportation and the NCDOT shall approve all construction and improvements.

G. Parking: Parking shall be subject to the requirements of the Development Ordinance.

H. Subdivision: All parcels within the rezoning site shall be subject to the subdivision regulations of the Development Ordinance and a preliminary subdivision plat shall be prepared and approved prior to development and land division.

I. Signs:

- 1. Tract A and that portion of Tract E, lying between West Wendover Avenue and the Private Drive (as depicted on PUD Master Plan) shall be subject to the-signage

- requirements of the Eastchester Scenic Overlay District, Section 9-4-4(c)(4)(d), (Signage), of the Development Ordinance.
2. The location of signage on the rezoning site shall conform to the approved common signage plan. All other signage issues shall be subject to the requirements of the Development Ordinance.
  3. Common signage plan for the Planned Unit Development shall be submitted and approved prior to preliminary subdivision approval, group development plan approval or site plan approval. This plan may include the allowance of two Development Identification Signs, as allowed by the SC District in Table 5-16-2, one at the intersection of W. Wendover Avenue and Samet Drive and one at the W. Wendover Avenue entrance lying opposite Gisbourne Drive.
  4. Specifications of size, type, height, setback, location, design, illumination, and number of signs shall be included in a Common Sign Plan element in accordance with Section 9-4-3(a)(3)g. of the Development Ordinance.
- J. The rezoning site is subject to Section 9-4-3(a)(3) & (5) (*Planned Unit Development Requirements - Development Standards*) of the Development Ordinance as it pertains to dimensional standards, access, commercial areas, alleys, local street design, boundary treatment, signs, parking, environmental sensitive areas, open space and common recreational facilities, phased development, and owners' associations.

### SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.

### SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

### SECTION 5

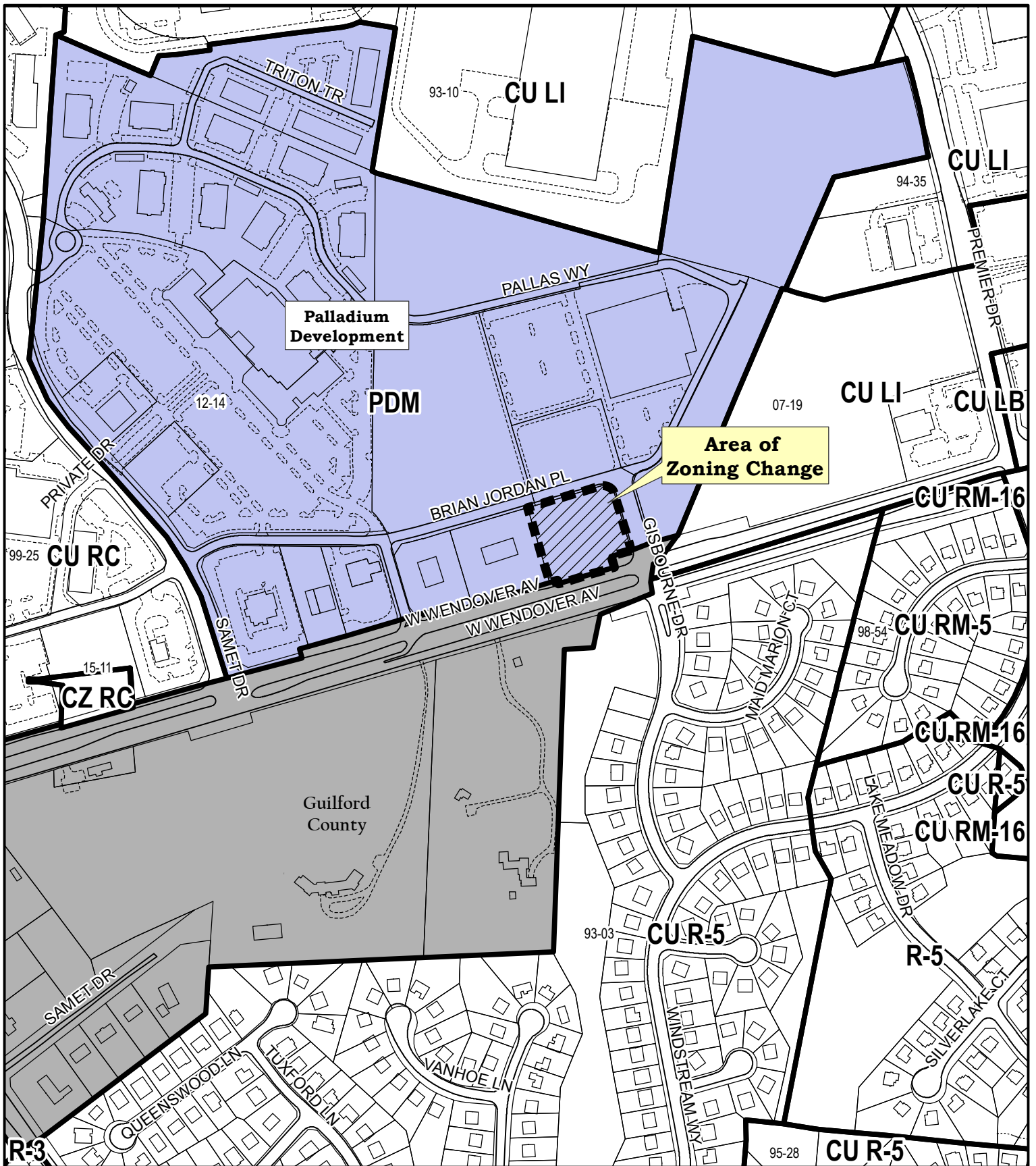
That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

### SECTION 6.

This ordinance shall become effective upon the date of adoption.  
18<sup>th</sup> day of March, 2013.

Lisa B. Vierling, City Clerk

Conditional Zoning Case 17-12 Supplemental Information	
Initial Zoning Application (ZA-12-14)	Adopted November 19, 2012 (Ordinance # 6963/12-79)
Amendment #1 (March 2013)	Adopted March 18, 2013 (Ordinance # 6985/13-17)



## ZONING MAP AMENDMENT ZA-17-12

**From: Planned Unit Development Mixed**  
**To: Planned Unit Development Mixed**

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

**Planning & Development  
 Department**

**City of High Point**

**Date: June 23, 2017**

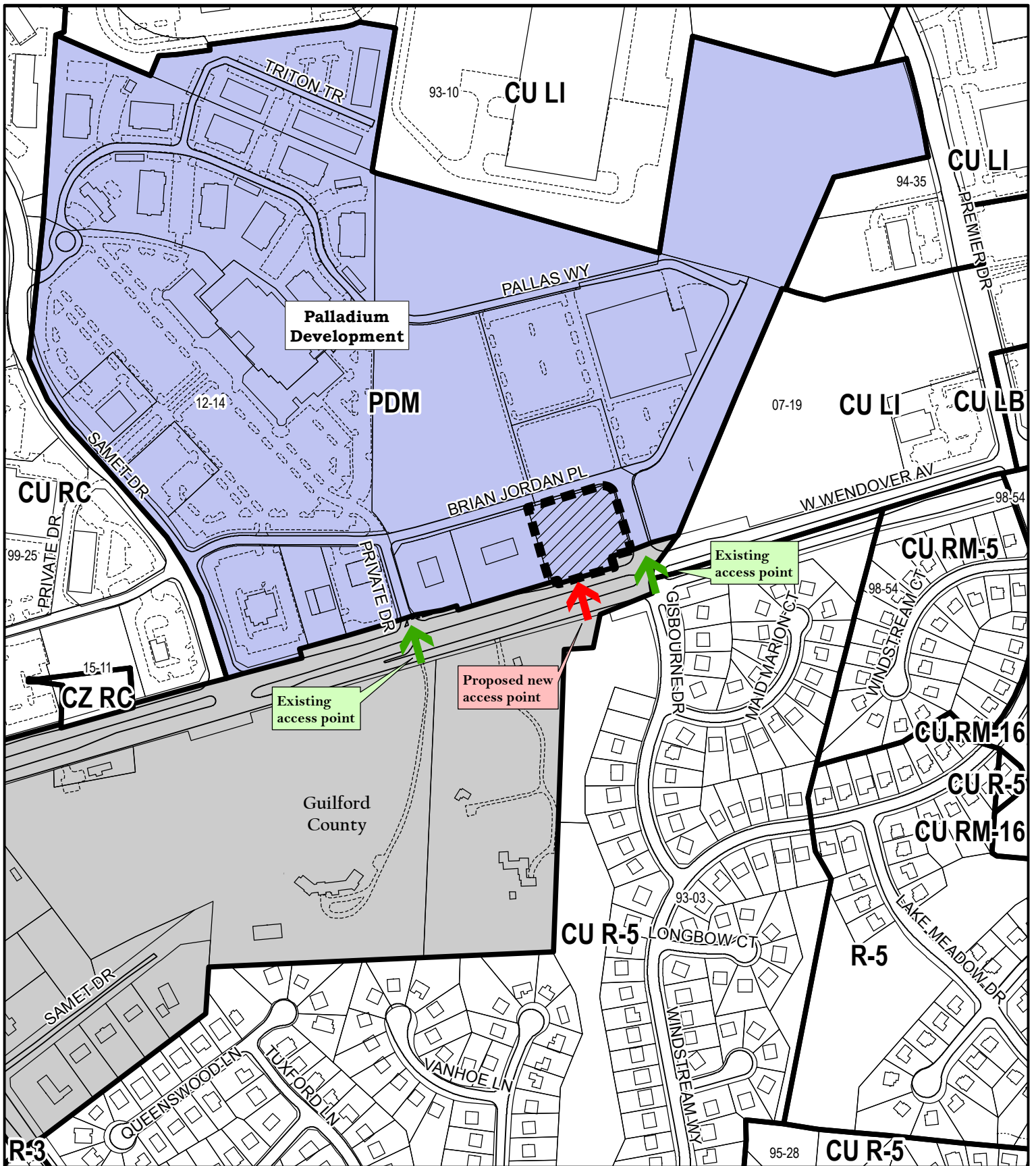


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## ZONING MAP AMENDMENT ZA-17-12

**From: Planned Unit Development Mixed  
To: Planned Unit Development Mixed**

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

**Planning & Development  
Department**

**City of High Point**

**Date: July 25, 2017**



**Scale: 1"=400'**

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The applicant's traffic engineer submitted the following Executive Summary from their Traffic Impact Analysis (TIA).

In addition to this summary, the complete TIA has been submitted to the City of High Point Transportation Department for review.

## VICKIE EMBRY

---

**From:** VICKIE EMBRY  
**Sent:** Wednesday, March 08, 2017 3:57 PM  
**To:** 'Royal Hinshaw'  
**Cc:** GREG VENABLE  
**Subject:** TIA for Paladium

Royal,

We have reviewed the submitted TIA for the Palladium Lot W-5. For Site Access 1 you have shown Primary Trips 15/17 and Pass-By Site Trips 25/33 for the Peak Hours. Based on these assumed numbers, we would do not see a need for this access.

This access point does not meet the required zoning for the development, does not follow the Wendover Corridor Plan and does not meet the Driveway Ordinance.

If you have any questions, please give us a call.

Vickie

Vickie Embry  
P.E.



**CITY OF HIGH POINT**  
Transportation Engineer

211 S Hamilton, Room 210 | High Point, NC 27260  
336.883.3229 | fax: 336.883.8568

[vickie.embry@highpointnc.gov](mailto:vickie.embry@highpointnc.gov) | [www.highpointnc.gov](http://www.highpointnc.gov)

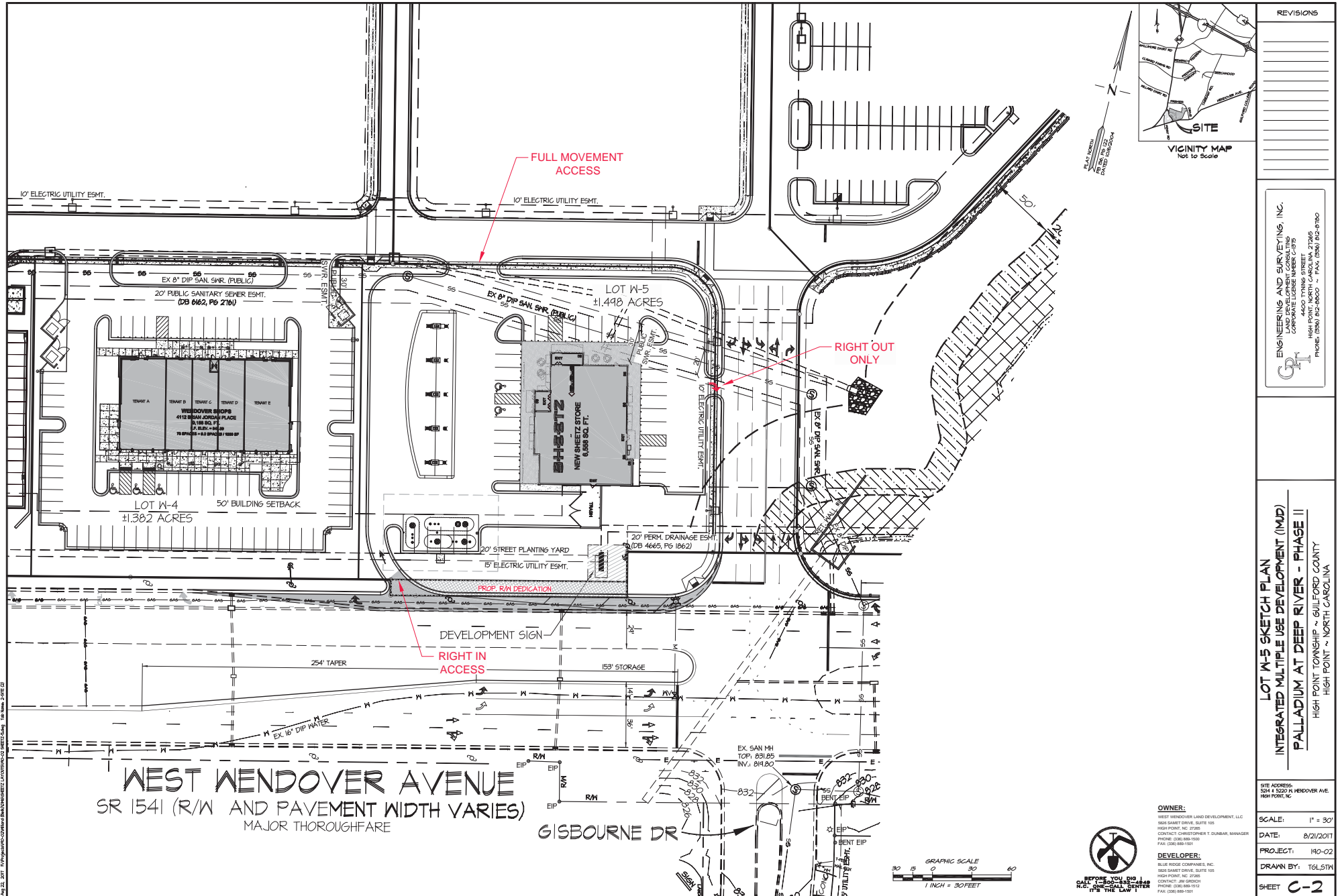
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Aug 21, 2017 10:09pm - CORRECTION: LAYOUTING OF STREET CLOSURE





PAT McCrory  
*Governor*

NICHOLAS J. TENNYSON  
*Secretary*

August 4, 2016

Mr. Mike Fox  
Attorney at Law  
Tuggle Duggins P.A.  
P. O. Box 2888  
Greensboro, NC 27402

Dear Mike:

This is to advise that based on the information provided, and also based on our current Driveway Policy, NCDOT would be agreeable to a right in only deceleration lane, from westbound Wendover Ave., to the proposed Sheetz development, at the Palladium development. This approval does not pertain to any other driveway access into, or out of, this property.

However, and as you are aware, since this proposed site is located within the City of High Point, any request for a Driveway Permit must be jointly reviewed, and approved, by both governmental entities, with compliance to the usually more restrictive local ordinance.

Therefore, even though this requested right in only deceleration lane does meet NCDOT's Driveway policy, you will need to have this reviewed by the City of High Point to ensure that it meets their City driveway ordinance, the Wendover Corridor Plan that was adopted by the City of High Point in 1995 and any current zoning restrictions.

If you have any questions, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'J.M. Mills'.

J.M. Mills, PE  
Division Engineer

JMM/jm

Cc: Mr. Bobby Norris

The logo for 'Nothing Compares', featuring a stylized mountain range graphic to the left of the text 'Nothing Compares' with a small 'SM' trademark symbol.

Nothing Compares<sup>SM</sup>



# Transportation Impact Analysis

## Palladium Lot W-5 Development High Point, NC

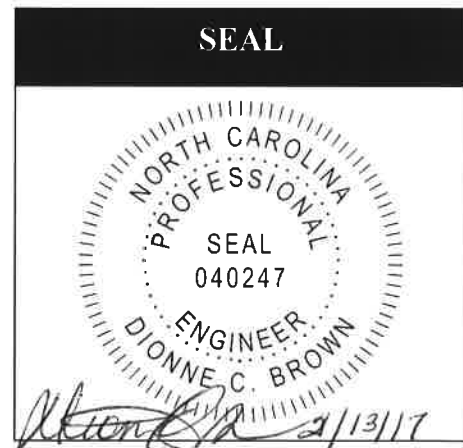
Prepared for Blue Ridge Companies  
January 31, 2017

Analysis by: Dionne C. Brown, P.E.

Drafting/Graphics by: Dionne C. Brown, P.E.

Reviewed by: F. Royal Hinshaw, P.E.

Sealed by: Dionne C. Brown, P.E.



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#### Home Office:

305 West Fourth Street, Suite 2A  
Winston-Salem, NC 27101  
Main: 336.744.1636; Fax: 336.458.9377

Serving the Southeast since 2002



**Palladium Lot W-5 Development – Transportation Impact Analysis**  
**High Point, NC**  
**Prepared for Blue Ridge Companies**  
**January 31, 2017**

**Executive Summary**

The proposed Palladium Lot W-5 Development is located in the northwest quadrant of W. Wendover Avenue and Gisbourne Drive in High Point, North Carolina. As currently planned, this development will consist of 6,558 square feet of convenience market with gasoline pumps. The site plan currently shows right-in only access on W. Wendover Avenue and a full access on Brian Jordan Place.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of both background traffic and new development traffic. The following intersections were included in the study:

- W. Wendover Avenue at Samet Drive
- W. Wendover Avenue at Unnamed Private Drive
- W. Wendover Avenue at Gisbourne Drive
- W. Wendover Avenue at Premier Drive/ Windstream Way
- Brian Jordan Place at Samet Drive
- Brian Jordan Place at Gisbourne Drive
- W. Wendover Avenue at Site Access 1 (right-in only)
- Brian Jordan Place at Site Access 2

The intersections were analyzed during the AM (7-9 am) and PM (4-6 pm) peaks for the following conditions:

- 2017 Existing Conditions
- 2022 Future No Build Conditions
- 2022 Future Build Conditions
- 2022 Future Build Condition with Mitigation (if necessary)

The City of High Point and the North Carolina Department of Transportation (NCDOT) were contacted to obtain background information and to ascertain the elements to be covered in this Transportation Impact Analysis (TIA). Information regarding the property was provided by the civil engineer, CPT Engineering and Surveying Inc.

### ***Discussion of Results***

The following section discusses level of service for each intersection.

#### ***W. Wendover Avenue at Samet Drive***

This signalized intersection currently operates at LOS B during the AM peak and LOS C during the PM peak. In 2022 future no build conditions and with site traffic, the LOS is expected to remain the same. No improvements are recommended for this intersection.

#### ***W. Wendover Avenue at Unnamed Private Drive***

This unsignalized intersection currently operates at LOS B during the AM and PM peaks. In 2022 future no build conditions, LOS B is expected in the AM peak and LOS C is expected in the PM peak. With the addition of proposed site traffic, the LOS is expected to remain the same. No improvements are recommended for this intersection.

#### ***W. Wendover Avenue at Gisbourne Drive***

This signalized intersection currently operates at LOS B during the AM and PM peaks. In 2022 future no build conditions, LOS B is expected in the AM peak and LOS C in the PM peak. With the addition of proposed site traffic, LOS C is expected in the AM and PM peaks. To prevent conflicts between eastbound traffic intending to make a U-turn into the site with southbound right traffic, it is recommended to post signage prohibiting eastbound U-turns at this intersection.

#### ***W. Wendover Avenue at Premier Drive***

This signalized intersection currently operates at LOS C during the AM peak and LOS D during the PM peak. In 2022 future no build conditions and with site traffic, the LOS is expected to remain the same. No improvements are recommended for this intersection.

#### ***Brian Jordan Place at Samet Drive***

This unsignalized intersection currently operates at LOS A during the AM peak and LOS C during the PM peak. In 2022 future no build condition, LOS B is expected in the AM peak and LOS F in the PM peak. With the addition of proposed site traffic, LOS B is expected in the AM peak and LOS F in the PM peak. The PM peak LOS is an F due to the westbound left turns at the intersection. It is typical at a stop-controlled intersection that left turning vehicles experience a delay but the delays are expected to be short-lived. Therefore, no improvements are recommended.



### ***Brian Jordan Place at Gisbourne Drive***

This unsignalized intersection currently operates at LOS A during the AM and PM peaks. In 2022 future no build condition, LOS A is expected in the AM peak and LOS C in the PM peak. With the addition of proposed site traffic, LOS B is expected in the AM peak and LOS F in the PM peak. The PM peak LOS is an F due to the westbound left turns at the intersection. It is typical that left turning vehicles have difficulty maneuvering that movement at stop-controlled intersections. Therefore, no improvements are recommended.

### ***W. Wendover Avenue at Site Access 1***

In 2022 build conditions with the addition of proposed site traffic, LOS A is expected in the AM and PM peaks since it is a right-in only access. It is recommended to provide a 100 foot auxiliary right turn lane with appropriate taper at this intersection.

### ***Brian Jordan Place at Site Access 2***

In 2022 build conditions with the addition of proposed site traffic, LOS A is expected in the AM peak and LOS B in the PM peak. It is recommended to provide a separate right and left egress lane at the site access to accommodate the site traffic.

### ***Level of Service Summary***

Table A summarizes the level of service analysis at the study intersections:

<b>Table A - Level of Service Summary</b>				
AM Peak	2017 Existing	2022 No Build	2022 Build	2022 Build with Improvements
W. Wendover Avenue at Samet Drive	B (10.4)	B (15.0)	B (15.4)	
W. Wendover Avenue at Unnamed Private Drive	B (10.6) SB Approach	B (10.5) SB Approach	B (10.1) SB Approach	
W. Wendover Avenue at Gisbourne Drive	B (11.1)	B (18.2)	C (22.3)	
W. Wendover Avenue at Premier Drive	C (26.4)	C (28.0)	C (29.0)	
Brian Jordan Place at Samet Drive	A (9.7) WB Approach	B (11.0) WB Approach	B (11.0) WB Approach	
Brian Jordan Place at Gisbourne Drive	A (8.5) EB Approach	A (9.7) EB Approach	B (12.1) WB Approach	
W. Wendover Avenue at Site Access 1			A (0) EB Approach	A (0) EB Approach
Brian Jordan Place at Site Access 2			A (9.8) NB Approach	A (9.4) NB Approach

**Table A - Level of Service Summary cont.**

PM Peak	2017 Existing	2022 No Build	2022 Build	2022 Build with Improvements
W. Wendover Avenue at Samet Drive	C (26.9)	C (31.6)	C (31.8)	
W. Wendover Avenue at Unnamed Private Drive	B (10.8) SB Approach	C (23.3) SB Approach	C (25.0) SB Approach	
W. Wendover Avenue at Gisbourne Drive	B (15.4)	C (25.1)	C (29.8)	
W. Wendover Avenue at Premier Drive	D (38.3)	D (39.8)	D (41.9)	
Brian Jordan Place at Samet Drive	C (16.9) WB Approach	F (51.8) WB Approach	F (57.6) WB Approach	
Brian Jordan Place at Gisbourne Drive	A (9.1) EB Approach	C (18.1) WB Approach	F (57.1) WB Approach	
W. Wendover Avenue at Site Access 1			A (0) EB Approach	A (0) EB Approach
Brian Jordan Place at Site Access 2			B (12.1) NB Approach	B (11.1) NB Approach

LOS (delay in seconds)

Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay



## Summary and Conclusion

The proposed Palladium Lot W-5 Development is located in the northwest quadrant of W. Wendover Avenue and Gisbourne Drive in High Point, North Carolina. As currently planned, this development will consist of 6,558 square feet of convenience market with gasoline pumps. The site plan currently shows right-in only access on W. Wendover Avenue and a full access on Brian Jordan Place.

Based on trip generation rates and equations published in Trip Generation (Institute of Transportation Engineers, 9th Edition), this development has a trip generation potential of 100 net trips in the AM peak and 114 net trips in the PM peak.

Based on the analysis, there are two intersections that are not expected to operate at LOS D or better. The two intersections: Brian Jordan Place at Samet Drive and Brian Jordan Place at Gisbourne Drive, are all stop-controlled intersections. It is typical at a stop-controlled intersection that left turning vehicles experience a delay but the delays are expected to be short-lived. There are no improvements recommended for these two intersections; however, there are recommended improvements to other intersections summarized in Table B.

Table B – Recommended Improvement Summary	
W. Wendover Avenue at Gisbourne Drive	<ul style="list-style-type: none"><li>• Prohibit eastbound U-turns at the intersections</li></ul>
W. Wendover Avenue at Site Access 1	<ul style="list-style-type: none"><li>• Provide a 100 foot westbound right turn lane with appropriate taper</li><li>• </li></ul>
Brian Jordan Place at Site Access 2	<ul style="list-style-type: none"><li>• Provide separate right and left egress lanes at the site access</li></ul>
All other study intersections	<ul style="list-style-type: none"><li>• No improvements recommended</li></ul>

In conclusion, this study has reviewed the impacts of both background traffic and this development traffic, and has determined that with the recommended improvements in place, there will be adequate capacity to accommodate future traffic. The final design of these improvements will need to be coordinated during the site plan approval process. Please note that all accesses to the site are required to be constructed to NCDOT standards.

**Citizens Information Meeting Report  
Zoning Map Amendment 17-12**

**CITIZEN INFORMATION MEETING REPORT FOR PALLADIUM LOT W-5 (4120  
BRIAN JORDAN PLACE)**

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

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 informed 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 intent behind the request, a detailed summary of proposed conditions, contact information for applicant’s counsel, and a request for comments or questions from any interested party.

**2. Method and Date of Notification**

Via mailed notification (See Exhibit A), applicant informed 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 intent of the request, a detailed summary of proposed conditions, contact information for applicant’s counsel, and a request for comments or questions from any interested party. Notifications were sent out via mail on Friday, June 30, 2017.

**3. List of Landowners Notified**

Applicant informed 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 of the filing of this report, applicant has not heard from any nearby landowners or interested parties. Applicant, through its representatives, remains committed to communicating with any interested parties on all matters concerning this request for the remainder of the 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 informed 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 intent of the rezoning, a detailed summary of proposed conditions, 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 the filing of this report, applicant has not heard from any nearby landowners or interested parties. Applicant, through its representatives, remains committed to communicating with any interested parties on all matters concerning this request for the remainder of the process.

# **EXHIBIT A**

# TUGGLE DUGGINS P.A.

100 North Greene Street, Suite 600  
Greensboro, NC 27401

June 30, 2017

Neighbor

[Address]

Re: Rezoning at 4120 Brian Jordan Place, High Point, NC 27265 (Palladium Lot W-5)

Dear [Neighbor],

We are writing to you because you own property that is nearby or next to the property at 4120 Brian Jordan Places, High Point, NC 27265. We want to share with you some information regarding our plans for the property. As you may be aware, we have filed a zoning map amendment request with the City of High Point on behalf of our client, Blue Ridge Companies. The purpose of this request is to allow for the development of a convenience store with gas pumps at the location. The remainder of this letter explains that request and the proposed development, while inviting you to contact us with any comments, concerns, and questions you may have.

This property was previously rezoned to a Conditional Use-Planned Unit Development Mixed District (CU-PDM). This is the current zoning designation for the property. Our zoning map amendment request leaves that broad use designation unchanged. However, we have requested changes to the conditions. Those changes are as follows:

1. Removing a prohibition on locating air hoses, vacuum pedestals, and other automobile service equipment between the principal building and the West Wendover right-of-way;
2. Increasing available access points from two to three. The added access point shall be a right-in maneuver from West Wendover Avenue; and
3. Removing the following right-of-way requirement: "Where turn lanes are required along Wendover Avenue, an additional 12 feet of right of way shall be dedicated from the new back of curb or new edge of pavement of the turn lane, if required by the High Point Transportation Department or the North Carolina Department of Transportation (NCDOT)."

We are available to discuss what these changes may mean and how they differ from the conditions currently in effect under the ordinance (Ordinance # 6985/13-17). The intended development is a quality convenience store with gas pumps to serve the community and surrounding area.

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 Mike Fox at 336-271-5244 and

mfox@tuggleduggins.com or Nathan Duggins at 336-271-5246 and nduggins@tuggleduggins.com. We look forward to working with you on this project.

Sincerely,

Michael S. Fox  
Attorney  
Tuggle Duggins P.A.

J. Nathan Duggins III  
Attorney  
Tuggle Duggins P.A.

# **EXHIBIT B**



350 OST HIGH POINT LLC ; NOHO OST HIGH POINT  
LLC  
P O BOX 1098  
ALPINE NJ 07620

AUSTIN, MARK J ; AUSTIN, CAROLYN P  
5223 W WENDOVER AVE  
HIGH POINT NC 27265

BOND STREET FUND 9 LLC ; SCALTN  
INVESTMENTS LLC ; SUMTER CROSSING I LLC  
909 MONTGOMERY ST SUITE 200  
SAN FRANCISCO CA 94133

BRC DEEP RIVER LLC  
5826 SAMET DR SUITE 105  
HIGH POINT NC 27265

BRC MAJESTIC APARTMENTS LLC  
5826 SAMET DR STE 105  
HIGH POINT NC 27265

BRC PALLADIUM DEVELOPMENT LLC  
5826 SAMET DR SUITE 105  
HIGH POINT NC 27265

BRC WENDOVER SHOPPES LLC  
5826 SAMET DR SUITE 105  
HIGH POINT NC 27265

CALIN, MINERVA ; CALIN, AUREL CALIN  
3920 GISBOURNE DR  
JAMESTOWN NC 27282

CAROLINA BANK  
PO BOX 10209  
GREENSBORO NC 27404

CAROLINA CATS LLC  
520 MCCALL RD  
MANHATTAN KS 66502

COLEMAN, ANTHONY LEE ; JOHNSON- COLEMAN,  
ROCHELLE  
3916 GISBOURNE DR  
JAMESTOWN NC 27282

DFC PREMIER DRIVE LLC  
5826 SAMET DR STE 105  
HIGH POINT NC 27265

EASTER, S LOWELL  
P O BOX 49579  
GREENSBORO NC 27419

GUEVARA, ELADIO ; GUEVARA, ELBA  
4005 MAID MARION CT  
JAMESTOWN NC 27282

HEDIMA, BENSON ; HEDIMA, RUTH  
4013 MAID MARION CT  
JAMESTOWN NC 27282

LEACH, VERTHA L  
4017 MAID MARION CT  
JAMESTOWN NC 27282

LUTZWEILER, SHELLY J  
101 THORNWOOD RD  
JAMESTOWN NC 27282

MOORE, MONA L  
4011 MAID MARIAN CT  
JAMESTOWN NC 27282

MURPHREE, MICHAEL ; MURPHREE, KELLY  
3918 GISBOURNE DR  
JAMESTOWN NC 27282

NOTTINGHAM HOME OWNERS ASSN  
2306 W MEADOWVIEW RD SUITE 111  
GREENSBORO NC 27407

OHERRING PROPERTIES INC  
4236 ROCK BRIDGE RD  
HIGH POINT NC 27262

PALLADIUM PARK 2 LLC ; CONGDON CALEDON  
WOOD LLC  
5826 SAMET DR SUITE 105  
HIGH POINT NC 27265

PALLADIUM RETAIL LLC  
5826 SAMET DR STE 105  
HIGH POINT NC 27265

SAMET SFT LLC  
PO BOX 38114  
GREENSBORO NC 27438

WEST WENDOVER LAND DEVELOPMENT LLC  
5826 SAMET DR SUITE 105  
HIGH POINT NC 27265

WILSON, JUDY L  
4015 MAID MARION CT  
JAMESTOWN NC 27282

YFP LLC  
2801 W TYVOLA RD  
CHARLOTTE NC 28217

# **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)