Planning & Development

Development Services Division



September 26, 2017

Clint Cogburn
Tuggle Duggins P.A.
100 North Greene Street, Suite 600
Greensboro NC 27401

Subject: Zoning Map Amendment 17-12 (ZA-17-12)

Dear Sir:

On September 18, 2017, the High Point City Council approved your request to amend a previously adopted Planned Development-Mixed (PDM) District to allow an additional access point (total of three access points) from W. Wendover Avenue. This Planned Development consists of approximately 74.4 acres lying at the northeast corner of W. Wendover Avenue and Samet Drive, between Samet Drive and Premier Drive.

I have attached a copy of the ordinance approving this request. If you have any additional questions for me, please feel free to contact me at (336) 883-3309.

Sincerely,

Herbert K. Shannon, Jr., AICP

Senior Planner

CC: Christopher T. Dunbar
BRC DEEP RIVER LLC
5826 SAMET DR - SUITE 105
HIGH POINT NC 27265

Mike Fox - Tuggle Duggins P.A. 100 North Greene Street, Suite 600 Greensboro, NC 27401

Nathan Duggins - Tuggle Duggins P.A. 100 North Greene Street, Suite 600 Greensboro, NC 27401 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 <u>August 22, 2017</u> and before the City Council of the City of High Point on <u>September 18, 2017</u> regarding <u>Zoning Case 17-14</u> (<u>formerly known as ZA-12-14</u>) 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 <u>High Point Enterprise</u> 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 **September 18, 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 <u>Planned Unit Development Mixed (PDM) District</u>. 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 209695, 212263, 212274, 212275, 212276, 212277, 212278, 212279, 212280, 212284, 218575, 219934, 220051, 220058, 220061, 220062, 220063 and 220064. The site is also depicted in Plat Book 168 Page 50; and Plat Book 184 Page 78 as recorded in the Guilford County Register of Deeds Office.

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. <u>Tract A:</u> 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. <u>Tract B:</u> 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 <u>Shopping Center (SC) District</u> 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. <u>Tract E:</u> 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. <u>Prohibited Uses:</u> 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. <u>Development & Dimensional Standards:</u>

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. <u>Transportation</u>:

- 1. <u>Right-of-way</u>: 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: 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, 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 Gisboume 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. <u>Parking</u>: Parking shall be subject to the requirements of the Development Ordinance.
- H. <u>Subdivision</u>: 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

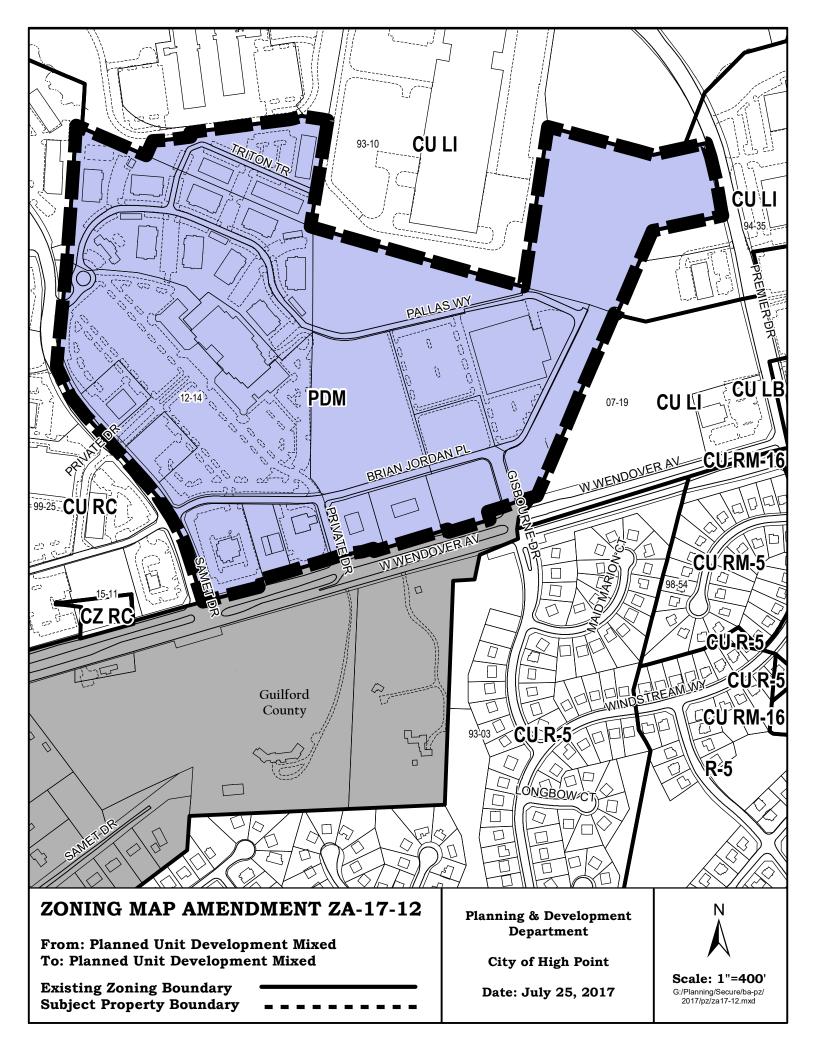
That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

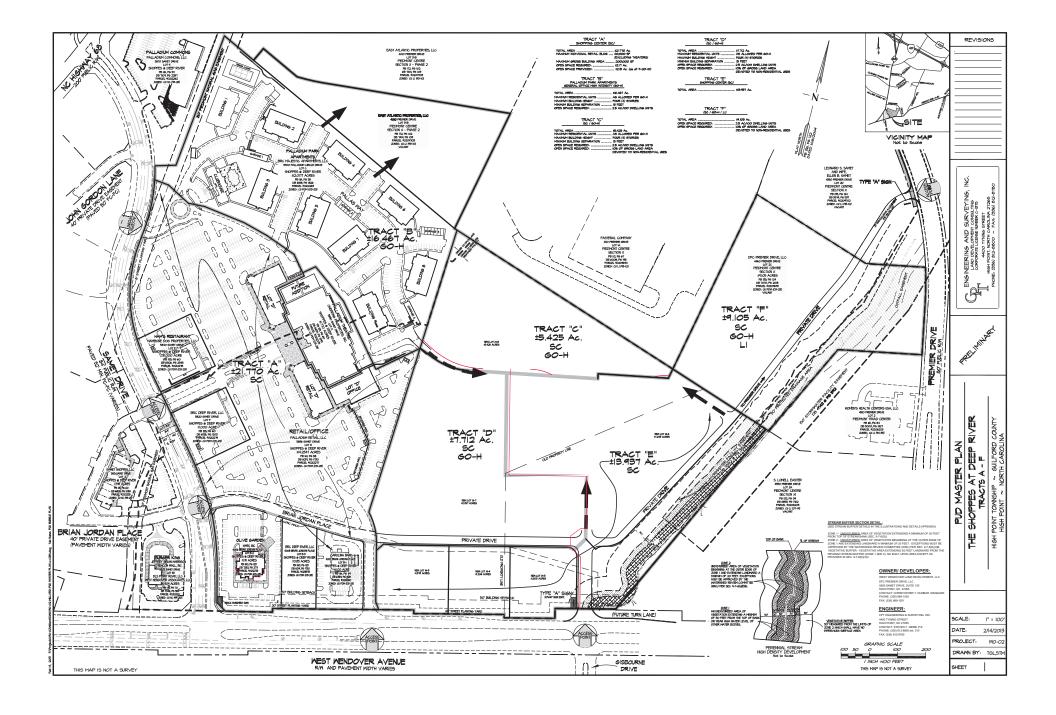
SECTION 6.

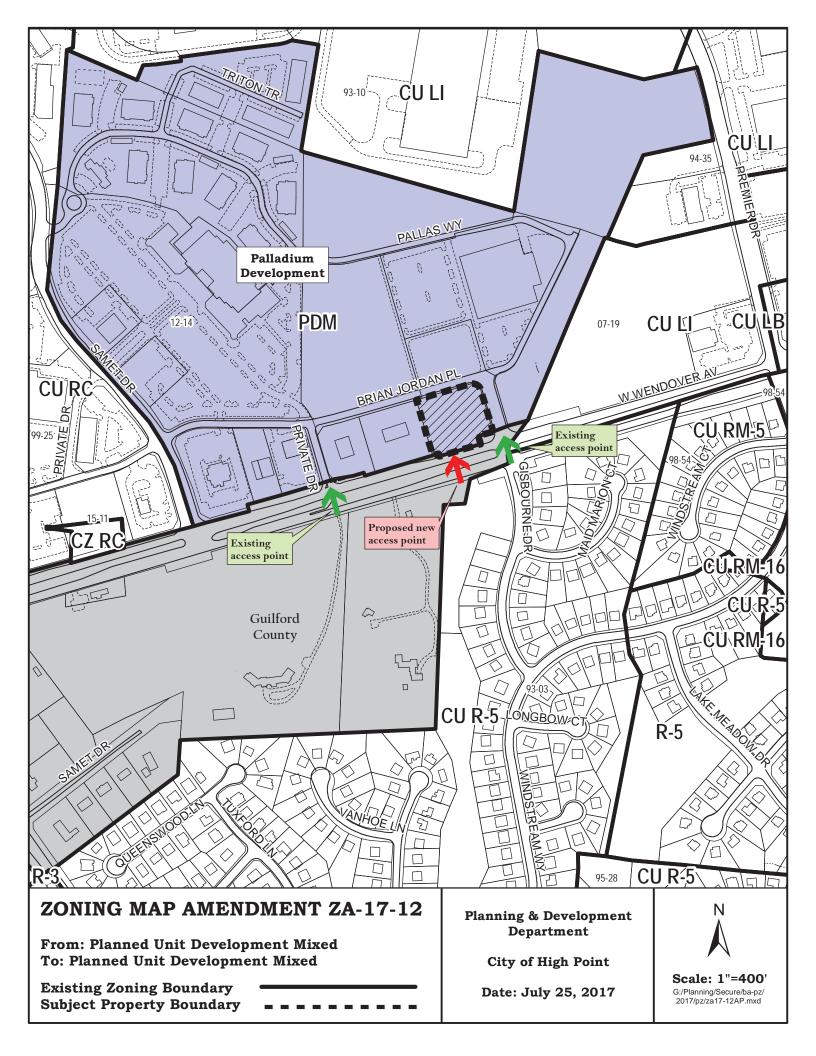
This ordinance shall become effective upon the date of adoption. 18th day of March, 2013.

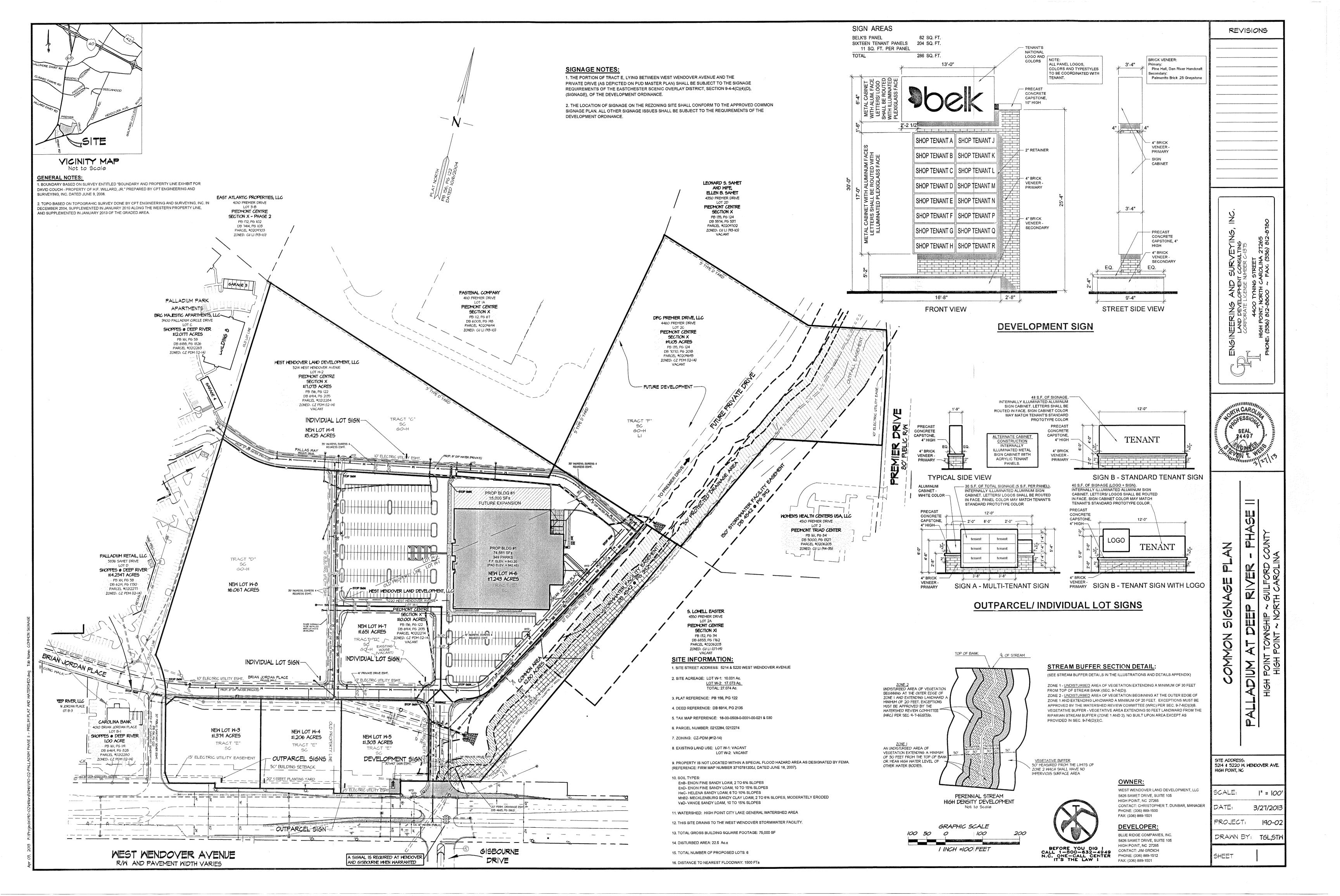
Lisa B. Vierling, City Clerk

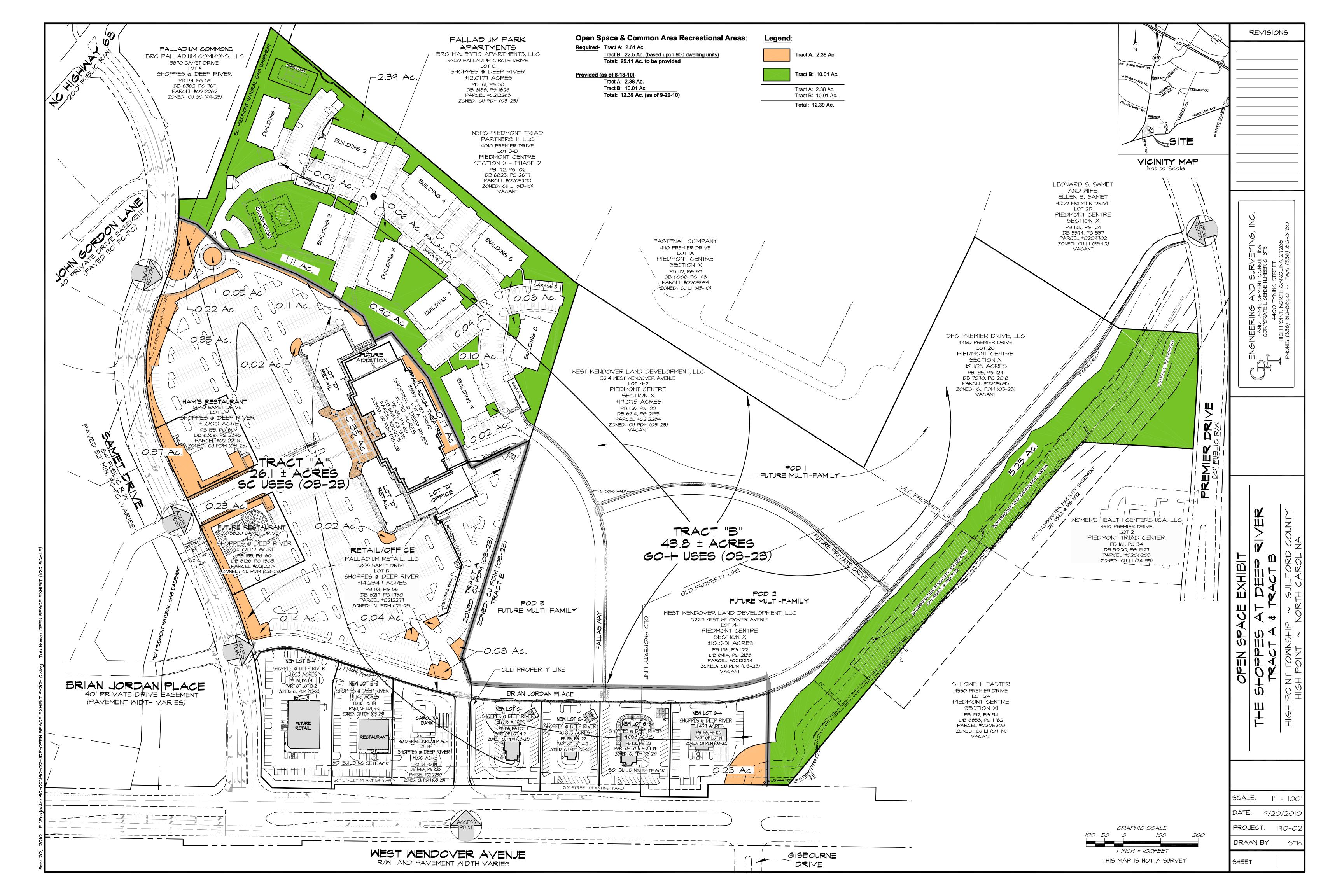
Conditional Zoning Case Supplemental Information	
Initial Zoning Application (ZA-12-14)	Adopted November 19, 2012 (Ordinance # 6963/12-79)
Amendment #1 (March 2013)	Adopted March 18, 2013 (Ordinance # 6985/13-17)
(ZA-12-14)	
Amendment #2 (September 2017)	Adopted September 18, 2017 (Ordinance#7335 / 17-77)
(Case # Changed to ZA-17-12)	











Open Space & Common Area Recreational Areas

Required Tract "A" 2.61 acres

Tract "B" 22.5 acres (based upon 900 dwelling units)

TOTAL – 25.11 acres to be provided

<u>Provided (as of 07-01-10)</u>

Tract "A" 2.38 acre
Tract "B" 10.01 acres

TOTAL: 12.39 acres (as of 09-20-10)

Additional 12.72 acres required to be provided (based upon 900 dwelling units).

