

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 19-10  
(Leoterra Development, Inc.)

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

**Meeting Date:** July 15, 2019

**Public Hearing:** Yes

**Advertising Date:** July 3, 2019 and July 10, 2019

**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 Leoterra Development, Inc. to rezone an approximate 12.6-acre parcel from the Agricultural (AG) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-7 (CZ R-7) District. The site lies approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

### BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended ***approval*** of this request as outlined in the attached staff report.
- B. On June 25, 2019, a public hearing was held before the Planning and Zoning Commission regarding Zoning Map Amendment 19-10. The Planning & Zoning Commission recommended ***approval*** of this request, as outlined in the staff report and recommended by staff, by a vote of 8-0.

## **PLANNING AND ZONING COMMISSION RECOMMENDATION**

### **Leoterra Development, Inc.**

### **Zoning Map Amendment 19-10**

At its June 25, 2019 public hearing, the Planning and Zoning Commission reviewed a request to rezone an approximate 12.6-acre parcel to a Conditional Zoning Residential Single Family-7 (CZ R-7) District. All members of the Commission were present except for Mr. John McKenzie. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

#### **Speaking on the request:**

Speaking in favor of the request on behalf of the applicant was Mr. Tom Terrell, attorney, Fox Rothschild LLP, 300 N. Greene Street, Suite 1400, Greensboro. Mr. Terrell provided an overview of his client's proposal to develop a single family subdivision on this property. He stated that the zoning request is consistent with the City's Land Use Plan which permits residential development up to five dwelling units per acre. Mr. Terrell also stated that development of the site is restricted due to the property's unusual triangular configuration and stream buffer standards. Thus, his client has offered a condition to limit development to 46 dwelling units or 3.6 units per acre; which is similar to the density of adjacent developed subdivisions.

Speaking in opposition to the request were Mr. Don MacKinnon, on behalf of the Waterford Village HOA, 3648 Village Springs Drive (approximately 15 residents of Waterford Village were in attendance), Mrs. Nikole Kennerly, Vice President of Kennerly Engineering & Design, on behalf of the Waterford Village HOA, 12133 N. NC Hwy 150, Suite-F, Winston-Salem and Ms. Sophia Kim 3644 Village Springs Drive. These speakers raised the following concerns:

- Due to the proximity and scale of the Amada manufacturing facility, this is an incompatible location for a residential development.
- Impact to vegetation along the stream corridor.
- The Waterford Village HOA will not grant a temporary construction easement over their subdivisions common area. Confinement of construction activities to the 50-foot wide stub street right-of-way (Village Springs Drive) will make it difficult to extend the roadway, install utilities and to install a culvert for stream crossing.
- At a minimum it will take 3 to 5 months to extend the road and utilities into the zoning site. During this time residents of Waterford Village will be negatively impacted.
- Traffic impact to neighborhood from construction vehicles.
- School overcrowding from continued development in this area.

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

#### **Zoning Map Amendment**

The Commission recommended ***approval*** of Zoning Map Amendment 19-08, as recommended by staff, by a vote of 8-0.

#### **Consistency & Reasonableness Statements**

The Commission voted 8-0 to approve the following statement: That the Zoning Map Amendment is consistent because allowable uses and density, as conditioned, are consistent with adopted policy guidance for lands classified as Low Density Residential. Furthermore, approval allows for use of the property at a compatible density similar to adjacent zoning districts previously approved in this area.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-19-10  
June 25, 2019**

<b>Request</b>	
<b>Applicant:</b> Leoterra Development, Inc.	<b>Owners:</b> Shirley Harrison Johnson and Gary Sisk Johnson
<b>Zoning Proposal:</b> To annex and apply initial City zoning.	<b>From:</b> AG Agricultural District (Guilford County)
	<b>To:</b> CZ R-7 Conditional Zoning Residential Single Family-7 District

<b>Site Information</b>	
<b>Location:</b>	The site lies approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive.
<b>Tax Parcel Number:</b>	Guilford County Tax Parcel 169942
<b>Site Acreage:</b>	Approximately 12.6 acres
<b>Current Land Use:</b>	Undeveloped
<b>Physical Characteristics:</b>	The site has a moderate to severely sloping terrain, consisting mostly of open pasture lands. A perennial stream runs in a west to east direction along the southern boundary of the site. The area along the stream corridor is heavily wooded and contains the steeper terrain.
<b>Water and Sewer Proximity:</b>	An 8-inch City water line and an 8-inch City sewer line lie adjacent to the site near the northern terminus of Village Springs Drive. Also, an 8-inch City sewer line lies approximately 1,000 feet to the east within the stream corridor.
<b>General Drainage and Watershed:</b>	The site drains in a southerly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Engineered stormwater treatment measures are required for development with a total impervious surface area greater than 24% of the site, and for single family developments with a gross density of 2 units per acre or more.
<b>Overlay Districts:</b>	City Lake General Watershed Area and Airport Overlay District – Zone 4

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	AG	Agricultural District	FAA navigational aid and undeveloped parcel
<b>South:</b>	CU R-5	Conditional Use Residential Single Family - 5 District	Single family detached dwellings
<b>East:</b>	CU-LI	Conditional Use Light Industrial District	Warehouse & distribution facility and a manufacturing use is under construction
<b>West:</b>	CU R-3	Conditional Use Residential Single Family-3 District	Common area of a single family subdivision

Relevant Land Use Policies and Related Zoning History	
<b>Community Growth Vision Statement:</b>	This request is neither consistent nor inconsistent with the goals and objectives of the Community Growth Vision Statement.
<b>Land Use Plan Map Classification:</b>	The site has a Restricted Industrial land use designation. This classification is intended to accommodate office, warehouse, research & development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The following goal and objective of the Land Use Plan are relevant to this request: Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj. #8. Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations.
<b>Relevant Area Plan:</b>	None applicable
<b>Zoning History:</b>	The following rezoning's have been approved on adjacent lands. <ul style="list-style-type: none"> <li>• <u>Zoning Map Amendment 94-44</u>: The residential subdivision to the west (Waterford) was annexed and granted CU-R-3 District zoning in 1995.</li> <li>• <u>Zoning Map Amendment 03-16</u>: The residential subdivision to the south (Waterford Village) was annexed and granted CU-R-5 District zoning in 2003.</li> <li>• <u>Zoning Map Amendment 05-06</u>: The industrial park to the east (Premier Center) was annexed and granted CU-LI District zoning in 2001. It was expanded to its current configuration in 2005.</li> </ul>

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Village Springs Drive		Local Street	50 ft.
Vehicular Access:	Access to the site will be via an extension of Village Springs Drive, which stubs to the southern property line of the zoning site.			
Traffic Counts: <i>(Average Daily Trips)</i>	Not applicable, the City of High Point and the NCDOT does not conduct yearly traffic count on local streets within subdivisions.			
Estimated Trip Generation:	A 46-lot single family subdivision would generate approximately 440 trips over of 24-hour time-period, with 35 trips in the AM peak-hours and 47 trips in the PM peak hours.			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	A TIA is only required when a development generates over 150 trips in the AM or PM peak hours.	

School District Comment				
Guilford County School District				
Local Schools:	Enrollment: 2018 – 2019 (20 <sup>th</sup> day of class)	Maximum Design/ Built Capacity: (2018 – 2019):	Mobile Classrooms:	Projected Additional Students:
Southwest Elementary	921	1,074	6	13 - 15
Southwest Middle	1,252	1,223	10	6 - 8

Southwest High School	1,595	1,506	11	6 - 8
<b>School District Remarks:</b> With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021-22. Built capacity assumes 30 students per core academic classroom, and is not inclusive of capacity reduction from programmatic utilization.				

#### Details of Proposal

This application proposes to establish initial City of High Point zoning on this parcel to facilitate development of a single family subdivision. The property currently has an AG District zoning under Guilford County's zoning jurisdiction. The applicant has submitted an annexation petition, to allow connection to City utilities, and a Zoning Map Amendment request to establish a CZ R-7 District zoning on the property. Included with this application is a conditional zoning ordinance in which the applicant has offered a condition to restrict development of the site to 46 dwelling units (approximately 3.6 dwelling units per acre).

#### Staff Analysis

The subject site is situated in a portion of the City that transitions from residential to industrial uses. The direction that the site obtains access dictates the manner in which adopted land use policies would apply. To the north and west of the zoning site is a FAA flight beacon serving the Piedmont Triad International Airport. This longstanding navigation feature and FAA easements on adjacent properties restricts access to Willard Dairy Road to the north and west. Furthermore, development of the Amada manufacturing facility and abandonment/closure of Executive Drive (renamed to Amada Drive), makes incorporation of the zoning site into the Premier Center Industrial Park to the east no longer possible. Access is only available to the south from an existing public street that stubs to the zoning site (Village Springs Drive). Therefore, development of the site shall be in conformance with adopted policies of the Low Density Residential Land Use Classification which governs lands to the south that are oriented towards Skeet Club Road.

The Low Density Residential Land Use Map classification supports single family residential uses at a density up to five dwelling units per acre. Residential development on the site will be limited based on the parcel's narrow triangular configuration and environmental constraints from a perennial stream that runs along the southern boundary of the property. Given the site's physical constraints, and to provide flexibility in site design, the applicant has requested a R-7 zoning district, which is typically applied inside the Core City. However, to ensure development is in conformance with the Low Density Residential Land Use Classification and compatible with the density in the adjacent residential development, the applicant has offered a condition to restrict development of the site to a maximum of 46 dwelling units or 3.6 dwelling units per acre.

Section 2.4.5.(C) of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

**Consistency with Adopted Policy Guidance**

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

**The allowable uses and density, as conditioned, are consistent with adopted policy guidance for lands classified as Low Density Residential.**

**Reasonableness/Public Interest:**

**Why a decision to approve, or to deny, the proposed conditional zoning would be reasonable and in the public interest.**

**Approval allows for use of the property at a compatible density similar to adjacent zoning districts previously approved in this area.**

**Compatibility with Surrounding Areas**

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
- Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
- Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.

The zoning request does not introduce land uses not already allowed in this area. The proposal to develop a single family subdivision at a maximum density of 3.6 units per acres is consistent with the character of adjacent residential developments, which are generally developed at a density between 2.7 and 3.5 units per acre. The sole legal access to the site is provided by Village Spring Drive, which was stubbed to the site for future residential development.

**Mitigation of Impacts**

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

<b>Mitigation #1</b>	<b>Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.</b>
	Access to this site and to adjacent residential developments are oriented towards Skeet Club Road. The current Skeet Club Road improvement project will effectively mitigate traffic impacts on Skeet Club Road.
<b>Mitigation #2</b>	<b>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat.</b>
	❖ The site is within the City Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance.

	❖ A perennial stream runs along the southern boundary of the zoning site. Environmental standards of the Development Ordinance require a stream buffer be provided along both sides of this stream.
<b>Mitigation #3</b>	<b>Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire.</b>
	<ul style="list-style-type: none"> <li>❖ The site is within an area adequately served by City of High Point utilities and municipal services.</li> <li>❖ Residential developments in this area obtain their primary access from Skeet Club Road. Impacts to Skeet Club Road will be mitigated by the current widening project that will convert it from 2 lanes to 4 lanes from Eastchester Drive to Johnson Street.</li> </ul>
<b>Mitigation #4</b>	<b>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</b>
	<ul style="list-style-type: none"> <li>❖ The proposed CZ R-7 District will allow for similar development as existing on adjacent lands lying between the zoning site and Skeet Club Road.</li> <li>❖ Perimeter landscaping yards are not required between single family detached residential subdivisions. However, the presence of a perennial stream and the required stream buffer standards of the Development Ordinance will provide a separation between the zoning site and the adjacent residential development.</li> </ul>

#### **Supportive Changes in the Area**

Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

Since the early 1990s, residential development at a density of five units per acre or less have been permitted on lands in this portion of the City's Planning Area that are oriented towards Skeet Club Road. This application is a continuation of that established land use policy.

#### **Promotes a Preferred Development Pattern**

Whether and the extent to which the proposed conditional zoning district will results in development that promotes a logical, preferred, and orderly development pattern.

This zoning map amendment request is a completion of the residential development pattern that began in this area in the early 1990s with Skeet Club Downs (1990); Waterford (1995); Fountain Grove Phase I (2000); Fountain Grove Phase II ( 2003) and Waterford Village (2004).

#### **Recommendation**

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

The Planning & Development Department recommends approval of the request to rezone this 12.6-acre parcel to a CZ R-7 District. As conditioned, the request will be compatible with the surrounding area and in conformance with adopted plans.

#### **Required Action**

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

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation.

This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

**City Council:**

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

**Report Preparation**

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

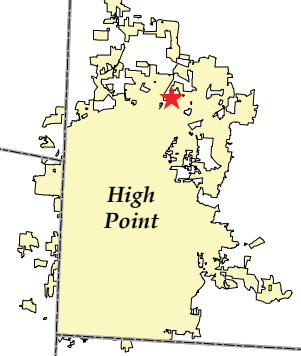


# LOCATION MAP

ZONING MAP AMENDMENT ZA-19-10

Applicant: LeoTerra Acquisitions, LLC

## Vicinity Map



High Point

Greensboro

Guilford County

Guilford County

Site


City of High Point



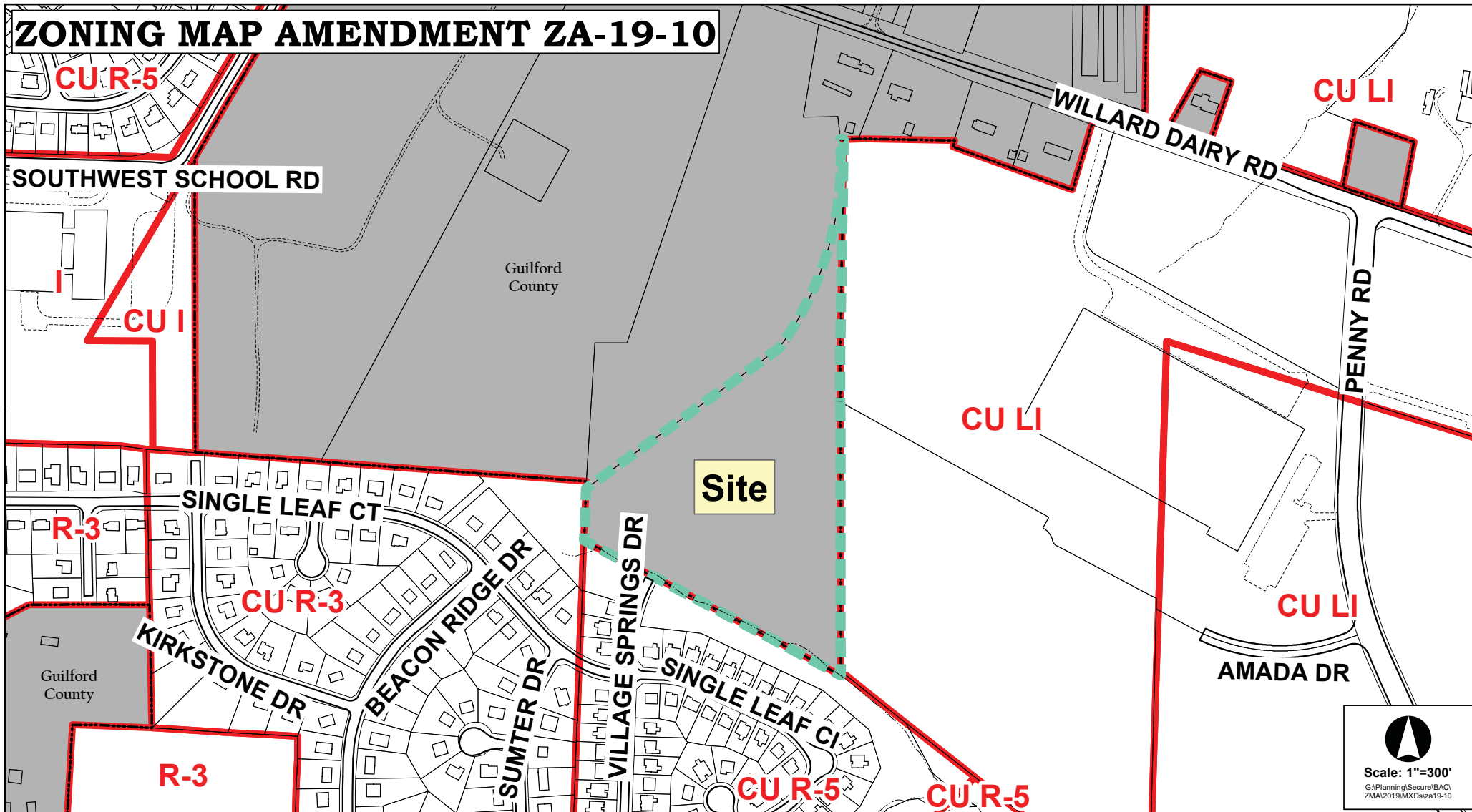
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The map displays a residential area in Guilford County, North Carolina, with various zoning districts. The map is color-coded: red outlines for residential zones (e.g., R-3, R-5, R-16), yellow for commercial zones (e.g., CU-R-5, CU-LI, CU-EC), and green for industrial zones (e.g., CZ-RM-16, CZ-GB, CZ-RC). A yellow callout box labeled "Site" points to a specific location within the CU-R-5 zone. The map includes street names, county boundaries, and a scale bar indicating 1 inch equals 1,000 feet.

  
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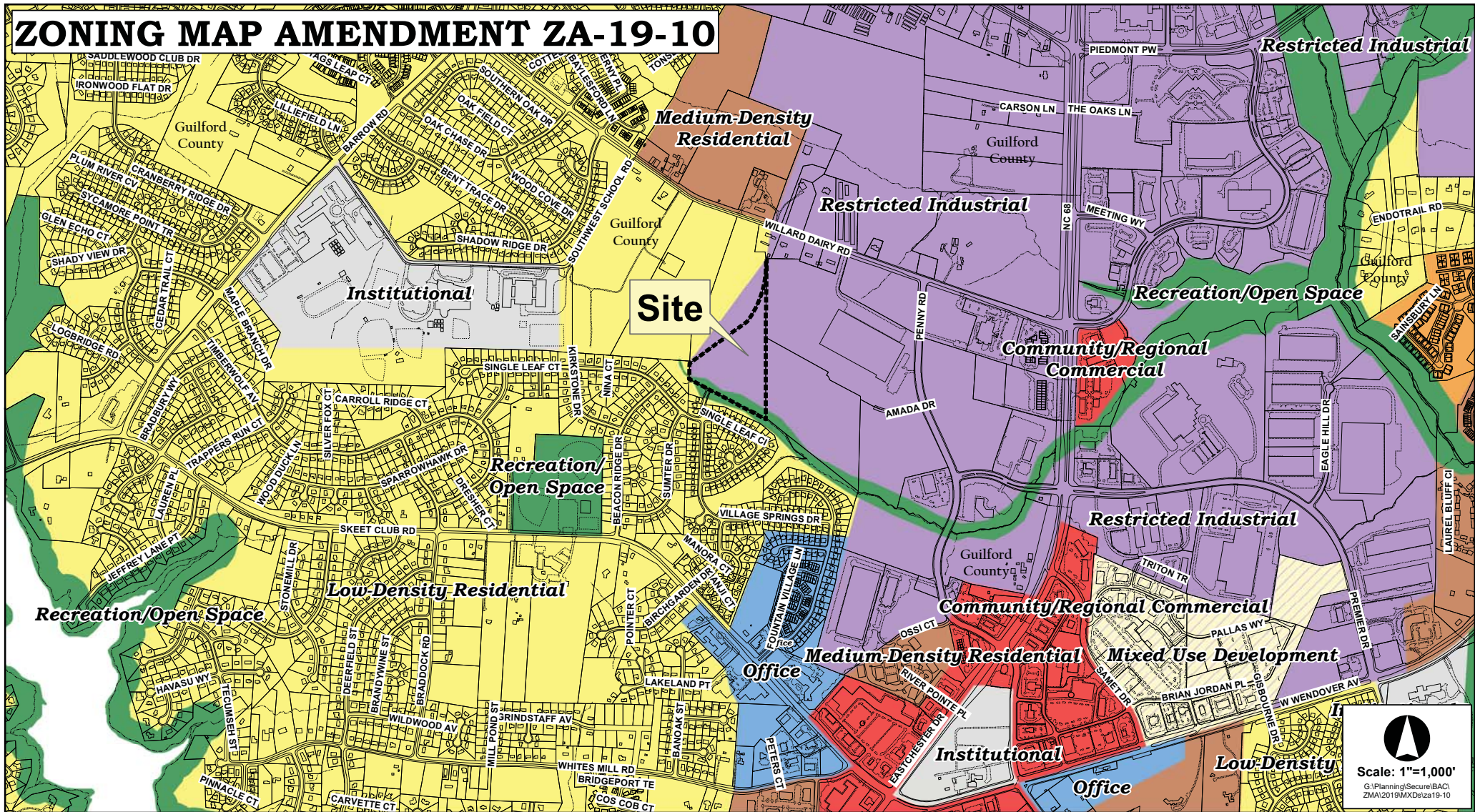
# ZONING MAP AMENDMENT ZA-19-10



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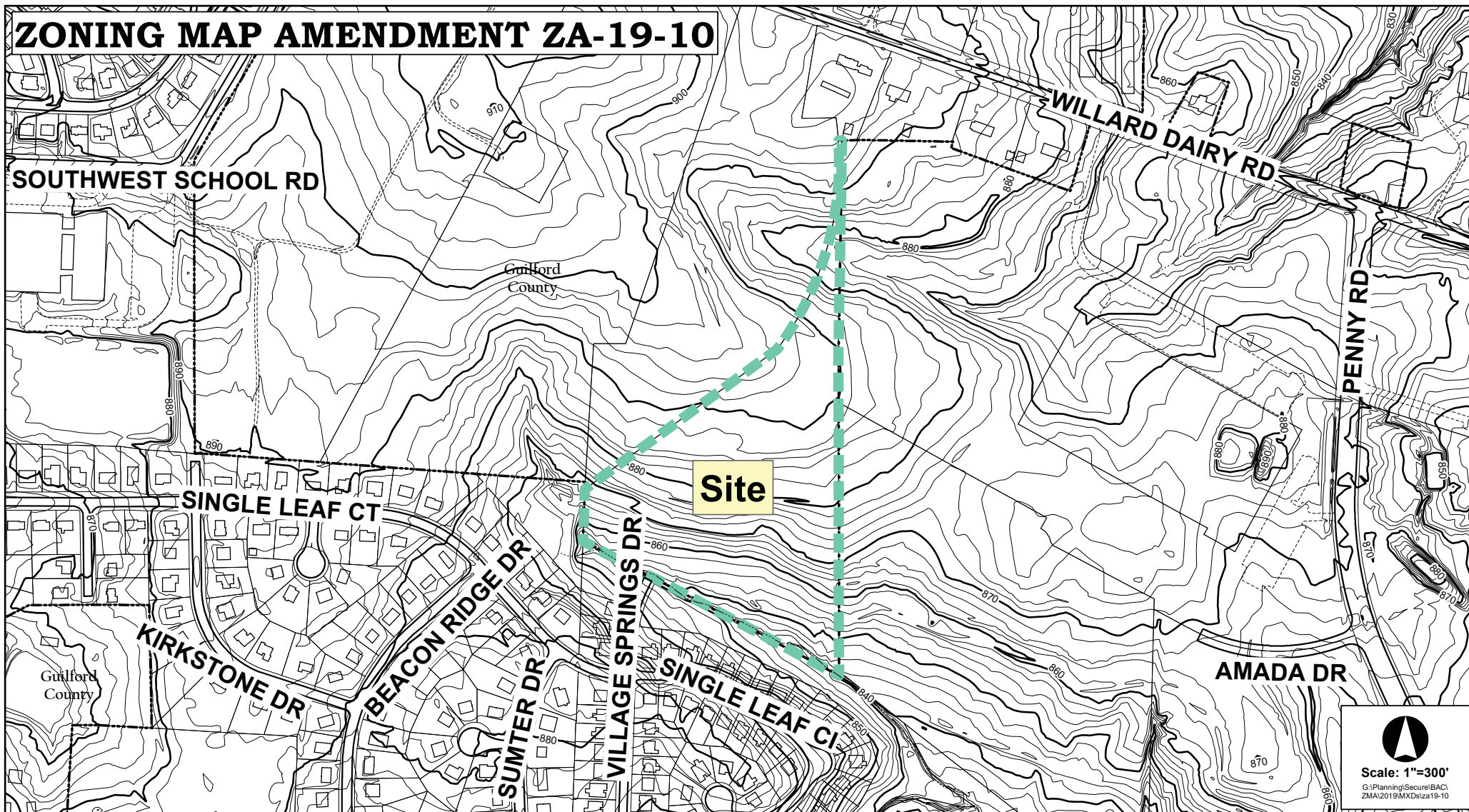


# ZONING MAP AMENDMENT ZA-19-10



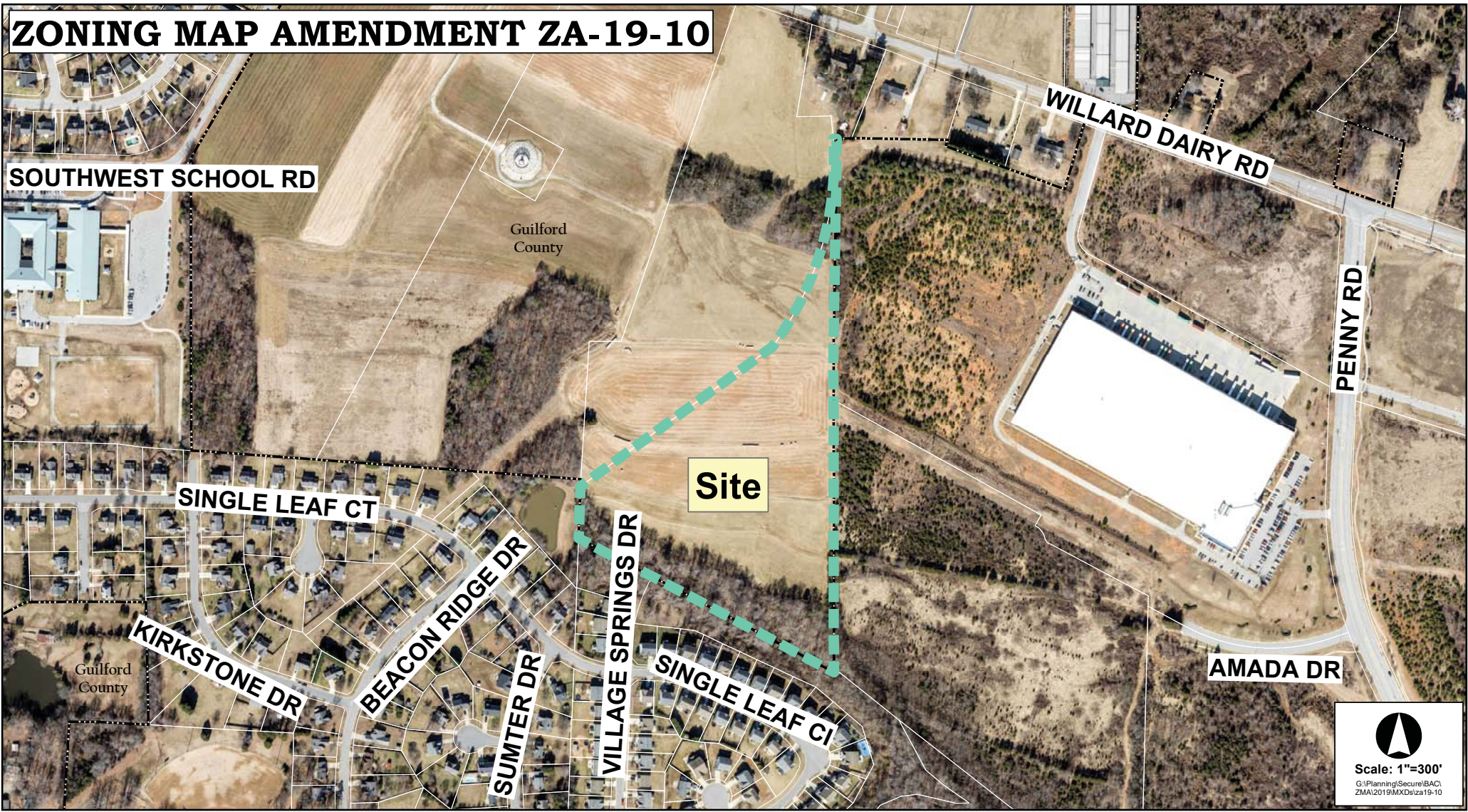


# ZONING MAP AMENDMENT ZA-19-10





# ZONING MAP AMENDMENT ZA-19-10



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

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on June 25, 2019 and before the City Council of the City of High Point on July 15, 2019 regarding **Zoning Map Amendment Case 19-10 (ZA-19-10)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on June 16, 2019, for the Planning and Zoning Commission public hearing and on July 3, 2019 and July 10, 2019, 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 **July 15, 2019**.

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

**SECTION 1**

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Residential Single Family – 7 (CZ R-7) District**. The property is approximately 12.6 acres, lying approximately 2,100 feet north of the intersection of Skeet Club Road and Birchgarden Drive at the northern terminus of Village Springs Drive. The property is also known as Guilford County Tax Parcel 169942.

**SECTION 2**

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

**Part I. USES:**

Any uses allowed in the Residential Single Family – 7 (R-7) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

**Part II. CONDITIONS:**

**A. Development and Dimensional Requirements.**

1. **Density:** A maximum of 46 dwelling units shall be permitted.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

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

Lisa B. Vierling, City Clerk



# **Citizens Information Meeting Report Zoning Map Amendment 19-10**

Submitted by: Thomas E. Terrell, Jr. on behalf of  
Leoterra Development, Inc.

# **Neighborhood Communications Report**

## **Leoterra Development, Inc.**

Submitted by  
Thomas E. Terrell, Jr.  
May 30, 2019

### **1. Letter of Invitation**

The letter attached as Exhibit A was sent to all neighbors owning property within 300 feet of the site. The letter included a copy of the official citizens' information statement.

The letter provided ample direct, personal contact information for neighbors with questions prior to the meeting. Phone numbers and emails were provided so that recipients could directly contact Mr. Kye Bunker (Leoterra) and Mr. Tom Terrell (applicant's attorney).

### **2. Recipients**

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

### **3. Neighborhood Meeting**

The Neighborhood Meeting was held from 5:30 to 7:00 at the Deep River Recreation Center at 1529 Skeet Club Road. Attending the meeting for Leoterra were Kye Bunker, Rich Glover (Jamestown Engineering) and Tom Terrell (Fox Rothschild).

Only 4 people from the Waterford subdivision attended. The sign in sheet is attached as Exhibit C.

It was explained to all four guests that the proposed 42 lot subdivision was much smaller than theirs; that density would be maxed at 3.6 units per acre; there would be a 100 foot heavily wooded buffer between the two subdivisions; and that the anticipated price point would be between \$275,000 and \$300,000.

### **4. Specific Questions/Concerns/Comments**

The concerns raised were mainly safety issues related to traffic and overcrowding of schools. More specific comments are below.

A. Jason Vaughn – Mr. Vaughn lives on Gallimore Dairy Road. He does not care if the property develops and homes are built. His support was appreciated.

B. Mike Phiphatthana – Mr. Phiphatthana wanted to know how long the construction period would be and whether Leoterra would construct a bridge across the stream between the two subdivisions. Mr. Glover explained that they would use a culvert and added that the stream buffer

required would result in a 100-foot densely vegetated buffer. Mr. Bunker explained that the construction period would be 6 months if they sell lots to a large developer.

C. Mr. John Skrabak – Mr. Skrabak had no problem with development generally or with this land developing as a neighborhood but he was worried that there was only one point of access. There are many children who play in the streets, and the extra homes would create dangers to their safety. Also, it is hard to access Skeet Club at rush hour.

Mr. Skrabak said he would support the development “100% if it had two points of access” and access to Gallimore Dairy Road. It was shown on the site plan that the tract narrows down to 13 feet on the north and that is too narrow to reach Gallimore Dairy.

D. Don McKinnon – Mr. McKinnon brought a tabbed notebook with various concerns and handed us a power point related to school overcrowding. The power point is attached as Exhibit D.

Although he does not have children in county schools, Mr. McKinnon believes that the information related to school impact in the staff report is erroneous and inaccurate, a conclusion he found support for in a 2019 GCS report. The greatest impact will be to Southwest Elementary. He supports a moratorium on all residential development “until the city and the schools have a plan that makes sense.”

Regarding traffic, Mr. McKinnon made the following points:

- the left turn onto Skeet Club takes too long, partially because the light at Harris Teeter doesn’t last long enough to create a useful gap in traffic;
- The entire subdivision only has three points of access to Skeet Club;
- There are many school bus stops near the proposed subdivision entrance;
- There aren’t any stop signs between this location and Fountain Grove and drivers will go too fast;
- The streets of the subdivision are full of children playing. Although he’s not aware of a child being hit by a car yet, he’s concerned that this subdivision could lead to an accident;
- The road in front of his house (Eagle Springs) that leads to the proposed subdivision has a gradient that makes it difficult and dangerous when there is ice and the cars in the proposed subdivision will not be able to get up the hill at times in winter.

**5. Other Communications**

I had one email inquiry before the meeting from Mr. John Skrabak whose issues were school overcrowding, speeding and traffic, and a concern about the level of income of the residents in the proposed homes. My response is attached at Exhibit E.

# EXHIBIT A



Fox Rothschild LLP  
ATTORNEYS AT LAW

300 N. Greene Street, Suite 1400  
Greensboro, NC 27401  
T: 336.378.5200 F: 336.378.5400  
[www.foxrothschild.com](http://www.foxrothschild.com)

TOM TERRELL  
Direct No: 336.378.5412  
Email: [TTerrell@Foxrothschild.com](mailto:TTerrell@Foxrothschild.com)

May 17, 2019

Dear Neighbor:

I represent Leoterra Development, Inc. that has filed an application with the City of High Point to annex and rezone the 13-acre Sisk/Johnson property that lies at the terminus of Village Springs Drive (map attached). The request is for an R7 zoning district that is restricted to 46 total single family residential lots/dwellings. This density is actually less than the density that is suggested under the city's Land Use Plan Map. You are receiving this letter because you own property within 300 feet of the tract.

Enclosed is a statement prepared by the City of High Point about the rezoning process. This matter is scheduled to be heard by the High Point Planning & Zoning Commission on June 25<sup>th</sup> at 6:00 p.m.

The developer has also scheduled an in-person neighborhood meeting for you to attend if you have an interest. It will be May 29 from 5:30-7:00 p.m. at the Deep River Recreation Center at 1529 Skeet Club Road.

In the meantime, if you have questions, please feel free to email me at [tterrell@foxrothschild.com](mailto:tterrell@foxrothschild.com) or to call me at 336-378-5412. Please also feel free to contact Kye Bunker with Leoterra Development at 336-486-3653 or [kye@leoterradevelopment.com](mailto:kye@leoterradevelopment.com).

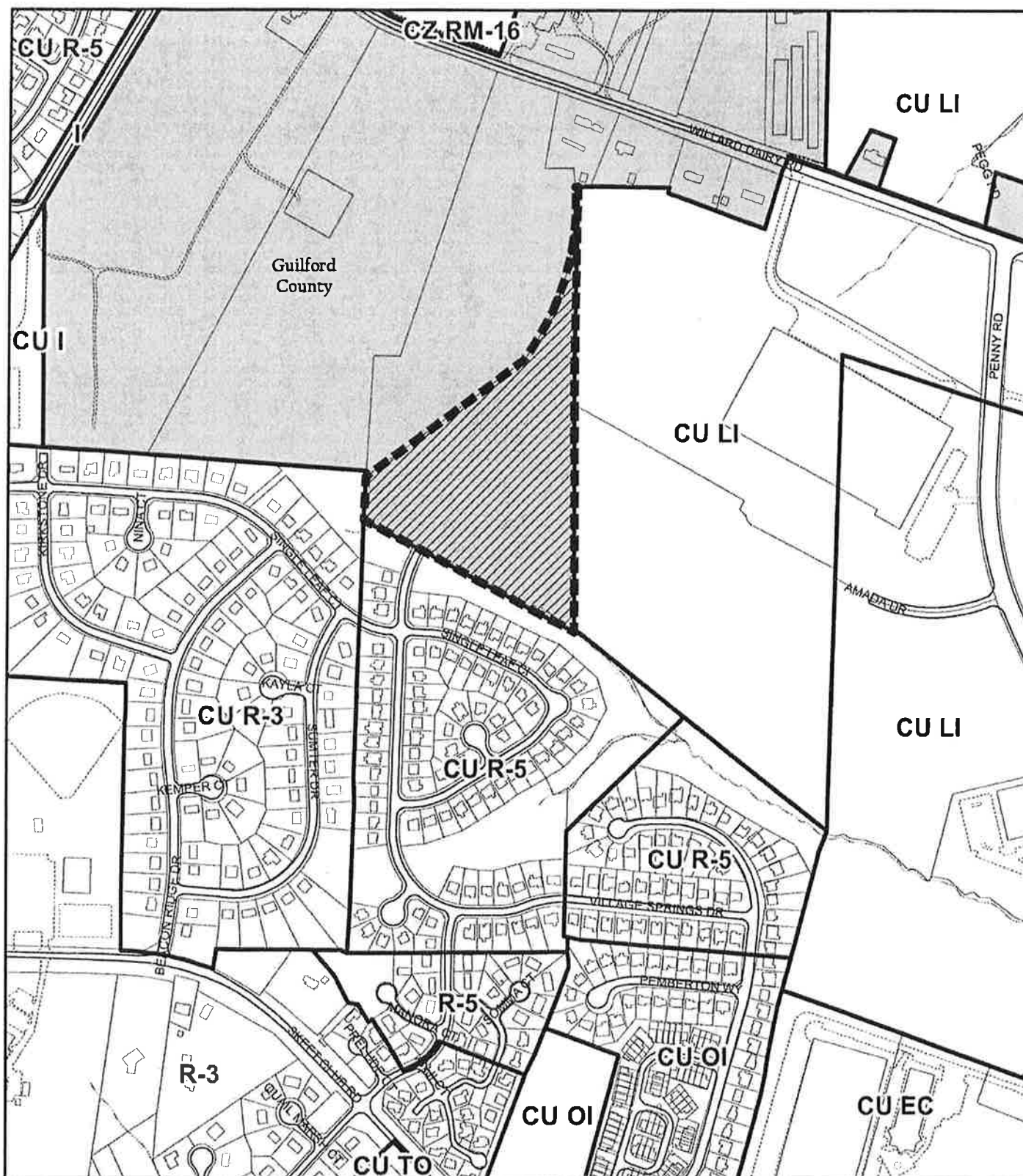
Sincerely,

Tom Terrell

TT:ths  
Enclosure

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota  
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington



## ZONING MAP AMENDMENT ZA-19-

**From: AG (Guilford County)**  
**To: R-7 (High Point)**

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

**Planning & Development  
 Department**

**City of High Point**



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## **City of High Point**

### **Citizen Information Meetings**



Persons filing certain development applications with the City of High Point are required to hold a citizen information meeting. This requirement applies to applications for a Conditional Zoning District, Planned Development District, Special Use and a Zoning Map Amendment that proposes to establish a more intense zoning district.

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 filing an application, otherwise known as the applicant, the opportunity to inform citizens about their 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 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 description of the development proposal and are encouraged to share any other available information that would help citizens to better understand it.

After the application is filed with the City's Planning & Development Department, the applicant submits to the City a written summary of the citizen information meeting(s). At a minimum, this report records:

- The date, time, and location of the meeting;
- The method and date of notification about the meeting;
- A list of landowners notified about the meeting;
- A list of meeting attendees;
- If the meeting was conducted as a series of telephone calls;
- The description of the development proposal presented to the attendees; and
- A summary of attendee comments, ideas, and suggestions from citizens to be 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 site. This notice provides a brief summary of the application; 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 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 site.

Development conditions can be adopted by the City Council for a Conditional Zoning District, Planned Development District, or Special Use. However, no condition can be included that:

- Specifies the ownership status, race, religion, or other characteristics of the development's occupants;
- Establishes a minimum size of a dwelling unit;
- Establishes a minimum value of buildings or improvements;
- Excludes residents based upon race, religion, or income; or
- Obligates the City to perform in any manner relative to the approval of or development of the land.

Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the website below for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department 336-883-3328

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

# EXHIBIT B

AMADA NORTH AMERICA INC  
7025 FIRESTONE BLVD  
BUENA PARK CA

BLACK, LAURA  
3677 SINGLE LEAF CT  
HIGH POINT NC

BOOKER, DEREK T;BOOKER, BARBARA G  
3673 SINGLE LEAF CT  
HIGH POINT NC

CANNON, PAMELA LYNN  
3685 SINGLE LEAF CT  
HIGH POINT NC

CARTER, KAREN  
3721 SINGLE LEAF CIR  
HIGH POINT NC

COOK, STEVEN M  
3725 SINGLE LEAF CIR  
HIGH POINT NC

CORTEZ, SALVADOR SALAZAR;CORTEZ, REINA  
SALAZAR  
2536 WILLARD DAIRY RD  
HIGH POINT NC

CRUZ, HERMAN;CRUZ, GISELLE  
3705 SINGLE LEAF CIR  
HIGH POINT NC

FOUNTAIN GROVE OWNERS ASSOCIATION INC  
614 W FRIENDLY AVE  
GREENSBORO NC

GAIRE, SUDARSHAN;SHARMA, PRATIMA  
D;TIWARI, TILAK;TIWARI, LOK K SHARMA  
3709 SINGLE LEAF CIR  
HIGH POINT NC

GOPALAKRISHNAN,  
KALYANARAMAN;GOPALAKRISHNAN, GEETHA  
KALYANARAMAN  
3714 SINGLE LEAF CIR  
HIGH POINT NC

GRUNWALD, KEVIN M;GRUNWALD, AGNES N  
3706 SINGLE LEAF CIR  
HIGH POINT NC

HOBSON, ANN FRANCES;HOBSON, MELVIN L  
3727 SINGLE LEAF CIR  
HIGH POINT NC

HPA BORROWER 20162 ML LLC  
180 N STETSON AVE STE 3650  
CHICAGO IL

JOHNSON, SHIRLEY HARRISON;JOHNSON, GARY  
SISK  
952 QUAKER RIDGE RD  
MEBANE NC

KIM, ABIGAIL;KIM, STEVE  
3644 VILLAGE SPRINGS DR  
HIGH POINT NC

KIM, SUNG SUK;KIM, SOMI KIM  
3712 SINGLE LEAF CIR  
HIGH POINT NC

KOLY, HIDA;KOLY, YOUSIF  
3708 SINGLE LEAF CIR  
HIGH POINT NC

KRAJISNIK, MILAN;KRAJISNIK, MLADENKA  
3681 SINGLE LEAF CT  
HIGH POINT NC

KUTURU R, VENU GOPAL;KUTURU, VINAMRA  
GUNNA  
3704 SINGLE LEAF CIRCLE  
HIGH POINT NC

LEGACY CLASSIC FURNITURE INC  
2575 PENNY RD  
HIGH POINT NC

LYNDRUP, DAVID A;LYNDRUP, MARITZA D  
416 SHADYBROOK RD  
HIGH POINT NC

MACKINNON, DONALD M;MACKINNON, HYON CHU  
3648 VILLAGE SPRINGS DR  
HIGH POINT NC

MANDEWALKER, RAHUL;MANDEWALKER, PINAZ  
KALE  
3702 SINGLE LEAF CR  
HIGH POINT NC

MAYO, ANTONIO  
3711 SINGLE LEAF CIR  
HIGH POINT NC

NIELDS, JOSEPH;NIELDS, KELLY  
3710 SINGLE LEAF CIR  
HIGH POINT NC

PEREZ, LUIS M  
3701 SINGLE LEAF CIR  
HIGH POINT NC

PHIPHATTHANA, MICHAEL;PHIPHATTHANA,  
VIVANA  
3646 VILLAGE SPRINGS DR  
HIGH POINT NC

PUCKETT, BRIAN;PUCKETT, KATHRYN  
3719 SINGLE LEAF CIR  
HIGH POINT NC

SKRABAK, JOHN L;SKRABAK, JESSICA L  
3722 SINGLE LEAF CIR  
HIGH POINT NC

SMITH, VICKI K  
3718 SINGLE LEAF CR  
HIGH POINT NC

THE CHINA GROUP INTERNATIONAL UNITED  
TRUST;WAGNER, JOHN KEAY TRUSTEE  
2340 POWELL ST #328  
EMERYVILLE CA

TRACE FAMILY REVOCABLE TRUST  
AGREEMENT;TRACE, PATRICK J  
TRUSTEE;TRACE, EILEEN A TRUSTEE  
3669 SINGLE LEAF CT  
HIGH POINT NC

TSENG, WEI FA;TSENG, FEE T  
3703 SINGLE LEAF CIR  
HIGH POINT NC

UNITED STATES OF AMERICA FEDERAL AVIATION  
ADMINISTRATION  
PO BOX 20636  
ATLANTA GA

VAUGHN, JASON A  
2544 WILLARD DAIRY RD  
HIGH POINT NC

WATERFORD MEADOWS HOMEOWNERS  
ASSOCIATION  
PO BOX 5468  
HIGH POINT NC

WATERFORD VILLAGE HOMEOWNERS ASSOC INC  
PO BOX 29447  
GREENSBORO NC

WATSON, COURTNEY;WATSON, KEVIN  
3723 SINGLE LEAF CIR  
HIGH POINT NC

WILLIARD, EDWARD L  
2500 WILLARD DAIRY RD  
HIGH POINT NC

WU, CHENG  
2948 LOGBRIDGE RD  
HIGH POINT NC

YANOW, ALLEN S;YANOW, ELIZABETH JACKSON  
3715 SINGLE LEAF CIR  
HIGH POINT NC

# EXHIBIT C

# PLEASE SIGN IN

NAME (PRINT)

Don MacKinnon

ADDRESS (PRINT)

3648 Village Springs Dr 336-870-3533  
mackinnondm@msn.com

Michael Phiphatthana

3646 Village Springs Dr

Jason Vaughn

2544 Willard Dairy Rd.

John Skrasak

3222 Single leaf circle.

# EXHIBIT D

# Local Impact of Guilford County Schools Proposed Long-Term Master Plan

Extracted from Guilford County Schools *School Assignment  
Optimization and Facility Condition Assessment* (January 9, 2019)  
performed by MGT Consulting Group

Available at [gcsnc.com/Page/53189](https://gcsnc.com/Page/53189). Hereafter referred to as "the Study".



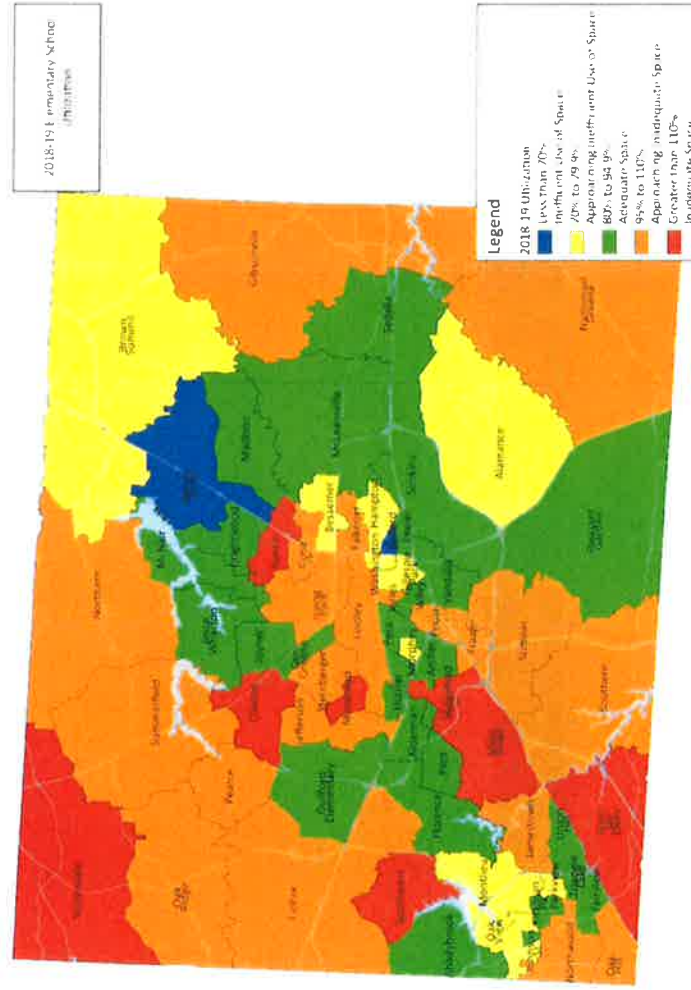
# Study language is more nuanced . . .

There are 8,664 (2018 projected enrollment) empty seats across the GCS system based on M&T instructional space capacity calculations. Over the next three years, the number of empty seats will sharply decline because of capacity decreases at the elementary schools based on the class size reduction legislation in North Carolina.

The Department of Public Instruction in North Carolina has released policy changes from 2019-2022 to decrease class sizes for kindergarten, 5th grade. These changes directly impact the capacity of elementary school buildings through a decrease in the allowable number of students per classroom, which in turn affects the capacity of the entire school building. This policy change will cause many schools from appropriately utilized to overutilized between 2018-2022, the timespan for this long range facilities master plan. The recommendations in this section consider the capacity and utilization impact resulting from the decreased classroom sizes in these grade bands.

In 2019-2022, there will be a reduction of 9,40 seats of capacity, and without changes, the number is projected to grow to more than 2,247 seats. Having "empty seats" carries several cost, including lost revenue and increased per student energy and operational costs. Without changes in the district's facility inventory, these costs are projected to increase over time. The results of implementing the recommendations below place the school district at an overall 92 percent utilization rate and reduces the number of open seats in the district from 8,664 to 4,427 (from Page 90 of the Study).

# Southwest Elementary School



# Southwest Elementary Enrollment

SITE NAME	2017 PK-12 ENROLLMENT	2018 PK-12 PROJECTED ENROLLMENT	2027 PK-12 PROJECTED ENROLLMENT	MGT PK-12 CAPACITY 2018	MGT PK-12 CAPACITY 2021-27	MGT 2017 UTILIZATION	MGT 2018 PROJECTED UTILIZATION	MGT 2027 PROJECTED UTILIZATION
Peck Elem.	293	265	202	328	306	89%	81%	65%
Peeler Elem.	291	274	248	336	304	87%	82%	81%
Pilot Elem.	626	609	669	734	685	85%	83%	98%
Pleasant Garden Elem.	456	445	425	533	495	86%	84%	86%
Rankin Elem.	794	786	817	632	567	126%	124%	144%
Reedy Fork Elem.	442	459	494	705	648	63%	70%	76%
Sedalia Elem.	466	468	476	495	458	94%	95%	104%
Sedgefield Elem.	537	543	566	479	441	112%	113%	128%
Shadybrook Elem.	427	415	348	468	430	91%	89%	81%
Simkins Elem.	542	552	606	606	561	89%	91%	108%
Southern Elem.	312	316	347	315	288	99%	100%	121%
Southwest Elem.	900	925	1,037	832	765	108%	111%	135%

# Southwest MS & HS Capacity

SITE NAME	PK-12 CAPACITY 2018	PK-12 CAPACITY 2019	PK-12 CAPACITY 2020	PK-12 CAPACITY 2021/22
Allen Middle	741	741	741	741
Allen Jay Middle	464	464	464	464
Brown Summit Middle	336	336	336	336
Eastern Middle	1,123	1,123	1,123	1,123
Ferris Middle	962	962	962	962
Harrison Middle	962	962	962	962
Jackson Middle	722	722	722	722
Jamestown Middle	1,179	1,179	1,179	1,179
Johnson Street Elem. (K-8)	501	493	485	476
Kerns Middle	1,106	1,106	1,106	1,106
Kiser Middle	1,034	1,034	1,034	1,034
Lincoln Academy (4-8)	1,032	1,032	1,032	1,032
Mendenhall Middle	880	880	880	880
Northeast Middle	904	904	904	904
Northern Middle	914	914	914	914
Northwest Middle	896	896	896	896
Peter Griffin Sch. for the Arts	980	980	980	980
Southeast Middle	915	915	915	915
Southern Middle	986	986	986	986
Southwest Middle	1,099	1,099	1,099	1,099
Swann Middle	952	952	952	952
Welborn Middle	736	736	736	736
Western Guilford Middle School	1,083	1,083	1,083	1,083
<b>Middle Total</b>	<b>25,505</b>	<b>25,497</b>	<b>25,489</b>	<b>25,480</b>
Andrews High	1,146	1,146	1,146	1,146
Dudley High	1,744	1,744	1,744	1,744
Eastern High	1,308	1,308	1,308	1,308
Grimsley High	1,779	1,779	1,779	1,779
High Point Central High	1,614	1,614	1,614	1,614
Northeast High	947	947	947	947
Northwest High	1,417	1,417	1,417	1,417
Northwest High	1,583	1,583	1,583	1,583
Page High	1,658	1,658	1,658	1,658
Ragdale High	1,651	1,651	1,651	1,651
Smith High	1,608	1,608	1,608	1,608
Southeast High	1,553	1,553	1,553	1,553
Southern High	1,174	1,174	1,174	1,174
Southeast High	1,719	1,719	1,719	1,719

# Southwest Middle School ... thru 2027

Site Name	Combined Score (50/45/0/5)	2027 PK-12 Projected Enrollment	M GT PK -12 Capacity 2021-27	M GT 2027 Projected Utilization	FMP Phase 1 Deficiency Budget Estimate	Add for Capacity	FMP Phase 1 Addition Budget Estimate	Student Change	FMP Replacement Budget Estimate	Recommendation	Result 2027 Enrollment	Result 2027 Capacity	Resulting Utilization	FMP Phase 2 Deficiency Budget Estimate (Comb Score 60-69)	FMP Phase 3 Deficiency Budget Estimate (Comb score 70-79)	FMP Phase 4 Deficiency Budget Estimate (Comb score 80+)	FMP Total Budget Estimate Phases 1-4
Ferndale Middle	71	734	962	76%	185	Adjust boundary 185 students from Southwest MS.	919	962	96%	\$0	\$0	\$14,089,200	\$0	\$14,089,200	\$0	\$14,089,200	
Hairaton Middle	85	702	962	73%	237	Adjust boundary, 237 students from Kiser.	939	962	98%	\$0	\$0	\$6,371,800	\$0	\$6,371,800	\$0	\$6,371,800	

Site Name	Combined Score (50/45/0/5)	2027 PK-12 Projected Enrollment	M GT PK -12 Capacity 2021-27	M GT 2027 Projected Utilization	FMP Phase 1 Deficiencies Budget Estimate	Add for Capacity	FMP Phase 1 Addition Budget Estimate	Student Change	FMP Replacement Budget Estimate	Recommendation	Result 2027 Enrollment	Result 2027 Capacity	Resulting Utilization	FMP Phase 1 Total Budget Estimate	FMP Phase 2 Deficiency Budget Estimate (Comb Score 60-69)	FMP Phase 3 Deficiency Budget Estimate (Comb score 70-79)	FMP Phase 4 Deficiency Budget Estimate (Comb score 80+)	FMP Total Budget Estimate Phases 1-4
Southern Middle	80	738	986	75%	125	Adjust boundary, 125 students from Southeast MS.	863	986	88%	\$0	\$0	\$0	\$5,277,400	\$0	\$0	\$0	\$5,277,400	\$3,277,400
Southwest Middle	81	1,251	1,099	110%	(185)	Adjust boundary 185 students to Ferndale MS.	1,066	1,099	97%	\$0	\$0	\$0	\$7,244,400	\$0	\$0	\$0	\$7,244,400	\$7,244,400

# Southwest High School ... thru 2027

Site Name	Combined Score (50/45/0/5)	2027 PK-12 Projected Enrollment	2027 GT 11-12 Capacity	MGT 11-12 Projected Enrollment	MGT 11-12 Capacity	MGT 11-12 Utilization	FMP Phase 1 Enrollment Reduction	Addn for Capacity	FMP Phase 1 Addition Budget Estimate	Student Change	FMP Replacement Budget Estimate	Maximum Addition	Residual Enrollment	Results 2027 Capacity	Resulting Utilization	FMP Phase 1 Total Budget Estimate	FMP Phase 2 Deficiency Budget Estimate (Comb score 60+)	FMP Phase 3 Deficiency Budget Estimate (Comb score 70-79)	FMP Phase 4 Deficiency Budget Estimate (Comb score 80+)	FMP Total Budget Estimate Phases 1-4
Northeast High	55	927	947	98%					\$23,935,100			Renovate	927	947	98%	\$23,935,100	\$0	\$0	\$0	\$23,935,100
Northern High	50	1,411	1,417	100%								No change	1,411	1,417	100%	\$0	\$0	\$0	\$5,534,300	\$5,534,300
Northwest High	70	2,358	1,583	143%						(600)		Adjust boundary, 600 students to Western HS	1,658	1,583	105%	\$0	\$0	\$20,699,600	\$0	\$20,699,600
Pagle High	65	1,938	1,658	117%						(300)		Adjust boundary, 300 students to Dudley HS	1,638	1,658	99%	\$0	\$27,822,300	\$0	\$0	\$27,822,300
Ragsdale High	83	1,463	1,651	89%						142		142 students from Kearns Academy	1,605	1,651	97%	\$0	\$0	\$0	\$16,497,000	\$16,497,000
Smith High	59	1,334	1,608	83%								Renovate	1,334	1,608	83%	\$37,038,900	\$0	\$0	\$0	\$37,038,900
Southeast High	74	1,350	1,553	87%								No change	1,350	1,553	87%	\$0	\$0	\$21,986,000	\$0	\$21,986,000
Southern High	56	1,124	1,174	96%							\$45,937,700	Replace with 1,250 student capacity HS	1,124	1,250	90%	\$45,937,700	\$0	\$0	\$0	\$45,937,700
Southwest High	70	1,795	1,719	104%								No change	1,795	1,719	104%	\$0	\$0	\$26,066,400	\$0	\$26,066,400

# EXHIBIT E

## **Terrell, Tom**

---

**From:** Terrell, Tom  
**Sent:** Wednesday, May 22, 2019 2:21 PM  
**To:** 'john skrabak'  
**Subject:** RE: R7 zoning Sisk/Johnson

Mr. Skrabak,

Thank you for your email.

In response to your questions and comments, N.C. law prevents a city from requiring any form of impact fee or other mitigation related to school populations in exchange for a zoning approval, and the city only addresses whether this is an appropriate land use. Public schools are built and maintained by the county and operated by the State.

I represented the developer of your subdivision 15 years ago when he went through the zoning process. The road that stubs into the Sisk/Johnson property was required by the city and offered by your subdivision's developer so that this land could be developed at some point in the future and connect to the public transportation system.

The city's land use plan proposes low density residential in the R-5 category, which is 5 units per gross acre, or 64 units. Leoterra has offered a condition limiting density to 46 lots/dwelling units, which is 19 units below what the development guidelines recommend.

Regarding whether these homes are "lower end, starter homes or higher end," I don't know how to answer since those terms don't have objective measures. I can tell you that the anticipated sales price of lots and homes is between \$275,000 and \$300,000. For context, your house and lot are valued by the Guilford County Tax Department at \$208,000.

Please let me know if I can provide more information. I hope to be at the neighborhood meeting on the 29<sup>th</sup> and would be pleased to meet with you then.

**Tom Terrell**  
Partner  
**Fox Rothschild LLP**  
300 N Greene Street  
Suite 1400  
Greensboro, NC 27401  
(336) 378-5412 - direct  
(336) 378-5400 - fax  
[TTerrell@foxrothschild.com](mailto:TTerrell@foxrothschild.com)  
[www.foxrothschild.com](http://www.foxrothschild.com)

----- Forwarded Message -----

**From:** john skrabak <[link1609@yahoo.com](mailto:link1609@yahoo.com)>  
**To:** "[tterrell@foxrothschild.com](mailto:tterrell@foxrothschild.com)" <[tterrell@foxrothschild.com](mailto:tterrell@foxrothschild.com)>  
**Sent:** Monday, May 20, 2019, 12:05:11 PM EDT  
**Subject:** Fwd: R7 zoning sisk/Johnson



>  
>  
> Greetings,  
>  
> My name is John Skrabak. I reside on single leaf circle.  
>  
> My first concern is schooling. They are already over crowded. Since this development will fall with in the Southwest schools district. Are you planning on funding the school for expansion or have a solution?  
>  
> 2nd. The map is only showing one road entering the area through a existing neighborhood. There is already issues with people speeding through that area. Now with even more traffic someone will get hurt or killed. Along with the expansion of skeet club it is already a mess trying to get out. When it's done you will only be able to make a right out several of the connecting neighborhoods to exit. This will also increase traffic in neighborhoods. Putting people and children at risk.  
>  
> 3rd. What level of housing are you trying to build? Low income, starter homes or higher end.  
>  
>  
> Thank you  
> John Skrabak