

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Zoning Map Amendment 20-20  
(BRC Spirit LLC and BRC Spirit II LLC)

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

**Meeting Date:** January 19, 2021

**Public Hearing:** Yes

**Advertising Date:** January 6, 2021, and  
January 13, 2021

**Attachments:** A. Staff Report  
B. Zoning Ordinance

**Advertised By:** Planning & Development

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### PURPOSE:

A request by BRC Spirit LLC and BRC Spirit II LLC to rezone approximately 3.6 acres from the Residential Single Family - 3 (R-3) District and a Conditional Use Office Institutional (CU-OI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located west of Eastchester Drive and north of Hilton Court, and addressed as 1801 and 1809 Eastchester Drive.

### BACKGROUND:

The Planning and Zoning Commission reviewed this request at their December 8, 2020 regular meeting and took final action when the meeting was reconvened on December 10, 2020. On the date of final action, 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 on the request:

Speaking in favor of the request on behalf of the applicant were Mr. Tom Terrell, attorney, Fox Rothschild LLP, 300 N. Greene Street, Suite 1400, Greensboro and the applicant's representative, Ms. Judy Stalder, PO Box 5581, High Point. These speakers provided an overview of their client's proposal to rezone the site to the CZ-GB District to support development of a convenience store with fuel pumps and a restaurant with drive-through window. Key points from their presentation were:

- The recent Eastchester Drive/ I-74 assessment should not apply. Also, the adopted Eastchester plan and related policies are outdated.
- The speakers stated that the demand for office uses is weak due to remote work habits, and that the highest and best use of the site is for commercial uses.
- The TIA states that there is adequate road capacity for the proposed volume of traffic that will be generated by the proposed development.
- The neighborhood adjacent to the zoning site only consists of a few homes. And the proposed commercial development will not be visible from the Cypress Court townhome development.
- Any development on the property must meet the architectural standards of the Eastchester Gateway Corridor District and the watershed regulations.

A comment from the public in favor of the request was submitted by Claudio Rayes, 145 W. Parris Avenue. He stated that the project will benefit the Eastchester Corridor and if approved he wants his abutting

property at 1811 Eastchester Drive rezoned to General Business District or his property will be harder to develop.

Comments from the public in opposition to the request were submitted by:

- Elisa Cameron 2311 Cypress Ct.
- Stacey Jolly & Robb Jolly 1821-B Eastchester Dr.
- B. Van Locke (no address provided)
- Cheryl Lawson 2219 Dover Pl
- Mary Soles (no address provided)
- Tim Tucker (no address provided)
- Vesta Kennedy 1821-A Eastchester Dr.
- Lee Ann Patterson (no address provided)
- Beverly Bard 2205 Delaine Pt
- Rick Morgan 1920 Greenstone Pt.
- Caroline McGuinn 1034 Sweetbriar Road
- Jane Dawson 2300 Cypress Ct

Key concern from those in opposition were:

- Land Use Plan and Compatibility
  - The land use plan for this area does not recommend commercial development.
  - The proposal goes against the recommendations of the recent land use assessment for this area.
  - This is not the right place for this type of development.
  - The homes near the zoning site shouldn't be dismissed – the impact on them is important to consider.
  - It would be shortsighted to allow the proposal for a drive-thru based on a temporary pandemic.
  - There are other nearby residential areas that would also be impacted by the proposal.
  - Concern with the intensity of development in this area.
- Environmental Impacts
  - Concern with potential impact on the water quality.
  - The increase in impervious surface area will lead to additional flooding in the Foxwood Meadows Subdivision downstream for this site.
  - The underground fuel tanks would threaten the water supply. Newer technology for fuel tanks is no guarantee there will be no leaks in the future.
- Traffic Impact
  - Access from the site to Eastchester Drive would be problematic.
  - The proposal goes against the recommendations of the City Transportation Department.
  - Concern with increase traffic congestion.
  - Will create new transportation issues in this area.

Once the public hearing was closed and final public comments were received and reviewed, the Planning & Zoning Commission deliberated on the request. The Chair acknowledged receipt of 14 comments from the public, including the submittal of an online petition with approximately 600 signatures in opposition. Key points from their discussion were as follows:

- The site is not visible from I-74 and it's not clear how you easily access the site from Eastchester Drive.
- Questions were raised as to the installation of underground storage tanks and its impact to the City's water supply. These questions were addressed by the applicant's geological engineer.
- Concern with transportation impacts; there is already traffic congestion in this area.
- There is no use like this along this segment of the corridor because of the location and environmental impacts from Oak Hollow Lake.
- Should not make a zoning decision based on the temporary lifestyle changes from the Covid-19 impacts.
- Focus on the zoning district not the proposed site plan or uses stated by the applicant. The zoning runs with the land not the owner.

- Could be a domino effect as other area property owners will also want commercial zoning.
- Grading of property toward the street (from Oak Hollow Lake to City Lake) is not related to storage tanks, but to allow more impervious cover (higher development intensity) on the site.

#### **BUDGET IMPACT:**

There is no budget impact.

#### **RECOMMENDATION / ACTION REQUESTED:**

##### **A. Staff Recommendation**

Staff recommended *denial* of this request as outlined in the attached staff report.

##### **B. Planning and Zoning Commission Action**

1. The Planning and Zoning Commission recommended *denial* of this request, as recommended by staff, by a vote of 9-0.

**A zoning map amendment application receiving a recommendation for denial from the Planning and Zoning Commission shall only be approved by the City Council with a two-thirds ( $\frac{2}{3}$ ) majority vote of the City Council members present and voting.**

2. **Consistency and Reasonableness Statements**

The Planning and Zoning Commission voted 9-0 to approve the following statement:

That Zoning Map Amendment 20-20 is not consistent with the City's adopted policy guidance because there have been no changes in the type or nature of development in this area, no changes to the Land Use Plan and no changes in policies of the corridor plan to support commercial uses in this area. The land use impacts from the I-74/Eastchester Drive interchange improvements were recently studied. That land use assessment reported that the transportation improvements did not warrant a change in land use policy or zoning for the site and surrounding area.

Furthermore, the Commission stated that the recommendation of denial is reasonable and in the public interest because the established zoning and development pattern along this segment of the corridor primarily consists of OI Districts and residential districts. The requested CZ-GB District, to permit intense commercial use of the site, is not consistent with the established zoning and development pattern of the surrounding area.

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

**STAFF REPORT  
ZONING MAP AMENDMENT ZA-20-20**

**February 15, 2021**

**(Revised)**

<b>Request</b>	
<b>Applicant:</b> BRC Spirit LLC and BRC Spirit II LLC	<b>Owners:</b> BRC Spirit LLC and BRC Spirit II LLC
<b>Zoning Proposal:</b> To rezone approximately 3.6 acres	<b>From:</b> R-3 Residential Single Family - 3 District CU-OI Conditional Use Office Institutional District
	<b>To:</b> CZ-GB Conditional Zoning General Business District

<b>Site Information</b>	
<b>Location:</b>	The site is located west of Eastchester Drive and north of Hilton Court (1801 and 1809 Eastchester Drive).
<b>Tax Parcel Number:</b>	Guilford County Tax Parcels 200162 and 200163
<b>Site Acreage:</b>	Approximately 3.6 acres
<b>Current Land Use:</b>	The parcels are currently developed with a single-family detached dwelling and a fitness center use.
<b>Physical Characteristics:</b>	The site has a relatively gentle slope to the north and northwest, and is wooded to the rear.
<b>Water and Sewer Proximity:</b>	An 8-inch City water line and an 8-inch City sewer line lie adjacent to the site along both Eastchester Drive and Hilton Court.
<b>General Drainage and Watershed:</b>	The site drains in a general north and northwesterly direction and development is subject to the City Lake General Watershed Area (GWA) and Oak Hollow Lake Watershed Critical Area (WCA) requirements. Within the GWA, engineered storm water treatment measures are required for development with a total impervious surface area greater than 24% of the site. Development within Tier 3 of the WCA is limited to 35% built upon area and Tier 2 of the WCA only permits 1 dwelling unit per acre.
<b>Overlay Districts:</b>	<ul style="list-style-type: none"> <li>• City Lake GWA</li> <li>• Oak Hollow Lake WCA – Tier 3</li> <li>• Oak Hollow Lake WCA – Tier 2</li> <li>• Eastchester Gateway Corridor Overlay District</li> </ul>

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	R-3	Residential Single Family - 3 District	Single family dwelling
<b>South:</b>	R-3	Residential Single Family - 3 District	Undeveloped parcels and a single-family dwelling
<b>East:</b>	R-3	Residential Single Family - 3 District	Undeveloped parcel and a single-family dwelling
<b>West:</b>	R-3	Residential Single Family - 3 District	Single-family dwelling

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Community Growth Vision Statement</b>	<p>Goal 1: Preserve and enhance High Point's most important natural and cultural resources.</p> <p>Obj. 1C: Protect the city's water supply through compatible use and design innovation, and minimizing the disturbance of land.</p> <p>Goal 5: Balance the efficient movement of vehicles with the needs of pedestrians, alternative transit modes, and aesthetic quality.</p> <p>Obj. 5B: 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 an Office land use designation. This classification includes professional, personal and business service uses.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	<p>The following goal and objectives of the Land Use Plan are relevant to this request:</p> <p>Goal #1: Ensure that development respects the natural environment.</p> <p>Obj. #2. Protect and preserve environmentally sensitive locations including designated open space and watershed critical areas from inappropriate development.</p> <p>Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.</p> <p>Obj. #11. 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>Eastchester Drive Corridor Plan - Phase II (Lassiter Drive to Penny Road)</u></p> <p>The Eastchester Drive Corridor Plan Phase II recommends limiting commercial uses to well separated clusters located at designated major intersections. The other areas along this section of the corridor are recommended for office and residential uses.</p>
<b>Zoning History:</b>	<p><u>Gateway Corridor Zoning History:</u> Since the 1980s, this segment of the Eastchester Gateway Corridor has had multiple parcels rezoned to various office districts and developed with various office and personal service uses.</p> <p>a) Approximately 17 zoning map amendment requests near the subject site were approved for the CU-OI designation between 1988 and 2000, allowing for various office and medical uses.</p> <p>b) In 1989, the eastern portion of this current zoning site (fitness center), was rezoned from a single-family residential zoning district to a CU-OI District (ZA-89-22).</p> <p>c) Approximately 0.7 miles north of the current zoning site, a CZ-GB District was approved in 2018 (ZA-18-23). The Council's approval was specifically to allow the reuse of an existing two-story office building with the only allowable uses being OI District uses and an internal self-storage facility. The exterior of the structure cannot be changed, to keep its appearance as an office building.</p>

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	Eastchester Drive		320 feet
	Hilton Court		476 feet
	Major Thoroughfare		
	Local		
Vehicular Access:	The applicant proposes to have access from Hilton Court and Eastchester Drive.		
Traffic Counts: (Average Daily Trips)	Eastchester Drive		40,000 AADT (NCDOT 2017 traffic count)
	Hilton Court		None, traffic counts are not typically taken from local streets by the NCDOT.
Estimated Trip Generation:	The proposed convenience store with fuel sales and a major eating establishment (restaurant with drive through window) are anticipated to generate approximately 7,227 daily trips (during a 24-hour time period), with approximately 212 AM peak-hour trips and approximately 210 PM peak-hour trips.		
Traffic Impact Analysis (TIA):	Required		TIA Comments
	Yes	No	Although reviewed by the High Point Transportation Department, the NCDOT has not completed its review of the TIA at the time of this report. There may be additional required improvements once their review is complete.
	X		
Conditions:	<p>The High Point Transportation Department recommends the following conditions be part of any conditional zoning ordinance approval for this site.</p> <ol style="list-style-type: none"> <li>1. <u>Access</u>: No access to Eastchester Drive. Access is to be taken from Hilton Court.</li> <li>2. <u>Improvements</u>: Construct a right turn lane, with a minimum of 100 feet of storage and a minimum of 150 feet of taper, at the intersection of Eastchester Drive and Hilton Court. NCDOT requirements may include a longer storage and taper length.</li> <li>3. <u>Right of Way Dedication</u>: The property owner shall dedicate adequate right-of-way across the Eastchester Drive frontage to accommodate the construction of the right turn lane at the Hilton Court intersection.</li> <li>4. The City of High Point Transportation Director and the NCDOT shall approve the exact location and design of all access points and improvements.</li> </ol>		

School District Comment
Not applicable to this zoning case.

### Details of Proposal

The applicant desires to develop a convenience store with fuel sales and a major eating establishment (restaurant with drive-through window) at the northwestern corner of the intersection of Eastchester Drive and Hilton Court. The current zoning districts of the parcels, the R-3 District and a CU-OI District, do not permit these commercial uses. Therefore, the applicant has requested to rezone the site to a CZ-GB District.

The applicant has included with their application a conditional zoning ordinance in which they have offered conditions to allow right-in only access to the site from Eastchester Drive and to provide a 100-foot wide buffer adjacent to residential uses to the rear of the site. The applicant has also offered conditions to prohibit underground fuel storage tanks and to restrict allowable GB District uses to convenience store with fuel sales, major eating establishment, hotels or motel, microbrewery, microdistillery/microwinery, major personal service and major retail sales uses, which includes retail establishments up to 50,000 square feet of gross floor area.

### Staff Analysis

The zoning site is located along Eastchester Drive, approximately 0.2 miles north of the I-74 interchange. In 1997, the western half of the Eastchester Drive/I-74 interchange was opened when the US 311 Bypass (I-74) was built between US 311 (N. Main Street) and Eastchester Drive. In 2004, the eastern half of the interchange was opened when the Bypass was extended southward to Business I-85.

Eastchester Drive is an important major thoroughfare in the city, moving traffic entering the city from the north and from I-74. With Eastchester Drive being a major gateway into High Point from I-40 and the Piedmont Triad International Airport (PTIA), the Eastchester/I-74 intersection has emerged as a major interchange. The segment of Eastchester Drive near the I-74 interchange carries approximately 40,000 vehicle trips a day. In 2020, the NCDOT began construction of road improvements to alleviate congestion along Eastchester Drive and on the exit ramps of I-74. The improvements include the addition of exit loops in the southwest and northeast quadrants of the interchange and the elimination of left turns on the Eastchester Drive overpass to access the interstate.

Land development along the Eastchester Drive corridor has been primarily shaped by the Eastchester Drive Corridor Plan. Beginning in 1986, the City through a series of adopted corridor plans and an overlay zoning district, established policies and standards to enhance and protect the corridor as a major gateway into the city. The roadway and the land development along it provides first impressions to visitors entering the city from Interstate 40 and PTIA. Some of the goals and policy objectives of the Eastchester Corridor Plan are to:

- Minimize traffic congestion caused by haphazard commercial development;
- Prevent strip commercial development, which in turn will degrade the corridor's primary purpose of serving as a travel corridor and gateway to the City;
- Limit commercial uses to well separated clusters located at major intersections;
- Implement a deceleration lane policy to conserve the capacity of Eastchester Drive;
- Require driveways for corner lots to be from side streets; and
- Retain the Office land use designation because of concerns that commercial uses will hinder the efficiency of the Eastchester Drive/I-74 (former US 311) interchange.

Over the last 35 years, there has been significant commercial development occurring along the Eastchester Drive corridor in three main areas. To manage traffic and to protect the gateway qualities of the corridor, the Eastchester Corridor Plan limited commercial development to well-separated clusters, or nodes, located at major intersections. Major commercial nodes were planned at 1) the intersection of N. Main Street and along the corridor to the N. Centennial Street intersection, 2) the mid-point of the corridor at the Skeet Club Road/Wendover Avenue intersection, and 3) the northern point of the corridor at the Regency Drive and Gallimore Dairy Road intersections. Over the years, these three planned commercial nodes were expanded in area to accommodate additional commercial development where traffic could be adequately managed in those major intersection areas. The interchange at I-74 was never planned as a commercial node by the Eastchester Corridor Plan as there are watershed protection restrictions, development constraints and concerns that commercial development would adversely impact the efficiency of the interchange.

Due to the I-74 interchange improvement project, the City recently conducted a land use assessment of a 148-acre area along Eastchester Drive. The Eastchester Drive/I-74 Land Use Assessment studied the transportation project's impacts on adjacent land along Eastchester Drive from Festival Park on the

northern end to Lassiter Drive on the southern end. The purpose of the study was to review the impacts and to evaluate the current land use policies for this portion of the corridor.

The assessment documents that the land area in and around the I-74 interchange is narrow and does not offer large areas for development, and that direct vehicular access from Eastchester Drive has been restricted by NCDOT from the I-74 interchange northward to the newly constructed Hilton Court/Gordon Road signalized intersection. In addition, land in this area is constrained by Oak Hollow Lake to the west, which is part of the City's potable water supply, and by established neighborhoods to the east. Furthermore, the area is impacted by the development restrictions of the Oak Hollow Lake Watershed Critical Area, as a significant portion of land to the west of this segment of Eastchester Drive are within Tiers 1, 2 and 3 of the Watershed Critical Area.

The zoning site is contained within Area 3 as denoted in the assessment report. The report states that Area 3 consists of approximately 6 acres that are split between Oak Hollow Lake WCA Tiers 2 and 3 and City Lake GWA. Furthermore, it states that a portion of Area 3 could be graded so that it drains out of the Oak Hollow Lake WCA and into the City Lake GWA, which would allow more impervious surface and allow increased development intensity. The 3.6-acre zoning site is the only portion of Area 3 or the entire assessment study area where such development intensity could be increased by changing the grade of the site. While this may increase the development potential for the zoning site, the surrounding area is more significantly constrained with watershed development restrictions, topographic constraints, controlled access and a classified stream.

The land use assessment concludes that Area 3 should remain in the Office land use category, which would support the OI district. The OI district now allows a wider variety of land uses that offer additional development opportunities while still adhering to the longstanding policies of the corridor. Approval of the requested CZ GB district would enable commercial development of the zoning site inconsistent with the character of development, both existing and planned, for this segment of the Eastchester Drive corridor. No other properties in the surrounding area can be developed similarly. Therefore, commercial development on the zoning site could negatively affect the potential of those surrounding properties to be developed with office, institutional or residential uses, which are allowed by policy. In addition, the requested CZ GB district would allow access directly to Eastchester Drive, inconsistent with the corridor plan and against the recommendation of the Transportation Department.

Section 2.4.6.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 requested CZ-GB District would allow commercial development and access to Eastchester Drive at a location not supported by the goals, objectives and policies of the Eastchester Corridor Plan.**

**Reasonableness/Public Interest:**

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

**The request would allow commercial development inconsistent with the character of development, both existing and planned, for this segment of the Eastchester Drive corridor and could impact the potential development of surrounding properties.**

**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.
- ❖ Approval of the requested CZ GB district would enable commercial development of the zoning site inconsistent with the character of surrounding development. No other properties in the surrounding area can be developed similarly and at the potential level of development intensity. Commercial development on the zoning site could negatively affect the potential of the surrounding properties to develop with land uses that are supported by the Eastchester Corridor Plan.
- ❖ The condition to prohibit underground fuel storage tanks means if such a use occurs that offers fuel sales, then the fuel storage tanks would be above ground and visible. This furthers the concern that commercial use of this site would be inconsistent with the existing and planned character along this segment of the corridor. The Eastchester Gateway Overlay District does not contain standards for above ground tanks and any required spill containment structures. And the applicant did not offer any conditions to address the visual impacts with such tanks located along the Eastchester Drive corridor. Therefore, there are no standards to control the number, size, bulk, or height of fuel storage tanks and their location, nor are there any requirements to screen them from view along the Eastchester Drive corridor. The visual impacts from above ground storage tanks conflict with the purpose of the Overlay District to enhance the visual character of the Eastchester Drive corridor.

**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> <ul style="list-style-type: none"><li>❖ As recommended by the Transportation Department, prohibiting access to Eastchester Drive and the installation of a turn lane at the signalized intersection will assist to alleviate traffic impacts along Eastchester Drive; the applicant's proposed district does not offer these conditions.</li></ul>
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	<ul style="list-style-type: none"> <li>❖ Lighting and screening requirements of the Development Ordinance will assist to mitigate negative impact as to spill over lighting onto adjacent property and to screen trash loading areas from the public right of ways.</li> <li>❖ The condition offered by the applicant to install a 100-foot wide buffer area, planted to a Type A rate, will push commercial activities away from abutting residential uses at the rear of the site.</li> </ul>
<b>Mitigation #2</b>	<p><b>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</b></p> <p>Most of the site is within the Oak Hollow Lake Watershed Critical Area, while a small portion of the site is within the City Lake General Watershed. The site can be graded such that a majority of the on-site development is within the City Lake General Watershed. Development of the site is required to meet the applicable watershed standards of the Development Ordinance.</p>
<b>Mitigation #3</b>	<p><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></p> <ul style="list-style-type: none"> <li>❖ High-intensity commercial uses are not supported in this area due to continued policy concerns about the protection of the city's water supply.</li> <li>❖ To maintain the safe and efficient transportation functionality of the corridor, the Transportation Department recommends no access be permitted from Eastchester Drive, which is not a condition in the proposed district.</li> </ul>
<b>Mitigation #4</b>	<p><b>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</b></p> <ul style="list-style-type: none"> <li>❖ The applicant has offered a condition to provide a 100-foot wide buffer to the rear of the site adjacent to abutting residential uses.</li> <li>❖ The surrounding area is more significantly constrained with stringent watershed restrictions, topographic constraints, controlled access and a classified stream that makes it infeasible for commercial development in the surrounding area. The requested CZ-GB District would not be consistent with the surrounding character of this section of the gateway corridor.</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.

There have been no changes in the type or nature of development in this area, no changes to the Land Use Plan and no changes in policies of the corridor plan to support commercial uses in this area. The land use impacts from the I-74/Eastchester Drive interchange improvements were recently studied. That land use assessment reported that the transportation improvements did not warrant a change in land use policy or zoning for the site and surrounding area.

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

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

The established zoning and development pattern along this segment of the corridor primarily consists of OI Districts and residential districts. The requested CZ-GB District, to permit intense commercial

use of the site, is not consistent with the established zoning and development pattern of the surrounding area.

### **Recommendation**

#### **Staff Recommends Denial:**

The request to rezone this 3.6 acre site to a CZ-GB District conflicts with the Eastchester Corridor Plan and the recent Eastchester Drive/I-74 Land Use Assessment – each of which recognize the physical constraints in the immediate area, the need to protect water quality, the objective to maintain the safe and efficient flow of traffic on Eastchester Drive, and the objective to enhance and maintain the visual characteristics of the corridor. The requested district does not protect transportation efficiency, nor does it promote safety because it does not include the Transportation Department’s recommendations for the development to take access from Hilton Court and to construct a right-turn lane at that intersection.

### **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.

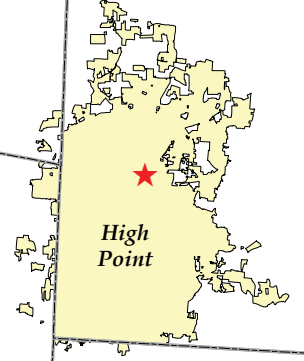
### **Report Preparation**

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

# LOCATION MAP

ZONING MAP AMENDMENT: ZA-20-20  
Applicant: BRC SPIRIT LLC

## Vicinity Map



**City of High Point**

**Davidson County**

**Site**

**Jamestown**

**Guilford County**



Scale: 1"=3000'

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**ZONING MAP AMENDMENT ZA-20-20**

The map displays various zoning districts and streets. Key features include:

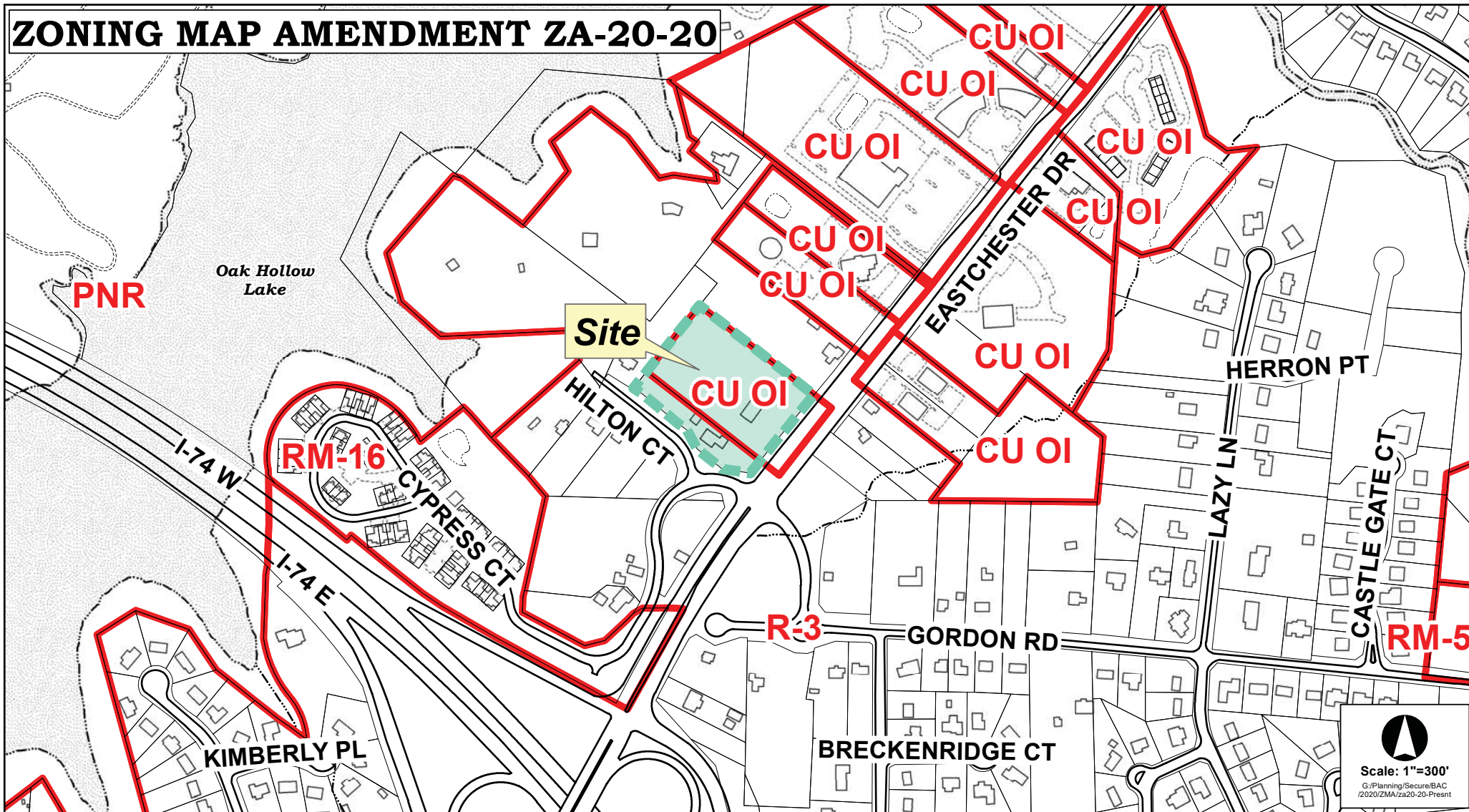
- Zoning Districts:** R-3, R-5, RM-5, RM-16, CU-OI, CU-R-5, PDL, PNR, CU-TO.
- Streets:** Tanglewood Av, Campground Rd, Wellingford Dr, Covewood St, Covedale St, N Centennial St, Dover Pl, York Av, Timberlake Av, Staley Rd, Gordon Rd, Cambridge Dr, Copperleaf Ct, North, Dandelion Dr, Wellfleet Dr, Hidden Pond Ct, Middlewood Ct, Rivermeade Dr, Fox Creek Ct, Halifax Ct, Castle Gate Ct, Lazy Ln, Herron Pt, Eastchester Dr, Hilton Ct.
- Geographical Features:** Oak Hollow Lake.
- Infrastructure:** I-74 E, I-74 W.
- Site:** A yellow box labeled "Site" is located near Hilton Ct and Eastchester Dr.

**Scale:** 1"=600'

**Source:** G:\Planning\Secure\BAC\2020\ZMA\za20-20-Prent-600

**Scale: 1"=600'**

# ZONING MAP AMENDMENT ZA-20-20



**ZONING MAP AMENDMENT ZA-20-20**

The map displays various zoning districts and a proposed site. The districts include:

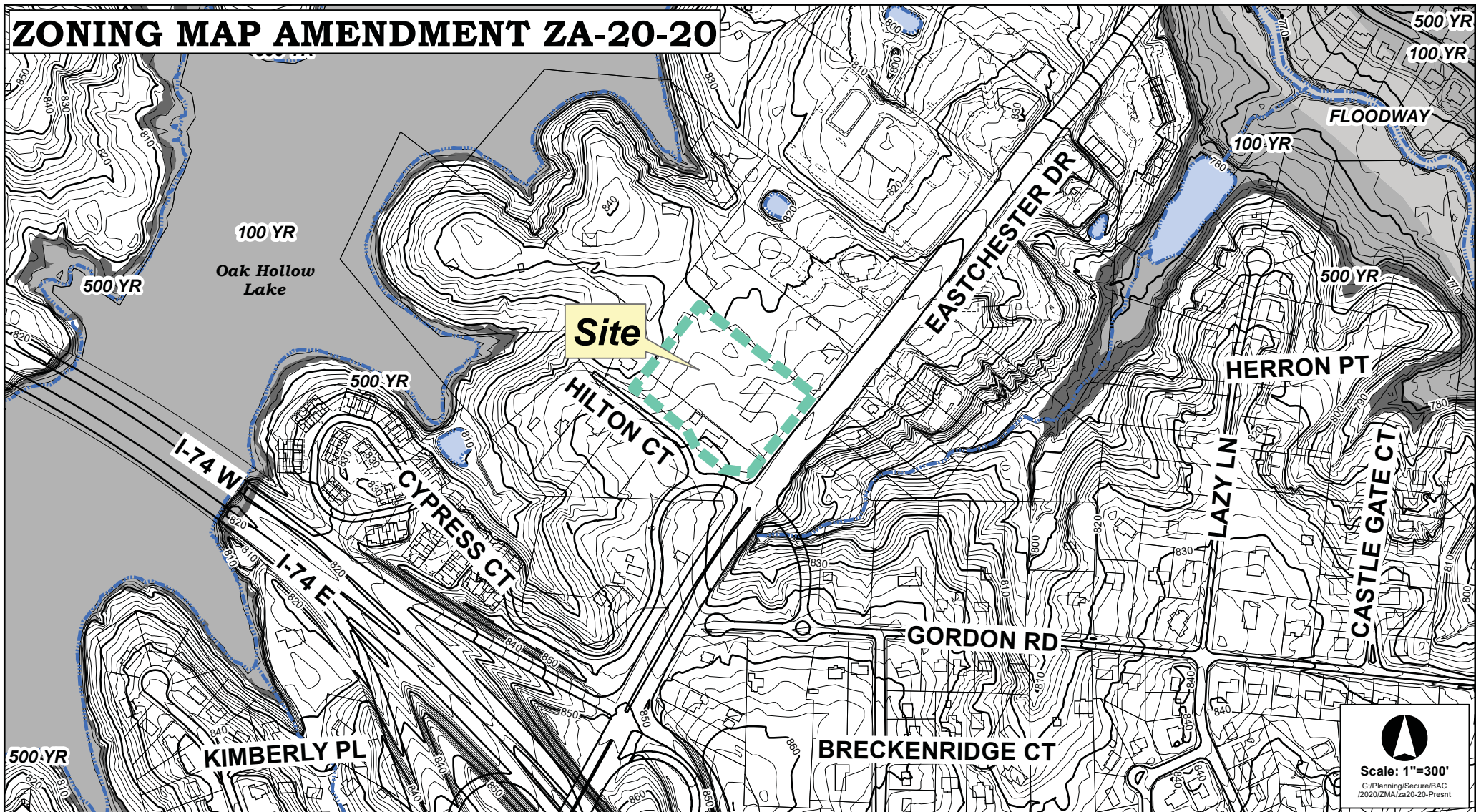
- Recreation/Open Space** (Green areas)
- Low-Density Residential** (Yellow areas)
- Office** (Blue areas)
- Medium-Density Residential** (Reddish-brown area)

The proposed **Site** is located in the **Office** district, bounded by **HILTON CT** and **EASTCHESTER DR**. Other streets shown include **TANGLEWOOD AV**, **CAMPGROUND RD**, **I-74 E**, **I-74 W**, **Oak Hollow Lake**, **WELLINGTON DR**, **LAKECREST AV**, **COVERDALE ST**, **COVERWOOD ST**, **N CENTENNIAL ST**, **DOVER PL**, **YORK AV**, **KIMBERLY PL**, **TIMBERLAKE AV**, **STALEY RD**, **GORDON RD**, **CAMBRIDGE DR**, **COPPERLEAF CT**, **LAKEWOOD DR**, **FOX CREEK CT**, **HALIFAX CT**, **MIDDLEWOOD CT**, **RIVERMEADE DR**, **HIDDEN POND CO**, **DANDELION DR**, **WELLFLEET DR**, **CASTLE GATE CT**, **RIVERTRACE PT**, **HERRON PT**, **LAZY LN**, **WELLINGTON DR**, **WELLFLEET DR**, **LAKEWOOD DR**, **FOX CREEK CT**, **HALIFAX CT**, **MIDDLEWOOD CT**, **RIVERMEADE DR**, **HIDDEN POND CO**, **DANDELION DR**, **WELLFLEET DR**, **CASTLE GATE CT**, **RIVERTRACE PT**, **HERRON PT**, **LAZY LN**, **WELLINGTON DR**, **WELLFLEET DR**, **LAKEWOOD DR**, **FOX CREEK CT**, **HALIFAX CT**, **MIDDLEWOOD CT**, **RIVERMEADE DR**, **HIDDEN POND CO**, **DANDELION DR**, **WELLFLEET DR**, **CASTLE GATE CT**, **RIVERTRACE PT**, **HERRON PT**, **LAZY LN**.

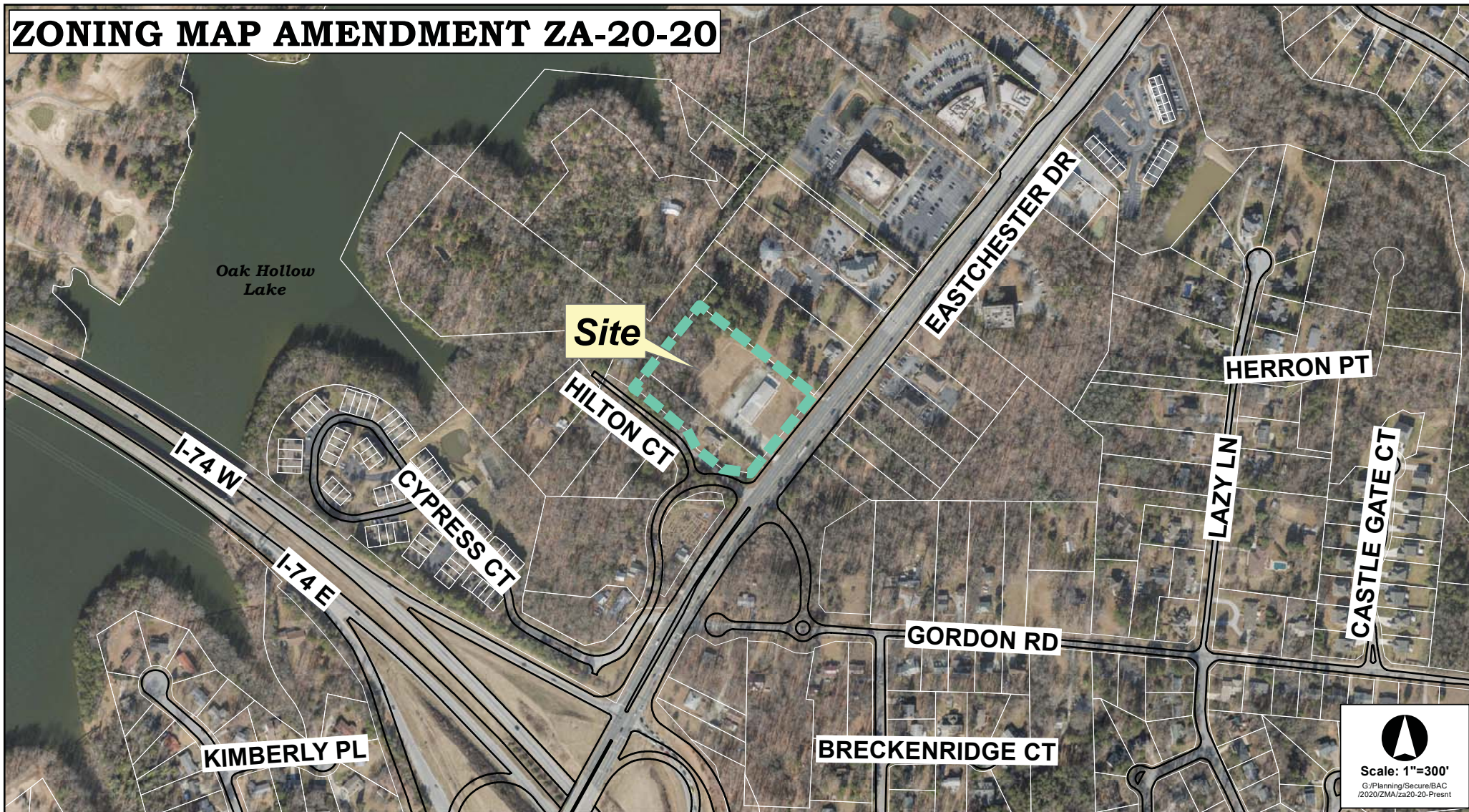
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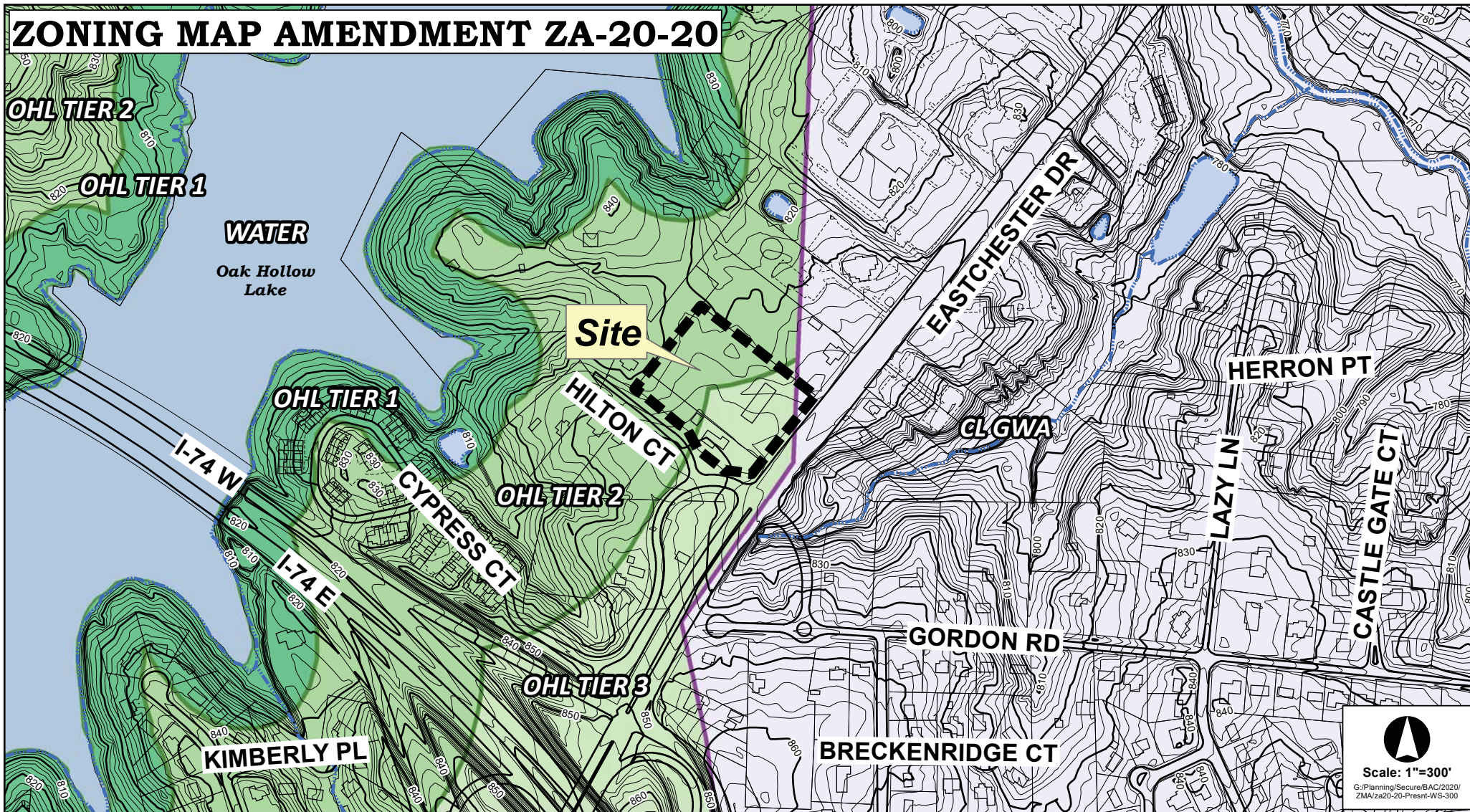
# ZONING MAP AMENDMENT ZA-20-20



# ZONING MAP AMENDMENT ZA-20-20



# ZONING MAP AMENDMENT ZA-20-20



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, 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 December 8, 2020 and before the City Council of the City of High Point on January 19, 2021 regarding **Zoning Map Amendment Case 20-20 (ZA-20-20)** 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 November 29, 2020, for the Planning and Zoning Commission public hearing and on January 6, 2021 and January 13, 2021, 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 **January 21, 2021**.

**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 General Business (CZ-B) District**. The property is approximately 3.6 acres, located west of Eastchester Drive and north of Hilton Court (1801 and 1809 Eastchester Drive). The property is also known as Guilford County Tax Parcel 200162 and 200163.

**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) Any principal use of the General Business (GB) District, as listed in the Principal Use Table 4.1.9 of the Development Ordinance, that is also a permitted use in the Office Institutional (OI) District (use must be a permitted principal use in both districts). Development shall be subject to standards of the GB District and the specific conditions listed in this ordinance.
- b) The follow General Business (GB) District uses, as listed in the Principal Use Table 4.1.9 of the Development Ordinance, shall also be permitted:
  - i. Convenience store with fuel sales
  - ii. Major Restaurant
  - iii. Hotels or motels

- iv. Microbrewery, microdistillery, or microwinery
- v. Major personal service
- vi. Major retail sales

Part II. CONDITIONS:

- A. Development and Dimensional Standard: Underground fuel storage tanks shall be prohibited.
- B. Buffering/Undisturbed Area: A minimum 100-foot wide undisturbed buffer shall be retained along the western (rear property line) of the zoning site abutting Guilford County Tax Parcel 200161 (also known as 2214 Hilton Court). All existing trees and vegetation within this undisturbed buffer shall be preserved and supplemented, where necessary, to meet the Type A Perimeter Landscape Yard rate. The property owner shall be permitted to remove unhealthy vegetation and vegetation that may pose a danger to occupants of the rezoning site or abutting parcels. The property owner shall be permitted to prune existing vegetation within the planting yard area in order to maintain the health of the existing vegetation
- C. Transportation:
  - 1. Access (Eastchester Drive): Only one point of access shall be permitted from Eastchester Drive. This access point shall be designed to permit a right-in only access from Eastchester Drive and also designed to allow no exiting from the site onto Eastchester Drive.
  - 2. The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council

City of High Point, North Carolina

The xx day of xxxxxxxxxxxxxx, 2020

By: \_\_\_\_\_

Jay W. Wagner, Mayor

ATTEST:

\_\_\_\_\_  
Lisa B. Vierling, City Clerk

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.

# TECHNICAL MEMORANDUM

## **CrossFit Property**

High Point, NC

*Prepared for Blue Ridge Companies*





## Technical Memorandum

### CrossFit Property High Point, NC

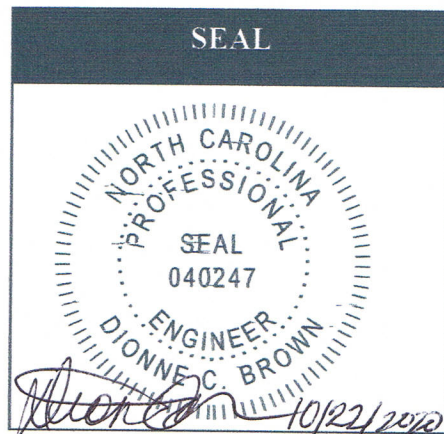
Prepared for Blue Ridge Companies  
October 20, 2020

Analysis by: Dionne C. Brown, PE

Drafting/Graphics by: Dionne C. Brown, PE

Reviewed by: Nick Liguori, PE

Sealed by: Dionne C. Brown, PE



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**Technical Memorandum  
Traffic Analysis  
CrossFit Property, High Point, NC  
Prepared for Blue Ridge Companies  
October 20, 2020**

**Introduction**

The parameters of this technical memorandum were based upon coordination with North Carolina Department of Transportation (NCDOT) and in response to the request from the City of High Point Department of Transportation (HPDOT) to provide analysis for an alternative access scenario from that in the original Transportation Impact Analysis (TIA) submitted dated September 28, 2020. The alternative analysis will include the CrossFit Property development to have one access point on Cypress Lane/Hilton Court and no access on NC 68 (Eastchester Drive). In the previous TIA, a right-in only access was proposed on NC 68 in addition to the access on Cypress Lane/Hilton Court.

DAVENPORT has completed the requested traffic analysis for the alternative access scenario. The purpose of this study was to determine the impacts to the roadway network with the elimination of the access on NC 68 (Eastchester Drive). The CrossFit Property is proposed to consist of a convenience store with gas pumps, a fast food with drive-thru, and a carwash. CrossFit Property is proposed to be located northwest of Cypress Lane / Gordon Road on NC 68 (Eastchester Drive) in High Point, NC. The site plan is shown in the supporting documents.

The parameters of this analysis were based upon coordination with NCDOT and City of High Point.

**Existing Conditions & Base Assumptions**

The conditions and results for existing and no build analysis will remain the same from the original TIA.

**Build Conditions**

Due to the elimination of the access on NC 68 (Eastchester Drive) a trip distribution for the development was adjusted for one access and can be found in Figures 1A and 1B. The primary site trips are illustrated in Figure 2A and pass-by site trips in Figure 2B with a total site trips in Figure 3. The build conditions were analyzed for a 2022 build year and a 2025 build year based on City of High Point's guidelines. The future traffic volumes are illustrated in Figures 4 and 5.

**Table 1** presents the summary of the level of service analysis for all study intersections:

<b>Table 1 - Level of Service Summary</b>				
	<b>2022 Build</b>		<b>2025 Build</b>	
AM Peak	Original TIA	Alternative Scenario	Original TIA	Alternative Scenario
NC 68 at Cypress Lane / Gordon Road	C (21.7)	C (22.0)	C (23.2)	C (23.6)
NC 68 at I-74 WB Ramp	C (21.1)	C (21.2)	C (24.2)	C (24.3)
NC 68 at I-74 EB Ramp	C (24.2)	C (24.6)	C (27.7)	C (28.1)
Hilton Court at Site Access	B (11.1) SB Approach	B (11.7) SB Approach	B (11.1) SB Approach	B (11.7) SB Approach
PM Peak	Original TIA	Alternative Scenario	Original TIA	Alternative Scenario
NC 68 at Cypress Lane / Gordon Road	C (26.9)	C (27.3)	C (28.2)	C (29.1)
NC 68 at I-74 WB Ramp	B (16)	B (16.1)	B (16.8)	B (16.9)
NC 68 at I-74 EB Ramp	B (18.6)	B (18.5)	B (19.9)	B (19.9)
Hilton Court at Site Access	B (11.2) SB Approach	B (11.9) SB Approach	B (11.2) SB Approach	B (11.9) SB Approach
LOS (delay in seconds)				
Note for unsignalized conditions, LOS and delay indicates only minor street approach with longest delay				

The need for auxiliary turn lanes was evaluated based on the NCDOT “Policy on Street and Driveway Access to North Carolina Highways”. Based on 2021 and 2025 future build projected traffic volumes at the access on Hilton Court, there are no improvements recommended at this intersection. This site access should be designed in accordance with NCDOT standards.

Based on the results, the elimination of the site access on NC 68 (Eastchester Drive), the level of service will remain the same as reported in the original TIA. However, there is an increase in delay at the intersection at NC 68 (Eastchester Drive) at Cypress Lane/ Gordon Road.

Table 2 illustrates the changes in 2022 Future Build.

<b>Table 2 – NC 68 at Cypress Lane/ Gordon Road</b>									
<b>2022 AM Build</b>									
	<b>EBL</b>	<b>EBTR</b>	<b>WBL</b>	<b>WBTR</b>	<b>NBL</b>	<b>NBT</b>	<b>NBR</b>	<b>SBL</b>	<b>SBTR</b>
Original TIA (LOS)	E (62.4)	F (91.2)	F (203.0)	D (51.9)	D (53.9)	B (12.6)	A (5.0)	A (4.6)	B (14.6)
Original TIA (95th Percentile Queue)	143	#302	#214	112	M#88	753	M12	9	445
Alternative Scenario (LOS)	E (62.4)	F (91.2)	F (203.0)	D (51.9)	D (53.9)	B (12.6)	A (4.9)	A (4.6)	<b>B (15.7)</b>
Alternative Scenario (95th Percentile Queue)	143	#302	#214	112	M#88	753	M12	9	<b>496</b>
<b>2022 PM Build</b>									
Original TIA (LOS)	F (86.2)	F (158.3)	F (400.1)	E (62.9)	F (147.1)	A (5.8)	A (4.1)	B (13.1)	B (16.2)
Original TIA (95th Percentile Queue)	#187	#391	#233	65	#326	211	M35	32	714
Alternative Scenario (LOS)	F (86.2)	F (158.3)	F (400.1)	E (62.9)	F (147.1)	A (5.8)	A (4.0)	B (13.1)	<b>B (18.1)</b>
Alternative Scenario (95th Percentile Queue)	#187	#391	#233	65	#316	211	M35	32	<b>804</b>

The additional access on NC 68 (Eastchester Drive) will alleviate queuing and delay at the signalized intersection of NC 68 at Cypress Lane/ Gordon Road. With the additional site trips, the southbound through-right turn lane experiences an increase in delay and queue. The queues are reported by feet from the Synchro 95<sup>th</sup> Percentile.



## **Summary and Conclusion**

DAVENPORT has completed the requested traffic analysis for the alternative access scenario. The purpose of this study was to determine the impacts to the roadway network with the elimination of the access on NC 68 (Eastchester Drive). The CrossFit Property is proposed to consist of a convenience store with gas pumps, a fast food with drive-thru, and a carwash. CrossFit Property is proposed to be located northwest of Cypress Lane / Gordon Road on NC 68 (Eastchester Drive) in High Point, NC.

The elimination of the site access on NC 68 (Eastchester Drive) does cause an increase in delay and queue at the intersection of NC 68 (Eastchester Drive) at Cypress Lane/ Gordon Road. From this observation, a right-in only access on NC 68 (Eastchester Drive) will help alleviate the delay and queue at the signalized intersection.

This property is located within a public water supply watershed - Development restrictions may apply

All on-site utilities shall be constructed to the City of High Point standards. However, all utilities not located within a public easement or public right-of-way shall be private with maintenance to the water, sewer, and storm systems provided by the owners association or property owner(s).

All new construction sites shall provide adequate drainage from the building foundation. For residential construction the grades shall slope a minimum of 6 inches within the first 10 feet from the foundation as referenced in NC State Building Code. Adequate drainage shall also be provided for new commercial construction in compliance with the NC State Building Code.

- 1) Any unused curb openings/ driveways will be closed with standard curb and gutter on curb and gutter streets. On ribbon paved streets the driveway and any pipe shall be removed.
- 2) Damage to existing sidewalk shall be repaired to meet current City sidewalk standards.

The property owner(s) shall be responsible for maintaining the completed permanent runoff control structure as directed by the governmental office having jurisdiction for watershed protection. The property owner(s) record at the time of required maintenance shall be jointly and severally liable for any and all costs attendant thereto.



2. EXTERIOR EXIT DISCHARGE ILLUMINATION/LIGHTING SHALL BE REQUIRED FROM ALL EXIT DOORS TO THE PUBLIC WAY IN COMPLIANCE WITH NCBC 1008.

1. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/ STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/ STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/ STRUCTURES.

3. CPT ENGINEERING & SURVEYING, INC. (CPT) MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. CPT FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. CPT HAS PHYSICALLY LOCATED ONLY THOSE UNDERGROUND UTILITIES WHICH ARE VISIBLY APPARENT FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES.

THE SUBJECT PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2 % ANNUAL CHANCE FLOODPLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP (MAP NUMBER 37 10780200), DATED JUNE 18, 2007.

1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

4. ALL BUILDINGS, AND SURFACE AND SUBSURFACE IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREON.

6. NO ATTEMPT HAS BEEN MADE AS PART OF THE BOUNDARY SURVEY TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OR MUNICIPAL/ PUBLIC SERVICE

7. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

BRC SPIRIT, LLC  
5826 SAMET DRIVE, SUITE 105  
HIGH POINT, NC 27265  
CONTACT: CHRISTOPHER T. DUNBAR, MANAGER  
PHONE: (336) 889-1500  
EMAIL: [cdunbar@blueridgecompanies.com](mailto:cdunbar@blueridgecompanies.com)

**CPT ENGINEERING & SURVEYING, INC.**  
4400 TYNING STREET  
HIGH POINT, NC 27265  
CONTACT: STEVEN T. WEBB, P.E.  
PHONE: (336) 812-8800 EXT. 310  
EMAIL: [stewww@cptengineering.com](mailto:stewww@cptengineering.com)

1. HIGH POINT CITY ZONING: GB - GENERAL BUSINESS  
2. MINIMUM LOT SIZE: N/A  
3. MINIMUM LOT WIDTH: 75 FT.  
4. MINIMUM STREET SETBACK: 25 FT.  
5. MINIMUM PERMETER SETBACK:  
ADJACENT TO RESIDENTIAL DISTRICT: 25 FT.  
ADJACENT TO NONRESIDENTIAL DISTRICT: 10 FT.  
6. MAXIMUM BUILDING HEIGHT: N/A  
FOR EACH ADDITIONAL FOOT OF HEIGHT BEYOND 50 FEET UP TO 80 FEET.  
THE PERMETER SETBACKS SHALL BE INCREASED BY ONE (1) FOOT.  
7. A RESTAURANT (MAJOR AND MINOR) SHALL HAVE A 6-FOOT HIGH CRAPQUE OR BRASSARD WALL AND 10 FEET OF LINES ABUTTING A RESIDENTIAL DISTRICT.  
8. REQUIRED PARKING: RESTAURANT (MAJOR & MINOR) - 1/200 SF/GFA  
RETAIL SALES - 1/400 SF/GFA

1. MINIMUM BUILDING SETBACK: 50 FT.
2. DRIVE-THROUGHS:
  - (1) OUTDOOR SPEAKERS ASSOCIATED WITH A DRIVE-THROUGH SHALL BE LOCATED AT LEAST 10 FEET FROM A RESIDENTIAL DISTRICT
  - (2) DRIVE-THROUGH WINDOWS, MENU BOARDS, DRIVE AISLES, AND SPEAKERS SHALL NOT BE LOCATED BETWEEN THE PRINCIPAL BUILDING LINE AND THE FRONT STREET RIGHT-OF-WAY.
3. FUEL PUMPS AND CANOPIES:
  - FUEL PUMPS AND CANOPIES SHALL BE LOCATED BEHIND THE REAR BUILDING LINE OR THE REAR BUILDING TO THE MAXIMUM EXTENT PRACTICABLE
  - GROUND BASED MECHANICAL/ELECTRICAL SCREENING
  - GROUND BASED MECHANICAL/ELECTRICAL EQUIPMENT SHALL BE LOCATED TO THE REAR OF THE PRINCIPAL BUILDING, AND SHALL BE SCREENED IN ACCORDANCE WITH SECTION 5.3. SCREENING
4. OFF-STREET LOADING:
  - OFF-STREET LOADING AREAS SHALL BE LOCATED TO THE SIDE OR REAR OF THE PRINCIPAL BUILDING, AND SHALL NOT FACE EAST/SEASTER DIRECTION.

PARKING REQUIRED:  
LOT 1  
RETAIL SALES (7-ELEVEN)  
1 PER 400 SQ. FT. GROSS FLOOR AREA (4,088 / 400 SQ. FT. = 11 SPACES)

PARKING PROVIDED: 17 SPACES

PARKING REQUIRED:  
LOT 2  
RESTAURANT (MCDONALD'S)  
1 PER 200 SQ. FT. GROSS FLOOR AREA (4,088 / 200 SQ. FT. = 22 SPACES)

1. PROPERTY DATA:  
1801 EASTCHESTER DRIVE  
PARCEL: 200162  
PIN: 7802720331  
DEED REFERENCE: D.B. 7796, PG. 2  
EXISTING LAND USE: RESIDENTIAL  
ZONING: R-3

1806 EASTCHESTER DRIVE  
PARCEL: 200163  
PIN: 7802721446  
DEED REFERENCE: D.B. 7796, PG. 2  
EXISTING LAND USE: ASSEMBLY  
ZONING: CU 01 (R-22)

1. WATERSHED: OAK HOLLOW LAKE WCA (TIER 2 & TIER 3)  
SITE PROPOSED TO BE GRADED TO DRAIN TOWARD THE LAKE

2. EXISTING BUA (GRANDFATHERED):  
PARCEL 200162: 3,325.02 Sq. Ft. / 0.076 Ac. (9.2 %)   
PARCEL 200163: 21,432.57 Sq. Ft. / 0.492 Ac. (17.2 %)

3. EXISTING BUA TO BE REMOVED: 24,757.59 Sq. Ft. / 0.568 Ac.

( IN FEET )  
1 inch = 40 ft.

**GPT** ENGINEERING AND SURVEYING, INC.  
LAND DEVELOPMENT CONSULTING  
NCEBLS FIRM LICENSE NO. C-1875  
4400 TYNNING STREET  
HIGH POINT, NORTH CAROLINA 27265  
PHONE: (336) 812-0000 ~ FAX: (336) 812-0780

PRELIMINARY  
FOR REVIEW  
PURPOSES ONLY

PRELIMINARY SKETCH PLAN  
1801 - 1809 EASTCHESTER DRIVE  
HIGH POINT TOWNSHIP ~ GUILFORD COUNTY  
HIGH POINT ~ NORTH CAROLINA

SITE ADDRESS:  
1801 - 1809 EASTCHESTER DR.  
HIGH POINT, NC

SCALE: 1" = 40'

DATE: 3/9/2020

PROJECT: 1366-15

DRAWN BY: TGL, STW

62

[illegible]

Mar 04 2020 F:\Protect\1366-2529\1366-25 SKETCH - T ELEVEN.dwg Tbl Name: 3\_SKETCH

# **Citizens Information Meeting Report**

## **Zoning Map Amendment 20-20**

Submitted by: Judy Stalder, Development Consultant, on behalf  
of BRC Spirit LLC and BRC Spirit II LLC

# **Citizen Information Meeting Report**

## **Eastchester Drive**

### **Zoning Case ZA-20-20**

Citizen Information Meetings were held for property owners near 1801 and 1809 Eastchester Drive. An informational letter dated October 16 was sent by US Mail to the 14 addresses supplied by the City of High Point Planning and Development Department to set a Zoom meeting date of October 22. This mailing included the *City of High Point Conditional Use District Zoning Citizen Information Meetings* statement and a site map. A copy of the letter and list of addressees is attached. The letter explained the requested zoning of Conditional General Business and proposed uses of a convenience store with gas pumps and a restaurant with a drive through window.

After the mailing, a second Zoom meeting was scheduled for October 21 for residents that were unable to attend the originally scheduled meeting. Though the two meeting dates caused some confusion, we believe that all residents that were interested in meeting with the applicant were included.

Also, in response to an invitation from residents at the October 21 meeting, the applicant visited property at 1821 Eastchester Drive and 2214 Hilton Court.

Both meetings began with a brief presentation from Judy Stalder. Here is a brief outline:

- Location of the property

  - Major interchange I-74 and NC 68

  - Service type uses are to be expected

  - Improvements being made by NCDOT accommodate the flow of traffic in the area

- Uses permitted on the property currently

  - Apartments

  - Restaurant without a drive-thru

  - Retail Sales

  - Medical Services/Personal Services/Offices

- City's Land Use Plan and recent studies in this area point to the need for

  - Combination of smaller lots

  - Protection of the water supply

    - Front part of property where development will take place is in the City Lake General Watershed Area not the Oak Hollow Lake Critical Area

  - Protect adjacent neighbors

    - We intend to use only the frontage of the property will drain away from Oak Hollow Lake

  - Maintain safe and efficient transportation of the corridor

    - Commissioned a Traffic Impact Analysis according to parameters dictated by the CityDOT and NCDOT and will follow the recommendations.

  - Different from other properties in this area

    - Do not expect this to trigger a series of rezonings for service uses

    - Other lots in the area do not drain into General Watershed Area

    - Other properties have size and topographic limitations

- Specifics for this property

  - Using just the frontage

  - Creating two points access

    - Eastchester Drive

    - Hilton Ct

- City will have a public hearing on December 10 at 6:00 pm

  - Virtual/Email comments will be considered

## OCTOBER 21 MEETING

### Attendees

Robb Jolly, 1821 Eastchester Drive, High Point NC 27265

Stacey Jolly, 1821 Eastchester Drive, High Point NC 27265

Vesta Kennedy, 1821 Eastchester Drive, High Point NC 27265

Tony Ficken, 2309 Cypress Court, High Point NC 27265

### Questions and Comments

Do you own the property? *Yes, the applicant owns the property.*

Who will develop the property? *The applicant, Blue Ridge Properties will develop the property for sale or lease.*

Did you meet with the City Engineer? *Yes. Members of our team have met with the City Engineer, City Planners, the City's Transportation Department and NCDOT.*

Who should we talk to at the City? *Our main contact is Herb Shannon in the Planning and Development Department. (336) 883-3328*

How do we get access to the Planning and Zoning Commission public hearing? *Mr. Shannon will be able to help you with that.*

Where do I get information on improvements at the interchange? *You may get updated information at [www.ncdot.gov](http://www.ncdot.gov)*

May we have a copy of the site plan? *Yes, the plan is preliminary. (The preliminary site plan was emailed to all that requested a copy)*

Can you build a noise barrier similar to the ones along highways between the site and residential properties? *It is not likely. We will be leaving an undisturbed buffer between any development and adjacent residentially zoned properties. (A condition was added to the application requiring the 100 foot undisturbed buffer).*

Is it safe to have underground fuel tanks this close to the water supply? *Underground storage tanks are permitted in a General Watershe Area. We will follow local, state and federal regulations as well as observe best practices for the proposed location.*

Where are the watershed boundaries? *Watershed boundaries are illustrated on an official City of High Point map. (The map was emailed to all attendees that requested).*

How much undisturbed buffer will be preserved? *100 feet measured from the rear property line.*

Can you build a fence on the property line to protect our families? *A fence may be possible. However, building a fence on the property line may require some disturbance in the 100 foot buffer. A better location may be closer to the development site.*

Has the City seen your plan? *Yes. We are in close contact with the Planning Department and the Transportation Department.*

How tall does your sign have to be to be seen from the highway? *Signs will meet the standards of the Eastchester Gateway Overlay District. It will most likely not be visible from the highway.*

How will you ensure security for our family from the criminals and drug addicts that hang out at convenience stores? *We expect any business on the property will maintain adequate security.*

What prevents this convenience store from being like the Sheetz on South Main Street? *The situation on South Main Street was unfortunate. We do not expect the same thing to happen in this area.*

Who may we contact from your team with more questions? *You may contact Judy Stalder or Jim Grdich*

The traffic is terrible in this area. How can you add more? *Traffic should improve with the completion of current construction. We have retained a transportation engineer to provide a Traffic Impact Study for the site. The Traffic Impact Analysis shows that the completion of the interchange will handle current traffic as well as any traffic associated with the proposed use.*

## **OCTOBER 22 MEETING**

### **Attendees**

Claudio Rayes 145 W Parris Avenue, High Point NC 27262

Rhonda Hart 2315 Cypress Court, High Point NC 27265

Glen McVicker 2510 Cypress Court, High Point NC 27265

Tim Tucker 2313 Cypress Court, High Point NC 27265

Julie Krawied, 2215 Hilton Court, High Point NC 27265

Who will occupy the restaurant? *We do not have a specific tenant at this time.*

What uses can currently occur here? *Currently the zoning permits apartments, a restaurant without a drive-thru, retail sales, medical services/personal services/offices*

The state has spent money to improve traffic and we are still having trouble turning left which is very concerning. *The improvements by NCDOT have not yet been completed.*

We (Tim Tucker) are not opposed to rezoning, we just think there is too much traffic here already and the entrance to our development is too congested and the entrance has been changed too many times. *We expect you will see some relief in the congestion when all the improvements by NCDOT have been completed.*

Will the homes on Hilton Court be rezoned? *No. Those properties are not part of this request.*

How many feet to Oak Hollow Lake shore from this property? *The distance from the boundary of the proposed area to be developed to the closest point of water is approximately 750 feet.*

What happens if there is an emergency leak into Oak Hollow Lake? *All proper safety precautions will be followed. Underground storage tanks are permitted in a General Watershed Area. We will follow local, state, and federal regulations as well as observe best practices for the proposed location.*

This is a safety issue. You know what happened at the Sheetz on South Main Street. *The situation on South Main Street was unfortunate. We do not expect the same thing to happen in this area.*

How will this affect our property values? *Typically property values increase with development. In this case the property is already zoned for office and some commercial services. I do not expect much increase.*

This does not seem fair. I (Claudio Rayes) cannot rezone my property on Eastchester Drive because my neighbors will oppose it. *Anyone can petition to rezone their property. Your property on Eastchester is already zoned for offices and some commercial services.*

The problem is that it is a gas station that will sell rolling papers and alcohol.

I (Claudio Rayes) own property on North Main Street near a convenience store and I have problems with drinkers from the gas station. *That sounds like an issue that should be reported to the police.*

If my (Claudio Rayes) property was rezoned too, then I would be ok with it.

Was the property purchased specifically to build a convenience store? *The property was purchased several years ago. There was not a specific use designated at the time other than the current Crossfit.*

Did you look at other options? *Yes. We are requesting a few different uses to be added with the rezoning, including hotels or motels and a microbrewery.*

There is too much traffic and this will cause more. I will not be able to walk to the mailbox in my pajamas.

Have you considered a hotel for this property? *We are requesting that use as an option.*

Will signs be posted before the public hearing? *Yes. The City of High Point will post the signs and mail a notice to owners within 300 feet of the property.*

May we have a copy of the site plan? *Yes. (The site plan was emailed to those that provided an email address.)*

**The Stalder Group LLC** PO Box 5581 High Point NC 27262  
336.688.2204 jstalder@northstate.net

October 16, 2020

Dear Neighbor,

This letter is to notify you of a request to rezone 3.68 acres on the northeast corner of the intersection of Eastchester Drive and Cypress Court (Hilton Court). We are unable to meet with you in person, due to necessary health precautions associated with Covid19. However, we have scheduled a **Zoom meeting for Thursday, October 22 at 6:00 pm** and look forward to talking with you online.

Join Zoom Meeting:

<https://us02web.zoom.us/j/8269935080?pwd=VzE1c2F6eDZ5YXJWTFIUEY4dIRUZz09>

Meeting ID: 826 993 5080

Passcode: TREBIC

You may email me at jstalder@northstate.net for a direct link.

The property is currently zoned Conditional Use Office Institutional and Residential Single Family. The owner, BRC Spirit, is requesting a Conditional Use General Business Zoning to allow a convenience store with gas pumps and a restaurant with a drive through window. Please refer to the enclosed map for the location of the property. Conditions attached to the request will restrict uses and access.

The next step will be a public hearing by the City of High Point Planning and Zoning Commission. The City will notify you of the date and time for the public hearing.

If you are unable to attend the meeting, you may contact me directly at 336-688-2204 or jstalder@northstate.net.

Sincerely,

Judy Stalder  
Development Consultant

ADARE PROPERTIES LLC  
1227 WESTWOOD AVE  
HIGH POINT NC 27262

BRC SPIRIT II LLC  
5826 SAMET DR STE 105  
HIGH POINT NC 27265

BRC SPIRIT LLC  
5826 SAMET DR STE 105  
HIGH POINT NC 27265

CITY OF HIGH POINT  
PO BOX 230  
HIGH POINT NC 27261

DEPARTMENT OF TRANSPORTATION  
1505 MAIL SERVICE CENTER  
RALEIGH NC 27699

GIBSON, THURMAN CLARK;GIBSON, LAL  
1604 HEATHGATE PT  
HIGH POINT NC 27262

GOODMAN, BETTY LOGAN;WHITE, JOYCE LOGAN  
2405 LAKE RIDGE DR  
HIGH POINT NC 27265

HARRIS, KENNETH  
2109 GORDON RD  
HIGH POINT NC 27265

HILTON, COY LEONARD JR  
10025 GRAMERLY LN  
ORLANDO FL 32821

HINDS, AMANDA MARLENE;HINDS, JONATHAN V  
2201 GORDON RD  
HIGH POINT NC 27265

JOLLY, H ROBERT JR;JOLLY, STACEY S  
1821 EASTCHESTER DR  
HIGH POINT NC 27265

KRAWIEC, JULIE  
2215 HILTON CT  
HIGH POINT NC 27265

NORTH HIGH POINT LLC  
145 W PARRIS AVE STE 103  
HIGH POINT NC 27262

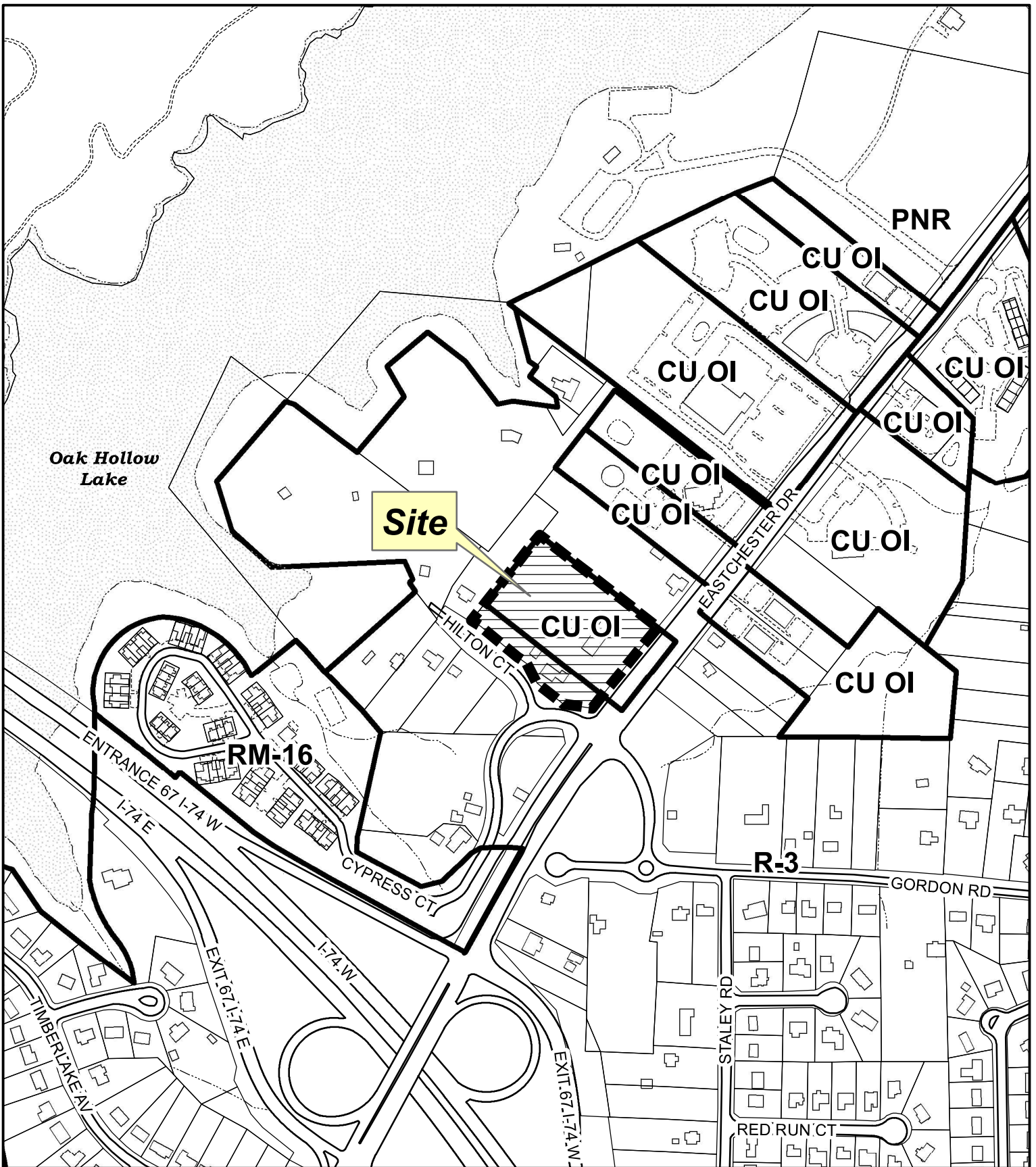
STACKHOUSE, JUNE S;STACKHOUSE, LEE F  
109 PENNY RD APT 211  
HIGH POINT NC 27260

TREBIC - Judy Stalder  
115 S Westgate Drive  
GREENSBORO NC 27407

UDO REALTY LLC  
2827 COUNTY CLARE RD  
GREENSBORO NC 27407

ZTB LLC  
376 BRANCHWOOD BEND  
DENTON NC 27239





## ZONING MAP AMENDMENT ZA-20-20

**From:** Residential Single Family-3 and  
Conditional Use Office Institutional  
**To:** Conditional Zoning General Business

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

**Planning & Development  
Department**

**City of High Point**



**Scale: 1"=400'**

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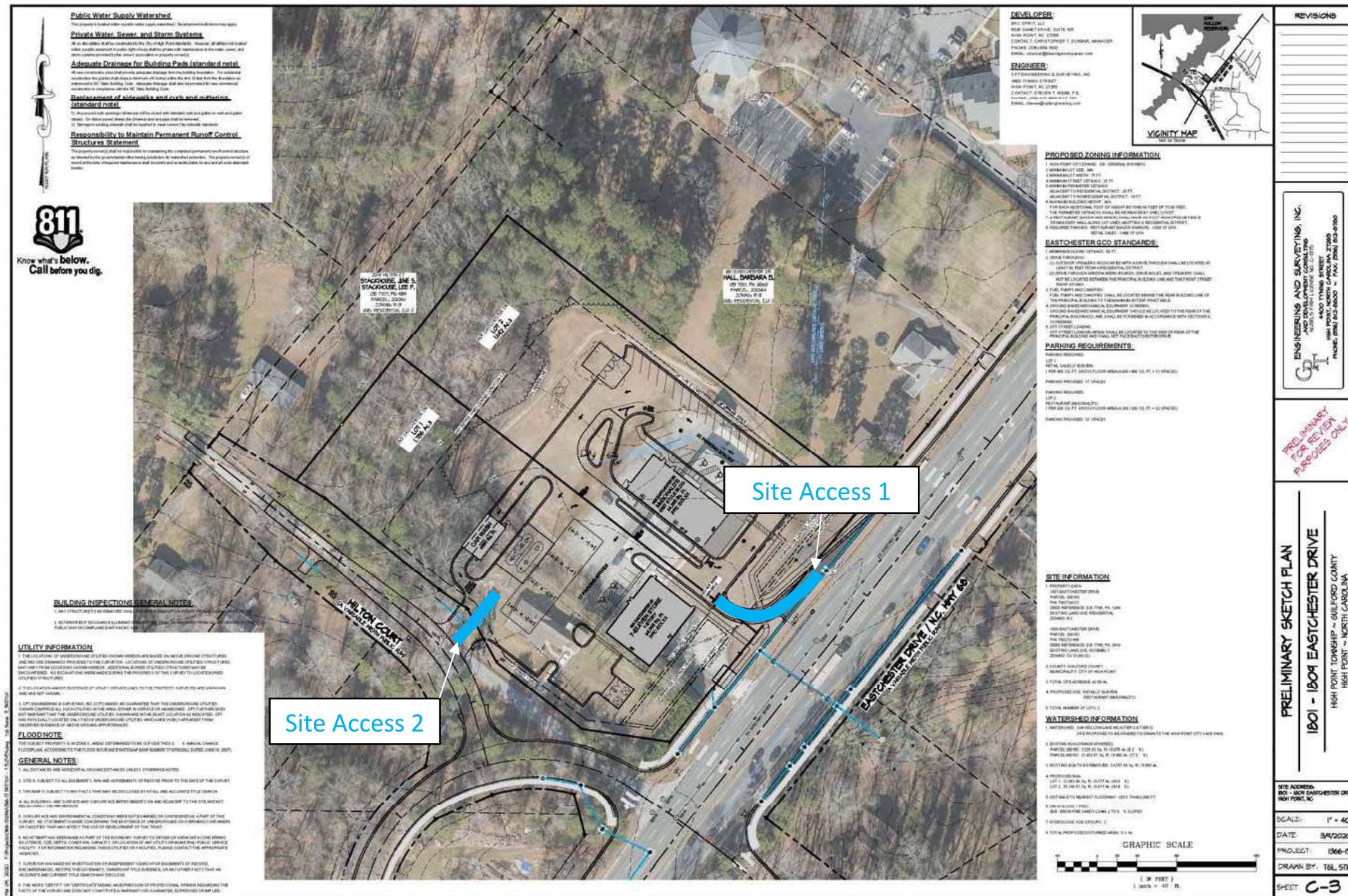


FIGURE 1  
SKETCH PLAN

**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)