



Memorandum

FROM: Herbert Shannon Jr., Senior Planner

TO: High Point City Council

SUBJECT: Request for continuance of Shamrock Petey, LLC Planning Agenda Cases

A development proposal has been submitted for approximately 37 acres located at the southeast corner of W. Wendover Avenue and Penny Road. The representative for Shamrock Petey, LLC has requested postponement of his applications to the November 15, 2021 City Council public hearing.

Staff recommends the City Council continue the following applications to your November 15, 2021 public hearing:

- Plan Amendment 21-06
- Annexation Case 21-06
- Zoning Map Amendment 21-20

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 21-20
(Shamrock Petey, LLC)

From: Chris Andrews,
Interim Planning & Development Director

Meeting Date: November 1, 2021

Public Hearing: Yes

Advertising Date: October 20, 2021, and
October 27, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by Shamrock Petey, LLC to rezone approximately 25.5 acres from the Agricultural (AG) District, Residential Single Family – 40 (RS-40) District and General Office-Moderate Intensity (GO-M) District all within Guilford County’s zoning jurisdiction, to a Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at its September 28, 2021 public hearing. All members of the Commission were present except for Mr. Thad Juszczak, Ms. Angela McGill and Mr. Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request, with five recommended amendments (4 planning-related amendments and 1 transportation-related amendment) to the conditional zoning ordinance, as outlined in the staff report.

Speaking on the request:

Speaking in favor of the request were the applicant’s representative Mr. Tom Terrell, attorney, Fox Rothschild LLP, 230 N. Elm Street, Suite 1200, Greensboro, and the applicant Mr. Dennis Bunker, 1140 Dilworth Crescent Road, Charlotte. Mr. Terrell and Mr. Bunker both provided an overview of the proposal to develop a commercial shopping center on the site. They explained the proposed development would be of a quality and design similar to the Palladium commercial development, lying along the opposite site of W. Wendover Avenue. Mr. Bunker also noted that development of the site would include the extension of Samet Drive through the site from Penny Road to W. Wendover Avenue.

Mr. Terrell submitted for the record an outline of proposed new conditions for staff and the Commission’s consideration. Planning staff noted this is the first time seeing these proposed new conditions and could not comment on them at this public hearing. Staff would need time to review them and determine if they addressed the issues outlined in the staff report. The staff report, under the “Recommendation Section”, has five recommended amendments to the proposed conditional zoning ordinance. Mr. Terrell noted that with a minor adjustment to the last sentence in the transportation conditions (Amendment #5) they would accept all of the Transportation Department conditions. That change was accepted by the Transportation Department representative.

Also speaking was Mr. David Chrismon, 3722 Queenswood Lane, Jamestown (a property owner in the abutting Nottingham residential subdivision). Mr. Chrismon noted that when he received the public hearing notice, he had concerns with the request. But after hearing the discussion this evening and reviewing the staff report he felt better about the proposed development, adding that as long as it is done in line with other development in the area, he would be satisfied.

After the public hearing was closed there was a lengthy discussion among the Commission, which included questions for Mr. Terrell on the staff recommended amendments. The applicant and staff agreed to meet to attempt to resolve the Planning Department's recommended conditions, Amendment #1 through #4 as noted in the staff report, prior to City Council public hearing.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended *approval* of this request, with recommended amendments to the conditional zoning ordinance, as outlined in the staff report.

(**NOTE:** Since the September 28, 2021 Planning and Zoning Commission public hearing the applicant and Planning Department staff has met and addressed the various issues (Amendments 1 thru 4) noted at the Planning & Zoning Commission public hearing. The City Council staff report and corresponding conditional zoning ordinance has been revised to reflect the agreed upon conditions between the applicant and the Planning and Development Department).

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended *approval* of this request, as recommended by staff (with the five amendments noted in the staff report), by a vote of 5-1.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 5-1 to approve the following statement:

That Zoning Map Amendment 21-20 is consistent with the City's adopted policy guidance because, subject to approval of the plan amendment to establish a Community/Regional Commercial land use classification for this area, and subject to meeting staff recommended zoning ordinance conditions, the proposed CZ-RC District would be supported by adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because, subject to the request being amended to meet staff-recommended zoning ordinance conditions, the requested CZ-RC District will be similar and compatible with previous conditional zoning approvals granted in this area.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-20
September 28, 2021**

Request	
Applicant: Shamrock Petey, LLC	Owners: Maria T. Montoya-Couch, SV LIM Holdings, LLC, Steven Lim, Barbara M. Jordan, Darrin R. Jordan, NorthState Telephone LLC and KTK Partners
Zoning Proposal: To annex and apply initial City zoning	From: AG Agricultural RS-40 Residential Single Family – 40 MXU Mixed-Use <i>(all within Guilford County)</i> <hr/> To: CZ-RC Conditional Zoning Retail Center

Site Information	
Location:	The site is located at the southeast corner of W. Wendover Avenue and Penny Road.
Tax Parcel Number:	Guilford County Tax Parcels 196671, 196672, 70002, 170004 (portion), 170005 and 170006
Site Acreage:	Approximately 25.5 acres
Current Land Use:	Single family dwellings, rural residential dwelling, utility building and undeveloped parcel.
Physical Characteristics:	The topography of the site ranges from relative level adjacent to the abutting roads and to steep towards the interior of the site. The eastern portion of the site is encumbered by a pond. Also, a 50 foot wide Piedmont Natural Gas easement runs through the middle of the site, from north to south.
Water and Sewer Proximity:	A 12-inch and 16-inch City water line lie adjacent to the site along Penny Road and W. Wendover Avenue. An 8-inch City sewer line lies adjacent to the site along W. Wendover Avenue and along the southern boundary of the site.
General Drainage and Watershed:	The site drains in a general easterly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater control 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.
Overlay Districts:	City Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	CZ-RC PDM	Conditional Zoning Retail Center District Planned Development – Mixed District	Commercial development (<i>Shoppes at Deep River and Palladium Shopping Centers</i>)
South:	R-5 RS-40	Residential Single Family – 5 District Residential Single Family – 40 District (<i>Guilford County</i>)	Single-family dwellings
East:	AG	Agricultural District (<i>Guilford County</i>)	Rural residential
West:	CZ-RC	Conditional Zoning Retail Center District	Commercial (<i>Wendover Crossing Shopping Center</i>)

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	<p>The following objectives of the Community Growth Vision Statement are relevant to this request:</p> <p><u>Obj. 5B:</u> Focus particular attention on the appearance of key gateways into High Point to convey to visitors a positive first and last impression of the community.</p> <p><u>Obj. 5H:</u> Limit extremely large-scaled stores - “big box retail” - to key street intersections to best accommodate their potentially high traffic volumes.</p>
Land Use Plan Map Classification:	<p>The site has a Medium-Density Residential and an Office land use classification. The applicant has submitted a Plan Amendment application (PA-21-06) to change the Land Use Plan designation to the Community/Regional Commercial classification. This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.</p>
Land Use Plan Goals, Objectives & Policies:	<p>The following goal and objectives of the Land Use Plan are relevant to this request:</p> <p>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.</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>
Relevant Area Plan:	<p><u>West Wendover Avenue/Guilford College Road Corridor Plan:</u></p> <p>Due to this being an important gateway into the city, the plan recommends maintaining the corridor’s visual quality through buffering and landscaping requirements, sign control, and development standards or design guidelines that address topics such as roof pitch, exterior building materials, color, awnings, and building height and orientation. It also recommends protection of the Historic Deep River Friends Meeting property. Furthermore, this corridor plan recommends transportation related conditions to protect W. Wendover Avenue as a commuting corridor by restricting the number of access points and that the number of median crossings not be increased.</p>

Zoning History:	<p><u>North:</u> Adjacent lands to the north, along the opposite side of W. Wendover Avenue, are part of the Shoppes at Deep River commercial development and the Palladium at Deep River commercial development. This commercially zoned area was annexed in 1999 and 2003 and granted a CU-RC, CZ-RC and PDM District zoning through a series of zoning approvals and updates in 1999, 2003, 2011, 2012, 2015 and 2017.</p> <p><u>West:</u> Adjacent lands to the west, along the opposite side of Penny Road, are part of the Wendover Crossing commercial development. This commercially zoned area was annexed in 1997 and granted a CU-GB, CU-RC and CZ-RC District zoning via a series of zoning approvals and updates in 1998, 1999 and 2014 and 2018.</p>
------------------------	--

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Wendover Avenue		Major Thoroughfare	1,685 ft.
	Penny Road		Major Thoroughfare	740 ft.
	Samet Drive		Local Street	360 ft.
Vehicular Access:	W. Wendover Avenue, Penny Road, Samet Drive Extension			
Traffic Counts: (Average Daily Trips)	Wendover Avenue		33,000 AADT (NCDOT 2019 traffic counts)	
	Penny Road		22,000 AADT (NCDOT 2019 traffic counts)	
Estimated Trip Generation:	An approximate 160,000 square foot commercial development and 180 unit multifamily use is proposed to be developed. Such a development is anticipated to generate approximately 17,464 daily trips (during a 24-hour time period) with approximately 1,578 AM peak-hour trips and approximately 1,810 PM peak-hour trips			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u> X	<u>No</u>	This development generates more than 150 trips in the peak hour which will requires a TIA to be submitted as part of the rezoning application.	
Conditions:	See “Recommendation” section of this report and Amendment #5 for Transportation Department recommended conditions.			

School District Comment				
Guilford County School District				
Local Schools:	Enrollment: 2021 – 2022 (20 th day of class)	Maximum Design / Built Capacity: (2020 – 2022):	Mobile Classrooms:	Projected Additional Students:
Florence Elementary School	599	698	11	50 - 52
Southwest Middle School	1,112	1,223	10	25 - 27
Southwest High School	1,646	1,506	11	23 – 25
School District Remarks: With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021 - 2022. Elementary built capacity assumes reduced K-3 class sizes per applicable core academic classroom as of the stated year. Middle and high school built capacity assumes 30 students per core academic classroom.				

Details of Proposal

The applicant has submitted this zoning map amendment request, and a separate corresponding land use plan amendment and annexation petition, for lands at the southeast corner of W. Wendover Avenue and Penny Road to support development of a shopping center. Due to the intensity of development a Traffic Impact Analysis (TIA) was required to be submitted with this zoning application. Based on information noted in the TIA, this will be a significantly sized commercial development with approximately 160,000 square feet of commercial/retail uses and approximately 180 multifamily residential units.

In conjunction with this request the applicant has submitted a proposed Conditional Zoning Ordinance in which they have offered conditions pertaining to permitted and restricted uses, development and dimensional requirements, landscaping, buffering, screening, vehicular access and road improvements.

Staff Analysis

Adopted policy guidance documents, including the Land Use Plan, W. Wendover Avenue Corridor Plan and conditions established from prior zoning approvals, have set land use policy and precedent to support commercial development with specific development standards at this intersection. Zoning and development conditions established for surrounding commercial developments have established this area as a standard for commercial development in the northeastern portion of the City. This has included:

- Development meeting the higher standards of the Eastchester Gateway Corridor Overlay District;
- Prohibiting and restricting certain uses along a commercial development's perimeter or road frontages;
- Requiring development in the proximity of the Historic Friends Meeting Church to incorporate a similar brick facade, colors and pitched roof pattern in their building design; and
- Transportation related conditions that limit the number of access points and the installation of various improvements to keep abutting roads as free flowing traffic movement corridors.

The applicant has expressed a desire to produce a high quality commercial development but has not committed to standards that have been previously established for other developments in this area. Staff has proposed minimum conditional zoning recommendations based upon policy guidance standards that have been established for this area. Without these zoning conditions there is no way to ensure desired development outcomes, nor any means to ensure that possible future owners of the land meet these standards also.

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.

Subject to approval of the Plan Amendment to establish a Community/Regional Commercial

land use classification for this area, and subject to meeting staff recommended zoning ordinance conditions, the proposed CZ-RC District would be supported by adopted policy guidance documents.

Reasonableness/Public Interest:

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

Subject to the request being amended to meet staff-recommended zoning ordinance conditions, the requested CZ-RC District would be similar and compatible with previous conditional zoning approvals granted 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.
- ❖ Subject to meeting staff-recommended conditions to restrict the convenience store use type and requiring higher architectural design standards at the northwestern corner of the site (opposite the Historic Friends Meeting Church), the zoning request will support development that can be compatible with this historic site. Furthermore, it will ensure similar zoning conditions as have been approved for other RC-zoned lands near the subject site.
 - ❖ No written conditions have been offered for development to meet the Eastchester Gateway Corridor Overlay District standards. Such standards were part of the zoning approvals for the adjacent commercial developments. Without such a condition, there are no means to ensure the future development of the zoning site will provide for a complimentary character and the higher development standards that have been established for adjacent commercial developments.
 - ❖ Conditions offered by the applicant to restrict commercial uses and for higher landscaping standards, especially where the site abuts the Nottingham subdivision, will assist to ensure development will be more compatible with the abutting 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:

Mitigation #1	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.
	❖ The southwestern portion of the site abuts single family homes that lie along the south side of Samet Drive. If development is oriented toward W. Wendover Avenue, the front of these homes will likely face the rear of any structures on the site, as well as any loading or accessory activities associated with permitted uses. Subject to the conditional zoning ordinance being amended to screen this

	<p>activity, such impacts may be mitigated.</p> <p>❖ Based on information provided within the applicant's Traffic Impact Analysis (TIA), both the applicant and the Transportation Department have proposed conditions to mitigate the traffic impacts from the over 17,500 daily trips anticipated at build-out. The applicant proposed language directly from the TIA, while the Transportation Department proposes a more-detailed written explanation of the recommendations of the TIA to ensure there is no confusion as to the intent of conditions in the future. As of the date of this report, the applicant and the Transportation Department are not in agreement as to the specific language of transportation related conditions, and the applicant has not agreed to the conditions in writing.</p>
Mitigation #2	<p>Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.</p> <p>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.</p>
Mitigation #3	<p>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.</p> <p>The site is within an area currently served by City of High Point utilities and municipal services.</p>
Mitigation #4	<p>Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.</p> <p>Subject to the conditional zoning ordinance being amended to include higher landscaping and screening standards, adverse impacts upon adjacent single family property owners at the southwestern boundary of the site would be mitigated.</p>

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.

Adopted policy guidance, including prior zoning approvals, has set land use policy and precedent to support commercial development with specific development standards at this intersection.

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.

Adopted policy guidance documents, including the Land Use Plan, W. Wendover Avenue Corridor Plan and conditions established from prior zoning approvals, have set land use policy and the preferred development pattern for commercial development at this intersection. However, not all of these established standards have been included in the applicant's conditional zoning ordinance. Thus, there are limited means to ensure the preferred development pattern, which has been established through prior zoning approvals, will be met and continuously applied by future property owners.

Recommendation

Staff Recommends Approval with Revisions:

Subject to the inclusion of staff recommended conditions as listed below, the requested CZ-RC District will be compatible with the surrounding area and in conformance with adopted policy guidance documents:

Amendment #1 Part I. Uses (B. Restricted Uses). Amend this section to include the following:

B.2 Restricted Uses: Convenience Store with Fuel Sales use type:

This use type shall not be permitted at the northwest corner of the zoning site (opposite corner of the Deep River Friends Meeting property - Guilford County Tax Parcel 207382). For the purpose of this condition the corner shall be an area within 250 feet of the W. Wendover Avenue right-of-way and within 250 feet of the Penny Road right-of-way.

Amendment #2 Part II Conditions (A.2. Development and Dimensional Requirements)

Amend this section to require development to be subject to Section 3.8.7.F (Eastchester Gateway Corridor Overlay District Standards) of the Development Ordinance. Or at a minimum, include conditions for development to meet Site, Landscaping, Signage and Building Standards of this overlay district as outlined below.

A.2 Eastchester Gateway Corridor Overlay District Standards:

- a) Site Standards: The rezoning site shall be subject to the Site Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.4 (Site Standards), of the Development Ordinance.
- b) Signage: The rezoning site shall be subject to the Signage Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.6 & Table 3.8.7.F.6 (Signage), of the Development Ordinance.
- c) Building Standards: The rezoning site shall be subject to the Building Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.7 (Building Standards), of the Development Ordinance. One set of the required design guidelines shall be developed for the rezoning site.
- d) Landscaping: The rezoning site shall be subject to the Landscaping Standards of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.5 and Table 3.8.7.F.5 as applied from Penny Road north to Gallimore Dairy Road, except as follows:
 - i. Minimum street yard width shall be 20 feet;
 - ii. Average Streetyard width shall be 25 feet;
 - iii. This higher development standard shall not apply to streetyard standards along Samet Drive (and Samet Drive extension). Street yard along Samet Drive shall meet standards of the Development Ordinance.

Amendment #3 Part II Conditions (A.4. Development and Dimensional Requirements)

Amend this section to provide similar standards, as adopted on adjacent commercial sites, to protect the character and for development to be architecturally similar to the Historic Deep River Friend Meeting property.

Part II Conditions (A.4 Development at the northwestern corner of the zoning site (opposite the historic Deep River Friends Meeting property))

At the northwestern corner of the zoning site all principal building(s) located within 250 feet of the Penny Road right-of-way and within 250 feet of the W. Wendover Avenue right-of-way within shall be designed to be architecturally compatible with the Historic Deep River Friends Meeting building. Design Guidelines for the zoning site shall be required and shall ensure that such building(s) have compatible building materials, colors and roof design (a pitched roof) with the Deep River Friends Meeting building.

Amendment #4 Part II Conditions (B.4. Landscaping, Buffering and Screening

Amend this section to provide for screening standards to assist with mitigating adverse impacts to the single family homes at the southwestern corner of site along Samet Road.

Part II Conditions (B. 2. Higher Landscaping Standards along Samet Drive (Samet Drive extension)

Where the rear of a structure on the zoning site is visible from Samet Drive (and Samet Drive extension), a Type B perimeter planting yard shall be installed at the rear of that structure to screen views, subject to the following standards:

- a) This standard shall only apply where the land use on the opposite side of Samet Drive (Guilford County Tax Parcels 196679, 196678, 196677, 196676 and 196675) consist of a use type under the Residential Use Category
- b) The standard shall only apply where a structure is within 150 feet of the Samet Drive right-of-way.
- c) As part of Land Development approval this Type B Yard may be substituted to serve as the Street Yard (subject to meeting all of Type B Yard standards).
- d) This planting yard may be decreased to a minimum width of 15 feet if all of the following are met:
 - i. The planting yard consists of a double row of evergreen trees planted approximately fifteen (15) feet on center with an approximate five (5) foot offset between the rows. The evergreen trees shall be a plant species that will have a minimum height at maturity of 25 feet; and
 - ii. A minimum 6-foot high opaque fence is installed internally to the parcel between the structure and the planting yard.

Amendment #5 Part II Conditions (C.4. Transportation Conditions). The Transportation department recommends the following conditions:

A. Transportation Conditions.

1. Right-of-way Dedication

- a) Samet Drive Extension: As part of Land Development approval, the property owner shall dedicate sufficient right-of-way to achieve 10 feet of right-of-way from the back of curb on each side of the proposed Samet Drive Extension. The right-of-way shall be enough to include all necessary lane configurations at intersections and to accommodate sidewalks and planting strips on both sides of Samet Drive Extension.
- b) West Wendover Avenue: As part of Land Development approval, where turn lanes are required, an additional 10 feet of right-of-way shall be dedicated from the new back of curb of all turn lanes.

2. Access

- a) West Wendover Avenue: Three points of access will be allowed to West Wendover Avenue (pending NCDOT approval)
 - i. One full movement access (Samet Drive Extension)
 - ii. One Right in/right-out between Penny Road and Samet Drive Extension (Site Access 1).
 - iii. One Right-in/right-out with a left-over on westbound Wendover Avenue across from Brian Jordan Place (Site Access 2)
- b) Penny Road: Two points of access will be allowed to Penny Road (pending NCDOT approval)
 - i. One full movement access (Samet Drive)
 - ii. One right-in/right-out across from the Walmart Neighborhood Market Driveway (Site Access 3).
- c) Samet Drive Extension: Three points of access will be allowed to Samet Drive Extension. The exact location and design of these access points will be determined during the plan submittal process.

3. Improvements:

- i. The following improvements are generally consistent with the improvements recommended in the TIA provided by Davenport, Project #: 200064
 - i. The property owner shall construct the Samet Drive Extension from Penny Road to West Wendover Avenue and associated improvements related to Samet Drive Extension as described in Table A of the TIA.
- ii. Intersections: As part of driveway permit approval, the following improvements shall be installed.
 - i. West Wendover Avenue at Penny Road
 - a. Remove the northbound channelized right turn lane on Penny Road
 - b. Provide a northbound right turn lane on Penny Road with 150 feet of storage and appropriate taper
 - c. Remove the outside acceleration lane on eastbound West Wendover Avenue
 - d. The developer shall update the signal plans for the signal.
 - ii. West Wendover Avenue and Samet Drive
 - a. Restripe the southbound lanes on Samet Drive (north side of the intersection) to include dual left turn lanes with 150 feet of storage and appropriate taper, a through lane and a right turn lane with 150 feet of storage and appropriate taper.
 - b. Construct northbound lanes (south side of the intersection) on Samet Drive Extension with a 150-foot left turn lane and 300-foot right turn lane with appropriate tapers.
 - c. Construct an additional westbound left turn lane on Wendover Avenue with 275 feet of storage and appropriate taper

- d. Construct an eastbound right turn lane on Wendover Avenue with 150 feet of storage and appropriate taper
 - e. Construct a southbound lane on Samet Drive Extension to accommodate the dual left turn lanes
 - f. The developer shall update the signal plans and construct the fourth leg of the intersection.
- iii. Penny Road and Samet Drive
- a. Restripe the eastbound lanes (west side of the intersection) on Samet Drive to an exclusive left turn lane and through-right turn lane
 - b. Construct westbound lanes (east side of the intersection) on Samet Drive Extension with dual 200-foot left turn lanes, through lane and 100-foot right turn lane
 - c. Construct a northbound 150-foot right turn lane on Penny Road
 - d. Construct a southbound lane on Penny Road to provide two lanes southbound to accommodate the dual left turn lanes from Penny Road Extension
 - e. The developer shall update the signal plans for the signal
- iv. West Wendover Avenue and Site Access 1 – Right-in/right-out
Provide an east bound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper
- v. West Wendover Avenue and Site Access 2 – Right-in/right-out with a left-over
- a. Provide an eastbound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper
 - b. Provide a westbound left-over on West Wendover Avenue with 200 feet of storage and appropriate taper
- vi. Penny Road and Site Access 3 – Right-in/right-out
- a. Provide a northbound right turn lane on Penny Road with 100 feet of storage and appropriate taper
 - b. A minimum four (4) foot wide monolithic median island is required to be installed on Penny Road. The design and length of this median will be determined during the plan submittal process.
4. Other Transportation Conditions: 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.

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.

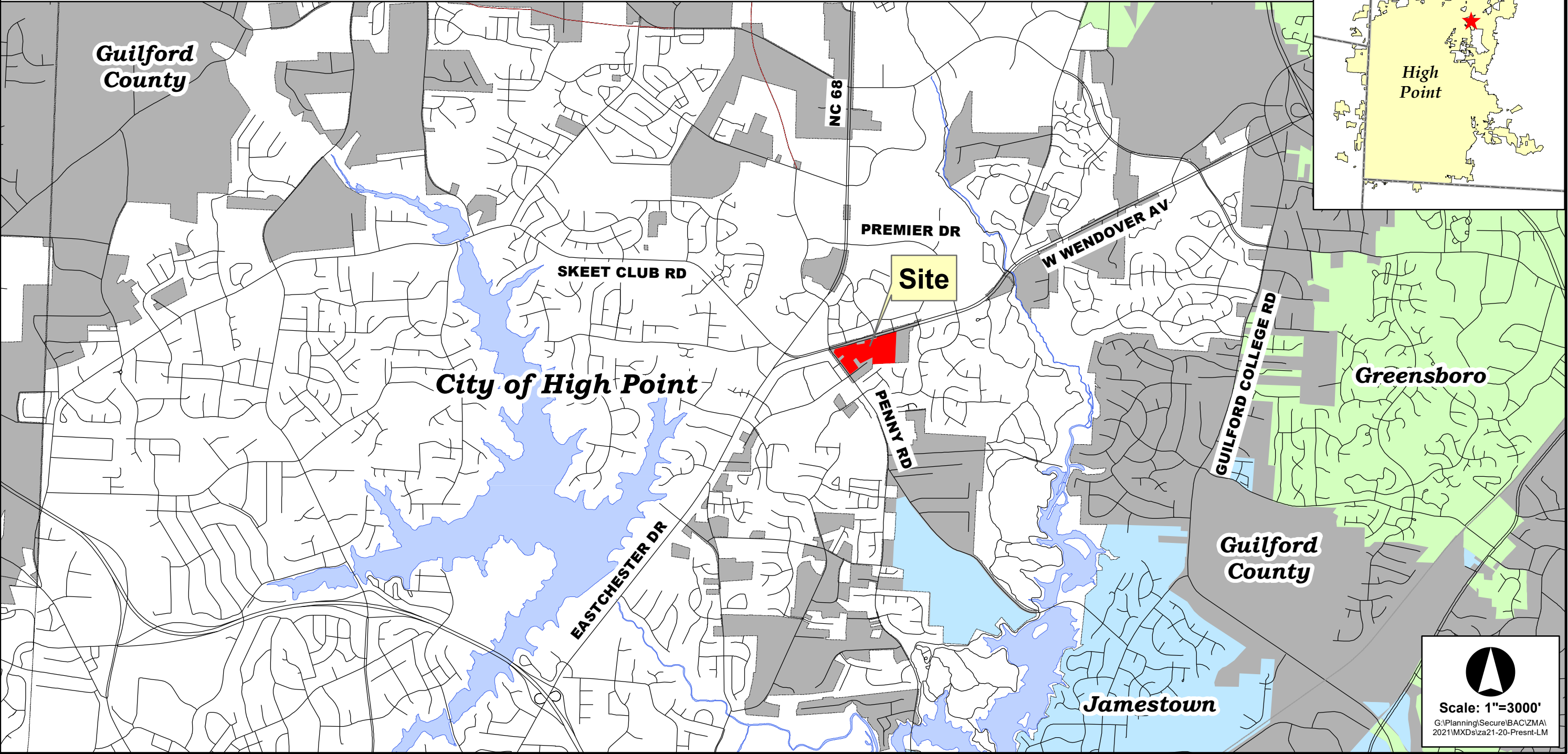
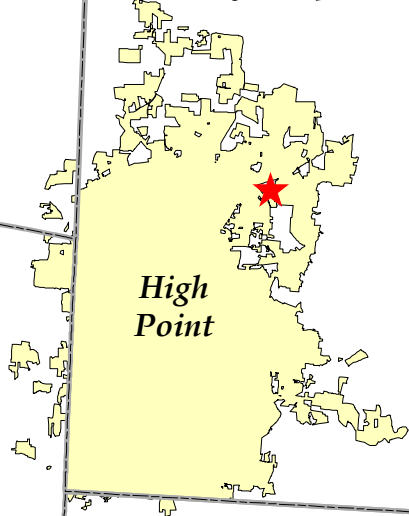
Report Preparation

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

LOCATION MAP

ZONING MAP AMENDMENT ZA-21-20
Applicant: Shamrock Petey, LLC

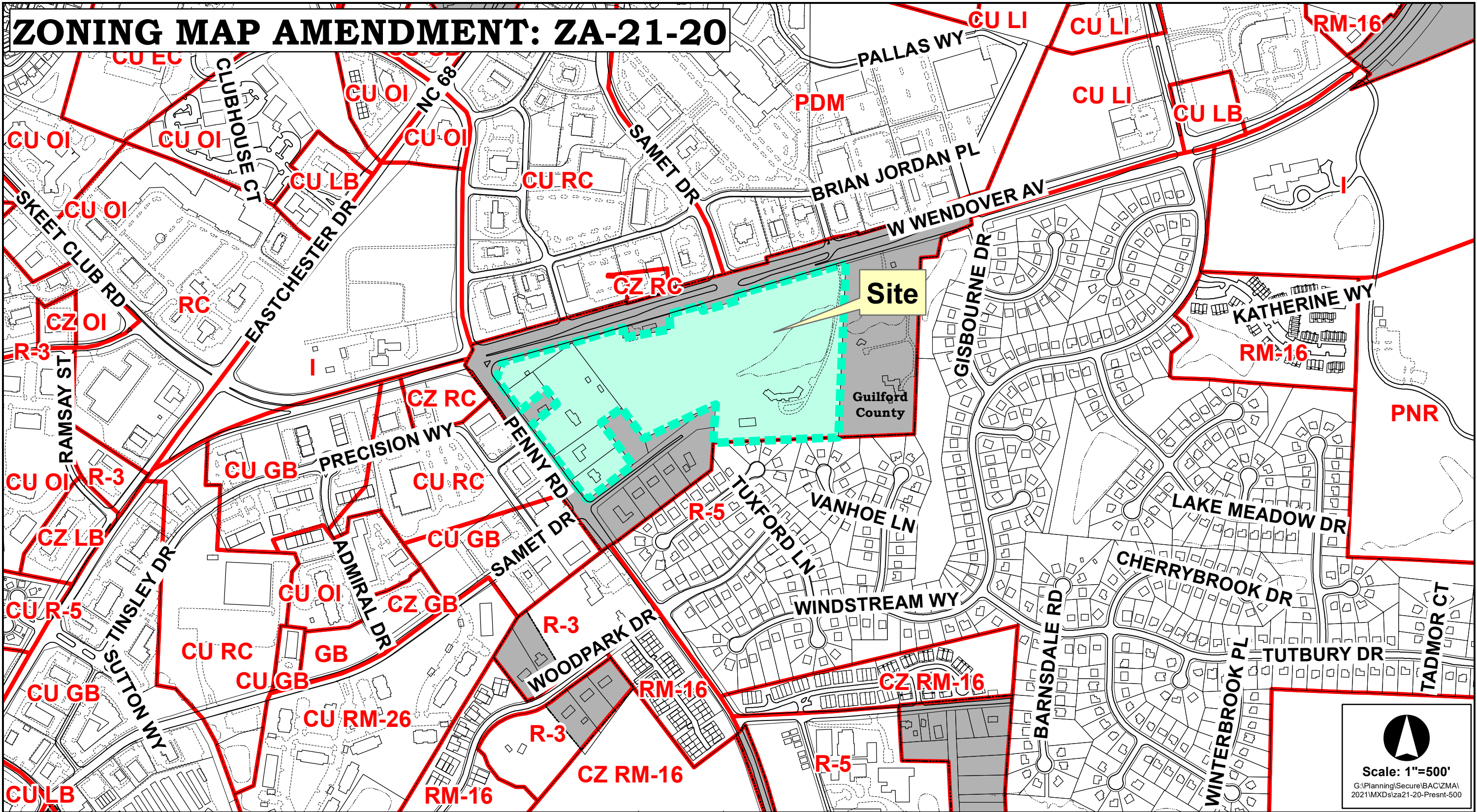
Vicinity Map



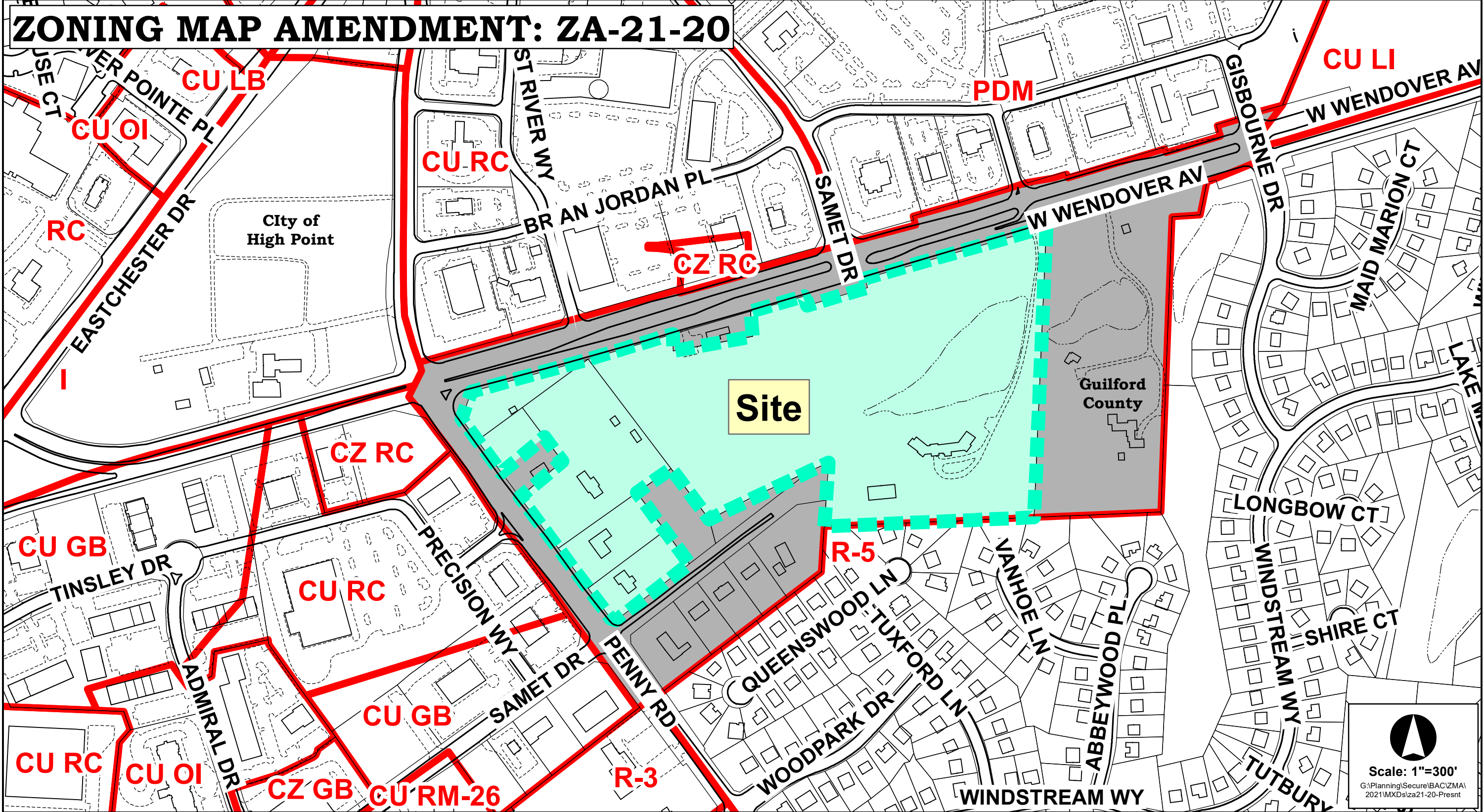
Scale: 1"=3000'

G:\Planning\Secure\BAC\ZMA\2021\MXDs\za21-20-Presnt-LM

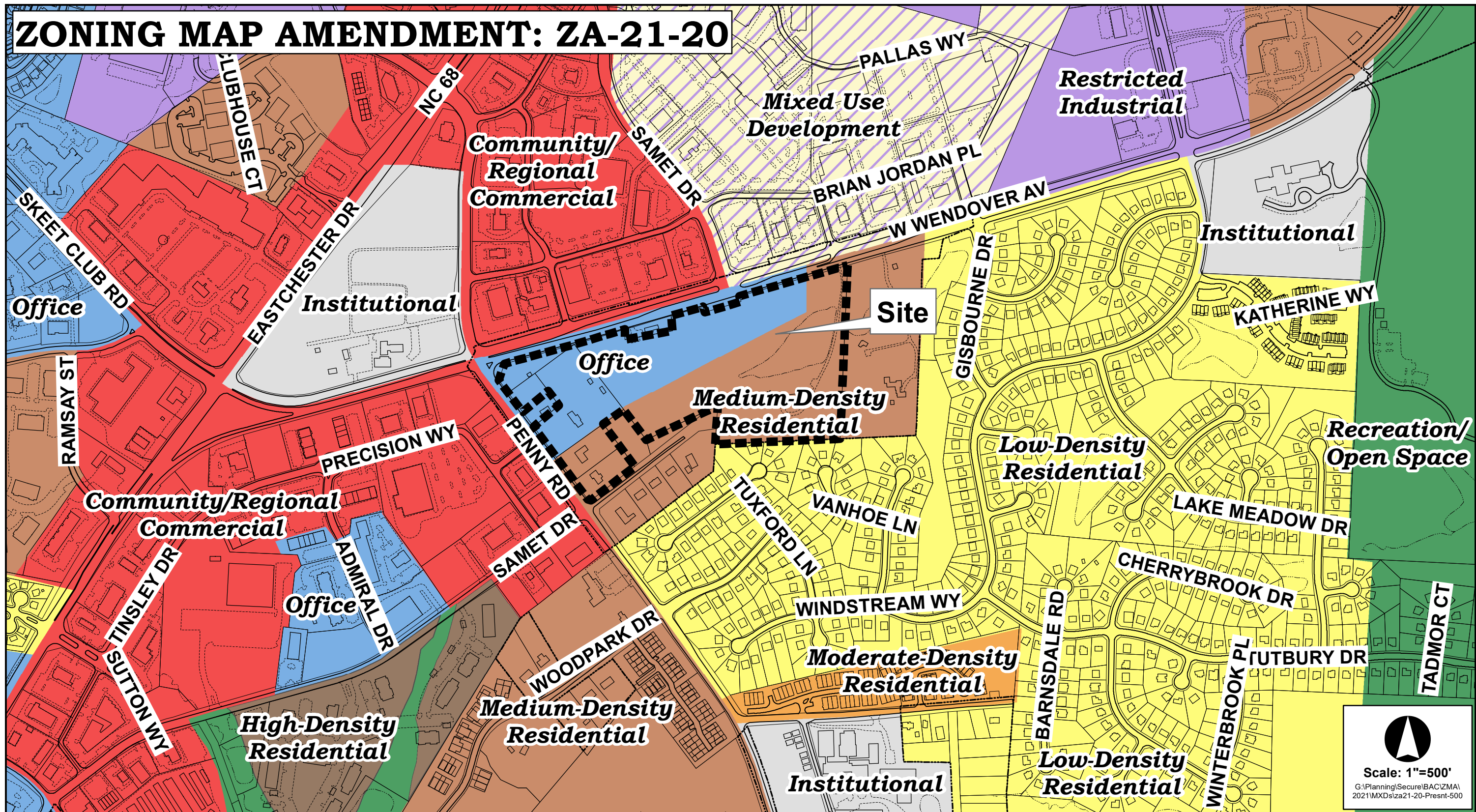
ZONING MAP AMENDMENT: ZA-21-20



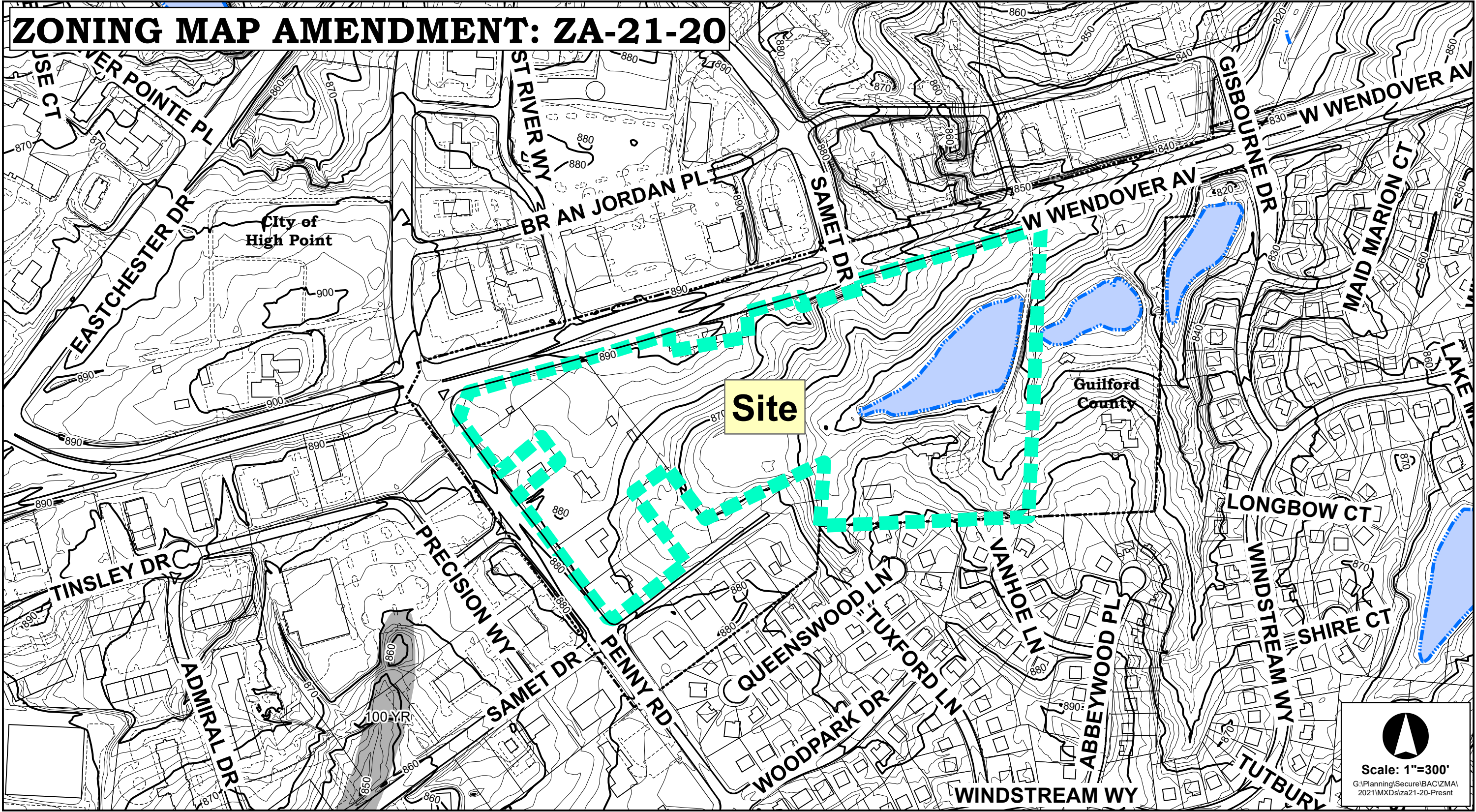
ZONING MAP AMENDMENT: ZA-21-20



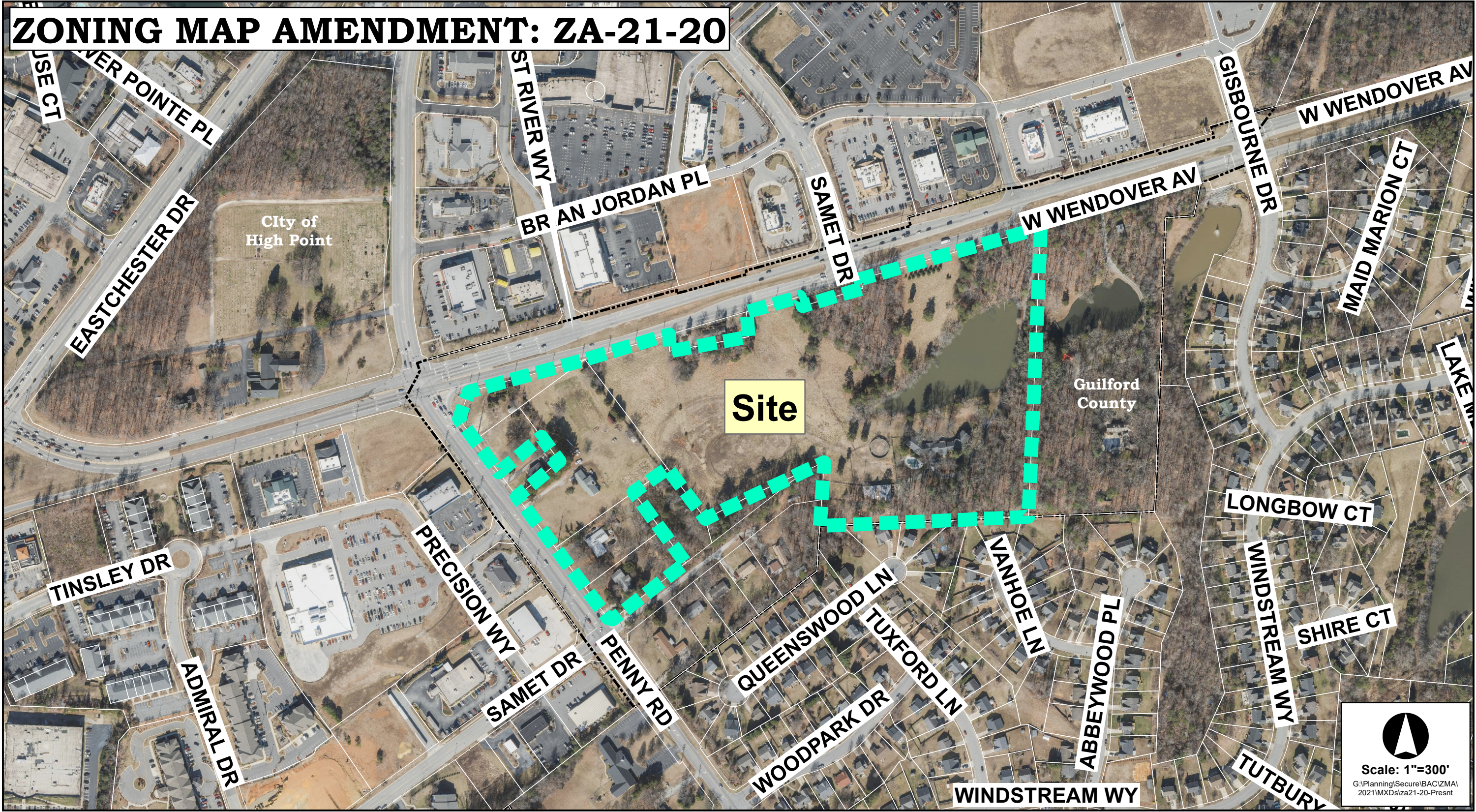
ZONING MAP AMENDMENT: ZA-21-20



ZONING MAP AMENDMENT: ZA-21-20



ZONING MAP AMENDMENT: ZA-21-20



Scale: 1"=300'
G:\Planning\Secure\BAC\ZMA\2021\MXD\sa21-20-Presnt

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 September 28, 2021 and before the City Council of the City of High Point on November 1, 2021 regarding **Zoning Map Amendment Case 21-20 (ZA-21-20)** 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 September 19, 2021, for the Planning and Zoning Commission public hearing and on October 20, 2021 and October 27, 2021, for the City Council public hearing pursuant to Chapter 160D-602 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 **November 1, 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 Retail Center (CZ-RC) District**. The property is approximately 27 acres, lying at the at the southeast corner of W. Wendover Avenue and Penny Road. The site is also known as Guilford County Tax Parcels 196671, 196672, 170002, 170004 (portion), 170005 and 170006.

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. Permitted Uses:

Any of the land uses allowed in the Retail Center (RC) District shall be permitted subject to the requirements of the Development Ordinance and subject to the specific conditions of this Permit.

B. Restricted Uses:

1. Within 250 feet of the W. Wendover Avenue right-of-way and within 250 feet of the Penny Road right-of-way, the following land uses shall be prohibited:
 - a) Wireless telecommunication facility.

2. Within 200 feet of the southeastern property boundary of Guilford County Tax Parcel 17005 (where this parcel abuts the Nottingham Subdivision) all land uses under the Commercial Use Classification shall be prohibited. Except that the following Use Types under the Commercial Use Classification shall not be part of this use restriction:
 - a) Office Use Types
 - b) Personal Services Use Types

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multiple Lot Development

As part of land development permit approval, the property owner shall submit and obtain approval for a Multiple Lot Development (Section 5.14.5 of the Development Ordinance) for the entire zoning site.

2. The following standards shall apply to all parcels abutting W. Wendover Avenue and to all parcels abutting Penny Road:

- a) No outdoor storage, outdoor display or outdoor retail sales activity shall be permitted between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building.
- b) Automobile bays shall not face Penny Road or W. Wendover Avenue.
- c) Air hoses, vacuum pedestals and other outdoor automobile service equipment shall not be located between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building principal.

B. Landscaping, Buffers and Screening.

1. Higher Landscaping at the southeastern boundary of the zoning site

A minimum 25 foot wide perimeter planting yard shall be installed along the southeastern property boundary of Guilford County Tax Parcel 17005 (where this parcel abuts the Nottingham Subdivision). At a minimum, this planting yard shall consist of a double row of evergreen trees. The evergreen trees are to be planted approximately fifteen (15) feet on center with an approximate five (5) foot offset between the rows. The evergreen trees shall be a plant species that will have a minimum height at maturity of 25 feet.

C. Transportation Conditions.

1. Right-of-way Dedication

- a) Samet Drive Extension: The property owner shall dedicate right-of-way to achieve a 36 to 64-foot wide ROW on parcel 17005 (Montoya parcel) and 12 to 24-foot ROW across parcels 196672 and 196673 (Lim parcels).

2. Access: Three points of access will be allowed on each side of Samet Drive Extension, all being full movement access as described in Exhibit B of the TIA.”
3. Improvements:
 - a) The applicant shall construct Samet Drive Extension and associated improvements related to Samet Drive Extension as described in Table A and Exhibit A of the TIA.
 - b) Intersections:
West Wendover Avenue-Site Accesses 1 & 2, Penny Road-Site Access 3. The developer will construct and pay for Site Access 1, 2, and 3 as described in Table B and Exhibit B of the TIA. The developer will construct a concrete median on Penny Road in front of Site Access 3 as called for in Table B of the TIA.
4. Other Transportation Conditions: 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 xxxth day of xxxxxxxxxxxxxx, 2021

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.

TRANSPORTATION IMPACT ANALYSIS

Palladium South

High Point, NC

*Prepared for
Bunker Land Group, LLC*





Transportation Impact Analysis

Palladium South High Point, NC

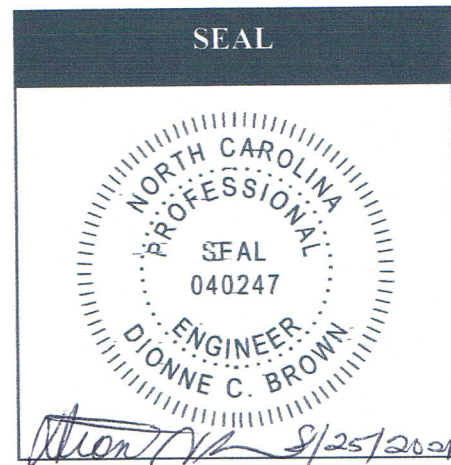
Prepared for Bunker Land Group, LLC
Original: May 18, 2021
Revised: August 25, 2021

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

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

Reviewed by: Erin Govea, P.E.
Frank Amenia, P.E., PTOE

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



This report is printed on recycled paper with 30% post-consumer content. All paper is FSC Certified. The entire document, including binding, is 100% recyclable.



This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of, or improper reliance on, this document by others without written authorization and adaptation by DAVENPORT shall be without liability to DAVENPORT and shall be a violation of the agreement between DAVENPORT and the client.



Transportation Impact Analysis
Palladium South
Prepared for Bunker Land Group, LLC
Original: May 18, 2021
Revised: August 25, 2021

Executive Summary

The purpose of this report is to assess the transportation impact of the proposed Palladium South. The proposed development is located along the south side of East Wendover Avenue between Penny Road and Samet Drive in High Point, NC. This transportation impact analysis (TIA) studied the worst-case scenario due to the development being in the preliminary stages and the tenant mix not being known. Until actual uses have been identified, the following were studied as surrogate stand-ins: four (4) fast food restaurants with drive-thru, one (1) super convenience market with gas station, one (1) drive-in bank, one (1) shopping center and one (1) medical office. While multifamily housing is likely a land use for this development, the worst-case scenario captures the trips that would be generated by this land use.

Trip Generation

Based on trip generation rates and equations published in Trip Generation (Institute of Transportation Engineers, 10th Edition), this development has a trip generation potential of 17,545 daily trips, with 653 net trips in the AM peak hour and 651 net trips in the PM peak hour.

Capacity Analysis and Recommendations

This analysis has been conducted based on the HPDOT and NCDOT guidelines and has identified the potential traffic impacts of this development.

There has been ongoing coordination with City of High Point and the developer for this portion of Samet Drive and Wendover Avenue. In 1995, a West Wendover Avenue and Guilford College Road Corridor Plan was accepted. In late 2019, coordination between the City of High Point and the developer discussed Samet Drive Extension and donating right-of-way for the construction. On August 2, 2021, a resolution was approved by City Council for the reimbursement agreement to work with the developer to complete the Samet Drive Extension. The developer is working with the City on this collaboration of Samet Drive Extension as a benefit to the City.

Therefore, the future no build model, Samet Drive Extension, accounts for rerouting volumes from the intersections Wendover Avenue at Penny Road, Wendover Avenue at Samet Drive, Penny Road at Samet Drive and NC 68 at Wendover Avenue with needed improvements in the roadway network. The recommended improvements for Samet Drive Extension are summarized in Table A and illustrated in Exhibit A.

For the Palladium South development's site traffic, Table B lists the recommended improvements for the roadway network and site accesses and is illustrated in Exhibit B.

Table C and Exhibit C illustrates all recommended improvements for the study intersections.

Conclusion

This TIA was performed in order to assess transportation impacts of the proposed site as well as background traffic. Recommendations have been given to accommodate these impacts. **The analysis documented here indicates that with the recommended improvements in place, the proposed site is not expected to have a detrimental effect on transportation capacity and mobility in the study area.** Please note that the access points to the site are recommended to be designed according to HPDOT and NCDOT standards as applicable.

Table A – Samet Drive Extension Recommended Improvements Summary	
Intersection	Recommendations
Wendover Avenue at Penny Road	<ul style="list-style-type: none"> Remove the eastbound acceleration lane Provide a northbound right turn lane of 150 feet storage and appropriate taper Signal modification
Wendover Avenue at Samet Drive	<ul style="list-style-type: none"> Signal modification Restripe the southbound lanes to include dual left turn lanes with 150 feet of storage and appropriate taper, through lane and right turn lane with 150 feet of storage and appropriate taper Construct northbound lanes with a 150 foot left turn lane and 300 foot right turn lane with appropriate tapers Construct an additional westbound left turn lane with 275 feet of storage and appropriate taper Construct eastbound right turn lane of 150 feet of storage and appropriate taper Construct a southbound lane on Samet Drive Extension to accommodate the dual left turn lanes
Penny Road at Samet Drive	<ul style="list-style-type: none"> Signal modification Restripe the eastbound lanes to exclusive left turn lane and through-right turn lane Construct westbound lanes with dual 200 foot left turn lanes, through lane and 100 foot right turn lane Construct a northbound 150 foot right turn lane Construct a southbound lane on Penny Road to accommodate the dual left turn lanes
NC 68 at Samet Drive	No improvements recommended.
NC 68 at Penny Road	No improvements recommended.

Table A – Samet Drive Extension Recommended Improvements Summary

Intersection	Recommendations
NC 68 at Wendover Avenue	No improvements recommended.
Site Accesses 4, 5, and 6	<ul style="list-style-type: none"> • Provide separate egress lanes • The site access should be designed in accordance with HPDOT standards as applicable • Per HPDOT, site accesses 4, 5, and 6 should be explored as roundabouts during the design phase of this project. • Exact location and configuration of the site access points should be explored by the design engineer and developer in the design phase.

Table B – Palladium South Recommended Improvements Summary

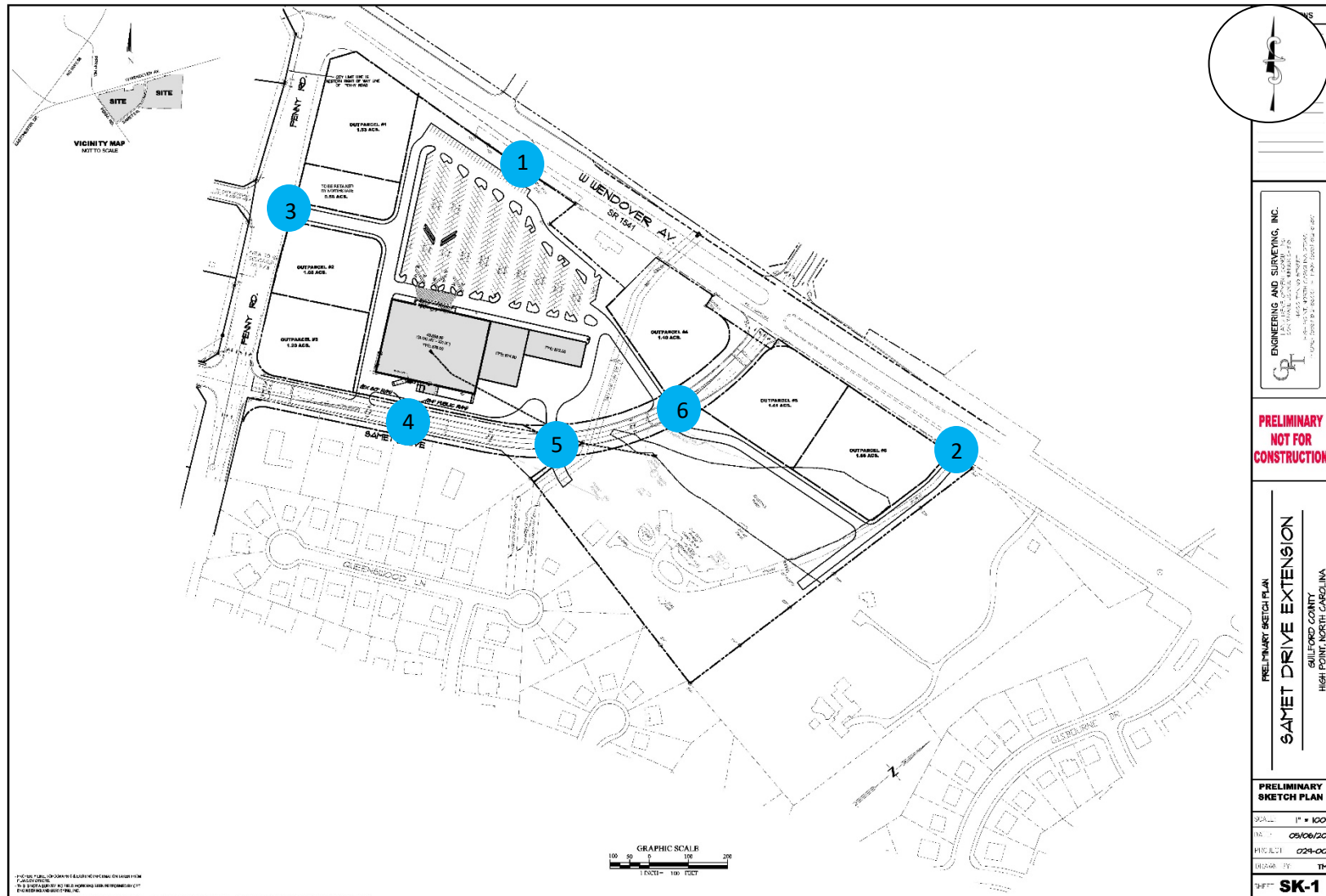
Intersection	Recommendations
Wendover Avenue at Penny Road	No additional improvements recommended.
Wendover Avenue at Samet Drive	No additional improvements recommended.
Penny Road at Samet Drive	No additional improvements recommended.
NC 68 at Samet Drive	No additional improvements recommended.
NC 68 at Penny Road	No additional improvements recommended.
NC 68 at Wendover Avenue	No additional improvements recommended.
Wendover Avenue at Site Access 1	<ul style="list-style-type: none"> • Construct eastbound right turn lane to full lane width • The site access should be designed in accordance with NCDOT standards as applicable
Wendover Avenue at Site Access 2	<ul style="list-style-type: none"> • Construct this site access as left-in, right-in and right-out • Provide an eastbound right turn lane of 100 feet of storage with appropriate taper • Provide a westbound left turn lane of 200 feet of storage with appropriate taper • The site access should be designed in accordance with NCDOT standards as applicable
Penny Road at Site Access 3	<ul style="list-style-type: none"> • Construct this site access as a right-in/ right-out • Provide a northbound right turn lane of 100 feet of storage with appropriate taper • Construct a median on Penny Road in front of site access • The site access should be designed in accordance with NCDOT standards as applicable

Table C – Recommended Improvements Summary

Intersection	Recommendations
Wendover Avenue at Penny Road	<ul style="list-style-type: none"> Remove the eastbound acceleration lane Provide a northbound right turn lane of 150 feet storage and appropriate taper Signal modification
Wendover Avenue at Samet Drive	<ul style="list-style-type: none"> Signal modification Restripe the southbound lanes to include dual left turn lanes with 150 feet of storage and appropriate taper, through lane and right turn lane with 150 feet of storage and appropriate taper Construct northbound lanes with a 150 foot left turn lane and 300 foot right turn lane with appropriate tapers Construct an additional westbound left turn lane with 275 feet of storage and appropriate taper Construct eastbound right turn lane of 150 feet of storage and appropriate taper Construct a southbound lane on Samet Drive Extension to accommodate the dual left turn lanes
Penny Road at Samet Drive	<ul style="list-style-type: none"> Signal modification Restripe the eastbound lanes to exclusive left turn lane and through-right turn lane Construct westbound lanes with dual 200 foot left turn lanes, through lane and 100 foot right turn lane Construct a northbound 150 foot right turn lane Construct a southbound lane on Penny Road to accommodate the dual left turn lanes
NC 68 at Samet Drive	No improvements recommended.
NC 68 at Penny Road	No improvements recommended.
NC 68 at Wendover Avenue	No improvements recommended.
Wendover Avenue at Site Access 1	<ul style="list-style-type: none"> Construct eastbound right turn lane to full lane width The site access should be designed in accordance with NCDOT standards as applicable
Wendover Avenue at Site Access 2	<ul style="list-style-type: none"> Construct this site access as left-in, right-in and right-out Provide an eastbound right turn lane of 100 feet of storage with appropriate taper Provide a westbound left turn lane of 200 feet of storage with appropriate taper The site access should be designed in accordance with NCDOT standards as applicable
Penny Road at Site Access 3	<ul style="list-style-type: none"> Construct this site access as a right-in/ right-out Provide a northbound right turn lane of 100 feet of storage with appropriate taper Construct a median on Penny Road in front of site access The site access should be designed in accordance with NCDOT standards as applicable

Table C – Recommended Improvements Summary

Intersection	Recommendations
Site Accesses 4, 5, and 6	<ul style="list-style-type: none"> • Provide separate egress lanes • The site access should be designed in accordance with HPDOT standards as applicable • Per HPDOT, site accesses 4, 5, and 6 should be explored as roundabouts during the design phase of this project. • Exact location and configuration of the site access points should be explored by the design engineer and developer in the design phase.



H:\CP\029-00\029-00 CIVIL BASE.dwg, 5/6/2020 3:39:08 PM, PDF995a3aaa.pc3



FIGURE 1
SITE MAP

PROPOSED SITE ACCESS



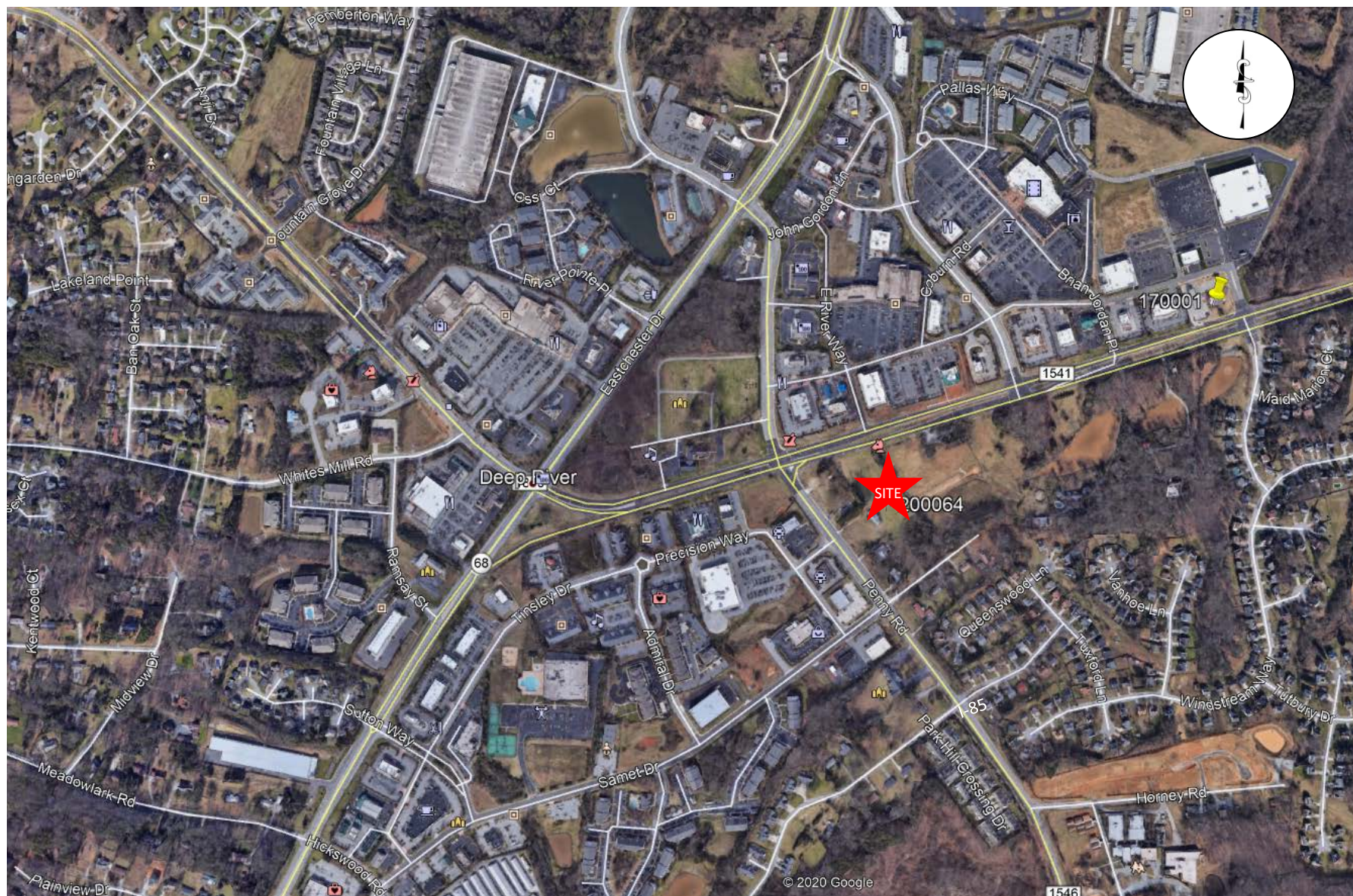


FIGURE 2A
SITE LOCATION MAP

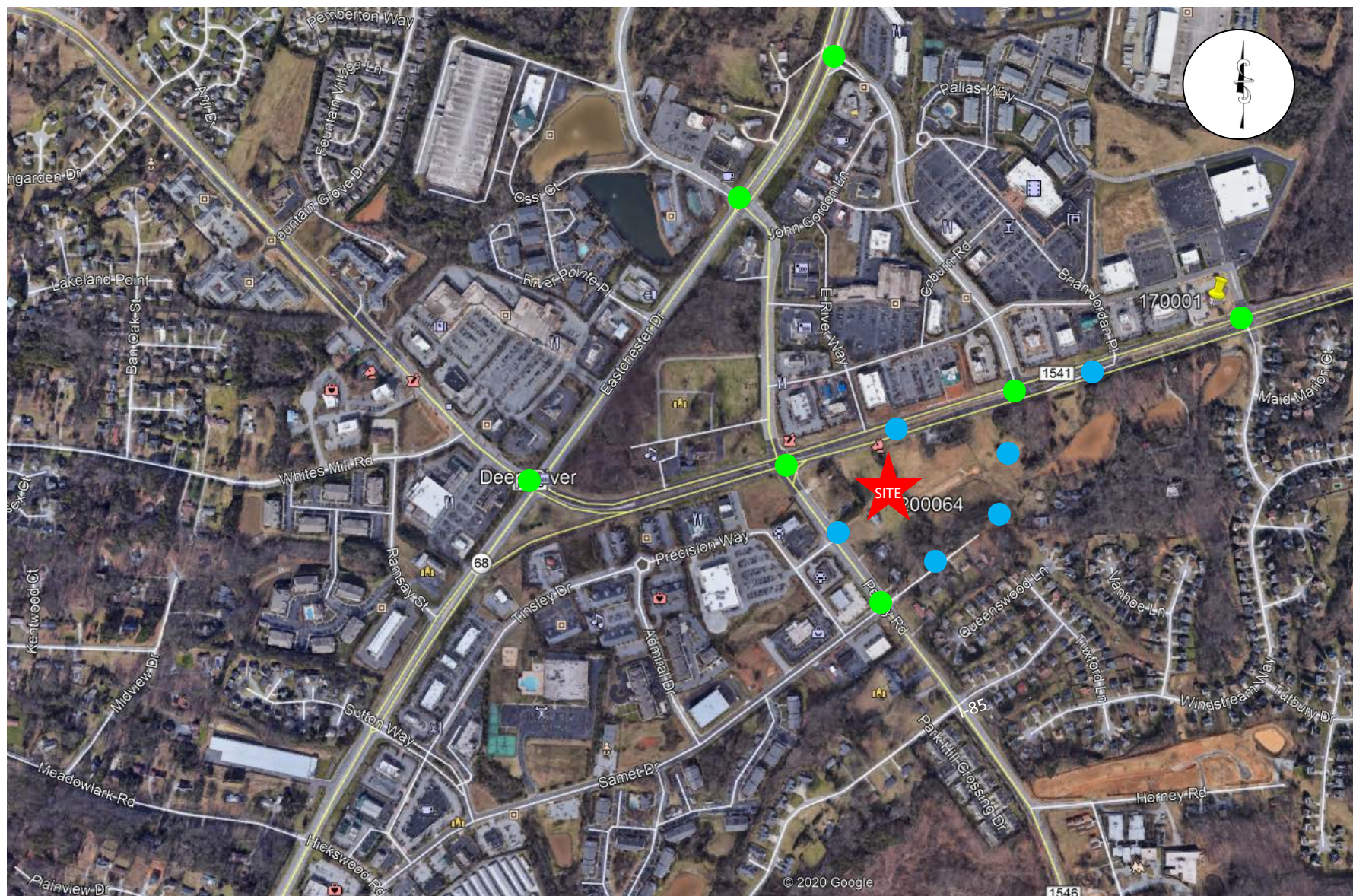


FIGURE 2B
VICINITY MAP

STUDY INTERSECTIONS
BACKGROUND
PROPOSED



Citizens Information Meeting Report Zoning Map Amendment 21-20

Submitted by: Thomas E. Terrell, Jr.; on behalf of
Shamrock Petey, Inc.

Neighborhood Communications Report

Shamrock Petey, Inc.

ZA-21-20

Wendover, Penny, and Samet Dr. Ext.

Submitted by
Thomas E. Terrell, Jr.
September 17, 2021

1. Invitation

All neighbors within 300 feet were sent the letter attached as **Exhibit A** which included the city's prepared statement. The letter included (a) a vicinity map showing the location of the property; (b) the mandatory statement about the zoning process; (c) a full description of why the rezoning was requested; (d) ways the neighbors could personally contact the attorney for Shamrock Petey with questions; and (e) a way for neighbors to attend a virtual meeting.

Recipients of the letter are the neighbors listed on **Exhibit B**.

2. Pre-meeting Communications

Gene Dinkins, owner of the Dollar General sent an email with the message below:

Mr. Terrell,

I own the Dollar General located at the corner of Samet Drive and Penny Road and have received notification of your proposed development. It looks like a potentially positive project for the area but I would like to get more details about what exactly is planned for the development. Can you share a site plan with me? The description given of "a variety of residential, commercial, and office uses" is not very specific for me to determine what is planned to be built. I also could not tell which seven parcels are proposed for rezoning and would like to know that as well.

Thank you.

Gene Dinkins

The response sent to Mr. Dinkins is attached as **Exhibit C**.

Aaron Keck also wrote on behalf of Freddy's Frozen Custard and Steakburger. He was concerned about losing his dedicated left turn lane. We assured him that would not occur. His email and my response are attached as **Exhibit D**.

3. Neighborhood Meeting

A virtual meeting was held between 5:00 and 5:45 on September 16, 2021. In attendance were Tom Terrell, Dennis Bunker (Shamrock Petey) and Jim Grdich, consultant to the developer, and Maria Montoya, landowner and seller. Only one neighboring household attended: Ms. Sharon Johnson of 7701 Samet Drive and her daughter, Candy Johnson.

The Johnsons stated, “we’ve known this is coming” and informed us that they had been under contract previously to sell their land for development of a Publix. They asked several questions about site design, how their property would access Samet after its construction, whether any of their property would be taken, and what would their driveway become after Samet is extended. Many of her questions were outside our expertise, so we agreed to introduce her to the design engineer.

4. Meeting with Deep River Friends Meeting

Dennis Bunker and I met with Tom Gray and Dwight Osborne, leaders at Deep River Friends Meeting. They made sure we were aware of the meeting’s history and that it has been on the site since 1754. We discussed the architectural protections to be offered to protect the character of the area, including matching brick, pitched roofs, and assurance that zoning conditions would include requirements that should a convenience store be located catty-corner to the meetinghouse, it would face internally and towards Samet Drive.

We also discussed problems with the 68/Wendover/Skeet Club intersection and how their land will be taken for future improvements, as well as issues with the Penny/Wendover intersection and whether Samet Drive will alleviate some of the pressure on that intersection.

Exhibit A



230 N. Elm St.
Suite 1200
Greensboro, NC 27401
Tel 336.378.5200 Fax 336.378.5400
www.foxrothschild.com

TOM TERRELL
Direct No: 336.378.5412
Email: TTerrell@Foxrothschild.com

September 1, 2021

Dear Neighbor,

I represent a company that has filed an application with the City of High Point to annex and rezone the 7 tracts consisting of 26 acres that lie south of Wendover Avenue, east of Penny Road and north of the Samet Dr. dead-end street so that the last undeveloped part of this commercial intersection can be developed for a variety of residential, commercial, and office uses on each side of an extended Samet Drive. The annexation and rezoning applications have been filed under the name Shamrock Petey, LLC, a company established for this project by well-known development company Bunker Land Group. An aerial of these tracts is below:



Several development restrictions are offered for this project, including higher architectural standards along Penny and Wendover to respect the historic Deep River Friends Meeting, and uses limited to residential and office plus a double row of evergreens north of the homes at Queenswood and Vanhoe Lanes.

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 Virginia Washington



Fox Rothschild LLP
ATTORNEYS AT LAW

These tracts were identified as part of a “regional center” in the mid-1980s, and the extension of Samet Drive was added to High Point’s long-range transportation plan in the mid-1990s. The largest of these tracts is approximately 20 acres and is still zoned for farm use, despite its frontage on Wendover Ave across from a regional shopping center.

You are receiving this letter because you own property within 300 feet of this site. If one of your neighbors has not received this letter it is because they live farther away and are not on the city’s notification list. I understand that some neighbors would prefer that this land stay open and undeveloped forever and may wish to express their opinion in that regard. Part of the rezoning process is having public hearings at which neighbors are allowed to speak. An official statement prepared by the city is included with this letter.

In the meantime, if you are interested in learning more about this development, go to the link below to join the development in a virtual discussion of what is planned. Alternatively, you can click “more ways to join” and use the number provided to call in. If you cannot join at this time, send me an email at tterrell@foxrothschild.com or call me at my direct number (336-378-5412) or email Dennis Bunker at dnb@bunkerlandgroup.com. This virtual neighborhood meeting will be held on Thursday, September 16, from 5:00 to 6:30 p.m. Please note that this is not a regular website but a link that is similar to a Zoom meeting. We will try to open the link a few minutes before 5:00 p.m.

<https://foxrothschild2.webex.com/meet/tterrell>

Very truly yours,

Thomas E. Terrell, Jr.
TET:kwc

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

Exhibit B

AJIT PROPERTIES LLC
101 WHIRLAWAY LN
CHAPEL HILL NC 27516

AMH 2015-1 BORROWER LLC
30601 AGOURA RD STE 200
AGOURA HILLS CA 91301

AMOS, GILBERT WAYNE;MCLAUGHIN, AUDREY
LEIGH
3713 QUEENSWOOD LN
JAMESTOWN NC 27282

API - HIGH POINT LLC
106 WOODWINDS INDUSTRIAL CT
CARY NC 27511

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

BAILEY, MICHAEL D
164 KEEL CT
STOKESDALE NC 27357

BELEUZ, LIVIU;PASCALIN, VIOLETA
3715 QUEENSWOOD LN
JAMESTOWN NC 27282

BELMAR RIO LLC
PO BOX 51166
NEW BEDFORD MA 02740

BOND STREET FUND 9 LLC;SCALTN
INVESTMENTS LLC;SUMTER CROSSING I LLC
701 E BAY ST STE 515
CHARLESTON SC 29403

BRAWNER, AMANDA LYNNE;EVANS,
CHRISTOPHER E
3720 QUEENSWOOD LN
JAMESTOWN NC 27282

Bunker Land Group - Dennis Bunker
1140 Dilworth Crescent Row
Charlotte NC 28203

CALM III LLC
8000 TOWER POINT DR
CHARLOTTE NC 28227

CAROLINA BANK
PO BOX 10209
GREENSBORO NC 27404

CASNER CONSOLIDATED LLC
1020 HUNTINGTON DR
SAN MARINO CA 91108

CEPULO, RONALD JOHN;CEPULO, SYLVIA Y
2008 LA VISTA CT
HIGH POINT NC 27265

CHRISMON, DAVID L;CHRISMON, PAMELA P
3722 QUEENSWOOD LN
JAMESTOWN NC 27282

CLINE, DANIEL R;YOWELL, BETHANY
3817 ABBEYWOOD PL
JAMESTOWN NC 27282

COPPER, KEITH T;COPPER, CHAE D
3721 QUEENSWOOD LN
JAMESTOWN NC 27282

CPT Engineering and Surveying Inc - Chuck Truby
4400 Tynning St
High Point NC 27265

D & Q PROPERTY LLC
3703 QUEENSWOOD LN
JAMESTOWN NC 27282

DEEP RIVER CENTER LLC
2209 EASTCHESTER DR STE 107
HIGH POINT NC 27265

DEEP RIVER FRIENDS CHURCH
5300 W WENDOVER AVE
HIGH POINT NC 27265

DEGRAFENARIED, DARIN K;LILLEVIG, SARAH KATE
3728 TUXFORD LN
JAMESTOWN NC 27282

DG HIGH POINT LLC
2234 WHEAT ST
COLUMBIA SC 29205

Fox Rothschild, LLP - Thomas E. Terrell, Jr.
300 N Greene Dr, Suite 1400
Greensboro NC 27401

GOODWILL INDUSTRIES OF CENTRAL NORTH
CAROLINA INC
125 S EUGENE ST
GREENSBORO NC 27406

GUTIERREZ, JOSE LARA;LEMUS, RUTH ZAMORA
2116 PENNY RD
HIGH POINT NC 27265

HAGGERTY, RICHARD C JR TRUSTEE;THE
RICHARD C HAGGERTY JR LIVING TRUST
5231 W WENDOVER AVE
HIGH POINT NC 27265

HALLE PROPERTIES LLC
20225 N SCOTTSDALE RD
SCOTTSDALE AZ 85255

HANNAH, FREDERICK W;HANNAH, KRISTA ANN
3815 ABBEYWOOD PL
JAMESTOWN NC 27282

HIGH POINT BK POOH LLC
101 W 55TH ST
NEW YORK NY 10019

HINES, MYRA P
3707 QUEENSWOOD LN
JAMESTOWN NC 27282

HOCHERL, LAURA A
3705 QUEENSWOOD LN
JAMESTOWN NC 27282

HOMELIKE APARTMENTS INC
PO BOX 644
SPRINGFIELD MA 61690

JACOBS, URSULA S
3797 VANHOE LN
JAMESTOWN NC 27282

JOHNSON, CALVIN D;JOHNSON, SHARON P
7701 SAMET DR
HIGH POINT NC 27265

JORDAN, BARBARA M;JORDAN, DARRIN R
PO BOX 16172
HIGH POINT NC 27261

KTK PARTNERS
PO BOX 1653
KILL DEVIL HILLS NC 27948

LIM, STEVEN
441 N CHIMNEY ROCK RD
GREENSBORO NC 27410

M J K INVESTORS LLC
307 WINROW DR
JAMESTOWN NC 27282

MATTHEWS, DONALD W JR;MATTHEWS, PAIGE N
3719 QUEENSWOOD LN
JAMESTOWN NC 27282

MATURINO, JUAN M;MATURINO, ELEINA N
3790 VANHOE LN
JAMESTOWN NC 27282

MAUCERE, CHRISTOPHER C
3726 TUXFORD LN
JAMESTOWN NC 27282

MCCARTY, DOUGLAS E;MCCARTY, JENNIFER
3725 TUXFORD LN
JAMESTOWN NC 27282

MONTOYA COUCH, MARIA T
5225 W WENDOVER AVE
HIGH POINT NC 27265

MORELLI, JOYCE
117 DUCHESS CT
JAMESTOWN NC 27284

NOHO OST HIGH POINT LLC
PO BOX 1098
ALPINE NJ 07620

NORTH STATE TELEPHONE CO
111 N MAIN ST
HIGH POINT NC 27260

OREILLY AUTOMOTIVE STORES INC
PO BOX 9167
SPRINGFIELD MO 65801

PAGE, BRYAN T;PAGE, CHITOSE PAGE
3788 VANHOE LN
JAMESTOWN NC 27282

PALLADIUM DEVELOPMENT V LLC
P O BOX 36799
CHARLOTTE NC 28236

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

PARKER, JAMES H;WHITE RESIDENTIAL TRUST
3109 LODGE DR
JAMESTOWN NC 27282

PARKWOOD BAPTIST CHURCH
2107 PENNY RD
HIGH POINT NC 27265

PASSMORE, CURTIS M;PASSMORE, SUGANTHINI
10018 DRESSAGE LN
MIDLAND NC 28107

RICHARDSON, THAXTON JR;RICHARDSON, RUTH
1350 W LAKE DR
GREENSBORO NC 27408

RIVAS, MARKO;RIVAS, VICTORIA
3795 VANHOE LN
JAMESTOWN NC 27282

RODRIGUEZ, EDUARDO LUIS CASTR;CASTRO,
ISABEL LOPEZ
3789 VANHOE LN
JAMESTOWN NC 27282

SC CAR WASHES LLC
PO BOX 116
COLFAX NC 27235

SCRIBNER, PETER ROSS;SCRIBNER, MARIE
LOUISE
3724 TUXFORD LN
JAMESTOWN NC 27282

SHUE, RACHEL S
1707 LAND ESTATES DR
STALEY NC 27355

SUNBELT INVESTMENTS LLC
530 MCCALL RD STE 110
MANHATTAN KS 66502

SV LIM HOLDINGS LLC
441 N CHIMNEY ROCK RD
GREENSBORO NC 27410

TECHNICAL METHODS LLC
307 S SWING RD
GREENSBORO NC 27409

TURNER, FREELAN TONDA;TURNER, ROBERTA
LYNN G
7707 SAMET DR
HIGH POINT NC 27265

WALMART REAL ESTATE BUSINESS TRUST -
ATTN: 0555
PO BOX 8050
BENTONVILLE AR 72716

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

YOOK, SEUNG HEE;YOOK, SUNHEE
3711 QUEENSWOOD LN
JAMESTOWN NC 27282

Exhibit C

From: Terrell, Tom <TTerrell@foxrothschild.com>
Sent: September 9, 2021 8:47 AM
To: Gene Dinkins <GDinkins@coxanddinkins.com>
Cc: Dennis Bunker <dnb@bunkerlandgroup.com>
Subject: RE: Shamrock Petey, LLC development

Gene – Appreciate your email, and apologies for the delayed response, but I was on the road and in meetings all yesterday. Attached is a plat of what is currently in the application, but the large tract to the east of this site will be added in the next round of application filings.

Unlike many projects, this is not driven by an identified anchor or anchors. There are no tenants signed up or even under consideration/negotiation at this time, but a wide range of commercial, office, residential options will hopefully be allowed through the rezoning process to draw more retail to this general destination. Samet Drive extension would cross through the site. We might have more answers over the next couple of months.

Call me or email any time.

Tom Terrell

Partner

Fox Rothschild LLP

230 N. Elm St.

Suite 1200

Greensboro, NC 27401

(336) 378-5412 - direct

(336) 378-5400 - fax

TTerrell@foxrothschild.com

www.foxrothschild.com

From: Gene Dinkins <GDinkins@coxanddinkins.com>
Sent: September 8, 2021 9:48 AM
To: Terrell, Tom <TTerrell@foxrothschild.com>
Cc: dnb@bunkerlandgroup.com
Subject: [EXT] Shamrock Petey, LLC development

Mr. Terrell,

I own the Dollar General located at the corner of Samet Drive and Penny Road and have received notification of your proposed development. It looks like a potentially positive project for the area but I would like to get more details about what exactly is planned for the development. Can you share a site plan with me? The description given of "a variety of residential, commercial, and office uses" is not very specific for me to determine what is planned to be built. I also could not tell which seven parcels are proposed for rezoning and would like to know that as well.

Thank you.
Gene Dinkins

PC-111-G-48

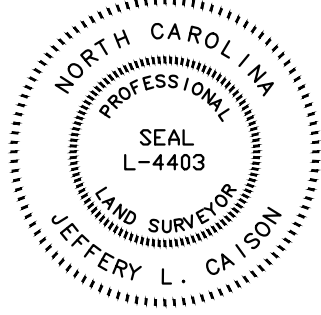
I, Jeffery L. Caison, Registered Land Surveyor PLS
No L-4403, certify that this is of a survey that:

d. That the survey is of another category, such as the
recombination of existing parcels, a court-ordered survey, or
other exemption or exception to the definition of subdivision.

State of North Carolina Guilford County
I, Jeffery L. Caison, PLS, certify that this plat was drawn under my
supervision from an actual survey made under my supervision (Deed
description recorded in Book AS, Page SHOWN), that the
boundaries not surveyed are clearly indicated as drawn from information
found in Book AS, Page SHOWN; that ratio of precision or positional
accuracy as calculated is 1: 10,000; that this plat was prepared in
accordance with GS 47-30 as amended. Witness my original signature,
license number, and seal this _____ day of _____, 2021.

Stamp or Seal

Surveyor - Jeffery L. Caison
L-4403
License No.:



SITE INFORMATION:
SITE ADDRESSES: MARIA T. MONTVOYA COUCH
5225 W. WENDOVER AVE. (PARCEL 170005)
HIGH POINT, NC 27265 DB 7186 PG 2093
PIN: 7813614423

KTK PARTNERS
5235 W. WENDOVER AVE (PARCEL 170006)
HIGH POINT, NC 27265 DB 3763 PG 644
PIN: 7813513464

NORTH STATE TELEPHONE CO.
2216 PENNY RD (PARCEL 170004)
HIGH POINT, NC 27265 DB 3763 PG 1860
PIN: 7813513244

DARRIN R JORDAN & BARBARA M JORDAN
2210 PENNY RD (PARCEL 170002)
HIGH POINT, NC 27265 DB 2795 PG 798
PIN: 7813515287

SV LIM HOLDINGS, LLC
2206 PENNY RD (PARCEL 196671)
HIGH POINT, NC 27265 DB 6232 PG 728
PIN: 7813506937

STEVEN LIM
2206 PENNY RD (PARCEL 196672)
HIGH POINT, NC 27265 DB 7093 PG 2864
PIN: 7813507815

STEVEN LIM
7706 SAMET DR (PARCEL 196673)
COLFAX, NC 27235 DB 7093 PG 2864
PIN: 7813516058

PARCEL AREAS: 170005 ~ 19.37 AC.±
170006 ~ 0.45 AC.±
PT 170004 ~ 0.81 AC.±
170002 ~ 3.09 AC.±
196671 ~ 0.08 AC.±
196672 ~ 0.93 AC.±
196673 ~ 0.67 AC.±
TOTAL ANNEXED AREA: 26.32 AC.±

SUBJECT PROPERTY IS LOCATED WITHIN A ZONE "X" MINIMAL FLOOD ZONE
ACCORDING TO FEMA MAP NO. 3710781300J, DATED JUNE 16, 2007
Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2%
annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas
of 1% annual chance flooding where average depths are less than 1 foot, areas of 1%
annual chance flooding where the contributing drainage area is less than 1 square mile,
and areas protected from the 1% annual chance flood by levees. No Base Flood
Elevations or depths are shown within this zone.

GENERAL NOTES:

1. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES
UNLESS OTHERWISE NOTED.
2. ALL BEARINGS ARE GRID BEARINGS.
3. AREA COMPUTED BY COORDINATE GEOMETRY.
4. 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.
5. UNDERGROUND UTILITIES WERE MARKED BY SUPERIOR
LOCATE. THIS SURVEYOR ASSUMES NO RESPONSIBILITY FOR
LOCATION OF THE UTILITIES. ALL UNDERGROUND UTILITIES MAY
NOT BE SHOWN.
6. ALL BUILDINGS, AND SURFACE AND SUBSURFACE
IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT
NECESSARILY SHOWN HEREON.
7. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT
EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO
STATEMENT IS MADE CONCERNING THE EXISTENCE OF
UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES
THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.

City Council Annexation Approval

The Annexation Ordinance for this property was approved by High Point

City Council on _____ with the effective date of

annexation being _____, and the following

ordinance number _____.

Signed: _____
Mayor

Airport Overlay District Notice

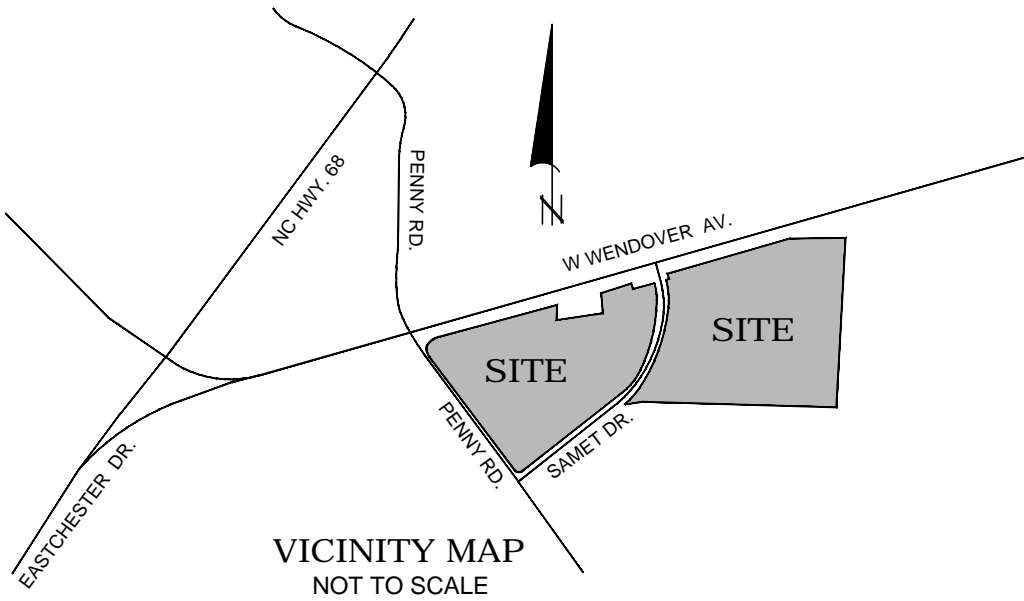
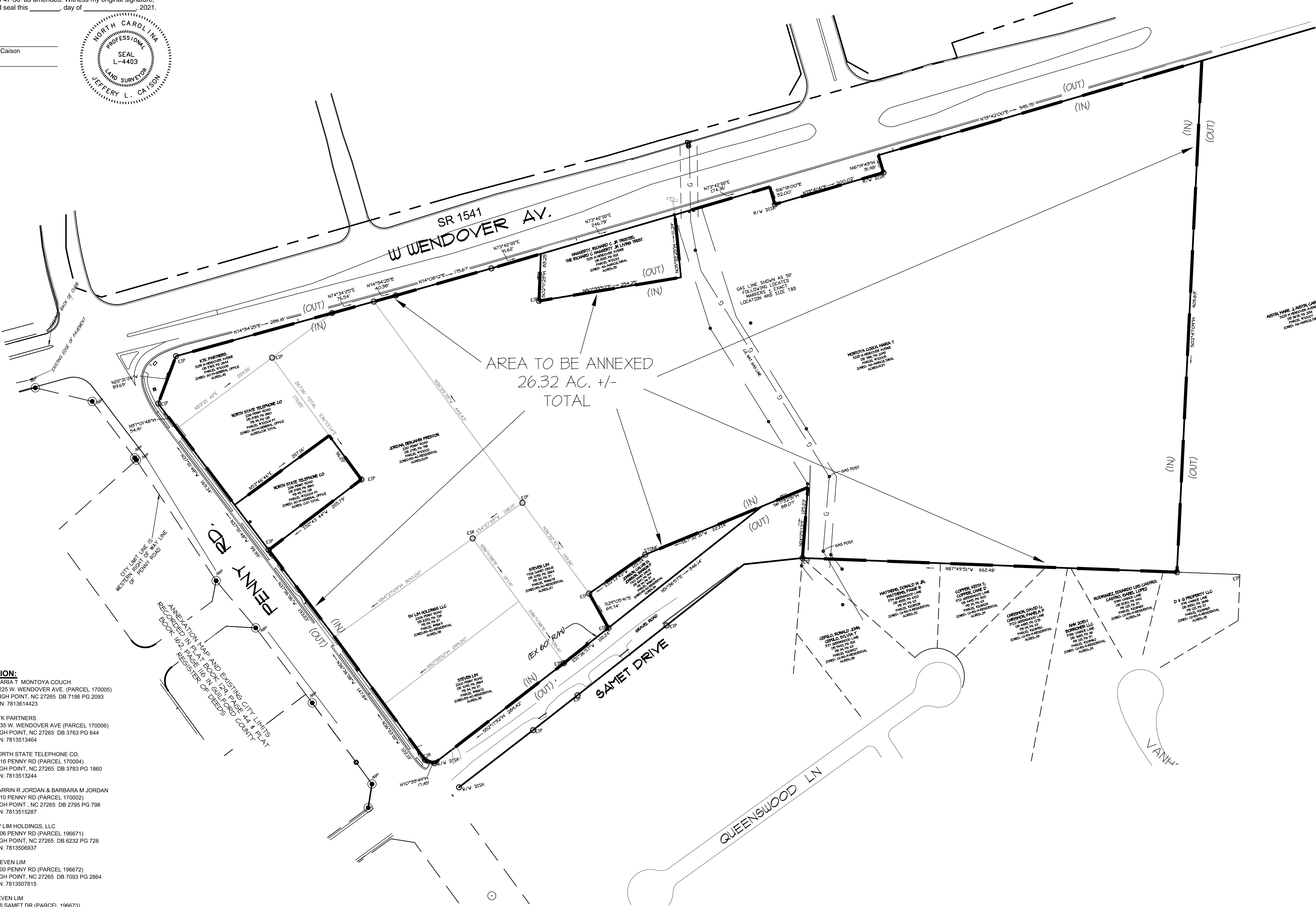
This property is located within the City of High Point Airport Overlay District
and is subject to aircraft overflights and to aircraft noise that may be
objectionable dependent upon the use and location of the property. Please
refer to the City's Airport Overlay District regulations and the City of High
Point Department of Planning & Development for more information on
potential noise impacts.

The owner(s) of this subdivision are required to provide notification that this
property is within the Airport Overlay District to all prospective lot
purchasers, by means of a written disclosure statement.

Statement That No Approval Is Required by NCDOT

Division of Highways

This plat does not require certificate of approval by the N.C. Division
of Highways as provided in G.S. 136-102.6, Subsection (g).



LEGEND	
EIP	EXISTING IRON PIPE
EIR	EXISTING IRON REBAR
NIR	NEW IRON ROD
IPS	IRON PIN SET
CP	COMPUTED POINT
R/H	RIGHT OF WAY
DB	DEED BOOK
PB	PLAT BOOK
PG	PAGE
CL	CENTERLINE
G.I.	CATCH INLET
G.L.	GRATE INLET
PP	POWER POLE
EP	EDGE OF PAVEMENT
AC	ACRE
SQ.FT.	SQUARE FEET
DIST.	DISTANCE
TX	TRANSMISSION TOWER
EX	EXISTING MONUMENT
EX	EXISTING IRON PIPE
SM	SANITARY SEWER MANHOLE
CP	COMPUTED POINT
FO	FIBER OPTIC MARKER/BOX
PO	POWERPOLE
LP	LAMP POST
WM	WATER METER

ANNEXATION MAP
OF
PROPERTIES NEAR
**W. WENDOVER AVE &
PENNY RD**
HIGH POINT TOWNSHIP - GUILFORD COUNTY
HIGH POINT, NORTH CAROLINA
CPT ENGINEERING AND SURVEYING, INC.
LAND DEVELOPMENT CONSULTING
CORPORATE LICENSE NUMBER C-1575
4400 TYNNING STREET
HIGH POINT, NORTH CAROLINA 27265
PHONE: (336) 812-8800 ~ FAX: (336) 812-8780
DATE: SEPT 1, 2021
PROJECT: 024-00
SCALE: 1" = 100'
DRAWN BY: JES

1 INCH = 100 FEET

Exhibit D

From: Terrell, Tom
Sent: September 13, 2021 1:17 PM
To: Aaron Keck <aaron.keck@hcihospitality.com>
Subject: RE: Freddy's Frozen Custard & Steakburger- Deep River

Aaron,

I was sure I knew the answer, but did a double check to make sure there's nothing out there I'm unaware of. We're working with Davenport, one of the best transportation engineering firms in the Southeast, and the answer I got is below:

Hello Tom,

Based on our analysis, we will not affect the existing eastbound left turn lane onto Brian Jordan Place. Our proposed left-over will be east of the existing turn lane.



Dionne Brown, PE | Project Manager I
DAVENPORT
4600 Marriott Drive, Suite 340 | Raleigh, NC 27612
Please note the change in address.
t (919) 324-1665 ext: 24402
[website](#) | [map](#) | [email](#)

From: Aaron Keck <aaron.keck@hcihospitality.com>
Sent: September 13, 2021 12:33 PM
To: Terrell, Tom <TTerrell@foxrothschild.com>
Cc: Rachel Mallon <rachel.mallon@hcihospitality.com>
Subject: [EXT] Freddy's Frozen Custard & Steakburger- Deep River

Hi Thomas,

Reviewing the attached, I wanted to confirm that we will still have our dedicated left turn lane for eastbound traffic on W. Wendover Ave. for guests to reach us, per the below image. Will that be impacted at all?



Thanks,

AK

Aaron Keck | Director of Construction & Facilities

530 McCall Rd., Ste. 110, Manhattan, KS 66502

Office: 785.370.0642 | Cell: 785.410.6330

