

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 21-20 (**withdrawn**)

Zoning Map Amendment 21-23 (*Shamrock Petey, LLC*)

From: Chris Andrews,
Interim Planning & Development Director

Meeting Date: November 15, 2021

Public Hearing: Yes

Advertising Date: November 5, 2021, and
November 10, 2021

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE: Zoning Map Amendment 21-20 AND Zoning Map Amendment 21-23

A request by Shamrock Petey, LLC to rezone approximately 34.7 acres from the Agricultural (AG) District, Residential Single Family – 40 (RS-40) District and Mixed Use (MXU) 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 requests.

BACKGROUND:

These cases proposed to rezoned lands at the southeastern corner of W. Wendover Avenue and Penny Road for a proposed commercial development. Staff has no objections with the concept of allowing commercial development at this location. However; over the past several months there have been numerous meetings with the applicant to attempt to come to terms on the specific zoning conditions. As of the submittal date of this request to the City Council, the applicant and the Transportation Department are not in agreements as to various transportation-related conditions.

Zoning Map Amendment 21-20

(Reviewed by the Planning and Zoning Commission on September 28, 2021)

Staff recommended approval of the request, with five recommended amendments (4 planning-related amendments and one transportation-related amendment) to the conditional zoning ordinance. The applicant's representative noted that with one minor adjustment they would accept all of the Transportation Department conditions. That change was accepted by the Transportation Department representative, leaving four planning-related issues.

The Planning and Zoning Commission recommended approval of ZA-21-20, by a vote of 5-1, with all the amendments to the Conditional Zoning Ordinance recommended by staff.

NOTE: After this public hearing, the applicant and planning staff met and addressed the various planning-related issues. Thus, resolving all of the 5 amendments raised by staff at the September hearing.

Zoning Map Amendment 21-23

(Reviewed by the Planning and Zoning Commission on October 26, 2021)

After the September Planning and Zoning Commission public hearing, the applicant desired to add additional parcels to their proposed commercial development, and submitted ZA-21-23. To prevent confusion by having two similar requests for the same area, ZA-21-20 has been administratively withdrawn

and combined into ZA-21-23. As part of this updated application, the applicant desired to amend several of the transportation-related conditions which they previously agreed to at the prior public hearing. The Transportation Department did not agree to the applicant's proposed changes.

The Planning and Zoning Commission recommended approval of ZA-21-23, by a vote of 8-1, with the new transportation-related conditions offered by the applicant.

Speaking on these requests:

At these two public hearing, 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, the applicant, Mr. Dennis Bunker, 1140 Dilworth Crescent Road, Charlotte, Mr. David Chrismon, 3722 Queenswood Lane, Jamestown and Ms. Maria Montoya, 5225 W Wendover Avenue, High Point.

Speaking in opposition to the request were Ms. Jackie Allen, 3763 Windstream Way, Jamestown and Ms. Laura Jenkins, 4016 Tutbury, Drive, High Point. These speakers expressed the following concerns:

- Buffers: The maximum landscaping yards/buffer standards should be required next to the Nottingham Subdivision and the developer should be required to retain existing trees along the property borders, and to install a fence and berms.
- No Plan: There isn't a specific plan for the property that they can see. The lack of a specific site plan makes them uncomfortable. They also do not want lighting facing the residential neighborhoods.
- Traffic: An additional traffic light is needed on Penny Road, at entrance to the Nottingham subdivision. They feel the Samet Drive extension will be important to mitigate the traffic impacts.
- Stormwater: There are concerns about the stormwater runoff from the proposed development.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

The Planning & Development Department recommends *approval*.

The Transportation Department recommends *approval subject to amendments*. They recommend the Conditional Zoning Ordinance be amended to reflect the transportation-related conditions agreed upon by all parties at the September 28, 2021 public hearing.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended *approval* of this request, with the revised transportation-related conditions offered by the applicant at their October 28, 2021 public hearing. This approval was by a vote of 8-1.
2. Consistency and Reasonableness Statements
The Planning and Zoning Commission is forwarding the following Consistency and Reasonableness statement for City Council's consideration.
That Zoning Map Amendment 21-23 is consistent with the City's adopted policy guidance because of the proposed CZ-RC District, would be supported by adopted policy guidance documents, including the City's Land Use Plan. Furthermore, the request is reasonable and in the public's interest because, as conditioned, the requested CZ-RC District would be similar and compatible with previous conditional zoning approvals granted in this area. Mr. Walsh seconded the motion.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-21-23
November 15, 2021
(Revised)**

Request	
Applicant: Shamrock Petey, LLC	Owners: Maria T. Montoya-Couch, SV LIM Holdings LLC, Steven Lim, Barbara & Darrin Jordan, KTK Partners, Mark & Carolyn Austin and North State Telephone Company
Zoning Proposal: To annex and apply initial City zoning	From: AG Agricultural RS-40 Residential Single Family – 40 MXU Mixed-Use (all within Guilford County) 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 Numbers:	Guilford County Tax Parcels 196671, 196672, 196673, 70002, 170004, 170005, 170006, 170007
Site Acreage:	Approximately 34.7 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 lines lie adjacent to the site along Penny Road and W. Wendover Avenue. An 8-inch City sewer line lies 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	Residential Single Family – 5 District	Single-family dwellings

	RS-40	Residential Single Family – 40 District (<i>Guilford County</i>)	
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. This request received a favorable recommendation from the Planning and Zoning Commission by a vote of 6 to 0 on September 28th and will be heard by the City Council on November 15, 2021.</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</p>

	<p>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, 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 Conditional Zoning Ordinance.			

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	620	698	11	101 - 103
Southwest Middle School	1,117	1,223	10	52 - 54
Southwest High School	1,669	1,506	11	46 – 48
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 to 360 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 and has addressed these issues in their updated conditional zoning ordinance. 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 proposed CZ-RC District, would be supported by adopted policy guidance documents, including the City's Land Use Plan.

Reasonableness/Public Interest:

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

As conditioned, 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.
- ❖ As conditioned, to require 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.
- ❖ As conditioned to meet various standards of the Gateway Corridor Overlay District, future development provides 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	<p>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.</p> <ul style="list-style-type: none"> ❖ The southwestern portion of the site abuts single family homes that lie along the south side of Samet Drive. Based on conditions offered by the applicant, if the rear of structures face these homes, a higher landscaping standard shall apply to assist in mitigating some of the visual impacts. ❖ Based on information provided within the applicant's Traffic Impact Analysis (TIA), the proposed commercial development will generate over 17,500 daily trips anticipated at build-out. The applicant has offered access, and roadway improvement conditions to mitigate impacts from development at buildout.
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>The applicant has offered higher landscaping and screening standards than what is required by the Development Ordinance to mitigate adverse impacts upon adjacent single family lands at the southwestern and southeastern boundaries of the site.</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. As conditioned, the proposed CZ-RC District will assist 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:

Staff recommends approval, as conditioned the requested CZ-RC District will be compatible with the surrounding area and in conformance with adopted policy guidance documents.

However, as of the submittal date of this report, the applicant and the Transportation Department are not in agreements as to various transportation-related conditions.

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.

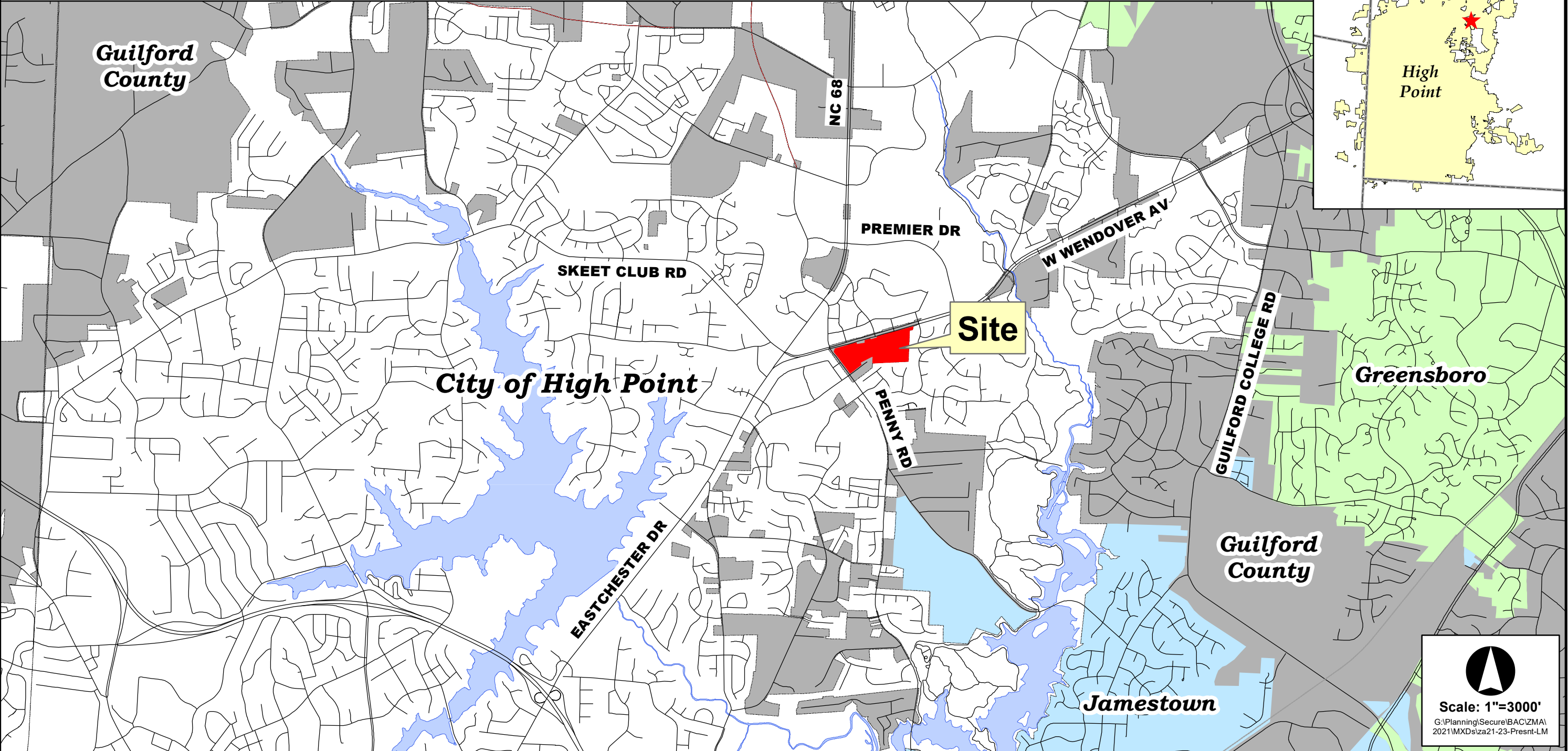
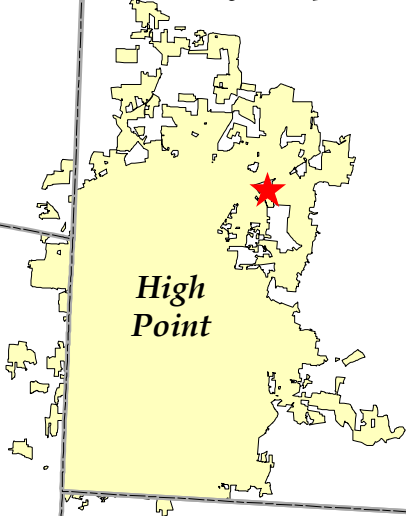
Report Preparation

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

LOCATION MAP

ZONING MAP AMENDMENT: ZA-21-23
Applicant: Shamrock Petey, LLC

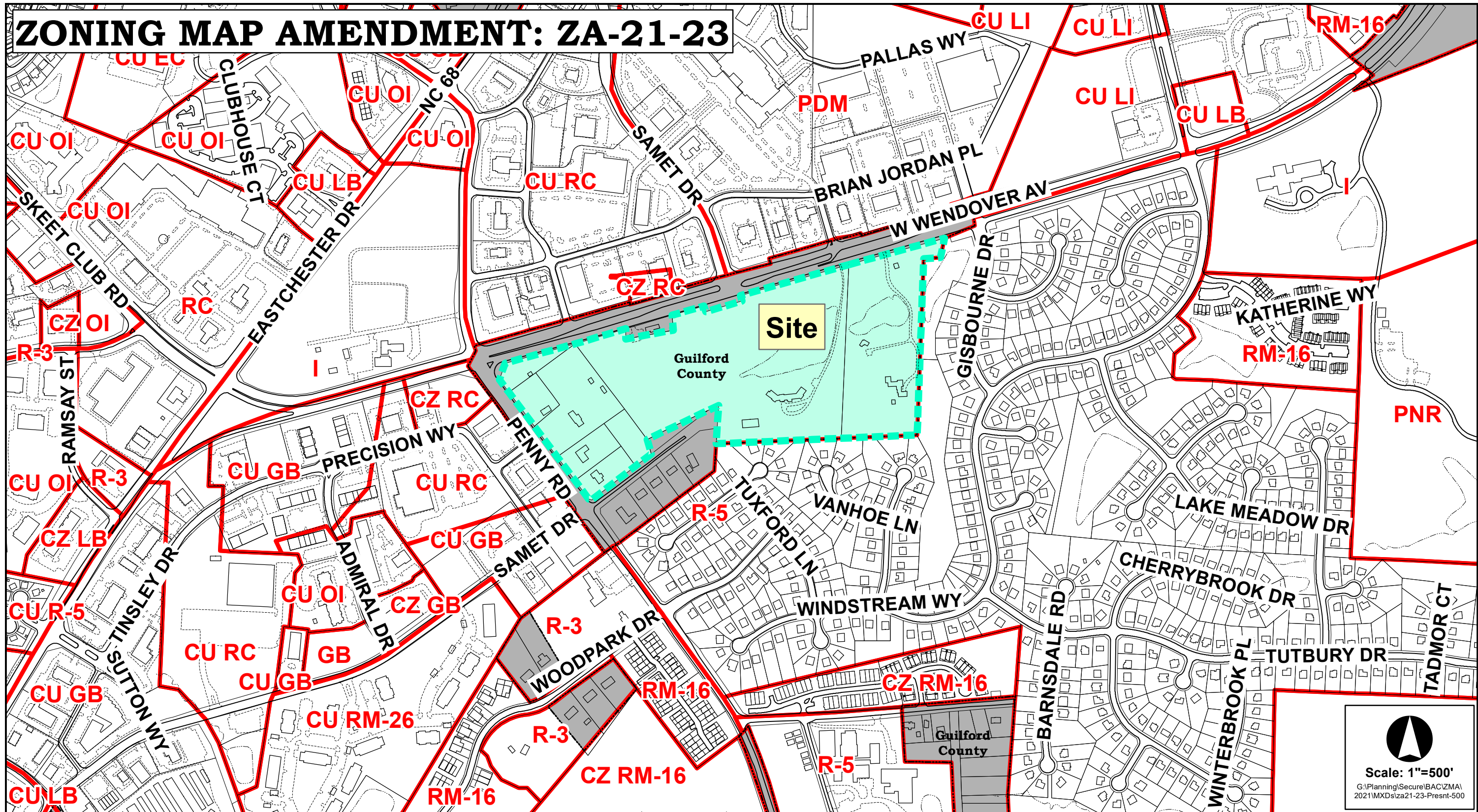
Vicinity Map



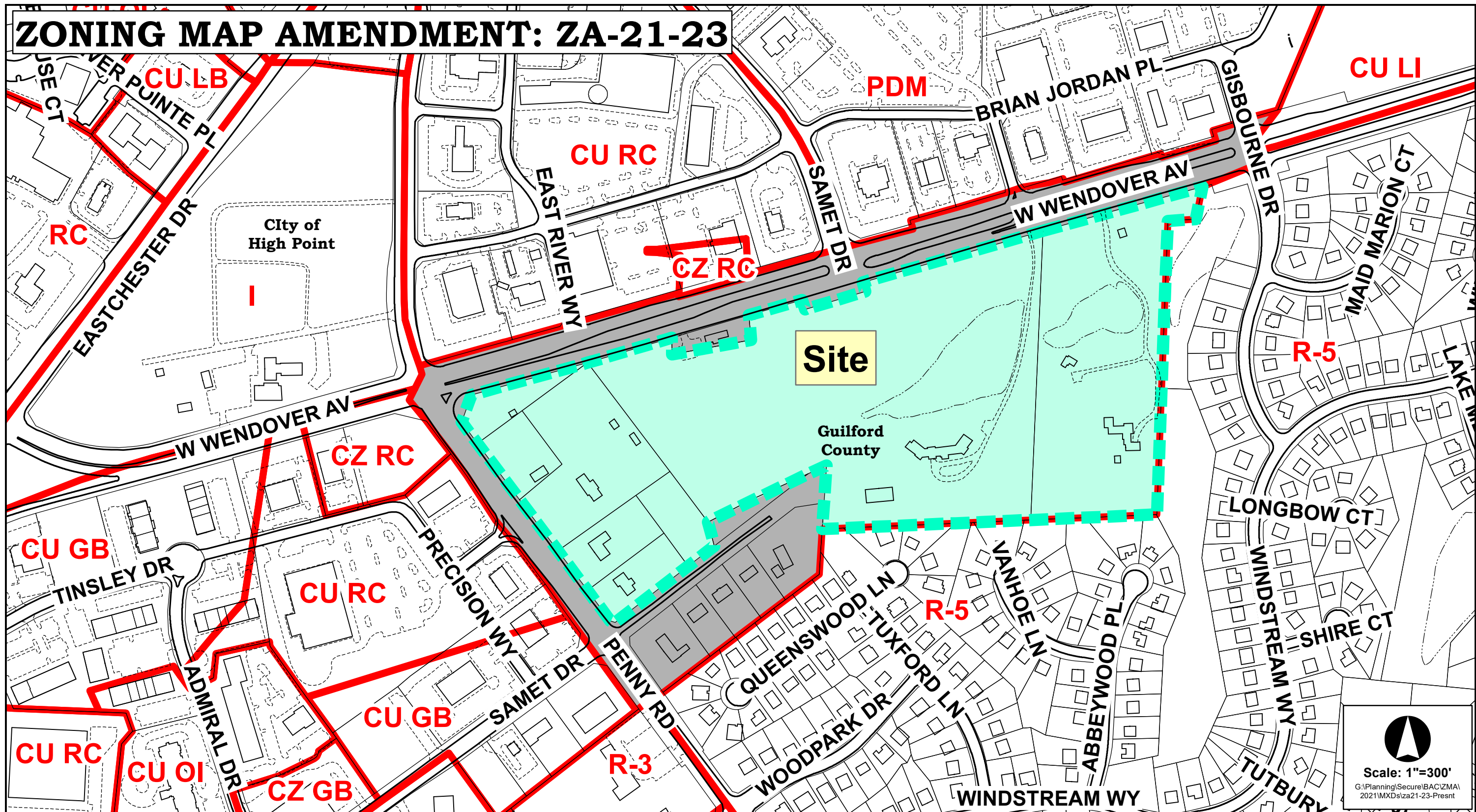
Scale: 1"=3000'

G:\Planning\Secure\BAC\ZMA\2021\MXD\sa21-23-Presnt-LM

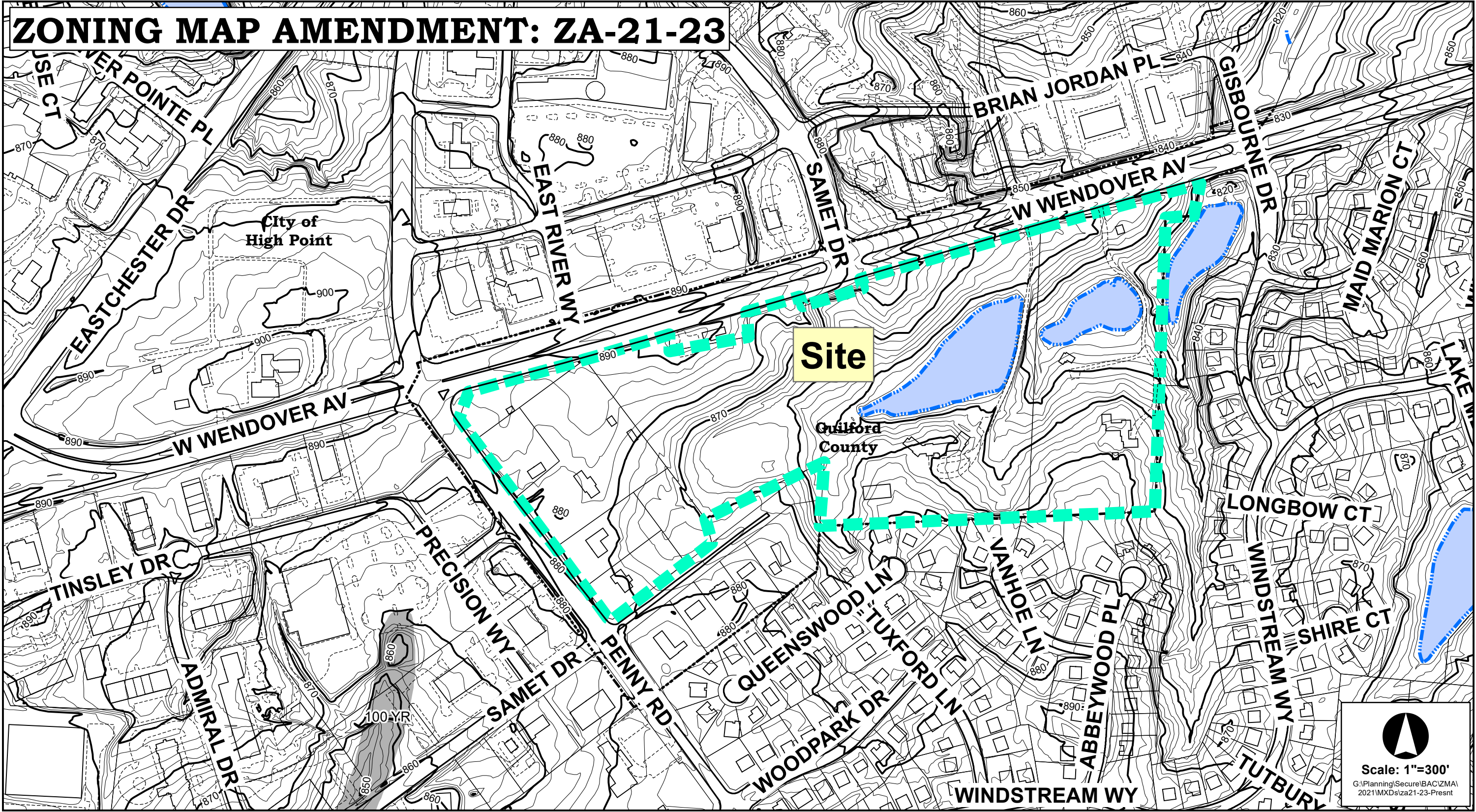
ZONING MAP AMENDMENT: ZA-21-23



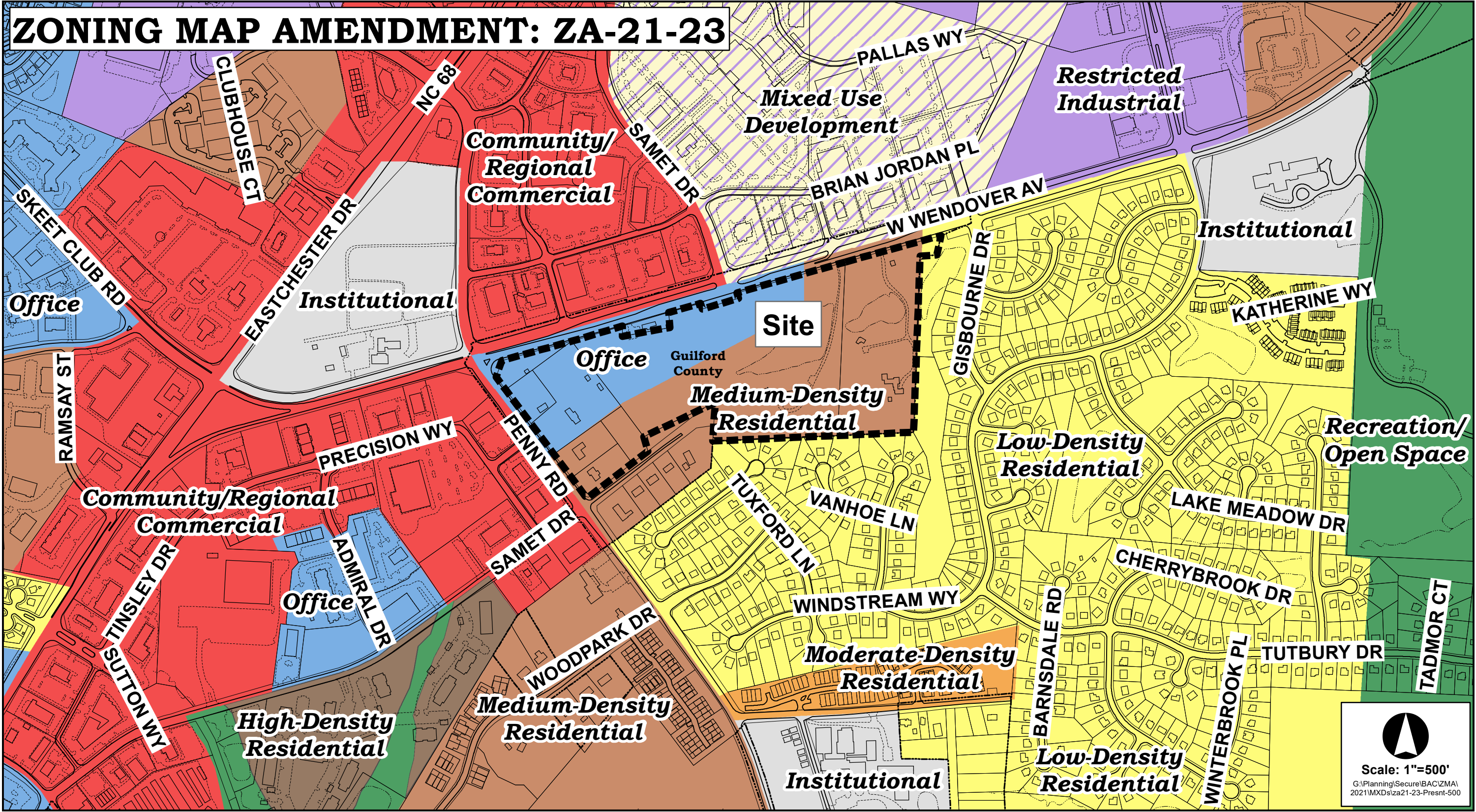
ZONING MAP AMENDMENT: ZA-21-23



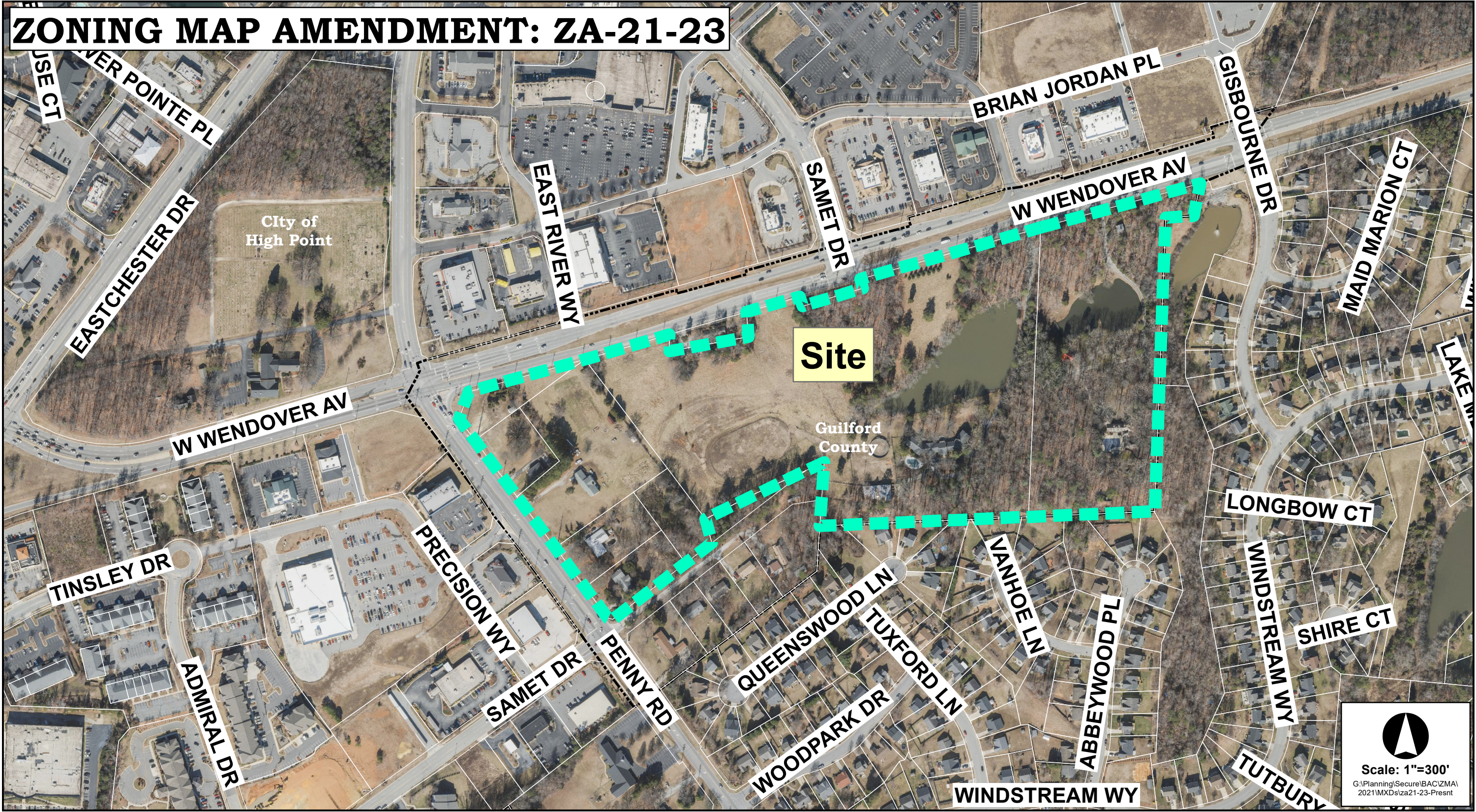
ZONING MAP AMENDMENT: ZA-21-23



ZONING MAP AMENDMENT: ZA-21-23



ZONING MAP AMENDMENT: ZA-21-23



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, 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 October 26, 2021 and before the City Council of the City of High Point on November 15, 2021 regarding **Zoning Map Amendment Case 21-23 (ZA-21-23)** 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 October 17, 2021, for the Planning and Zoning Commission public hearing and on November 5, 2021 and November 10, 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 15, 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 37 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, 196673, 170002, 170004 (portion), 170005 and 170006 and 170007.

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 and the southern boundary of Tax Parcel 17007 (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.

3. Development at the northwestern corner of the rezoning site (opposite historic Deep River Friends Meeting):

At the northwestern corner of the rezoning 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 shall be designed to ensure that such building(s) will be architecturally compatible with the historic Deep River Friends Meetinghouse. Building design standards will include compatible building materials, compatible colors, and a roof design (a pitched roof or a parapet wall system that visually conceals the roof and roof-mounted HVAC systems from the road).

4. Eastchester Gateway Corridor Overlay District Standards:

The following standards from the Eastchester Gateway Corridor Overlay District Standards shall apply:

- 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 and 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 in Section 3.8.7.F.7 (Building Standards) of the Development Ordinance
- c) Landscaping: The rezoning site shall only be subject to Section 3.8.7.F.5(a) and (b) (Landscaping Standards) of the Eastchester Gateway Corridor Overlay District.

B. Landscaping, Buffers and Screening.

1. Higher Landscaping at the southeastern boundary of the zoning site
For nonresidential uses, a minimum 25 foot wide perimeter planting yard shall be installed along the southeastern property boundary of Guilford County Tax Parcel 17005 and 17007 (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.
2. Required Streetyard (Perimeter Landscape Yards), along the W. Wendover Avenue and Penny Road frontages of the zoning, site shall be planted at a rate of 4 canopy trees per 100 linear feet and 17 shrubs per 100 linear feet.
3. Along the southwestern boundary of the rezoning site (northwestern boundary of Samet Drive facing the single-family homes to the south), a minimum 25-foot landscaping street yard (planted to the Type C-Yard Rate) shall be installed along the north side of Samet Drive if the back of any future building(s) face Samet Drive. This higher landscape standard shall not apply where front or sides of any building(s) face Samet Drive.

Note regarding Transportation Conditions for the November 15, 2021 City Council Public Hearing: The bold/highlighted text is the language offered by the applicant at the Oct. 26, 2021 Planning & Zoning Commission public hearing, and approved by the Commission.

C. Transportation Conditions.

1. Right-of-way Dedication

- a) Samet Drive Extension: As part of Land Development approval, the property owner **upon design and construction of Samet Drive as described in the TIA by Davenport Engineering, the developer** shall dedicate sufficient right-of-way **from land that it owns or controls,** 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: Five points of **full** 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 **shall be** ~~are generally~~ consistent with the improvements recommended in the TIA provided by Davenport, Project #: 200064
 - i. The **developer** ~~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 city road project Samet extension** the following improvements shall be installed.
(NOTE TO CITY COUNCIL: The above noted change was submitted by the applicant after the Oct. 26 P&Z public hearing)
- 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. 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. 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. 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 **in front of Access 3**. The design and length of this median will be determined **by NCDOT** during the plan submittal process.

(NOTE TO CITY COUNCIL: The above noted change “in front of Access 3” was submitted by the applicant after the Oct. 26 P&Z public hearing)

- 4. **Other Transportation Conditions:** The City of High Point Transportation **Department Director** and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements. However, location and design shall not materially depart from the information within the TIA.

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 **15th** day of **November, 2021**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Lisa B. Vierling, City Clerk

Neighborhood Communications Report

Shamrock Petey, Inc.

ZA-21-23

Wendover, Penny, and Samet Dr. Ext.

Submitted by
Thomas E. Terrell, Jr.
October 18, 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

Ms. Patrina Hardison called for instructions on how to attend the neighborhood meeting by phone rather than Webex. We promised that she would get a personal call from Dennis Bunker if we could not figure it out.

3. Neighborhood Meeting

A virtual meeting was held between 5:00 and 6:15 on October 18, 2021. In attendance were Christy and Jason Dvorscak, Rochelle and Lee Coleman, Rusty Smith and Laura Jenkins, and Patrina Hardison. Tom Terrell, Dennis Bunker (Shamrock Petey) and Jim Grdich, consultant to the developer.

The tone of the meeting was cordial, professional, and productive. There was a short presentation from developer and representatives, followed by questions and discussions.

Ms. Coleman, who lives on Gisbourne, expressed concerns about the following: pollution, trash, overcrowded schools, crime, noise, loss of wildlife, traffic, and losing her view of the pond in front of her house. She asked about construction timeline in case she decides to move.

Ms. Hardison echoed Ms. Coleman's concerns.

Both Ms. Dvorscak and Ms. Jenkins stated that development on a major corridor is inevitable and appreciated that Samet Ext. might alleviate the cut-through traffic from Wendover to Penny through Nottingham.

Mr. Bunker explained that this has been a long process and reviewed the use and development restrictions protecting Nottingham. He also explained that no tenants have been selected and the timetable for development.

Exhibit A



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

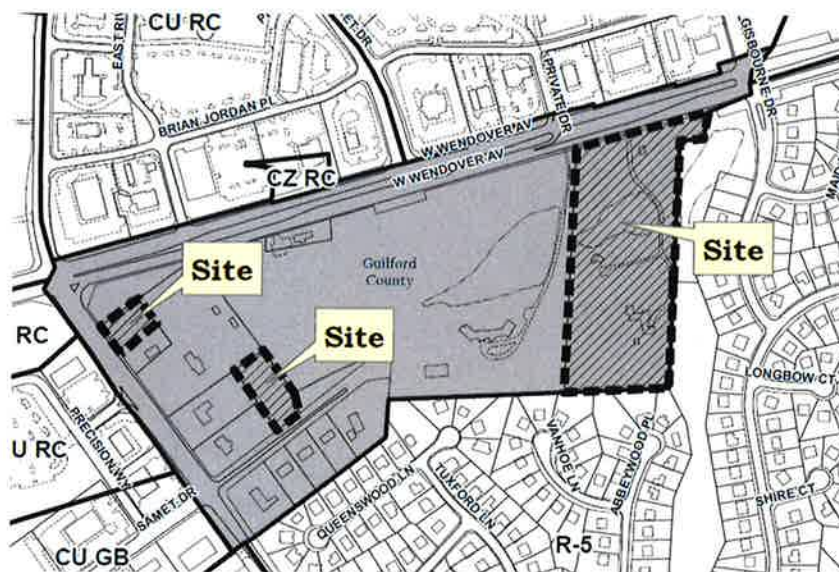
TOM TERRELL
Direct No: 336.378.5412
Email: TTerrell@Foxrothschild.com

October 7, 2021

Dear Neighbor,

On September 28, the High Point Planning & Zoning Commission recommended favorably to the High Point City Council the rezoning of several tracts at Penny and Wendover. The City Council will consider the annexation and rezoning of those tracts on November 1.

Three additional tracts, which were not be part of that original application, will now be considered by the Planning & Zoning Commission on October 26 and will be joined with the first tracts for consideration by the City Council on November 1. The applications have been filed under the name Shamrock Petey, LLC, a company established for this project by well-known development company Bunker Land Group. The original tracts (shaded gray) and added tracts (tracts with lines) are shown 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.

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

Adjacent to Queenswood and Vanhoe Lanes, uses are limited to residential and office, and a wider buffer with a double row of tall evergreens will be provided for visual screening.

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 Monday, October 18, from 5:00 to 6:00 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