APPLICATION FOR A CONDITIONAL USE PERMIT

CITY OF HIGH POINT, NORTH CAROLINA

June 11, 1998 (Date Approved)	June 7, 2001. (Major & Minor Amendment)	August 7, 2003 (Minor Amendment)
May 6, 1999 (Major Amendment)	September 6, 2001. (Minor Amendment)	
June 15, 2000. (Major Amendment)	<u>December 19, 2002</u> (Major Amendment)	

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

The undersigned hereby respectfully requests that the High Point City Council, pursuant to Title 9, Chapter 3 of the High Point City Code, grant a Conditional Use Permit for the following uses, subject to the following conditions:

I. USES:

- A. The following land uses shall be permitted within the individual tracts of the subject Conditional Use Planned Unit Development-Residential (C.U. PDR) District, subject to the development and dimensional requirements as specified for each respective tract, the approved accompanying Sketch Plan, and the specific additional conditions listed in this Permit.
 - 1. <u>Tract A</u>: A maximum of eight (8) detached single-family residential dwelling units, or 1.7 du/ac single-family dwelling units/acre, shall be permitted subject to the development and dimensional requirements of the Residential Single Family-12 (RS-12) District.
 - 2. <u>Tract B</u>: A maximum of eighty-one (81) detached single-family residential dwelling units, or 2.56 single-family dwelling units/acre, shall be permitted subject to the development and dimensional requirements of the Residential Single Family-12 (RS-12) District, except that the minimum lot size shall be 11,000 square feet, and that side yard setbacks shall be a minimum of 7.5 feet.
 - 3. <u>Tract C</u>: A maximum of 115 detached single-family residential dwelling units, or 2.6 single-family dwelling units/acre shall be permitted with a minimum lot size shall be 10,000 square feet, a minimum 25-foot front yard setback, a minimum 25-foot rear yard setback, and minimum 5-foot side yards with a total of 15 feet for both. The remainder of development and dimensional requirements shall be in accordance with the Residential Single Family-12 (RS-12) District.

- 4. <u>Tract C-2</u>: A sales center, clubhouse, swimming pool, tennis courts, playground, and other miscellaneous recreational uses shall be permitted as uses permitted by right, but otherwise subject to the development and dimensional requirements of the Residential Single-Family-12 (RS-12) District.
- 5. <u>Tract D</u>: A maximum of 184 single-family dwelling units, or 3.1 single-family dwelling units/ acre, shall be permitted subject to the development and dimensional requirements of the Residential Single Family-7 (RS-7) District.
- 6. <u>Tract E</u>: A maximum of 72 dwelling units, or 5.0 dwelling units/acre, shall be permitted as follows:
 - a. Multifamily residential development limited to townhouse construction shall be permitted subject to the development and dimensional requirements of the Residential Multifamily-5 (RM-5) District; or
 - b. A detached single-family residential cluster development shall be permitted as a use permitted by right, but otherwise subject to the development and dimensional requirements of the Residential Single Family-7 (RS-7) District.
 - c. An attached single family residential plot cluster development is permitted subject to the following development standards.
 - i. The minimum lot size shall be 3,200 square feet.
 - ii. The minimum front setback from interior roadways shall be twenty-five (25) feet.
 - iii. The minimum rear setback from interior roadways shall be fifteen (15) feet.
 - iv. A minimum of fifteen (15) feet shall be provided between all unattached principal residential buildings.
 - v. A minimum of twenty (20) feet shall be provided between the fronts and rears of all principal residential buildings.
 - vi. The minimum plot frontage shall be forty (40) feet.
 - vii. Common areas shall be provided in accordance with the standards of Section 9-4-11(a)(2)d. 4, 5 & 6.
 - d. The maximum building height for any permitted use shall be two (2) stories not to exceed forty (40) feet.
- 7. <u>Tract F</u>: A maximum of 264 multifamily residential dwelling units, or 12.5 multifamily dwelling units/acre shall be permitted subject to the development and dimensional requirements of the Residential Multifamily-18 (RM-18) District. Further, construction may be apartment, townhouse or condominium

construction, and shall be a maximum of three (3) stories in height not to exceed fifty (50) feet.

- 8. <u>Tract G</u>: A maximum of 240 dwelling units, or 12.61 dwelling units/acre, shall be permitted as follows:
 - a. Multifamily residential development with apartment, townhouse or condominium construction shall be permitted subject to the development and dimensional requirements of the Residential Multifamily-18 (RM-18) District; or
 - b. An attached single-family residential plot cluster development, or a detached single-family residential cluster development shall both be permitted as uses permitted by right, but otherwise subject to the development and dimensional requirements of the Residential Single Family-7 (RS-7) District.
 - c. The maximum building height for any permitted use shall be three (3) stories not to exceed fifty (50) feet.
- 9. <u>Tract H-1</u>: A maximum of 60 dwelling units, or 4.64 dwelling units/acre, shall be permitted as follows:
 - a. Multifamily residential development limited to townhouse construction shall be permitted subject to the development and dimensional requirements of the Residential Multifamily-5 (RM-5) District; or
 - b. An attached single-family residential plot cluster development, or a detached single-family residential cluster development shall both be permitted as uses permitted by right, but otherwise subject to the development and dimensional requirements of the Residential Single Family-7 (RS-7) District.
 - c. Where justified by environmental, topographical, or other physical features, a detached single-family residential cluster development with a minimum lot size of 3,500 square feet, minimum 15-foot front yard setbacks, minimum 15-foot rear yard setbacks, and minimum five-foot side yards. The maximum building coverage percentage for each lot shall not apply. A minimum of 40 percent of the site shall be in common area for open space subject to the standards of Section 9-4-11(a)(2)d. 4. And 5. (Common Area Open Space Development Standards)
 - d. Zero side setback development shall also be permitted subject to the following development standards:
 - i. Setbacks of zero feet (0') are permitted only where the lots on both sides of the affected lot line are part of a zero setback development.

- ii. Zero setback developments must contain ten (10) or more contiguous lots served by municipal sanitary sewer.
- iii. A wall and roof maintenance easement measuring five feet (5') along one-story walls and ten feet (10') along two-story walls shall be provided on the opposite side of the zero setback lot line.
- iv. Every lot shall provide one side setback of at least ten feet (10').
- v. The minimum separation between dwellings shall be ten feet (10').
- vi. The Preliminary Plat shall indicate the proposed single family dwelling footprint on each lot to show which side lot line will have a zero side setback and to show that all other required setbacks and maintenance easements are provided.
- e. The maximum building height for any permitted use shall be two (2) stories not to exceed forty (40) feet.
- 10. <u>Tract H-2</u>: A church with its customary accessory structures and uses shall be permitted with primary access to the proposed westernmost access road (Plank Road), subject to the dimensional and development requirements of the Residential Single Family-12 (RS-12) District, except that associated accessory uses and structures, to include parking, recreational field(s), a picnic shelter, and a maintenance/equipment shed, may be located across Old Plank Road from the principal church facilities.
- 11. <u>Tract I</u>: A maximum of 156 dwelling units, or 9.14 dwelling units/acre, shall be permitted as follows:
 - a. Single-family residential dwellings subject to the development and dimensional requirements of the Residential Single Family-7 (RS-7) District; or
 - b. An attached single-family residential plot cluster development, or a detached single-family residential cluster development shall be permitted as uses permitted by right, but otherwise subject to the development and dimensional requirements of the Residential Single Family-7 (RS-7) District; or
 - c. Multifamily residential development limited to townhouse or condominium construction shall be permitted subject to the development and dimensional requirements of the Residential Multifamily-8 (RM-8) District, except that the setback from a public street right-of-way may be reduced to 20 feet for a side of a unit when:
 - i. A minimum 20 foot wide Type C planting yard is provided between the unit and the public street right-of-way; and
 - ii. The setback reduction is specifically for the side of a unit. Setbacks for the front and rear of a unit shall meet the requirements of the RM-8 District.

- d. Where justified by environmental, topographical, or other physical features, a detached single-family residential cluster development with a minimum lot size of 3,500 square feet, minimum 15-foot front yard setbacks, minimum 15-foot rear yard setbacks, and minimum five-foot side yards. The maximum building coverage percentage for each lot shall not apply. A minimum of 30 percent of the site shall be in common area for open space subject to the standards of Section 9-4-11(a)(2)d. 4. And 5. (Common Area Open Space Development Standards)
- e. Zero side setback development shall also be permitted subject to the following development standards:
 - i. Setbacks of zero feet (0') are permitted only where the lots on both sides of the affected lot line are part of a zero setback development.
 - ii. Zero setback developments must contain ten (10) or more contiguous lots served by municipal sanitary sewer.
 - iii. A wall and roof maintenance easement measuring five feet (5') along one-story walls and ten feet (10') along two-story walls shall be provided on the opposite side of the zero setback lot line.
 - iv. Every lot shall provide one side setback of at least ten feet (10').
 - v. The minimum separation between dwellings shall be ten feet (10').
 - vi. The Preliminary Plat shall indicate the proposed single family dwelling footprint on each lot to show which side lot line will have a zero side setback and to show that all other required setbacks and maintenance easements are provided.
- f. The maximum building height for any permitted use shall be three (3) stories not to exceed fifty (50) feet.
- 12. <u>Tract J</u>: Any of the land uses as allowed in the Neighborhood Business (NB) District shall be permitted subject to the development and dimensional requirements of the NB District.
 - a. Interior setbacks shall be a minimum of five (5) feet.
 - b. Except for Retail Trade Uses, development may exceed the maximum 3,000 square foot use requirements.
 - c. Parking Parking may be located within the front of buildings subject to the following:
 - i. No more than 10 percent of the parking along Westover Drive may have a double row layout. The remainder of the parking layout shall be single row abutting the building;
 - ii. Where parking is located in front of a building, a minimum 3 foot high landscaped berm shall be provided along that portion of the street frontage of the tract.

- iii. A street yard planted at the Type C planting rate and minimum width shall be provided along the tract's Westover Drive frontage, except that additional plantings equivalent to a Type B planting rate shall be provided adjacent to any double row parking layout.
- iv. A double row parking layout shall be permitted along the Old Plank Road street frontage subject to the provision of an average 15-foot wide street yard along the Old Plank Road frontage planted at the Type B planting rate.
- v. If the tract is developed with a single row of parking adjacent to the Old Plank Road street frontage, then a street yard shall be provided in accordance with condition c.iii. above.
- d. Architectural Design Standards A uniform architectural theme shall be designed to create a harmonious style through consideration of proportion, detail, material, color and site planning. Prior to development upon the tract, design standards shall be submitted for approval by the Director of Planning. Said standards shall be recorded as restricted covenants and at a minimum shall address the following:
 - i. The roofs of all buildings shall be pitched. Mansard roofs are not an acceptable substitute.
 - ii. All buildings shall be built primarily with brick veneer, stone or similar construction materials. Wood or vinyl siding shall be permitted for trim. No metal siding shall be allowed.
 - iii. Exterior building materials and colors shall be substantially consistent and compatible throughout the tract.

II. CONDITIONS

- A. Owners' Association(s): Owners' association(s) shall be established in accordance with the requirements and purposes of Sections 9-4-3(f) and 9-6-10 of the Development Ordinance prior to the recordation of a final plat.
- B. Open Space and Common Recreational Facilities: Common area open space shall be provided in accordance with Section 9-6-10 (Planned Unit Development District Section) of the Development Ordinance, as well as the location requirements of Section 9-4-11(a)(2)d.4. and 5. of the Ordinance. Within the open space shown on the approved Sketch Plan, the property owner shall make an offer of dedication to the City of High Point for a public park, the size and location of said park to be approved by the property owner and the City of High Point.
- C. <u>Greenway</u>: The property owner shall dedicate to the City of High Point, within the common areas of the development, open space for public greenway trails. Said open space shall be a minimum of 15 feet in width. The greenway shall

traverse the property from south to north within the common area open space adjacent to Rich Fork Creek. Dedication of said open space may be incremental in accordance with phase development, and shall take place with the recordation of final plat(s).

- D. <u>Environmentally Sensitive Areas</u>: The property owner shall reserve as common area any wetland area on the property, as defined and designated by the US Army Corps of Engineers, and any other environmentally sensitive areas as required by Section 9-2-2(g) (Planned Unit Development District) of the Development Ordinance. Such environmentally sensitive areas shall be left natural and undisturbed, except as required for approved road and other vehicular and pedestrian access crossings, utilities, natural water features (lake or pond), and erosion control devices.
- E. <u>Landscaping</u>: Landscaping shall be provided in accordance with Section 9-5-11 of the Development Ordinance, except as provided below:
 - 1. A fifty-foot (50') wide Type "A" Planting Yard shall be provided along the northern and northwestern boundaries of Tract F.
 - 2. If Tract H is developed as multifamily residential dwellings, a fifty-foot (50') wide Type "A" Planting Yard shall be provided along the western boundary of said tract.
 - 3. A landscape plan for each tract of development must be approved prior to the issuance of the first building permit for each respective tract or portion thereof. Where feasible, the landscaping plan shall utilize existing vegetation to meet planting yard requirements.
- F. <u>Signage</u>: Signage shall be in accordance with the approved Common Signage Plan for the subject property. Sign drawings consistent with the Common Signage Plan criteria, for the purpose of obtaining sign permits, shall be required prior to the issuance of building permits for each phase or portion thereof.
- G. <u>Fences</u>: Fences shall be permitted in accordance with Section 9-4-14 of the Development Ordinance, except that the allowable height shall be six (6) feet within fifteen (15) feet of any street right-of-way when along a rear or side property line. A common fence plan shall be submitted with the required landscaping plan for each development tract. The common fence plan shall address the types of fences permitted in the development tract and shall specify on common fence type to be used along street frontages in that development tract.
- H. <u>Exterior Lighting</u>: Exterior pole lighting on multifamily tracts and within 100 feet of single-family development on properties adjacent to the subject property, shall be limited to twenty (20) feet in height and shall be directed away from said single-family residential properties.

I. <u>Parking</u>: Parking shall be provided in accordance with the requirements of Section 9-5-6 of the Development Ordinance.

J. <u>Transportation</u>:

- 1. Right of Way: The property owner shall dedicate a 200-foot wide road right-of-way adjacent to Rich Fork Creek, connecting Westover Drive to the northern property line, for the construction of the future Westside Thoroughfare. The exact location of said right-of-way shall be subject to the review and approval of the North Carolina Department of Transportation and the City of High Point Director of Transportation.
- 2. No residential driveway access shall be permitted to Westover Drive, Hedgecock Road, Horneytown Road or the Westside Thoroughfare.
- 3. Two (2) commercial driveway access points shall be permitted to Westover Drive. In addition, all non-residential land uses must provide for internal vehicular access.
- 4. In addition to the permitted commercial driveway access points, two (2) street-type access points, neither of which is the Westside Thoroughfare, shall be permitted to Westover Drive. The exact location and design of said access points shall be subject to the review and approval of the North Carolina Department of Transportation and the City of High Point Director of Transportation. In addition, no access point along Westover Drive shall be located within 400 feet of the Westside Thoroughfare right-of-way.
- 5. One (1) street-type access point shall be permitted to Horneytown Road. The exact location and design of said access point shall be subject to the review and approval of the North Carolina Department of Transportation and the City of High Point Director of Transportation.
- 6. One (1) street-type access point shall be permitted to Hedgecock Road. The exact location and design of said access point shall be subject to the review and approval of the North Carolina Department of Transportation and the City of High Point Director of Transportation.
- 7. The property owner shall provide for a sound interior local street pattern addressing the design criteria of local, collector and thoroughfare streets where appropriate. Said street pattern shall provide for safe and efficient vehicular movement through the development and integrate with existing and future street patterns within the development as determined by the Director of Transportation. Specifically, the property owner shall provide a stub street connecting the existing driveway that provides access to the adjacent manufactured (mobile) homes located west of the rezoning site. Dedication

- and construction may be incremental in accordance with phase development consistent with the recordation of final plat(s).
- 8. The property owner shall dedicate additional right-of-way along the street frontages of the subject property equivalent to 42 feet from the road centerlines of Westover Drive, Hedgecock Road, and Horneytown Road. Dedication shall occur at the time of final plat approval(s).

9. Turn Lanes:

- a. The applicant shall dedicate and construct turn lanes at all entrances to the development from any public street right-of-way.
- b. North-bound and west-bound right-turn lanes shall be provided at the intersection of Horneytown Road and Westover Drive by the applicant at the request of NCDOT.
- c. South-bound left-turn and west-bound right-turn lanes shall be provided at the intersection of Horneytown Road and Hedgecock Road by the applicant at the request of NCDOT.
- 10. Pedestrian Movement: The property owner shall construct a sidewalk system that will provide access from the dedicated greenway within the development to the nearest connecting street(s).
- 11. If the NCDOT determines that the connector between Hedgecock Road and US Highway 311 is feasible and the NCDOT is willing to construct it, then the owner shall participate financially in the construction of that connector road at a percentage agreed upon between the property owner and the NCDOT.
- 12. If the property owner cannot obtain an alternate access to US Highway 311, then the developer shall be fully responsible for the installation of a signal at the intersection of Hedgecock Street and North Main Street and shall participate 50% in the installation costs of a signal at the intersection of Westover Drive and North Main Street once it is determined by the NCDOT that these intersections meet the appropriate warrants.
- K. <u>Timing of Development</u>: The development of the property may be phased in any sequence provided that each phase shall comply with the applicable requirements of this Conditional Use Permit and the approved Sketch Plan and Unified Development Plan.

<u>DESCRIPTION OF PROPERTY</u>: Being three (3) tax parcels totaling approximately 360.58 acres and located west of the Davidson County/Guilford County line, generally north of

Westover Drive, south of Hedgecock Road, and east of Horneytown Road. The parcels are known as Davidson County Tax Parcels 7-23A (recorded in Deed Book 555, Page 306), 7 & 8-44 (recorded in Deed Book 570, Page 662) and 7-33

An application has been duly filed requesting that the property involved in this application be rezoned from a RA-3 District in Davidson County's zoning jurisdiction, to a Conditional Use Planned Unit Development-Residential (C.U. PDR) District within the City of High Point's jurisdiction.

It is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property described in this request will be perpetually bound by the uses authorized and the conditions imposed, unless subsequently changed or amended as provided for in Title 9, Chapter 3 of the High Point City Code.

The City Council may add additional conditions to made the necessary findings of fact required for approval of a Conditional Use Permit.

It is further understood and acknowledged that plans for any development to be made pursuant to any such Conditional Use Permit so authorized shall be submitted to the Technical Review Committee and/or other such approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.

My commission expires:

3015 Maplewood Avenue Winston-Salem, NC 27103 Grover Shugart, Jr., President Shugart Enterprises, L.L.C. Owner North Carolina (STATE) Forsyth (COUNTY) a Notary Public of said Grove County and State, do hereby certify that personally came before me this day and acknowledged that he/she is the owner of real property described in the foregoing application. WITNESS my hand and official seal, this the 15th day of August Notary Public

Grover Shugart, Jr., President Shugart Enterprises, L.L.C. Owner	3015 Maplewood Avenue Winston-Salem, NC 27103
NORTH CAROLINA (STATE)	
DAUIDSON (COUNTY)	
I, Donna B. Simmons County and State, do hereby certify that grover personally came before me this day and acknowledge described in the foregoing application.	, a Notary Public of said SHUGART, JR. ged that he/she is the owner of real property
WITNESS my hand and official seal, this the 15	day of January , 20 03 .
<u> Do</u>	nna B. <u>Simmons</u> Notary Public
My commission expires:	NOTARY OF MY COME BOX 1128-8004

Low Shugh	3015 Maplewood Avenue Winston-Salem, NC 27103
Grover Shugart, Jr., President Shugart Enterprises, L.L.C. Owner	
North Carolina (STATE)	
Davidson (COUNTY)	
I, Donna B. Simmons County and State, do hereby certify that Groves personally came before me this day and acknowled.	
described in the foregoing application. WITNESS my hand and official seal, this the 16th	thday of <u>October</u> , 20 <u>01</u> .
My Country Cou	onna B. Simmon Notary Public
My commission expires: 11/25/2004	

Major Amendment #2 (March 2001) Signature Sheet

Grover Shugart, Jr., President
Shugart Enterprises, L.L.C.
Owner

3015 Maplewood Avenue Winston-Salem, NC 27103

North Carolina (STATE)

My commission expires:

Forsyth	
(COUNTY)	
I, Connie A. Ader, a Notary Public of sa	aid
County and State, do hereby certify that <u>Grove</u> Shugart, Tr.	
personally came before me this day and acknowledged that he/she is the owner of real prope	rty
described in the foregoing application.	
WITNESS my hand and official seal, this the 15th day of August, 2003.	
Creni a adu	
Notary Pub	lic

Major Amendment Conditional Use Permit 98-12 Shugart Enterprises, Inc. Page 10 of 10

Major Amendment (April 2000)

Grover Shugart, Jr., President Shugart Enterprises, L.L.C. Owner

3015 Maplewood Avenue Winston-Salem, NC 27103

DAUIDSON (COUNTY)

a Notary Public of said County and State, do hereby certify that _________ personally came before me this day and acknowledged that he/she is the owner of real property described in the foregoing application.

WITNESS my hand and official seal, this the __lo_ day of Octobe, 20_00

Down B. Si

My commission expires: 11/25/04



Rezoning Case 98-12 Shugart Enterprises, Inc. Conditional Use Permit Page 10 of 10

Minor Amendment #1 (May 1999) Signature Sheet

Grover Shugart, Jr., President Shugart Enterprises, L.L.C.

3015 Maplewood Avenue Winston-Salem, NC 27103

Owner

North Carolina (STATE)

Davidson

(COUNTY)

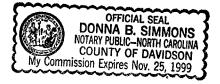
I, <u>DONNA B SIMMONS</u>, a Notary Public of said County and State, do hereby certify that <u>GROVER SHUGART</u>, JR personally came before me this day and acknowledged that he/she is the owner of real property described in the foregoing application.

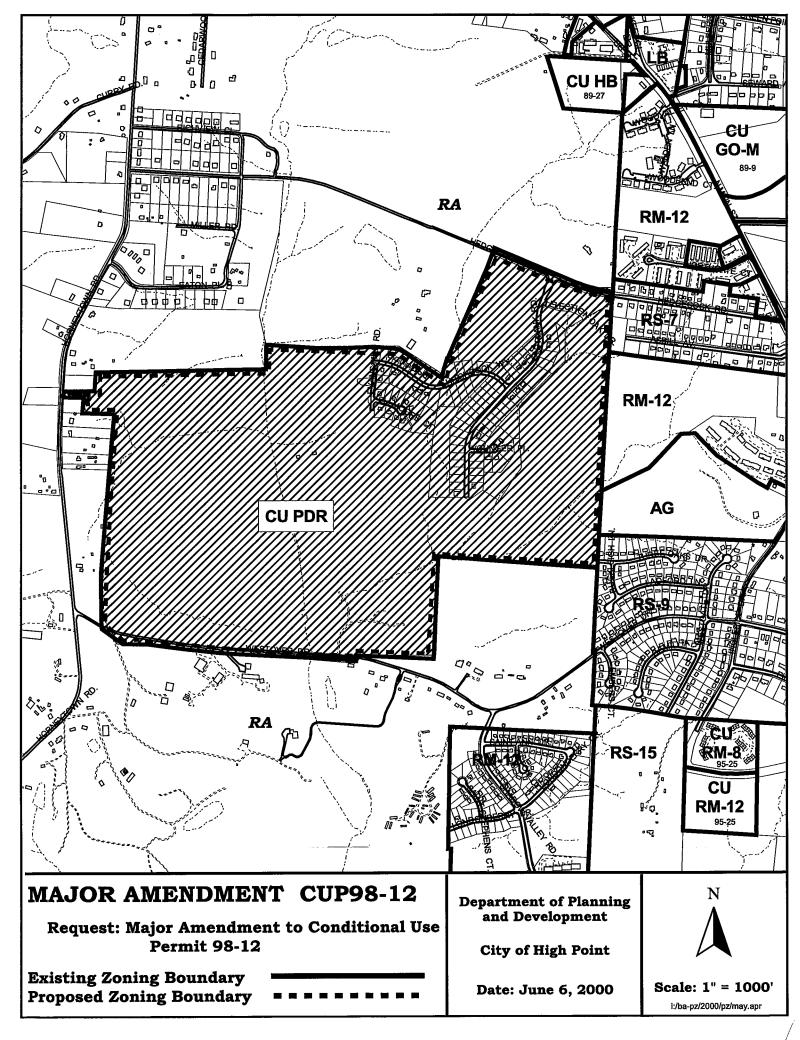
WITNESS my hand and official seal, this the 25th day of MAY, 19 99

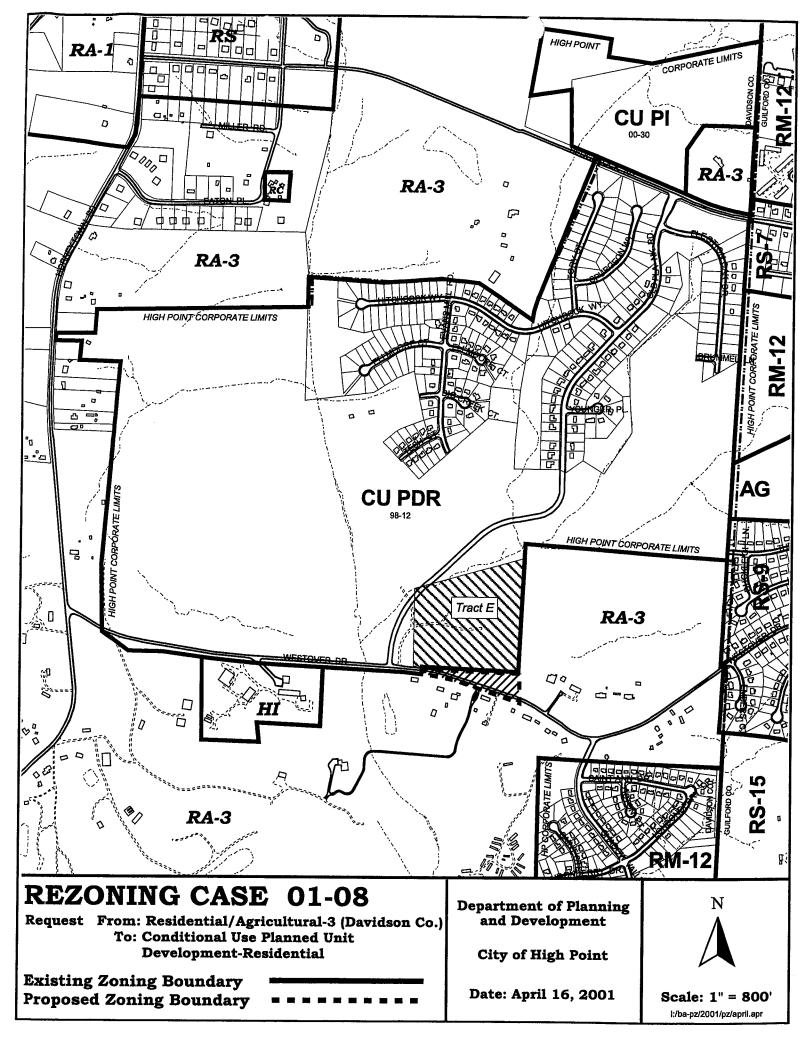
Donna B. Simmons

Notary Public

My commission expires: 11/25/99



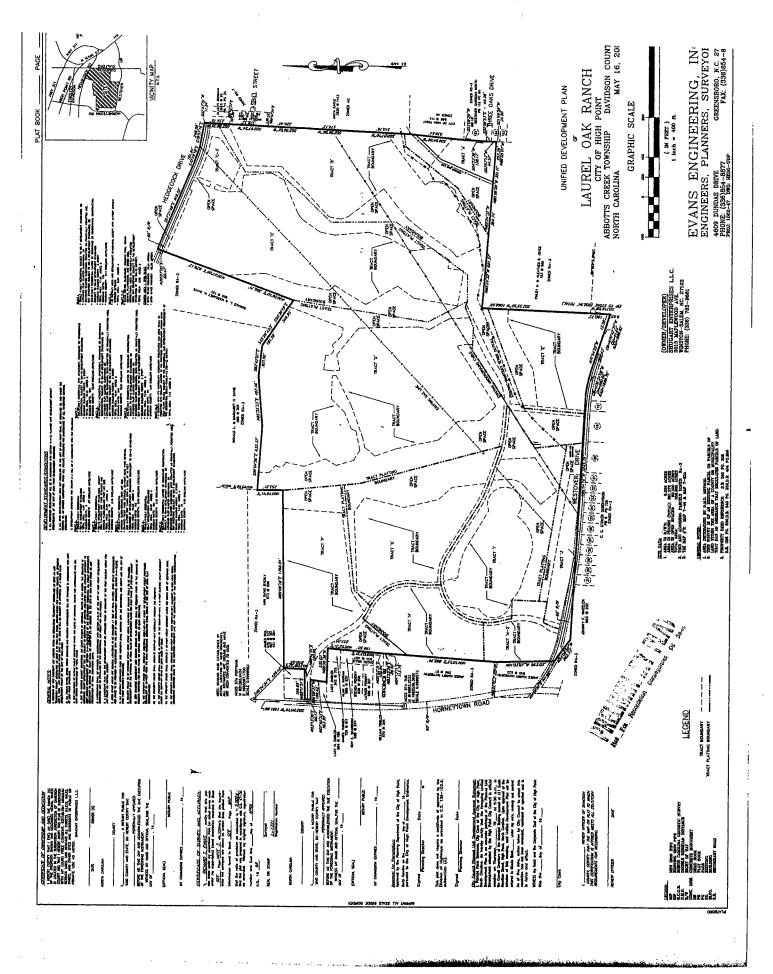


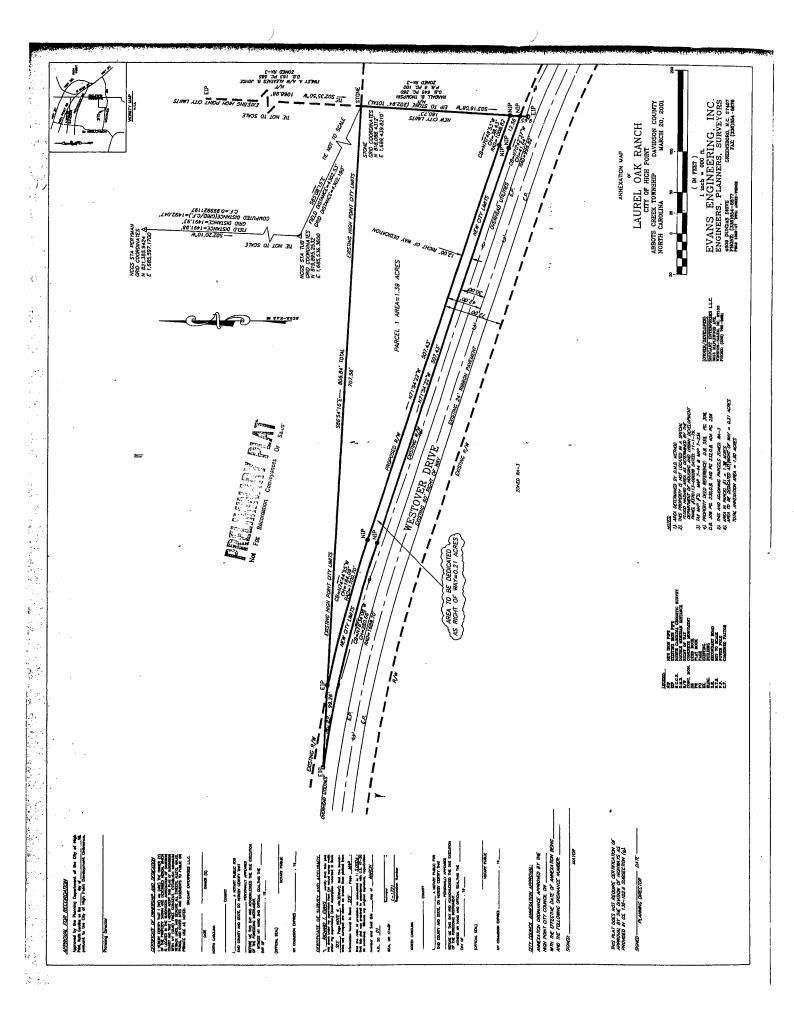


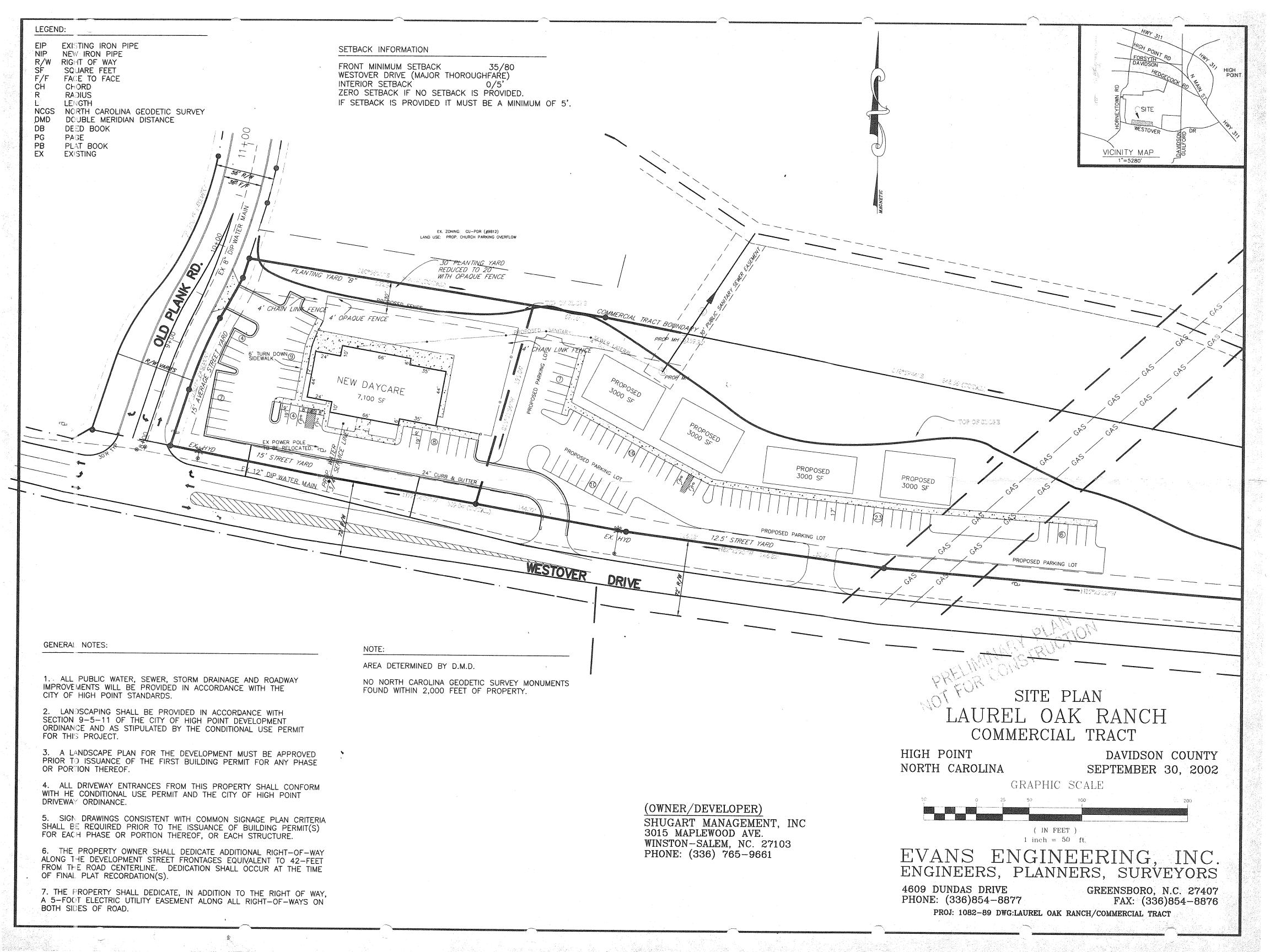
7. OPEN SPACE AREAS ARE GENERAL LOCATIONS TO BE FINALIZED AT TIME OF FINAL PLAT(S). OPEN SPACE REQUIREMENTS
PER PHASE TO BE PROVIDED IN ACCORDANCE WITH THE CITY OF HIGH DEVELOPMENT ORDINANCE, SECTION 9-4-3(c)(9).

PHONE: (336)854-8877 PROJ: 1082-47 DWG: HEDG-UDP

FAX: (336)854-8876







Book 1445
Pages 0470-0472

file? 3 PAGE(S) 08/04/2003 8:10 AM ROWALS W. CALLICUTT Engister Of Deeds

SEE EXHIBIT A

DESIGN COVENANTS FOR LAUREL OAK RANCH TRACT J, as recorded Deed Reference _____, and "IMUD" _____, Register of Deeds of Davidson County.

STATE OF NORTH CAROLINA

DESIGN AND APPEARANCE COVENANTS

COUNTY OF DAVIDSON

This DECLARATION AND DESIGN AND APPEARANCE COVENANTS, made this day of July, 2003, by Shugart Management, Inc.

WITNESSETH:

Whereas, Shugart Management, Inc. is the owner of a cortain parcel of land on the north side of Westover Drive in the City of High Point, the same being now utilized as an "IMUD" and;

Whereas, in order for Shugart Management, Inc. its successors in title, to construct A Daycare Facility, the site and building design will conform to guidelines approved by the Director of the High Point Department of Planning and Development;

NOW, THEREFORE, it is agreed that the Daycare Facility and all buildings in the "IMUD" are hereby governed by the following Design and Appearance Guidelines which have been approved by the Director of the High Point Department of Planning and Development;

- A. BUILDING HEIGHT: The buildings will be one-story in height. The roofs of all buildings shall be pitched. No mansard roofs will be allowed.
- B. EXTERIOR MATERIALS: All buildings shall be built primarily of brick veneer, stone or similar construction materials. Colors of the materials shall be consistent throughout the "IMUD". Wood or vinyl shall be permitted for trim only. No metal siding shall be allowed. The roofing materials on all buildings will be a fibergiass composition shingle and will be gray in color. The shingles will be consistent throughout the "IMUD".
- C. SIGNAGE: There will be a single development sign for the "IMUD". Other signage will be installed on the individual buildings and will be in accordance with the sign requirements of the City of High Point.
- D. WINDOWS AND DOORS: Windows and aluminum frames will be consistent throughout the "IMUD".
- E. LANDSCAPING: The landscaping will conform to the requirements set forth in the Conditional Use Permit #98-12.

SHUTHAT ENT. U.C.
3015 MAPLEWOOD ARE
WINGTON SALEW, N.C.
27103

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In order to obtain approvals for the construction of the Daycare Facility, Shugart Management, Inc. hereby gives, grants, and declares the foregoing Design and Appearance Guidelines in favor of the City of High Point for enforcement upon all buildings within the "IMUD" before a building permit can be approved for the Daycare Facility. A site plan and building elevations with necessary notes for the Daycare Facility has been submitted with a building permit application.

It is declared and acknowledged that these covenants are for the common benefit of, are appurtenant to and run with the above-described "IMUD" forever, and may be enforced by the City of High Point on any current or future owner.

IN WITNESS WHEREOF, Shugart Management, Inc. has caused these covenants to be executed as of the day and year first above written.

Shugart Management, Inc.

NORTH CAROLINA

FORSYTH COUNTY

I, DONNA B. SIMMONS, a Notary Public for said County and State, do herby certify that Shugart Management, Inc., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 10 day of July, 2003.

Donna B. Simmon Notary Public

Commission Expires:

11/25/04

Public (Notaries Rublic) is certified to be 60

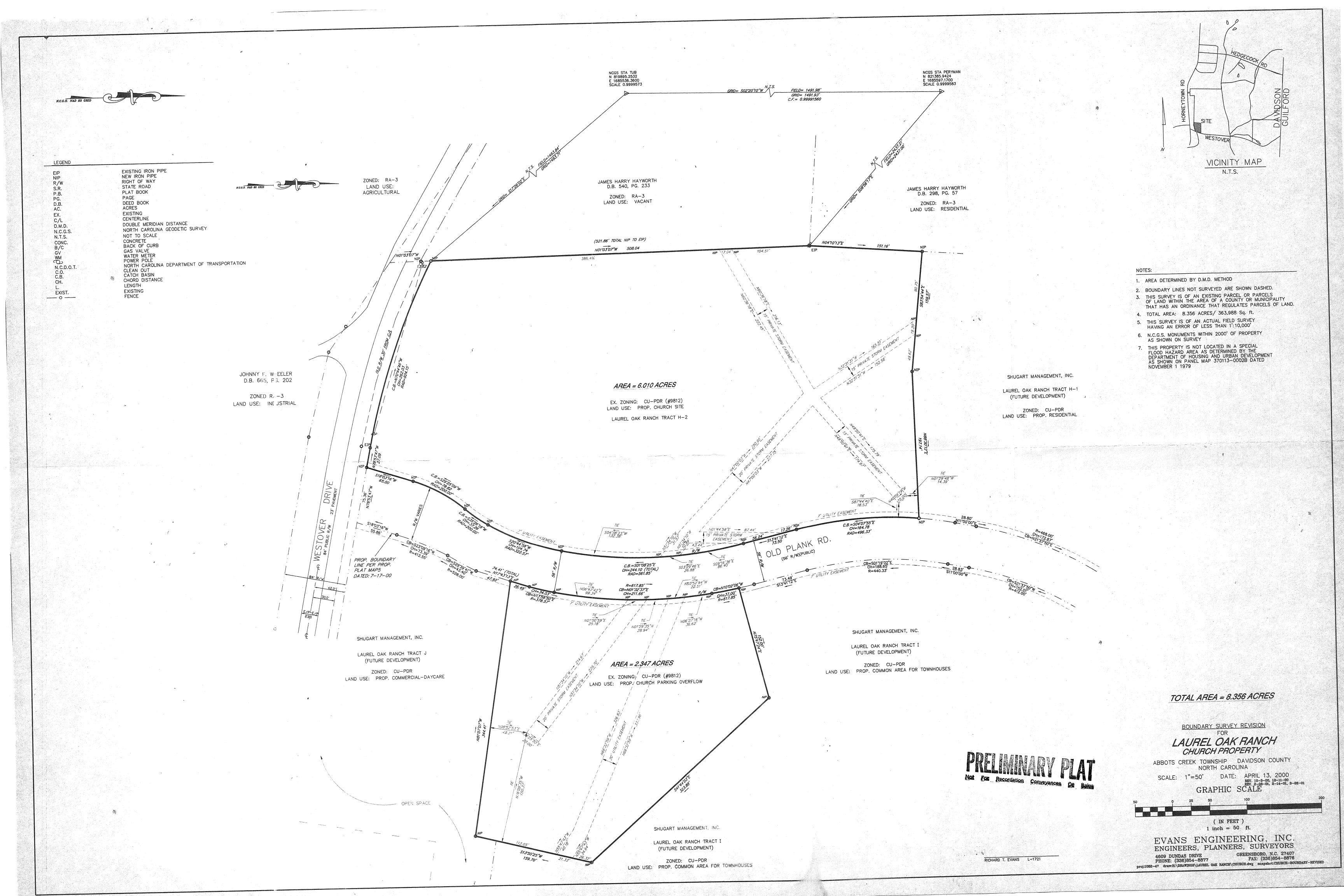
EXHIBIT "A" LAUREL OAK RANCH TRACT J (COMMERCIAL TRACT)

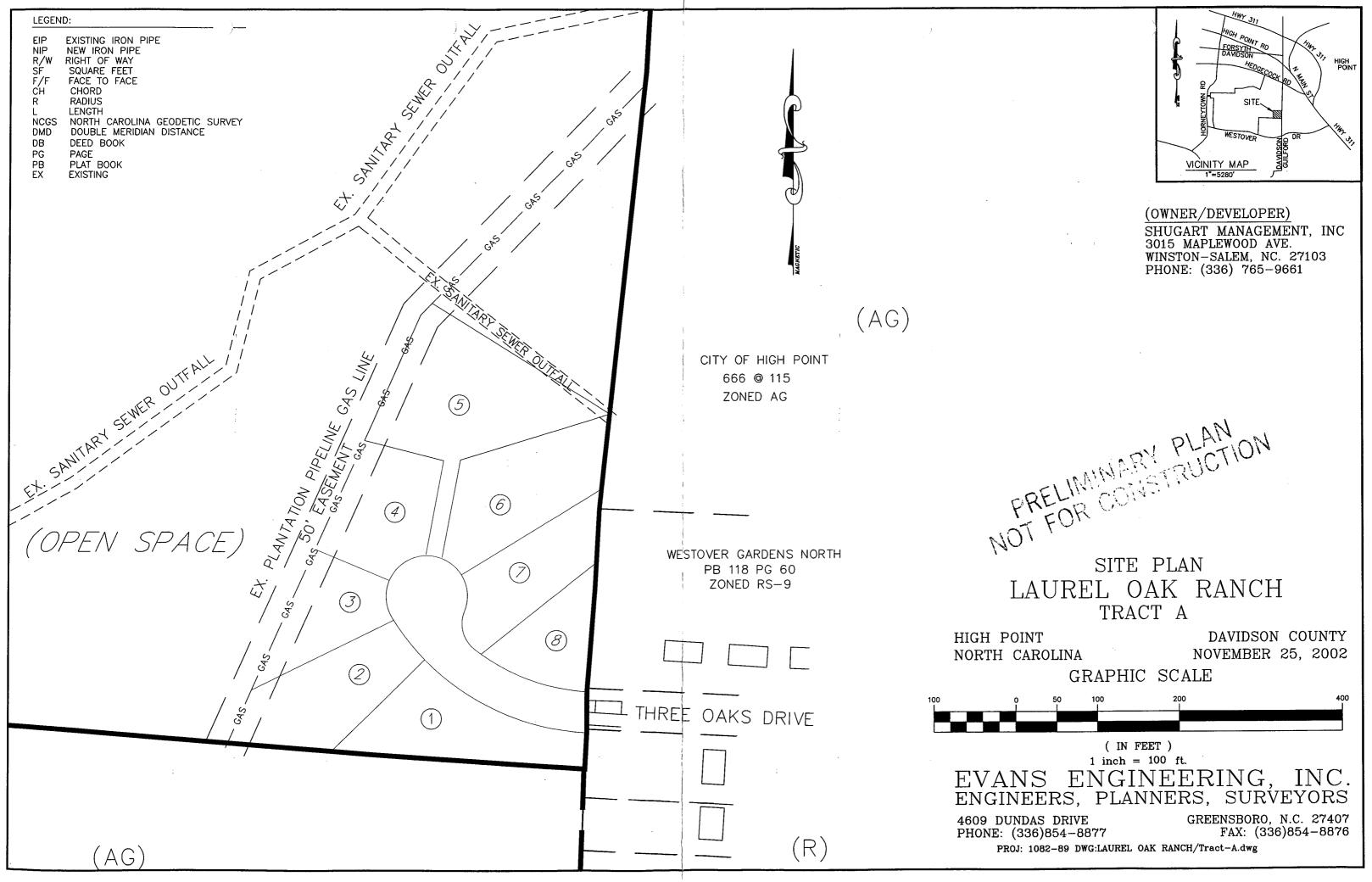
BEGINNING AT A NEW IRON PIPE IN THE NORTHEASTERN INTERSECTION OF OLD PLANK ROAD AND WESTOVER DRIVE, THENCE ALONG THE EASTERN RIGHT-OF-WAY OF OLD PLANK ROAD N 18 DEG 03 MIN 16 SEC E DISTANCE BEING 35.71 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 412.55 FEET AND A CHORD BEARING OF N 23 DEG 09 MIN 16 SEC E CHORD DISTANCE BEING 73.39 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 528 FEET AND A CHORD BEARING OF N 29 DEG 39 MIN 41 SEC E CHORD DISTANCE BEING 43.40 FEET TO A NEW IRON PIPE; THENCE N 17 DEG 43 MIN 09 SEC E DISTANCE BEING 19.28 FEET TO A NEW IRON PIPE; THENCE ALONG THE SOUTHERN LINE OF SHUGART MANAGEMENT, INC. PROPERTY AS RECORDED IN DEED BOOK 1077 PAGE 1535 S 80 DEG 56 MIN 25 SEC E DISTANCE BEING 342.12 FEET TO A NEW IRON PIPE; THENCE S 78 DEG 59 MIN 44 SEC E DISTANCE BEING 848.66 FEET TO A NEW IRON PIPE: THENCE S 03 DEG 41 MIN 45 SEC W DISTANCE BEING 116.07 FEET TO A NEW IRON PIPE ON THE RIGHT-OF-WAY OF WESTOVER DRIVE; THENCE ALONG THE RIGHT-OF-WAY OF WESTOVER DRIVE N 86 DEG 38 MIN 23 SEC W DISTANCE BEING 78.64 FEET TO A NEW IRON PIPE; THENCE N 85 DEG 25 MIN 12 SEC W DISTANCE BEING 483.08 FEET TO A NEW IRON PIPE; THENCE N 82 DEG 25 MIN 20 SEC W DISTANCE BEING 246.82 FEET TO A NEW IRON PIPE; THENCE N 79 DEG 54 MIN 07 SEC W DISTANCE BEING 309.04 FEET TO A NEW IRON PIPE; THENCE N 78 DEG 53 MIN 44 SEC W DISTANCE BEING 110.27 FEET TO A NEW IRON PIPE: THENCE N 30 DEG 25 MIN 16 SEC W DISTANCE BEING 26.71 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING 4.797 ACRES, MORE OR LESS.

EVANS ENGINEERING, INC., 1699 DUNDES DR., GREENSEDING, NO 27107 FADNE (510: 554 MAY).



legal-laurei oak ranch, trij/dy







MR. GROVER SHUGART, IR. OWNER/DEVELOPER 1"=600"

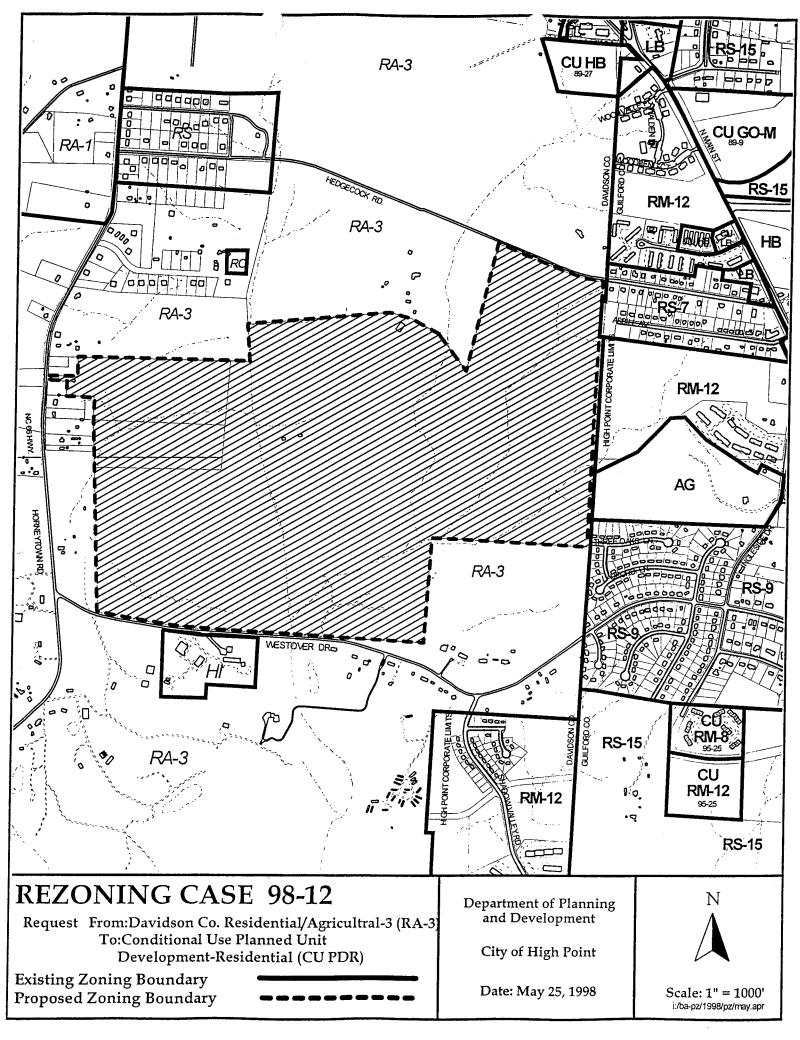
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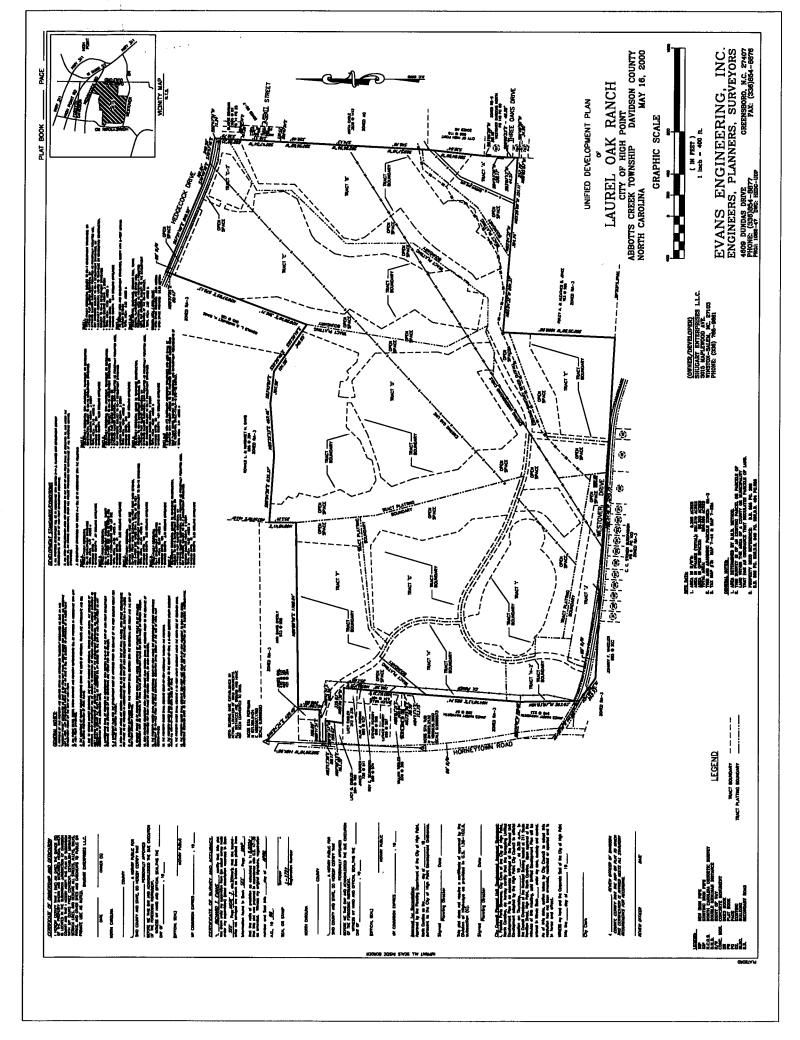
PROPOSED RESIDENTIAL SITE DENSITY = 332 UNITS/AC.

REZONING CASE 98-12 PLANNED UNIT DEVELOPMENT - RESIDENTIAL DEVELOPMENT SUMMARY

Tract	Maximum Area	Maximum Density (dwelling units per acre)	Permitted Uses	Maximum Units	Maximu m Height	Dev. Standards
A	4.47 acres	0.67	Single family dwellings	3	2 story	RS-12 District
В	31.69 acres	2.56	Single family dwellings	81	2 story	RS-12 District
С	44.23 acres	2.6	Single family . dwellings	115	2 story	RS-12 District
C-2	3.02 acres	N/A	sales and misc. recreational facilities	N/A	N/A	RS-7 District
D	59.27 acres	3.1	Single family dwellings	184	2 story	RS-7 District
E	12.98 acres	5.55	Multifamily townhouse construction, or attached single- family cluster, or single-family detached cluster development	72	2 story	RM-5 or RS-7
F	21.12	12.5	Multifamily dwellings	264	3 story	RM-18
G	19.04 acres	12.61	Multifamily dwellings or attached single- family cluster, or single-family detached cluster development	240	3 story	RM-18 District or RS-7
Н	12.92 acres	4.64	Multifamily townhouse construction, or attached single- family cluster, or single-family detached cluster development	60	2 story	RM-5 or RS-7

I	17.06 acres	9.14	Single-family dwellings or Multifamily townhouse construction, or single-family detached cluster development	156	2 story	RS-7 or RM-8
J	5.29 acres	N/A	Land uses permitted in the Neighborhood Business (NB) District	N/A	N/A	NB
Common Area/ Open Space	99.44 acres	N/A	N/A	N/A	N/A	N/A
Right-Of- Way	28.45 acres	N/A	N/A	N/A	N/A	N/A
TOTAL	358.98 acres		N/A	1175	N/A	N/A





AN ORDINANCE AMENDING "THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE," PURSUANT TO SECTION 9-3-12, ZONING MAP AMENDMENTS, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of The City of High Point adopted The "City of High Point Development Ordinance" on January 7, 1992 with an effective date of March 1, 1992, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on May 26, 1998 and before the City Council of the City of High Point on June 15, 1998 regarding Rezoning Case 98-12 a proposed amendment to the Official Zoning Map of the "City of High Point Development Ordinance";

WHEREAS, notice of the public hearings was published in the <u>High Point Enterprise</u> on <u>May 17, 1998</u>, for the Planning and Zoning Commission public hearing and on <u>June 3</u> and <u>June 10, 1998</u>, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on June 18, 1998,

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, North Carolina, be amended to establish the following described area as: A Conditional Use Planned Unit Development-Residential (CU PDR) District. The property is located generally north of Westover Drive, south of Hedgecock Road, east of Horneytown Road and west of the Guilford County/Davidson County line and is known as Davidson County Tax Parcels 7-23A, 7-44 and 8-44.

SECTION 2. 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 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. This ordinance shall become effective upon the date of adoption.

Adopted by City Council, This the <u>18th</u> day Of <u>June</u>, 1998.

Patricia Paris Simmons, City Clerk

Common Signage Plan Criteria

Component of Unified Development Plan Shugart Enterprises, Inc., LLP

April 21, 1998 (Adopted)

October 17, 2002 (Amended)

I. Purpose

The purpose of these criteria is to assure that all signage located within the subject planned unit development shall utilize a coordinated color, style, and lettering scheme. The criteria shall also govern the locations, alteration, and maintenance of all signage within the site as indicated on the approved Sketch Plan for the subject planned unit development.

II. General Requirements.

- A. The location of all signs shall be included on preliminary plats or site plans submitted to the City of High Point for approval pursuant to the approved Sketch Plan and Unified Development Plan.
- B. No sign shall be erected or altered until a permit has been obtained. Illuminated signage shall also require an electrical permit and be constructed in conformance with State and local laws governing electrical installation and materials.
- C. All signs and sign structures shall be maintained in good repair. It shall be the responsibility of the owners association to provide for said maintenance as detailed in the association documents.

III. Regulations

A. General Regulations

1. All signage shall be in conformance with the City of High Point Development Ordinance, Section 9-4-3(C)(6) for Planned Unit Development districts, and Table 5-16-2 "Specifications for Accessory Freestanding Signs Requiring a Permit", and the additional regulations listed in this section.

2. Development Entrance Signs:

a. One pair of development entrance signs per tract entrance shall be permitted, as well as one pair at the Horneytown Road entrance to the entire planned unit development. These development entrance signs shall be a maximum total of fifty (50) square feet per entrance and have a maximum height of six (6') feet

- b. One pair of development entrance signs for the entire planned unit development shall be permitted at the Westover Drive and Hedgecock Drive entrances, with a maximum total area of one hundred (100) square feet per entrance, or fifty (50) square feet per individual sign, and have a maximum height of eight (8') feet per sign.
- 3. Right-of-way encroachment(s) for development entrance signs shall be authorized for streets within the boundary of planned unit development, for locations depicted on approved development plans. Said encroachment(s) shall be subject to the approval of an Encroachment Agreement by the Director of Transportation and the City manager addressing the minimum criteria provided in Section 9-5-16(1)(1-4) of the City of High Point Development Ordinance.
- 4. Signs must be located outside any sight distance area.
- 5. <u>Instructional Signs:</u> Seven (7) instructional signs with a maximum area of fifteen (15) square feet per sign shall be permitted (see attached instructional sign location exhibits).

B. Specific Regulations

1. All sign bases shall be of similar design, utilizing common colors and compatible lettering types as specified in this section.

2. Colors

- a. Background: Dark green, rust, or brown.
- b. Lettering: Black, white, earthtones, or metal.

3. Sign Bases

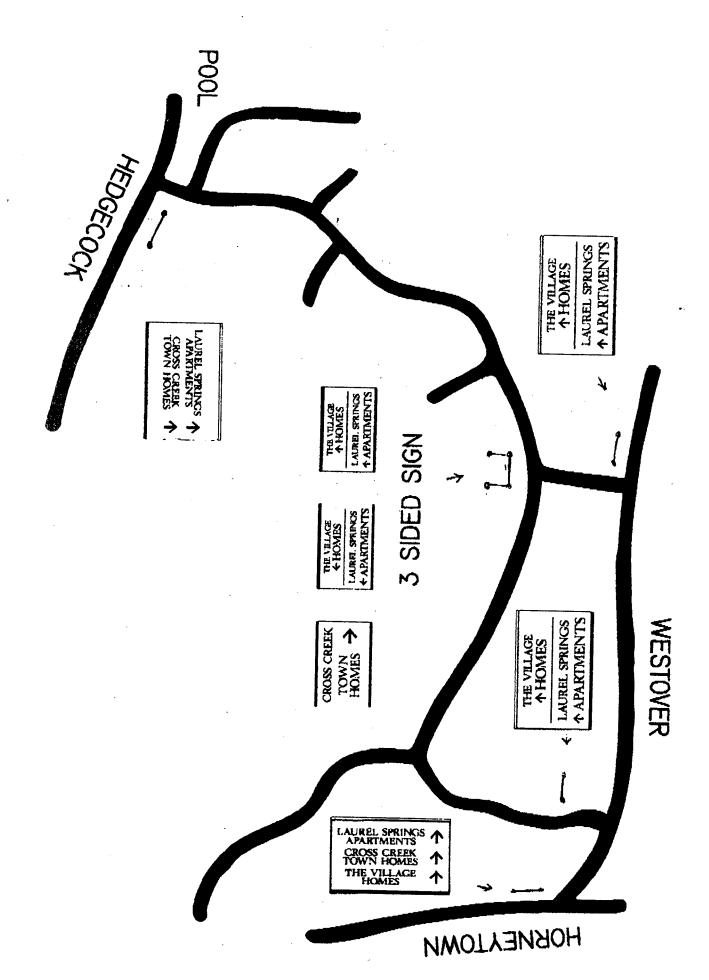
- a. Materials: Natural stone, stucco, or masonry
- b. Colors: Natural earthtones of material.

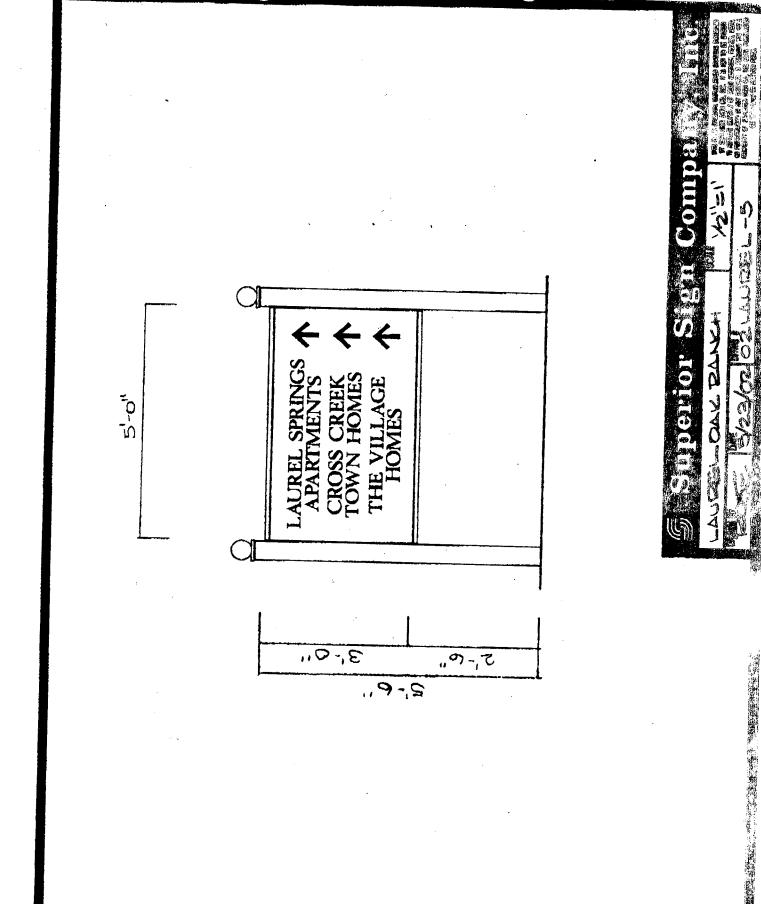
4. Lettering

- a. Height: Maximum 2 feet
- b. Style: Compatible lettering styles including autocad font and archstyle.

5. Illumination

- a. Master Development Entrance Signs: Floodlights.
- b. Tract Development Entrance Signs: Floodlights.
- c. Multifamily Signage: Floodlights.
- d. Nonresidential Signage: Cut-out letter lighting or floodlights.





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FAX 40. :

