

City of High Point

*Municipal Office Building
211 South Hamilton Street
High Point, NC 27261*

Meeting Agenda

Monday, December 7, 2009

4:45:00 PM

Council Chambers

Committee of the Whole

*Rebecca R. Smothers, Mayor
William S. Bencini, Mayor Pro Tem
Latimer B. Alexander, IV, Mary Lou Blakeney,
Foster Douglas, John Faircloth, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE**PRESENTATION OF ITEMS****FINANCE COMMITTEE - Council Member Whitley, Chair**

Committee Members - Bencini, Douglas, Alexander

090291**Budget Ordinance Amendment - Railroad Crossing & Roadway Improvements**

Council is requested to adopt a Capital Project Ordinance Amendment for North Carolina Department of Transportation (NCDOT) funds in the amount of \$434,215 for Railroad Crossing and Roadway Improvements.

090292**NCDOT Municipal Agreement - Bridge Inspection Program**

Council is requested to approve a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) to perform bridge inspections within the City of High Point.

090293**Contract - Engineering Design Services - ARCADIS - Stormwater Improvements - Hamilton/Montlieu**

Council is requested to approve contract with ARCADIS for engineering design services for stormwater improvements for the Hamilton Street/Montlieu Avenue drainage basin in the amount of \$210,000.00.

090294**Contract - Bid No. 14 - Railroad Crossing Rehabilitation**

Approval of contract awarding Bid No. 14 for Railroad Crossing Rehabilitation. Purchasing and Engineering Services recommend that contract be awarded to Yates Construction in the amount of \$434,215.05 which is the lowest responsible and responsive bidder meeting specifications.

090299**Interlocal Agreement - Purchase of Water Treatment Chemicals**

Council is requested to authorize staff to enter in to an interlocal purchasing agreement with the cities of Greensboro and Burlington for the purchase of water treatment chemicals.

090304**Resolution - American Recovery and Reinvestment Act (ARRA) - Recovery Zone Bonds**

Consideration of two resolutions regarding the American Recovery and Reinvestment Act (ARRA) of 2009 for recovery zone bonds.

Pending Items

090050**Revised Economic Incentive Policy**

Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

3/5/2009

Committee of the Whole referred

Committee of the Whole

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair*Committee Members - Douglas, Pugh, Alexander***090300****Ordinance - Vacate/Close Structure - 513 Amos Street**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 513 Amos Street belonging to Robert and Willie Mae Millis.

090301**Ordinance - Vacate/Close Structure - 1606-B West Avenue**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the vacating and closing of a structure located at 1606-B West Avenue belonging to Rashan Patterson.

090302**Ordinance - Demolition of Structure - 1211 Leonard Avenue**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1211 Leonard Avenue belonging to Marvin & Sandra Garrett, Christopher & Ondrea Dwiggin.

090303**Ordinance - Demolition of Structure - 1213 E. Russell Avenue**

Council is requested to adopt an ordinance ordering the housing inspector to effectuate the demolition of a structure located at 1213 E. Russell Avenue belonging to Guillermo R. Shelton.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair*Committee Members - Blakeney, Faircloth, Whitley, Alexander***PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair***Committee Members - Blakeney, Pugh, Sims, Faircloth***090295****Resolution of Intent - Annexation 09-04 - Green/Henson**

Approval of a Resolution of Intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a contiguous annexation of approximately 1.3 acres. The proposed annexation site is lying along the east side of Dilworth Road, approximately 600 feet north of the Skeet Club Road. The site is addressed as 204 Dilworth Road, and is also known as Guilford County Tax Parcel 17-94-6952-0-1219-00-015.

090296**Resolution of Intent - Street Abandonment 09-23 - City of High Point**

Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way located on the south side of Monnell Drive between First and Second Streets.

090297**Resolution of Intent - Street Abandonment 09-24 - City of High Point**

Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way (referenced as "Riding Lane" on Plat Book 20 Page 22) located between Dogwood Circle south of Dogwood Court.

090298**Resolution of Intent - Street Abandonment 09-25 - City of High Point**

Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 19, 2010 at 5:30 p.m. to consider a request to abandon an unimproved portion of an unnamed right-of-way (referenced as "Horney Street" on Plat Book 14 Page 52) located between Bridlewood Avenue and Buena Vista Avenue, lying east of Skeet Club Road.

090283**Ordinance - Text Amendment 09-12 - City of High Point re Market Overlay District**

A request by the Planning and Development Department to amend Chapters 1, 4 and 5 of the Development Ordinance to establish the Market Overlay District.

11/16/2009 Committee of the Whole continued

090284**Ordinance - Rezoning Case 09-10 - City of High Point - Market Overlay District**

A request by the City Council to apply the Market Overlay District to approximately 249 acres in downtown High Point.

11/16/2009 Committee of the Whole continued

090251**University Area Plan - City of High Point**

A request by the City of High Point for consideration of the University Area Plan.

10/19/2009 Committee of the Whole continued

ADJOURNMENT

10/22/09 Reg. mtg.

LISA VIERLING

From: BECKY SMOTHERS
Sent: Wednesday, October 21, 2009 10:36 AM
To: STRIB BOYNTON; LISA VIERLING
Subject: FW: HPU, Fifth Court/Percentage of Ownership
Attachments: Acreage, 5th Ct, 5th St, E. Farris.xlsx

Lisa

Please copy the attachment for CC tomorrow..thanks...

Becky

From: Scarborough, Donald A. [mailto:dscarbor@highpoint.edu]
Sent: Wednesday, October 21, 2009 9:12 AM
To: Bill Bencini; BECKY SMOTHERS; BERNITA SIMS; FOSTER DOUGLAS; John Faircloth; Latimer Alexander; CHRIS WHITLEY; MARY BLAKENEY; MIKE PUGH
Subject: HPU, Fifth Court/Percentage of Ownership

Members of Council,

I appreciate your support and patience at the meeting on Monday night. Sorry my hearing is so poor, but I am getting older – 61 in a couple of weeks. As far the "Fifth Court Trio:" Their properties have a combined tax value of \$222,700 (\$74,233 avg.); we have offered a combined total of \$440,000 (\$146,666 avg., +97.6%); and they are seeking a combined total of \$560,000 (\$186,666 avg., +151.5%). This is the perfect example of why requiring the University to own 100% of the block is unfair. I think the City should start taxing residents on the "perceived" value of their property. We expect to pay a profit, we understand that there is sometimes greed, but we cannot be subject to extortion.

Attached is the accounting for the percentage of property owned by the University in the area of 5th Court. Since 5th Court was designed to continue out to West College, the Summary 1 is from West College down East Farriss to Fifth Street, Fifth Street to Fifth Court, Fifth Court continued to West College. Summary 2 is West College to East Farriss, East Farriss to Fifth Street, Fifth Street to North Avenue, North Avenue to West College, West College to East Farris.

Don

Donald A. Scarborough, Ed.D.
Vice President for Community Relations
High Point University
833 Montlieu Avenue, Drawer 53
High Point, NC 27262
336-841-9214
dscarbor@highpoint.edu

Acreage Count: 5th Ct, 5th St, E. Farris, W. College

	Acreage	HPU	Owner
923 West College Drive	0.34	0.34	0.00
921 West College Drive	0.30	0.30	0.00
919 West College Drive	0.48	0.48	0.00
900 East Farriss Avenue	0.43	0.00	0.43
902 East Farriss Avenue	0.34	0.00	0.34
904 East Farriss Avenue	0.34	0.00	0.34
906 East Farris Avenue	0.44	0.44	0.00
1000 Fifth Street	0.34	0.00	0.34
1002 Fifth Street	0.18	0.00	0.18
1004 Fifth Street	0.21	0.21	0.00
1006 Fifth Street	0.26	0.26	0.00
1008 Fifth Street	0.21	0.21	0.00
1010 Fifth Street	0.21	0.21	0.00
1012 Fifth Street	0.22	0.22	0.00
1003 Fifth Court	0.23	0.23	0.00
1005 Fifth Court	0.27	0.00	0.27
1007 Fifth Court	0.34	0.00	0.34
1009 Fifth Court	0.40	0.00	0.40
1011 Fifth Court	0.35	0.35	0.00
Summary 1	5.89	3.25	2.64
		55%	45%

919 West College Drive	6.25	6.25	0
Summary 2	12.14	9.5	2.64
		78%	22%

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE

REQUEST: Ordinance to Vacate/Close

PROPERTY

ADDRESS: 1606-B West Avenue

OWNER:

Rashan Patterson

FIRST

INSPECTION:

11-24-2009

Number of Violations: Unsafe 1_Minor n/a
* no heat – baseboard heaters do not work

HEARING

RESULTS:

n/a

Scheduled for City Council 12-7-2009

ORDER(S)

ISSUED:

11-25-2009

Order to Repair Unsafe Equipment (48-hour)
compliance date of 11-30-2009

APPEALS:

None

OWNER

ACTIONS:

no actions taken

STATUS OF

CLOSED DWELLINGS:

11-30-2009

Occupied, no permits or repairs

COMPLIANCE

DATE STATUS:

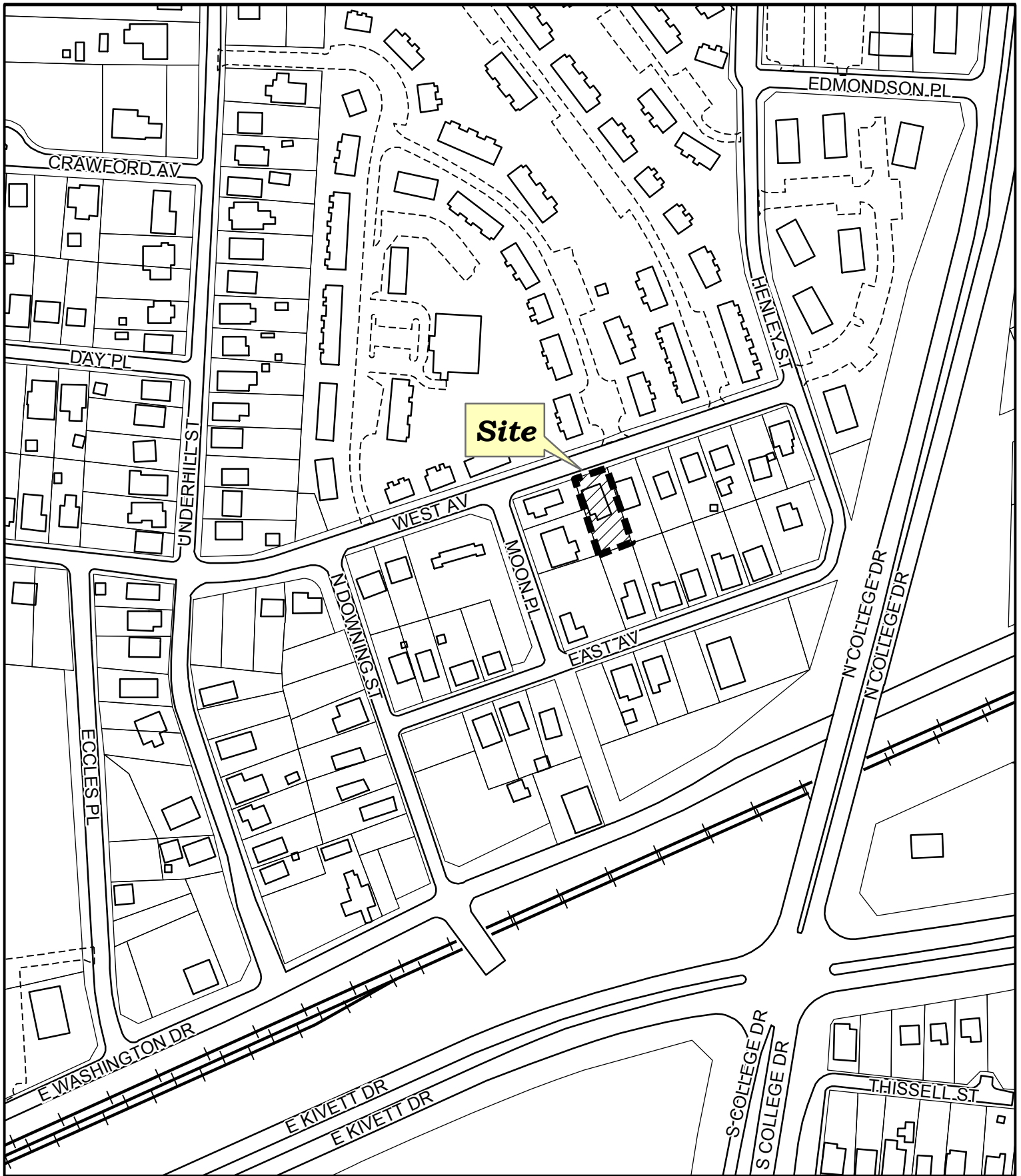
11-30-2009

Conditions still exist, no heat

EXTENSIONS:

none requested

STAFF COMMENTS:



1606-B West Avenue

Ordinance to Vacate/Close



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: December 1, 2009



Scale: 1"=200'
y:/ba-pz/Inspection/vacate



1606 B West Avenue



1211 Leonard Avenue

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: November 23, 2009



Scale: 1"=200'

y:/ba-pz/inspections/
ord-demo.mxd

A RESOLUTION ADOPTING THE UNIVERSITY AREA PLAN

WHEREAS, the High Point University District was identified in the Core City Plan as a key institutional area in which future growth would need to be accommodated with some unique design characteristics; and

WHEREAS, the university area is an important part of the Core City Area located on the outer edge of the core area providing the City with an institution for higher learning adjacent to core city neighborhoods and commercial services; and

WHEREAS, it has been identified that university has a continued need to grow and expand; and

WHEREAS, it is expected that continued growth and expansion of the university should occur in a planned and identified phased approach in conjunction with the community to maintain the stability of the area; and

WHEREAS, a strong Core City area promotes a strong City of High Point; and

WHEREAS, public hearings were held before the High Point Planning and Zoning Commission on September 29, 2009 and before the City Council of the City of High Point on October 19, 2009 regarding the adoption of said University Area Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA that the University Area Plan recommended for adoption by the Planning and Zoning Commission be adopted as a guide for future development of the university area.

Adopted by City Council,
this 7th day of December, 2009


Lisa Vierling, City Clerk



Weavers of the Most Beautiful Rugs in the World

305 West High Street
High Point, NC 27260

Phone: (336) 884-1319 Fax: (336) 884-1333

Website: www.safavieh.com

November 16, 2009

To: High Point Planning and Zoning Commission

Safavieh is a New York based manufacturer and importer of fine area rugs. We have been in business since 1972 and have been a strong supporter of the High Point Market for over 20 years. With this in mind, we acquired a property across the street from Market Square, for the purpose of constructing state-of-the-art showroom space that would compliment the Market and improve High Point's position in what has become a highly competitive battle for furniture showroom venues.

We retained a local architect and worked with City officials to meet building requirements in the design of a beautiful, high-tech building which we named the High Point Pavilion. The building was budgeted at \$5 million and was to be used to attract other top marketers to High Point Market and help offset the recent decline in exhibitors.

We do not believe that this is the time to diminish the attraction and viability of High Point Market, particularly when Las Vegas is desperately fighting to maintain its convention and trade show business at High Point's expense.

In the face of the current economic crisis, many exhibitors face the need to make hard choices in deciding where to display their merchandise and in what shows to participate at a time when cost cutting is critical.

The proposed Overlay Boundary will limit showroom space and thus promote higher rental costs that will make High Point even less competitive with Las Vegas as an international furniture market. Construction of the High Point Pavilion is a \$10 to \$15 million dollar project that will bring jobs, new taxes, and new business to High Point that would help support non-furniture business in other areas.

The stated goal of the Overlay Boundary plan is to attract more year-round business to the downtown business area. This goal cannot be accomplished by diminishing already existing industry in High Point. As has been done in communities all over the country, new businesses are attracted to downtown areas through modernization and beautification of the area and by offering incentives to businesses to locate there.

Instead this plan forces more furniture businesses into the downtown district, encouraging landlords to promote their buildings for furniture showroom space. Their reward is higher rents, which will ultimately drive exhibitors out of High Point.

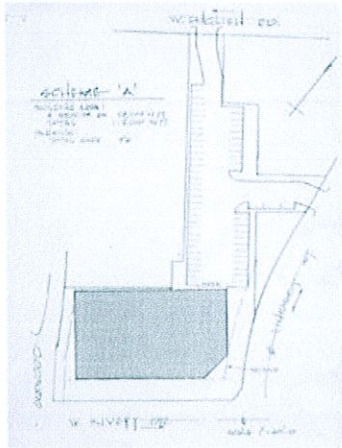
Decimating a successful industry in an attempt to create a new business district has never worked and never will, particularly at a time when retail businesses are suffering throughout the country and investment in new retail business is at an all time low.

There is a far greater likelihood that this plan will create a ghost town image for much of highpoint, with abandoned buildings attracting the homeless and a potential for rising drug related problems. This was the plight of our property at the intersection of Lindsay Street and Kivett Drive at the time of purchase. We have prepared the property for construction and have allowed its use as a parking lot during Market. If it is so convenient to Market Square, then why has it been excluded from the Overlay District.

We request that the overlay district be modified to include our property rather than retroactively preventing its intended use as a showroom. We respectfully submit that this is the wrong plan, at the wrong time and in the wrong place.

Sincerely,
Arash Yaraghi
Principal
Safavieh

High Point Pavilion



ASAFAYEH



**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE

REQUEST: Ordinance to Vacate/Close

PROPERTY

ADDRESS: 513 Amos Street

OWNER: Robert & Willie Mae Mills

FIRST

INSPECTION: Number of Violations: Unsafe 1_Minor 36
8-4-2009 1) no smoke detector

HEARING

RESULTS: Dwelling substandard; owner did not appear for hearing
8-19-2009

ORDER(S)

ISSUED: Order to Repair or Vacate (60-day)
8-19-2009 compliance date of 10-20-2009

APPEALS: None

OWNER

ACTIONS: Building permit – 9-24-2009
Electrical permit – 11-25-2009

STATUS OF

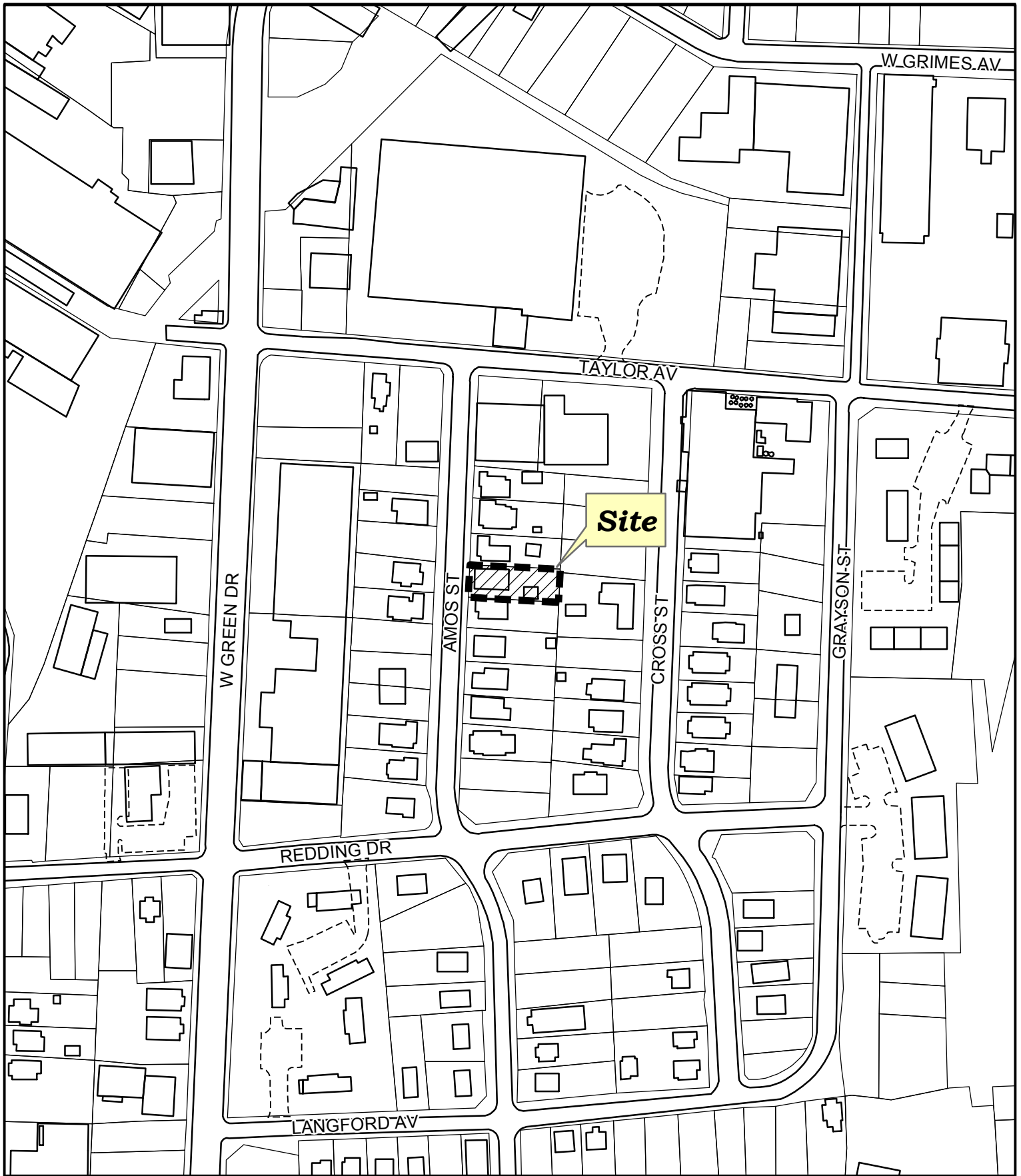
CLOSED DWELLINGS: Occupied, permits obtained but no repair work started
11-30-009

COMPLIANCE

DATE STATUS: Conditions still exist
10-20-2009

EXTENSIONS: none requested

STAFF COMMENTS:



513 Amos Street

Ordinance to Vacate/Close



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: December 1, 2009



Scale: 1"=200'
y/ba-pz/Inspection/vacate



513 Amos Street

Engineering Services Department

B. Keith Pugh, P.E.

DIRECTOR



Date: November 19, 2009

To: Pat Pate, Assistant City Manager

From: Keith Pugh, Engineering Services *BKPF*

Re: City Council Agenda – Award of NCDOT – Rail Division Funded, Railroad Crossing Rehabilitation – Roadway Improvements – Y-4807A – City Contract ENG-2009-08

On Wednesday, November 4, 2009 the City of High Point received and opened bids for Contract ENG-2009-08, Railroad Crossing Rehabilitation. We received six bids:

Yates Construction Company	\$434,215.05
Larco Construction	\$437,925.00
Regional Site Solutions	\$439,306.71
APAC	\$543,007.25
Sharpe Brothers	\$593,599.65
Triangle Grading & Paving	\$724,455.50

The availability date of this contract will follow NCDOT concurrence of award and execution of the contract documents. The completion date for the contract work is 200 calendar days from the date of contract execution, anticipated on or before July 31, 2010. The Engineer's Estimate for construction is \$800,000.

The purpose of this contract is to implement various roadway improvements to ensure safe travel and adequate access

These projects include:

- Intersection improvements at Grimes and E. Green
- Grade Separation improvements on Ward between English and Prospect
- Grade crossing approach improvements on Prospect between English and the railroad tracks
- Removal of the existing bridge, then re-connecting Taylor between Green and Millis

This contract contains an extension clause that allows the City to extend this contract up to 100 percent beyond the original contract amount. The funding for this project is coming from the NCDOT-Rail Division TIP (project Y-4807A). Engineering Services recommends the contract be awarded at full contract bid amount.

Engineering Services Department

PAGE 2 OF 2

ROADWAY IMPROVEMENTS FOR RAILROAD

CROSSINGS - AWARD

Engineering Services recommends that City Council approves the bids and authorizes Contract ENG-2009-08 for Railroad Crossing Rehabilitation to Yates Construction Company at the bid amount of \$434,215.05. This award is contingent on concurrence from the NCDOT – Rail Division.

Funding is available in the following accounts:

411610-533701-411001008005-40202	\$ 38,476.40	Grimes
411610-533701-411001008020-40202	\$ 64,385.00	Prospect
411610-533701-411001008040-40202	\$ 183,948.05	Taylor
411610-533701-411001008060-40202	<u>\$ 147,405.60</u>	Ward
Total	\$ 434,215.05	

/bkp

Ec: Mr. Jeff Moore, Finance Director
Mr. Bob Martin, Purchasing Division
Mr. Mark McDonald, HPDOT
Mrs. Lou Hedrick, Budget
Mr. Jahmal Pullen, NCDOT – Rail Division
Mr. Leon Adams, Adams and Clark Enterprises, Inc

BID INFORMATION AND RECOMMENDATION**BID # 14-110409****DATE OPENED:** November 4, 2009**DESCRIPTION:** Railroad Crossing Rehabilitation**BID PACKAGES DISTRIBUTED:** 6**DEPARTMENT:** Engineering Services**SOURCE OF FUNDS:**

411610-533701-411001008005-40202
411610-533701-411001008020-40202
411610-533701-411001008040-40202
411610-533701-411001008060-40202
Total

BUDGETED AMOUNT

\$ 38,476.40 Grimes
\$ 64,385.00 Prospect
\$ 183,948.05 Taylor
\$ 147,405.60 Ward
\$ 434,215.05

RECOMMENDED AWARD

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 lot	Railroad Crossing Rehabilitation	\$434,215.05	\$434,215.05

PURPOSE: The work involves Rehabilitation of the Railroad Crossing for the following streets:

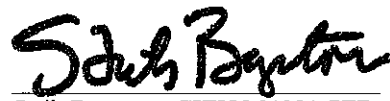
1. Intersection improvements at Grimes and E. Green
2. Grade Separation improvements on Ward between English and Prospect
3. Grade crossing approach improvements on Prospect between English and the railroad tracks
4. Removal of the existing bridge, then re-connecting Taylor between Green and Millis

BID TABULATION

CONTRACTOR	BID AMOUNT
Yates Construction Co. Route 2 Box 278 Stokesdale, NC 27357	434,215.05
Larco Construction 4130 N. Glenn Avenue Winston-Salem, NC 27115	437,925.00
Regional Site Solutions PO Box 5047 High Point, NC 27262	439,306.71
APAC Atlantic 300 S. Benbow Road Greensboro, NC 27401	547,087.25
Sharpe Brothers P.O. Box 35387 Greensboro, NC 27425	593,599.65
Triangle Grading & Paving 1521 South Huffman Mill Rd. Burlington, NC 27216	724,455.50

The **PURCHASING DEPARTMENT AND ENGINEERING SERVICES DEPARTMENT** recommend that the contract for **RAILROAD CROSSING REHAB** be awarded to **YATES CONSTRUCTION**, the lowest responsible and responsive bidder meeting specifications, in the amount of **\$434,215.05**.

DATE OF RECOMMENDATION: November 30, 2009


Strib Boynton, CITY MANAGER

University Area Plan Executive Summary

EXECUTIVE SUMMARY

Plan Purpose

The purpose of the University Area Plan was to conduct a detailed study of the area around High Point University and prepare recommendations to guide the orderly growth of the area.

Study Area

The study area includes properties within 500 feet of: Centennial St., University Village dormitories, Guyer St. and N. College Dr. and Montlieu Ave. The purpose of the study area boundary was to set the outer limits for which data was collected. It does not imply where the university will grow.

Vision Statement (desired future)

The university is growing and prospering in a planned and identified, phased approach in conjunction with the community, so that the adjacent residential areas are maintaining their stability, and commercial uses within the area are being maintained and enhanced to provide needed services within walking distance of the surrounding residences and university students.

Planning Principles

The following is a summary of goals and policies that suggest who, what, when, where, and how the vision will be achieved. They are to be used by residents of the area, the City, and the University.

Goal 1: Ensure residents in the university area have information about future university expansion plans, so they can make informed decisions about investing in their properties.

Policy 1.1: Maintain and update this *University Area Plan* as needed.

Policy 1.2: Establish and maintain a university contact person that can provide information to area property owners about the timing of any planned expansions.

Goal 2: Ensure availability of adequate infrastructure.

Policy 2.1: Create a university document that provides locations and types of future uses with a timetable for expansions so that future infrastructure needs can be accommodated.

- i. Include projected demand for water and sewer services so advance infrastructure planning can be conducted to accommodate future needs.
- ii. Include future shuttle routes and stops, proposed road closings, and pedestrian routes to ensure that a safe and efficient transportation network is provided.

University Area Plan Executive Summary

Policy 2.2: Maintain adequate stormwater control.

Policy 2.3: Provide traffic circulation patterns with pedestrian safety as a priority.

- i. Improve pedestrian connections to and from campus.
- ii. Improve pedestrian access to services within the study area – by filling in missing sidewalks.
- iii. Preserve and maintain the existing greenway.
- iv. Evaluate and maintain public street access where needed to preserve public access.

Goal 3: Ensure compatibility between the edge of campus and the surrounding neighborhood.

Policy 3.1: Maintain existing natural areas between the university and adjacent neighborhoods.

Policy 3.2: Maintain as many existing large mature trees as possible on site during new construction.

Policy 3.3: Where existing vegetation does not exist, provide landscaping that delineates the campus and residential properties and provides sufficient separation.

Policy 3.4 Explore the feasibility of installing a planted median on N. College Dr.

Policy 3.5: Transition the intensity of uses along the campus edge adjacent to existing residences.

- i. Decrease the bulk, mass and height of buildings.
- ii. Prevent the spillover of light and glare from outdoor lighting onto adjacent properties.
- iii. Locate parking areas internal to campus, where possible, to minimize visual impacts.
- iv. A combination of fencing and landscaping can be used to soften edges, however solid fencing is typically discouraged along public streets.
- v. Place loading areas and mechanical equipment to minimize impact on adjacent properties.
- vi. Consider reusing structures along the campus edges.

Policy 3.6: New campus development should be contiguous to the existing campus and consist of an entire sub-area.

Policy 3.7: Mitigate the impacts of new campus development on adjacent properties through the provision of conditions with rezoning requests.

Goal 4: Reduce potential negative impacts on surrounding residential areas.

Policy 4.1: Establish and maintain a two-way method of communication between the adjacent residential areas and the university to inform each other of

University Area Plan Executive Summary

problems or issues and to provide notification of university-sponsored events that may create increased traffic and noise.

Policy 4.2: Provide sufficient parking on campus so that there is minimal “spillover”.

Policy 4.3: Provide sufficient student housing on campus.

Policy 4.4: Demolition of viable single-family homes is discouraged if the university does not have an immediate need for new development. Demolition should not occur prior to approval of a zoning action.

Goal 5: Support the sustainability of accessible commercial services for the surrounding area.

Growth Areas

The university has expressed a need for an additional 20-25 acres within the next 3-6 years. The exact timing and location of university growth is unknown. The university is encouraged to work towards establishing a more specific timeframe, location and identification of needs in the near future.

City staff analyzed the existing conditions of the study area and identified areas for possible university growth (see Map 4). The growth areas are broken down into three main phases (I, II, and III) that indicate the proposed order of growth as first, second and third, but there is no specific timeline associated with the three phases. Within each phase there are numbered sub-areas (1, 2, 3, 4). Sub-areas can be developed in conjunction with one another, or they can be developed independent of the other sub-areas. However, splitting sub-areas is discouraged. The numbers assigned to the sub-areas do not indicate a priority order.

Phase I There are three areas shown as Phase I, totaling approximately 38 acres. The lettering of the three Phase I areas (IA, IB, and IC) does not indicate a priority order. Phase I could serve the anticipated growth of the university for approximately 5-12 years.

Phase II This area is bounded by Willoubar Terr. to the east, Montlieu Ave. to the south, Centennial St. to the west, and E. Farriss Ave. to the north. It contains approximately 18 acres and is broken down into three sub-areas.

Phase III There are two areas shown as Phase III, and they contain a total of approximately 17 acres. The lettering of the two Phase III areas (IIIA and IIIB) does not indicate a priority order.

In total, all three phases would add approximately 74 acres to the existing campus. Since 2004, approximately 46 acres have been added to the campus. Based on the stated need, if we assume an absorption rate of 20-25 acres for every 3-6 years, then these growth areas could provide growing room for the university for roughly the next 10-20 years.

University Area Plan Executive Summary

Edges

As university growth occurs different types of edges are created. These edges can be viewed as permanent, interim, or temporary. The intensity and characteristics of the new development will need to vary based on the type of edge that the new development abuts. The edge types are as follows:

- Transition Area (Permanent Edge) – these areas are seen as permanent edges to campus (see Map 6). Compatibility with the adjacent properties is of the utmost importance. The height, mass, scale, setbacks and the intensity of the new development should be taken into consideration during the planning and design phases of development.
- Interim Edge Area – these are the edges between growth phases or sub-areas (see Map 4) and they are expected to be relatively short-term. The timing of future expansion into an adjacent sub-area or phase is unknown, so the impact on adjacent properties still needs to be considered and mitigated.
- Temporary Edge Area – these are edges within or internal to a sub-area and they are seen as edges that are anticipated to exist until the remaining property is acquired. In areas where the edge is considered temporary, mitigating the immediate impacts is of the utmost importance. Due to impacts on adjacent properties when sub-areas are split, the rezoning of entire sub-areas is strongly encouraged.

Proposed Land Use Plan Amendments

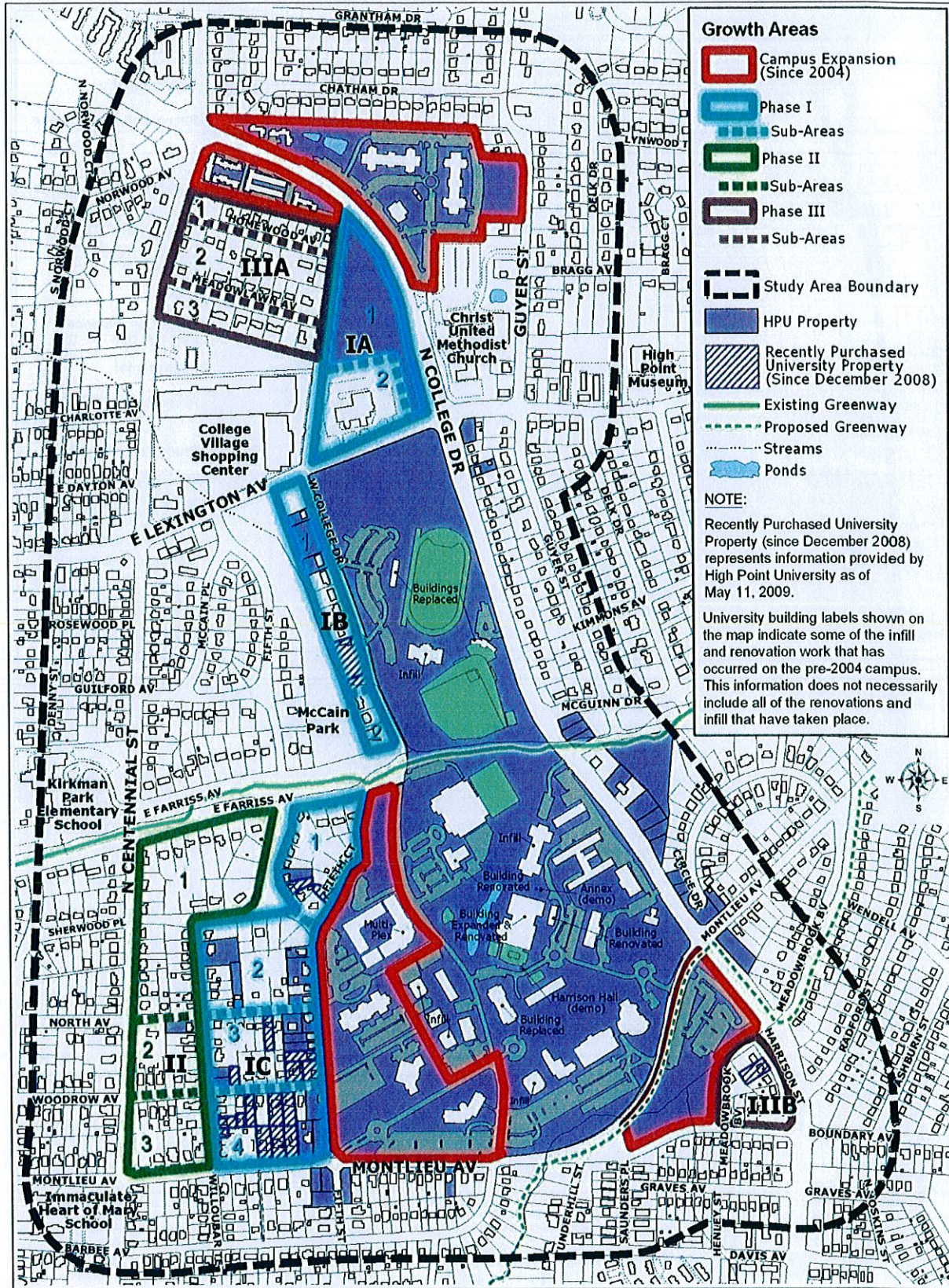
Staff recommends amending the City Land Use Plan immediately following the adoption of this plan to designate all Phase I growth areas and the university parking lot on the south side of Montlieu Ave. as Institutional; and the natural area west of Fifth St. just south of E. Farriss Ave. as Recreation/Open Space (see Map 5). If the Land Use Plan is amended, land proposed for institutional development will need to be rezoned prior to development. Additionally, when the university identifies a need to grow beyond the Phase I growth areas, they will need to request a Land Use Plan Amendment followed by any needed change in zoning.

Conclusion

This planning process is an effort to create and maintain an open dialogue between the City, the University and the residents of the neighborhood. All parties have roles to play in order for this effort to be successful. This plan should be updated as needed to ensure: orderly growth; compatibility; the most efficient provision of services through cooperative, coordinated advance infrastructure and campus planning; and on-going communication, all of which support the long-term stability of the area.

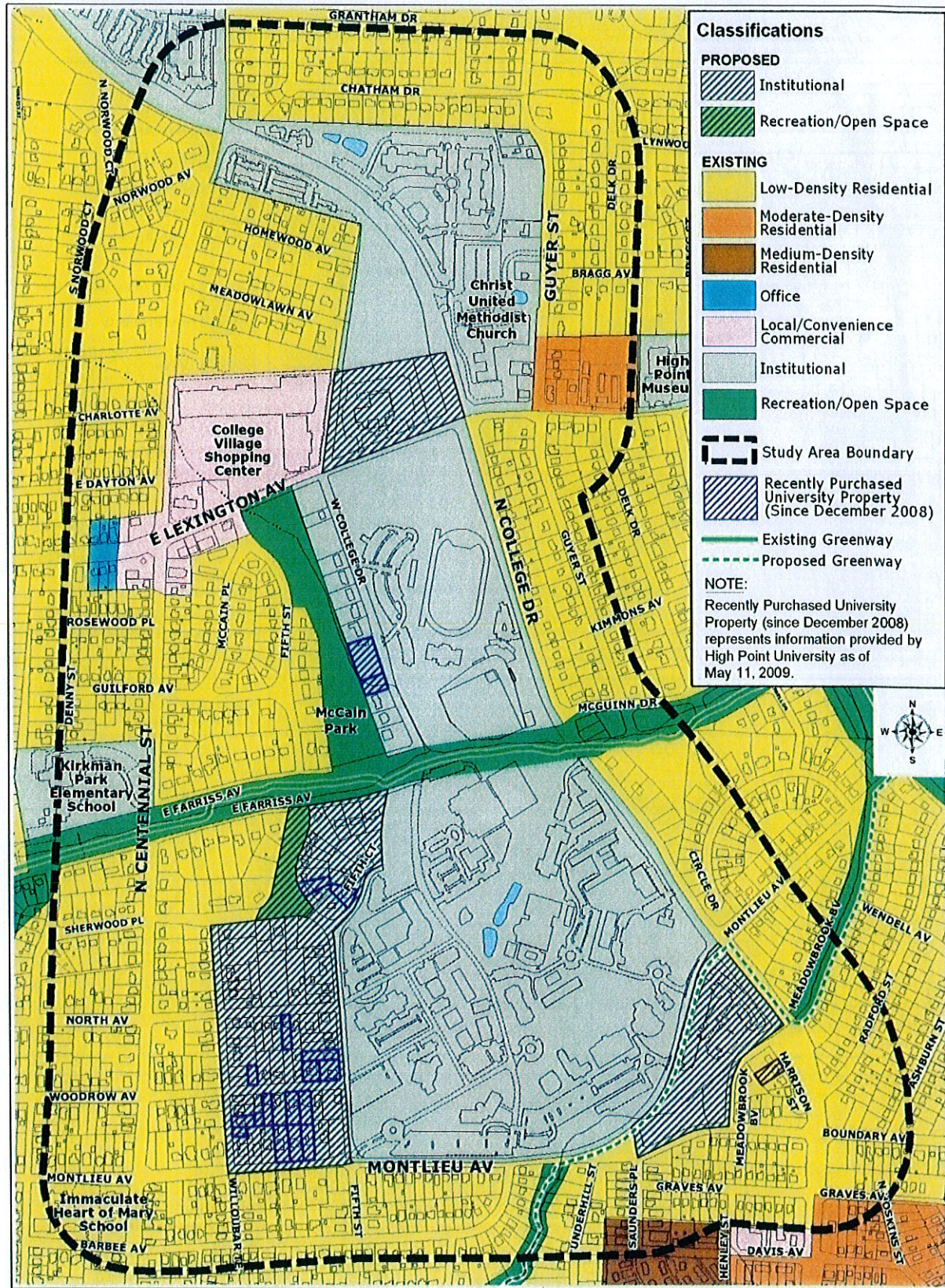
University Area Plan Executive Summary

Map 4 - Growth Areas



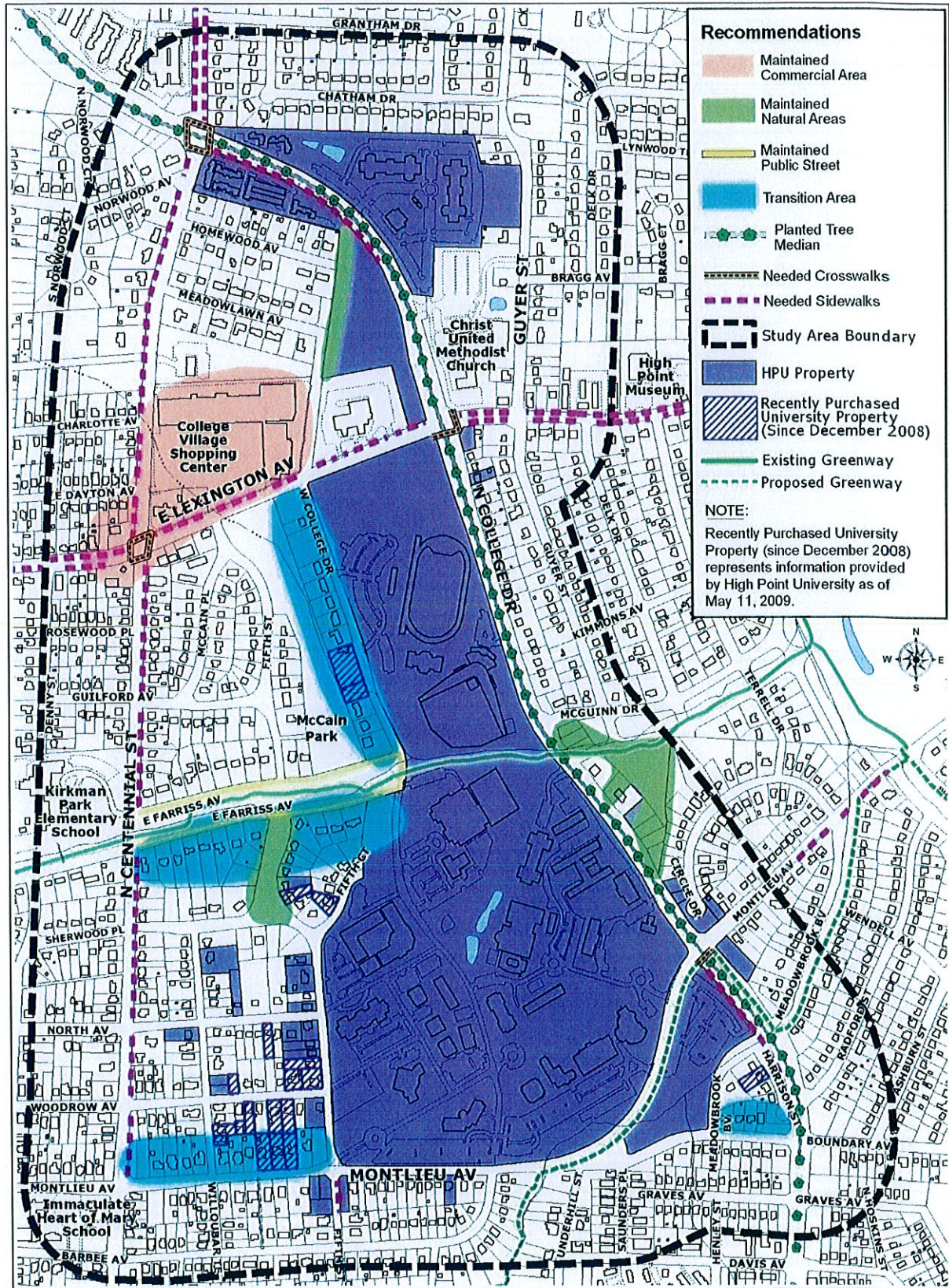
University Area Plan Executive Summary

Map 5 - Proposed Land Use Plan



University Area Plan Executive Summary

Appendix Map 6 - Physical Plan



Memorandum

TO: Mayor Smothers, City Council, City Manager Strib Boynton

FROM: *RE* Randy E. McCaslin, Assistant City Manager

SUBJECT: American Recovery and Reinvestment Act (ARRA) Recovery Zone Bonds

The ARRA provided for two types of Recovery Zone Bonds from the United States Treasury Department to encourage economic development in distressed areas. These two new types of economic development bonds are:

- 1) Recovery Zone Economic Development Bonds, and
- 2) Recovery Zone Facility Bonds

These are bonds that must be paid back over a period of time and are not **grants**. This authority comes with some specific timeframes. They are as follows:

December 15, 2009	Local Government must let the State know if it intends to use its allocation
May 4, 2010	Receive LGC's approval to issue bonds for designated projects
January 1, 2011	Bonds must be issued for designated projects

Recovery Zone Economic Development Bonds

This type of bond would be similar to our current General Obligations (GO) and Revenue Bonds, in that they can be used by local governments to purchase and improve property, construct and renovate public infrastructure, construct public facilities, and/or for other "qualified economic development purpose."

Recovery Zone Facility Bonds

This type of bond is very similar to the Industrial Revenue bonds (IRB) which local governments presently are authorized to issue. IRB bonds are issued for private development purposes, using the bond rating of the local government; but are not financial obligations of the local governments. These Recovery Zone Facility Bonds are also approved by local governments, but are used and repaid by private developers for approved private projects. These bonds could be used to partially finance retail and manufacturing facilities, hotels, restaurants, distribution facilities, warehouses, and office buildings. These bonds cannot be used to finance residential developments.

The City of High Point has received a portion of the total allocation received from the Federal Government by the State of North Carolina. Our allocations are:

1. Recovery Zone Economic Development bonds - \$5,007,000
2. Recovery Zone Facility Bonds - \$7,511,000

As stated earlier, the State of North Carolina is requiring that we notify them by December 15, 2009 if we intend to use our allocations of these bonds. We also have the authority to "pass" our allocation to Guilford County for projects within the entire county; otherwise our allocation will revert back to the State to be used elsewhere in the State.

We are preparing two resolutions for consideration by the City Council. Due to their complexity, they will not be available for inclusion the agenda packet. We will present them to the City Council on Monday at the Finance Committee meeting. In the Resolution on the Recovery Zone Facility Bonds, we will be recommending that the City Council transfer this allocation (\$7,511,000) to Guilford County for use within Guilford County. This is due to the City of High Point not having any projects that would qualify for use of these bonds. It is my understanding that Guilford County has four projects that may qualify and will need our allocation to help finance these projects. In the Resolution on the Recovery Zone Economic Development bonds, we will recommend that the City Council designate the entire City limits of High Point as our Recovery Zone, and that we notify the State that we anticipate using our allocation (\$5,007,000) of these bonds. This will give the City additional time to evaluate the use of these bonds in regards to our known projects.

We realize that this is a very complex issue which we will further explain at the City Council's Monday Finance committee meeting. However, in the interim, if you have any additional questions, please do not hesitate to contact me.

**THE CITY COUNCIL OF THE CITY OF HIGH POINT RESOLUTION
DESIGNATING RECOVERY ZONE AND CONTINUED STUDY OF
RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) (“ARRA”) modifies the Internal Revenue Code of 1986, as amended (the “Code”) to authorize, among others, two new types of bonds entitled “recovery zone economic development bonds” and “recovery zone facility bonds;” and

WHEREAS, “recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, qualified economic development purpose includes expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

WHEREAS, the Code and related regulations issued by the U.S. Treasury Departments (collectively, the “Recovery Zone Act”) defines a recovery zone as any area designated by the City as an area of significant poverty, unemployment, rate of home foreclosure, or general distress; and

WHEREAS, the City of High Point (“City”) has determined that the City has experienced significant unemployment and general distress because of significant plant foreclosures, high unemployment, and increases in unemployment since June 2008; and

WHEREAS, the City has determined that it is in the best interests of its citizens to designate the area City limits as a “recovery zone” for purposes of the Recovery Zone Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of High Point, that:

1. There is significant unemployment and general distress in the City of High Point, and therefore designates the areas within the city limits of the City of High Point as a recovery zone for purposes of the Recovery Zone Act.

2. The City Manager and/or his designee(s) officers of the City are hereby authorized and directed to take all actions as may be required in furtherance of the designation of the recovery zone area including without limitation the review of Recovery Zone Economic Development Bond Projects and notification of the North Carolina Department of Commerce of the City’s potential use of these Recovery Zone bonds.

Adopt this _____ day of December, 2009.

RESOLUTION AUTHORIZING THE TRANSFER OF RECOVERY ZONE ALLOCATION TO GUILFORD COUNTY

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) (“ARRA”) modifies the Internal Revenue Code of 1986, as amended (the “Code”) to authorize, among others, a new type of bond known as recovery zone facility bonds; and

WHEREAS, the Code and related regulations issued by the U.S. Treasury Department (collectively, the “Recovery Zone Act”), define a recovery zone as an area designated by the city with significant poverty, unemployment, home foreclosure, or general distress; and

WHEREAS, recovery zone facility bonds are for the purpose of financing construction, renovation, or acquisition of depreciable property by a private taxpayer of a qualified business in a recovery zone, with “qualified business” defined to include any trade or business other than residential rental property and certain prohibited uses outlined in the Code; and

WHEREAS, the City of High Point (“the City”) has determined that the City has general distress because of factors including but not limited to significant business closures, high unemployment, and overall decreased business activity; and

WHEREAS, the City has determined that it is in the best interests of the City and its citizens to designate the area within the city limits of the City of High Point as a “recovery zone” for purposes of the Recovery Zone Act.

WHEREAS, the City has determined that it has no projects eligible for the Recovery Zone Facility Bonds at this time and the City desires to transfer its allocation of \$7,511,000 to which it is entitled under the Recovery Zone Act, to Guilford County.

NOW THEREFORE, BE IT RESOLVED by the City of High Point City Council:

1. Designates the area within the city limits of the City of High Point as a recovery zone for purposes of the Recovery Zone Act.
2. Pursuant to N.C.G.S. 159C-6(a1), the City of High Point authorizes the transfer of its allocation of Recovery Zone Facility Bonds in the amount of \$7,511,000, to which it is entitled as of December 7, 2009, under the Recovery Zone Act, to Guilford County, in order to insure the use of funds to promote increased employment and other economic benefits for its citizens
3. The City of High Point Manager and/or his designee is hereby authorized and directed to take all actions as may be required in furtherance of the allocation of funds.

Adopted this the 7th day of December, 2009.

Rebecca R. Smothers, Mayor

**THE CITY COUNCIL OF THE CITY OF HIGH POINT RESOLUTION
DESIGNATING RECOVERY ZONE AND CONTINUED STUDY OF
RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) ("ARRA") modifies the Internal Revenue Code of 1986, as amended (the "Code") to authorize, among others, two new types of bonds entitled "recovery zone economic development bonds" and "recovery zone facility bonds;" and

WHEREAS, "recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, qualified economic development purpose includes expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

WHEREAS, the Code and related regulations issued by the U.S. Treasury Departments (collectively, the "Recovery Zone Act") defines a recovery zone as any area designated by the City as an area of significant poverty, unemployment, rate of home foreclosure, or general distress; and

WHEREAS, the City of High Point ("City") has determined that the City has experienced significant unemployment and general distress because of significant plant foreclosures, high unemployment, and increases in unemployment since June 2008; and

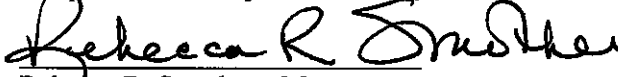
WHEREAS, the City has determined that it is in the best interests of its citizens to designate the area City limits as a "recovery zone" for purposes of the Recovery Zone Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of High Point, that:

1. There is significant unemployment and general distress in the City of High Point, and therefore designates the areas within the city limits of the City of High Point as a recovery zone for purposes of the Recovery Zone Act.

2. The City Manager and/or his designee(s) officers of the City are hereby authorized and directed to take all actions as may be required in furtherance of the designation of the recovery zone area including without limitation the review of Recovery Zone Economic Development Bond Projects and notification of the North Carolina Department of Commerce of the City's potential use of these Recovery Zone bonds.

Adopted this 7th day of December, 2009


Rebecca R. Smothers, Mayor



Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



MEMORANDUM

DATE: 30 NOV 09
TO: Pat Pate, Assistant City Manager
W. Chris Thompson, P.E., Director of Public Services
FROM: Richard D. McMillan, P.E., Asst. Public Services Director
SUBJECT: Bridge Inspection Program – NCDOT Municipal Agreement

A handwritten signature in blue ink that reads "Richard D. McMillan".

=====

As a requirement of the Federal-Aid Highway Bridge Replacement and Rehabilitation Program (Surface Transportation Assistance Act of 1978), the City of High is required to inspect all bridges on City-maintain streets every two years in accordance with the National Bridge Inspection Standards (NBIS).

The Public Services Department is requesting that the City Council approve entering into a Municipal Agreement with North Carolina Department of Transportation (NCDOT) to perform bridge inspections for the City of High Point. This action would allow the NCDOT, or their consultant, to perform the inspections for the City and provide all inspection reports. The City will reimburse the NCDOT for our portion of the fee (20% reimbursement). In past years, the City has participated in the bridge inspection program with the NCDOT in this manner.

The City of High Point shall designate Richard D. McMillan, P.E., Assistant Director of Public Services as the "municipal official with whom the Department or its consultant shall coordinate the work" (Municipal Agreement, Item 6).

According to the NCDOT, the bridge inspections shall begin in early 2010 and be completed by summer 2010.

The Public Services Department has funds for the reimbursement to NCDOT in the FY 09-10 General Capital Projects (*Line Item 401710 – 533701 – 401001000405 – 40205: Bridge Re-Inspection / Repairs*). The City's portion of the cost is estimated to be \$20,000 (20% reimbursement of the total amount).

Please place this item on the City Council Agenda for consideration and approval. If you have any questions, or need further assistance, please call me (3215).

North Carolina
Guilford County

Public Hearing

North Carolina Department of Transportation and the City of High Point
Municipal Agreement
Inspection of Bridges on the Municipal Street System
F.A. Project BRZ-NBIS (15)

THIS AGREEMENT is made and entered into on the last date executed below, by and between the DEPARTMENT OF TRANSPORTATION, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT, and the City of High Point, a municipal corporation hereinafter referred to as the MUNICIPALITY;

Witnesseth:

WHEREAS, 23 U.S.C. 144, Sections 1101, 1114 and 1805 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A legacy for Users (SAFETEA – LU), which require that federal funds be available for certain specified Federal-Aid Highway Bridge Replacement and Rehabilitation program; and Federal-Aid Highway Bridge Replacement and Rehabilitation Program; and

WHEREAS, the Highway Bridge Replacement and Rehabilitation portion of the law requires that all structures defined as bridges located on public roads must be inspected on a cycle, not to exceed two years in accordance with National Bridge Inspection Standards (NBIS); and

WHEREAS, the Municipality has requested the Department or a Consultant retained by the Department to inspect and analyze all public bridges located on its Municipal Street System in compliance with the National Bridge Inspection Standards; and

WHEREAS, the Department and the Municipality are authorized to enter into an agreement for such work under the provisions of G.S. 136-18(12), G.S. 136-41.3, and G.S. 136-66.1; and,

WHEREAS, the Town Council of the Municipality has approved the herein above referenced inspections and has agreed to participate in certain costs thereof in the manner and to the extent as hereinafter set out.

NOW, THEREFORE, the Department and the Municipality agree as follows:

1. The Department or a Consulting Engineering firm retained by the Department shall inspect, analyze, and prepare the necessary inspection reports for all bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards.
2. All work shall be done in compliance with the following documents.
 - a. National Bridge Inspection Standards (23 CFR, Chapter 1 Part 650)
 - b. AASHTO Manual for Bridge Evaluation-2008 including all Interim Revisions.
 - c. Recording and Coding Guide for the Structure Inventory and Appraisal of the Nation's Bridges – December, 1988
3. The Municipality shall be responsible for providing any required traffic control personnel during the work period.

4. The Municipality shall furnish all data in the possession of the Municipality that can be released that will help the Department or its Consultant in the accomplishment of the work including but not limited to appropriate municipal maps showing the location of the bridges, plans for the bridges when available, and any prior inspection reports.
5. During the inspection process, some repairs may be discovered that require immediate attention or repair, or a regulatory sign may be missing, damaged, or incorrect. A Critical Finding Notice, Priority Maintenance Notice or Regulatory Sign Notice will be issued in these cases. It is required that the Municipality resolve or notify the Department of their plans to resolve Regulatory Sign Notice within one hundred and twenty (120) days of issuance. Critical Findings require a response within seven (7) days.
6. The Municipality shall designate a responsible Municipal official with whom the Department or its Consultant will coordinate the work.
7. It is understood by the parties hereto that the Federal Highway Administration, through the Department, is to participate in the costs of the work to the extent of eighty (80) percent of actual costs, subject to compliance with all applicable federal policy and procedural rules and regulations. All costs not participated in by the Federal Highway Administration shall be borne by the Municipality.
8. Upon completion of the bridge inspection, and analysis work, the Department shall invoice the municipality for accumulated project costs not participated in by the Federal Highway Administration. Upon FHWA final audit, the Department shall invoice/refund the Municipality any differences in the amount previously invoiced and the actual costs not participated in by the Federal Highway Administration. Reimbursement shall be made by the Municipality within sixty (60) days of the invoice date. After the due date, a late payment penalty and interest shall be charged on any unpaid balance due in accordance with G.S. 147-86.23 and G.S. 105-241.21 (I).
9. In the event the Municipality fails for any reason to pay the Department in accordance with the provisions for payment hereinabove provided, the Municipality hereby authorizes the Department to withhold so much of the Municipality's share of funds allocated to said Municipality by the General Statutes of North Carolina, Section 136-41.1, until such a time as the Department has received payment in full.
10. Upon completion of the work the Department shall maintain all books, documents, papers, accounting records, and such other evidence as may be appropriate to substantiate costs incurred under this agreement. Further, the Department shall make such materials available at its office for five (5) years from the date of payment of the Final Voucher by the Federal Highway Administration under this agreement, for inspection and audit by the Federal Highway Administration, or any authorized representatives of the Federal Government.

IT IS UNDERSTOOD AND AGREED that the approval of the work by the Department is subject to the conditions of this agreement, and that no expenditure of funds on part the Department will be made until the terms of this agreement have complied with on the part of the Department will be made until the terms of this agreement have been complied with on the part of the Municipality.

L.S Attest

City of High Point

Clerk

Mayor

Seal of Municipality

Date: _____

Approved by _____ of the _____ as the attested to by the

Signature of _____ Clerk of the _____ on

_____ (Date)

L.S. Attest

Department of Transportation

Secretary to the Board

State Highway Administrator

Board of Transportation Seal

Date: _____

Publish four (4) consecutive weeks: **December 21, 28, 2009, January 4, & 11, 2010**

RESOLUTION OF INTENT TO CONSIDER A
STREET ABANDONMENT
(Case # SA09-24)

WHEREAS, the City Council is requested to close an unimproved portion of an unnamed right-of-way (referenced as "Riding Lane" on Plat Book 20 Page 22) located between Dogwood Circle south of Dogwood Court.

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to close the street and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the street above described and sets Tuesday, January 19, 2010, at 5:30 p.m. as the date for said public hearing before the Council of the City of High Point, in the Council Chambers of the Municipal Building, High Point, on the closing of said street.

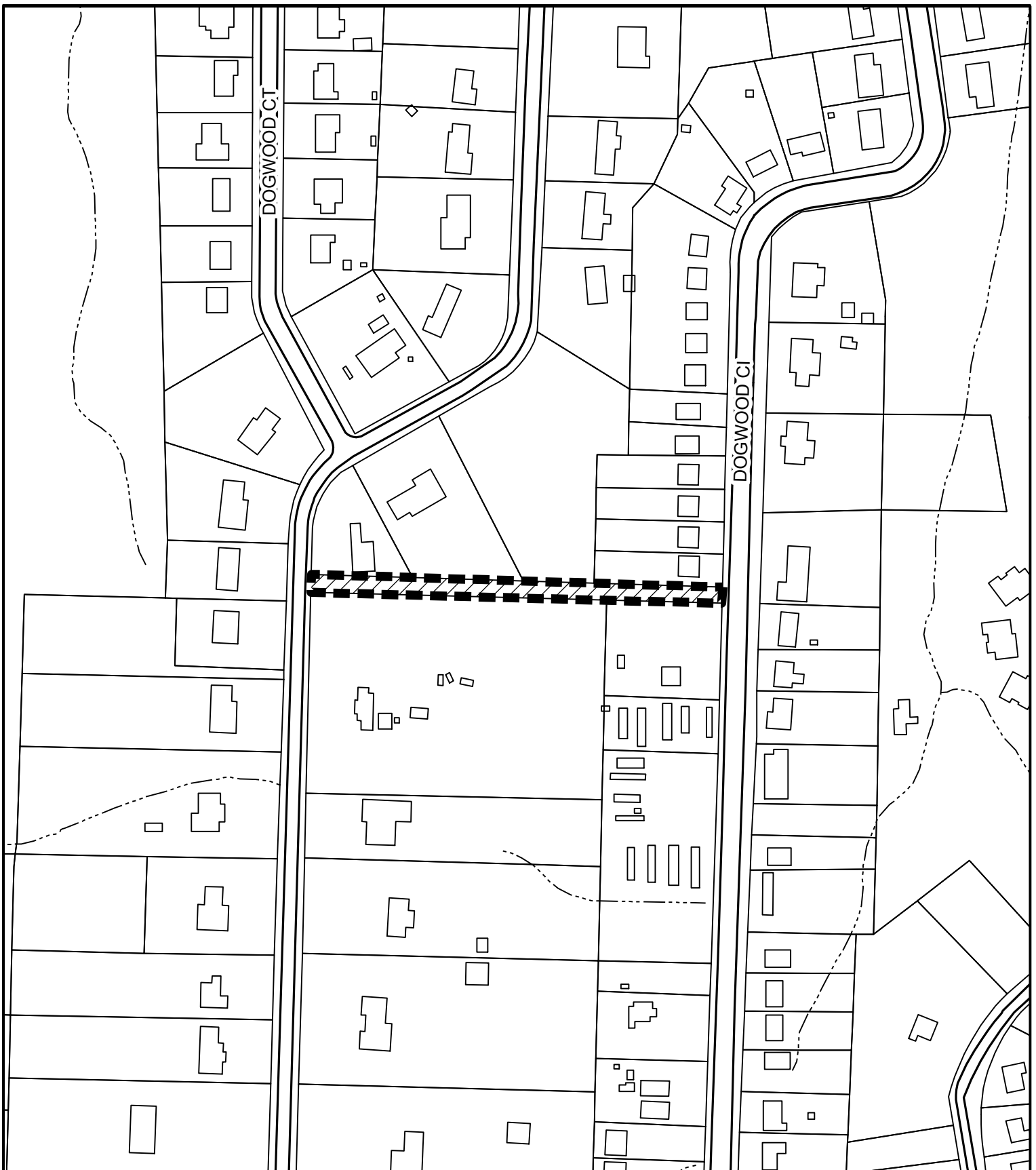
Persons wishing to be heard either for or against the said street closing are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or TDD# 336/883-8517.

Further information pertaining to this request is available at the Planning and Development in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3544 or FAX 336/883-3056.

By Order of the City Council
This the 7th day of December, 2009.

Lisa B. Vierling, City Clerk

Petition Submitted By:
City of High Point - Technical Review Committee



STREET ABANDONMENT REQUEST SA09-24

Applicant: Technical Review Committee
Area: 0.38 acres



Location of requested street abandonment

**Planning & Development
Department**

City of High Point

Date: November 30, 2009



Scale: 1"=200'
y:/ba-pz/2009/pz/sa09-24.mxd

Financial Services

Purchasing Division

T. ROBERT (BOB) MARTIN, PURCHASING MANAGER



TO: Jeffrey A. Moore
Financial Services Director

FROM: Bob Martin
Purchasing Manager

DATE: November 30, 2009

RE: Interlocal Agreement

City of High Point Purchasing and Public Services staff members met with City of Greensboro and City of Winston-Salem Purchasing staff to discuss a possible cooperative bid opportunity for the purchase of water treatment chemicals. The purpose of this joint effort would be to leverage the combined spend of all three municipalities to obtain more competitive pricing. Greensboro and Winston Salem were selected for their close proximity to High Point which would equalize freight charges and allow suppliers to bid one price to all three entities. Since the initial meeting, the City of Burlington has also expressed an interest in participating. Winston-Salem has declined to participate due to staffing changes.

Local governments are authorized to enter into contracts with each other to accumulate their requirements under the Interlocal Cooperation Authority contained in Chapter 160A, Article 20, Part 1 of the North Carolina General Statutes. The City of High Point Purchasing Division will be the lead agency in the bid process and in awarding of contracts.

It is requested that City Council authorize the Purchasing Division to enter into the attached Interlocal contracts with the Cities of Greensboro and Burlington. The agreement has been reviewed by Fred Bagget, City Attorney, who has approved it for form and content.

**INTERLOCAL AGREEMENT
FOR THE PROCUREMENT OF
WATER AND WASTEWATER TREATMENT CHEMICALS**

BETWEEN

THE CITY OF HIGH POINT

and

THE CITY OF _____

This **INTERLOCAL AGREEMENT** is entered into this ____ day of _____ 2009, by and between the **CITY OF HIGH POINT**, a North Carolina Municipal Corporation (City) (the “Procuring Agent”) and the **CITY OF _____**, a North Carolina Municipal Corporation (City) (“the Principal”);

Section 1. Purpose of Agreement. The purpose of the Agreement (“Agreement”) is to allow the parties to obtain water and wastewater treatment chemicals more quickly and less expensively than if they procured them independently.

Section 2. Delegation of Authority. The Principal hereby delegates to the Procuring Agent the authority to conduct a bid procurement for the delivery of water and wastewater treatment chemicals and to enter into procurements contract(s) for the purchase of Goods on behalf of the principal. This agreement does not obligate the Principal to purchase any of the Goods.

Section 3. Effective Date of Agreement. This agreement shall become effective _____ day of _____, 2009.

Section 4. Procurement Procedures. The Procurement shall conform to the purchasing laws as set forth in the North Carolina General Statutes for the procurement of goods.

Section 5. Award of Contract. The bids shall be reviewed by persons designated by the Procuring Agent and the Principal, and they will present a recommendation to the Council of the Procuring Agent for the award of the procurement contract(s). The Council of the Procuring Agent may consider, but is not bound by the recommendation. Once the procurement contract(s) have been executed by the Procuring Agent and the vendor(s), a copy of procurement contracts(s) shall be forward to the Principal. Upon receipt of the procurement contract(s) the

Principal may issue its individual Purchase Order(s) to the vendor(s) that has/have executed the procurement contract(s). The Principal shall thereby buy the Goods from the vendor(s) and not from the Procuring Agency. In no event will the Procuring Agent assume any responsibility for any contract resulting from this agreement between any Principal and any water or wastewater chemical providers(s).

Section 6. Record Retention. The Procuring Agent and the Principal agree to retain all documentation relating to the procurement for a period of not less than three years after the date of the last chemical delivery, except in the event of litigation or settlement of claims arising from the performance of the procurement contract(s), in which case the Procuring Agent and Principal agree to maintain same until all such litigation, appeals, claims or exceptions related thereto have been resolved.

Section 7. Miscellaneous

- (a) Duration. This agreement shall be perpetual, unless terminated earlier by mutual agreement. The governing body of each party hereto has determined that duration to be reasonable. On such termination, all obligations that are still executory on both sides are discharged but any right based on prior breach or performance survives.
- (b) Appointment of Personnel. The City Manager shall designate persons to carry out the Procuring Agent's obligations under the Agreement. The City Manager shall designate persons to carry out the Principal's obligations under this Agreement.
- (c) Amendment and Termination. This Agreement may be amended or terminated by agreement of the parties.
- (d) Benefit of Agreement. This Agreement is for the benefit of only the parties hereto and not any other person, firm, or corporation.
- (e) Nature of Agreement and Transaction. The procuring Agent's sole responsibilities under this agreement are to conduct bid procurement as described in this Agreement and to enter into the procurement contract(s) for the benefit of the Principal, also as described in this Agreement. In performing under this Agreement, the Procuring Agent is acting as the agent for the Principal, provided that the Procuring Agent may also purchase Goods for itself in the same procurement process. The Procuring Agent does not warrant or give any opinion, that this procedure, by which the Procuring Agent solicits bids and enters into procurement contract(s) on behalf of the Principal, will be successful, lawful, in compliance with regulations or effective. The Principal shall not hold the Procuring Agent liable for any deficiencies in, or failure of, this procedure. The Procuring Agency shall not be liable for any breach of the procurement contract(s) by the vendor(s) or by the Principal, and the Purchase Order(s) issued by the Principal shall so state. The Principal shall indemnify the Procuring Agent for, and hold the Procuring Agent harmless from, any claim by any person, firm, or corporation regarding this procedure or regarding the sale or purchase of the Goods. The Procuring Agent shall not be considered the buyer or seller of any of the Goods and the PROCURING AGENT SHALL NOT BE LIABLE TO THE PRINCIPAL ON ANY EXPRESS OR IMPLIED WARRANTIES (INCLUDING BUT NOT LIMITED TO MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE) with respect to any of the goods.

Section 8. Governing Law and Forum. This Agreement shall be construed and interpreted in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement that are between the parties to this Agreement shall be the North Carolina Court of Justice, in Guilford County. The preceding sentence does not govern actions between the Principal and any person, firm, or corporation other than the Procuring Agent.

Section 9. City of High Point Policy. It is the City of High Points Policy to take affirmative action in complying with all Federal and State requirements concerning fair employment and employment of the handicapped, and concerning the treatment of all employees, without discrimination by reason of race, color, religion, sex, national origin, or physical handicap.

This Agreement has been executed by the Principal and the Procuring Agent by and through duly authorized representatives.

CITY OF HIGH POINT

(seal)

By: _____
City Manager

ATTEST:

PRINCIPAL

(seal)

By: _____
City Manager

ATTEST:

APPROVAL BY CITY ATTORNEY

Approved as to form and legality:

Fred P. Baggett, City Attorney

Date: _____

APPROVAL BY FINANCE OFFICER

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Jeffrey A. Moore, Director of Financial Services

Date: _____

PLANNING AND ZONING COMMISSION RECOMMENDATION

On October 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Mark Walsh.

City of High Point

Text Amendment Case 09-12

A request by the Planning and Development Department to amend Chapters 1, 4 and 5 of the Development Ordinance to establish the Market Overlay District.

AND

City of High Point

Zoning Case 09-10

Market Overlay District

A request by the City Council to apply the Market Overlay District to approximately 249 acres in downtown High Point.

Mr. Andy Piper presented these requests to the Commission and recommended approval of TA09-12 and Z09-10 as outlined in the staff reports.

Speaking in favor of these requests were Aaron Clinard of 803 W. Farris Avenue, Charles Simmons of 1010 Creekside Drive, Steven Johnson of 504 Samet Drive, Dian Brigman of 1316 Eaton Place and Juan Ingram of 1506 Avington Way.

Speaking in opposition of these requests were Arash Yaraghi owner of property at corner of Kivett & Lindsay, J. C. Thompson of 3819 Briarwood Avenue, Randy Short, property owner of 435 N. Wrenn Street, Libby Cheek of 1102 Gatehouse Road, Sherry Wilson of 914 Chestnut Street, Pam Stearns of 508 N. Hamilton Street, Ron Sock, representing L & J.G. Stickley in Manlius, NY, Ron Townsend of 410 English Road, Angie Hebert of 5103 Grandover Parkway in Greensboro, Kathy Hinson of 1925 Chestnut Street, Alan Cousins of 1406 Westchester Drive, Henry Lael, owner of 136 N. Main Street, Jeff Baron 2425 North Old Greensboro Road, and Patrick Charles of 410 Union Square.

These speakers concerns included the following:

- Regulations are unnecessary since as long as there is space available within the district developers will not continue to develop showroom space within the district or outside the district.
- The two year time limit for nonconforming showroom properties may force people out of business if their property remains vacant since only suitable use is for showrooms.
- Unrealistic to expect restaurants and retail uses to develop in the downtown area due to the economy.
- Wrenn Street has historically always been a showroom district; however the right side of street is not in the proposed Market Overlay District therefore has no value.
- Reduction of property value for showroom use properties located outside of the proposed Market Overlay District.
- N. Main Street left out entirely of the proposed Market Overlay District where several showrooms exist.
- Need for the city to create incentives for empty showrooms to develop as a mixed use?
- The Market Overlay District may restrict outside investment and adversely affect the outside investors who have already invested and are now located outside the proposed overlay district.

- Request that the Market Overlay District be revised to include the following: Kivett & Lindsay, Union Square, the right side of Wrenn Street, 600 N. Main Street, Chest of Drawers, Oakland Place, 100 block of N. Main Street, 225 N. Elm Street, Lindsay Street to Church Avenue.

After a lengthy discussion among Commission members on the proposal and comments of speakers, the Planning & Zoning Commission recommended **approval** of Text Amendment Case 09-12 and Zoning Case 09-10 by a vote of 7-0.

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

**STAFF REPORT
TEXT AMENDMENT CASE 09-12
October 27, 2009**

Request	
Applicant: City of High Point Planning & Development Department	Affected Ordinance Sections: Section 9-1-3, <i>Purpose</i> ; Section 9-4-2(d), <i>Overlay Districts</i> ; Section 9-4-4, <i>Overlay District Requirements</i> ; Section 9-4-7(a)(1), <i>Permitted Use Schedule</i> ; Section 9-4-13, <i>Accessory Use, Building and Structures</i> ; Section 9-4-14, <i>Fences</i> ; Section 9-4-17(b), <i>Nonconforming Use of Land</i> ; Section 9-5-1, <i>Development Standards for All Uses</i> ; Section 9-5-2, <i>Development Standards for Individual Uses</i> ; Section 9-5-6, <i>General Provisions</i> .
Proposal: To amend the Development Ordinance to establish the Market Overlay District.	

Background

The Market Overlay District is an implementation project of the *Core City Plan*, which was adopted by City Council in February 2007. The *Core City Plan* examined the urban core of the city and made a number of recommendations. One of the key recommendations of the *Core City Plan* is to create a zoning district that designates the area where new market showrooms are allowed.

Details of Proposal

Staff determined that an overlay district was the most appropriate means of implementing this recommendation. An overlay zoning district supplements the existing zoning district regulations and can make the standards for development either more or less restrictive than the underlying or base zoning district. The Market Overlay District will designate the area where new market showrooms as principal uses of land are allowed. However, market showrooms will not be the only land use allowed in the Market Overlay District, because other uses will be allowed according to the underlying zoning district.

The proposal would allow any existing market showroom outside the Market Overlay District to continue as long as it stays in operation for at least one Market during a two year period, which is a one-year increase over the current allowance for nonconforming market showrooms to continue operation. The Ordinance currently allows nonconforming market showrooms to

expand with approval of a special exception by the Board of Adjustment. In addition, a market showroom could be established through the approval by City Council of a planned unit development district, which would necessitate a mixture of uses in the development in addition to a market showroom.

The proposed district includes site standards that apply to all new uses within the district and address parking, drive-thrus, accessory buildings, fences, and sidewalks. There are also use-specific requirements for civic spaces, loading areas, and parking lots as a principal use. These standards are similar to what has already been approved as part of the Main Street District in order to create continuity through the spine of the Core City area. The site standards will apply to new construction, and expansions or additions over a specified size have to meet the standards for screening of parking, fencing, and sidewalks.

Analysis

The text amendment implements a key recommendation of the *Core City Plan*. The plan stated that concentrating showrooms within a defined district helps (1) to strengthen the Market, (2) to reduce real estate speculation driven by the showrooms that discourages other land uses, and (3) to allow for the development of non-showroom uses in the peripheral areas that could benefit both the Market and the community in general.

Recommendation

Staff Recommends Approval:

The proposed Market Overlay District implements one of the key *Core City Plan* recommendations.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the request is reasonable and in the public interest because: 1) the proposal is consistent with and implements a key recommendation of the adopted *Core City Plan*, 2) it would aid in strengthening the Market, 3) it would assist in reducing real estate speculation that discourages other land uses, and 4) it would assist in allowing the development of other land uses in the peripheral areas that could benefit both the Market and the community in general. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Andy Piper AICP, Senior Planner and reviewed by Heidi Galanti AICP, Planning Administrator and Lee Burnette AICP, Director.

**TEXT AMENDMENT 09-12
PROPOSED AMENDMENTS TO THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE**

(Text amendment establishing the Market Overlay District)

SECTION 1.

Section 9-1-3 entitled PURPOSE, shall be amended to re-letter subsection **(u) MIXED USE CENTER OVERLAY DISTRICT PURPOSES** to subsection **(j)** and to add the following as a new subsection **(k)**. The remaining subsections will be re-lettered accordingly:

(k) MARKET OVERLAY DISTRICT PURPOSES

The Market Overlay District regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

- (1) Strengthen the High Point Market by allowing new market showrooms within a concentrated, pedestrian area;**
- (2) Reduce real estate speculation driven by market showrooms that discourages other beneficial uses in peripheral areas;**
- (3) Encourage the development of non-showroom uses that could benefit both the Market and the community in general; and**
- (4) Establish site standards for the Market District to ensure new development is consistent with the Core City Plan;**

SECTION 2.

Subsection 9-4-2 (d) entitled OVERLAY DISTRICTS shall be amended to add the following:

(8) MD MARKET OVERLAY DISTRICT

The MD, Market Overlay District, establishes a district where new market showrooms are allowed in conjunction with a mix of other land uses, and creates site standards to ensure development is consistent with the Core City Plan. These regulations are specified in Section 9-4-4 (Overlay District Requirements).

SECTION 3.

Section 9-4-4, entitled OVERLAY DISTRICT REQUIREMENTS, shall be amended to add a new subsection **(h)**, which shall read as follows:

(h) MARKET OVERLAY DISTRICT

(1) Applicability:

- a. **Uses:** The Market Overlay District is the only district in which market showrooms are permitted, except as allowed through a planned unit development district. Other uses are allowed as determined by the underlying zoning district.
- b. **Boundaries:** The Market Overlay District is defined on the Official Zoning Map and shall consist of one district defined by one continuous boundary.
- c. The requirements, standards and provisions of the underlying zoning district shall apply to all property within the Market Overlay District, except as otherwise provided below. Where the requirements, standards and provisions contained in the Market Overlay District conflict with other requirements of the Development Ordinance, the requirements, standards and provisions contained in the Market Overlay District shall apply.
 1. Section 9-4-13 (Accessory Use, Building and Structure Requirements) shall apply except as provided in Section 9-4-4(h)(2)a.3. (Accessory Buildings). Section 9-4-14 (Fences) shall apply except as provided in Section 9-4-4(h)(2)a.4. (Fencing).
 2. Chapter 5 (Zoning: Other Standards) shall apply to the Market Overlay District except as follows. Section 9-5-1(f) (Sidewalks) shall apply except as provided in Section 9-4-4(h)(2)a.5. (Sidewalks). Article B (Off-Street Parking, Stacking, and Loading Areas) shall apply except as provided in Section 9-4-4(h)(2)a.1. (Parking) and Section 9-4-4(h)(2)b.2. (Loading Areas).
- d. **Site Compliance:** If additions or expansions of buildings exceed 1,000 square feet of gross floor area (GFA), or the total of additions or expansions of buildings, parking areas, or open uses of land occur that individually or collectively exceed 3,000 square feet, then the site shall be brought into compliance with the following site standards of this overlay district:
 1. Visual Screening of Parking
 2. Fencing
 3. Sidewalks

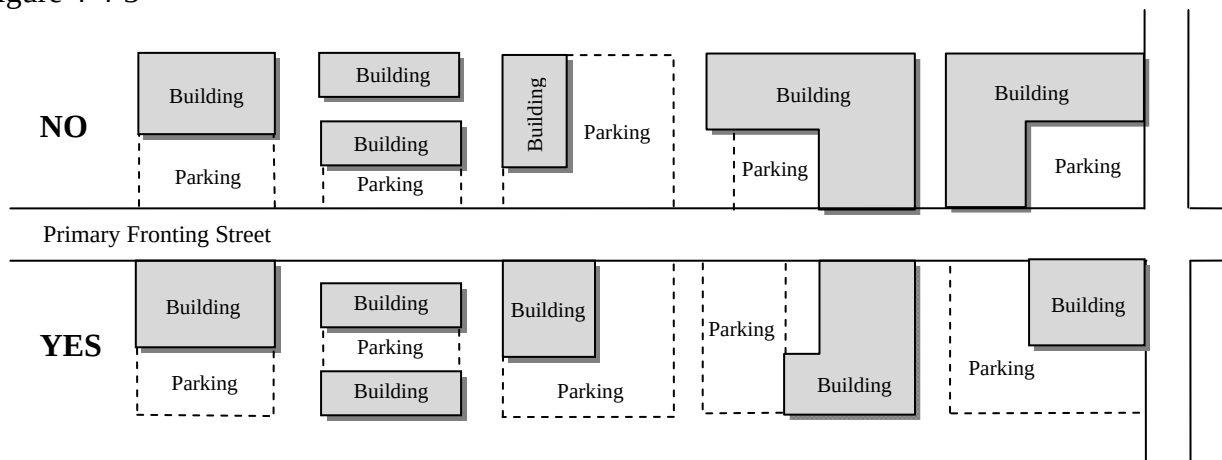
(2) Site Standards:

a. General Requirements:

1. Parking:

- i. Location:** No off-street surface parking shall be located between any portion of a front facing façade of a building and the primary fronting street. Parking may be located on the side of the building, behind the building, or behind the building closest to the street in group developments.
- ii. Corner lots:** Surface parking shall not front contiguously on two streets.

Figure 4-4-3



- iii. Visual Screening of Parking:** Any off-street surface parking area that is located within 25 feet of a street right-of-way shall be screened from the street and sidewalk by low walls and/or hedges with openings to allow for pedestrian access. The height of any opaque wall or hedges used to meet this requirement shall be a minimum of three (3) feet and should not exceed four (4) feet.

- iv. Paving:** All parking areas shall be paved.

- 2. Drive-thru Windows:** Any drive-thru window(s) that are provided shall be located on the side or rear of the building.
- 3. Accessory Buildings:** All accessory buildings shall be located behind the rear building line of the principal building and are

encouraged to be of similar design and materials as the principal building if visible from a public street.

4. Fencing:

- i. Any walls or solid portion of fencing, except columns, located within fifteen (15) feet of a front or side street shall be a maximum of four (4) feet in height.
- ii. Chain link, slat, and barbed wire fencing and plain concrete block walls shall only be permitted behind the rear building line of the principal building.
- iii. For any property that has a use without a principal building; chain link, slat, and barbed wire fencing and plain concrete block walls shall only be permitted along the rear property line.

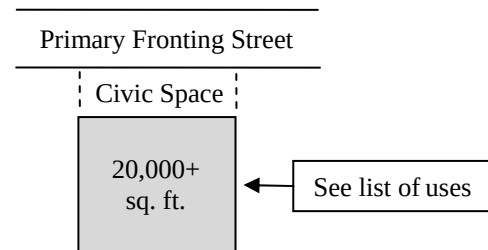
5. Sidewalks: Sidewalks shall be installed along any public street frontage of previously undeveloped property.

b. Use-specific Requirements:

1. Civic Space:

- i. The following uses shall provide a civic space between the primary fronting street and the front façade of any building with square footage of 20,000 square feet or greater: Auditoriums, Coliseums, or Stadiums; Churches; Colleges and Universities; Elementary or Secondary Schools; Government Offices; Hospitals; Libraries; Museums or Art Galleries; Post Offices; and Market Showrooms.

Figure 4-4-4



- ii. The intent of civic space is to provide an open space area where people can congregate upon entering or leaving a building. Civic spaces cannot be used for parking or loading. They may include, but are not

limited to, plazas, outdoor seating/dining, or locations for the display of public art, such as fountains.

- iii. The size of the civic space shall be equal to at least one percent of the building square footage up to a maximum required area of 1,000 square feet and shall extend to the front property line.**

2. Loading Areas:

- i. Market showrooms located in the Market Overlay District shall be exempt from the loading area design standards described in subsection 9-5-6(h)(2), except if loading areas are provided they shall meet the size standards described in subsection 9-5-6(h)(2)b.**
- ii. Any door(s) to an internal loading area visible from the primary fronting street shall have architectural features that are compatible with the building's primary façade.**
- iii. Any off-street external loading area shall be located to the rear of the building.**

- 3. Automotive Parking as a Principal Use: All parking lots that are the principal use for a site shall meet the screening and paving requirements listed in subsection 9-4-4(h)(2)a.1. (Parking).**

(3) Building Standards:

- a. Market showrooms may be located in a combination of permanent building(s) and temporary membrane structure(s) located on the same zone lot; or located entirely in one or more temporary membrane structures on the same zone lot provided that a building permit has been issued for a permanent showroom building on said zone lot and provided the temporary membrane structures meet the requirements below.**
- b. Additional Requirements for Temporary Membrane Structures:**
 - 1. The temporary structure shall be located on the same zone lot as a market showroom.**
 - 2. The temporary structure shall be enclosed on all sides.**

3. **The temporary structure may be erected for up to 120 days in a calendar year.**
4. **The temporary structure shall be engineered to have a clear span tension construction, no internal support poles, no external guy wires and a HVAC system.**

SECTION 4.

Subsection 9-4-7(a)(1), entitled PERMITTED USE SCHEDULE shall be amended as follows:

- b. The meanings of the entries in the Permitted Use Schedule are as follows:
 1. "P" indicates the use is permitted by right;
 2. "D" indicates the use is permitted by right subject to additional development standards as set forth in Chapter 5;
 3. "S" indicates that the use requires approval of a Special Use Permit and is subject to any additional development standards set forth in Chapter 5; and
 4. "Z" indicates the use ~~requires approval of a Manufactured Housing~~ **is only permitted in the appropriate Overlay District.**

SECTION 5.

Table 4-7-1, entitled PERMITTED USE SCHEDULE, shall be amended as follows:

The following uses: *Auditoriums, Coliseums, or Stadiums; Churches; Colleges or Universities; Elementary or Secondary Schools; Government Offices; Hospitals; Libraries; Museums or Art Galleries; and Post Offices*, which are listed in the table under the use type category EDUCATIONAL AND INSTITUTIONAL USES, *Market Showrooms, (Furniture, Apparel, etc.)*, which is listed under the use type category WHOLESale TRADE, and *Automotive Parking*, which is listed under the use type category OTHER USES shall be amended to add the notation **[MD]** next to the name of the use in the "Use Types" column.

The use titled *Market Showrooms, (Furniture, Apparel, etc.)*, which is listed in the table under the use type category WHOLESale TRADE, shall be amended by changing the designation in the zoning districts columns for General Business (GB), Central Business (CB) and Light Industrial (LI) to a 'Z'.

The footnote under the Permitted Use Schedule shall be amended to add the following notation:

"[MD]"= Additional requirements in the Market Overlay District see Section 9-4-4(h)

SECTION 6.

Section 9-4-13 entitled ACCESSORY USE, BUILDING AND STRUCTURE REQUIREMENTS, subsection (b) entitled LOCATION shall be amended as follows:

(4) Additional standards apply in the following districts:

- a. Traditional Neighborhood (TN) District (Subsection 9-4-3(b)(3)d.)**
- b. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.10.)**
- c. Market Overlay District (Subsection 9-4-4(h)(2)a.3.)**
- d. Main Street District (Subsection 9-4-5(a)(3)n.)**

(Re-number the remaining subsections accordingly).

SECTION 7.

Section 9-4-14, entitled FENCES, shall be amended as follows:

(a) **APPLICABILITY**

(1) This Section shall regulate all fences unless otherwise stipulated in this Ordinance. **Additional standards apply in the following districts:**

- a. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.5.)**
- b. Market Overlay District (Subsection 9-4-4(h)(2)a.4.)**
- c. Main Street District (Subsection 9-4-5(a)(3)f.)**

(2) Fences are permitted in required setbacks according to Subsection 9-4-12(d)(1) (Encroachments Permitted in Required Setbacks), provided the requirements of this Section are met.

(3) All fencing shall be of an acceptable material, approved by the Enforcement Officer.

SECTION 8.

Subsection 9-4-17(b), entitled NONCONFORMING USE OF LAND, shall be amended as follows:

(2) Conditions for Continuance, General:

- e. With the exception of a legally nonconforming sexually oriented business use, **market showroom use**, or a nonconforming use in the Main Street District, if any nonconforming use of land ceases for any reason for a continuous period of more than one hundred eighty (180) days, any subsequent use of such land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than one hundred eighty (180) days, to maintain its nonconforming status.
- f. With the exception of a legally nonconforming sexually oriented business use, **market showroom use**, or a nonconforming use in the Main Street District, if any nonconforming use of land ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired within one hundred eighty (180) days, but not to exceed the number of square feet of floor area nor the number of cubic feet existing in it prior to its damage or destruction.

(3) Conditions for Continuance, Market showroom use:

- a. A legally nonconforming market showroom use may be enlarged or extended, upon approval of a special exception by the Board of Adjustment, to occupy a greater area of land or floor area than was occupied at the effective date of adoption or amendment of this Ordinance ~~provided that the enlargement or extension of additional structure(s) occupy the same zone lot or plot of ground as occupied by the existing structure(s) at the time the use became nonconforming.~~
- b. If any nonconforming market showroom use of land ceases for any reason for a continuous period of more than ~~three hundred sixty-five (365) days~~ **two (2) years**, any subsequent use of land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than ~~three hundred sixty-five (365) days~~ **two (2) years** to maintain its nonconforming status.
- c. If any nonconforming market showroom use ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired within ~~three hundred sixty-five (365) days~~ **two (2) years**, but not to exceed the number of square feet of floor area nor the cubic feet existing in it prior to its damage or destruction.

SECTION 9.

Section 9-5-1, entitled DEVELOPMENT STANDARDS FOR ALL USES, shall be amended as follows:

(e) MEMBRANE STRUCTURES

- (1) Membrane structures shall be permitted only for temporary use as specified in the North Carolina Building Code, or as otherwise specified in this Ordinance for Market Showrooms (Sections ~~9-5-2 (sss) Development Standards for Market Showrooms~~ **9-4-4 (h)(3) Building Standards**), and for Residential Accessory Structures (Section 9-4-13(b) Residential Accessory Structures).

(f) SIDEWALKS

- (2) Required Locations:

d. As required by the regulations of the **following districts:**

- 1. Traditional Neighborhood (TN) District in (Subsection 9-4-3(b)(5)d.)**
- 2. Market Overlay District (Subsection 9-4-4(h)(2)a.5.)**
- 3. Main Street District (Subsection 9-4-5(a)(3)i.)**

SECTION 10.

Section 9-5-2, entitled DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, shall be amended to remove MARKET SHOWROOMS (FURNITURE, APPAREL, ETC.) and to re-letter the remaining subsections accordingly:

~~(sss) ——— MARKET SHOWROOMS (FURNITURE, APPAREL, ETC.)~~

~~(1) — Where Required: GB, CB, and LI Districts~~

~~(2) — Location:~~

- ~~a. Showrooms in the GB District shall be located within permanent buildings only.~~
- ~~b. Showrooms in the CB District shall be located either in permanent building(s); a combination of permanent building(s) and temporary fabric structure(s) located on the same zone lot; or located entirely in one or more temporary fabric structures on the same zone lot provided that a building permit has been issued for a permanent showroom building on said zone lot.~~

~~(3) Additional Standards for Market Showrooms Located Within Light Industrial Districts:~~

- ~~a. The zone lot where the market showroom is located shall be no more than 1,500 feet from the boundary of a Central Business (CB) District.~~
- ~~b. The market showroom shall be established only within an existing building, except that said showroom may be expanded up to twenty-five (25) percent of the gross square footage of the existing building.~~
- ~~c. The market showroom may be established in conjunction with furniture or apparel manufacturing or assembly.~~

~~(4) Additional Requirements for Temporary Fabric Structures:~~

- ~~a. The temporary structure shall be located on the same zone lot as a market showroom.~~
- ~~b. The temporary structure shall be enclosed on all sides.~~
- ~~c. The temporary structure may be erected for up to 120 days in a calendar year.~~
- ~~d. The temporary structure shall be engineered to have a clear span tension construction, no internal support poles, no external guy wires and a HVAC system.~~

SECTION 11.

Section 9-5-6 entitled GENERAL PROVISIONS shall be amended as follows:

(a) GENERAL REQUIREMENTS

(1) Exemptions:

- a. The minimum off-street parking requirements of Table 5-6-1 shall not apply to properties within or completely surrounded by the Central Business (CB) zoning district.
- b. Market showrooms located in the Market Overlay District shall be exempt from the minimum number of loading spaces required, but if loading spaces are provided they shall meet the minimum size standards in subsection 9-5-6(h)(2)b. and the additional standards in subsection 9-4-4(h)(2)b.2.

(d) DESIGN STANDARDS FOR PARKING, STACKING, AND LOADING

(3) Improvements:

a. Paving:

3. Unless subject to the paving requirements of the Market Overlay District (Subsection 9-4-4(h)(2)a.1.iv.) or Main Street District (Subsection 9-4-5(a)(3)c.2.), ~~p~~Paving shall not be required for:

- i. Parking facilities used on an irregular basis for churches, private clubs, or other similar nonprofit organizations;
- ii. Parking facilities for residential uses where six (6) or fewer spaces are required;
- iii. Parking areas for agricultural uses in the Agricultural (AG) District;
- iv. Parking areas in the Heavy Industrial (HI) District, or for manufacturing and industrial uses in the Light Industrial (LI) District, provided they are constructed with gravel or other comparable all-weather surface and
- v. Parking areas for tracked heavy construction equipment, skid-mounted equipment, and similar equipment, provided they are constructed with gravel or other comparable all-weather surface;

i. Additional screening standards apply in the following districts:

- 1. Traditional Neighborhood (TN) District (Subsection 9-4-3(b)(3)f.4.i.)
- 2. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.2.ii.)
- 3. Market Overlay District (Subsection 9-4-4(h)(2)a.1.iii.)
- 4. Main Street District (Subsection 9-4-5(a)(3)c.5.)

(e)

LOCATION

(4) Additional standards apply in the following districts:

a. Traditional Neighborhood (TN) District (Subsection 9-4-3(b)(3)f.4.i.)

- b. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.2.i.)**
- c. Market Overlay District (Subsection 9-4-4(h)(2)a.1.i & ii.)**
- d. Main Street District (Subsection 9-4-5(a)(3)c.1.)**

SECTION 12. That 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 13. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 14. That this ordinance shall become effective on _____.

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

**STAFF REPORT
ZONING CASE 09-10
October 27, 2009**

Request	
Applicant: City of High Point City Council	Owner(s): Various Owners
Proposal: To apply the new Market Overlay District over approximately 249 acres.	From: N/A
	To: Market Overlay District

Site Information	
Location:	The area generally bounded by E. Ray Ave. on the north; properties fronting on the east side of N. Hamilton St. from E. Ray Ave. to Richardson Ave.; Centennial St., E. Green Dr., Park St., E. Russell Ave., and Tate St. on the east; Grimes Ave. on the south; and S. Elm St., W. Green Dr., Oak St., W. High Ave., and N. Wrenn St. on the west.
Tax Parcel Numbers:	Various (346 parcels)
Site Acreage:	Approximately 249 acres
Current Land Use:	Predominately market showrooms, with some commercial, office, institutional and industrial uses.
Physical Characteristics:	The area is located downtown and is characteristically urban. The railroad tracks bisect the district.
Water and Sewer Proximity:	Water and sewer lines of various sizes are located throughout the area.
General Drainage and Watershed:	The area drains into two water supply watersheds – High Point City Lake and Randleman Lake.
Overlay District(s):	City Lake and Randleman Lake General Watershed Areas West High Avenue Historic District

Adjacent Property Zoning and Current Land Use
Not applicable to this zoning case.

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	<u>Goal 4:</u> Make Downtown High Point and its environs a vibrant, diverse and mixed use environment. • <u>Objective 4C:</u> Make the High Point Market more competitive by enhancing pedestrian access, transit and other services to the showrooms. <u>Goal 6:</u> Keep High Point's economy strong and make it more diversified. • <u>Objective 6B:</u> Given the direct economic benefits derived from the High Point Market, as well as the invaluable international recognition it brings to the community, continue efforts to sustain, promote and support the High Point Market.
Land Use Plan Map Classification:	The area is primarily designated Community/Regional Commercial, but also includes Local/Convenience Commercial, Institutional, Light Industrial, Heavy Industrial, Office, Medium-Density Residential, and High-Density Residential land use designations.
Land Use Plan Goals, Objectives and Policies:	This request is neither in conflict with the Land Use Plan's goals and objectives nor does it promote those goals and objectives.
Relevant Area Plan(s):	Core City Plan: The Core City Plan identifies the area as being within the Showroom District. The plan states that concentrating showrooms within a defined district will help strengthen the Market, reduce real estate speculation driven by the showrooms that discourages other uses, and allow for the development of non-showroom uses in the peripheral areas that could benefit both the Market and the community in general.
Zoning History:	The area is predominately zoned Central Business, with smaller areas of General Office High Intensity, Public Institutional, Light Industrial and Heavy Industrial zoning. There have been 11 Conditional Use-Central Business (CU-CB) rezoning cases approved since 1994, primarily for market showroom uses.

Transportation Information
Not applicable to this zoning case.

School District Comment
Not applicable to this zoning case.

Details of Proposal

The Market Overlay District is an implementation project of the *Core City Plan*, which was adopted by City Council in February 2007. The *Core City Plan* examined the urban core of the city and made a number of recommendations. One of the key recommendations is to create a zoning district that designates an area where new market showrooms are allowed.

Staff determined that an overlay district was the most appropriate means of implementing this recommendation and has worked to define an appropriate boundary. The process began with staff determining the location of existing showrooms during the Fall 2008 and Spring 2009 Markets, and identifying peripheral areas where there was potential for other uses. The proposed district includes the vast majority of existing market showroom square footage.

In the proposed Market Overlay District boundary, staff made three primary changes when compared with the showroom district boundary of the adopted *Core City Plan*. The first was to combine the two showroom districts proposed in the *Core City Plan* – one north of English Rd. along Hamilton and Wrenn Streets, the other south of the railroad tracks – into a single district by including the area between N. Wrenn St. and N. Centennial St. The second change was to narrow the district north of the railroad tracks to only those properties on the east side of Wrenn St. and those fronting on N. Hamilton St. This allows both sides of N. Main St., which has a mix of uses and in comparison a few existing market showrooms, to be available for other types of uses, and avoids existing residential areas to the east. The third change was to not include the primarily vacant and underutilized industrial area to the southwest of the district. This was envisioned in the *Core City Plan* as an area that could accommodate future showroom growth, but it currently lacks some necessities, like sidewalks. In addition, indications are that the Market is growing more compact and not outward at this time.

Public input has been solicited throughout the process. A focus group composed of market and showroom interests met twice to provide feedback to staff. The group helped provide insight about the trend toward a more compact and concentrated area for the Market. The proposed Market District boundary was also shown to the general public at a community open house held in August. Based on the comments received after the open house, staff made some small modifications to the proposed district boundary.

The boundary of the proposed Market Overlay District and its relation to existing underlying zoning is shown on the attached maps. The companion text amendment case TA09-12 details the specific changes to the Development Ordinance needed to create the Market Overlay District.

Identified Issues

Major Issues:

- ❖ None

Minor Issues:

- ❖ None

Recommendation

Staff Recommends Approval:

The zoning map amendment implements a key recommendation of the *Core City Plan*. The plan stated that concentrating showrooms within a defined district helps (1) to strengthen the Market, (2) to reduce real estate speculation driven by the showrooms that discourages other land uses, and (3) to allow for the development of non-showroom uses in the peripheral areas that could benefit both the Market and the community in general.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the request is reasonable and in the public interest because: 1) the proposal is consistent with and implements a key recommendation of the adopted *Core City Plan*, 2) it would aid in strengthening the Market, 3) it would assist in reducing real estate speculation that discourages other land uses, and 4) it would assist in allowing the development of other land uses in the peripheral areas that could benefit both the Market and the community in general. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Andy Piper AICP, Senior Planner, and reviewed by Heidi Galanti AICP, Planning Administrator and Lee Burnette AICP, Director.

Scale: 1'=700'
y:/ba-pz/2009/pz/z09-10.mxd

**THE CITY COUNCIL OF THE CITY OF HIGH POINT RESOLUTION
DESIGNATING RECOVERY ZONE AND CONTINUED STUDY OF
RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS**

WHEREAS, the American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5) ("ARRA") modifies the Internal Revenue Code of 1986, as amended (the "Code") to authorize, among others, two new types of bonds entitled "recovery zone economic development bonds" and "recovery zone facility bonds;" and

WHEREAS, "recovery zone economic development bonds are a subcategory of taxable build America bonds (as defined in section 54AA(d) of the Code), issued under provisions of ARRA that have been codified as Section 1400U-2 of the Code, the proceeds of which are to be used for qualified economic development purposes in a recovery zone; and

WHEREAS, qualified economic development purpose includes expenditures for the purpose of promoting development or other economic activity in a recovery zone, including capital expenditures for property located in the zone or expenditures for public infrastructure and construction of public facilities in the zone; and

WHEREAS, the Code and related regulations issued by the U.S. Treasury Departments (collectively, the "Recovery Zone Act") defines a recovery zone as any area designated by the City as an area of significant poverty, unemployment, rate of home foreclosure, or general distress; and

WHEREAS, the City of High Point ("City") has determined that the City has experienced significant unemployment and general distress because of significant plant foreclosures, high unemployment, and increases in unemployment since June 2008; and

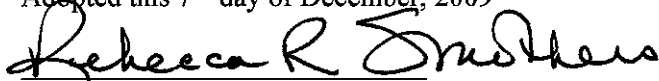
WHEREAS, the City has determined that it is in the best interests of its citizens to designate the area City limits as a "recovery zone" for purposes of the Recovery Zone Act.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of High Point, that:

1. There is significant unemployment and general distress in the City of High Point, and therefore designates the areas within the city limits of the City of High Point as a recovery zone for purposes of the Recovery Zone Act.

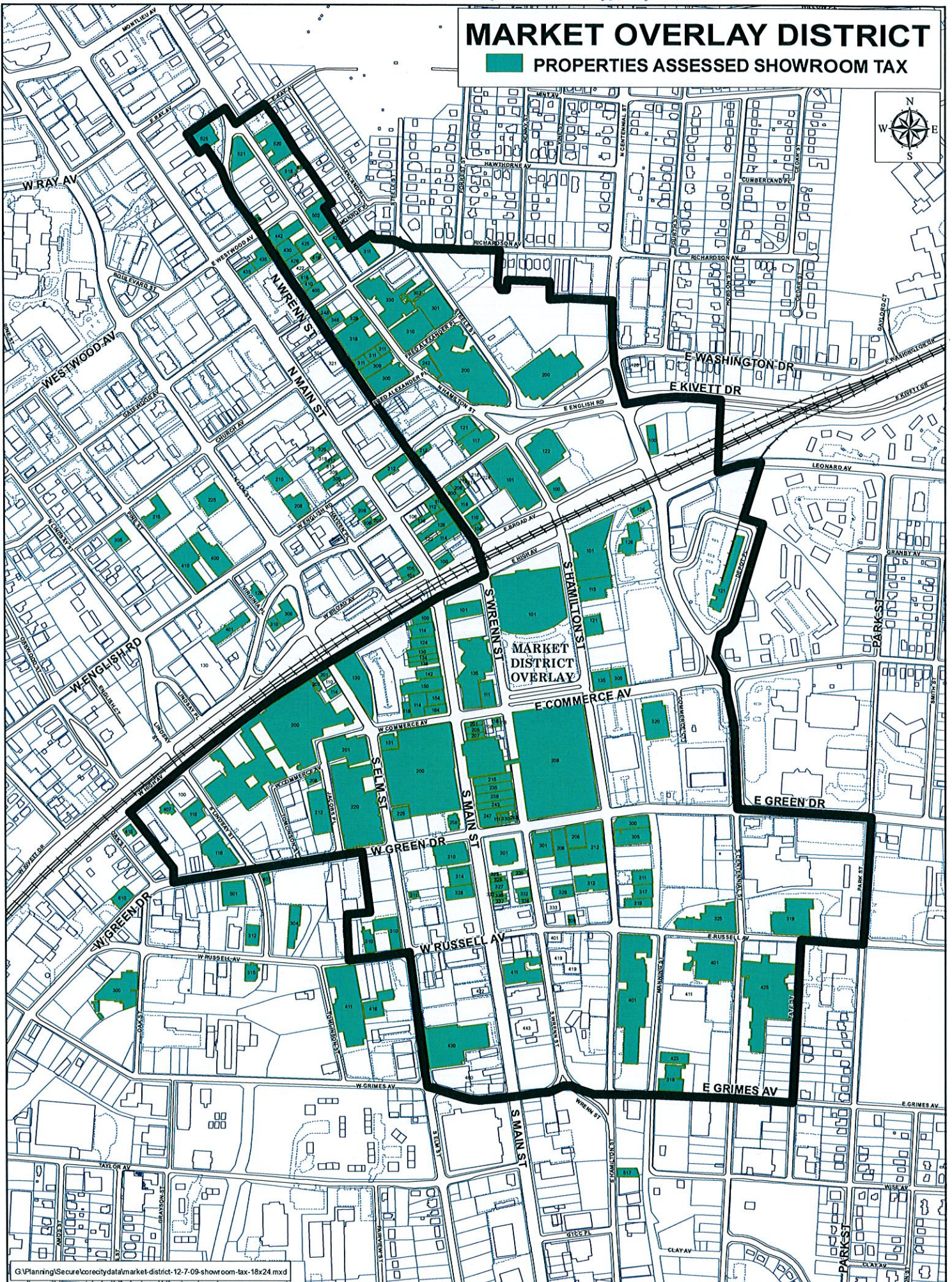
2. The City Manager and/or his designee(s) officers of the City are hereby authorized and directed to take all actions as may be required in furtherance of the designation of the recovery zone area including without limitation the review of Recovery Zone Economic Development Bond Projects and notification of the North Carolina Department of Commerce of the City's potential use of these Recovery Zone bonds.

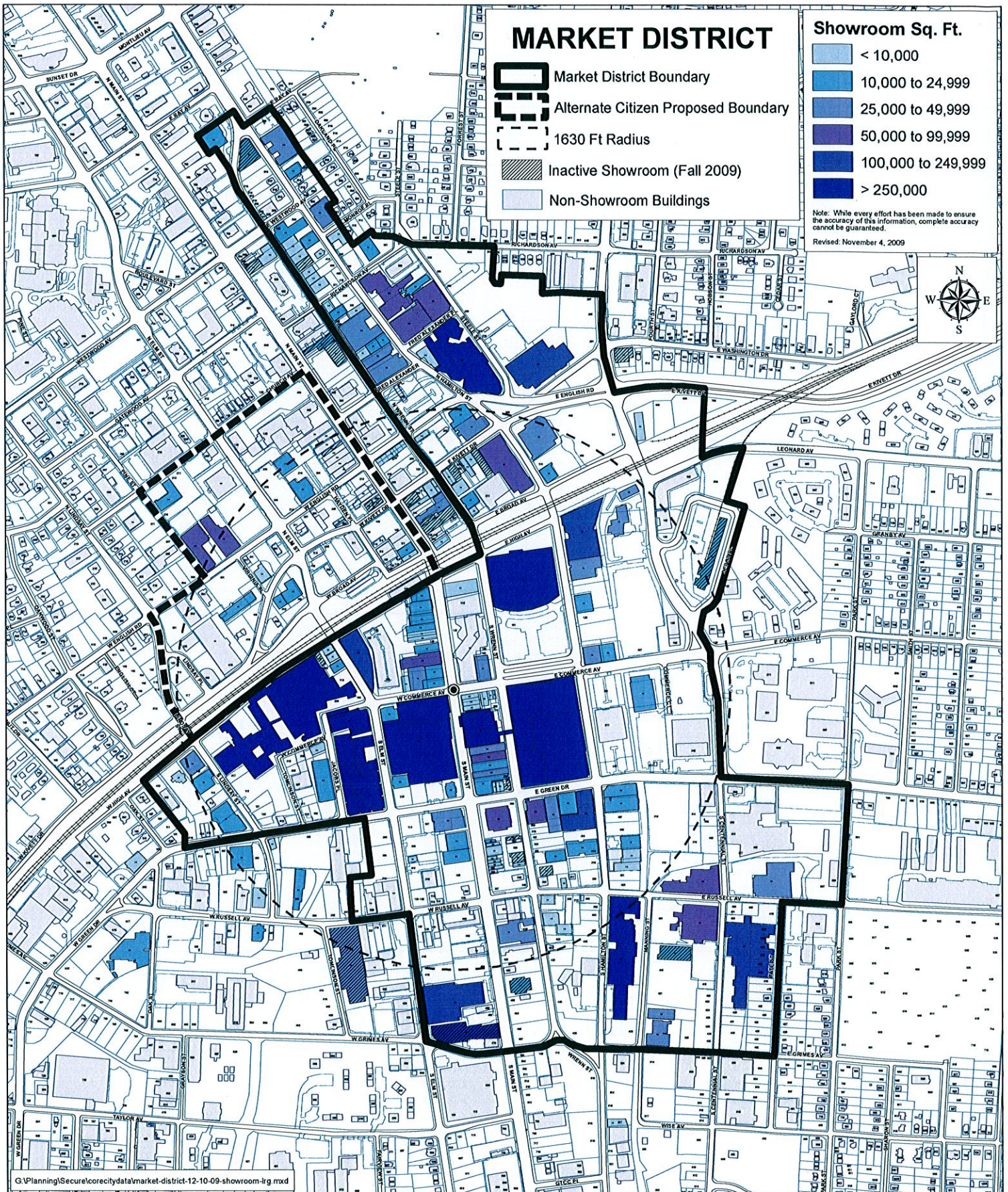
Adopted this 7th day of December, 2009


Rebecca R. Smothers, Mayor

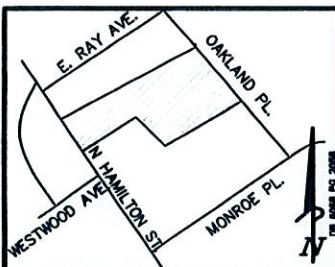
MARKET OVERLAY DISTRICT

PROPERTIES ASSESSED SHOWROOM TAX





12-14-09 Pam Stern



Vicinity Map
Not to Scale

Date of field survey: 11/13/06

Areas shown are calculated by coordinates unless otherwise noted.

This plot is subject to any facts that may be disclosed by a full and accurate title search.

This plot is subject to any easements, agreements, or right-of-way of record prior to the date of this map, which was not visible at the time of my inspection.

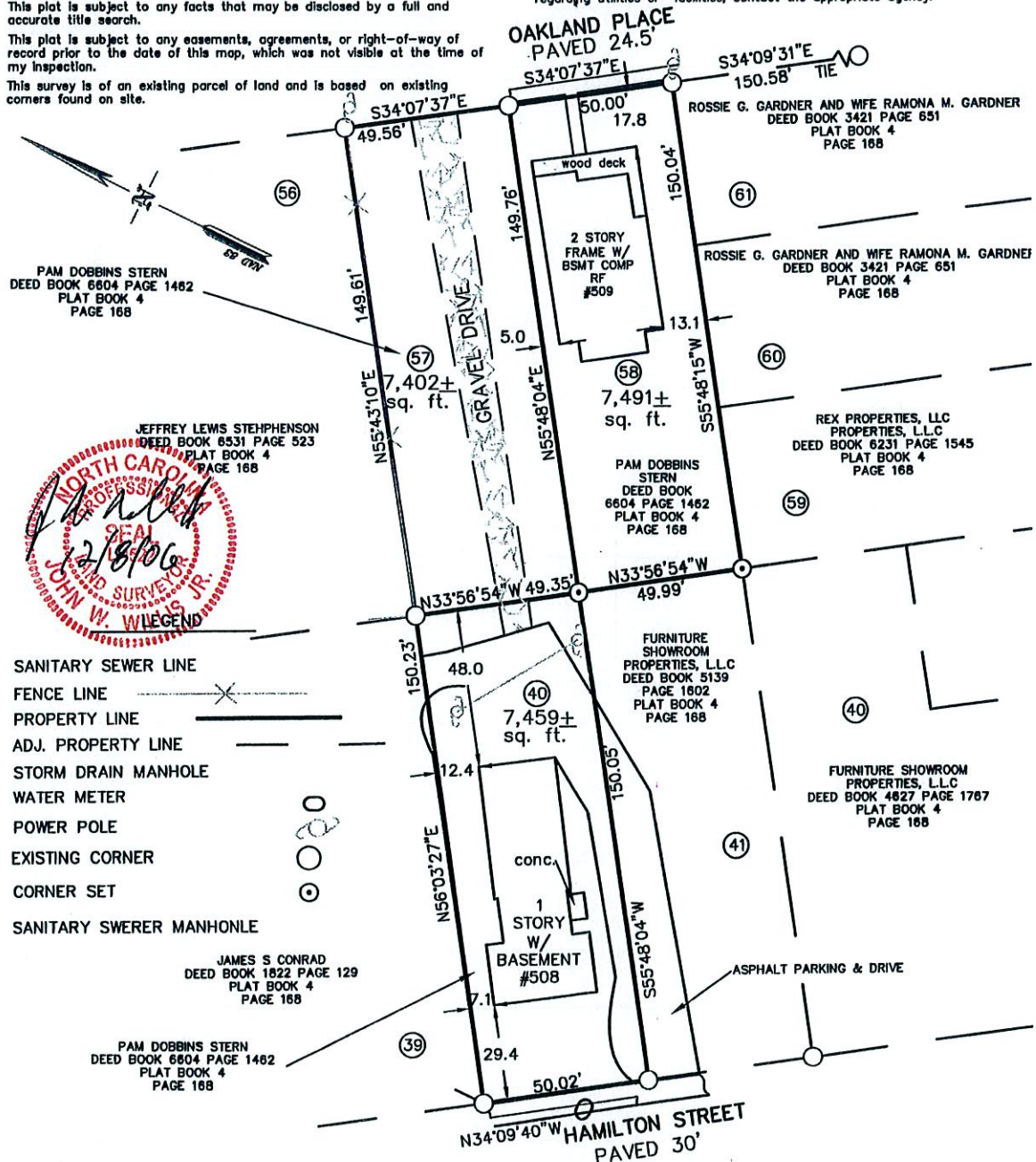
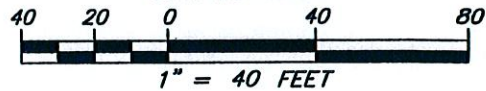
This survey is of an existing parcel of land and is based on existing corners found on site.

SURVEY FOR: PAMELA STERN

LOT 40, 57, 58
DB 6604 PG 1462,
6068-2058,
PB 4 PG 168

508 NORTH HAMILTON STREET
509 OAKLAND PLACE
511 OAKLAND PLACE
HIGH POINT, NORTH CAROLINA
HIGH POINT TOWNSHIP, GUILFORD COUNTY

GRAPHIC SCALE



SANITARY SEWER LINE
FENCE LINE
PROPERTY LINE
ADJ. PROPERTY LINE
STORM DRAIN MANHOLE
WATER METER
POWER POLE
EXISTING CORNER
CORNER SET
SANITARY SWERER MANHONLE

JAMES S CONRAD
DEED BOOK 1822 PAGE 129
PLAT BOOK 4
PAGE 168

PAM DOBBINS STERN
DEED BOOK 6804 PAGE 1462
PLAT BOOK 4
PAGE 168

ROSSIE G. GARDNER AND WIFE RAMONA M. GARDNER
DEED BOOK 3421 PAGE 651
PLAT BOOK 4
PAGE 168

ROSSIE G. GARDNER AND WIFE RAMONA M. GARDNER
DEED BOOK 3421 PAGE 651
PLAT BOOK 4
PAGE 168

REX PROPERTIES, LLC
DEED BOOK 6231 PAGE 1545
PLAT BOOK 4
PAGE 168

FURNITURE SHOWROOM
PROPERTIES, LLC
DEED BOOK 5139
PAGE 1802
PLAT BOOK 4
PAGE 168

FURNITURE SHOWROOM
PROPERTIES, LLC
DEED BOOK 4827 PAGE 1787
PLAT BOOK 4
PAGE 168

Surveyed and Mapped by
dmp Davis-Martin-Powell
& Associates, Inc.

Engineering-Land Planning-Surveying

6415 Old Plank Road
High Point, North Carolina 27265
Phone (336) 886-4821 Fax (336) 886-4458

Surveyed VV, AD Platted CN Checked me
Date 12/7/2006 Scale 1"=60' Job No. S46072

© 2006 Davis-Martin-Powell & Associates, Inc., all rights reserved.

I certify that on 11/13, 2006, I surveyed the property shown on this plat, that the property lines and locations of all structures are accurately shown, that no structure located on this property encroaches on any adjacent street or property, and that no structure on any adjacent property encroaches on the surveyed property except as shown.

John W. Williams Jr.
Professional Land Surveyor

L-4522
License Number

This map does not meet N.C.G.S. 47-30 and is not for Recording.

11-16-09

NOVEMBER 16, 2009

Open letter to the High Point City Council,
Subject- High Point Market District

I have been an exhibitor with a permanent Showroom for the Furniture Market since 1985. I have witnessed the growth and changes that have taken place in this community with the rapid growth of the Market as at the same time the manufacturing base here has all but disappeared. In 2008 our company moved its warehouse and shipping facility to downtown High Point at 100 N. Centennial.

Thus I come to the council hearing as both an exhibitor who has contributed over a million dollars to the local economy in rents, labor, improvements, hotels and hiring local labor and as an adopted community member. I have spent on average at least 4 months each year of the last 25 years in this community, my second home. My business has contributed to the attraction of the industry buyers to the show twice a year because of the unique product we offer here exclusively (and naturally also attracted some fervent competitors to the Market).

I mention all the above as a basis for my support for the new Market District. The City of High Point needs to take this rezoning plan along with the rest of the Core City Plan and implement it as timely as possible after serious consideration. I have studied all the aspects and find it a very good overview plan for the community in general. This community is diverse, with a fast growing major university, a growing medical service center, a fast growing corridor towards the airport, and of course the people who call High Point home. All have varying needs. The city must serve them all. The Market comes twice a year and needs to be supported for its positive economic impact on the community. However its scope could and should be focused to a specific area to lessen the amount of under-planned and often uncontrolled growth and land use. This has resulted in what used to be downtown High Point becoming a large area of under used real estate for the bulk of the year. People I believe avoid downtown because of its condition and lack of commercial facilities that support a thriving community.

Along with my support however I strongly request the City take this opportunity to reassess and put into place building restrictions that are required to be reviewed as each new building in the Market District comes under scrutiny for permits etc. IN THE PAST too many building were permitted without diligence of review and inspection; some of which I am very familiar are badly planned, poorly laid out with insufficient and even unsafe infrastructure. There are buildings built for Market showrooms that are in fact serious safety hazards. Let's not repeat these mistakes and review even existing buildings for safety, ingress-egress, safely operating utilities and elevators etc. No new buildings should be built without complete review and enforcement of existing codes and might I suggest even stronger codes where appropriate.

Lastly I strongly suggest at this time the city along with its plan incorporate public spaces, proper sidewalks, cross walks, LOADING ZONES and docks, minimal parking

requirements etc. It is at the time of development of new structures that a community can only control the quality of new structures and related improvements to the overall area of the Market District thus creating a smooth flow and best land use. In addition there could and should be a board of review that will set standards for architectural style, appearance and overall theme for the Market District. This will create a sense of “place” that would greatly enhance the new district as a cornerstone of a healthy vibrant community that is the rightful standard bearer of fine furniture design and related industries.

It will be inevitable in order to complete this major reform of the core city that there will be those properties not included. I understand the 2 year exception to those buildings and that’s fair and just. I really hope the Council will discuss a way to ease their inclusion into the district now or in the future, particularly those that are across the tracks north of Market Square and the few that face directly onto North Wrenn along its east side and have been active important showroom buildings in the Furniture Market for decades. At the same time I note that if the Core City Plan is to succeed there will be grey areas of overlap. I can’t help but wonder if not those same areas and their property owners inevitably benefit greatly in that cross purpose diversity of potential use and future value.

I speak with gratitude to the efforts the people and the government of High Point have made to bring year after year of successfully run Markets with all the inevitable chaos such an influx imposes.

Steven W. Johnson
CEO Lotus Arts
Residence 5040 Samet Drive, High Point

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



MEMORANDUM

DATE: 30 NOV 09
TO: Pat Pate, Assistant City Manager
W. Chris Thompson, P.E., Director of Public Services
FROM: Richard D. McMillan, P.E., Asst. Public Services Director
SUBJECT: Agenda item – Engineering Services for Hamilton- Montlieu Stormwater Project
=====

I respectfully request that the following be included for consideration on the next City Council Agenda:

Consideration and approval for engineering design services for Stormwater Improvements for Hamilton-Montlieu drainage basin (M-1, M-3, M-4, & M-5) in the amount of \$210,000.00 (*not-to-exceed maximum fee*).

ARCADIS has completed the Preliminary Engineering Report (PER) and recommended improvements to the Hamilton-Montlieu drainage basin. These recommendations were part of the 2005 Stormwater Bond Projects. This contract will provide final design, easement mapping, and bidding/contract services.

Funding for this payment will be made from the following account

MSH Account: **471739 – 533701 – 471101020420 – 40205**

A copy of the engineering proposal is attached. If you have any questions, please call me.



Infrastructure, environment, facilities

RECEIVED

Public Services Department

Mr. Scott Cherry
City of High Point
PO Box 230
High Point, NC 27261-0230

ARCADIS
1 Centerview Drive
Suite 208
Greensboro
North Carolina 27407
Tel 336.292.2271
Fax 336.855.5648
www.arcadis-us.com

Subject:
Proposal for Engineering Services
Hamilton-Montlieu Stormwater Improvements
Final Design Services

Dear Mr. Cherry:

We are pleased to offer this proposal for engineering services related to the final design of stormwater improvements for the Hamilton-Montlieu drainage basin. If the attached scope and fee estimate meet with your approval, please have the attached Work Authorization No. 10 executed by the appropriate authority and return one copy to us for our files.

Thank you for this opportunity to work with you and the City of High Point. If you have any questions, please do not hesitate to call me.

Sincerely,

ARCADIS

A handwritten signature in black ink, appearing to read 'Linda L. Pass'.

Linda L. Pass, PE
Associate Project Manager

Date:
September 23, 2009

Contact:
Linda Pass

Phone:
336.292.2271

Email:
linda.pass@arcadis-us.com

ARCADIS G&M of North Carolina, Inc.

NC Engineering License # C-1869
NC Surveying License # C-1869

Imagine the result.

Work Authorization No. 10 – Final Design for Stormwater Improvements in the Hamilton/Montlieu Drainage Basin

This WORK AUTHORIZATION is entered into by and between ARCADIS G&M of North Carolina, Inc., a North Carolina corporation (“ARCADIS”) and the City of High Point (“Client”). This Work Authorization incorporates by reference the GENERAL SERVICES AGREEMENT entered into by the Parties dated September 28, 2005 (the “Services Agreement”). This Work Authorization is an amendment to the Services Agreement and is for final design and bidding phase services for stormwater improvements in the City of High Point Hamilton/Montlieu drainage basin. The Services Agreement is hereby amended and supplemented as follows:

General Description of Basic Services

The Services shall include the following tasks:

- Task 1 – Final Design for sub-areas as follows:
 - M-1, East Parkway Avenue Stormwater Improvements
 - M-3, Montlieu Avenue Stormwater Improvements
 - M-4, Brookside Drive Stormwater Improvements
 - M-5, East Farriss Avenue / Forrest Street Stormwater Improvements
- Task 2 – Bidding and Contract Services

Task 1 – Final Design Services

Final design services are based on the recommended improvements for the Hamilton-Montlieu study area generally described in the Drainage and Watershed Planning Studies (the Study) provided by ARCADIS, dated February 21, 2005, except this proposal excludes sub-area M-2 Monroe Place Stormwater Improvements at the City’s request. We note that all culverts and pipe systems shall be designed for a 10-year storm event. Final design services to be provided by ENGINEER include:

- 1.1 Prepare final Drawings and Specifications indicating scope, extent, and character of the work to be performed and furnished by Contractor. The plans and specifications will be suitable for submittal to regulatory agencies and for receipt of construction bids.
- 1.2 Provide assistance to the City for public relations purposes. ARCADIS will provide a sample public notification letter for the City’s distribution prior to initiation of survey field work. In addition, ARCADIS will participate in two public information meetings, providing technical assistance and presentation maps for meetings as requested by City.
- 1.3 Subcontract work to utility locating firm to locate buried utilities within the project sites.

- 1.4 Subcontract work to utility locating firm to provide vacuum excavations as needed to determine the depth of critical utilities and residential sanitary sewer services. In addition to vacuum bores to locate gas, buried cable and water lines at the culvert roadway crossings, vacuum bores will most likely be required for locating the sanitary services from each residence along East Parkway Avenue. Fees for vacuum excavations shall be determined as follows:

- 1.4.1 0-10 holes shall be \$325 per each.
- 1.4.2 11-19 holes shall be \$300 per each.
- 1.4.3 20 or more holes shall be \$275 per each

This proposal includes 19 vacuum excavations for an estimated fee of \$5,700.00.

- 1.5 Provide field surveys and topographic and utility mapping as necessary for design purposes. Survey and utility mapping will be provided by a local subcontractor to ARCADIS. The Study provides the general location of the survey required for the proposed storm culvert and storm sewer routes.
- 1.6 Provide surveying through local subcontractor for easement acquisition on privately-owned lots. Deliverables to Client include easement maps and legal descriptions for each lot. Along with temporary and permanent easements for the proposed storm system, temporary easements will most likely be required for construction of the East Parkway Avenue roadway improvements. Due to the high number of anticipated temporary easements required, our surveyor subcontractor has reduced his fee to \$550 per each. This proposal includes 60 temporary and 5 permanent easements for an estimated fee of \$35,750.00
- 1.7 Upon completion of utility locates and survey, ARCADIS will provide drawings showing proposed alignment and proposed easements for Client's use in preliminary negotiations with private property owners. After negotiations, ARCADIS will make adjustments to the alignment (within the previously surveyed boundaries) as required due to City's negotiations. ARCADIS to finalize drawings and initiate easement mapping services upon written direction from Client to proceed.
- 1.8 ARCADIS will conduct two on-site preliminary meetings with the Army Corps of Engineers and NC DENR DWQ to discuss the impacts to the existing streams and coordinate design. ARCADIS will complete Pre-Construction Notification (PCN) applications as required for the project. Any fees that are required to accompany the PCN application shall be paid by the Client and are not included within the budget of the scope of work described herein.
- 1.9 Provide technical criteria, written descriptions and design data for Client's use in filing applications for permits for approvals from governmental authorities having jurisdiction to review or approve the final design of the project, and assist the Client in consultations with appropriate authorities.
- 1.10 Advise Client of any adjustments to the Study's opinion of probable construction cost and make adjustments to total project cost upon completion of final design.

- 1.11 Review the Drawings and Specifications with Client. Provide the necessary number of copies for regulatory and Client's use.

Task 2 – Bidding and Contract Services

The services provided in this task include bidding a single construction contract for the project. Bidding and contract services are as follows:

- Publish sufficient bidding documents for interested bidders and suppliers, and furnish those documents to plan rooms serving the Guilford County area.
- Assist the City in advertising the project to solicit construction bids.
- Conduct pre-bid meeting.
- Issue addenda as needed to interpret or clarify the bid documents.
- Conduct Bid Opening and prepare bid tabulation.
- Evaluate the bids and make a recommendation of award; and upon approval by Client, issue a Notice of Award.
- Prepare contract agreement and distribute executed agreement and Contract Documents for construction.

Compensation for Services

ARCADIS will provide the above engineering services for a cost reimbursement multiplier fee based on Payroll Costs involved in performing the services times a factor of 2.10; plus subcontractor costs times a factor of 1.10; plus expenses. Payroll Costs mean salaries and wages paid to employees, plus the cost of current and customary benefits, including, but not limited to, social security contributions, unemployment, excise and payroll taxes, workmen's compensation, health and retirement benefits, sick leave, vacation, holiday, and other benefits.

The total not-to-exceed maximum fee for Work Authorization No. 10 is summarized below:

Task 1 - Final Design Services	
Utility Locates	\$3,000
Vacuum Bores (estimated 19 bores at \$300 per each)	\$5,700
Survey	\$8,000
Easements (estimated 65 properties at \$550 per each)	\$35,750
Final Design	<u>\$143,350</u>
Total for Task 1	\$190,800
Task 2 - Bidding & Contract Services	\$14,200
TOTAL FOR WORK AUTHORIZATION NO. 10	\$210,000

Schedule for Services

ARCADIS can begin work on the above services immediately following receipt of an executed Work Authorization. It is anticipated that the proposed alignment with delineated easements for Client's negotiations can be completed in approximately three months. After easements have been confirmed with property owners, then we anticipate final design, easement mapping, and permitting can be completed within an additional seven months.

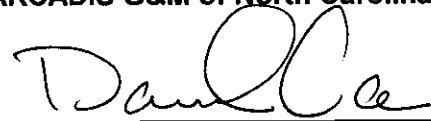
ACCEPTANCE of the terms of Work Authorization No. 10 is acknowledged by the following signatures of the Authorized Representatives.

City of High Point

ARCADIS G&M of North Carolina, Inc.

By: _____

By: _____



W. David Cain, PE

Title: _____

Title: Associate Vice President

Date: _____

Date: _____

Publish four (4) consecutive weeks: **December 21, 28, 2009, January 4, & 11, 2010**

RESOLUTION OF INTENT TO CONSIDER A
STREET ABANDONMENT
(Case # SA09-23)

WHEREAS, the City Council is requested to close an unimproved portion of an unnamed right-of-way (referenced as "Central Street" on Plat Book 6 Page 216) located on the south side of Monnell Drive between First and Second Streets.

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to close the street and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the street above described and sets Tuesday, January 19, 2010, at 5:30 p.m. as the date for said public hearing before the Council of the City of High Point, in the Council Chambers of the Municipal Building, High Point, on the closing of said street.

Persons wishing to be heard either for or against the said street closing are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or TDD# 336/883-8517.

Further information pertaining to this request is available at the Planning and Development in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3544 or FAX 336/883-3056.

By Order of the City Council
This the 7th day of December, 2009.

Lisa B. Vierling, City Clerk

Petition Submitted By:
City of High Point - Technical Review Committee



STREET ABANDONMENT REQUEST SA09-23

Applicant: Technical Review Committee

Area: 0.18 acres



Location of requested street abandment

**Planning & Development
Department**

City of High Point

Date: November 30, 2009



Scale: 1"=200'

y/ba-pz/2009/pz/sa09-23.mxd

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE

REQUEST: Ordinance to Demolish

PROPERTY

ADDRESS: 1211 Leonard Avenue

OWNER: Marvin & Sandra Garrett, Christopher & Ondrea Dwiggin

FIRST

INSPECTION:

3-24-2009

Number of Violations: Unsafe 6 Minor 38

1) no tub/shower

4) exposed wiring

2) missing kitchen sink

5) no smoke detector

3) missing water closet

6) no heat source

HEARING

RESULTS:

4-7-2009

Dwelling substandard; owner did not appear for hearing

ORDER(S)

ISSUED:

4-7-2009

Order to Repair or Demolish (90-day)

compliance date of 7-7-2009

APPEALS:

None

OWNER

ACTIONS:

no actions taken

STATUS OF

CLOSED DWELLINGS:

11-30-2009009

Vacant, no permits or repairs

COMPLIANCE

DATE STATUS:

7-7-2009

Conditions still exist

EXTENSIONS:

none requested

STAFF COMMENTS:

Guilford County Tax \$19,200

Estimated Repairs \$15,400



1211 Leonard Avenue



1211 Leonard Avenue

PLANNING AND ZONING COMMISSION RECOMMENDATION

On September 29, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Mr. White and Mr. Putnam.

City of High Point

University Area Plan

A request by the City of High Point for consideration of the University Area Plan.

Ms. Galanti presented the draft of the University Area Plan.

Speaking neither in favor or opposition of the University Area Plan was Dr. Don Scarborough of 1108 Ferndale Boulevard in High Point, Vice President of Community Relations, High Point University. Dr. Scarborough addressed the concerns the University has as it relates to the proposed University Area Plan.

- Historic Resources – Reusing existing historic structures for student housing or offices.
- Transportation– Placing utility lines underground along N. College Drive.
- Noise – Young college students’ schedules do not mesh well with families or retirees.
- Planning Principles –
 - Master Plan - No long range planning firm can understand the needs of the University.
 - Maintaining Existing Trees – Attempt to support the health of old growth trees.
 - Parking – Perimeter parking is preferred.
 - Demolition of Homes – They determine if dwellings are habitable or not.
 - Concerned about the use of the word “Contiguous”.
 - Concerned about the use of “strongly discouraged” as it relates to partial rezoning of a sub-area.

No one spoke in favor or opposition of the University Area Plan.

After the public hearing was closed the Commission had a discussion on the plan. Ms. Carter stated that this University Area Plan has taken away the uncertainty that homeowners had with possible University growth and creates order to where the University will and should grow. It is a workable plan with language that allows for changes as presented. Ms. Carter advised that the wording “strong encouragement” or “strongly discouraged” is not a mandate but what is strongly recommended.

Mr. Humble added that this is a policy document and not an ordinance.

Mr. Burnette responded that it encourages the reuse of homes, discourages the demolition of homes, but the City has no legal authority to prevent that.

The Commission discussed the phrase “must be contiguous”. It was agreed to change it to “should be contiguous” to provide more flexibility.

The Planning & Zoning Commission recommended **approval** of the plan by a vote of 5-0.



MEMORANDUM

October 19, 2009

To: Honorable Mayor and City Council
From: Heidi H. Galanti, AICP, Planning Administrator
Subject: **University Area Plan**

Attached, please find the revised public hearing draft of the University Area Plan for your consideration. In December 2008 this project was kicked-off with a general public input meeting. Since that time we have gathered and analyzed data and incorporated the input received. In June we held a meeting to share the plan concepts, and based on the input received we prepared a draft of the plan and posted it on the website for the public to review. We presented the draft plan to the Planning and Zoning Commission at their August 24th work session and on September 3rd we held an open house for the public to come and ask questions and give us feedback. Based on the feedback received, we made revisions to the draft plan.

On September 22nd, the public hearing draft was presented to the Planning and Development Committee of City Council. Based on the feedback received, some modifications were made to strengthen the location of new university development and the requirements of the university to mitigate impacts on adjacent properties. This revised public hearing draft was placed on the website for public review.

The Planning and Zoning Commission held a public hearing on September 29th and following a minor amendment to the text, they recommended approval by a vote of 5-0.

If you have any questions please do not hesitate to contact me at 883-3329.

Attachment

cc:
Lee Burnette
Strib Boynton
Randy McCaslin
Pat Pate
Lisa Vierling

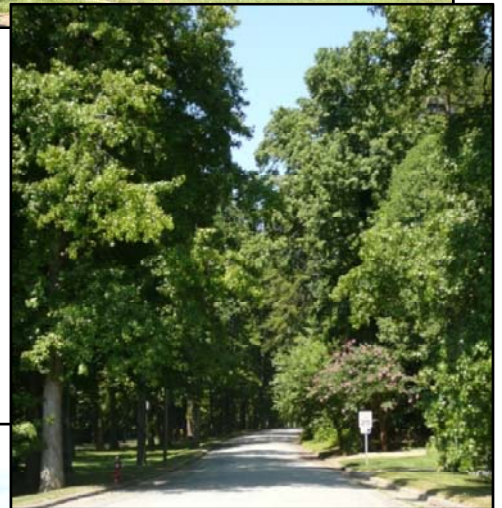
Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

High Point, North Carolina University Area Plan



Revised Public Hearing Draft

Acknowledgements

City Staff

Planning and Development Department

G. Lee Burnette, AICP – Planning Director

Heidi H. Galanti, AICP – Project Manager

Carmen Cannon, GISP

Andy Piper, AICP

Gregg Morris, AICP

High Point University

Nido R. Qubein, President

Donald A. Scarborough, VP for Institutional Advancement

Christopher H. Dudley, VP for Administration and Community Relations

W. Gart Evans, retired

Christ United Methodist Church – for hosting the three public meetings held on:

December 18, 2008 – project kick-off

June 18, 2009 – overview of plan concepts

September 3, 2009 – open house on draft plan

A special thanks goes to the members of the community who participated in the public meetings throughout the planning process.

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Draft University Area Plan Executive Summary

EXECUTIVE SUMMARY

Plan Purpose

The purpose of the University Area Plan was to conduct a detailed study of the area around High Point University and prepare recommendations to guide the orderly growth of the area.

Study Area

The study area includes properties within 500 feet of: Centennial St., University Village dormitories, Guyer St. and N. College Dr. and Montlieu Ave. The purpose of the study area boundary was to set the outer limits for which data was collected. It does not imply where the university will grow.

Vision Statement (desired future)

The university is growing and prospering in a planned and identified, phased approach in conjunction with the community, so that the adjacent residential areas are maintaining their stability, and commercial uses within the area are being maintained and enhanced to provide needed services within walking distance of the surrounding residences and university students.

Planning Principles

The following is a summary of goals and policies that suggest who, what, when, where, and how the vision will be achieved. They are to be used by residents of the area, the City, and the University.

Goal 1: Ensure residents in the university area have information about future university expansion plans, so they can make informed decisions about investing in their properties.

Policy 1.1: Maintain and update this *University Area Plan* as needed.

Policy 1.2: Establish and maintain a university contact person that can provide information to area property owners about the timing of any planned expansions.

Goal 2: Ensure availability of adequate infrastructure.

Policy 2.1: Create a university document that provides locations and types of future uses with a timetable for expansions so that future infrastructure needs can be accommodated.

- i. Include projected demand for water and sewer services so advance infrastructure planning can be conducted to accommodate future needs.
- ii. Include future shuttle routes and stops, proposed road closings, and pedestrian routes to ensure that a safe and efficient transportation network is provided.

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Policy 2.2: Maintain adequate stormwater control.

Policy 2.3: Provide traffic circulation patterns with pedestrian safety as a priority.

- i. Improve pedestrian connections to and from campus.
- ii. Improve pedestrian access to services within the study area – by filling in missing sidewalks.
- iii. Preserve and maintain the existing greenway.
- iv. Evaluate and maintain public street access where needed to preserve public access.

Goal 3: Ensure compatibility between the edge of campus and the surrounding neighborhood.

Policy 3.1: Maintain existing natural areas between the university and adjacent neighborhoods.

Policy 3.2: Maintain as many existing large mature trees as possible on site during new construction.

Policy 3.3: Where existing vegetation does not exist, provide landscaping that delineates the campus and residential properties and provides sufficient separation.

Policy 3.4 Explore the feasibility of installing a planted median on N. College Dr.

Policy 3.5: Transition the intensity of uses along the campus edge adjacent to existing residences.

- i. Decrease the bulk, mass and height of buildings.
- ii. Prevent the spillover of light and glare from outdoor lighting onto adjacent properties.
- iii. Locate parking areas internal to campus, where possible, to minimize visual impacts.
- iv. Place loading areas and mechanical equipment to minimize impact on adjacent properties.
- v. Consider reusing structures along the campus edges.

Policy 3.6: New campus development should be contiguous to the existing campus and consist of an entire sub-area.

Policy 3.7: Mitigate the impacts of new campus development on adjacent properties through the provision of conditions with rezoning requests.

Goal 4: Reduce potential negative impacts on surrounding residential areas.

Policy 4.1: Establish and maintain a two-way method of communication between the adjacent residential areas and the university to inform each other of problems or issues and to provide notification of university-sponsored events that may create increased traffic and noise.

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Policy 4.2: Provide sufficient parking on campus so that there is minimal “spillover”.

Policy 4.3: Provide sufficient student housing on campus.

Policy 4.4: Demolition of viable single-family homes is discouraged if the university does not have an immediate need for new development, nor prior to receiving approval of a zoning action.

Goal 5: Support the sustainability of accessible commercial services for the surrounding area.

Growth Areas

The university has expressed a need for an additional 20-25 acres within the next 3-6 years. The exact timing and location of university growth is unknown. The university is encouraged to work towards establishing a more specific timeframe, location and identification of needs in the near future.

City staff analyzed the existing conditions of the study area and identified areas for possible university growth. The growth areas are broken down into three main phases (I, II, and III) that indicate the proposed order of growth as first, second and third, but there is no specific timeline associated with the three phases. Within each phase there are numbered sub-areas (1, 2, 3, 4). Sub-areas can be developed in conjunction with one another, or they can be developed independent of the other sub-areas. However, splitting sub-areas is discouraged. The numbers assigned to the sub-areas do not indicate a priority order.

Phase I There are three areas shown as Phase I, totaling approximately 38 acres. The lettering of the three Phase I areas (IA, IB, and IC) does not indicate a priority order. Phase I could serve the anticipated growth of the university for approximately 5-12 years.

Phase II This area is bounded by Willoubar Terr. to the east, Montlieu Ave. to the south, Centennial St. to the west, and E. Farriss Ave. to the north. It contains approximately 18 acres and is broken down into three sub-areas.

Phase III There are two areas shown as Phase III, and they contain a total of approximately 17 acres. The lettering of the two Phase III areas (IIIA and IIIB) does not indicate a priority order.

In total, all three phases would add approximately 74 acres to the existing campus. Since 2004, approximately 46 acres have been added to the campus. Based on the stated need, if we assume an absorption rate of 20-25 acres for every 3-6 years, then these growth areas could provide growing room for the university for roughly the next 10-20 years.

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Edges

As university growth occurs different types of edges are created. These edges can be viewed as permanent, interim, or temporary. The intensity and characteristics of the new development will need to vary based on the type of edge that the new development abuts. The edge types are as follows:

- Transition Area (Permanent Edge) – these areas are seen as permanent edges to campus. Compatibility with the adjacent properties is of the utmost importance. The height, mass, scale, setbacks and the intensity of the new development should be taken into consideration during the planning and design phases of development.
- Interim Edge Area – these are the edges between growth phases or sub-areas and they are expected to be relatively short-term. The timing of future expansion into an adjacent sub-area or phase is unknown, so the impact on adjacent properties still needs to be considered and mitigated.
- Temporary Edge Area – these are edges within or internal to a sub-area and they are seen as edges that are anticipated to exist until the remaining property is acquired. In areas where the edge is considered temporary, mitigating the immediate impacts is of the utmost importance. Due to impacts on adjacent properties when sub-areas are split, the rezoning of entire sub-areas is strongly encouraged.

Proposed Land Use Plan Amendments

Staff recommends amending the City Land Use Plan immediately following the adoption of this plan to designate all Phase I growth areas, and the university parking lot on the south side of Montlieu Ave. as Institutional; and the natural area west of Fifth St. just south of E. Farriss Ave. as Recreation/Open Space. If the Land Use Plan is amended, land proposed for institutional development will need to be rezoned prior to development. Additionally, when the university identifies a need to grow beyond the Phase I growth areas, they will need to request a Land Use Plan Amendment followed by any needed change in zoning.

Conclusion

This planning process is an effort to create and maintain an open dialogue between the City, the University and the residents of the neighborhood. All parties have roles to play in order for this effort to be successful. This plan should be updated as needed to ensure: orderly growth; compatibility; the most efficient provision of services through cooperative, coordinated advance infrastructure and campus planning; and on-going communication, all of which support the long-term stability of the area.

Draft University Area Plan

I. BACKGROUND

Purpose

The City's current Land Use Plan was adopted by City Council on April 6, 2000. This plan is a policy document that communicates long-term development goals for the orderly growth and development of the city. The plan indicates future land uses for areas within the City's designated planning area. The plan gives guidance on how and where High Point should grow. Over the course of time, this plan is amended and redefined to meet the current needs of the community. The purpose of the *University Area Plan* was to conduct a detailed study of the area around High Point University and prepare recommendations to guide the orderly growth of the area.

History

High Point College was gifted with 60 acres from the City of High Point and \$100,000 in pledges from leading citizens and opened its doors in 1924 with three buildings in various stages of development, nine faculty members and 122 students. In the 1930's two additional buildings were built, and by 1944 all capital debt was retired. Enrollment surged in the mid-to-late 1940s and by 1951 the school won accreditation [*City of High Point Architectural Survey*, October 2000]. Over the course of the next two decades, ten new buildings were added. In the 1980s and early 1990s, the campus continued to grow with a new library, residence hall, and the \$6.7 million Millis Convocation Center in 1992. Due to all of the growth, on October 9, 1991 the Board of Trustees voted to change the name of High Point College to High Point University [*Campus Assessment and Master Plan*, 1992]. Yet another growth surge began around 2004, during which 15 new buildings were built, and 20 buildings were renovated [*High Point University Magazine*, summer 2009].

The last detailed plan conducted by the university was the *Campus Assessment and Master Plan*, which was adopted by the university in October 1992. This plan utilized strategic directions created and adopted by the National Commission on the Future of High Point College in March 1990 to create a master plan with proposed needs, locations and a timetable for the future growth of the university. The plan featured a map that identified a number of properties the university hoped to acquire to accommodate predicted campus growth. Since that time the university has grown and implemented much of this plan. The university has maintained and updated the master plan map, but it is updated mostly to reflect the more immediate needs of the university. Considering that this plan is nearly 17 years old, it is felt that it is time for the university to conduct a thorough, up-to-date, detailed assessment of the future growth needs of the university.

Draft University Area Plan

The residential areas immediately surrounding the university were developed primarily in two time periods. The Willoubar Terr. area covering the northeast quadrant of Centennial St. and Montlieu Ave. was planned in 1914 and built in the 1920s and 1930s. The neighborhood north of E. Farriss Ave. was built during the 1950s. In the late 1950s, the College Village Shopping center was constructed, and it opened for business offering numerous commercial and personal services in 1959 [*The Architecture of High Point North Carolina, 2008*].

In essence, this suburban neighborhood including the residences, the university, and the commercial shopping area evolved in conjunction with one another over the course of about 40 years, and it is continuing to grow and prosper today.

Study Area

The study area consists of approximately 500 acres (including right-of-way) and includes properties within 500 feet of: Centennial St., University Village dormitories, Guyer St. and N. College Dr. and Montlieu Ave. The purpose of the study area boundary was to set the outer limits for which data was collected. It does not imply where the university will grow. See map at right.

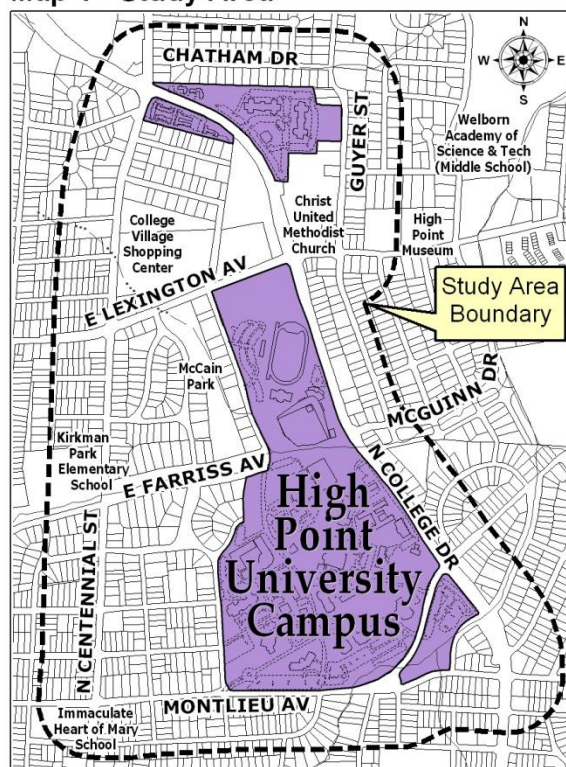
Planning Process

This plan was prepared by City planning staff in consultation with High Point University staff and citizens of the area. The following approach was used to create this plan:

Task 1: Background Work

- Physical Analysis – Compiled and prepared mapping information (Land Use Plan, environmental constraints, 2007 existing land use, historic resources, zoning, and aerial photography from 2003 & 2008) for the public open house.
- Public Kick-off Meeting – Invited all property owners within the study area to a public open house on December 18, 2008 at Christ United Methodist Church to gather public comment on desires and concerns for the area. Comment sheets were provided, and the responses were compiled for analysis.

Map 1 - Study Area



Draft University Area Plan

Task 2: Field Survey and Data Analysis

- Field Survey – Collected existing land use, housing condition, historic significance, and digital photos of properties.
- Data Analysis – Reviewed and compiled tax data, ownership information, rental properties, vacancies, and demolition permits.

Task 3: Draft Plan

- Based on data collected and input received, a draft plan was created including:
 - Growth Areas Map
 - Future Land Use Map
 - Policy Recommendations.

Task 4: Plan Presentation & Revisions

- Held a 2nd public meeting to present the plan concepts and to receive public comment.
- Compiled comments received and revised plan as needed.
- Held 3rd public meeting to present final draft plan.
- Adoption process (public hearings before Planning and Zoning Commission, and City Council).

Land Use/Zoning History

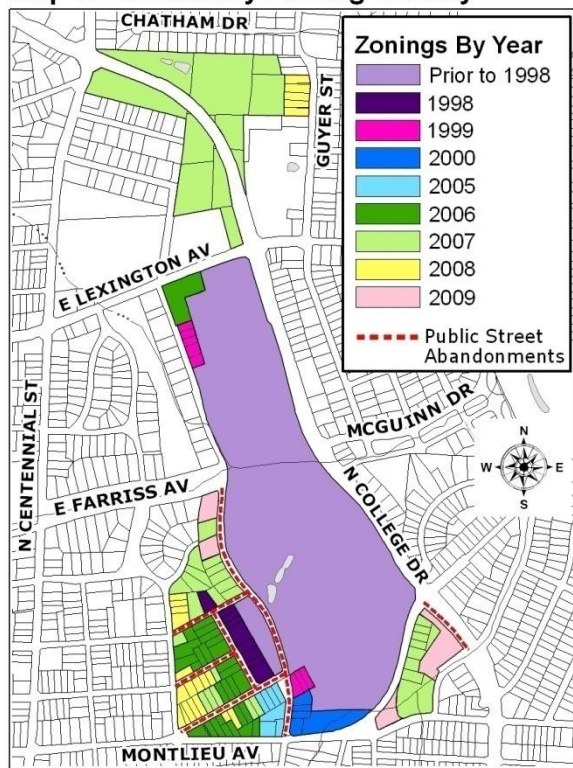
Zoning Actions

High Point University zoning changes since 1998:

- Over the course of the past ten years, there have been 16 rezonings and two Special Use Permits, which added approximately 54 acres to the campus.

Table 1: Zoning History		
Year	Acres	% Increase over 1998 total
Prior to 1998	68.85	
1998	2.51	3.65%
1999	1.57	2.28%
2000	2.55	3.70%
2005	1.71	2.48%
2006	7.69	11.17%
2007	29.81	43.30%
2008	4.58	6.65%
2009	3.70	5.37%
Total	122.97	78.60%

Map 2 - University Zoning History



- The majority of the zoning changes were from residential zoning districts to the Public and Institutional District. The Special Use Permits were for the parking lot on the

Draft University Area Plan

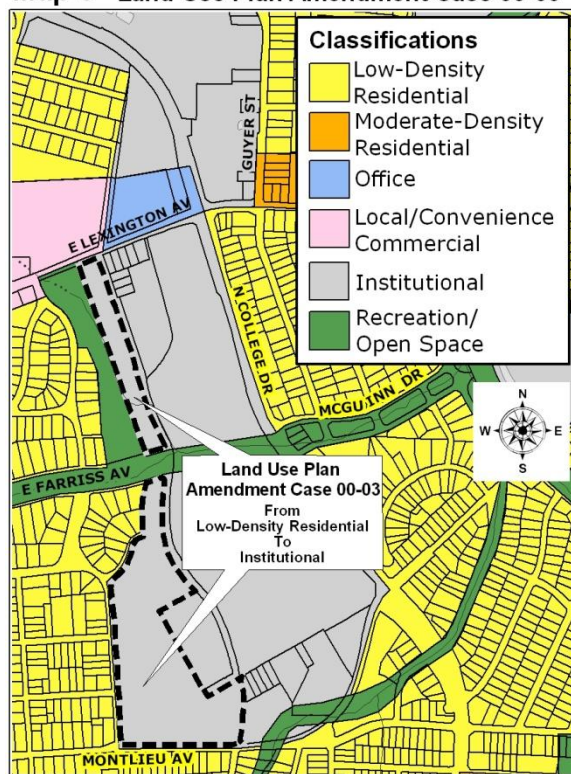
southwest corner of Montlieu Ave. and N. College Dr.

- iii. Prior to 1998 the area zoned for the university consisted of approximately 69 acres, and the current area is approximately 123 acres, equaling an almost 79% increase in the area zoned for the university.¹
- iv. With the campus expansions there has also been a need for public street closures. As shown in red on Map 2, six public streets totaling approximately one mile have been converted to private streets to accommodate campus growth.

Overview of Significant Land Use Plan Amendments

April 2001: The Land Use Plan was amended for a High Point University expansion. The rezoning case that precipitated the 2001 land use amendment included about ten lots on both sides of W. College Dr. (formerly Barbee Ave.) north of Montlieu Ave. City Council approved the rezoning request (case 99-48) from RS-7 Residential Single Family District to Conditional Use Public and Institutional District (CU PI) for the lots on the east side of W. College Dr. because they conformed with the Land Use Plan. However, City Council did not approve the rezoning on the west side because the Land Use Plan had it designated as Low Density Residential. Upon the request of City Council, University officials and City staff worked together after rezoning case 99-48 was approved to update the 1992 *Campus Assessment Master Plan* to reflect future growth intentions of the university. The result of this collaboration was Land Use Plan Amendment case 00-03 and the accompanying 2001 *High Point University Land Use Plan Implementation Policy*. The land use amendment expanded the Institutional land use designation west of W. College Dr. to Fifth St./Fifth Ct., which is the current boundary of the Institutional land use designation in this area (see Map 3). The policy document that was created, established the following set of criteria on how rezoning requests and expansions of the university should occur within this newly designated institutional area:

Map 3 - Land Use Plan Amendment Case 00-03



¹ This acreage includes only property that has been rezoned by the university; it does not include all property owned by the university.

Draft University Area Plan

2001 High Point University Land Use Plan Implementation Policy

Ideally, the university would forego requesting any zoning change within a block designated wholly or in part for Institutional use until it owns or otherwise controls at least 50 percent, or better yet 100 percent, of all properties so designated within the block.

However, in any case, all rezoning requests in High Point University's future growth area must be accompanied by a Conditional Use Permit addressing, at a minimum, the following development factors:

- *The potential impact of the proposed rezoning on not only adjacent properties but on all properties within the block, as well;*
- *The potential impact of the land uses proposed for the rezoning site, to include but not limited to consideration as to noise, exterior lighting and hours of operation in a rezoning case;*
- *The mass, scale and height of the proposed use and accessory uses;*
- *The topography of the rezoning site and adjacent properties;*
- *The impact on adjacent and nearby residential uses of non-local traffic generated by the proposed use;*
- *The potential impact of the rezoning on the transportation/circulation system;*
- *The proposed buffers, setbacks and landscaping;*
- *The land use designation of properties adjacent to the rezoning site;*
- *The degree of contiguity between the proposed new institutional use and other institutional uses in the same block and neighboring blocks.*

September 2, 2008: City Council designated an additional 31.36 acres as Institutional on the Land Use Map to reflect the existing institutional use (new dormitories) and to provide an additional area for parking on the west side of Guyer St.

Existing Conditions

Overview

Existing conditions of the study area were obtained through data analysis and field survey work conducted by staff from the Planning and Development Department. Data collected consisted of the following: environmental constraints (e.g. steep slopes, floodplain), existing land use, zoning, ownership, occupancy, housing condition, historic significance, and public infrastructure (e.g. water, sewer, streets, sidewalks). The existing conditions data reflected in this report were gathered during spring 2009. Any changes in data (e.g. ownership, occupancy) following this timeframe are not reflected in calculations. The university has purchased properties since the spring that are not reflected in the calculations, but some recent purchases (through May 11, 2009) are shown on some of the maps.

Draft University Area Plan

Environmental

Although the study area is urbanized, there are still many environmental resources within it that need to be recognized. Appendix Map A focuses on the environmental attributes of the area such as: streams, steep slopes, floodplains, stream buffers, parks and the existing and proposed greenways. There are three primary streams that traverse the study area from west to east. The first is just south of Montlieu Ave., the second runs through the middle of campus along the greenway and E. Farriss Ave., and the third runs southeast from College Village Shopping Center through McCain Park towards E. Farriss Ave. Along these streams there are also the associated floodplains and steep slopes all of which have certain development restrictions depending on stream classification, flood zone and development intensity.

Also shown on this map are the existing greenway and a proposed greenway. The existing greenway cuts through the center of campus along the stream and existing roadways. This greenway is heavily used by the community, and it is expected to be retained. The proposed greenway is shown to the east and south of the campus along a stream in the vicinity of Meadowbrook Blvd. This is a desired future greenway that was identified as part of the City's recent greenway study, and it is a primary recommendation of the recently adopted Washington Drive District Plan. This proposed greenway would extend south running adjacent to Penn-Griffin School for the Arts and eventually ending at the proposed plaza on the south side of Washington Dr. at Gaylord Ct. From there sidewalk will link pedestrians to the proposed new park on Washington Dr. at the foot of Hobson St. At this time there is no funding or time frame for the construction of this greenway. At such time funding is obtained, the final engineered location of this proposed greenway will need to be determined.



Greenway along E. Farriss Avenue

Draft University Area Plan

Existing Land Use

As Appendix Map B and Table 2 show, the study area features a diverse mixture of existing land uses including single-family, multi-family, office, institutional, recreation/open space, and commercial; but the predominate uses are single-family residential and High Point University Campus, totaling 86% of the parcels and 77% of the land area. While the undeveloped parcels make up 10% of the total parcels and 7% of the land area, they are scattered throughout the study area.

Table 2: Existing Land Use				
<u>Land Use</u>	<u># of Parcels</u>	<u>% of Parcels</u>	<u>Acres</u>	<u>% of Acres</u>
Single Family	774	80.88%	200.27	48.38%
Duplex	20	2.09%	3.97	0.96%
Multi-Family	2	0.21%	3.53	0.85%
Office	3	0.31%	0.45	0.11%
Institutional	9	0.94%	29.53	7.13%
Recreation/Open Space	3	0.31%	8.12	1.96%
Commercial	9	0.94%	18.03	4.36%
HPU Campus	45	4.70%	119.64	28.90%
Undeveloped	92	9.61%	30.45	7.36%
Total	957	100.00%	413.99¹	100.00%
1. The total land area for existing land use does not include right-of-way (roadways).				

Land Use Plan

The Land Use Plan map (Appendix Map C) is part of the City's Land Use Plan that serves as the City's statement of long-term policy issues, goals and principles to guide future development. The Land Use Plan map graphically depicts the general future land use patterns for the City's Planning Area based on the stated policies, goals and principles. This map differs from the existing land use map in that it is much less specific, and it depicts generally what the land use patterns should ideally become in the future.

As mentioned in the Land Use and Zoning History section of this plan, the Land Use Plan map is periodically amended to reflect the growth needs of the city. The Land Use Plan map currently shows areas generally designated for residential, institutional, office, commercial, and recreation and open space. Based on the recent growth of the university and the projected future needs of the university, it is apparent that the current institutional land use classification is no longer adequate. Therefore, the Land Use Plan needs to be reviewed and updated based on the future growth needs of the area, so as to give policy guidance on how and where future growth might best be accommodated.

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Zoning

Similar to the Existing Land Use map, the Zoning map (see Appendix Map D) shows a variety of different zoning districts, but the predominate zoning districts are Public and Institutional (PI), and RS-7 and RS-9. The Public and Institutional district is primarily intended for mid- and large-sized public, quasi-public, institutional uses which have a substantial impact or traffic generation potential. The RS-7 and RS-9 districts are primarily intended to accommodate single-family detached dwellings on lots ranging from a minimum of 7,000 to 9,000 square feet, respectively, in developments where public water and sewer is required, with an overall gross density of 4-5 units per acre or less.

Property Ownership

Within the study area there are several individuals that own multiple properties. Appendix Map E and Table 3 illustrate property ownership for those that own three parcels of land up to 90 parcels of land. Not surprisingly, the university is the largest land owner with 138 acres equaling 33% of the total land area (excluding right-of-way). However, there are 33 owners (not including the university) that own three or more parcels totaling 154 parcels or 16% of the total 957 parcels within the study area, which equates to 47 acres or 11% of the total land area within the study area.²

Table 3: Property Ownership

# of Parcels Owned	# of Property Owners	Total Parcels	Total Acreage	% of Total Area
3	18	54	15.55	3.76%
4	6	24	6.51	1.57%
5	4	20	4.87	1.18%
8	1	8	1.31	0.32%
10	1	10	2.08	0.50%
12	2	24	12.03	2.91%
14	1	14	4.75	1.15%
90 ¹	1	90	137.58	33.23%
Total	34	244	184.68	44.61%

1. Properties owned by High Point University.

Residential Occupancy

Appendix Map F and Table 4 show that of the total number of occupied homes within the study area, the renter to owner ratio is almost 50-50. In reviewing the spatial patterns, home-ownership generally appears to be higher north of E. Farriss Ave., with the highest concentrations west of McCain Park and along Chatham Dr. and Guyer St. north of Lexington Ave. In other areas the ownership is more scattered.

Table 4: Residential Occupancy

Occupancy	Number	Percent
Owner Occupied	407	54.12%
Rental	345	45.88%
Total	752	100.00%
Vacant Dwellings	42	5.29%

² These calculations exclude right-of-way and are based on the total developable land area of 413.99 acres and 957 parcels.

Draft University Area Plan

The vacancy rate of the total number of dwellings (794) was determined by checking utility service, and 42 homes were found to be vacant as of spring 2009. This equates to a 5.3% vacancy rate, which is less than half of the city-wide vacancy rate of 11.1%, according to the 2005-2007 American Community Survey.

Housing Condition

The assessment of housing condition was based on a visual survey of the exterior of the buildings. Given the method used, it is possible that the condition of the structures may differ significantly on the interior. There is also a certain amount of subjectivity that is inevitable when visually assessing buildings. Five general categories were used to classify the condition of the buildings – very good, good, fair, poor, and very poor. The following is a brief description of each category:

- 1) Very Good – there are no signs of damage to any of the structural elements (such as the roof, windows, and foundation), and the exterior is exceptionally clean and well-kept, and possessing, for example, features like a well-maintained front porch and landscaping. The structures might be considered substantially above average.
- 2) Good – there are no signs of damage to any of the structural elements (such as the roof, windows, and foundation), and the exterior is generally clean, usually with a well-kept front porch and landscaping. Minor defects, such as a need for new paint, shrubbery that could benefit from trimming or a gutter bracket that should be reattached, may be present. The structures might be considered standard or slightly above average.
- 3) Fair – these buildings may have some signs of minor damage to structural elements such as the roof, windows, or foundation that require work, but not to the point of causing the building to be unsafe, and other signs of a lack of maintenance such as large areas of chipped paint, missing shingles, broken awnings, porches in need of minor repair and somewhat neglected landscaping. The structures might be considered slightly below average or deteriorating.
- 4) Poor – there are obvious signs of damage to the structure that if not addressed would result in the building being unsafe (e.g. broken or missing windows, portions of roof sagging, cracked foundation, porch in need of minor repair, and neglected landscaping in need of replacement or maintenance). The structures might be considered well below average or deteriorated.

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- 5) Very Poor – this category is reserved for buildings that have severe structural damage that make it unsafe for human habitation and may also have badly overgrown landscaping. The structures might be considered blighted. Immediate efforts should be made to rehabilitate the building or demolition should be strongly considered.

Table 5 shows the results of the survey of housing conditions. There are a few scattered pockets of residential buildings that are in fair to poor conditions with a slightly higher frequency of fair to very poor pockets south of E. Farriss Ave.

Table 5: Housing Condition		
Condition	# of Buildings	Percent
Very Good	13	1.64%
Good	647	81.49%
Fair	105	13.22%
Poor	22	2.77%
Very Poor	7	0.88%
Total	794	100.00%

Overall the residential sections of the neighborhood have remained relatively stable over time. Approximately 83% of the residential structures are considered good or very good; and while the rental properties comprise almost 46%, they are relatively scattered with the highest frequency of rental properties south of E. Farriss Ave. Additionally, other than where the university has grown, the residential areas have remained primarily unchanged in zoning and use.

Historic Resources

The homes in the area near the northeast corner of Centennial St. and Montlieu Ave. were developed primarily in the 1920s and 1930s to connect the city to the newly established college. Willoubar Terr. was planned in 1914 after the land for the Barbee Dairy, which covered much of the territory around the intersection of Centennial St. and Montlieu Ave., was sold. The neighborhood was filled with well-designed examples of Craftsman residences constructed in a variety of materials, including fieldstone and oversized brick. These homes share common details such as wide porches, low rooflines and wide eaves with diagonal brackets.

Just north of this neighborhood is the W. College Dr. neighborhood, which was developed primarily during the 1950s, and it exhibits some of the earliest examples of modern architecture in the city. This modernist style features broad expanses of windows, natural wood siding and richly vegetated lots. [*The Architecture of High Point North Carolina*, 2008]



Example of a house on the west side of W. College Dr. that is recommended to be maintained

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Due to some of the rich examples of architecture within these neighborhoods, the university is encouraged to maintain some of these structures for reuse by the university. Many well-established universities are surrounded by architecturally rich and diverse residential areas that provide a sense of community history close to the institutions. They can reduce the needs for driving time, strengthen university recruitment, and add a sense of establishment, culture, and architectural history. A couple areas of particular interest are the houses that front along Montlieu Ave. between Fifth St. and Centennial St., and the houses that front along W. College Dr. between E. Farriss Ave. and Lexington Ave. The structures could be used temporarily or permanently for student or staff housing, or as administrative offices. As such, these areas would serve as a transition area between the university and the adjacent single-family neighborhood.



Example of houses on the north side of Montlieu Ave. that are recommended for reuse by the university

Commercial Area

The commercial node that surrounds the intersection of Centennial St. and Lexington Ave. provides needed services within walking distance to the surrounding neighborhoods, university students and employees, and to those that pass through on their way to and from other places. This area was identified in the Core City Plan as one of eight mixed use centers within the 11-square mile Core City area. The Food Lion is one of the few remaining grocery stores within the Core City, and it should be retained. This shopping center could be enhanced as recommended in the Core City Plan through additional commercial and mixed-use buildings along the street frontage, new exterior architectural treatment, and enhanced landscaping and parking areas. The continued success of this commercial node aids in the continued stability of the surrounding residential areas.

Stormwater

The City enforces stormwater regulations to protect the public drinking water supply by treating and controlling stormwater runoff from built-upon (impervious) surfaces within identified drainage areas. When development is proposed, plans are submitted and stormwater devices are required to control the timing, quantity, and quality of the run-off. The run-



Biocell stormwater control device on Guyer Street

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off can be controlled through a variety of different devices such as, but not limited to, ponds and biocells. Within the campus there are drainage areas that require stormwater control devices when new development occurs. As new campus development occurs, it will need to be reviewed, and the appropriate controls will be required. In order to meet the future needs of the university in the most efficient manner and avoid unnecessary delays during construction, the Public Services Department has stated a need to evaluate a master development plan for the area so that advance planning for controlling stormwater can be conducted.

Water and Sewer:

As shown on Appendix Map G, there are existing water and sewer lines (infrastructure) of various sizes and locations throughout the designated growth areas that will need to be evaluated prior to redevelopment. The infrastructure within these areas also serves areas beyond the study area boundaries, so any changes will have an impact on areas beyond just the university. Infrastructure for new university development will need to be designed, engineered and appropriately located and sized to accommodate future demands. As stated above, the Public Services Department has expressed a need to evaluate a master development plan for the area so that advance infrastructure planning can be conducted. This master plan should include the projected demand for water and sewer services.

Transportation

Within the study area there are public streets that serve both through traffic and local traffic, as well as sidewalks and a greenway that serve students and residents of the area. Additionally, there are private streets and pathways within the campus that serve the students. As the university has grown, so has the need for incorporating different modes of travel. The university has increased its private street network, added pedestrian pathways and crosswalks, and developed a shuttle service.

As shown on Appendix Map H, staff reviewed existing public sidewalks and bus stops within the study area and identified where additional public sidewalks may be needed, primarily to provide safe pedestrian access to commercial services. The needed sidewalks were identified along the major roadways versus the local streets because they are a higher safety concern than the smaller local streets. Also shown on the map is a planned sidewalk along N. College Dr. between Centennial St. and Eastchester Dr. This represents a project that has been previously identified as needing



Crosswalk on Lexington Avenue at N. College Drive

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a sidewalk, and it is in the process of obtaining funding. Once funding is obtained the sidewalk will be located on one side of the street or the other.

Additionally, staff is recommending looking into the feasibility of a planted median along N. College Dr. between Eastchester Dr. and Kivett Dr. that would enhance the entrance into campus, allow for safe refuge for pedestrians, and provide a visual buffer between the campus and adjacent neighborhoods. If this is found to be feasible, it might be a good opportunity for a joint project between the City, the university, and NCDOT, similar to the partnership that was formed to create the Spring Garden St. project that traverses the UNCG campus in Greensboro.

These suggested enhancements are supported by the Core City Plan in that it identified eight streets within the urban core that are key to forming people's use and perceptions of an area. Four of the eight identified streets are partially within the study area. They are: College Dr., Centennial St., Montlieu Ave., and Lexington Ave. As key streets the plan recommends that they be evaluated and targeted for enhancements such as sidewalks, bike lanes, street trees, medians and crosswalks.

In order to continue to meet the needs of the university and of the community in general, the City Department of Transportation has stated a need for a long-range multi-modal master transportation plan for the campus. Such a document would serve as a guide to ensure that the city and the university cooperatively plan for and provide a transportation network that serves the university and the surrounding community, offering a variety of travel modes in a safe and efficient manner.

Noise

As previously mentioned, this neighborhood has grown and developed in conjunction with one another over the course of the last 80 plus years. As such there are reasonable expectations for the types of noise that each component of the neighborhood typically creates. The university is a functioning and active use that generates typical noise from traffic, students, and outdoor sporting events. However, residents of the neighborhood should expect reasonable limits to the noise and be free from unnecessary noise such as loud late parties and the like. In moving forward, each neighborhood component needs to be cognizant and respectful of one another when scheduling events, and communicating with one another concerning special events that might create an unanticipated level of noise.

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High Point University Existing Conditions

The main entrance to campus is off of Montlieu Ave. just west of N. College Dr. The oldest part of campus is bounded on the west by W. College Dr., Lexington Ave. to the north, N. College Dr. to the east and Montlieu Ave. to the south. There are three fairly new sections of campus that have emerged since 2004 that total approximately 46 acres. The first area is the new parking lot on the southwest corner of Montlieu Ave. and N. College Dr., the second area is the expansion to the north on the north side of Lexington Ave. bordering the east and west sides of N. College Dr. for on-campus housing, and the third is the western expansion to Fifth St. for academic buildings and on-campus housing. (See Appendix Maps I and J)



High Point University Campus

In order to project the future growth needs of the university, information has been gathered about how the university has grown in the recent past and how it plans to grow in the near future. The university has grown in a variety of different ways. It is physically expanding in overall size through acquiring and developing new areas outside the original campus, and the university is renovating and constructing infill buildings within the original campus. The following is a synopsis of the recent growth that was provided by university staff and as stated in the summer 2009 edition of the *High Point University Magazine*:

➤ Recent Growth—

- 15 new buildings, 20 buildings were renovated.
- Approximately 70 acres of land have been acquired.
- New multiplex - this mixed-use building contains 277,000 square feet and includes a food court, restaurant, convenience store, movie theater, an interactive gaming center, private study rooms, and dorm rooms for 500 students.

➤ Enrollment —

- Traditional undergraduate (full-time) enrollment has grown from 1,484 in 2005 to 2,700 in 2009 (+81.9%). Nearly 2,450 (90.7%) of the traditional undergraduate students currently live on campus.
- Freshman enrollment has grown from 370 in 2005 to 1,040 in 2009 (+181%).
- Graduate school enrollment has grown from 130 in 2005 to 360 in 2008 (+177%).
- The evening degree program enrolls more than 900 students in High Point and Winston-Salem. The university is slowly shifting this program from the High Point campus to the Winston-Salem campus.

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➤ Future Growth

- The university has stated a need for 20-25 additional acres within 3-6 years.
- Traditional undergraduate enrollment is expected to reach 3,500 in the near future, which could generate the need for 725-1,050 beds, depending on the percent of students that opt to live on campus.
- Academic building(s) - Brayton School of Education is in the planning stages.
- Parking lot(s).
- Greek housing.

Appendix Map K shows the existing land uses of properties owned by the university as of spring 2009. Properties that were acquired after this time do not show an existing university land use. Properties owned by the university that are located off or adjacent to the campus are being used as rental homes, housing for students, landscaped/entryways, open space, and some are undeveloped. Areas that are currently undeveloped such as the area on the west side of N. College Dr. north of Lexington Ave. (shown as area A) will likely be developed at some point in the future, while other areas like the area on the east side of N. College Dr. south of McGuinn Dr. (shown as area B) will likely remain as undeveloped open space. The latter area is currently being used as non-built-upon credit area for watershed offsets that allow the current campus to add additional built-upon area. Other areas, such as the southeast corner of N. College Dr. and Lexington Ave., the northeast and southeast corners of Montlieu Ave. and N. College Dr. and the southeast and southwest corners of Montlieu Ave. and Fifth St. (respectively shown as areas C, D, and E) will likely be used as landscaped entryways into the campus. As is shown on the map, the university has recently purchased and is continuing to purchase property in the blocks to the west of Fifth St. over to Willoubar Terr. It is important to note, the university acquires property only through private negotiations with individual property owners, and they do not have the power of eminent domain.

II. GOALS AND POLICIES

This section of the plan discusses the envisioned future and how the future will be achieved through the stated goals, policies and phased growth plan.

Vision Statement (desired future)

Based on the information gathered, the following is a statement of the desired future:

The university is growing and prospering in a planned and identified, phased approach in conjunction with the community, so that the adjacent residential areas are maintaining their stability, and commercial uses within the area are being maintained and enhanced to provide needed services within walking distance of the surrounding residences and university students.

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Planning Principles

The following is a list of goals and policies that suggest who, what, when, where, and how the aforementioned vision will be achieved. They are to be used by all of the partners that helped create it (residents of the area, city, and university). These principles are intended to enhance and replace the 2001 *High Point University Land Use Plan Implementation Policy* described on page 5. The roles and responsibilities that come from these goals and policies are summarized in the Implementation/Recommendation section of the plan which starts on page 30.

Goal 1: Ensure residents in the university area have information about future university expansion plans, so they can make informed decisions about investing in their properties.

Policy 1.1: Maintain and update this *University Area Plan* as needed.

Policy 1.2: Establish and maintain a university contact person that can provide information to area property owners about the timing of any planned expansions so that residents can make appropriate property improvement decisions. Neighborhood updates could be achieved utilizing various methods, one of which could be establishing regular meetings with the neighborhood (e.g. quarterly, bi-annual, etc.) similar to what UNCG has recently established.

Goal 2: Ensure availability of adequate infrastructure.

Policy 2.1: Create a university document that provides locations and types of future uses with a timetable for expansions so that future infrastructure needs can be accommodated.

- i. Include projected demand for water and sewer services so advance infrastructure planning can be conducted to accommodate future needs and avoid negative impacts on adjacent properties.
- ii. Include future shuttle routes and stops, proposed road closings, and pedestrian routes to ensure that a safe and efficient transportation network is provided.

Policy 2.2: Maintain adequate stormwater control to prevent negative impacts on surrounding properties, water quality, and the natural environment.

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Policy 2.3: Provide traffic circulation patterns with pedestrian safety as a priority.

- i. Improve pedestrian connections to and from campus, especially where they cross major thoroughfares (e.g. signalized crosswalks, stamped pavement, medians, etc.).
- ii. Improve pedestrian access to services within the study area – by filling in missing sidewalks where needed to provide safe pedestrian access to area services such as the College Village Shopping Center.
- iii. Preserve and maintain the existing greenway.
- iv. Evaluate and maintain public street access where needed to preserve public access and ensure adequate traffic flow.
 - a. Maintain E. Farriss Ave. as a public street and allow for public access on the eastern-most end along W. College Dr. (see Map 6).



Greenway through campus

Goal 3: Ensure compatibility between the edge of campus and the surrounding neighborhood.

Policy 3.1: Maintain existing natural areas between the university and adjacent neighborhoods (e.g. the natural areas west of Fifth St. just south of E. Farriss Ave., and on the east side of N. College Dr. south of the greenway).



Natural area on the east side of N. College Dr.

Policy 3.2: Maintain as many existing large mature trees as possible, on site during new construction. A tree survey showing the location of existing trees may be required prior to development.



Natural area west of Fifth Street

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Policy 3.3: Where existing vegetation does not exist, provide landscaping that delineates the campus and residential properties and provides sufficient separation between the university and adjacent residential areas.

Policy 3.4 Explore the feasibility of installing a planted median on N. College Dr. between Eastchester Dr. and Kivett Dr. to improve pedestrian safety and provide an additional separation between campus and the residences on the east side of N. College Dr. This median is recommended to be continued south to Kivett Dr. and north to Eastchester Dr. to connect the existing planted medians and enhance the gateways into campus.

Policy 3.5: Transition the intensity of uses along the campus edge adjacent to existing residences.

- i. Decrease the bulk, mass and height of buildings, or increase setbacks.
- ii. Prevent the spillover of light and glare from outdoor lighting onto adjacent properties by limiting the height, illumination, and direction of outdoor lighting.
- iii. Locate parking areas internal to campus, where possible, to minimize visual impacts on adjacent residential properties. They should be screened from view, and access to the parking areas should be from internal campus driveways and not directly from local residential streets to minimize cut-through traffic in the residential neighborhood.
- iv. A combination of fencing and landscaping can be used to soften the edges, however solid fencing is typically discouraged along public streets.
- v. Placement of loading areas and mechanical equipment should be placed to minimize impact on adjacent properties. Screening shall be provided.
- vi. Consider reusing structures along the campus edges for housing, administrative offices, or other university uses.



New parking lot along Guyer Street

Policy 3.6: New campus development should be contiguous to the existing campus and consist of an entire sub-area. However if a partial rezoning of a sub-area is requested, then a site plan must be submitted along with the rezoning

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request that demonstrates how the impacts on adjacent properties will be mitigated.

Policy 3.7: Mitigate the impacts of new campus development on adjacent properties through the provision of conditions with rezoning requests.

Goal 4: Reduce potential negative impacts on surrounding residential areas that are directly related to the university.

Policy 4.1: Establish and maintain a two-way method of communication between the adjacent residential areas and the university to inform each other of problems or issues (e.g. loud parties, littering, excessive cut-through traffic, parking on residential streets, etc.) and to provide notification of university-sponsored events that may create increased traffic and noise (e.g. large sporting events, graduation, concerts, etc.).

Communication could be established in a variety of ways such as: notices on the university website, establishing a listserve and/or an email distribution list, distributing flyers, and, as previously mentioned, establishing regular meetings with the neighborhood.

Policy 4.2: Provide sufficient parking on campus so that there is minimal “spillover” into the surrounding residential areas

Policy 4.3: Provide sufficient student housing on campus. University provided off-campus student housing is discouraged within residential areas adjacent to campus to minimize negative impacts. If temporary university provided student housing is needed, it should be located within Phase I growth areas, and be immediately adjacent to the existing campus. Impacts to adjacent residences should be mitigated utilizing methods described in Temporary Edge Areas on page 25.

Policy 4.4: Demolition of viable single-family homes is discouraged if the university does not have an immediate need for new development. The university should not proceed with demolitions prior to receiving approval of a zoning action, unless conditions of the structure are deemed unsafe and warrant earlier removal. When demolition is deemed necessary, an effort should be made to salvage the architectural components of the structure prior to demolition.

Goal 5: Support the sustainability of accessible commercial services for the surrounding area.

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Growth Areas

The university has expressed a need for an additional 20-25 acres within the next 3-6 years. The exact timing and location of university growth is unknown. The university is encouraged to work towards establishing a more specific timeframe, location and identification of needs in the near future. Identifying the needs in advance will allow time for advance planning for infrastructure (water, sewer, electric, stormwater, transportation) and avoid unnecessary delays in construction.

City staff analyzed the existing conditions of the study area and identified areas for possible university growth (see Map 4). The growth areas are broken down into three main phases (I, II, and III) that indicate the proposed order of growth as first, second and third, but there is no specific timeline associated with the three phases. Within each phase there are numbered sub-areas (1, 2, 3, 4), which were created for the purpose of phasing in development. Sub-areas can be developed in conjunction with one another, or they can be developed independent of the other sub-areas. However, splitting sub-areas is discouraged. The numbers assigned to the sub-areas do not indicate a priority order.

Prior to proceeding with new development, the university is expected to make a “good faith” effort to acquire all of the land within the sub-area prior to requesting a Land Use Plan amendment (LUPA), rezoning, or Special Use Permit (SUP). However, the City Council can consider the approval of a zoning action if the university has been unable to acquire all of the land within a sub-area, and they are able to mitigate the impacts on the remaining properties through conditional zoning and the inclusion of a site plan that demonstrates how the impacts have been mitigated. Factors described in Temporary Edge Areas on page 25 should be utilized to create the conditions and the site plan. Similarly, if all properties within a Phase (e.g. Phase I) are unable to be obtained by the university and a “good faith” effort has been made, then development within a subsequent Phase (e.g. Phase II) can be considered.

The university is expected to maintain properties outside of the current campus that they have purchased until development is needed and has been approved. The premature demolition of structures within the growth areas could have a negative impact on the surrounding residential properties. As an interim use, the university could use their properties for housing in accordance with policies 3.5 vi. and 4.3. A good example of reuse of university owned residential properties are the recently renovated homes along the west side of Fifth St. north of Woodrow Ave. The university has renovated these houses,



Recently renovated university-owned student housing

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painted them in a “rainbow row” theme, and they are using them for student housing.

The growth areas are as follows:

Phase I There are three areas shown as Phase I, and they contain a total of approximately 38 acres. The lettering of the three Phase I areas (IA, IB, and IC) does not indicate a priority order. Based on the current stated needs and depending on the rate of growth, Phase I could serve the anticipated growth of the university for approximately 5-12 years.

Area IA is located on the northwest corner of the intersection of Lexington Ave. and N. College Dr. and contains approximately ten acres. Sub-area 1 is already owned by the university and therefore is encouraged to be used prior to moving into the Phase II area. This sub-area is undeveloped with large mature trees covering the majority of the site. When it is developed, an effort should be made to maintain as many of the existing trees on the site as possible. This area currently abuts existing residences to the west, and the existing mature trees should be maintained along the western boundary so as to provide a natural buffer between the new development and the residential properties. Sub-area 2 is currently owned and operated by Sechrest Funeral Service, and it is adjacent to the College Village Shopping Center.

Area IB is a fairly thin strip of land consisting of approximately five acres located along the west side of W. College Dr. between E. Farriss Ave. and Lexington Ave. It extends west to McCain Park and is characterized by a combination of single-family homes and undeveloped lots. This area has been identified as a Transition Area (see Map 6) between the campus and the residences to the west. This area is somewhat constrained by its narrow depth, floodplains, steep slopes, and stream buffers. It also contains historic resources with unique modern architecture and numerous large mature trees that help mitigate the impacts on the residential area west of McCain Park. Due to all of these characteristics, this



Mature trees along West College Drive

area should be used for low-intensity uses such as housing for staff or students, and/or additional administrative office space. However, if this area is redeveloped for other uses, the university is encouraged to maintain as many of the existing historic structures and large mature trees as possible to maintain this separation between the

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university and the adjacent residences. This area is broken down into sub-areas 1 and 2 with the creek as the boundary between them. The majority of sub-area 2 is almost completely impacted by floodplain and stream buffer and therefore it is highly recommended for reuse as is, if and when the area is needed by the university.

Area IC is the largest of the three Phase I areas and it consists of approximately 24 acres. It is bounded by Fifth St. and Fifth Ct. to the east, Montlieu Ave. to the south, Willoubar Terr. and Fifth St. to the west, and E. Farriss Ave. to the north. This area is broken down into sub-areas 1, 2, 3, and 4. Sub-areas 1 and 4 have been identified as Transition Areas that should be developed using the compatibility guidelines as described on page 24 and the recommendations described below. Sub-areas 2 and 3 are Interim Edge Areas and they should be developed using the compatibility factors described on page 25.

In sub-area 1, the lots that front on the south side of E. Farriss Ave. have been identified as a Transition Area (see Map 6) between the university and the greenway and the residences to the north. As such, this area should be reserved for low intensity uses. Low intensity uses could consist of 1-2 story buildings or a daytime parking lot, both of which would need substantial landscaping to screen the uses from E. Farriss Ave. If taller buildings are needed, then the setbacks from E. Farriss Ave. should be increased to lessen the impact. This area is currently characterized by single-family homes with large mature trees. When developed, consideration should be given to preserving the existing mature trees along the south side of E. Farriss Ave.

In sub-area 4, the lots that front on the north side of Montlieu Ave. between Fifth St. and Willoubar Terr. have been identified as a Transition Area (see Map 6). The single-family homes and numerous large mature trees that line the street create the setting along Montlieu Ave. that is important to maintain. This could be achieved by rehabilitating and reusing the existing structures or by building new 1-2 story structures with a mass, scale, and setbacks that are compatible to the existing structures. The university could use this area for housing or administrative offices. As stated above, if taller buildings are needed then the setbacks from Montlieu Ave. should be increased to lessen the impact. The trees along Montlieu Ave. should be preserved to maintain the setting and to provide a natural visual and noise buffer between the university and the neighborhood on the south side of Montlieu Ave.

Phase II This area is bounded by Willoubar Terr. to the east, Montlieu Ave. to the south, Centennial St. to the west, and E. Farriss Ave. to the north. It contains approximately 18 acres and is broken down into three sub-areas.

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The recommendation for Phase IC, sub-area 1 (above) should be replicated for Phase II, sub-area 1 for the lots along the south side of E. Farriss Ave., as it is a Transition Area (see Map 6).

The recommendation for Phase IC, sub-area 4 (above) should be replicated for Phase II, sub-area 3 for the lots along the north side of Montlieu Ave. between Willoubar Terr. and Centennial St., as it is a Transition Area (see Map 6).

Phase III There are two areas shown as Phase III, and they contain approximately 17 acres total. The lettering of the two Phase III areas (IIIA and IIIB) does not indicate a priority order.

Area IIIA consists of approximately 14 acres and is bounded by Phase IA to the east, the northern property line of the Kingdom Hall of Jehovah's Witnesses to the south, Centennial St. to the west, and the rear property lines of the lots on the north side of Homewood Ave. to the north. This area is generally characterized by single-family homes and some undeveloped lots. This area is broken down into sub-areas 1, 2, and 3. However, due to the narrow configuration of the sub-areas, if Phase IIIA is not developed as a whole, then the sub-area that is being developed will have to provide sufficient Interim Edge Area treatments to mitigate any negative impacts on the remaining residential area.

Area IIIB consists of three acres and is bounded by Harrison St. to the east, Boundary Ave. to the south, and Meadowbrook Blvd. to the west and north. The university currently owns one property within this area, but there are not any identified development needs seen within this area for some time. When and if development occurs, the lots on the north side of Boundary Ave. have been identified as a Transition Area (see Map 6) and therefore the compatibility factors described on page 24 should be considered to mitigate impacts. Vehicular access to Boundary Ave. should be restricted.

Summary of Phases

Phase IA		Phase IB		Phase IC		Phase II		Phase IIIA		Phase IIIB	
Sub-area	Acres	Sub-area	Acres	Sub-area	Acres	Sub-area	Acres	Sub-area	Acres	Sub-area	Acres
1	6.13	1	3.78	1	5.04	1	10.94	1	3.28	1	3.24
2	4.00	2	1.02	2	7.09	2	3.55	2	6.79		
				3	5.83	3	3.93	3	3.61		
				4	5.43						
Total	10.13		4.80		23.39		18.42		13.68		3.24
Grand Total		73.66									

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In total, all three phases would add approximately 74 acres to the existing campus. Since 2004, approximately 46 acres have been added to the campus. Based on the stated need, if we assume an absorption rate of 20-25 acres for every 3-6 years, then these growth areas could provide growing room for the university for roughly the next 10-20 years. This plan should be updated as needed to reflect changes in the future growth plans of the university.

Edges

As university growth occurs different types of edges are created. These edges can be viewed as permanent, interim, or temporary. The intensity and characteristics of the new development will need to vary based on the type of edge that the new development abuts. Depending on the location and the characteristics of the site, specific information (e.g. site plan, tree survey, etc.) may be requested at the time of a zoning action to ensure compatibility with adjacent properties. All requests must include conditions that mitigate the impacts on adjacent properties.

The edge types are as follows:

- Transition Area (Permanent Edge) – these areas are seen as permanent edges to campus (see Map 6). An example of a Transition Area is the north side of Montlieu Ave. between Fifth St. and Centennial St. When redevelopment is considered within a Transition Area the new development should strive to maintain the existing setting of the area. Compatibility with the adjacent properties is of the utmost importance. The height, mass, scale, setbacks and the intensity of the new development should be taken into consideration during the planning and design phases of development. When measuring height, the finished grade and overall elevation should be taken into consideration when placing the building on the site. Other factors to consider in ensuring compatibility are: parking lot location; access; lighting height, direction and intensity; fencing type, height and location; and landscaping type, rate, location and width of the planting area. If the area is characterized by large mature trees, then an effort should be made to maintain trees where possible. In places where Transition Areas abut public streets, solid fencing is typically discouraged. The types and impact of use should also be taken into consideration within Transition Areas (e.g. hours during which the use is most active). Reuse of existing structures should be considered within these areas.

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- Interim Edge Area – these are the edges between growth phases or sub-areas (see Map 4) and they are expected to be relatively short-term. However, the timing of future expansion into an adjacent sub-area or phase is unknown, so the impact on adjacent properties still needs to be considered and mitigated. Factors to consider in mitigating impacts are: parking lot location; access; lighting height, direction and intensity; fencing type, height and location; and landscaping type, rate, location and width of the planting area. If the area is characterized by large mature trees, then an effort should be made to maintain trees where possible.

- Temporary Edge Area – these are edges within or internal to a sub-area and they are seen as edges that are anticipated to exist until the remaining property is acquired. Due to impacts on adjacent properties when sub-areas are split, the rezoning of entire sub-areas is strongly encouraged. These edges are typically created where the university is unable to obtain ownership of all of the individual properties within a sub-area prior to the need for new development. In areas where the edge is considered temporary, mitigating the immediate impacts is of the utmost importance. When a sub-area is split and a temporary edge is created, the new campus development should be contiguous to the existing campus and it must include a site plan along with the conditional rezoning request. The site plan shall demonstrate how the impacts on adjacent properties will be mitigated. Factors to consider in mitigating impacts are: separation between the new campus development and the adjacent existing development, lighting height, direction and intensity; fencing type, height and location; and landscaping type, rate and location. As previously mentioned, if the area is characterized by large mature trees, then an effort should be made to maintain them. Where possible, these types of edges are discouraged due to the inevitable impacts on adjacent properties and the need to mitigate them.

Proposed Land Use Plan

Based on the university's projected near term needs and the analysis of the information contained in this plan, staff recommends amending the City Land Use Plan immediately following its adoption to designate all Phase I growth areas and the university parking lot on the south side of Montlieu Ave. as Institutional; and the natural area west of Fifth St. just south of E. Farriss Ave. as Recreation/Open Space (see Map 5). If the Land Use Plan is amended, land proposed for institutional development will need to be rezoned prior to development. Rezoning requests will need to include conditions to mitigate impacts on adjacent properties as described in this plan.

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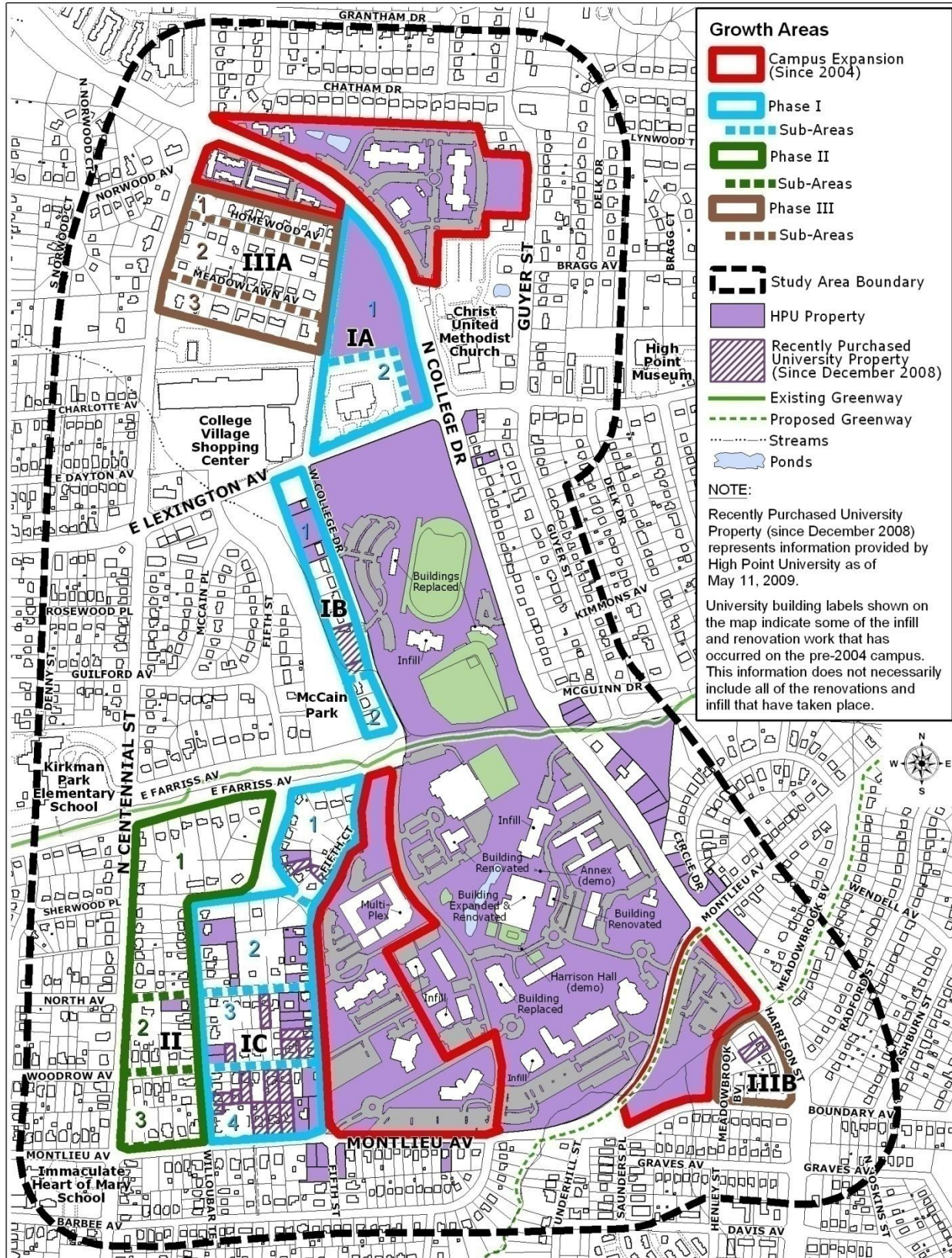
Additionally, when the university identifies a need to grow beyond the Phase I growth areas, they will need to request a Land Use Plan Amendment followed by any needed change in zoning.

Physical Plan

Due to the number of physical improvements recommended in this plan, a Physical Plan Map (see Map 6) has been created to visually display some of the improvements and primary recommendations. This map highlights recommendations such as: Transition Areas; natural areas that are encouraged to be maintained; a planted median along N. College Dr.; a proposed greenway south of campus; needed sidewalks and crosswalks; and public streets and commercial areas to be retained.

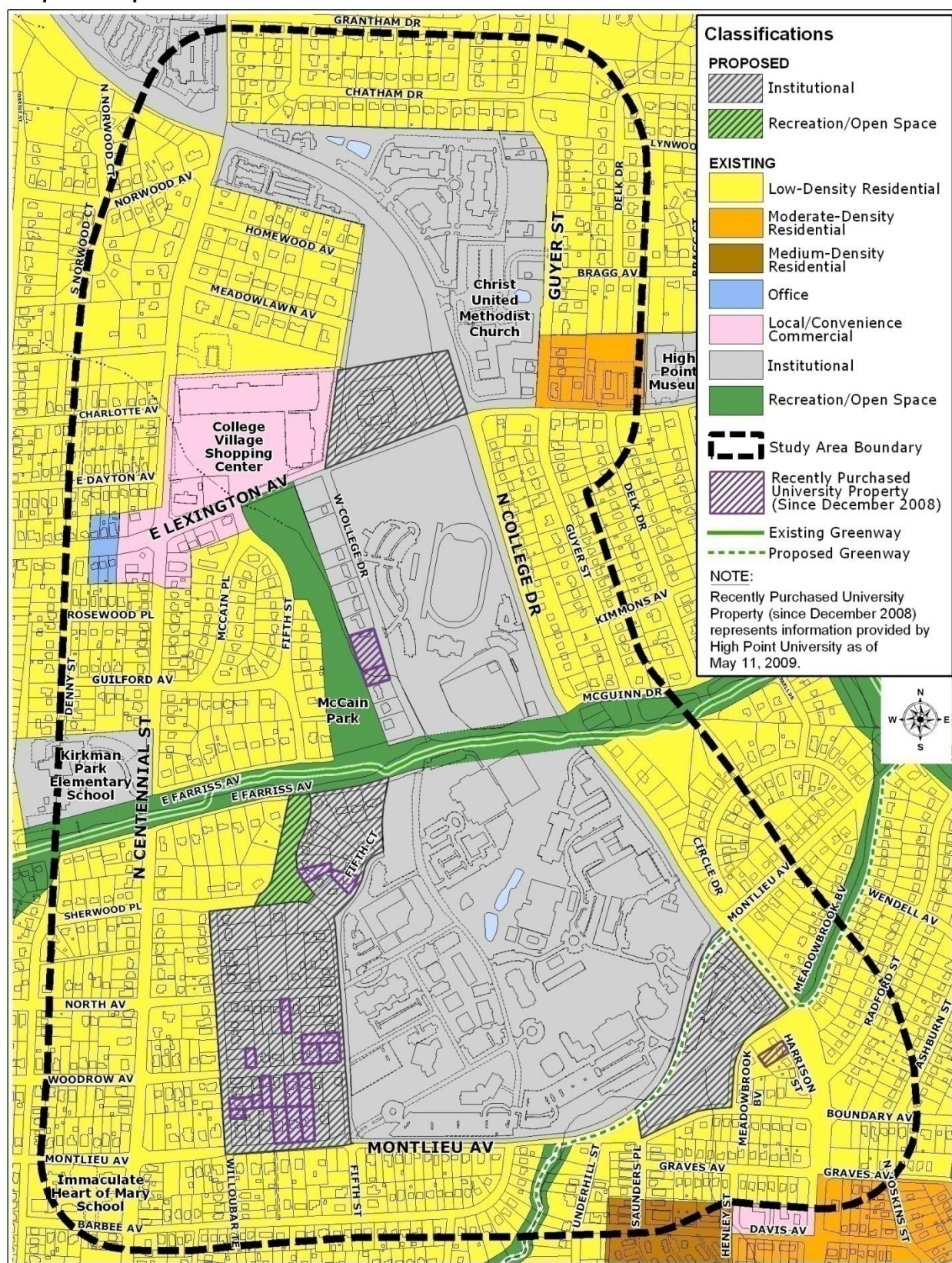
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Map 4 - Growth Areas



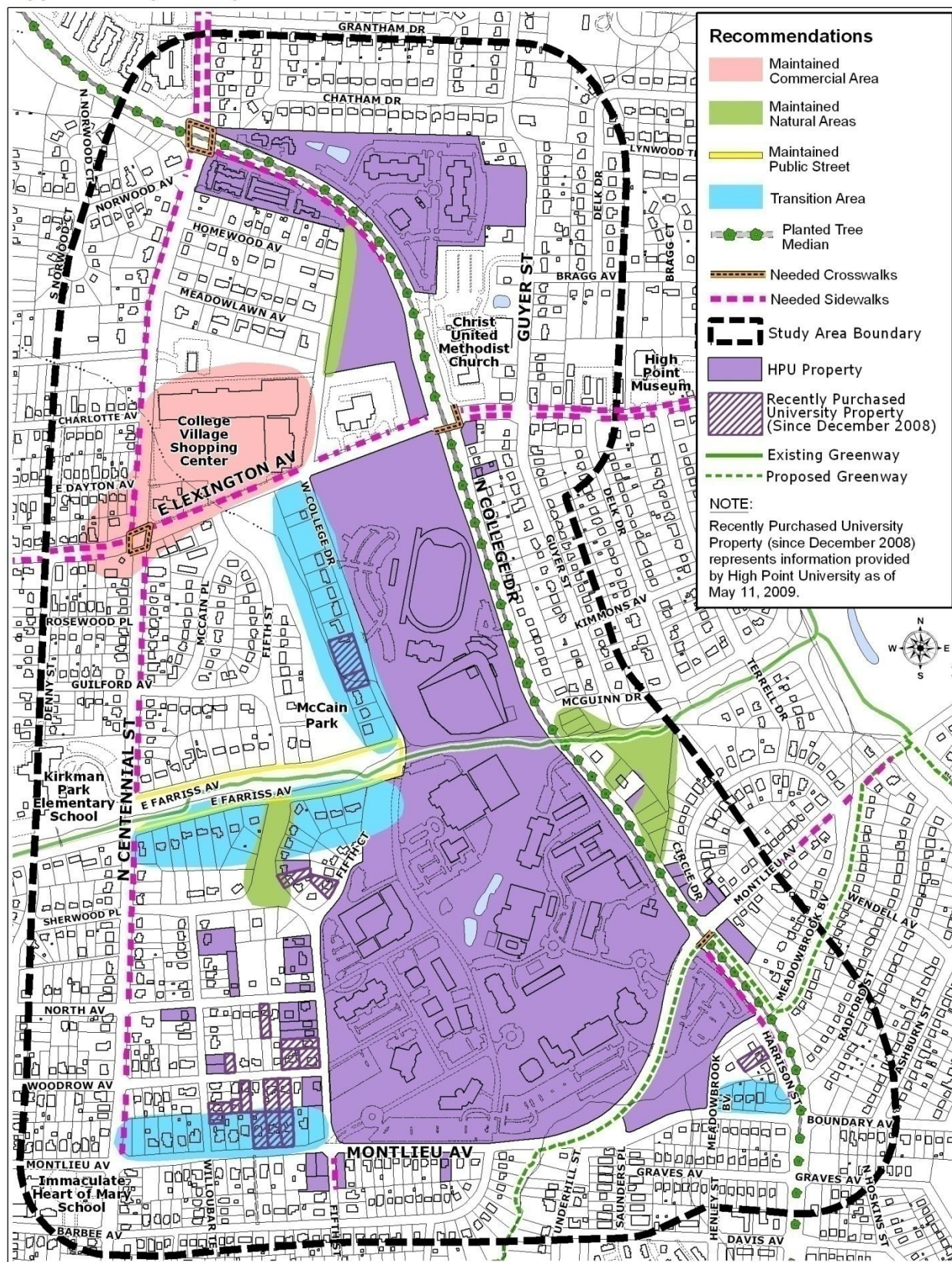
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Map 5 - Proposed Land Use Plan



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Appendix Map 6 - Physical Plan



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III. IMPLEMENTATION/RECOMMENDATIONS

This section of the plan summarizes the recommendations, identifies the primary responsible party for completing the task, and provides a suggested timeframe for completion, if applicable. The recommendations in the “Development” category do not typically have a specific timeframe because they tend to be on-going tasks.

Roles

This planning process is an effort to create and maintain an open and on-going dialogue between the university, the area residents, and the City. All parties have roles to play in order for this effort to be successful; they are as follows:

University – To continuously share detailed information on its future growth needs so that proper planning can be done and decisions can be made by private property owners and the City.

Area Residents – To share their future plans, issues, and concerns so future university expansions can be directed and designed in a manner that ensures compatibility between the university and the surrounding neighborhood. With this surety of their future, property owners will be encouraged to maintain their property and the long-term stability of the area will be achieved.

City – To conduct advance infrastructure planning to serve the future needs of the university and the surrounding community, and to put controls in place to ensure the compatibility between the university and the surrounding neighborhood.

Recommendation Matrix

#	<u>Recommendation</u>	<u>Page #</u>	<u>Responsible Party</u>	<u>Timeframe</u>
A	Planning			
A-1	Amend the City Land Use Plan for Phase I	25	City	Immediate
A-2	Develop a document that provides locations, types of uses, and timeframe for development so proper planning can be conducted	12,13,16,20	University	6-12 Months
A-3	Create a multi-modal transportation plan for the campus and surrounding area	13,16	University, City	1-2 Years
A-4	Explore the feasibility of a planted median along N. College Dr.	13,18	City, State	1-2 Years
A-5	Explore feasibility of the proposed greenway that runs south of campus	6	City	3-5 Years
A-6	Maintain and update the City University Area Plan	16,24,31	City	As needed

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#	<u>Recommendation</u>	<u>Page #</u>	<u>Responsible Party</u>	<u>Timeframe</u>
B	Development			
B-1	Acquire all of the land within a sub-area prior to requesting a LUPA, rezoning or SUP	20	University	On-going
B-2	Provide Transition Areas along the edge of campus where intensity of use is decreased (see Map 6)	11,18,21,22,23,24	University	On-going
B-3	Preserve and reuse structures along Montlieu Ave. and W. College Dr., where feasible	11,18,20,21,22,23	University	On-going
B-4	Delay demolition until new development is approved and needed	19,20	University	On-going
B-5	Maintain existing natural areas (see Map 6)	17,26	University	On-going
B-6	Maintain existing large mature trees, where feasible	17,21,22,24,25	University	On-going
B-7	Where existing vegetation does not exist, provide landscaping that provides sufficient separation	18	University	On-going
B-8	Provide sufficient student housing and parking on-campus	18,19	University	On-going
B-9	Maintain adequate stormwater control	12,16	University, City	On-going
B-10	Preserve and maintain the existing greenway	6,17	City	On-going
B-11	Maintain E. Farriss Ave. as a public street and allow for public access on the eastern-most end along W. College Dr. (see Map 6)	17	City, University	On-going
B-12	Maintain and enhance local commercial services	11,15,19	City, Property Owner	On-going
B-13	Improve pedestrian connections	12,17	City, University	3+ Years
C	Communication			
C-1	Establish and maintain a university contact person knowledgeable about university expansion plans	16	University	Immediate
C-2	Establish a method of two-way communication for day-to-day issues or events	19	University, Neighborhood	3 months

Conclusion

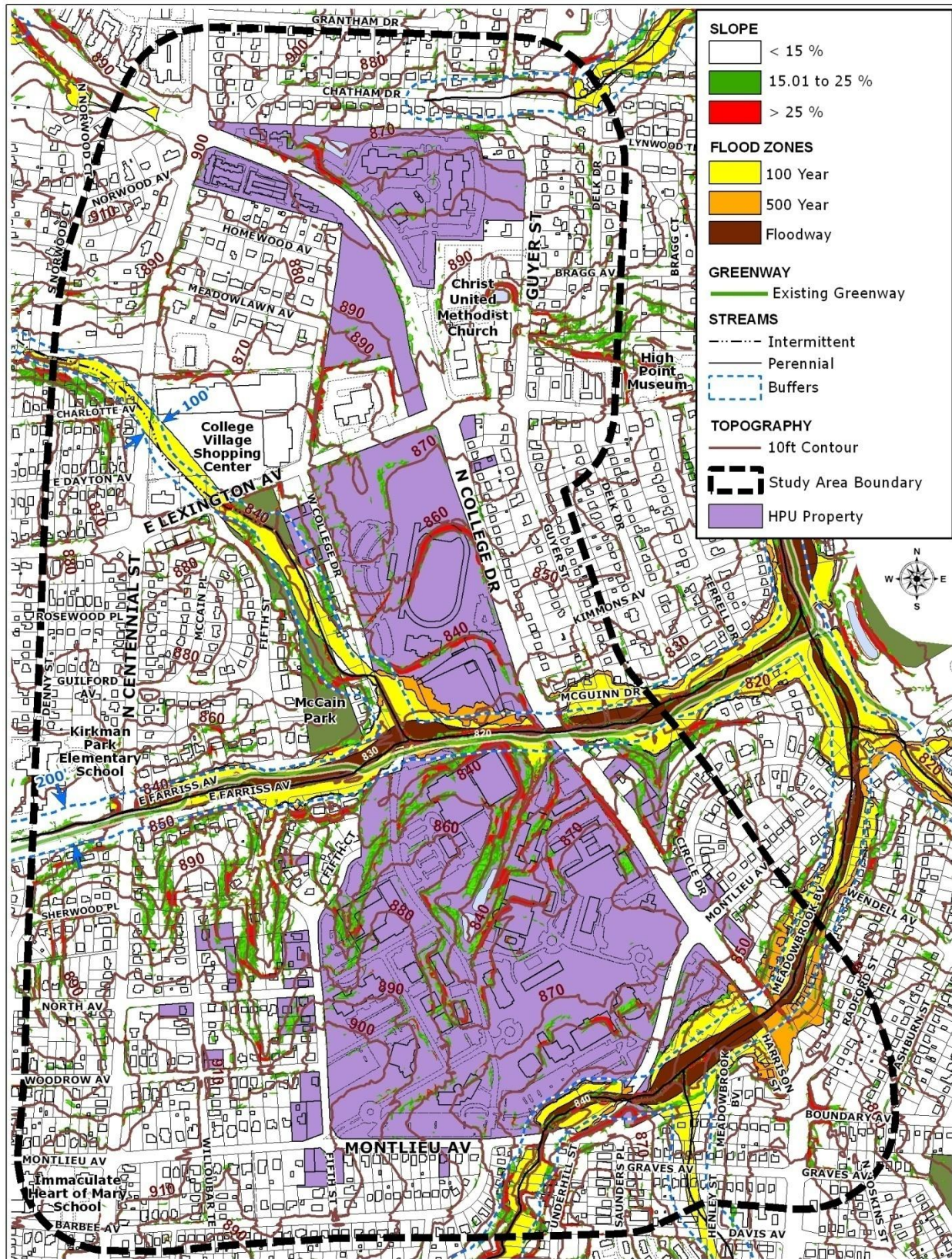
This plan was developed based on data collected, and input from the university and area residents. This plan should be updated as needed utilizing information provided by the university and the surrounding community to ensure: orderly growth; compatibility; the most efficient provision of services through cooperative, coordinated advance infrastructure and campus planning; and on-going communication. All of which support the long-term stability of the area.

University Area Plan

Appendix

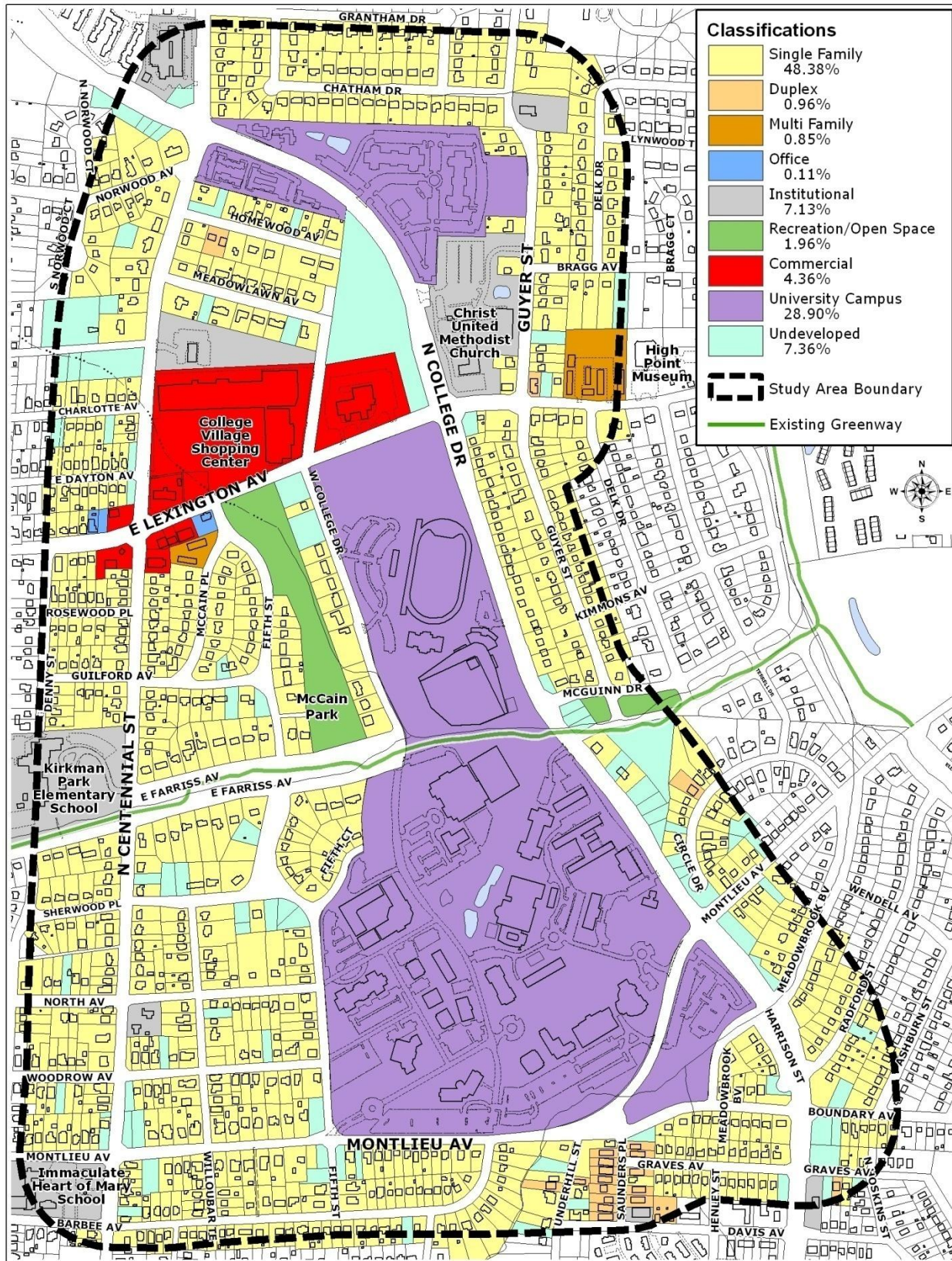
Draft University Area Plan Appendix

Appendix Map A - Environmental



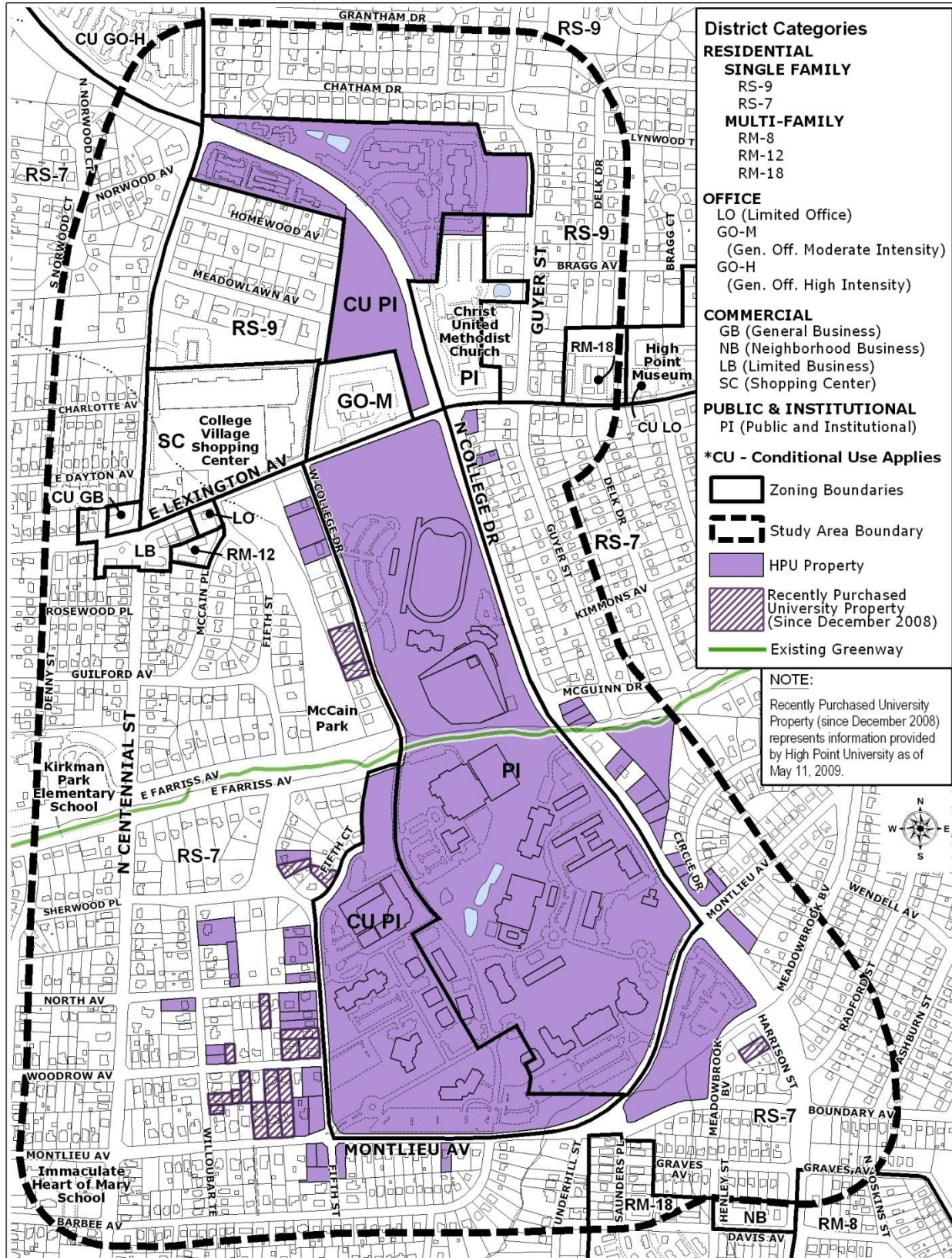
Draft University Area Plan Appendix

Appendix Map B - Existing Land Use



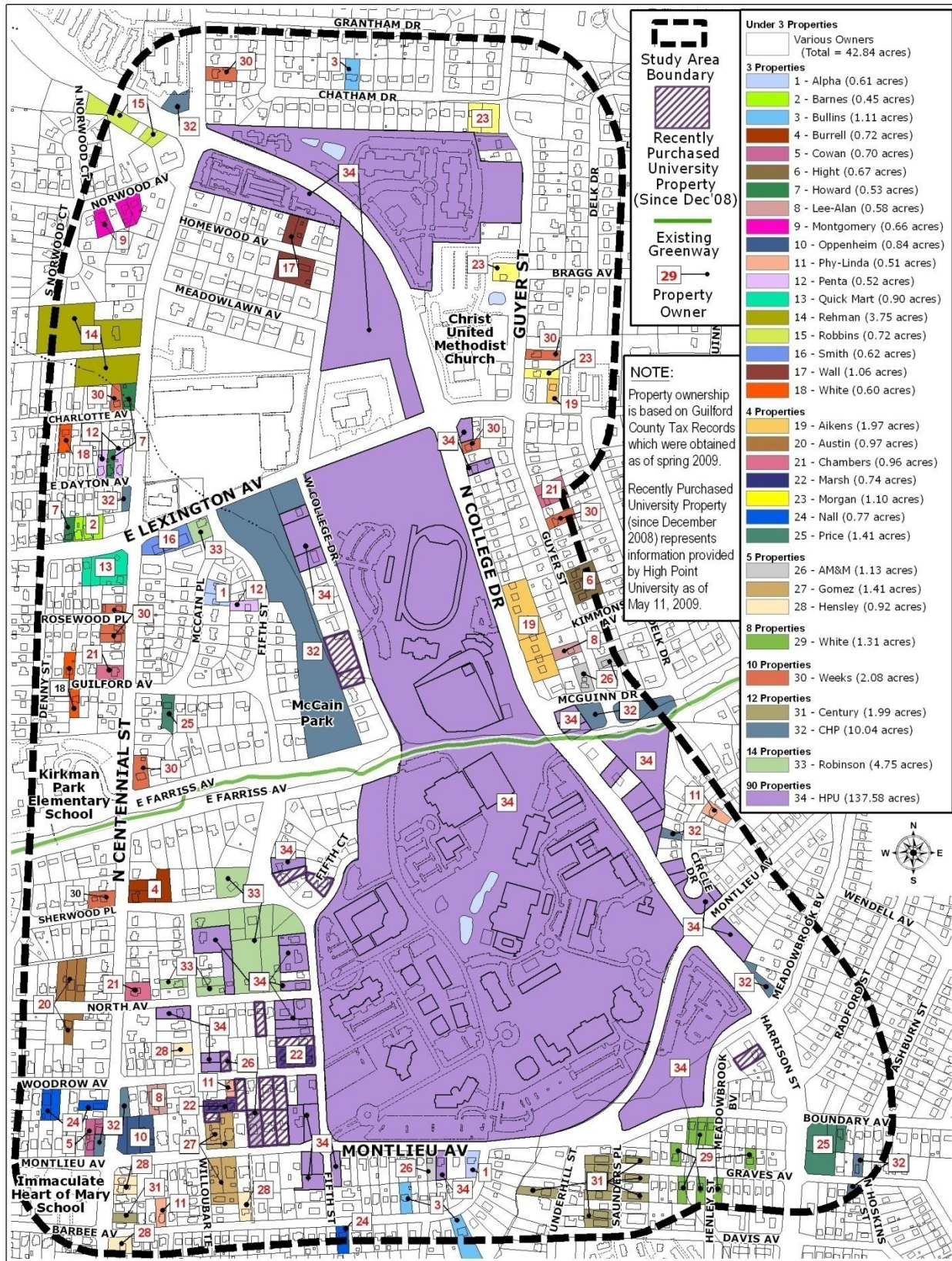
Draft University Area Plan Appendix

Appendix Map D - Zoning



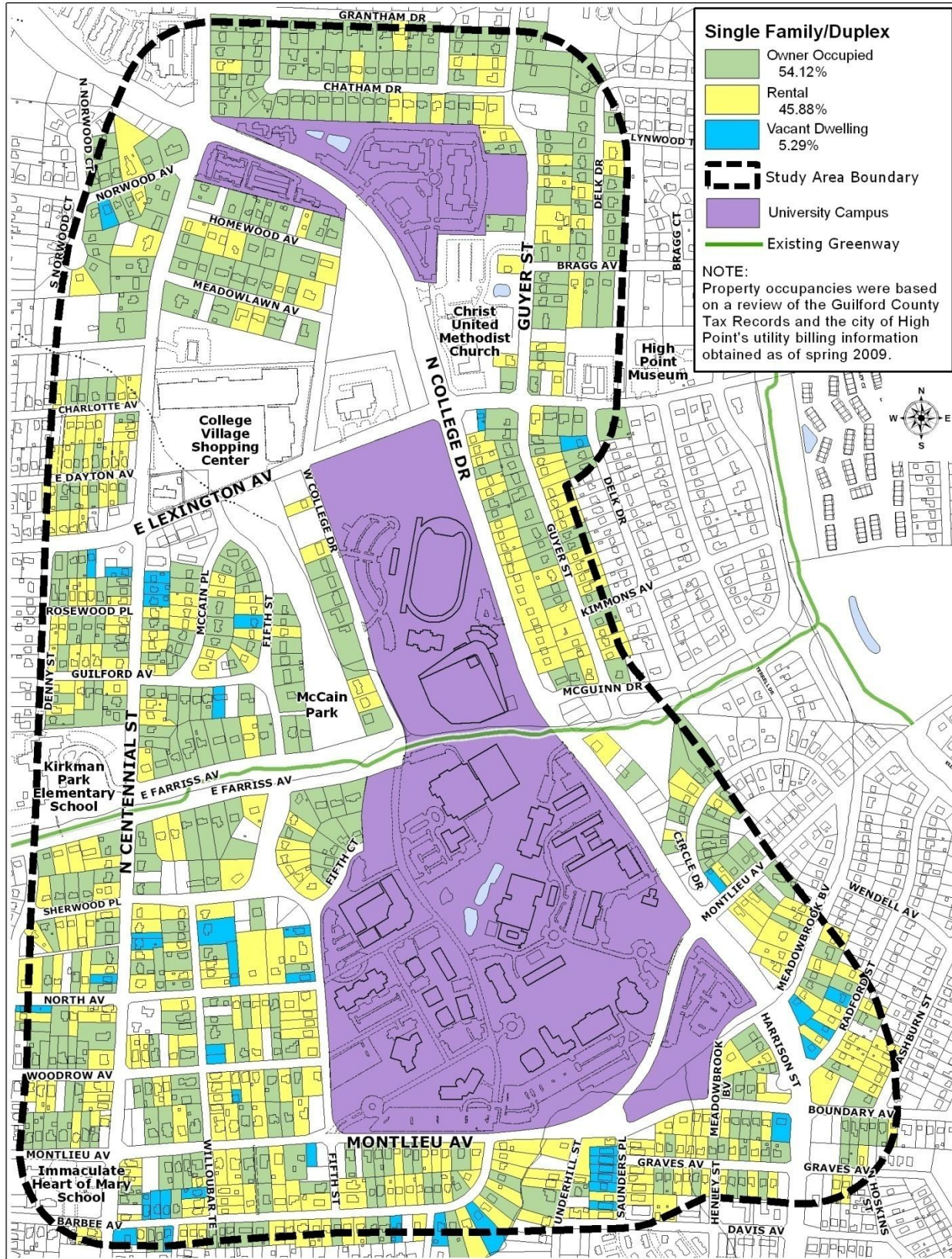
Draft University Area Plan Appendix

Appendix Map E - Property Ownership



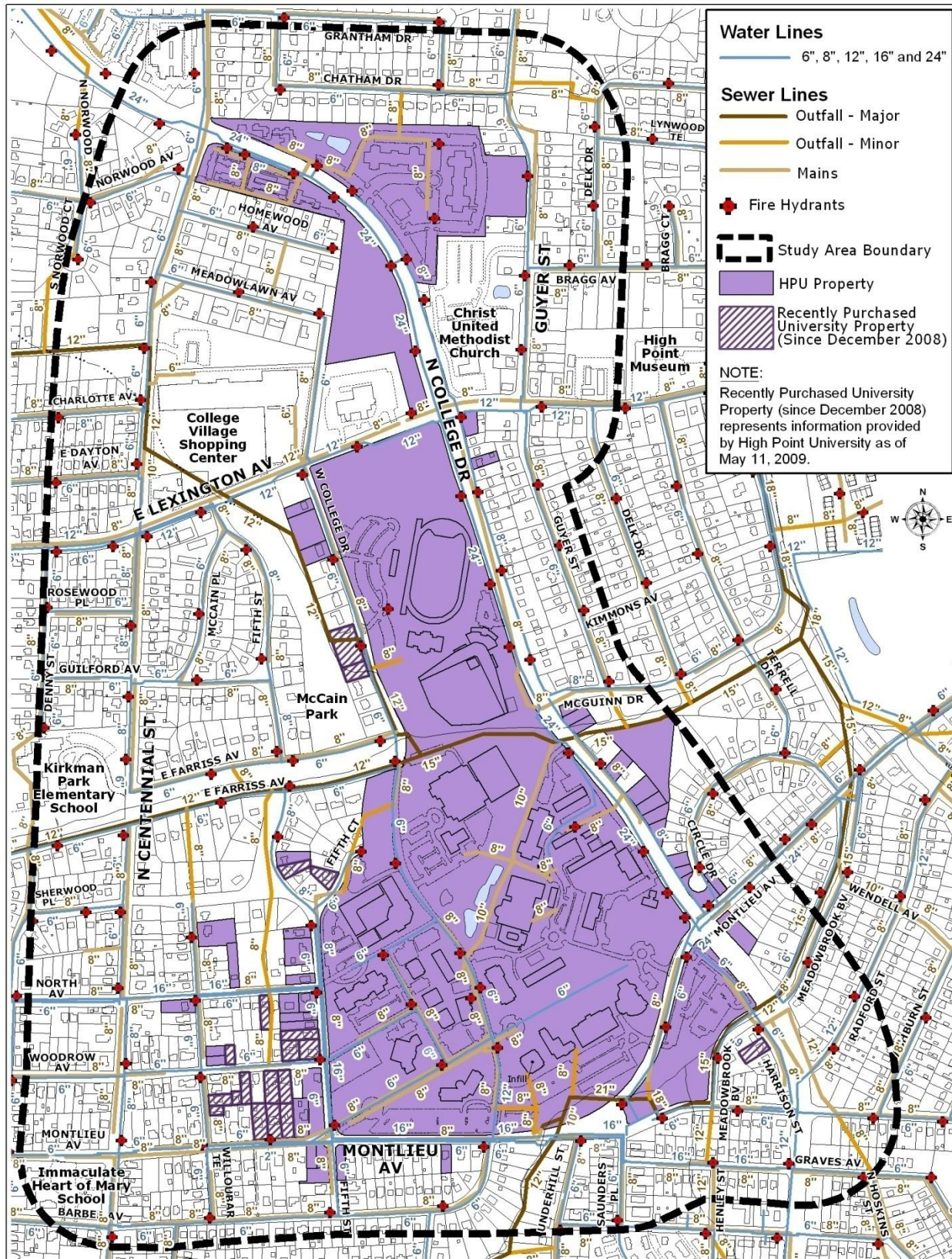
Draft University Area Plan Appendix

Appendix Map F - Residential Occupancy



Draft University Area Plan Appendix

Appendix Map G - Infrastructure



Draft University Area Plan Appendix

Appendix Map I - Aerial 2003



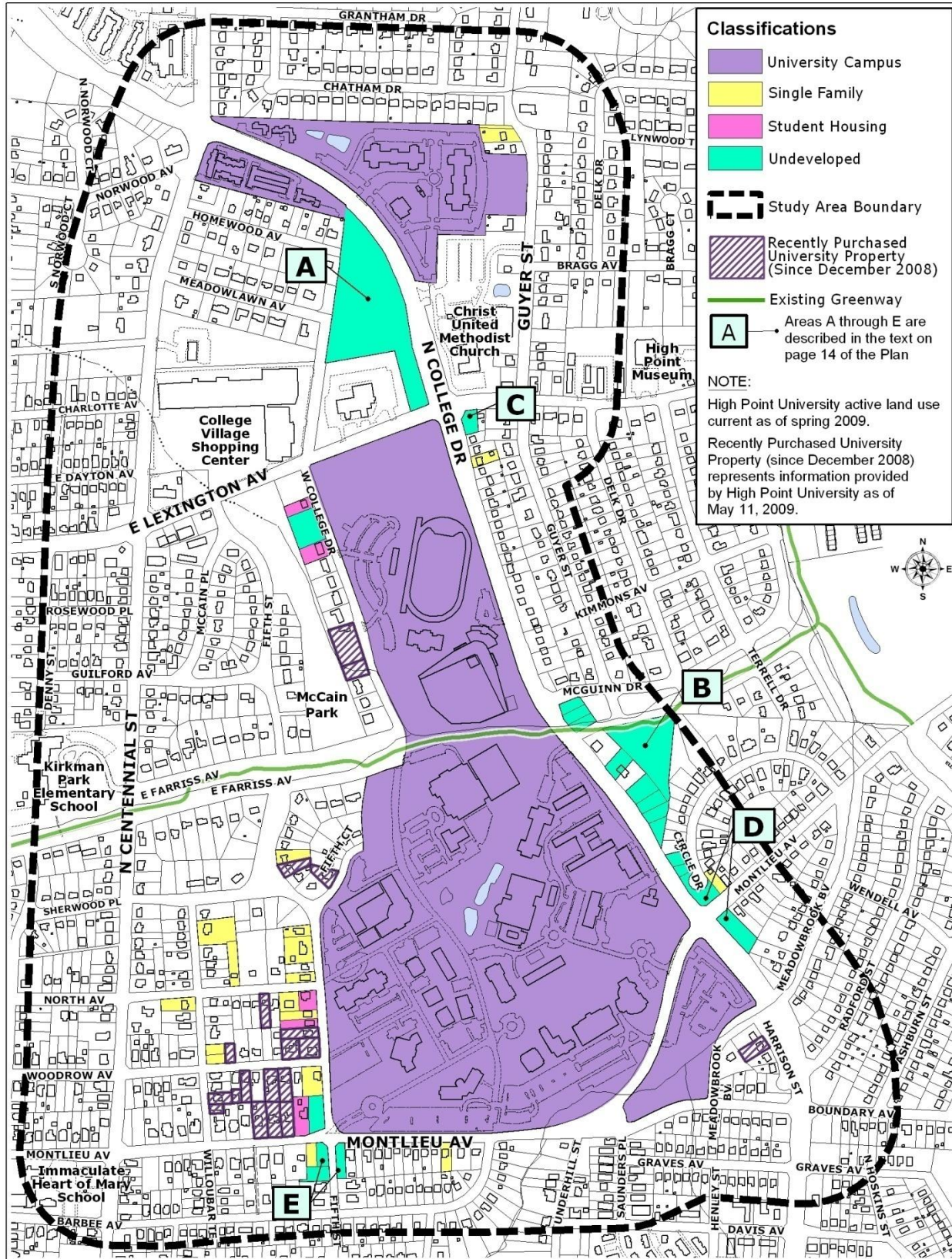
Draft University Area Plan Appendix

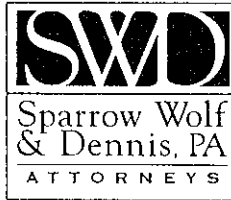
Appendix Map J - Aerial 2008



Draft University Area Plan Appendix

Appendix Map K - High Point University Active Land Use





Donald G. Sparrow, Esq.

Email: dsparrow@sparrowwolf.com

Direct Dial No: 336-544-2940

November 16, 2009

VIA HAND DELIVERY

City of High Point Mayor and City Council

Re: Market Overlay

Ladies and Gentlemen

This firm represents Slane Hosiery Mills, a division of Staunton Capital, Inc ("Slane"). The property owned by Slane is located at 3500 Centennial and is included in the Market Overlay District which is being considered at this meeting.

Slane has been a fixture at that location for many years. Slane is a hosiery manufacturer, currently employs over 300 employees and operates throughout the year utilizing several shifts. It has been a valuable enterprise for High Point's economic health.

I am here to express Slane's concern with its property being located within the Market Overlay District and subject to the Site Compliance contained in the Ordinance before you. I have met with Andy Piper of the City Planning Department and confirmed that Slane's property is zoned light industrial and its hosiery manufacturing activities are permitted within that zone.

Since the Market Overlay District would permit Slane to continue its business as it is currently being operated, what is Slane's concern? Section 3, Section 9-4-48(h)(1)d of the current proposed Ordinance, provides that if Slane wishes to expand its operations by building improvements of greater than 1,000 square feet or an aggregate of 3,000 (including adding parking), its property becomes subject to the Site Conditions and Restrictions. These include fence and setback requirements. Further, if Slane wishes to fully replace its fencing, instead of repairing or partial replacement, it would also become subject to the same conditions and restrictions.

City of High Point Mayor and City Council
November 16, 2009
Page 2

This is unacceptable. A manufacturing facility with a large footprint and year round operations requires security and safety for its improvements and its employees. Just as importantly, it needs the freedom to expand its operations if the market demands it without facing restrictions other than those already imposed in the Light Industrial Zone.

Slane wants to remain where it is located and, except for the concerns set out above, supports the Market Overlay District initiative.

I have provided the Planning Department suggested text which would accomplish Slane's objectives and yet still keep Slane's property within the Market Overlay District. It is attached. I hope agreement can be reached on the text so the matter can be resolved.

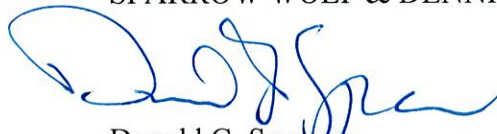
If agreement cannot be reached, Slane must oppose the inclusion of its property in the Market District Overlay and will vigorously pursue every remedy it has at its disposal to prevent its inclusion. A review of the map of the proposed Market Overlay District reveals that the Slane property is located at the extreme eastern end of the District and actually juts out. Exclusion of the Slane property from the District is logical and does little, if any, injury to the concept the District represents.

I respectfully request that any vote be delayed until this problem is addressed and hopefully solved.

Thank you for the opportunity to address you. Please insure that a copy of this letter be placed in the file on this matter by the City Clerk.

Very truly yours,

SPARROW WOLF & DENNIS, PA



Donald G. Sparrow

DGS/ay

Conforming Light Industrial Zone users, their successors and assigns shall be exempt (i) from the provisions of this Section (h) (1) d—Site Compliance and (ii)(2) Site Standards, except for subparagraph 5.--Sidewalks.

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES
HOUSING ENFORCEMENT DIVISION**

ORDINANCE REQUEST:	Ordinance to Demolish
PROPERTY ADDRESS:	1213 E Russell Avenue
OWNER:	Guillermo R Shelton
FIRST INSPECTION: 3-30-2009	Number of Violations: Unsafe 3_Minor <u>47</u> 1) no smoke detector 2) no heating system 3) upgrade electrical system to 100 amp
HEARING RESULTS: 4-21-2009	Dwelling substandard; owner did not appear for hearing; repairs exceed 50% of tax value
ORDER(S) ISSUED: 4-21-2009	Order to Repair or Demolish (90-day) compliance date of 7-21-2009
APPEALS:	None
OWNER ACTIONS:	no actions taken
STATUS OF CLOSED DWELLINGS: 11-30-2009	Vacant, no permits or repairs
COMPLIANCE DATE STATUS: 7-21-2009	Conditions still exist
EXTENSIONS:	none requested
STAFF COMMENTS:	Guilford County Tax \$31,600 Estimated Repairs \$20,950



1213 E. Russell Avenue



1213 East Russell Avenue

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: November 23, 2009



Scale: 1"=200'

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ord-demo.mxd

Move market, downtown revitalization forward together

SC Thompson 11-16-09

DOUG BRACKETT

Many comments appear in the Enterprise which astound me. The latest, "the furniture market robbed us of our downtown" ranks right up there with "the meaning of is."

I arrived in High Point late one night in mid-July 1969 from White Sands Missile Range, N.M., to enroll at High Point College. I spent that first night sleeping in my car in front of the Sheraton Hotel. High Point did, indeed, have a bustling downtown then and a substantial number of inhabitants were standing on the curb waiting to see if I had survived the night!

During the intervening 50 years, many things have fostered the departure of commerce from downtown - urban renewal, city facilities (including parking decks, etc.), shifting consumer shopping habits, upgraded shopping facilities, outmoded business

GUEST COLUMN

models, economic conditions ... and the list could go on. Think of the potential eyesores which have been converted to meaningful uses!

Simply put, the furniture market moved in as commerce moved out. Much to High Point's benefit I might add. And, most of those departing businesses did not resurface anywhere else to my knowledge.

Our downtown gets its face washed twice a year for furniture market while other downtowns fall further and further into disrepair. Now, why would any city which has benefited so much from an enterprise want to do anything to prohibit its further use of properties which will be of little use to anyone else?

Moreover, why would a city devalue ones' enterprise and property in the hope that "perhaps" someone else will

make use of the area for some other more desirable purpose?

Among High Point's most vibrant activities are the furniture market and High Point University. Yet, the city seems to want to constrict their influence and expansion. Makes no sense whatsoever to me.

Our prettiest buildings were built by these two entities. Our most usable facilities are tied to these two entities. The two best known faces of High Point belong to these entities, with apologies to some other well-known organizations and companies.

It would be nice to return to those halcyon days of yesteryear when downtown was the center of commerce, shopping and socializing. It would be great to see Wright's Clothing, Harlees, Tobias, Center Theatre, etc., in full flower again. In my opinion, that ship has sailed. Even if it were possible to turn back the clock, why make a sacrificial lamb of the furniture market?

High-rise office buildings and shopping and dining coexist in many cities.

This seems analogous to the furniture market and downtown revitalization moving forward together.

The furniture market provides High Point the approximate attendance equivalent of the Super Bowl twice a year, practically for free.

Powerful forces have always been in play to take the market we so casually experience. Considering current circumstances, this is no time to be sending any negative signal to those companies who have the prerogative of exhibiting their wares anywhere they choose.

Without them, High Point would be known as the city with the biggest pigeon roost in America. Let's love 'em!

DOUG BRACKETT, retired American Furniture Manufacturers Association vice president, lives in Guilford County.

High Point Enterprise

11-15-09

11-16-09
Carl Wright

Tax year 7/1/ to 6/30 w. fiscal year of City.

Customer	Address 1	Address2	City	State	Zip	Showroom Street
First Bank	P O Box 2836	n	High Point	NC	27261	100 N Main St Main
Dorothy C Jenkins	c/o Harold John		High Point	NC	27262	1006 Market Ct Main
Reflections Furniture	610 Hanlan Rd	n	Woodbridge		L4L4Y1	101 N Main St Main
Main Street Home	400 S E 5th Ave	n	Boca Raton	FL	33432	103-105 N Main St Main
Embassy Properties	PO Box 544	n	Granville	OH	43023	104 N Main St Main
Gustavo Gonzalez	1100 Trinity Ave	n	High Point	NC	27260	1100 Trinity Ave Trinity
Jacob H Kress	8908 Maxwell	n	Potomac	MD	20854	112 W Broad Ave Main
CCM Associates	4343 Whitaker	n	Philadelphia	PA	19124	114 N Main St Main
Stylelife Furniture	1208 W Green	n	High Point	NC	27260	1208 W Green Green
Redall, LTD	C/O Brenda Han		Thomasville	NC	27360	122 N Main St Main
Wright Place	1449 S Wrenn St	n	High Point	NC	27260	126 N Main St. Main & Wrenn
Dino Mark Ant	10040 Geary Ave	n	Santa Fe Springs	CA	90670	126 Virginia Pl Virginia
W S Bencini Furniture	PO Box 2273	n	High Point	NC	27261	1300 N Main St Main
Henry G. Lail	PO Box 832	n	Hildebran	NC	28637	136 N Main St Main
Washbury, LLC	1411 Progress	n	High Point	NC	27261	1411 Progress / Progress
Lee Properties	203 Mancheste	n	Greensboro	NC	27410	1515 W Green St Green
Showrooms on	1880 English Rd	n	High Point	NC	27262	1690 W English English
B-Y Acquisition	P O Box 487	n	Cherryville	NC	28201	1709 King St, 1 King
1822 English Rd	919 E 14th St	n	Jasper	IN	47546	1812 W English English
Edward Silver	1923-101 N Main	n	High Point	NC	27262	1923 N Main St Main
HDM Furniture	c/o Furniture B	n	St. Louis	MO	63105	1925 Eastchester Eastchester
E-Zine Inc.	3505 N Elston	n	Chicago	IL	60618	201 N Main St Main
King Hickory Furniture	P O Box 1179	n	Hickory	NC	28603	2016 W Green Green
Taluanmili LLC	PO Box 1010	n	High Point	NC	27261	2031 Brentwood Brentwood
William Thorpe	205 Hayden Pl	n	High Point	NC	27260	205 Hayden Pl Hayden
Southern Furniture	P O Box 307	n	Conover	NC	28613	205 Model Farm Model Farm Rd.
Dewey H C	301 S. Tryon	n	Charlotte	NC	28288	207 N Main Main
Randall Tysing	609 National H	n	Thomasville	NC	27360	208 & 210 N E Elm
Hurtado USA	P O Box 659	n	High Point	NC	27261	208 W English English
Claude Gable	P O Box 7067	n	High Point	NC	27264	2100 Surratt Dr Surratt
Brown Investment	PO Box 930	n	Greensboro	NC	27402	212 N Main St Main
American of Home	P O Box 7103	n	High Point	NC	27264	2224 Shore Dr Shore
American of Home	PO Box 7103	n	High Point	NC	27264	2224 Shore St Shore
L & J G Stickle	Stuckley Dr	n	Manlius	NY	13104	225 N Elm St Elm
Thayer Coggin	P O Box 5867	n	High Point	NC	27262	230 South Rd South
England Corsai	1284 N Telegraph	n	Monroe	MI	48162	2615 Uwharrie Uwharrie
Universal Furniture	4190 Eagle Hill	n	High Point	NC	27265	2622 Uwharrie Uwharrie
Preview Furniture	300 Fraley Rd	n	High Point	NC	27263	300 Fraley Dr Fraley
Capstone Enterprises	P O Box 2608	n	High Point	NC	27261	305 N Main St Main
Phillip R Dixor	P O Box 1077	n	High Point	NC	27261	309 N Main St Main
Anna Steffan	13 Frost Ln	n	Hadley	MA	01035	317 N Main St Main & Wrenn
Anna Steffan	13 Frost Ln	n	Hadley	MA	01035	317 N Main St Wrenn
Burns USA, LLC	301 N Main St	n	High Point	NC	27260	325 N Main St Main
International A	Attn: Lynn Cor	n	High Point	NC	27260	329 N Main St Main
MAB LTD	265 Eastchester	n	High Point	NC	27262	400 W English English
3-D Investment	104 Happy Plain	n	Taylorsville	NC	28681	401 W English English
L.E.O Co. LLC	PO Box 138	n	Knoxville	TN	37901	410 W English English
Liberty Property	65 Valley Stream	n	Malvern	PA	19355	4183-103,107 a Eagle
Furniture Service	30 Camptown Ln	n	Maplewood	NJ	07040	501 W Green E Green

Eduardo Garcia P O Box 3007 n	Hayward	CA	94540	504 N Main St Main
MPT Properties PO Box 6231 n	Hickory	NC	28603	610 W Green E Green
Hayworth Roll PO Box 2244 n	High Point	NC	27261	612 W Green E Green
Liemel Realty (2085 Harts Ln n	Conshohocken	PA	19428	701 W Ward A Ward
Bencini Realty Attn: Karen W P O Box 26777	Greensboro	NC	27417	301 S Wrenn S Wrenn
Patricia S McEee Atlantic Ins P O Box 5252	High Point	NC	27262	118 W Comme Commerce
A32 Properties P O Box 788	Thomasville	NC	27360	122 N Hamilton Hamilton
Commerce & Eee HVM Man PO Box 20847	Greensboro	NC	27420	201 W Comme Commerce
Hughes Larkin C/O Hamp Ing PO Box 360	Okolona	MS	38860	142 S Main St Main
Wayne C. I PO Box 506	High Point	NC	2726	121 S. CenCentenial St

Publish four (4) consecutive weeks: **December 21, 28, 2009, January 4, & 11, 2010**

RESOLUTION OF INTENT TO CONSIDER A
STREET ABANDONMENT
(Case # SA09-25)

WHEREAS, the City Council is requested to close an unimproved portion of an unnamed right-of-way (referenced as "Horney Street" on Plat Book 14 Page 52) located between Bridlewood Avenue and Buena Vista Avenue, lying east of Skeet Club Road.

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to close the street and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the street above described and sets Tuesday, January 19, 2010, at 5:30 p.m. as the date for said public hearing before the Council of the City of High Point, in the Council Chambers of the Municipal Building, High Point, on the closing of said street.

Persons wishing to be heard either for or against the said street closing are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or TDD# 336/883-8517.

Further information pertaining to this request is available at the Planning and Development in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3544 or FAX 336/883-3056.

By Order of the City Council
This the 7th day of December, 2009.

Lisa B. Vierling, City Clerk

Petition Submitted By:
City of High Point - Technical Review Committee



STREET ABANDONMENT REQUEST SA09-25

Applicant: Technical Review Committee
Area: 0.72 acres



Location of requested street abandonment

**Planning & Development
 Department**

City of High Point

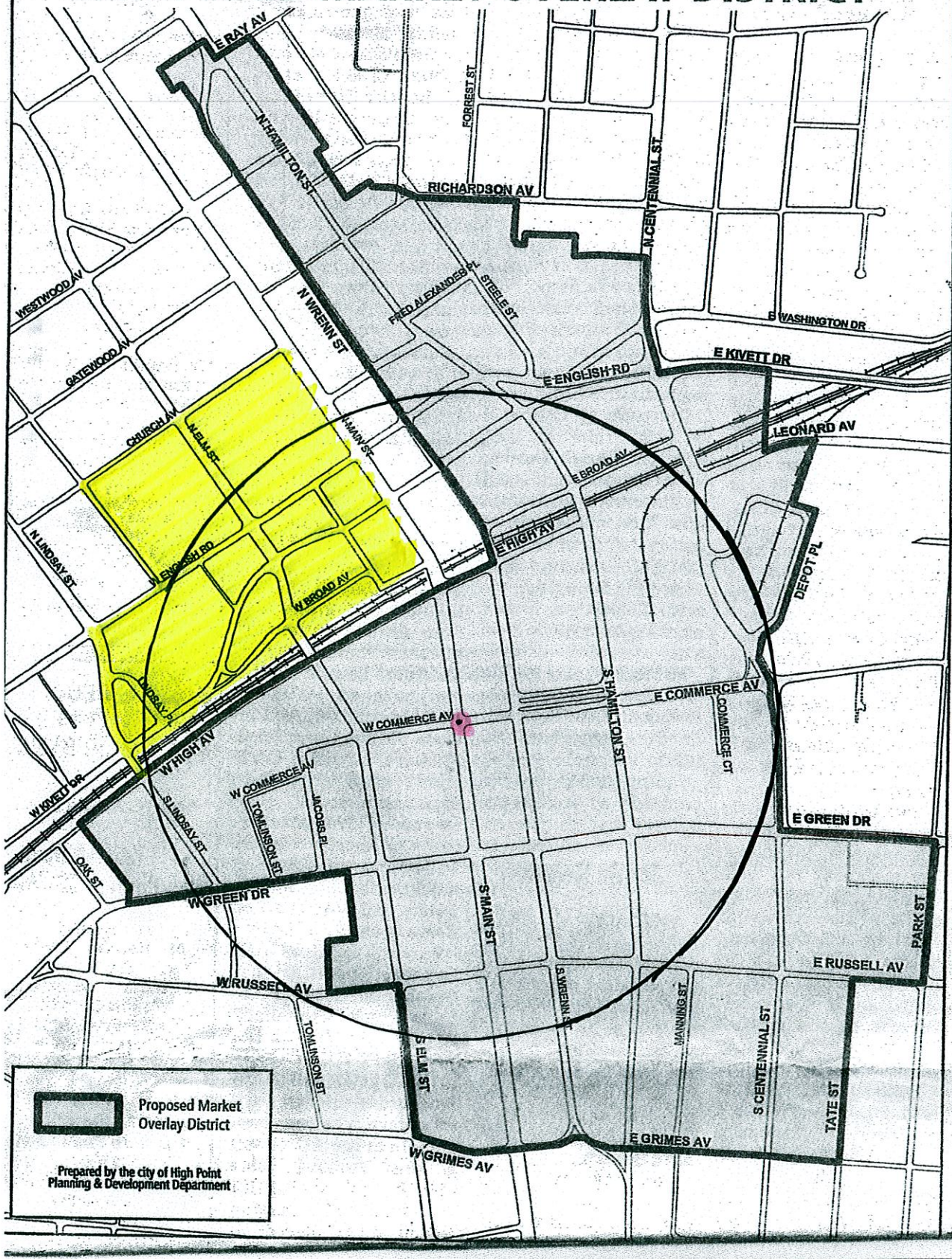
Date: November 30, 2009



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11-16-09
Red Townsend
Union Square

PROPOSED MARKET OVERLAY DISTRICT



PUBLISH ONCE: Friday, December 18, 2009

**RESOLUTION TO ESTABLISH A
PUBLIC HEARING DATE FOR
VOLUNTARY CONTIGUOUS ANNEXATION
(Case # ANX09-04)**

WHEREAS, the City Council has been petitioned to annex the property of Willie Green & Janice Green; and Patty Green Henson & Bobby Henson. The proposed annexation site is lying along the east side of Dilworth Road, approximately 600 feet north of Skeet Club Road (204 Dilworth Road), and is also known as Guilford County Tax Parcel 17-94-6952-0-1219-00-015.

WHEREAS, the City Clerk is in receipt of said petition and has determined its sufficiency in accordance with G.S. 160A-58.1;

NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL establishes Tuesday, January 19, 2010, at 5:30 p.m., in the Council Chambers in the Municipal Building at 211 South Hamilton Street, High Point, North Carolina, as the date for the public hearing regarding the requested annexation.

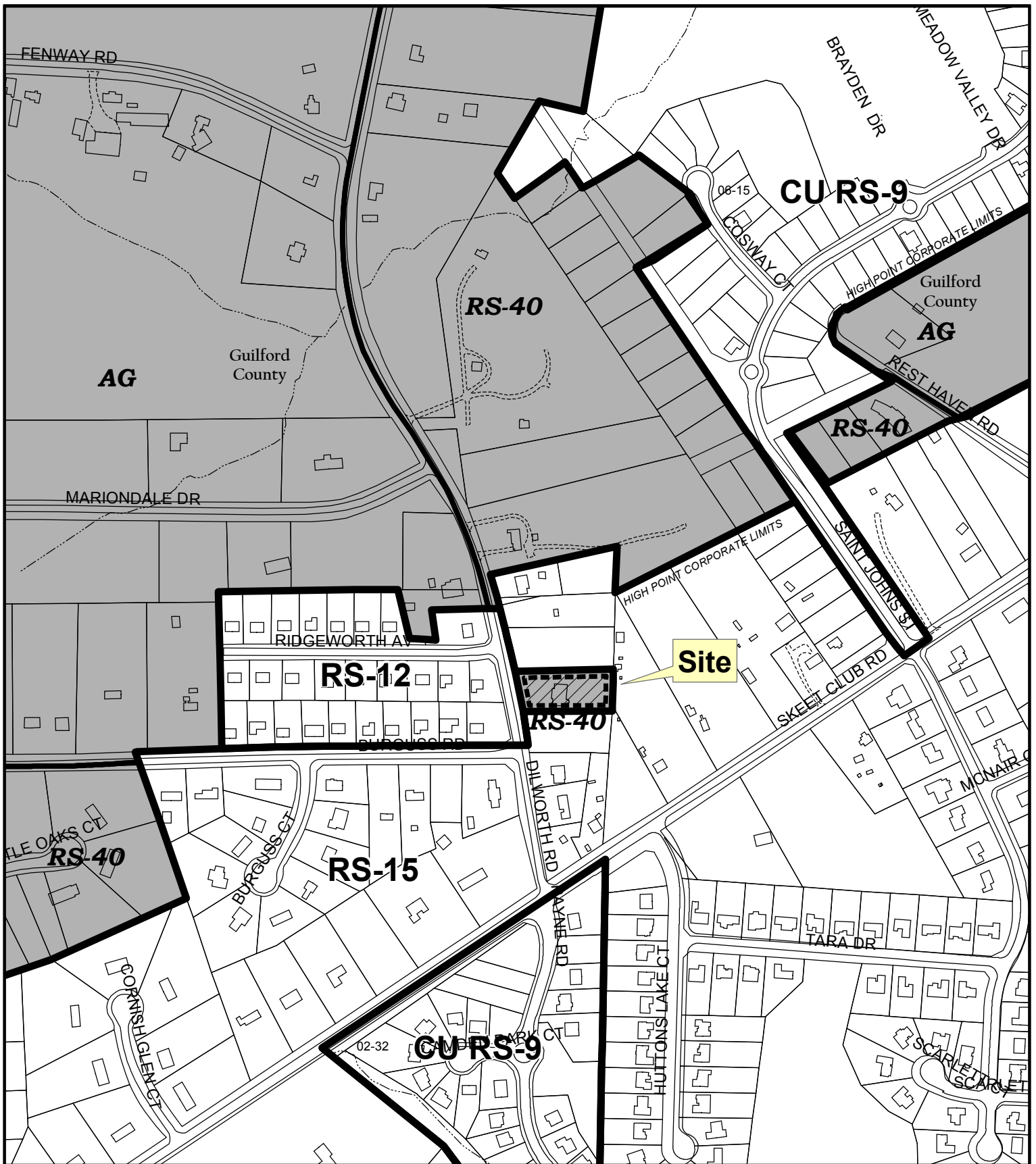
Any interested party will be permitted to be heard at the public hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or the TDD# 336/883-8517.

Following the public hearing, the City Council shall have authority to adopt an ordinance annexing the territory described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately or on any specified date within six (6) months from date of passage of ordinance.

Further information pertaining to this request is available for public inspection upon request at the Planning and Development Department in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3336 or FAX 336/883-3056.

By order of the City Council,
This the 10th day of December, 2009

Lisa B. Vierling, City Clerk



ANNEXATION REQUEST ANX09-04

Applicant: Steve Warren
Area: 1.30 acre

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

**Planning & Development
 Department**

City of High Point

Date: November 20, 2009



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PLANNING AND ZONING COMMISSION RECOMMENDATION

On October 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Mark Walsh.

City of High Point

Text Amendment Case 09-12

A request by the Planning and Development Department to amend Chapters 1, 4 and 5 of the Development Ordinance to establish the Market Overlay District.

AND

City of High Point

Zoning Case 09-10

Market Overlay District

A request by the City Council to apply the Market Overlay District to approximately 249 acres in downtown High Point.

Mr. Andy Piper presented these requests to the Commission and recommended approval of TA09-12 and Z09-10 as outlined in the staff reports.

Speaking in favor of these requests were Aaron Clinard of 803 W. Farris Avenue, Charles Simmons of 1010 Creekside Drive, Steven Johnson of 504 Samet Drive, Dian Brigman of 1316 Eaton Place and Juan Ingram of 1506 Avington Way.

Speaking in opposition of these requests were Arash Yaraghi owner of property at corner of Kivett & Lindsay, J. C. Thompson of 3819 Briarwood Avenue, Randy Short, property owner of 435 N. Wrenn Street, Libby Cheek of 1102 Gatehouse Road, Sherry Wilson of 914 Chestnut Street, Pam Stearns of 508 N. Hamilton Street, Ron Sock, representing L & J.G. Stickley in Manlius, NY, Ron Townsend of 410 English Road, Angie Hebert of 5103 Grandover Parkway in Greensboro, Kathy Hinson of 1925 Chestnut Street, Alan Cousins of 1406 Westchester Drive, Henry Lael, owner of 136 N. Main Street, Jeff Baron 2425 North Old Greensboro Road, and Patrick Charles of 410 Union Square.

These speakers concerns included the following:

- Regulations are unnecessary since as long as there is space available within the district developers will not continue to develop showroom space within the district or outside the district.
- The two year time limit for nonconforming showroom properties may force people out of business if their property remains vacant since only suitable use is for showrooms.
- Unrealistic to expect restaurants and retail uses to develop in the downtown area due to the economy.
- Wrenn Street has historically always been a showroom district; however the right side of street is not in the proposed Market Overlay District therefore has no value.
- Reduction of property value for showroom use properties located outside of the proposed Market Overlay District.
- N. Main Street left out entirely of the proposed Market Overlay District where several showrooms exist.
- Need for the city to create incentives for empty showrooms to develop as a mixed use?
- The Market Overlay District may restrict outside investment and adversely affect the outside investors who have already invested and are now located outside the proposed overlay district.

- Request that the Market Overlay District be revised to include the following: Kivett & Lindsay, Union Square, the right side of Wrenn Street, 600 N. Main Street, Chest of Drawers, Oakland Place, 100 block of N. Main Street, 225 N. Elm Street, Lindsay Street to Church Avenue.

After a lengthy discussion among Commission members on the proposal and comments of speakers, the Planning & Zoning Commission recommended **approval** of Text Amendment Case 09-12 and Zoning Case 09-10 by a vote of 7-0.

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

**STAFF REPORT
TEXT AMENDMENT CASE 09-12
October 27, 2009**

Request	
Applicant: City of High Point Planning & Development Department	Affected Ordinance Sections: Section 9-1-3, <i>Purpose</i> ; Section 9-4-2(d), <i>Overlay Districts</i> ; Section 9-4-4, <i>Overlay District Requirements</i> ; Section 9-4-7(a)(1), <i>Permitted Use Schedule</i> ; Section 9-4-13, <i>Accessory Use, Building and Structures</i> ; Section 9-4-14, <i>Fences</i> ; Section 9-4-17(b), <i>Nonconforming Use of Land</i> ; Section 9-5-1, <i>Development Standards for All Uses</i> ; Section 9-5-2, <i>Development Standards for Individual Uses</i> ; Section 9-5-6, <i>General Provisions</i> .
Proposal: To amend the Development Ordinance to establish the Market Overlay District.	

Background

The Market Overlay District is an implementation project of the *Core City Plan*, which was adopted by City Council in February 2007. The *Core City Plan* examined the urban core of the city and made a number of recommendations. One of the key recommendations of the *Core City Plan* is to create a zoning district that designates the area where new market showrooms are allowed.

Details of Proposal

Staff determined that an overlay district was the most appropriate means of implementing this recommendation. An overlay zoning district supplements the existing zoning district regulations and can make the standards for development either more or less restrictive than the underlying or base zoning district. The Market Overlay District will designate the area where new market showrooms as principal uses of land are allowed. However, market showrooms will not be the only land use allowed in the Market Overlay District, because other uses will be allowed according to the underlying zoning district.

The proposal would allow any existing market showroom outside the Market Overlay District to continue as long as it stays in operation for at least one Market during a two year period, which is a one-year increase over the current allowance for nonconforming market showrooms to continue operation. The Ordinance currently allows nonconforming market showrooms to

expand with approval of a special exception by the Board of Adjustment. In addition, a market showroom could be established through the approval by City Council of a planned unit development district, which would necessitate a mixture of uses in the development in addition to a market showroom.

The proposed district includes site standards that apply to all new uses within the district and address parking, drive-thrus, accessory buildings, fences, and sidewalks. There are also use-specific requirements for civic spaces, loading areas, and parking lots as a principal use. These standards are similar to what has already been approved as part of the Main Street District in order to create continuity through the spine of the Core City area. The site standards will apply to new construction, and expansions or additions over a specified size have to meet the standards for screening of parking, fencing, and sidewalks.

Analysis

The text amendment implements a key recommendation of the *Core City Plan*. The plan stated that concentrating showrooms within a defined district helps (1) to strengthen the Market, (2) to reduce real estate speculation driven by the showrooms that discourages other land uses, and (3) to allow for the development of non-showroom uses in the peripheral areas that could benefit both the Market and the community in general.

Recommendation

Staff Recommends Approval:

The proposed Market Overlay District implements one of the key *Core City Plan* recommendations.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the request is reasonable and in the public interest because: 1) the proposal is consistent with and implements a key recommendation of the adopted *Core City Plan*, 2) it would aid in strengthening the Market, 3) it would assist in reducing real estate speculation that discourages other land uses, and 4) it would assist in allowing the development of other land uses in the peripheral areas that could benefit both the Market and the community in general. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Andy Piper AICP, Senior Planner and reviewed by Heidi Galanti AICP, Planning Administrator and Lee Burnette AICP, Director.

**TEXT AMENDMENT 09-12
PROPOSED AMENDMENTS TO THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE**

(Text amendment establishing the Market Overlay District)

SECTION 1.

Section 9-1-3 entitled PURPOSE, shall be amended to re-letter subsection **(u) MIXED USE CENTER OVERLAY DISTRICT PURPOSES** to subsection **(j)** and to add the following as a new subsection **(k)**. The remaining subsections will be re-lettered accordingly:

(k) MARKET OVERLAY DISTRICT PURPOSES

The Market Overlay District regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

- (1) Strengthen the High Point Market by allowing new market showrooms within a concentrated, pedestrian area;**
- (2) Reduce real estate speculation driven by market showrooms that discourages other beneficial uses in peripheral areas;**
- (3) Encourage the development of non-showroom uses that could benefit both the Market and the community in general; and**
- (4) Establish site standards for the Market District to ensure new development is consistent with the Core City Plan;**

SECTION 2.

Subsection 9-4-2 (d) entitled OVERLAY DISTRICTS shall be amended to add the following:

(8) MD MARKET OVERLAY DISTRICT

The MD, Market Overlay District, establishes a district where new market showrooms are allowed in conjunction with a mix of other land uses, and creates site standards to ensure development is consistent with the Core City Plan. These regulations are specified in Section 9-4-4 (Overlay District Requirements).

SECTION 3.

Section 9-4-4, entitled OVERLAY DISTRICT REQUIREMENTS, shall be amended to add a new subsection **(h)**, which shall read as follows:

(h) MARKET OVERLAY DISTRICT

(1) Applicability:

- a. **Uses:** The Market Overlay District is the only district in which market showrooms are permitted, except as allowed through a planned unit development district. Other uses are allowed as determined by the underlying zoning district.
- b. **Boundaries:** The Market Overlay District is defined on the Official Zoning Map and shall consist of one district defined by one continuous boundary.
- c. The requirements, standards and provisions of the underlying zoning district shall apply to all property within the Market Overlay District, except as otherwise provided below. Where the requirements, standards and provisions contained in the Market Overlay District conflict with other requirements of the Development Ordinance, the requirements, standards and provisions contained in the Market Overlay District shall apply.
 1. Section 9-4-13 (Accessory Use, Building and Structure Requirements) shall apply except as provided in Section 9-4-4(h)(2)a.3. (Accessory Buildings). Section 9-4-14 (Fences) shall apply except as provided in Section 9-4-4(h)(2)a.4. (Fencing).
 2. Chapter 5 (Zoning: Other Standards) shall apply to the Market Overlay District except as follows. Section 9-5-1(f) (Sidewalks) shall apply except as provided in Section 9-4-4(h)(2)a.5. (Sidewalks). Article B (Off-Street Parking, Stacking, and Loading Areas) shall apply except as provided in Section 9-4-4(h)(2)a.1. (Parking) and Section 9-4-4(h)(2)b.2. (Loading Areas).
- d. **Site Compliance:** If additions or expansions of buildings exceed 1,000 square feet of gross floor area (GFA), or the total of additions or expansions of buildings, parking areas, or open uses of land occur that individually or collectively exceed 3,000 square feet, then the site shall be brought into compliance with the following site standards of this overlay district:
 1. Visual Screening of Parking
 2. Fencing
 3. Sidewalks

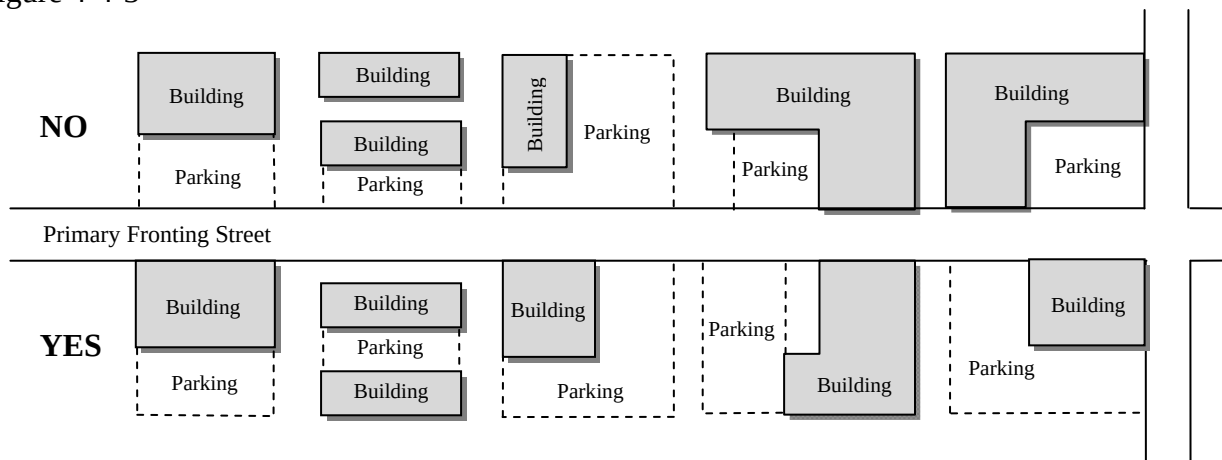
(2) Site Standards:

a. General Requirements:

1. Parking:

- i. Location:** No off-street surface parking shall be located between any portion of a front facing façade of a building and the primary fronting street. Parking may be located on the side of the building, behind the building, or behind the building closest to the street in group developments.
- ii. Corner lots:** Surface parking shall not front contiguously on two streets.

Figure 4-4-3



- iii. Visual Screening of Parking:** Any off-street surface parking area that is located within 25 feet of a street right-of-way shall be screened from the street and sidewalk by low walls and/or hedges with openings to allow for pedestrian access. The height of any opaque wall or hedges used to meet this requirement shall be a minimum of three (3) feet and should not exceed four (4) feet.

- iv. Paving:** All parking areas shall be paved.

- 2. Drive-thru Windows:** Any drive-thru window(s) that are provided shall be located on the side or rear of the building.
- 3. Accessory Buildings:** All accessory buildings shall be located behind the rear building line of the principal building and are

encouraged to be of similar design and materials as the principal building if visible from a public street.

4. Fencing:

- i. Any walls or solid portion of fencing, except columns, located within fifteen (15) feet of a front or side street shall be a maximum of four (4) feet in height.
- ii. Chain link, slat, and barbed wire fencing and plain concrete block walls shall only be permitted behind the rear building line of the principal building.
- iii. For any property that has a use without a principal building; chain link, slat, and barbed wire fencing and plain concrete block walls shall only be permitted along the rear property line.

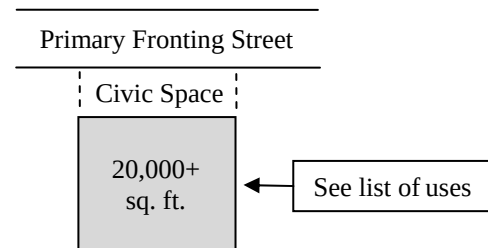
5. Sidewalks: Sidewalks shall be installed along any public street frontage of previously undeveloped property.

b. Use-specific Requirements:

1. Civic Space:

- i. The following uses shall provide a civic space between the primary fronting street and the front façade of any building with square footage of 20,000 square feet or greater: Auditoriums, Coliseums, or Stadiums; Churches; Colleges and Universities; Elementary or Secondary Schools; Government Offices; Hospitals; Libraries; Museums or Art Galleries; Post Offices; and Market Showrooms.

Figure 4-4-4



- ii. The intent of civic space is to provide an open space area where people can congregate upon entering or leaving a building. Civic spaces cannot be used for parking or loading. They may include, but are not

limited to, plazas, outdoor seating/dining, or locations for the display of public art, such as fountains.

- iii. The size of the civic space shall be equal to at least one percent of the building square footage up to a maximum required area of 1,000 square feet and shall extend to the front property line.**

2. Loading Areas:

- i. Market showrooms located in the Market Overlay District shall be exempt from the loading area design standards described in subsection 9-5-6(h)(2), except if loading areas are provided they shall meet the size standards described in subsection 9-5-6(h)(2)b.**
- ii. Any door(s) to an internal loading area visible from the primary fronting street shall have architectural features that are compatible with the building's primary façade.**
- iii. Any off-street external loading area shall be located to the rear of the building.**

- 3. Automotive Parking as a Principal Use: All parking lots that are the principal use for a site shall meet the screening and paving requirements listed in subsection 9-4-4(h)(2)a.1. (Parking).**

(3) Building Standards:

- a. Market showrooms may be located in a combination of permanent building(s) and temporary membrane structure(s) located on the same zone lot; or located entirely in one or more temporary membrane structures on the same zone lot provided that a building permit has been issued for a permanent showroom building on said zone lot and provided the temporary membrane structures meet the requirements below.**
- b. Additional Requirements for Temporary Membrane Structures:**
 - 1. The temporary structure shall be located on the same zone lot as a market showroom.**
 - 2. The temporary structure shall be enclosed on all sides.**

3. **The temporary structure may be erected for up to 120 days in a calendar year.**
4. **The temporary structure shall be engineered to have a clear span tension construction, no internal support poles, no external guy wires and a HVAC system.**

SECTION 4.

Subsection 9-4-7(a)(1), entitled PERMITTED USE SCHEDULE shall be amended as follows:

- b. The meanings of the entries in the Permitted Use Schedule are as follows:
 1. "P" indicates the use is permitted by right;
 2. "D" indicates the use is permitted by right subject to additional development standards as set forth in Chapter 5;
 3. "S" indicates that the use requires approval of a Special Use Permit and is subject to any additional development standards set forth in Chapter 5; and
 4. "Z" indicates the use ~~requires approval of a Manufactured Housing~~ **is only permitted in the appropriate Overlay District.**

SECTION 5.

Table 4-7-1, entitled PERMITTED USE SCHEDULE, shall be amended as follows:

The following uses: *Auditoriums, Coliseums, or Stadiums; Churches; Colleges or Universities; Elementary or Secondary Schools; Government Offices; Hospitals; Libraries; Museums or Art Galleries; and Post Offices*, which are listed in the table under the use type category EDUCATIONAL AND INSTITUTIONAL USES, *Market Showrooms, (Furniture, Apparel, etc.)*, which is listed under the use type category WHOLESale TRADE, and *Automotive Parking*, which is listed under the use type category OTHER USES shall be amended to add the notation **[MD]** next to the name of the use in the "Use Types" column.

The use titled *Market Showrooms, (Furniture, Apparel, etc.)*, which is listed in the table under the use type category WHOLESale TRADE, shall be amended by changing the designation in the zoning districts columns for General Business (GB), Central Business (CB) and Light Industrial (LI) to a 'Z'.

The footnote under the Permitted Use Schedule shall be amended to add the following notation:

"[MD]"= Additional requirements in the Market Overlay District see Section 9-4-4(h)

SECTION 6.

Section 9-4-13 entitled ACCESSORY USE, BUILDING AND STRUCTURE REQUIREMENTS, subsection (b) entitled LOCATION shall be amended as follows:

(4) Additional standards apply in the following districts:

- a. Traditional Neighborhood (TN) District (Subsection 9-4-3(b)(3)d.)**
- b. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.10.)**
- c. Market Overlay District (Subsection 9-4-4(h)(2)a.3.)**
- d. Main Street District (Subsection 9-4-5(a)(3)n.)**

(Re-number the remaining subsections accordingly).

SECTION 7.

Section 9-4-14, entitled FENCES, shall be amended as follows:

(a) **APPLICABILITY**

(1) This Section shall regulate all fences unless otherwise stipulated in this Ordinance. **Additional standards apply in the following districts:**

- a. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.5.)**
- b. Market Overlay District (Subsection 9-4-4(h)(2)a.4.)**
- c. Main Street District (Subsection 9-4-5(a)(3)f.)**

(2) Fences are permitted in required setbacks according to Subsection 9-4-12(d)(1) (Encroachments Permitted in Required Setbacks), provided the requirements of this Section are met.

(3) All fencing shall be of an acceptable material, approved by the Enforcement Officer.

SECTION 8.

Subsection 9-4-17(b), entitled NONCONFORMING USE OF LAND, shall be amended as follows:

(2) Conditions for Continuance, General:

- e. With the exception of a legally nonconforming sexually oriented business use, **market showroom use**, or a nonconforming use in the Main Street District, if any nonconforming use of land ceases for any reason for a continuous period of more than one hundred eighty (180) days, any subsequent use of such land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than one hundred eighty (180) days, to maintain its nonconforming status.
- f. With the exception of a legally nonconforming sexually oriented business use, **market showroom use**, or a nonconforming use in the Main Street District, if any nonconforming use of land ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired within one hundred eighty (180) days, but not to exceed the number of square feet of floor area nor the number of cubic feet existing in it prior to its damage or destruction.

(3) Conditions for Continuance, Market showroom use:

- a. A legally nonconforming market showroom use may be enlarged or extended, upon approval of a special exception by the Board of Adjustment, to occupy a greater area of land or floor area than was occupied at the effective date of adoption or amendment of this Ordinance ~~provided that the enlargement or extension of additional structure(s) occupy the same zone lot or plot of ground as occupied by the existing structure(s) at the time the use became nonconforming.~~
- b. If any nonconforming market showroom use of land ceases for any reason for a continuous period of more than ~~three hundred sixty-five (365) days~~ **two (2) years**, any subsequent use of land shall be a use permitted in the district. The property owner shall demonstrate that the nonconforming use has not ceased for a continuous period of more than ~~three hundred sixty-five (365) days~~ **two (2) years** to maintain its nonconforming status.
- c. If any nonconforming market showroom use ceases because of damage, destruction, or demolition of the structure in which the use is located, the structure may be reconstructed or repaired within ~~three hundred sixty-five (365) days~~ **two (2) years**, but not to exceed the number of square feet of floor area nor the cubic feet existing in it prior to its damage or destruction.

SECTION 9.

Section 9-5-1, entitled DEVELOPMENT STANDARDS FOR ALL USES, shall be amended as follows:

(e) MEMBRANE STRUCTURES

- (1) Membrane structures shall be permitted only for temporary use as specified in the North Carolina Building Code, or as otherwise specified in this Ordinance for Market Showrooms (Sections ~~9-5-2 (sss) Development Standards for Market Showrooms~~ **9-4-4 (h)(3) Building Standards**), and for Residential Accessory Structures (Section 9-4-13(b) Residential Accessory Structures).

(f) SIDEWALKS

- (2) Required Locations:

d. As required by the regulations of the **following districts:**

- 1. Traditional Neighborhood (TN) District in (Subsection 9-4-3(b)(5)d.)**
- 2. Market Overlay District (Subsection 9-4-4(h)(2)a.5.)**
- 3. Main Street District (Subsection 9-4-5(a)(3)i.)**

SECTION 10.

Section 9-5-2, entitled DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, shall be amended to remove MARKET SHOWROOMS (FURNITURE, APPAREL, ETC.) and to re-letter the remaining subsections accordingly:

~~(sss) ——— MARKET SHOWROOMS (FURNITURE, APPAREL, ETC.)~~

~~(1) — Where Required: GB, CB, and LI Districts~~

~~(2) — Location:~~

- ~~a. Showrooms in the GB District shall be located within permanent buildings only.~~
- ~~b. Showrooms in the CB District shall be located either in permanent building(s); a combination of permanent building(s) and temporary fabric structure(s) located on the same zone lot; or located entirely in one or more temporary fabric structures on the same zone lot provided that a building permit has been issued for a permanent showroom building on said zone lot.~~

~~(3) Additional Standards for Market Showrooms Located Within Light Industrial Districts:~~

- ~~a. The zone lot where the market showroom is located shall be no more than 1,500 feet from the boundary of a Central Business (CB) District.~~
- ~~b. The market showroom shall be established only within an existing building, except that said showroom may be expanded up to twenty-five (25) percent of the gross square footage of the existing building.~~
- ~~c. The market showroom may be established in conjunction with furniture or apparel manufacturing or assembly.~~

~~(4) Additional Requirements for Temporary Fabric Structures:~~

- ~~a. The temporary structure shall be located on the same zone lot as a market showroom.~~
- ~~b. The temporary structure shall be enclosed on all sides.~~
- ~~c. The temporary structure may be erected for up to 120 days in a calendar year.~~
- ~~d. The temporary structure shall be engineered to have a clear span tension construction, no internal support poles, no external guy wires and a HVAC system.~~

SECTION 11.

Section 9-5-6 entitled GENERAL PROVISIONS shall be amended as follows:

(a) GENERAL REQUIREMENTS

(1) Exemptions:

- a. The minimum off-street parking requirements of Table 5-6-1 shall not apply to properties within or completely surrounded by the Central Business (CB) zoning district.
- b. Market showrooms located in the Market Overlay District shall be exempt from the minimum number of loading spaces required, but if loading spaces are provided they shall meet the minimum size standards in subsection 9-5-6(h)(2)b. and the additional standards in subsection 9-4-4(h)(2)b.2.

(d) DESIGN STANDARDS FOR PARKING, STACKING, AND LOADING

(3) Improvements:

a. Paving:

3. Unless subject to the paving requirements of the Market Overlay District (Subsection 9-4-4(h)(2)a.1.iv.) or Main Street District (Subsection 9-4-5(a)(3)c.2.), ~~p~~Paving shall not be required for:

- i. Parking facilities used on an irregular basis for churches, private clubs, or other similar nonprofit organizations;
- ii. Parking facilities for residential uses where six (6) or fewer spaces are required;
- iii. Parking areas for agricultural uses in the Agricultural (AG) District;
- iv. Parking areas in the Heavy Industrial (HI) District, or for manufacturing and industrial uses in the Light Industrial (LI) District, provided they are constructed with gravel or other comparable all-weather surface and
- v. Parking areas for tracked heavy construction equipment, skid-mounted equipment, and similar equipment, provided they are constructed with gravel or other comparable all-weather surface;

i. Additional screening standards apply in the following districts:

1. Traditional Neighborhood (TN) District (Subsection 9-4-3(b)(3)f.4.i.)
2. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.2.ii.)
3. Market Overlay District (Subsection 9-4-4(h)(2)a.1.iii.)
4. Main Street District (Subsection 9-4-5(a)(3)c.5.)

(e)

LOCATION

(4) Additional standards apply in the following districts:

a. Traditional Neighborhood (TN) District (Subsection 9-4-3(b)(3)f.4.i.)

- b. Washington Mixed Use Center (WMUC) Overlay District (Subsection 9-4-4(g)(2)b.2.i.)**
- c. Market Overlay District (Subsection 9-4-4(h)(2)a.1.i & ii.)**
- d. Main Street District (Subsection 9-4-5(a)(3)c.1.)**

SECTION 12. That 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 13. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 14. That this ordinance shall become effective on _____.

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

**STAFF REPORT
ZONING CASE 09-10
October 27, 2009**

Request	
Applicant: City of High Point City Council	Owner(s): Various Owners
Proposal: To apply the new Market Overlay District over approximately 249 acres.	From: N/A
	To: Market Overlay District

Site Information	
Location:	The area generally bounded by E. Ray Ave. on the north; properties fronting on the east side of N. Hamilton St. from E. Ray Ave. to Richardson Ave.; Centennial St., E. Green Dr., Park St., E. Russell Ave., and Tate St. on the east; Grimes Ave. on the south; and S. Elm St., W. Green Dr., Oak St., W. High Ave., and N. Wrenn St. on the west.
Tax Parcel Numbers:	Various (346 parcels)
Site Acreage:	Approximately 249 acres
Current Land Use:	Predominately market showrooms, with some commercial, office, institutional and industrial uses.
Physical Characteristics:	The area is located downtown and is characteristically urban. The railroad tracks bisect the district.
Water and Sewer Proximity:	Water and sewer lines of various sizes are located throughout the area.
General Drainage and Watershed:	The area drains into two water supply watersheds – High Point City Lake and Randleman Lake.
Overlay District(s):	City Lake and Randleman Lake General Watershed Areas West High Avenue Historic District

Adjacent Property Zoning and Current Land Use
Not applicable to this zoning case.

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	<u>Goal 4:</u> Make Downtown High Point and its environs a vibrant, diverse and mixed use environment. • <u>Objective 4C:</u> Make the High Point Market more competitive by enhancing pedestrian access, transit and other services to the showrooms. <u>Goal 6:</u> Keep High Point's economy strong and make it more diversified. • <u>Objective 6B:</u> Given the direct economic benefits derived from the High Point Market, as well as the invaluable international recognition it brings to the community, continue efforts to sustain, promote and support the High Point Market.
Land Use Plan Map Classification:	The area is primarily designated Community/Regional Commercial, but also includes Local/Convenience Commercial, Institutional, Light Industrial, Heavy Industrial, Office, Medium-Density Residential, and High-Density Residential land use designations.
Land Use Plan Goals, Objectives and Policies:	This request is neither in conflict with the Land Use Plan's goals and objectives nor does it promote those goals and objectives.
Relevant Area Plan(s):	Core City Plan: The Core City Plan identifies the area as being within the Showroom District. The plan states that concentrating showrooms within a defined district will help strengthen the Market, reduce real estate speculation driven by the showrooms that discourages other uses, and allow for the development of non-showroom uses in the peripheral areas that could benefit both the Market and the community in general.
Zoning History:	The area is predominately zoned Central Business, with smaller areas of General Office High Intensity, Public Institutional, Light Industrial and Heavy Industrial zoning. There have been 11 Conditional Use-Central Business (CU-CB) rezoning cases approved since 1994, primarily for market showroom uses.

Transportation Information
Not applicable to this zoning case.

School District Comment
Not applicable to this zoning case.

Details of Proposal

The Market Overlay District is an implementation project of the *Core City Plan*, which was adopted by City Council in February 2007. The *Core City Plan* examined the urban core of the city and made a number of recommendations. One of the key recommendations is to create a zoning district that designates an area where new market showrooms are allowed.

Staff determined that an overlay district was the most appropriate means of implementing this recommendation and has worked to define an appropriate boundary. The process began with staff determining the location of existing showrooms during the Fall 2008 and Spring 2009 Markets, and identifying peripheral areas where there was potential for other uses. The proposed district includes the vast majority of existing market showroom square footage.

In the proposed Market Overlay District boundary, staff made three primary changes when compared with the showroom district boundary of the adopted *Core City Plan*. The first was to combine the two showroom districts proposed in the *Core City Plan* – one north of English Rd. along Hamilton and Wrenn Streets, the other south of the railroad tracks – into a single district by including the area between N. Wrenn St. and N. Centennial St. The second change was to narrow the district north of the railroad tracks to only those properties on the east side of Wrenn St. and those fronting on N. Hamilton St. This allows both sides of N. Main St., which has a mix of uses and in comparison a few existing market showrooms, to be available for other types of uses, and avoids existing residential areas to the east. The third change was to not include the primarily vacant and underutilized industrial area to the southwest of the district. This was envisioned in the *Core City Plan* as an area that could accommodate future showroom growth, but it currently lacks some necessities, like sidewalks. In addition, indications are that the Market is growing more compact and not outward at this time.

Public input has been solicited throughout the process. A focus group composed of market and showroom interests met twice to provide feedback to staff. The group helped provide insight about the trend toward a more compact and concentrated area for the Market. The proposed Market District boundary was also shown to the general public at a community open house held in August. Based on the comments received after the open house, staff made some small modifications to the proposed district boundary.

The boundary of the proposed Market Overlay District and its relation to existing underlying zoning is shown on the attached maps. The companion text amendment case TA09-12 details the specific changes to the Development Ordinance needed to create the Market Overlay District.

Identified Issues

Major Issues:

- ❖ None

Minor Issues:

- ❖ None

Recommendation

Staff Recommends Approval:

The zoning map amendment implements a key recommendation of the *Core City Plan*. The plan stated that concentrating showrooms within a defined district helps (1) to strengthen the Market, (2) to reduce real estate speculation driven by the showrooms that discourages other land uses, and (3) to allow for the development of non-showroom uses in the peripheral areas that could benefit both the Market and the community in general.

Required Action

Planning and Zoning Commission:

Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.

In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that the approval of the request is reasonable and in the public interest because: 1) the proposal is consistent with and implements a key recommendation of the adopted *Core City Plan*, 2) it would aid in strengthening the Market, 3) it would assist in reducing real estate speculation that discourages other land uses, and 4) it would assist in allowing the development of other land uses in the peripheral areas that could benefit both the Market and the community in general. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Andy Piper AICP, Senior Planner, and reviewed by Heidi Galanti AICP, Planning Administrator and Lee Burnette AICP, Director.

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November 24, 2009

MEMORANDUM

TO: Strib Boynton
City Manager

FROM: Louanne C. Hedrick
Budget & Evaluation Officer

SUBJECT: Agenda Item for City Council

The City's Department of Transportation has a Municipal Agreement with the NC DOT for Railroad Crossing Rehabilitation and Intersection Improvements. Bids have been received, and are on the agenda for City Council's approval. Engineering Services has identified the projects which include:

- Intersection improvements at Grimes and East Green
- Grade Separation improvements on Ward between English and Prospect Streets
- Grade crossing approach improvements on Prospect between English and the railroad tracks
- Removal of the existing bridge and re-connecting Taylor between Green and Millis

A budget amendment is attached to appropriate \$434,215 in NC DOT funds for these projects. Keith Pugh and Mark McDonald will be available to answer any questions.

cc: Pat Pate
Randy McCaslin
Mark McDonald
Keith Pugh
Jeff Moore

"A CAPITAL PROJECT ORDINANCE AMENDMENT
OF THE CITY OF HIGH POINT, NORTH CAROLINA
FOR NCDOT RAIL DIVISION TIP FUNDS FOR
RAILROAD CROSSING & ROADWAY IMPROVEMENTS

Be it ordained by the City Council of the City of High Point, North Carolina,
as follows:

Section 1. The City has an executed NCDOT Municipal Agreement for roadway and railroad crossing rehabilitation projects as described in the Municipal Agreement. The City will receive funding for the projects from the NC Department of Transportation Rail Division TIP.

Section 2. The following additional revenues that will be available to the City of High Point include:

- (A) That the General Capital Project Ordinance Fund of the City of High Point, is hereby amended as follows:

State NCDOT Funds (411610/411999)	\$ 434,215
-----------------------------------	------------

- (B) That the following General Capital Project Ordinance Fund expenditures be established as follows:

Infrastructure Improvements (411610/533701)	\$ 434,215
---	------------

Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage."

Adopted this _____ day of December, 2009