

City of High Point

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



Meeting Agenda

Thursday, October 22, 2009

9:00:00 AM

Council Chambers, City Hall

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE**APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING****PLANNING & DEVELOPMENT COMMITTEE- Council Member Bencini, Chair****Committee Members: Blakeney, Pugh, Sims and Faircloth****090254****Ordinance - Rezoning Case 09-08 - High Point University - E. Farris Avenue****a. Conditional Use Public & Institutional (CU-PI) District**

A request by High Point University to rezone two parcels totally approximately 0.79 acres from the Residential Single Family-7 (RS-7) District to a Conditional Use Public & Institutional (CU-PI) District. One parcel is lying along the south side of E. Farriss Avenue, approximately 180 feet west of W. College Drive (906 E. Farris Ave.). The second parcel is lying along the north side of the terminus of Fifth Court (1011 Fifth Ct.).

b. Major Amendment to Conditional Use Permit 00-26

A request by High Point University to amend the permit to add approximately 0.79 acres into the permit and to amend development standards.

10/19/2009 Committee of the Whole continued**10/22/2009 City Council adopted**

PLANNING AND ZONING COMMISSION RECOMMENDATION

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

High Point University

Zoning Case 09-08

a. Conditional Use Public & Institutional (CU-PI) District

A request by High Point University to rezone two parcels totally approximately 0.79 acres from the Residential Single Family-7 (RS-7) District to a Conditional Use Public & Institutional (CU-PI) District. One parcel is lying along the south side of E. Farriss Avenue, approximately 180 feet west of W. College Drive (906 E. Farris Ave.). The second parcel is lying along the north side of the terminus of Fifth Court (1011 Fifth Ct.).

b. Major Amendment to Conditional Use Permit 00-26

A request by High Point University to amend the permit to add approximately 0.79 acres into the permit and to amend development standards.

Mr. Shannon presented the request to the Commission and recommended approval as outlined in the staff report.

Speaking in favor of the request was Don Scarborough of 1108 Ferndale Boulevard, Vice President of Community Relations for High Point University and Greg Mercer of 1506 Trafalgar Court, Architect. Mr. Scarborough advised the Commission that the University allows college seniors to live off campus and the expectation was that a high percentage of seniors would take advantage of this; however, this has not been the case thereby causing a housing shortage on campus. He stated that to alleviate this, it has become necessary to quickly build a dormitory to house approximate 250 students before the next incoming class arrives in August 2010. Mr. Mercer stated that based on City Council approval they hope to begin construction in November 2009 and complete the four story dormitory building by August 2010.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval*** of Zoning Case 09-08 by a vote of 6-0.



MEMORANDUM

October 12, 2009

To: Honorable Mayor and City Council
From: Herbert Shannon Jr., AICP, Senior Planner
Subject: **Zoning Case 09-08 and Major Amendment to 00-26.**

After the Planning & Zoning Commission hearing High Point University approached staff about additional changes they desired to make to their zoning application. Since these changes are occurring after the Planning & Zoning Commission public hearing, staff informed the applicant the changes would need to be submitted to City Council during its public hearing. Thus, at the October 19, 2009, public hearing, when this case is scheduled to be heard, the applicant will be submitting changes to the Conditional Use Permit pertaining to the manner in which the zoning site will be developed.

As of the date of this memorandum a final draft of the proposed amendment to the Conditional Use Permit has not been submitted; therefore, staff will respond to the changes after they are presented at the public hearing.

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

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

**STAFF REPORT
ZONING CASE 09-08 and
MAJOR AMENDMENT CUP00-26
September 29, 2009**

Request	
Applicant: High Point University	Owner(s): Bobby E. Miller T.J. Mearite and Leilla Mearite
Proposal: To rezone 2 parcels from RS-7 to CU-PI, and include them into Conditional Use Permit 00-26 (CUP 00-26).	From: RS-7 - Residential Single Family-7 District
	To: CU-PI - Conditional Use Public & Institutional District

Site Information	
Location:	One parcel is lying along the south side of E. Farriss Avenue, approximately 180 feet west of W. College Drive (906 E. Farriss Ave). The second parcel is lying along the north side of the terminus of Fifth Court (1011 Fifth Ct).
Tax Parcel Numbers:	Guilford County Tax Parcels 226-1-216 and 226-1-41
Site Acreage:	Area proposed to be rezoned is approximately 34,700 square feet (0.79 acre). Land area already subject to CUP 00-26 is approximately 25.7 acres.
Current Land Use:	There are existing single family detached dwellings upon each of the parcels associated with this zoning request.
Physical Characteristics:	The site has a moderate sloping terrain. The Fifth Court parcel is relatively level, on the other parcel the terrain falls approximately 20 feet towards E. Farriss Avenue. A 100 year flood plain, from an adjacent stream, impacts a portion of the E. Farriss Avenue parcel.
Water and Sewer Proximity:	A 6-inch City water line lies adjacent to the site along E. Farriss Avenue and Fifth Court. A 12-inch and 6-inch water line runs along E. Farriss Avenue and Fifth Court respectively.
General Drainage and Watershed:	The site drains in a general south to north direction toward E. Farriss Avenue. Development is subject to the City Lake General Watershed Area requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% or more of the site.
Overlay District(s):	City Lake General Watershed Area

Adjacent Property Zoning and Current Land Use		
North:	RS-7 - Residential Single Family-7 District	Single family residential subdivision
South:	CU-PI - Conditional Use Public & Institutional District	University Campus (<i>student dormitory & student union facility</i>)
East:	CU-PI - Conditional Use Public & Institutional District	University Campus (<i>academic buildings</i>)
West:	RS-7 - Residential Single Family-7 District	Single family residential subdivision

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre. However, the zoning site is within an area identified in the University Area Plan as a Phase I Growth Area that is recommended for a change to the Institutional land use classification.
Community Growth Vision Statement	<u>Goal 1:</u> Preserve and enhance High Point's most important natural and cultural resources. • Objective 1H: Support the continued growth of the City's educational institutions for their many educational, cultural and economic benefits.
Land Use Plan Goals, Objectives and Policies	<u>Goal 2:</u> Encourage development that enhances and preserves established neighborhoods.
Relevant Area Plan(s): 1) <i>University Area Plan (proposed)</i>	<u>Goal 3:</u> Ensure compatibility between the edge of campus and the surrounding neighborhood. 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. 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 3.5: 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 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. Placement of loading areas and mechanical equipment should be placed to minimize impact on adjacent properties. Screening shall be provided. <u>Goal 4:</u> Reduce potential negative impacts on surrounding residential areas that are directly related to the university.
2) <i>Core City Plan</i>	<u>Land Uses</u> <u>Institutional District</u> - It is the intent of this district to accommodate the existence and future growth of the Core City's three key institutional areas: High Point University, Guilford Technical Community College, and the hospital-anchored medical district. Unlike other areas of the Core City, which need to feature a well-integrated street system, buildings related strongly to their streets, and compatibility with adjacent development, Institutional Districts can be more campus-like with an inward orientation, less of a focus on streets, and more of a focus on formal open spaces. Regardless, their edges should still project an attractive face to the rest of the community, rather than featuring parking lots, storage areas, and/or low quality development. <u>Residential District</u> - It is the intent of this designation to protect and enhance the qualities of the Core City's neighborhoods and make them positive places to reside. <u>Neighborhoods</u> <u>Neighborhood Planning Principles (Discernable Boundaries)</u> - Do not allow neighborhoods to get chipped away at their edges by incompatible uses and development forms. Employ design measures to accentuate their boundaries through features such as gateway treatments and street tree plantings.
Zoning History:	Since 1998, High Point University received a Land Use Plan Amendment and 12 zoning approvals in the area lying north of Montlieu Avenue, west of W. College Drive and east of Fifth Street to accommodate the westward expansion of the University.

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	E. Farriss Avenue Fifth Court	Local Street Local Street	150 feet 50 feet
Vehicular Access:	CUP 00-26 prohibits access from Fifth Court and E. Farriss Avenue. Any access would be required to come from W. College Drive.		

Traffic Counts:	E. Farriss Ave. & Fifth Ct	None available for these roadways.
Estimated Trip Generation:	Unavailable	
Traffic Impact Analysis:	Required	
	Yes	<u>No</u> X
Pedestrian Access:	There are no sidewalks adjacent to the site. North of the site, within the E. Farriss Avenue right-of-way, is an existing greenway trail that runs in an east to west direction which provides access through the central part of the University campus.	

School District Comment
Not applicable to this zoning case.

Details of Proposal

The applicant is requesting to rezone this area to the CU-PI District and make it subject to CUP00-26. The central portion of the University campus is zoned PI; however, that portion of the campus lying south of the zoning request (north of Montlieu Avenue and west of W. College Drive) is zoned CU-PI and governed by CUP00-26. High Point University has submitted this current rezoning application based upon their need for additional on campus student housing (i.e. dormitory) prior to the start of fall 2010 school year. The request for rezoning of these two parcels is necessary to allow the construction of this additional student housing facility.

The zoning site abuts the main/central campus area of the University to the east and south. The current conditional use permit includes conditions to protect the adjacent residential neighborhood by prohibiting vehicular access (driveway access) from Fifth Street, Fifth Court and E. Farriss Avenue. The permit also requires the following higher design standards for development activity within 100-feet of Fifth Street, Fifth Court and E. Farriss Avenue.

- All buildings restricted to a maximum height of 60 feet.
- Loading areas shall not be located on the side of a building that faces those streets.
- Screening of mechanical or electrical equipment, storage facilities or other such unsightly building appurtenances from those streets.
- Higher landscaping standards when any building or parking area is within 100 feet of those streets.

Under this zoning proposal all of the above noted development standards will still apply; the applicant's zoning proposal will add these 2 parcels (0.79 acres) into the permit, designate the area north of Fifth Court as Tract "A" and require the following additional standards for that area:

- **Increase required setback from residential zoned properties.**
Setback to be increased from 35 feet to 60 feet.
- **Increased width of required Type B planting yard and require a fence.**
This planting yard is required to have an average width of 30 feet or 25 feet if a 5-foot high fence is installed. The applicant has proposed to require a minimum planting yard width of 35 feet; require the installation of a 6 foot high fence that must be placed internally upon site behind the 35 foot wide planting yard.

- **Require larger size trees to be planted in Type B yard next to residential uses.**

Instead of trees in planting yard being 4 - 8 feet in height with 1 - 2 inch caliper at time of planting, the applicant is offering to install minimum 14 feet tall trees, with minimum 4 inch caliper at time of planting. Additionally, at least 50% of the trees shall consist of evergreen plant species.

In addition, the applicant has submitted a sketch plan for inclusion in the permit. This plan depicts the proposed new dormitory being oriented toward W. College Drive, with the majority of the building being on the parcel east of the zoning site that is already zoned CU-PI District. A portion of the building, approximately 30-feet, is upon the eastern portion of the zoning site. The vast majority of the land area of the zoning site will serve as building setback area and as a landscape buffering area.

Identified Issues

Major Issues:

- ❖ Consistency with Land Use Plan.

The request to rezone these two parcels to a CU-PI District is not currently consistent with Land Use Plan for this area. The Institutional designation on the Land Use Map currently stops east of the zoning site. However, recommendations from Land Use Plan Amendment Case 09-01 (LUPA 09-01) and from the proposed University Area Plan include the expansion of the Institutional land use designation to include the zoning site. Subject to approval of LUPA 09-01, and subject to the rezoning proposal addressing policy recommendations of the University Area Plan, the request would be consistent with the City of High Point's Land Use Plan.

- ❖ Treatment of edges as outlined in University Area Plan.

1. The University Area plan identifies the area that runs along the south side of East Farriss Avenue as a transition area. Transition areas are seen as permanent edges to the campus and as such, compatibility with adjacent properties and the intensity of the use is of the utmost importance.
2. In addition, this request involves only part of Phase IC, sub-area 1, as identified in the University Area Plan, and as such they are creating, a temporary edge. Developing only part of a sub-area is discouraged by the plan. If the University is unable to acquire all of the land within the sub-area then the impacts to the remaining properties need to be mitigated. The temporary edge recommendations for mitigating impacts include: lighting height, direction and intensity; fencing type, height and location; and landscaping type, rate and location.

Minor Issues:

- ❖ None

Findings

Section 9-3-13 of the Development Ordinance requires that certain findings be made before a zoning map amendment and Conditional Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these required findings.

That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety; staff finds

Compliance	❖ The existing conditions within CUP00-26 pertaining to prohibiting vehicular access to Fifth Street, Fifth Court and E. Farriss Avenue ensures development of the zoning site will not create any public safety issues.
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That the development of the property in accordance with the proposed conditions will not substantially injure the value of the adjoining or abutting property; or that the development is a public necessity; staff finds

Compliance	❖ Conditions offered by the applicant that increase building setback in Tract "A" from 35 feet to 60 feet from residential zoning further ensures rezoning of the site to a CU-PI District will not substantially injure the value of adjoining property owners. ❖ Conditions offered by the applicant that increase landscaping standards in Tract "A" next to residential uses (i.e. wider planting yard, fence placement, and requiring larger tree sizes) further ensures that any development upon the zoning site will not substantially injure the value of adjoining property owners. ❖ The higher building setback and landscaping conditions limit building placement to approximately the eastern 30 feet of the zoning site and force development closer to W. College Drive, thus making the zoning site primarily a buffer/landscaping area. This further ensures that the requested CU-PI District will be in harmony with the area.
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That the location and character of the development, in accordance with the proposed conditions, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of High Point and its environs; staff finds

Compliance, subject to approval of LUPA09-01	❖ The area abutting the zoning site to the east and south is designated as Institutional upon the City's Land Use Map. The area proposed for rezoning has a Residential Land Use Map designation. However, the proposed University Area Plan and LUPA Case 09-01 both recommend the block bounded by Fifth Court, Fifth Street and E. Farriss Avenue be changed to an Institutional designation. Subject to approval of the proposed University Area Plan and LUPA Case 09-01 the zoning request will be consistent with the Land Use Map. ❖ The proposed University Area Plan recommends that High Point University make a "good faith" effort to acquire all parcels within a sub-area prior to submitting a request for rezoning. If they are unable to acquire all of the land within the sub-area then the impacts to the remaining and adjacent properties need to be mitigated. The University has attempted to purchase all parcels within this sub-area, as of the date of this report; they have not been able to acquire the entire block.
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	Therefore, based upon recommendations of the University Area Plan impacts of rezoning upon property owners abutting this request need to be mitigated. The applicant has mitigated impacts based upon existing and proposed new conditions they have offered in regards to providing a binding sketch plan, restricting location of vehicular access points, almost doubling building setback from residential uses, providing higher landscaping standards, requiring fencing to be placed internal to site, conditioning building orientation & height, and restricting location and orientation of exterior pole lighting. Subject to the approval of University Area Plan and LUPA Case 09-01, the request will be consistent with Land Use Plan.
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Recommendation

Staff Recommends Approval

Based upon above noted findings, staff recommends approval of the request to rezone these parcels to a CU-PI District and the Major Amendment to Conditional Use Permit 00-26, subject to the approval of LUPA09-01.

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.

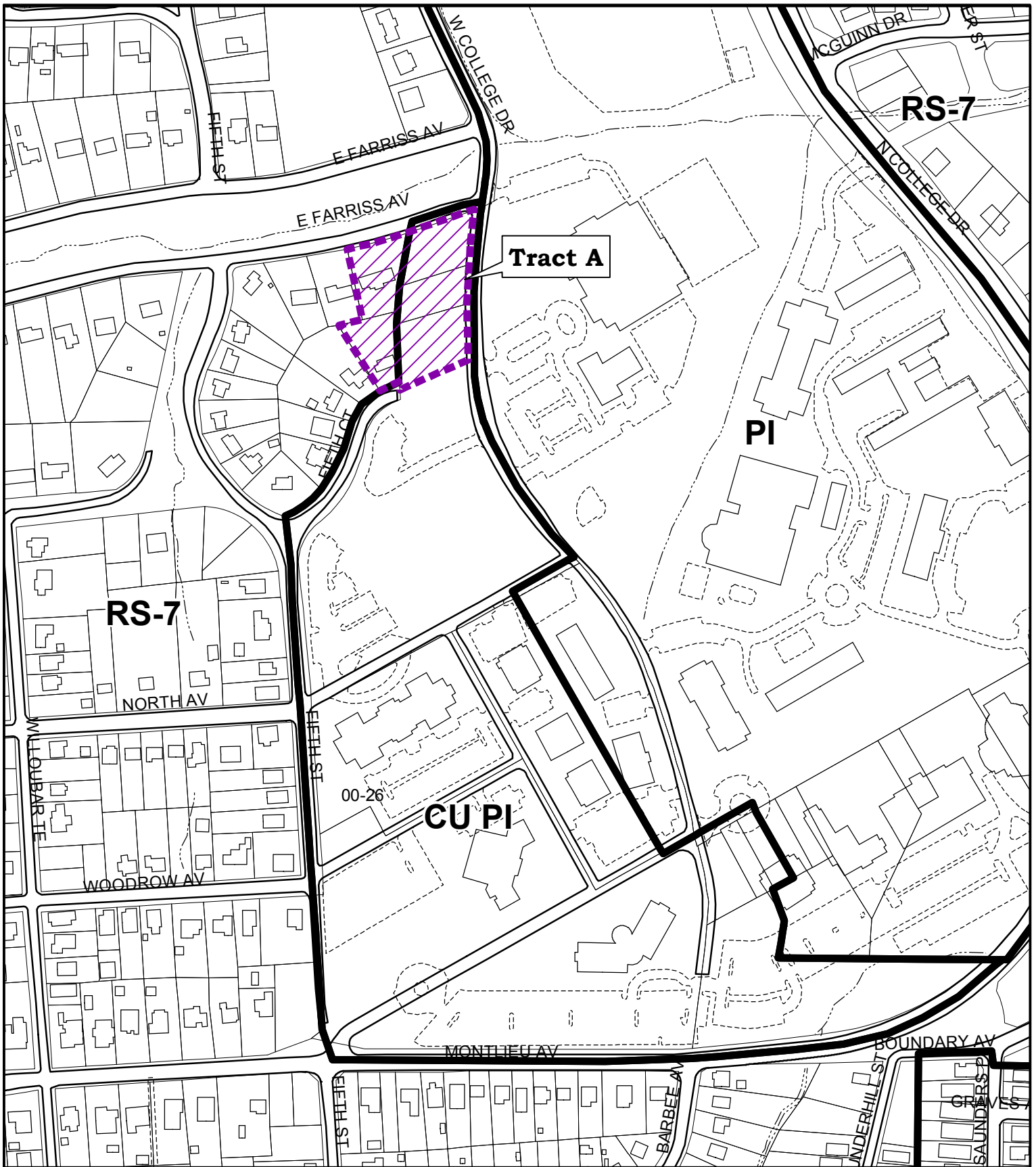
City Council:

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 applicant's request is reasonable and in the public interest because: 1) it meets the required findings for a conditional use zoning district as written in this report; 2) it is consistent with the land use plan, subject to the adoption of LUPA 09-01; 3) the permit contains higher landscaping and building setback requirements where adjacent to residential uses that will further insure the request will be in harmony with adjacent single family dwellings; and 4) the request is a logical and reasonable extension of the High Point University campus and is contiguous to the University's main campus area. 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 Herbert Shannon AICP, Senior Planner and reviewed by Robert Robbins AICP, Development Administrator and Lee Burnette AICP, Director.



REZONING CASE 09-08 and MAJOR AMENDMENT CUP00-26

**From: Residential Single Family-7
To: Conditional Use Public Institutional**

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

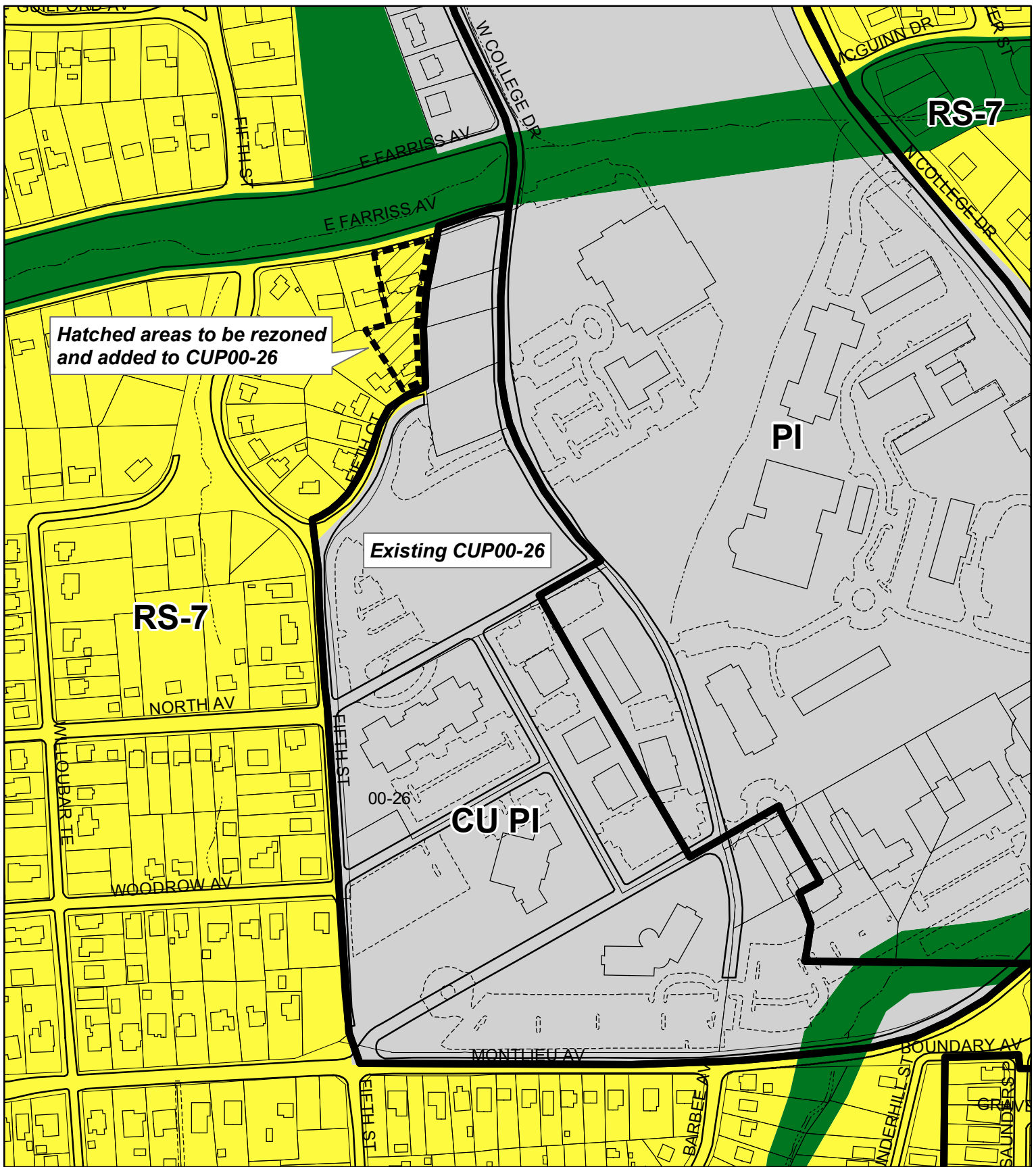
**Planning & Development
Department**

City of High Point

Date: September 24, 2009



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REZONING CASE 09-08 and MAJOR AMENDMENT CUP0026

Land Use Plan

- Low-Density Residential
- Institutional
- Recreation/Open Space

**Planning & Development
Department**

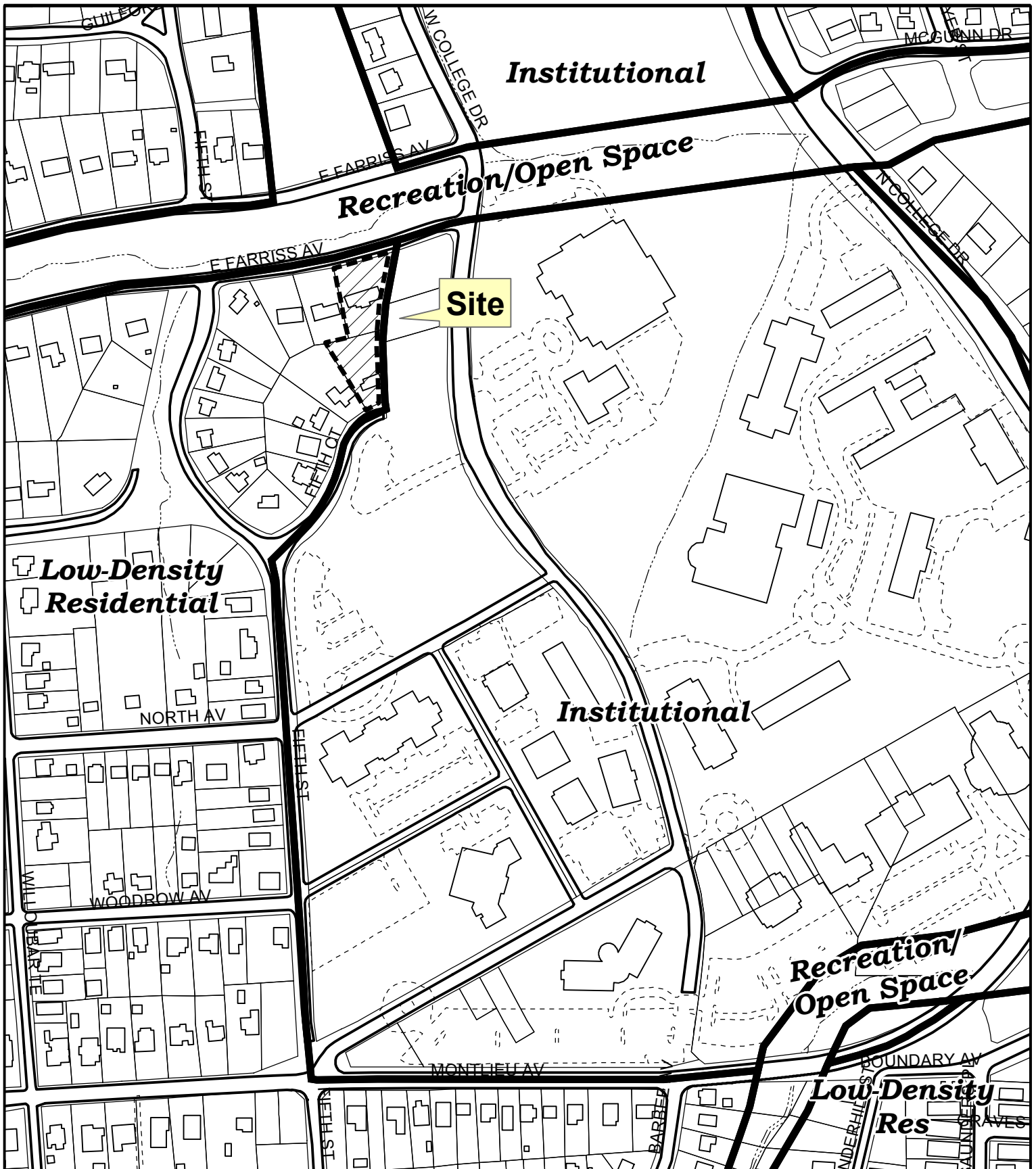
City of High Point

Date: September 18, 2009



Scale: 1' = 300'

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REZONING CASE 09-08

Land Use Plan

Existing Land Use Plan
Subject Property Boundary



**Planning & Development
 Department**

City of High Point

Date: September 14, 2009



Scale: 1"=300'

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REZONING CASE 09-08

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: September 14, 2009



Scale: 1"=300'

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APPLICATION FOR A CONDITIONAL USE PERMIT

CITY OF HIGH POINT, NORTH CAROLINA Conditional Use Public & Institutional (CU-PI) District

<u>August 15, 2000</u> (Adopted)	<u>February 8, 2007</u> (Major Amendment)	<u>February 16, 2009</u> (Major Amendment)
<u>August 4, 2005</u> (Major Amendment)	<u>September 17, 2007</u> (Major Amendment)	<u>February 16, 2009</u> (Major Amendment)
<u>October 2, 2006</u> (Major Amendment)	<u>February 18, 2008</u> (Major Amendment)	<u>September 29, 2009</u> (Major Amendment)
<u>November 18, 2006</u> (Major Amendment)	<u>July 7, 2008</u> (Major Amendment)	

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

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

I. USES: The following land uses allowed in the Public and Institutional (PI) District shall be permitted, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions listed in this Permit:

1. Colleges or Universities (SIC 8220).
2. School Administration Facilities (SIC 9411)
3. Churches (SIC 8661)
4. Elementary or Secondary Schools (SIC 8211)
5. Fraternities or Sororities (Univ. or College)
6. Accessory Uses and Structures (customary)

II. CONDITIONS:

A. Development and Dimensional Standards: In addition to requirements of the Development Ordinance, the following additional standards shall apply to that portion of the zoning site within 100-feet of the Fifth Street, Fifth Court and E. Farris Avenue right-of-way(s) line.

1. All building(s) shall be restricted to a maximum height of 60-feet.
2. Loading areas for a building shall not be located on the side of a building that faces Fifth Street, Fifth Court or E. Farris Avenue.
3. Mechanical or electrical equipment, storage facilities or other such unsightly building appurtenances shall be screened from view at a height of six (6) feet above ground level, as seen from the centerline of Fifth Street, Fifth

Court or E. Farris Avenue. Existing or newly planted vegetation, opaque fences, masonry walls, other structures or combination thereof may be used to achieve an effective screen.

4. Landscaping:

- a. When any off-street parking or vehicular surface area is within this 100 foot area, the required street yard planting rate along the Fifth Street, Fifth Court or E. Farris Avenue frontage of that city block shall be increased from 17 shrubs per 100 linear feet to a minimum of 33 evergreen shrubs per 100 linear feet. Additionally, these shrubs shall be a locally adapted species expected to reach a minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three years of planting. This higher planting rate is intended to provide a low level screening of the off-street parking area.
- b. When any use, other than off-street parking or vehicular surface areas, is within this 100-foot area, the required street yard along the Fifth Street, Fifth Court or E. Farris Avenue frontage of that city block shall be increased from an 8 foot width to a minimum width of 15 feet, and the planting rate for understory trees shall be increased from none to a minimum of 4 per 100 linear feet. This higher planting rate is intended to visually enhance campus development as viewed from Fifth Street.

B. Development Standards for Tract A.

1. Sketch Plan (See Exhibit A): In regards to building setbacks from residential uses, planting yards next to residential uses and building orientation, development within this tract shall be generally in conformance with the attached sketch plan as allowed by Section 9-3-13(a)(1) of the Development Ordinance
2. A minimum sixty (60) foot building setback shall be required from the western boundary of Tract "A" (from Guilford County Tax Parcels 226-01-40 and 27).
3. A minimum 35 foot wide Type B Planting Yard, with a minimum six (6) foot high opaque fence, shall be provided along the western boundary of Tract "A". Fencing shall be installed internally upon the site behind the planting yard. Required trees in this planting yard shall have a minimum caliper of 4-inches and minimum height of fourteen (14) feet at the time of planting. At least 50% of the trees within this planting yard shall consist of a mixture of evergreen planting species.

4. **Exterior pole lighting shall not be located within planting yards adjacent to residential uses, shall be down lit and oriented inward into the site so as to shield adjoining residential properties from direct light.**

C. Transportation

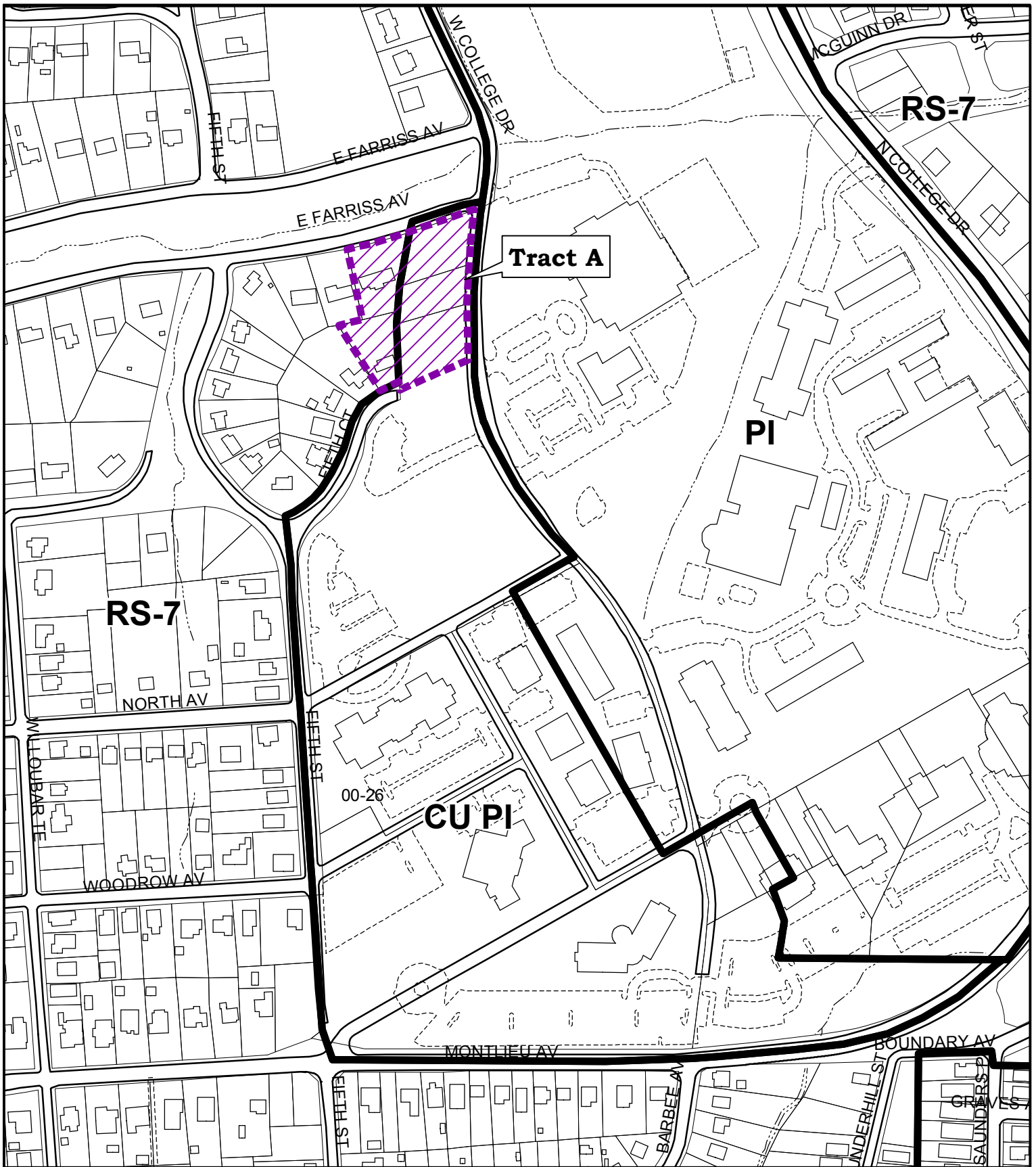
1. Access: The rezoning site shall have no access to Montlieu Avenue, Fifth Street, Fifth Court or E. Farris Avenue.
2. Right-of-Way: The High Point Thoroughfare Plan classifies Montlieu Avenue as a major thoroughfare. The property owner shall dedicate thirty-four (34) feet of right-of-way along the zoning site Montlieu Avenue frontage, as measured from the centerline, for future road improvements.
3. The Director of Transportation shall approve all construction and improvements.

DESCRIPTION OF PROPERTY: Approximately 24.5 acres, located at the northeast and northwestern corner of Montlieu Avenue & Barbee Avenue; west of W. College Drive; south of North Avenue and east of Fifth Street and known as Guilford County Tax Parcel(s) 226-1-3, 5 thru 12, 17, 19 thru 25 **26, 41**, 42, 43 and 45; 226-2-1 thru 5, 7, 8, 9, 10, 11, 15, 16 & 18; 226-3-1, 2, 3, 4 5, 6, 7, 8, 10 thru 21; 226-4-1, 2, 3, 4, 7, 9, 10 & 14; 226-6-1, 2, 3, 4, 5, 7 thru 22 and 226-7-2, 3, 4 & 15.

An application has been duly filed requesting that the property involved in this application be rezoned from the Residential Single Family-7 (RS-7) and Conditional Use Public and Institutional (CU-PI) to an amended Conditional Use Public and Institutional (CU-PI) District. It is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property described in this request will be perpetually bound by the use(s) authorized and the conditions imposed, unless subsequently changed or amended as provided for a Title 9, Chapter 3, of the City Code.

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

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



REZONING CASE 09-08 and MAJOR AMENDMENT CUP00-26

**From: Residential Single Family-7
To: Conditional Use Public Institutional**

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

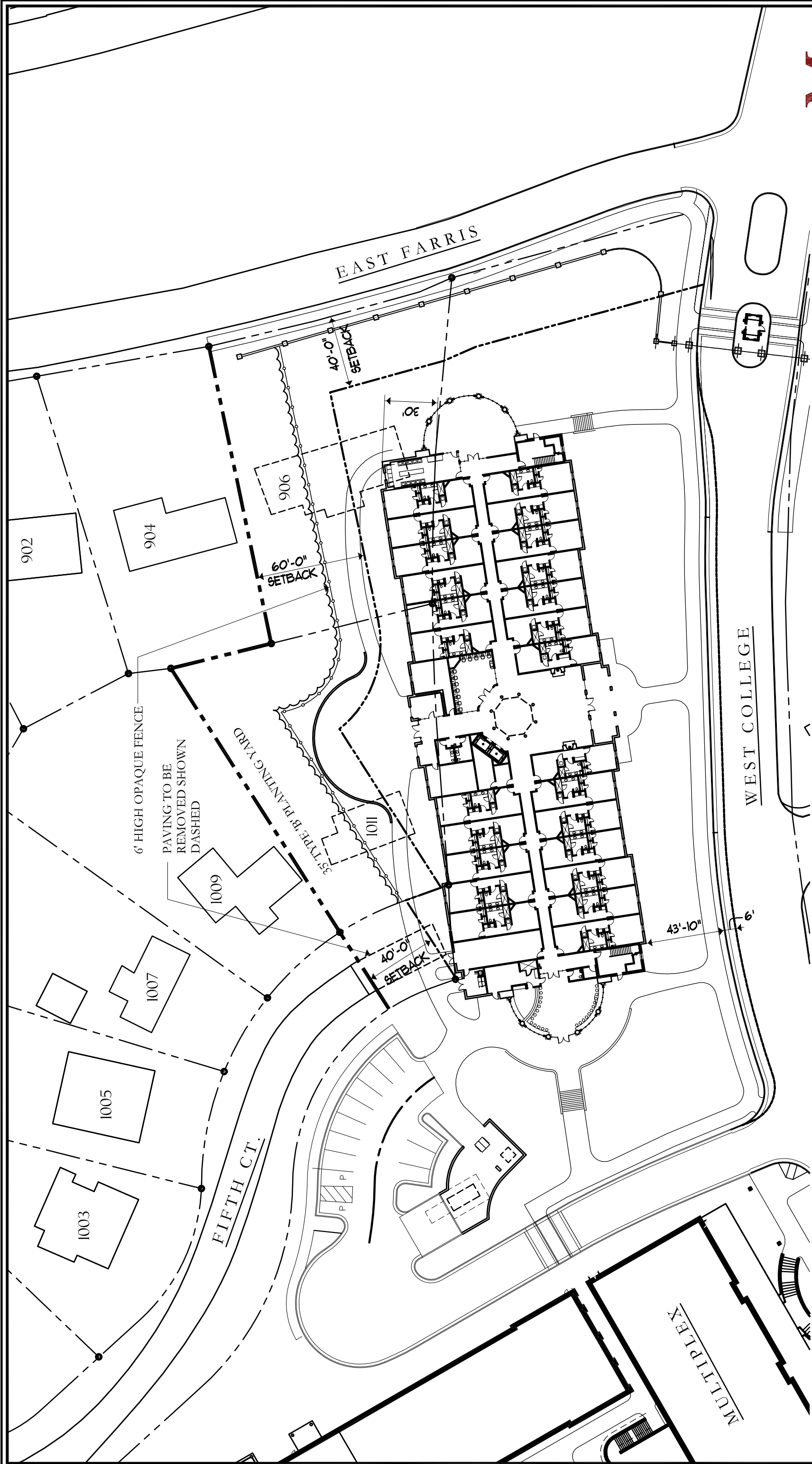
**Planning & Development
Department**

City of High Point

Date: September 24, 2009



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9-22-2009

E X H I B I T A
PROPOSED RESIDENCE HALL

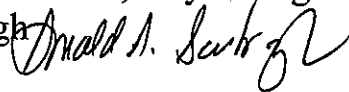
1" = 50'-0"

**Citizens Information Meeting Report
Zoning Case 09-08
&
Major Amendment CUP00-26**

Submitted by: Donald Scarborough, on behalf of
High Point University

September 2, 2009

To: Planning & Development Office, City of High Point, North Carolina

From: Donald A. Scarborough 

Re: Citizens' Information Meeting Report

High Point University conducted a Citizens' Information Meeting in support of our application for Rezoning Request 002-26 on Tuesday, September 1, 2009, at 6:00 pm in Norton Hall on the campus of High Point University. Letters were mailed to 14 citizens on August 25, 2009. Four (4) persons attended the meeting.

Mr. Greg Mercer of Mercer Architecture and I attended the meeting. Mr. Mercer will be the University's architect on the development to take place adjacent to and on the property (906 East Farriss Avenue and 1011 Fifth Court). Each attendee received a copy of the Development Proposal (attached). Mr. Mercer explained the cite plan for the above properties along with the University's property along West College Drive as defined on an area map. In addition, he provided 3 different elevations on how the building will look from the exterior

The discussion centered around the issues in the immediate area: (1) flooding of the stormwater channel that goes from McCain Park to the intersection of West College Drive and East Farriss Avenue; (2) the time table for narrowing West College Drive between the University's Steele Center to the intersection of West College Drive and East Farriss Avenue; repair of West College Drive from East Farriss Avenue to Lexington (result of the underground utilities project); and (5) student parking for the facility.

Copies of the notification letter, list of persons notified, sign-in sheet for those who attended, the development proposal, and site plan of project are attached.



August 25, 2009

Larry & Patricia A. Hauser Fields
503 Ventura Drive
Greensboro, NC 27408

Ladies and Gentlemen:

Subject: **Citizen Information Meeting, Tuesday, September 1, 2009**
6:00 pm, Room 202, Norton Hall (corner of O.A. Kirkman Way and West College Drive)

High Point University has filed an application with the City of High Point for the rezoning (from RS 7 to CU PI) for two properties adjoining the main campus—1011 Fifth Court and 906 East Farriss Avenue.

A Citizen Information Meeting will be held on September 1, 2009, at 6:00 pm in Norton Hall, Room 202, for the purpose of allowing us to inform you about our development plan and zoning proposal. We look forward to answering your questions and receiving your input.

Sincerely yours,

A handwritten signature in dark ink, appearing to be 'DAS' or similar, written over a horizontal line.

Donald A. Scarborough
Vice President for Community Relations

bmm

BOLES JOHN H II
900 E FARRIS AVE
HIGH POINT NC 27262

CARTER CALVIN D & CASSANDRA B
1009 FIFTH CT
HIGH POINT NC 27262

DOBSON JOEL A SR & JUDITH R
5700 BUDDINGWOOD DR
GREENSBORO NC 27409

FIELDS LARRY D & PATRICIA A HAUSER
503 VENTURA DR
GREENSBORO NC 27406

GIBSON EDWARD L & WILMA J
5025 LONG BRANCH DR
KERNERSVILLE NC 27284

GRIFFITH DEVIN L
902 E FARRIS AVE
HIGH POINT NC 27262

HARRISS DANA LYNN
903 E FARRIS AVE
HIGH POINT NC 27262

~~HIGH POINT UNIVERSITY
859 MONTIELLE AVE
HIGH POINT NC 27262~~

~~HIGH POINT UNIVERSITY
833 MONTLIEU AV
HIGH POINT NC 27262~~

~~HOLCOL LLC
PO BOX 5293
HIGH POINT NC 27262~~

now owned by HPU

HOWELL GEORGE W JR & DONALD F HILL
904 E FARRISS AVE
HIGH POINT NC 27262

LARA HECTOR YANEZ & DEBRA
HAMMONDS YANEZ
1007 FIFTH COURT
HIGH POINT NC 27262

MAYS W CLAYTON JR
1001 W COLLEGE DR
HIGH POINT NC 27262

~~MCLEAN BETTY A
1010 FIFTH ST
HIGH POINT NC 27262~~

now owned by HPU

~~MEARITE T J & LEILLA
1011 FIFTH CT
HIGH POINT NC 27262~~

now owned by HPU

~~MILLER BOBBY E
906 E FARRISS AVE
HIGH POINT NC 27262~~

Under Sales Contract to HPU

O'HEARN SARAH
901 E FARRISS AVE
HIGH POINT NC 27262

PARRISH TROY C & JANICE
709 FLAT SWAMP LAKE RD
DENTON NC 27239

~~PASSMORE CARROLL ANDREW & NANCY M
256 BOWERS RD
THOMASVILLE NC 27360~~

WHITAKER MITCHELL J & BARBARA J
1005 FIFTH COURT
HIGH POINT NC 27262

Now owned by HPU

Citizens Information Meeting

RE: Rezoning Properties - 1011 Fifth Ct. and 906 East Farris Avenue

Date: September 1, 2009 at 6 PM , Norton Hall Room 202

Attendees:

[illegible]

DEVELOPMENT PROPOSAL
Student Residential Building
West College Drive at East Farriss Avenue

September 1, 2009

High Point University has filed an application with the City of High Point for a rezoning request for two parcels owned by the University: 1011 Fifth Court and 906 Farriss Avenue. The changes requested are from RS 7 to CU PI and the grouping of current CU PI areas into one district. The property consists of 2 lots (1011 Fifth Court and 906 East Farriss Avenue) totaling approximately 0.79 acres or 34,700 square feet. In addition, the University has petitioned the City of High Point to close approximately 59 linear feet at the end of Fifth Court.

The proposed development for the area includes a brick-paved courtyard and sidewalks adjacent to a new four (4) story residence hall to be constructed on property currently owned by High Point University.

The area along West College Drive between the newly constructed University Center and East Farriss Avenue would be the site of the new residence hall.

The next meeting of the Planning & Zoning Commission with a public hearing on this proposal will take place at City Hall on September 29, 2009, at 6:00 p.m.

Questions, comments, or concerns should be directed to Dr. Donald A. Scarborough, Vice President for Community Relations, High Point University at 336-841-9214 or dscarbor@highpoint.edu.

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%

APPLICATION FOR A CONDITIONAL USE PERMIT

CITY OF HIGH POINT, NORTH CAROLINA Conditional Use Public & Institutional (CU-PI) District

<u>August 15, 2000</u> (Adopted)	<u>February 8, 2007</u> (Major Amendment)	<u>February 16, 2009</u> (Major Amendment)
<u>August 4, 2005</u> (Major Amendment)	<u>September 17, 2007</u> (Major Amendment)	<u>February 16, 2009</u> (Major Amendment)
<u>October 2, 2006</u> (Major Amendment)	<u>February 18, 2008</u> (Major Amendment)	<u>October 9, 2009</u> (Major Amendment)
<u>November 18, 2006</u> (Major Amendment)	<u>July 7, 2008</u> (Major Amendment)	

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

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

- I. USES: The following land uses allowed in the Public and Institutional (PI) District shall be permitted, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions listed in this Permit:
1. Colleges or Universities (SIC 8220).
 2. School Administration Facilities (SIC 9411)
 3. Churches (SIC 8661)
 4. Elementary or Secondary Schools (SIC 8211)
 5. Fraternities or Sororities (Univ. or College)
 6. Accessory Uses and Structures (customary)

II. CONDITIONS:

- A. Development and Dimensional Standards: In addition to requirements of the Development Ordinance, the following additional standards shall apply to that portion of the zoning site within 100-feet of the Fifth Street, Fifth Court and E. Farris Avenue right-of-way(s) line.
1. All building(s) shall be restricted to a maximum height of 60-feet.
 2. Loading areas for a building shall not be located on the side of a building that faces Fifth Street, Fifth Court or E. Farris Avenue.
 3. Mechanical or electrical equipment, storage facilities or other such unsightly building appurtenances shall be screened from view at a height of six (6)

feet above ground level, as seen from the centerline of Fifth Street, Fifth Court or E. Farris Avenue. Existing or newly planted vegetation, opaque fences, masonry walls, other structures or combination thereof may be used to achieve an effective screen.

4. Landscaping:

- a. When any off-street parking or vehicular surface area is within this 100 foot area, the required street yard planting rate along the Fifth Street, Fifth Court or E. Farris Avenue frontage of that city block shall be increased from 17 shrubs per 100 linear feet to a minimum of 33 evergreen shrubs per 100 linear feet. Additionally, these shrubs shall be a locally adapted species expected to reach a minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three years of planting. This higher planting rate is intended to provide a low level screening of the off-street parking area.
- b. When any use, other than off-street parking or vehicular surface areas, is within this 100-foot area, the required street yard along the Fifth Street, Fifth Court or E. Farris Avenue frontage of that city block shall be increased from an 8 foot width to a minimum width of 15 feet, and the planting rate for understory trees shall be increased from none to a minimum of 4 per 100 linear feet. This higher planting rate is intended to visually enhance campus development as viewed from Fifth Street.

B. Development Standards for Tract A.

1. Sketch Plan (See Exhibit A): Development of this tract shall be generally in conformance with the attached sketch plan as allowed by Section 9-3-13(a)(1) of the Development Ordinance.
~~In regards to building setbacks from residential uses, planting yards next to residential uses and building orientation, development within this tract shall be generally in conformance with the attached sketch plan as allowed by Section 9-3-13(a)(1) of the Development Ordinance~~
2. ~~A minimum sixty (60) foot building setback shall be required from the western boundary of Tract "A" (from Guilford County Tax Parcels 226-01-40 and 27).~~
3. ~~A minimum 35 foot wide Type B Planting Yard, with a minimum six (6) foot high opaque fence, shall be provided along the western boundary of Tract "A". Fencing shall be installed internally upon the site behind the planting yard. Required trees in this planting yard shall have a minimum caliper of 4 inches and minimum height of fourteen (14) feet at the time of planting. At least 50% of the trees within this planting yard shall consist of a mixture of evergreen planting species.~~

2. Exterior pole lighting shall not be located within planting yards adjacent to residential uses, shall be down lit and oriented inward into the site so as to shield adjoining residential properties from direct light.
3. An opaque fence, as allowed for residential uses, shall be installed along the western limits of Tract "A". This fencing shall not be required where High Point University owns the adjacent parcel abutting the western limits of Tract "A".

C. Transportation

1. Access: The rezoning site shall have no access to Montlieu Avenue, Fifth Street, Fifth Court or E. Farris Avenue.
2. Right-of-Way: The High Point Thoroughfare Plan classifies Montlieu Avenue as a major thoroughfare. The property owner shall dedicate thirty-four (34) feet of right-of-way along the zoning site Montlieu Avenue frontage, as measured from the centerline, for future road improvements.
3. The Director of Transportation shall approve all construction and improvements.

DESCRIPTION OF PROPERTY: Approximately 24.5 acres, located at the northeast and northwestern corner of Montlieu Avenue & Barbee Avenue; west of W. College Drive; south of North Avenue and east of Fifth Street and known as Guilford County Tax Parcel(s) 226-1-3, 5 thru 12, 17, 19 thru ~~25~~ **26, 41**, 42, 43 and 45; 226-2-1 thru 5, 7, 8, 9, 10, ~~11~~, 15, 16 & 18; 226-3-1, 2, 3, 4 5, 6, 7, 8, 10 thru 21; 226-4-1, 2, 3, 4, 7, 9, 10 & 14; 226-6-1, 2, 3, 4, 5, 7 thru 22 and 226-7-2, 3, 4 & 15.

An application has been duly filed requesting that the property involved in this application be rezoned from the Residential Single Family-7 (RS-7) District and Conditional Use Public & Institutional (CU-PI) District to an amended Conditional Use Public & Institutional (CU-PI) District. It is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property described in this request will be perpetually bound by the use(s) authorized and the conditions imposed, unless subsequently changed or amended as provided for a Title 9, Chapter 3, of the City Code.

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

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

Donald A. Scarborough
Donald A. Scarborough, Vice President
High Point University

High Point University
833 Montlieu Avenue
High Point, NC 27262

Davidson
(County)

North Carolina
(State)

I, Sherron W. James, a Notary Public for said County and State, do hereby certify that **Donald A. Scarborough** personally came before me this day and acknowledged that he is **Vice President** of **High Point University**, and that **High Point University**, is the owner of real property described in the foregoing application; and that by authority duly given and as the act of **High Point University**, the due execution of the foregoing instrument was signed in its name by its **Vice President**.

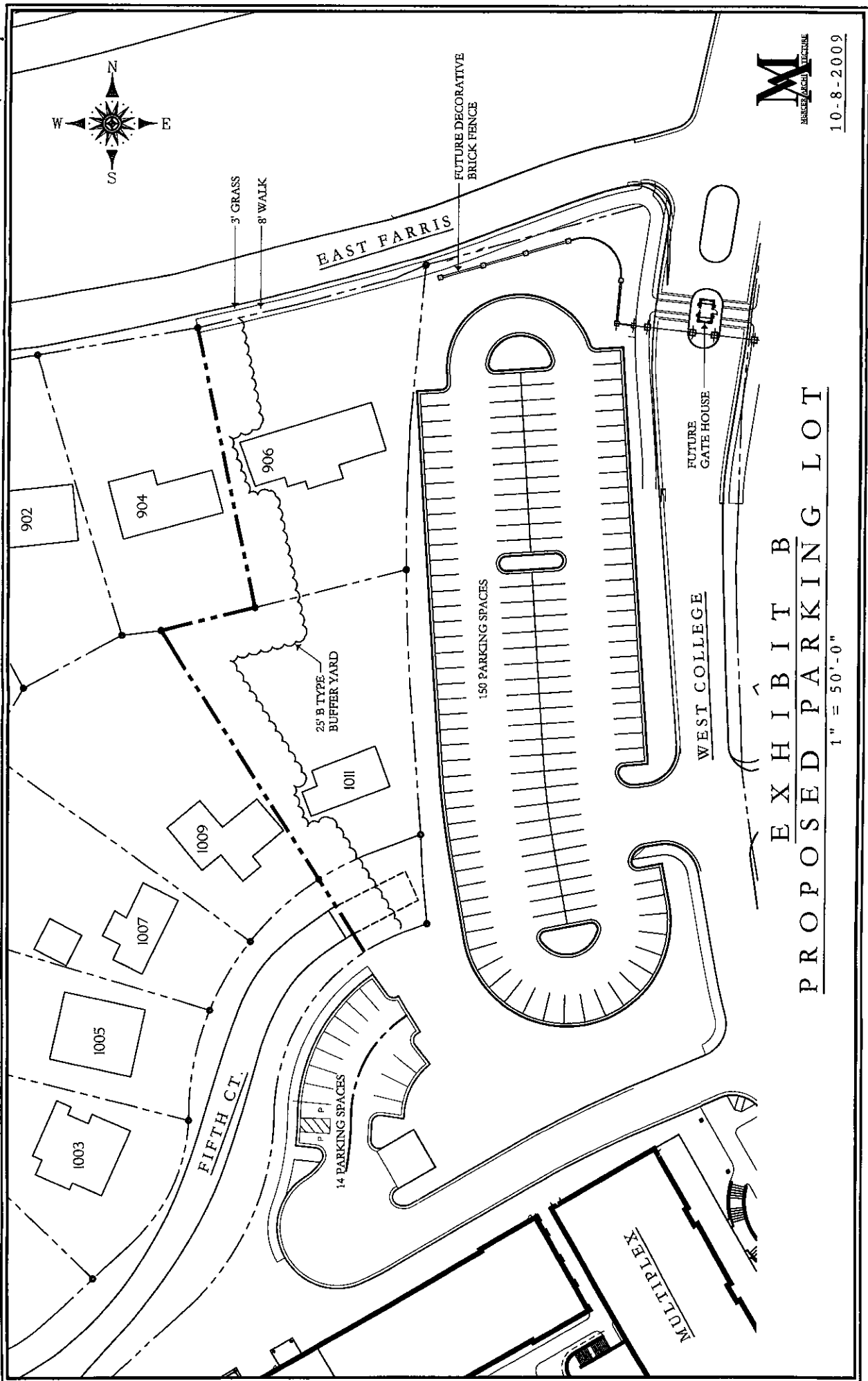


WITNESS my hand and official seal, this the 16th day of October, 2009.

Sherron W. James
Notary Public

My commission expires: 11-3, 2012.

10-19-09





MEMORANDUM

October 21, 2009

To: Honorable Mayor and City Council
From: Herbert Shannon Jr., AICP, Senior Planner *HBS*
Subject: **Zoning Case 09-08 and Major Amendment to 00-26.**

At the Monday, October 19, 2009 City Council public hearing the applicant for Zoning Case 09-08 (High Point University) submitted changes to their application consisting of the following:

1. An amended sketch plan showing Tract "A" of the zoning site being developed as a parking lot rather than as a student dormitory as was submitted to the Planning & Zoning Commission.
2. Removal of proposed new conditions pertaining to building setback and planting yards as they relate to development of a student dormitory building in Tract "A".
3. Add a condition for fencing being placed at the western boundary of Tract "A" at the property line between University owned property and other private property.

Findings, staff recommendation and staff recommended statement of consistency pertaining to this zoning case are on Pages 131 & 132 of the October 19, 2009 City Council packet. The revisions offered by the applicant do not change staff recommended findings #1 or #3. Staff offers the following revision to finding #2 based upon information provided by the applicant at the October 19, 2009 public hearing:

That the development of the property in accordance with the proposed conditions will not substantially injure the value of the adjoining or abutting property; or that the development is a public necessity; staff finds

Compliance	❖ Based upon sketch plan provided, all parking will occur on area already zoned CU-PI District. The zoning site will be used either as a buffer area if structures are removed or existing structures will be reused by the University. The limited size of these exiting homes makes any reuse limited in scope & intensity; and further insures the zoning request will be in harmony with adjacent property owners. ❖ Conditions offered by the applicant for opaque fence, as allowed in residential districts, to be installed along the western limits of Tract "A" further ensures that zoning will not substantially injure the value of adjoining property owners.
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Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

Recommendation

Staff Recommends Approval

Based upon above noted revision to findings #2, staff recommends approval of the request to rezone these parcels to a CU-PI District and the Major Amendment to Conditional Use Permit 00-26, subject to the approval of LUPA09-01.

Required Action

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 applicant's request is reasonable and in the public interest because: 1) it meets the required findings for a conditional use zoning district as written in this report; 2) it is consistent with the land use plan, subject to the adoption of LUPA 09-01; 3) based upon sketch plan provided, the proposed parking lot will be totally upon area already zoned CU-PI, the zoning site would act as a buffer/transitional area between the proposed parking lot and single family dwellings lying to the west; 4) the sketch plan restricts the manner in which Tract "A" may be developed, the size of the existing homes upon the zoning site limits the scope & intensity of any potential reuse of these existing structures and further insures the zoning request will be in harmony with adjacent property owners and 5) the request is a logical and reasonable extension of the High Point University campus and is contiguous to the University's main campus area. 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.

APPLICATION FOR A CONDITIONAL USE PERMIT

CITY OF HIGH POINT, NORTH CAROLINA Conditional Use Public & Institutional (CU-PI) District

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2. **Exterior pole lighting shall not be located within planting yards adjacent to residential uses, shall be down lit and oriented inward into the site so as to shield adjoining residential properties from direct light.**
3. **An opaque fence, as allowed for residential uses, shall be installed along the western limits of Tract "A". This fencing shall not be required where High Point University owns the adjacent parcel abutting the western limits of Tract "A".**

C. Transportation

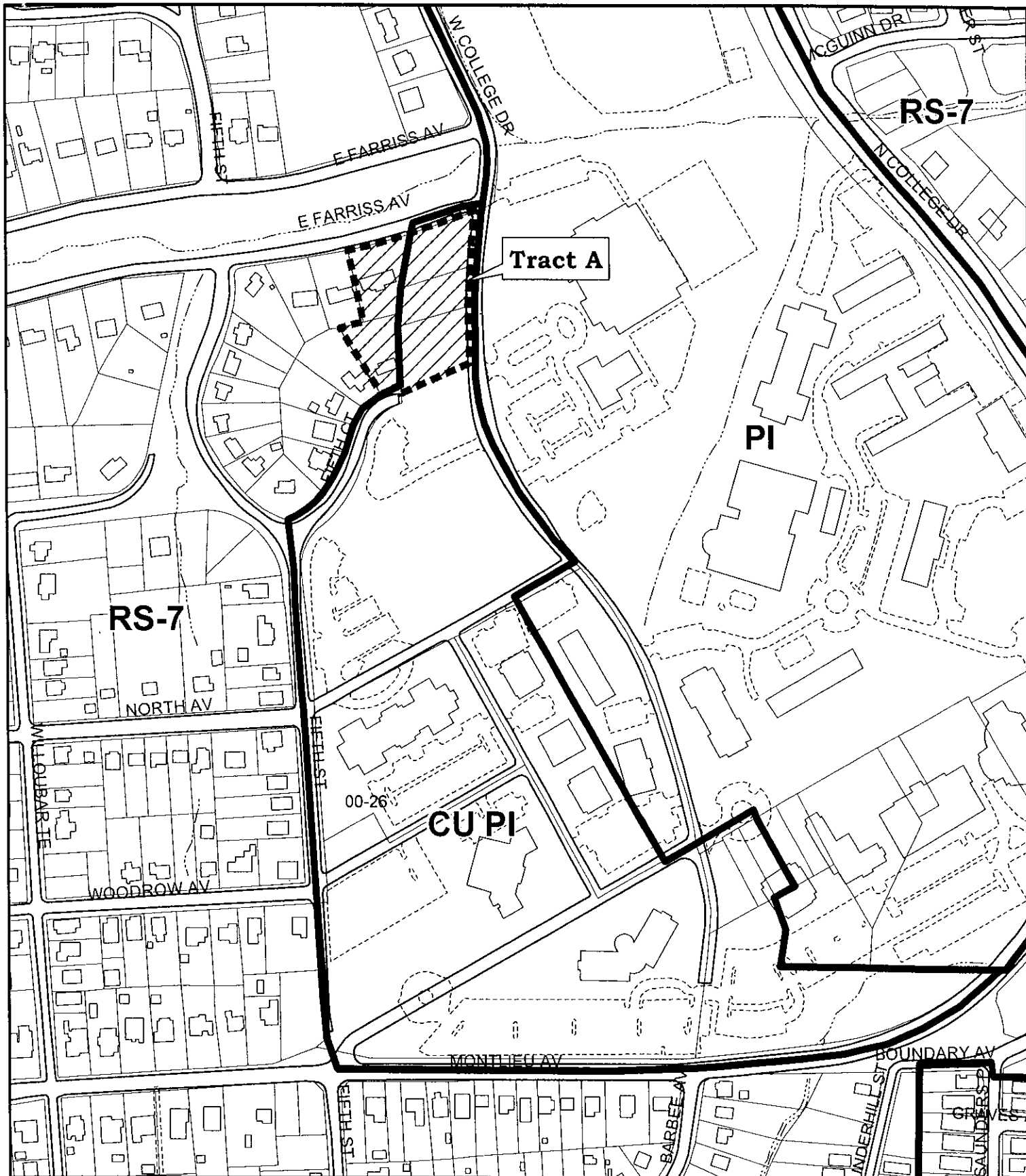
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REZONING CASE 09-08 and MAJOR AMENDMENT CUP00-26

**From: Residential Single Family-7
To: Conditional Use Public Institutional**

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

**Planning & Development
Department**

City of High Point

Date: September 24, 2009



Scale: 1"=300'

y:\ba-pz\2009\pz\z09-08exh.mxd



10-8-2009

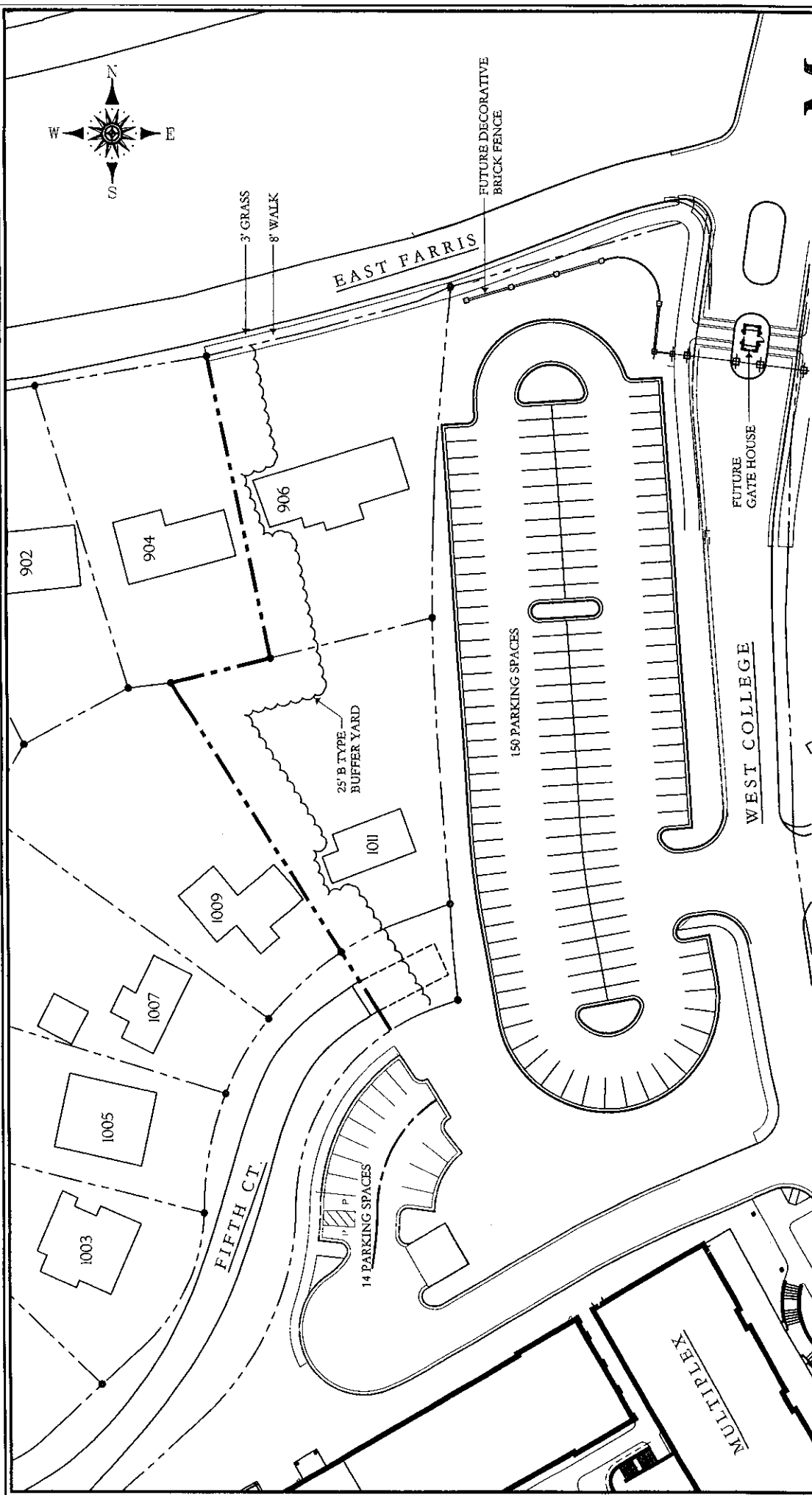
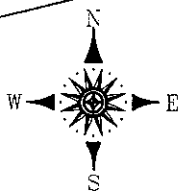


EXHIBIT B
PROPOSED PARKING LOT

1" = 50'-0"