



City of High Point

Municipal Office Building
211 S. Hamilton Street
High Point, NC 27260

Meeting Agenda

City Council

Jay W. Wagner, Mayor

S. Wesley Hudson, Mayor Pro Tem

Britt W. Moore (At Large), Tyrone Johnson (At Large), Cyril Jefferson (Ward 1), Christopher Williams (Ward 2), Monica L. Peters (Ward 3), Victor Jones (Ward 5), and Michael Holmes (Ward 6)

Monday, October 2, 2023

5:30 PM

Council Chambers

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

RECOGNITIONS AND PRESENTATIONS

[2023-463](#)

Proclamation - Public Power Week

Mayor Wagner will present a proclamation recognizing the week of October 1-7, 2023, as Public Power Week.

Attachments: [Proclamation - Public Power Week 2023](#)

STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding Initiative

[2023-466](#)

Strategic Plan Update

Council Member Chris Williams, Chairman of the Community Development Committee, will recognize staff to provide an update on the Strategic Plan regarding Blight Reduction. Council Member Michael Holmes, Chairman of the Marketing & Branding Task Force will provide an update on the Marketing & Branding Initiative.

Attachments: [Local Codes Strategic Plan Update September 2023](#)

PUBLIC COMMENT PERIOD

[2023-465](#)

Public Comment Period

A Public Comment Period will be held on the first Monday of the regular City Council meeting schedule at 5:30 p.m. or as soon thereafter as reasonably possible following recognitions, awards, and presentations.

Our policy states persons may speak on any item not on the agenda.

- * Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.

- * Persons addressing City Council are asked to limit their comments to 3 minutes.

- * Citizens will be asked to come to the podium, state their name and

address and the subject(s) on which they will comment.

* If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.

Thanks to everyone in the audience for respecting the meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.

CONSENT AGENDA ITEMS

- C-1** [2023-449](#) Consideration of a Contract with Freese and Nichols in the Amount of \$1,142,480
City Council is requested to approve a contract with Freese and Nichols in the amount of \$1,142,480 for professional engineering services to upgrade the Riverdale Pump Station, approve the Capital Project Budget Ordinance, and authorize the appropriate City Official(s) to execute all necessary documents.
Attachments: [Freese and Nichols- Riverdale Pump Station Improvements Engineering Design](#)
- C-2** [2023-459](#) Consideration of a Contract with Vulcan Materials Co. in the amount of \$100,000
City Council is requested to approve a contract with Vulcan Materials Co. in the amount of \$100,000 for different types of stone (aggregate) to be used by crews for performing repairs to roadways, sidewalks, right-of-ways and related repairs to the stormwater drainage system, etc. within the jurisdictional limits of the City and authorize the appropriate City Official(s) to execute all necessary documents.
Attachments: [Contract - Vulcan Materials Co.](#)
- C-3** [2023-470](#) Consideration of a Purchase Order Increase for McGill Environmental Systems
City Council is requested to approve a purchase order for McGill Environmental Systems be increased from \$40,900 to the amount of \$176,500 for emergency hauling of bio-solids from the Eastside Waste Water Treatment Plant and authorize the appropriate City Official(s) to execute all necessary documents.
Attachments: [Purchase Order - McGill Environmental](#)
- C-4** [2023-450](#) Consideration of Extension of Services with Ricoh in the Amount of \$303,688.82
City Council is requested to approve an extension of services for an onsite staffed commercial quality high-speed document printing, copying, and scanning services shop and city mail services and authorize the appropriate City Official(s) to execute all necessary documents.

Attachments: [Contract Extension - Ricoh](#)

- C-5** [2023-452](#) Consideration of a Contract with Community Housing Solutions in the Amount of \$200,000
City Council is requested to approve a contract with Community Housing Solutions to fund materials and operational expenses associated with two Operation InASMuch events and authorize the appropriate City Official(s) to execute all necessary documents.
Attachments: [Contract - Community Housing Solutions OIAM](#)
- C-6** [2023-454](#) Consideration of Acceptance of a Grant Award from National Endowment for Humanities
City Council is requested to accept a grant award from National Endowment for Humanities in the amount of \$349,247 to replace the High Point Museum's aging HVAC System and authorize the appropriate City Official(s) to execute all necessary documents.
Attachments: [National Endowment for Humanities Grant Acceptance](#)
- C-7** [2023-472](#) Information Regarding Guilford County American Rescue Plan Act (ARPA) Funds Contribution to High Point Projects
Staff will present information on the payment process for ARPA funds, including criteria to be used in consideration of advancing funds to the organizations.
Attachments: [Guilford County ARPA Funds Contribution to High Point Projects](#)
- C-8** [2023-468](#) Consideration of Approval of Minutes
City Council is requested to approve the following minutes:
Community Development Committee Minutes - September 12, 2023, at 4:00 p.m.
Finance Committee Minutes - September 14, 2023, at 4:00 p.m.
Special Meeting of the High Point City Council Minutes - September 18, 2023, at 4:00 p.m.
Regular Meeting of the High Point City Council Minutes - September 18, 2023, at 5:30 p.m.
Prosperity and Livability Committee Minutes - September 20, 2023, at 9:00 a.m.
Attachments: [Agenda Memo - Meeting Minutes](#)
[Community Development Committee Meeting Minutes - September 12, 2023](#)
[Finance Committee Meeting Minutes - September 14, 2023](#)
[Special Meeting High Point City Council - September 18, 2023](#)
[City Council Meeting Minutes - September 18, 2023](#)
[Prosperity Livability Committee Meeting Minutes - September 20, 2023](#)

GENERAL BUSINESS AGENDA

- G-1** [2023-456](#) Public Hearing Regarding a Request from Dawn Sweitzer Properties LLC,

for Performance Base Incentives in the amount of \$75,000 - Public Hearing October 2, 2023

City Council is requested to authorize performance-based incentives for a project at 2429 W. English Rd. in High Point, NC in the amount of \$75,000 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Attachments: [Performance-based Incentives - Dawn Sweitzer Properties, LLC](#)

G-2 [2023-458](#)

Public Hearing Regarding a Request from COHAB.SPACE LLC, for Performance Based Incentives in the amount of \$75,000 - Public Hearing October 2, 2023

City Council is requested to consider a request from COHAB.SPACE LLC, for authorization of performance-based incentives for a project at 1547 W. English Rd. in High Point, NC in the amount of \$75,000 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Attachments: [Performance-based Incentives - COHAB.SPACE LLC](#)

G-3 [2023-469](#)

Public Hearing Regarding a Resolution for the Public Utility Regulatory Policy Act Standards

City Council is requested to approve a resolution which will approve two new regulatory standards pertaining to Public Utility Policy.

Attachments: [New PURPA Standards Adoption](#)

G-4 [2023-467](#)

Village of Florence Historic Marker

A request by the High Point Preservation Society for approval of a historic marker to recognize the Village of Florence that is proposed to be located on Penny Road near the intersection with East Fork Road.

Attachments: [Staff Report - Village of Florence Marker Request.pdf](#)

G-5 [2023-460](#)

Public Hearing - City of High Point, Zoning Map Amendment 23-23

A request by the City of High Point to rezone approximately 11.7 acres as part of the Comprehensive Zoning Map Amendment project.

a. To rezone approximately 0.7 acres from the Residential Single Family - 5 (R-5) District to the General Business (GB) District. The site is located along the south side of W. Parris Avenue, approximately 640 feet west of N. Main Street (149, 151 & 153 W. Parris Avenue).

b. To rezone approximately 11 acres from the Heavy Industrial (HI) District to the Limited Business (LB) Districts. The site is located along Beddington Street, between Blake Avenue and Tower Avenue.

Attachments: [Staff Report ZA-23-23.pdf](#)

G-6 [2023-461](#)

Public Hearing - Bricks & Beams, LLC, Zoning Map Amendment 23-24

A request by Bricks & Beams, LLC to rezone approximately 6.5 acres from the Light Industrial (LI) District to the Central Business (CB) District. The

site is located along the south side of E. Green Drive, between S. Centennial Street and Park Street (313 S. Centennial Street).

Attachments: [Staff Report ZA-23-24.pdf](#)

G-7 [2023-462](#)

Public Hearing - Kumasi Management Services, LLC, Zoning Map Amendment 23-25

A request by Kumasi Management Services, LLC to rezone approximately 14.2 acres from a Conditional Use Light Industrial (CU-LI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located along the north and south sides of Furniture Avenue, approximately 0.3 mile (1,800 feet) east of Riverdale Road (4257, 4265, 4262 & 4268 Furniture Avenue).

Attachments: [Staff Report ZA-23-25.pdf](#)

G-9 [2023-464](#)

Public Hearing - City of High Point, Text Amendment 23-03

A request by the City of High Point to amend the Development Ordinance to revise the powers and duties of the Planning and Zoning (P&Z) Commission. This amendment proposes to grant the P&Z Commission the authority to make the final decision on various Zoning Map Amendment requests. In conjunction with the proposed expanded P&Z Commission authority, this request also amends the review procedures, appeals process, and amends the Conditional Zoning, Planned Development, Zoning Map Amendment and Overlay (Historic & Manufactured Housing) District zoning process.

Attachments: [Staff Report TA-03 FINAL](#)

G-10 [2023-471](#)

Consideration of Reappointments to the High Point Economic Development Corporation Board

City Council is requested to confirm the following reappointments to the High Point Economic Development Corporation Board, for a term beginning on the date of reappointment and ending on December 31, 2025:

- Aaron Clinard, Clinard Consulting
- Brenda Deets, Citizens Bank
- Chris Whitesell, New Plath Digital
- Justin Thompson, Captivate Media
- Scott Holbrook, Key Risk

Attachments: [Reappointments - Economic Development Corporation](#)

G-11 [2023-455](#)

Consideration of the Appointment of Tasha Logan Ford to the North Carolina Municipal Power Agency 1 Board of Commissioners

City Council is requested to appoint Tasha Logan Ford to the North Carolina Municipal Power Agency 1 Board of Commissioners effective October 2, 2023. Ms. Logan Ford will serve at the pleasure of the High Point City Council.

Attachments: [NCMPA1 Appointment - Tasha Logan Ford](#)

ADJOURNMENT

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on September 26, 2023 and before the City Council of the City of High Point on October 2, 2023 regarding **Zoning Map Amendment Case ZA-23-24 (ZA-23-24)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on October 16, 2023, for the Planning and Zoning Commission public hearing and on October 20, 2023 and October 27, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **October 2, 2023**.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Central Business (CB) District**. The property is approximately 6.5 acres, located along the south side of E. Green Drive, between S. Centennial Street and Park Street (*313 S. Centennial Street*) The property is also known as Guilford County Tax Parcel 171747.

SECTION 2

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

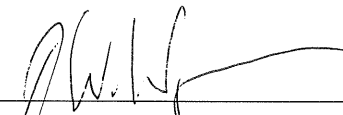
SECTION 3

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

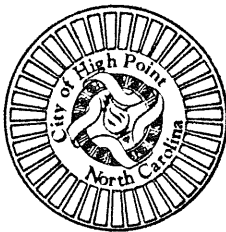
SECTION 4.

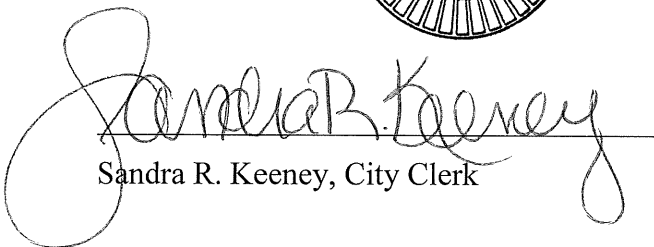
This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 2nd day of October, 2023

By: 
Jay W. Wagner, Mayor

ATTEST:




Sandra R. Keeney, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Approval of Minutes	
FROM: City Clerk's Office	MEETING DATE: October 2, 2023
PUBLIC HEARING: n/a	ADVERTISED DATE/BY: n/a
ATTACHMENTS: Yes	

PURPOSE: Minutes to be approved.

BACKGROUND: N/A

BUDGET IMPACT: N/A

RECOMMENDATION/ACTION REQUESTED:

Approval of the following minutes:

Community Development Committee Minutes – September 12, 2023, at 4:00 p.m.

Finance Committee Minutes – September 14, 2023, at 4:00 p.m.

Special Meeting of the High Point City Council Minutes – September 18, 2023, at 4:00 p.m.

Regular Meeting of the High Point City Council Minutes – September 18, 2023, at 5:30 p.m.

Prosperity and Livability Committee Minutes – September 20, 2023, at 9:00 a.m.



**HIGH POINT CITY COUNCIL
REGULAR MEETING
September 18, 2023 – 5:30 P.M.
Council Chambers – Municipal Building
211 S. Hamilton Street**

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

Mayor Wagner called the meeting to order at 5:31 p.m.

Present: Mayor Jay W. Wagner; Mayor Pro Tem S. Wesley Hudson, Ward 4; Council Member Britt W. Moore, At Large; Council Member Tyrone E. Johnson, At Large; Council Member Cyril A. Jefferson, Ward 1; Council Member Christopher Williams, Ward 2; Council Member Council Member Monica Peters, Ward 3; Victor A. Jones, Ward 5; and Council Member Michael A. Holmes, Ward 6.

Mayor Wagner called for a Moment of Silence; the Pledge of allegiance followed.

RECOGNITIONS AND PRESENTATIONS

2023-406 Recognition of Outgoing Planning and Zoning Board Members Ms. Angela Jiménez and Mr. Alex Moore

Council Members Chris Williams and Cyril Jefferson recognized Angela Jiménez and Alex Moore for their service on the Planning and Zoning Commission. Council Member Williams accepted the plaque on behalf of Ms. Jiménez.

2023-438 Proclamation-City of High Point - Minority Enterprise Development (MED) Week

Mayor Wagner will present a proclamation recognizing the week of October 22-25, 2023 as Minority Enterprise Development (MED) Week and recognize the Piedmont Triad Med Week events being held on September 25th and 26th of 2023.

Mayor Wagner read and presented the Proclamation to Eric Olmedo, Assistant City Manager, Jeron Hollis, Managing Director, Jelani Biggs, Diversity, Equity & Inclusion Officer, and Cynthia Barnes, MWBE Coordinator.

2023-439 Proclamation-City of High Point - Constitution Week

Mayor Wagner will present a proclamation recognizing the week of September 17-23, 2023 as Constitution Week by commemorating the formation and signing on September 17, 1787, of the United States Constitution.

Mayor Wagner read and presented the Proclamation to the Daughters of the Revolution.

STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding Initiative

2023-437 Strategic Plan Update

Council Member Chris Williams, Chairman of the Community Development Committee, will recognize staff to provide an update on the Strategic Plan regarding Blight Reduction.

Council Member Chris Williams provided the Strategic Plan update regarding blight reduction and introduced Lori Loosemore, Code Enforcement Manager.

Ms. Loosemore provided information regarding new code enforcements complaints for the month of August and shared photos of a recently renovated home.

Council Member Holmes provided an update regarding Marketing and Branding noting his is pleased with the embracement of the new brand.

PUBLIC COMMENT PERIOD

2023-436 Public Comment Period

A Public Comment Period will be held on the first Monday of the regular City Council meeting schedule at 5:30 p.m. or as soon thereafter as reasonably possible following recognitions, awards, and presentations. Our policy states persons may speak on any item not on the agenda.

- * Persons who have signed the register to speak shall be taken in the order in which they are listed. Others who wish to speak and have not signed in will be taken after those who have registered.
- * Persons addressing City Council are asked to limit their comments to 3 minutes.
- * Citizens will be asked to come to the podium, state their name and address and the subject(s) on which they will comment.
- * If a large number of people are present to register concerns about the same subject, it is suggested that they might be acknowledged as a unified group while a designated speaker covers the various points. This helps to avoid repetition while giving an opportunity for people present with the same concerns to be recognized.

Thanks to everyone in the audience for respecting the meeting by refraining from speaking from the audience, applauding speakers, or other actions that distract the meeting.

The following residents spoke at Public Comment Period:

Patrick Harmon, 1214 Woodland Place, High Point, spoke to the work of Resilience High Point and supports the One High Point Commission's policies.

Heidi Majors, Executive Director of the YWCA High Point, thanked the City Council for establishing the One High Point Commission; thanked the NAACP and One High Point Commissioners, and spoke to the goals and mission of the YWCA as well as the YWCA Task Force.

Lovelle McMichael 4337 Southern Oak Drive, spoke in support of the One High Point Commission's recommendations.

Constance Reynolds, 3016 Sherrill Avenue, One High Point Commissioner, spoke in support of the One High Point's Commission recommendations; spoke on behalf of RITC

Electrical and thanked the Council for support of the John Coltrane International Blues and Jazz Festival.

Betina Bullard, 1502 Delk Drive, spoke in support of the One High Point Commission's recommendations.

Tony Graham, One High Point Selection Committee, spoke in support of the High Point Commission's recommendations.

Janet Riley-Wright, 243 Northpoint Avenue, One High Point Commissioner, spoke in support of the High Point Commission's recommendations.

Jane Crammer, 1603 Coventry Road, spoke to the City of High Point's lack of a state university and community colleges as well as transportation issues.

Bernita Simms, 825 Rose Crest Drive, spoke in support of the One High Point Commission's recommendations.

Joyce Hopson Johnson, 2115 Mary Hill Road Greensboro, spoke in support of the One High Point Commission's recommendations.

CONSENT AGENDA ITEMS

A motion was made by Mayor Pro Tempore Hudson, seconded by Council Member Moore, to approve the Consent Agenda as presented.

Motion carried with the following vote:

Aye: Mayor Wagner, Mayor Pro Tem Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Jones, and Member Holmes

2023-414 Consideration of a Resolution to Convey Property located at 1215 Adams Street

City Council is requested to approve a resolution to convey the property located at 1215 Adams Street to the Boys & Girls Club of Greater High Point and that the appropriate City Official(s) be authorized to execute all necessary documents. (Recommended by Community Development Committee)

Approved by the Consent Vote.

2023-415 Consideration for Approval of the 2023 Urgent Repair Program (URP23) Policy Amendments

City Council is requested to approve the amended URP23 Procurement and Disbursement Policies and the amended URP23 Assistance Policy, and that the appropriate City Official(s) be authorized to execute all necessary documents. (Recommended by Community Development Committee)

Approved by the Consent Vote.

2023-428 Consideration of Acquisition of 1109 W. Green Drive in the amount of \$26,000

City Council is requested to approve the acquisition of 1109 W. Green Drive in the amount of \$26,000 to continue to revitalize the Southside Neighborhood and the southwest corridor of the core city and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-407 Consideration of a Task Order to the On-call Master Agreement with Freese and Nichols, Inc. in the amount of \$159,000

City Council is requested to approve a Task Order with Freese and Nichols, Inc in the amount of \$159,000 to update existing plans, apply for permitting and create easement exhibits for construction purposes as a task order to the on-call master agreement and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-418 Consideration of Sole Source Purchase with Clearwater Inc. in the amount of \$44,365

City Council is requested to approve Clearwater Inc. as a Sole Source Vendor for the purchase of a replacement recirculating pump for Dissolved Air Flotation thickener #1 at the Eastside Wastewater Treatment Plant. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-419 Consideration of a Resolution Approving the City of High Point's Water Shortage Response Plan

City Council is requested to approve the City of High Point's Water Shortage Response Plan, Resolution, and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-420 Consideration of a Purchase for Cityworks Asset Management Software in the amount of \$348,000

City Council is requested to approve a purchase of Cityworks Asset Management Software in the amount of \$116,000 per year for a total three-year cost of \$348,000 for the Public Service Department operational processes and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-423 Consideration of a Contract with HDR Engineering Inc. of the Carolinas in the amount of \$323,900 for Implementation of Computerized Maintenance Management System (CMMS)

City Council is requested to approve to a contract with HDR Engineering Inc. of the Carolinas (HDR) to provide services necessary for the implementation of a Computerized Maintenance Management System (CMMS) solution for City business processes and

operations and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-421 Consideration of a Contract with Jimmy R. Lynch and Sons, Inc in the amount of \$14,452,747

City Council is requested to approve a Contract with Jimmy R. Lynch and Sons, Inc in the amount of \$14,452,747 for upgrades of the Eastside Wastewater Treatment Plant UV Disinfection & Primary Clarifier Drain System Improvements, capital project budget ordinance, and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-422 Consideration of an Interlocal Agreement with the City of Greensboro for Wastewater Lift Station

City Council is requested to approve an Interlocal Agreement with the City of Greensboro to receive reimbursement from the City of Greensboro for their portion of the Registers Creek Lift Station Rehabilitation Project, approve a Capital Budget Ordinance, Resolution, and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-425 Consideration of a Resolution Allowing Submittal for Funding Opportunities

City Council is requested to approve a resolution which will allow the Public Services Department to compete for grant funding to implement treatment for emerging compounds at the Piedmont Triad Regional Water Authority plant and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-408 Consideration of a Purchase of Two (2) 2024 Ford F350 Trucks with Flatbed Dump Bodies from Piedmont Truck Center in the amount of \$141,397.60

City Council is requested to approve purchasing two (2) new 2024 Ford F350 with flatbed dump bodies from Piedmont Truck Center, declaring the old trucks as surplus disposing through the online auction process, and authorize the appropriate City Official (s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-409 Consideration of Purchase of three (3) Dennis Eagle Trucks with New Way Side Loading Refuse Bodies from Piedmont Truck Center in the amount of \$1,209,840

City Council is requested to approve the purchase of three (3) Dennis Eagle trucks with New Way side loading refuse bodies from Piedmont Truck Center, declare three (3) current spare trucks as surplus disposing through the online auction process, and

authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-410 Consideration of a Purchase of a New Knuckle Boom Truck from Carolina Environmental Systems, Inc. in the amount of \$215,915

City Council is requested to approve the purchase of a new Hino L7 with Pac Mac model KB-20H-HJ from Carolina Environmental Systems, Inc., a budget ordinance amendment for this purchase, and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-431 Consideration of a Purchase of six (6) Ford Interceptors SUVs from Capital Ford in the amount of \$252,900

City Council is requested to approve the purchase of six (6) Ford Interceptors SUVs from Capital Ford in the amount of \$252,900 and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-416 Consideration of a Contract with Breece Enterprises, Inc. in the Amount of \$199,350.00

City Council is requested to award a contract to Breece Enterprises, Inc. in the amount of \$199,350.00 for installation of fire hydrants in agreed to locations and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-411 Consideration of a Contract with SHI, Inc. in the amount of \$95,573.54

City Council is requested to approve a contract with SHI, Inc. in the amount of \$95,573.54 for the annual renewal of subscription-based services provided by Mimecast and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-413 Consideration of a Resolution Authorizing the Upset Bid Process for Sale of City Properties Located at 1124 Adams Street and 1210 Kimery Drive High Point

City Council is requested to approve a Resolution accepting the offer of \$27,000 from BMS Properties, LLC for city-owned properties located at 1124 Adams Street and 1210 Kimery Drive through the upset bid procedure of N.C.G.S. §160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. §160A-269. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-412 Consideration of Easement Dedications to North Carolina Department of Transportation (NCDOT) - 4515 Johnson Street Complex

City Council is requested to grant temporary easement dedications to NCDOT on city-owned property located at 4515 Johnson Street - Sports Complex for the widening project at Johnson Street and Sandy Ridge Road. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-417 Consideration of a Resolution Authorizing the First Amendment to a Commercial Lease Agreement of Property Located at 300 A Oak Street

City Council is requested to approve a Resolution for an amendment to a commercial lease agreement regarding property located at 300 A Oak Street which includes an eleven month extension to the lease through June 2024, a renegotiated lease rate of \$7,500 per month and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-424 Consideration of a Sole Source Request for a Service Agreement with Fusus, Inc. for a Video and Data Collaboration Platform in the amount of \$100,000

City Council is requested to approve a Sole Source Service Agreement with Fusus, Inc. for a Video and Data Collaboration Platform supporting the Real Time Crime Center (RTCC) operations and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-426 Consideration of a Contract with ODP Business Solutions/Workspace Interiors in the amount of \$227,892

City Council is requested to award a contract to ODP Business Solutions/Workspace Interiors in the amount of \$227,892 for Police Headquarters Shelving and Storage Solutions and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-427 Consideration of a Contract with Owyhee Group Companies in the amount of \$104,970

City Council is requested to award a contract to Owyhee Group Companies in the amount of \$104,970 for infrared lasers for the Police Department's Special Weapons and Tactics Team and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-432 Consideration of a Resolution Authorizing a Lease Agreement with First Baptist Church located at 405 N. Main Street, 407-415 N. Main Street and 149 Church Avenue

City Council is requested to approve a resolution authorizing the City Manager to enter into a lease agreement with First Baptist Church for City-owned property located at 405 N. Main, 407-415 N. Main and 149 Church Avenue for 24 months with monthly installments paid to the city in the amount of \$5,000 and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-440 Consideration of a Purchase of Prographics Field Board Systems for use at Truist Point Stadium

City Council is requested to approve a sole source vendor for the purchase of the Prographics Field Board in the amount of \$75,312 and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-434 Consideration of a Memorandum of Understanding (MOU) between High Point Metropolitan Planning Organization (HPMPO)

City Council is requested to approve a MOU between HPMPO for cooperative, comprehensive, and continued transportation planning with an anticipated annual match for the City of High Point in the amount of \$35,791.89 and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-435 Consideration of a Municipal Agreement with North Carolina Department of Transportation (NCDOT) for Congestion Mitigation & Air Quality (CMAQ) Funds

City Council is requested to approve a Municipal Agreement with NCDOT for CMAQ funds to perform a study of signal system timing along select corridors and authorize the appropriate City Official(s) to execute all necessary documents. NCDOT will allocate a maximum of \$1,218,020 of CMAQ funds to the City of High Point. The City will provide a 20% local match of \$304,505 which has been accounted for in the 2024 CIP budget. (Recommended By Finance Committee)

Approved by the Consent Vote.

2023-442 Consideration of Approval of Minutes

City Council is requested to approve the following minutes:

Public Safety Committee - August 16, 2023 @ 4:00 p.m.

Finance Committee - August 17, 2023 @ 4:00 p.m.

Special Meeting of the High Point City Council - August 21, 2023 @ 4:00 p.m.

Regular Meeting of the High Point City Council - August 21, 2023 @ 5:30 p.m.

Approved by the Consent Vote.

GENERAL BUSINESS AGENDA

2023-445 One High Point Commission Final Report

City Council is requested to accept the One High Point Commission Final Report and direct staff to determine what resources or additional research is needed for each recommendation so Council may prioritize the implementation focus and determine next steps.

Jeron Hollis, Managing Director, provided the staff report for this item and introduced Joseph Alston, Chair of the One High Point Commission.

Mr. Alston provided an overview of the One High Point Commission and recognized the members of the NAACP and thanked everyone that was a part of this historic occasion.

Lea Henry, Project Manager, provided and presented the final report of the One High Point Commission.

Council Member Holmes made a motion, seconded by Mayor Pro Tempore Hudson, that we acknowledge the tremendous work of the One High Point Commission and support of the recommendations and upon the receipt of the report from the One High Point Commission, we direct staff to determine the feasibility, resources, and additional research necessary so that Council may prioritize and create a focus implementation strategy.

Council Member Williams spoke to the lack of media present.

Council Member Jones asked Council Member Holmes to repeat his motion.

Council Member Holmes: I make the motion that Council support the tremendous work of the One High Point Commission and upon receipt and acceptance of this report, we direct staff to determine the feasibility, resources, and additional research necessary so that Council may prioritize and create a focus implementation strategy.

Mayor Pro Tempore Hudson thanked everyone for their comments and their work.

Council Member Johnson spoke to the work of his fellow One High Point Commissioners and thanked everyone for their hard work.

Council Member Jones spoke to his appreciation of the all the hard work performed by everyone involved and noted he is looking forward to what staff provides.

Motion carried with the following vote:

Aye: Mayor Pro Tem Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Jones, and Member Holmes

Nay: Mayor Wagner

2023-433 Consideration of a Contract with Griffin & Strong P.C. in the amount of \$340,300 for a Disparity Study

City Council is requested to approve a contract with Griffin & Strong P.C. in the amount of \$340,300 for a Disparity Study and authorize the appropriate City Official(s) to execute all necessary documents. (Recommended by Finance Committee with three in favor and one opposed)

Bobby Fitzjohn, Chief Financial Officer, provided the staff report for this item.

A motion was made by Mayor Pro Tempore Hudson, seconded by Council Member Johnson, to approve agenda item 2023-433.

Motion carried with the following vote:

Aye: Mayor Pro Tem Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, and Member Holmes

Nay: Mayor Wagner, and Council Member Jones

2023-429 Public Hearing on Phillips Funeral Service, Inc., Zoning Map Amendment 23-20

A request by Phillips Funeral Service, Inc. to rezone approximately 0.7 acres from the Residential Multifamily - 16 (RM-16) District to a Conditional Zoning Office Institutional (CZ-OI) District. The site is located along the north side of Brockett Avenue, approximately 200 feet east of Herbert Place.

Herb Shannon, Senior Planner, provided the staff report for this item.

Mayor Wagner opened the Public Hearing

Mr. Thomas Terrell, Attorney with Fox Rothchild, LLP, 230 N. Elm Street Greensboro, spoke on behalf of the applicant. He asked the applicants to stand and be recognized, provided a PowerPoint presentation, and explained the conditions offered by the applicants.

Mayor Wagner asked if anyone else wished to be heard regarding this item. Seeing none, he closed the Public Hearing.

A motion was made by Mayor Wagner, seconded by Council Member Williams, to approve Zoning Map Amendment 23-20 and adopt the consistency and reasonableness statements provided by the Planning and Zoning Commission.

Motion carried with the following vote:

Aye: Mayor Wagner, Mayor Pro Tem Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Jones, and Member Holmes

Consistency and Reasonableness Statements

Zoning Map Amendment 23-20 is consistent with the City's adopted policy guidance because prior zoning approval has established policy allowing a minor personal service use (funeral home) in this residentially classified area. As conditioned, the requested CZ-OI District is neither consistent nor in conflict with the Land Use Plan and goals and objectives of the Community Growth Vision Statement. Furthermore, as conditioned, the requested CZ-OI District will be compatible with surrounding residential land uses and is similar to previous personal service conditional zoning approvals granted in this area.

2023-430 Public Hearing on City of High Point, Zoning Map Amendment 23-22

A request by the City of High Point to rezone approximately 196 acres as part of the Comprehensive Zoning Map Amendment project. To rezone the Swansgate Subdivision and the Swans Landing Subdivision from the Conditional Use Residential Single Family - 3 (CU R-3) District to a Residential Single Family - 3 (R-3) District. These subdivisions are located along the north side of W. Lexington Avenue, approximately one-mile west of Wallburg-High-Point Road, along Swansgate Lane and Bennington Way.

Mayor Wagner opened the Public Hearing.

Herb Shannon, Senior Planner, provided the staff report for this item.

Matthew "Matt" Altamura, 2924 Swan Lake Drive in Swans Gate, questioned the difference between conditional use and R3 noting issues may arise from a recent Supreme Court Case which dealt with deed restrictions and how this change could alter the nature of the neighborhood. He asked that Council deny this motion and keep it conditional use.

Mr. Shannon stated if the property owner wishes to divide and develop additional homes, that is already allowed and would be permitted. The only condition on the Swans Gate Subdivision from 1993 was the dedication of land along West Lexington for future widening. Even if the conditional use zoning stays in place, that would not prevent those lots from being further subdivided and developed.

Council Member Peters questioned why the City wants to change the zoning.

Mr. Shannon stated this is part of an ongoing project of cleaning up old conditional use zoning. There are situations where property is being sold and during the closing it is discovered there is a conditional use. This can be cumbersome as the homeowner is not aware if the conditions have been met, which could delay a closing of a house 60 days.

Mayor Wagner confirmed the City is making the zoning match what is already in place because the conditions have already been met.

In response to Council Member Moore, Mr. Shannon explained that with the current zoning, a developer could develop and build homes if they are meeting the standards of R3 District, noting if they have deed restrictions that have higher standards the Homeowners Association can enforce those high standards.

In response to Mayor Pro Tempore Hudson, Mr. Shannon confirmed this subdivision has a Homeowners Association.

In response to Council Member Holmes, Mr. Shannon explained Homeowners Associations can have higher standards, but they cannot have lower standards than the City.

Molly Howard, Attorney, questioned the research conducted because the property is taxed in both Davidson County and High Point; spoke to the restrictive covenants of the property in comparison to other neighborhoods with restrictive covenants and asked that more research be performed.

A motion was made by Council Member Peters, seconded by Council Member Johnson, to continue the Public Hearing to the November 6, 2023, City Council Meeting.

Mayor Wagner stated the City is and eliminating a condition that has already been met.

Council Member Jefferson agreed with the Mayor noting a delay in the decision does not prevent a developer from coming in and developing as long as the R3 zoning requirement is met.

Council Member Jones stated if the delay allows the residents to feel more comfortable, he supports the delay.

Aye: Mayor Pro Tem Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Jones, and Member Holmes

Nay: Mayor Wagner

2023-444 Consideration of the Appointment of Dana East to the Theatre Advisory Board

City Council is requested to confirm the appointment of Dana East to the Theatre Advisory Board. Appointment will be effective immediately and will expire June 1, 2026.

A motion was made by Mayor Pro Tempore Hudson, seconded by Council Member Holmes, to approve Dana East's appointment to the Theatre Advisory Board.

Motion carried with the following vote:

Aye: Mayor Wagner, Mayor Pro Tem Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Jones, and Member Holmes

ADJOURNMENT

Council Member Holmes noted that High Point had some great events over the weekend such as the Music Festival and the Arts Festival and thanked everyone for attending.

Council Member Jefferson stated there will be a Unity Festival this Saturday on Washington Street and it is also the birthday of John Coltrane and noted on Saturday, September 30th there will be another Music Festival which will be at the Theatre.

Mayor Wagner stated the High Point Rockers have clinched the second half of the championship, and noted they will play in Gastonia, and will be back in town for Thursday-Saturday and asked everyone to come out and support.

There being no further business to come before the City Council, the meeting adjourned at 7:11 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Sandra Keeney
City Clerk

DRAFT

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on September 23, 2023 and before the City Council of the City of High Point on October 2, 2023 regarding **Zoning Map Amendment Case ZA-23-23 (ZA-23-23)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on September 16, 2023, for the Planning and Zoning Commission public hearing and on September 20, 2023 and September 27, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **October 2, 2023**.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1 (Area A – W. Parris Ave)

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Residential Single Family – 5 (R-5) District**. The property is approximately **0.7** acres and located on the south side of W. Parris Avenue, approximately 640 feet west of N. Main Street. The zoning site is addressed as 149, 151 & 153 W. Parris Avenue and also known as Guilford County Tax Parcels 194664, 194665 and 194666.

SECTION 2 (Area B – Beddington Street)

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Limited Business (LB) District**. The property is approximately **11** acres, and located along Beddington Street, between Blake Avenue and Tower Avenue. The zoning site is also known as Guilford County Tax Parcels 178386, 178387, 178403, 178404, 178405, 178406, 178407, 178408, 178409, 178410, 178411, 178412, 178413, 178414, 178415, 178416, 178417, 178418, 178419, 178420, 178424, 178426, 178428, 178429, 178430, 178431, 178432, 178433, 178434, 178435, 178436, 178437, 178438, 178439 and 178457.

SECTION 3

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.

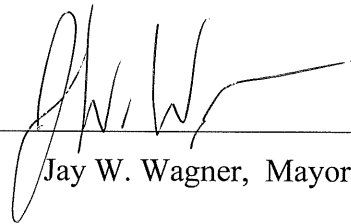
SECTION 4

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

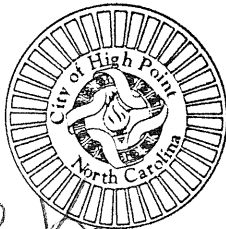
SECTION 5.

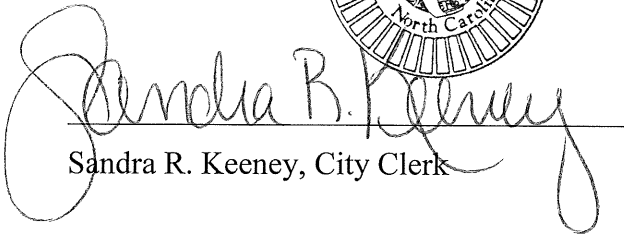
This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 2nd day of October, 2023

By: 
Jay W. Wagner, Mayor

ATTEST:




Sandra R. Keeney, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Reappointments to the High Point Economic Development Corporation Board	
FROM: Mayor Jay Wagner	MEETING DATE: October 2, 2023
PUBLIC HEARING: n/a	ADVERTISED DATE/BY: n/a
ATTACHMENTS: none	

PURPOSE: To confirm reappointments to the High Point Economic Development Corporation Board.

BACKGROUND: Mayor Wagner is recommending the following reappointments to the High Point Economic Development Corporation Board:

- Aaron Clinard, Clinard Consulting
- Brenda Deets, Citizens Bank
- Chris Whitesell, New Plath Digital
- Justin Thompson, Captivate Media
- Scott Holbrook, Key Risk

BUDGET IMPACT: n/a

RECOMMENDATION/ACTION REQUESTED: City Council is requested to confirm the following reappointments to the High Point Economic Development Corporation Board, for a term beginning on the date of reappointment and ending on December 31, 2025:

- Aaron Clinard, Clinard Consulting
- Brenda Deets, Citizens Bank
- Chris Whitesell, New Path Digital
- Justin Thompson, Captivate Media
- Scott Holbrook, Key Risk



FINANCE COMMITTEE

Chaired by Council Member Moore

Committee Members: Moore, Holmes, Jones, and Peters

September 14, 2023 – 4:00 P.M.

Council Chambers

211 S Hamilton Street

FINANCE COMMITTEE - Britt W. Moore, Chair

Present Chair Britt Moore, Committee Members Monica Peters, Michael Holmes, and Victor Jones

PRESENTATION OF ITEMS

CALL TO ORDER

Chair Moore called the meeting to order at 4:00 p.m.

2023-408 Consideration of a Purchase of Two (2) 2024 Ford F350 Trucks with Flatbed Dump Bodies from Piedmont Truck Center in the amount of \$141,397.60

City Council is requested to approve purchasing two (2) new 2024 Ford F350 with flatbed dump bodies from Piedmont Truck Center, declaring the old trucks as surplus disposing through the online auction process, and authorize the appropriate City Official (s) to execute all necessary documents.

Kevin Rogers, Fleet Director, provided the staff report.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-408. Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-409 Consideration of Purchase of three (3) Dennis Eagle Trucks with New Way Side Loading Refuse Bodies from Piedmont Truck Center in the amount of \$1,209,840

City Council is requested to approve the purchase of three (3) Dennis Eagle trucks with New Way side loading refuse bodies from Piedmont Truck Center, declare three (3) current spare trucks as surplus disposing through the online auction process, and authorize the appropriate City Official(s) to execute all necessary documents.

Kevin Rogers, Fleet Director, provided the staff report.

A motion was made by Chair Moore, seconded by Committee Member Peters, to approve agenda item 2023-409.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-410 Consideration of a Purchase of a New Knuckle Boom Truck from Carolina Environmental Systems, Inc. in the amount of \$215,915

City Council is requested to approve the purchase of a new Hino L7 with Pac Mac model KB-20H-HJ from Carolina Environmental Systems, Inc., a budget ordinance amendment for this purchase, and authorize the appropriate City Official(s) to execute all necessary documents.

Kevin Rogers, Fleet Director, provided the staff report.

A motion was made by Chair Moore, seconded by Committee Member Jones, to approve agenda item 2023-410.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-431 Consideration of a Purchase of six (6) Ford Interceptors SUVs from Capital Ford in the amount of \$252,900

City Council is requested to approve the purchase of six (6) Ford Interceptors SUVs from Capital Ford in the amount of \$252,900 and authorize the appropriate City Official(s) to execute all necessary documents.

Kevin Rogers, Fleet Director, provided the staff report.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-431.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-411 Consideration of a Contract with SHI, Inc. in the amount of \$95,573.54

City Council is requested to approve a contract with SHI, Inc. in the amount of \$95,573.54 for the annual renewal of subscription-based services provided by Mimecast and authorize the appropriate City Official(s) to execute all necessary documents.

Adam Ward, Assistant Director, Information Technology Services, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-411.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-412 Consideration of Easement Dedications to North Carolina Department of Transportation (NCDOT) - 4515 Johnson Street Complex

City Council is requested to grant temporary easement dedications to NCDOT on city-owned property located at 4515 Johnson Street - Sports Complex for the widening project at Johnson Street and Sandy Ridge Road.

Kim Thore, Right of Way Coordinator, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-412.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-413 Consideration of a Resolution Authorizing the Upset Bid Process for Sale of City Properties Located at 1124 Adams Street and 1210 Kimery Drive High Point

City Council is requested to approve a Resolution accepting the offer of \$27,000 from BMS Properties, LLC for city-owned properties located at 1124 Adams Street and 1210 Kimery Drive through the upset bid procedure of N.C.G.S. §160A-269 and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. §160A-269.

Kim Thore, Right of Way Coordinator, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Jones, to approve agenda item 2023-413.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-416 Consideration of a Contract with Breece Enterprises, Inc. in the Amount of \$199,350.00

City Council is requested to award a contract to Breece Enterprises, Inc. in the amount of \$199,350.00 for installation of fire hydrants in agreed to locations and authorize the appropriate City Official(s) to execute all necessary documents.

Tommy Reid, Fire Chief, provided the staff report for this item.

Bobby Fitzjohn, Chief Financial Officer, explained special revenue funds and noted a reimbursement from Guilford County will be requested.

A motion was made by Chair Moore, seconded by Committee Member Peters, to approve agenda item 2023-416.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-417 Consideration of a Resolution Authorizing the First Amendment to a Commercial Lease Agreement of Property Located at 300 A Oak Street

City Council is requested to approve a Resolution for an amendment to a commercial lease agreement regarding property located at 300 A Oak Street which includes an eleven month extension to the lease through June 2024, a renegotiated lease rate of \$7,500 per month and authorize the appropriate City Official(s) to execute all necessary documents.

Damon Dequenne, Assistant City Manager, provided the staff report for this item.

Chair Moore made a motion, seconded by Committee Member Holmes, to approve agenda item 2023-417.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-407 Consideration of a Task Order to the On-call Master Agreement with Freese and Nichols, Inc. in the amount of \$159,000

City Council is requested to approve a Task Order with Freese and Nichols, Inc in the amount of \$159,000 to update existing plans, apply for permitting and create easement exhibits for construction purposes as a task order to the on-call master agreement and authorize the appropriate City Official(s) to execute all necessary documents.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Peters, to approve agenda item 2023-407.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-418 Consideration of Sole Source Purchase with Clearwater Inc. in the amount of \$44,365

City Council is requested to approve Clearwater Inc. as a Sole Source Vendor for the purchase of a replacement recirculating pump for Dissolved Air Flotation thickener #1 at the Eastside Wastewater Treatment Plant.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Council Member Peters, to approve agenda item 2023-418.

Motion carried with the following motion:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-419 Consideration of a Resolution Approving the City of High Point's Water Shortage Response Plan

City Council is requested to approve the City of High Point's Water Shortage Response Plan, Resolution, and authorize the appropriate City Official(s) to execute all necessary documents.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-419.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-420 Consideration of a Purchase for Cityworks Asset Management Software in the amount of \$348,000

City Council is requested to approve a purchase of Cityworks Asset Management Software in the amount of \$116,000 per year for a total three-year cost of \$348,000 for the Public Service Department operational processes and authorize the appropriate City Official(s) to execute all necessary documents.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-420.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-423 Consideration of a Contract with HDR Engineering Inc. of the Carolinas in the amount of \$323,900 for Implementation of Computerized Maintenance Management System (CMMS)

City Council is requested to approve to a contract with HDR Engineering Inc. of the Carolinas (HDR) to provide services necessary for the implementation of a Computerized Maintenance Management System (CMMS) solution for City business processes and operations and authorize the appropriate City Official(s) to execute all necessary documents.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Peters, to approve agenda item 2023-423.

Motion carried with following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-421 Consideration of a Contract with Jimmy R. Lynch and Sons, Inc in the amount of \$14,452,747

City Council is requested to approve a Contract with Jimmy R. Lynch and Sons, Inc in the amount of \$14,452,747 for upgrades of the Eastside Wastewater Treatment Plant UV Disinfection & Primary Clarifier Drain System Improvements, capital project budget ordinance, and authorize the appropriate City Official(s) to execute all necessary documents.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Chairman Moore, seconded by Committee Jones, to approve agenda item 2023-421.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-422 Consideration of an Interlocal Agreement with the City of Greensboro for Wastewater Lift Station

City Council is requested to approve an Interlocal Agreement with the City of Greensboro to receive reimbursement from the City of Greensboro for their portion of the Registers Creek Lift Station Rehabilitation Project, approve a Capital Budget Ordinance, Resolution, and authorize the appropriate City Official(s) to execute all necessary documents.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Committee Member Peters, seconded by Committee Member Holmes, to approve agenda item 2023-422.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-425 Consideration of a Resolution Allowing Submittal for Funding Opportunities

City Council is requested to approve a resolution which will allow the Public Services Department to compete for grant funding to implement treatment for emerging compounds at the Piedmont Triad Regional Water Authority plant and authorize the appropriate City Official(s) to execute all necessary documents.

Robby Stone, Public Service Director, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-425.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-424 Consideration of a Sole Source Request for a Service Agreement with Fusus, Inc. for a Video and Data Collaboration Platform in the amount of \$100,000

City Council is requested to approve a Sole Source Service Agreement with Fusus, Inc. for a Video and Data Collaboration Platform supporting the Real Time Crime Center (RTCC) operations and authorize the appropriate City Official(s) to execute all necessary documents.

Travis Stroud, Police Chief, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-424.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-426 Consideration of a Contract with ODP Business Solutions/Workspace Interiors in the amount of \$227,892

City Council is requested to award a contract to ODP Business Solutions/Workspace Interiors in the amount of \$227,892 for Police Headquarters Shelving and Storage Solutions and authorize the appropriate City Official(s) to execute all necessary documents.

Travis Stroud, Police Chief, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Peters, to approve agenda item 2023-426.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-427 Consideration of a Contract with Owyhee Group Companies in the amount of \$104,970

City Council is requested to award a contract to Owyhee Group Companies in the amount of \$104,970 for infrared lasers for the Police Department's Special Weapons and Tactics Team and authorize the appropriate City Official(s) to execute all necessary documents.

Travis Stroud, Police Chief, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Peters, to approve agenda item 2023-427. Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-428 Consideration of Acquisition of 1109 W. Green Drive in the amount of \$26,000

City Council is requested to approve the acquisition of 1109 W. Green Drive in the amount of \$26,000 to continue to revitalize the Southside Neighborhood and the southwest corridor of the core city and authorize the appropriate City Official(s) to execute all necessary documents.

Nena Wilson, Community Development Director, provided the staff report for this item.

A motion was made by Committee Member Peters, seconded by Committee Member Holmes, to approve agenda item 2023-428.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-432 Consideration of a Resolution Authorizing a Lease Agreement with First Baptist Church located at 405 N. Main Street, 407-415 N. Main Street and 149 Church Avenue

City Council is requested to approve a resolution authorizing the City Manager to enter into a lease agreement with First Baptist Church for City-owned property located at 405 N. Main, 407-415 N. Main and 149 Church Avenue for 24 months with monthly installments paid to the city in the amount of \$5,000, and authorize the appropriate City Official(s) to execute all necessary documents.

Eric Olmedo, Assistant City Manager, provided the staff report for this item.

Chair Moore made a motion, seconded by Committee Member Jones, to approve agenda item 2023-432.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-440 Consideration of a Purchase of Prographics Field Board Systems for use at Truist Point Stadium

City Council is requested to approve a sole source vendor for the purchase of the Prographics Field Board in the amount of \$75,312 and authorize the appropriate City Official(s) to execute all necessary documents.

Eric Olmedo, Assistant City Manager, provided the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-440.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-433 Consideration of a Contract with Griffin & Strong P.C. in the amount of \$340,300 for a Disparity Study

City Council is requested to approve a contract with Griffin & Strong P.C. in the amount of \$340,300 for a Disparity Study and authorize the appropriate City Official(s) to execute all necessary documents.

Bobby Fitzjohn, Chief Financial Officer provided the staff report for this item.

Cynthia Barnes, MWBE Coordinator, provided information regarding logistics of the study and possible times lines for completion.

A motion was made by Chair Moore, seconded by Committee Member Holmes, to approve agenda item 2023-433.

Motion carried with the following motion:

Aye: Chair Moore, Committee Member Peters, and Committee Member Holmes

Nay: Committee Member Jones

2023-434 Consideration of a Memorandum of Understanding (MOU) between High Point Metropolitan Planning Organization (HPMPO)

City Council is requested to approve a MOU between HPMPO for cooperative, comprehensive, and continued transportation planning with an anticipated annual match for the City of High Point in the amount of \$35,791.89 and authorize the appropriate City Official(s) to execute all necessary documents.

Andrew Edmonds, Transportation Planning Administrator, provided the staff report for this item.

Chair Moore, made a motion, seconded by Committee Member Peters, to approve agenda item 2023-424.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

2023-435 Consideration of a Municipal Agreement with North Carolina Department of Transportation (NCDOT) for Congestion Mitigation & Air Quality (CMAQ) Funds

City Council is requested to approve a Municipal Agreement with NCDOT for CMAQ funds to perform a study of signal system timing along select corridors and authorize the appropriate City Official(s) to execute all necessary documents. NCDOT will allocate a maximum of \$1,218,020 of CMAQ funds to the City of High Point. The City will provide a 20% local match of \$304,505 which has been accounted for in the 2024 CIP budget.

Greg Venable, Transportation Director, proved the staff report for this item.

A motion was made by Chair Moore, seconded by Committee Member Peters, to approve agenda item 2023-435.

Motion carried with the following vote:

Aye: Chair Moore, Committee Member Peters, Committee Member Holmes, and Committee Member Jones

ADJOURNMENT

Announcements were made regarding the High Point Music Festival and the Carolina Core Soccer Brand Reveal.

There being no further business to come before the Committee, the meeting adjourned at 4:42 p.m.

Respectfully Submitted,

Britt Moore, Chairman

Attest:

Sandra Keeney, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Zoning Map Amendment 23-25 (Kumasi Management Services, LLC)	
FROM: Sushil Nepal, AICP Planning & Development Director	MEETING DATE: October 2, 2023
PUBLIC HEARING: Yes	ADVERTISED DATE/BY: September 20 & 27, 2023 Planning & Development
ATTACHMENTS: A. Staff Report B. Zoning Ordinances	

PURPOSE:

A request by Kumasi Management Services, LLC to rezone approximately 14.2 acres from a Conditional Use Light Industrial (CU-LI) District to a Conditional Zoning General Business (CZ-GB) District. The site is located along the north and south sides of Furniture Avenue, approximately 0.3 mile (1,800 feet) east of Riverdale Road (4257, 4265, 4262 & 4268 Furniture Avenue).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at its September 26, 2023 public hearing. All members of the Commission were present, except for member Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Speaking in favor of this this request was the applicant, Mr. Simon Johnson, 3296 Kittering Lane, Winston-Salem, with the College Preparatory and Leadership Academy of High Point. Also speaking in favor was Mr. Matt McCarthy, 1235 Gatehouse Road, High Point, pastor of Vertical Church.

These speakers noted that the Vertical Church is proposing to relocate from its Furniture Avenue location to another facility and rezoning this 20,000 square-foot building for a school will be an excellent reuse of this building. The College Preparatory and Leadership Academy of High Point has an existing school west of this site, and the zoning request would support expanding their operations to support S.T.E.M. classrooms and laboratories for their elementary and middle school students.

There were no speakers in opposition to this request.

BUDGET IMPACT:

There is no budget impact.

RECCOMENDATION/ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 7-0. (vote count based on having one absent member and one vacant seat on the commission).



2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 7-0 to approve the following statement:

Zoning Map Amendment 23-25 is consistent with the City's adopted policy guidance because the requested CZ-GB District is similar and compatible with previous conditional zoning approvals granted in this area. Furthermore, the zoning site is adjacent to other CZ-GB District zoning that has been approved in this area.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-25
September 26, 2023**

Request	
Applicant: Kumasi Management Services, LLC	Owners: Vertical Church Greensboro
Zoning Proposal: To rezone approximately 14.2 acres	From: CU-LI Conditional Use Light Industrial District
	To: CZ-GB Conditional Zoning General Business District
Notices: • Applicant held a Citizen Information Meeting <i>(Yes)</i> • As required by Section 2.3.6 (Notification) of the Development Ordinance, the Planning and Development Department provided published, mailed and posted notice of this public hearing	

Site Information	
Location:	The site is located along the north and south sides of Furniture Avenue, approximately 1,800 feet east of Riverdale Road (4257, 4265, 4262 & 4268 Furniture Avenue).
Tax Parcel Number:	Guilford County Tax Parcels 209383, 209384, 209387 & 209386
Site Acreage:	Approximately 14.2 acres
Current Land Use:	The zoning site consists of four parcels. One is developed with a 20,440 square foot church and the other parcels are undeveloped.
Physical Characteristics:	The site has a moderate to severely sloping terrain. A perennial stream runs through the northern half of the site adjacent to US 29 (formerly known as Business 85). The northern and northeastern portion of the site is encumbered by a 1) Water Quality Conservation Easements, 2) two bio-retention cells (stormwater devices) behind the existing church, and 3) a 20 foot wide sanitary sewer easement.
Water and Sewer Proximity:	A 8-inch City water line lies adjacent to the site along Furniture Avenue. There are two separate 8-inch City sewer lines that runs along the northern and southern boundary of the site.
General Drainage and Watershed:	The site drains in a northeasterly and easterly direction and development is subject to the Randleman Lake Watershed Critical Area (WCA) requirements. Primary stormwater control measures are required for development (impervious area) that exceeds 12% or more of the site to mitigate runoff. The site lies within Tiers 1, 2 and 3 of the Randleman Lake WCA. Development in these tiers is limited as follows: <u>Tier 1</u> – No development, except for public water dependent structures. <u>Tier 2</u> – One dwelling unit per 5 acres or 2.5% built-upon (impervious) area. <u>Tier 3</u> – One dwelling unit per 3 acres or 4% built-upon (impervious) area.
Overlay District:	Watershed Overlay - Randleman Lake Watershed Critical Area (WCA)

Adjacent Property Zoning and Current Land Use			
North:	AG CZ-HB	Agricultural District Conditional Zoning Highway Business District <i>(both within Guilford County)</i>	US 29 corridor and undeveloped parcel
South:	HI	Heavy Industrial District	Quarry
East:	CU-LI	Conditional Use Light Industrial District	Undeveloped parcels
West:	CU-LI CZ-GB	Conditional Use Light Industrial District Conditional Zoning General Business District	Retail/warehousing facility Undeveloped parcel

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	<u>Obj. 1B:</u> Preserve and link environmentally sensitive lands such as floodplains, wetlands and steep slopes. <u>Obj. 1C:</u> Protect the city's water supply through compatible use and design innovations, and minimizing the disturbance of land. <u>Obj. 5B:</u> Focus particular attention on the appearance of key gateways into High Point to convey to visitors a positive first and last impression of the community.
Land Use Plan Map Classification:	The site has a Restricted Industrial land use designation. This classification accommodates office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites in unified developments.
Land Use Plan Goals, Objectives & Policies:	The following goal and objectives of the Land Use Plan are relevant to this request: Goal #1: Ensure that development respects the natural environment. Obj.#1. Encourage the preservation of existing trees along the City's gateway corridors and within street rights-of-way and areas of forest cover. Obj. #2. Protect and preserve environmentally sensitive locations including designated open space and watershed critical areas from inappropriate development. Obj. #11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.
Relevant Area Plan:	<u>Business Interstate 85 Corridor Plan</u> This plan, adopted in 1997, examined this important gateway into High Point with special attention paid to corridor appearance. It established policies related to using conditional zoning to prevent additional billboards, to encourage the location of communication towers as far from Business I-85 as possible, and to encourage good building and site design, taking into special consideration building orientation and the placement of such unattractive features as loading docks. Building materials and color, and the placement of structures in relation to existing vegetation were also mentioned as being of concern. Another policy was to make the NCDOT District Engineer aware of

	the city's strong interest in maintaining the maximum number of native trees possible in its right-of-way.
Zoning History:	<u>East of zoning site (ZA-94-26):</u> Parcels to the east (at terminus of Furniture Avenue) were annexed and granted their current CU-LI District zoning in 1994 to support development of retail uses. No development has occurred due to environmental and watershed critical area restrictions. <u>West of zoning site (ZA-14-05 and 21-15):</u> The undeveloped abutting parcel to the west was rezoned from the CU-LI District to the CZ-GB District in 2021. The parcel at the corner of US 29 & Riverdale Drive/corner of Furniture Avenue & Riverdale Drive was rezoned in 2014 to a CZ-LI District to support the existing Major school (The Point – <i>The College Preparatory and Leadership Academy of High Point</i>)

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Furniture Avenue US 29		Local Street Major Throughfare	582 ft. 931 ft.
Vehicular Access:	Via driveway access from Furniture Avenue.			
Traffic Counts: (Average Daily Trips)	US 29 (Bus. 85)——	29,500 AADT (2021 NCDOT traffic counts)		
	Riverdale Drive——	1,500 AADT (2021 NCDOT traffic counts)		
	Furniture Avenue——	None, NCDOT does not typically conduct counts on local streets		
Estimated Trip Generation:	Not applicable			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	Not applicable.	
Conditions:	1) <u>Access</u> : No vehicular access shall be permitted to US 29 (formerly known as Business 85/US 29/US 70). 2) <u>Improvements</u> : The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements.			

School District Comment
Not applicable to this zoning case.

Details of Proposal

The zoning site is part of a larger 60-acre area that was annexed and developed as a commercial subdivision in the late 1990s. Various parcels in this subdivision (along Furniture Avenue) were developed with retail structures. The character of this commercial subdivision began to change in the early 2010s as the various retail uses were closed and converted to institutional uses (churches and a charter school). Environmental restraints will limited the development potential on the remaining undeveloped parcels in this commercial subdivision.

The applicant is requesting rezoning to convert an existing church to a minor school use. The minor school land use designation is defined by the Development Ordinance as an elementary school or

middle school designed for less than 800 students, or any combination thereof designed for less than 800 students. The proposed school will be associated with the adjacent charter school “*The College Preparatory and Leadership Academy of High Point or (CPLA)*” located west of the zoning site at corner of Furniture Avenue and Riverdale Drive. The applicant intends to use this structure to accommodate S.T.E.M related classes and laboratories for CPLA elementary and middle school students.

Associated with this zoning request is a conditional zoning ordinance in which conditions have been offered consistent with prior zoning approval along Furniture Avenue, pertaining to permitted & prohibited uses, development requirements, lot combination and vehicular access. Finally, a condition is purpose to not require installation of an onsite student dropping and vehicle stacking area as long as the facility is associated with CPLA.

Staff Analysis

Section 2.4.6.C of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. Based on the applicant’s submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City’s adopted policy guidance.

The requested CZ-GB District is similar and compatible with previous conditional zoning approvals granted in this area.

Reasonableness/Public Interest:

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

The zoning site is adjacent to other CZ-GB District zoning that has been approved in this area.

Compatibility with Surrounding Areas

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
- Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
- Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.

The zoning site is part of an established non-residential subdivision that abuts a quarry to the south, a cemetery to the west (along Riverdale Drive) and an environmentally sensitive area (flood zones) associated with the Deep River to the east. Rezoning to support the reuse of an existing building, for a school, has previously been supported in this subdivision and would provide a compatible reuse of and an existing structure.

Mitigation of Impacts

Whether the applicant's proposed conditional zoning district, including the proposed use(s), written conditions, and conditional zoning plan (if applicable), will satisfactorily:

Mitigation #1	Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc. The applicant has offered to carry forward previously adopted zoning conditions that prohibit access to US 29. Furthermore, standards of the Development Ordinance pertaining to exterior lighting, screening of solid waste collection areas and ground-based mechanical equipment will mitigate impacts on adjacent lands.
Mitigation #2	Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat. ❖ The zoning site is located with the Randleman Lake Watershed Critical Area (WCA) which severely restricts new development and grading on the site. ❖ A perennial stream runs through the northern portion of site, a 200 foot wide stream buffer (100-feet along both sides of the stream) is to be maintained along this stream corridor. ❖ The site has some steep terrain, slopes greater than 15%. Drainageways, streams, and wetlands adjacent to this steeper terrain are to remain in a natural and undisturbed condition except for road crossings, utilities and stormwater control devices.
Mitigation #3	Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire. The site is within an area currently served by City of High Point utilities and municipal services. The zoning submittal has no known adverse impacts on municipal services.
Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands. The zoning site is part of a larger commercial subdivision that was developed for furniture related retail uses. The retail nature of this subdivision has changed with 4 of the 5 former retail structures being converted to a school or religious institutions. Staff has not identified any evidence that updating the zoning to permit additional educational uses would negatively impact adjacent lands.

Supportive Changes in the Area

Whether and the extent to which there have been changes in the type or nature of development in the area of the proposed conditional zoning district that support the application.

The application does not change the type or intensity of uses currently established within this commercial subdivision.

Promotes a Preferred Development Pattern

Whether and the extent to which the proposed conditional zoning district will result in development that promotes a logical, preferred, and orderly development pattern.

As conditioned, the proposed updated CZ-GB District will maintain the intent of development activities being oriented toward Furniture Avenue.

Recommendation

Staff Recommends Approval :

The Planning and Development Department recommends approval of the request to rezone this 14.2 acres to the CZ-GB District.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

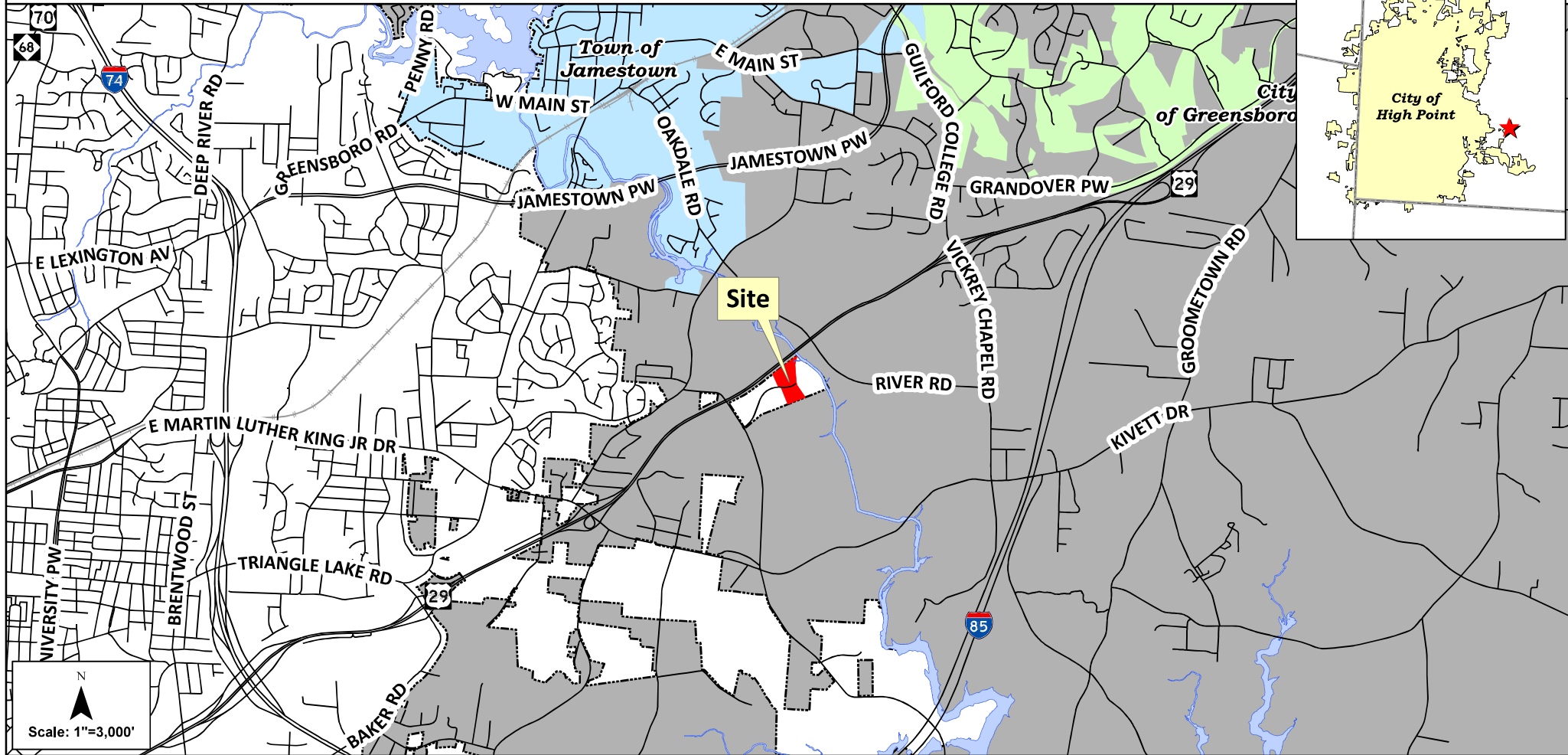
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Sushil Nepal AICP, Planning and Development Director.



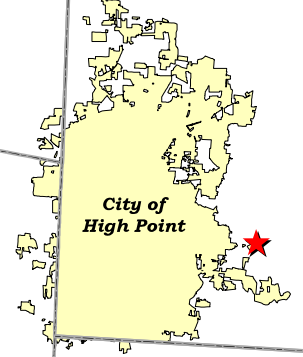
LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-25

Applicant: Vertical Church Greensboro, Kumasi Management Services LLC, and The Point College Prep

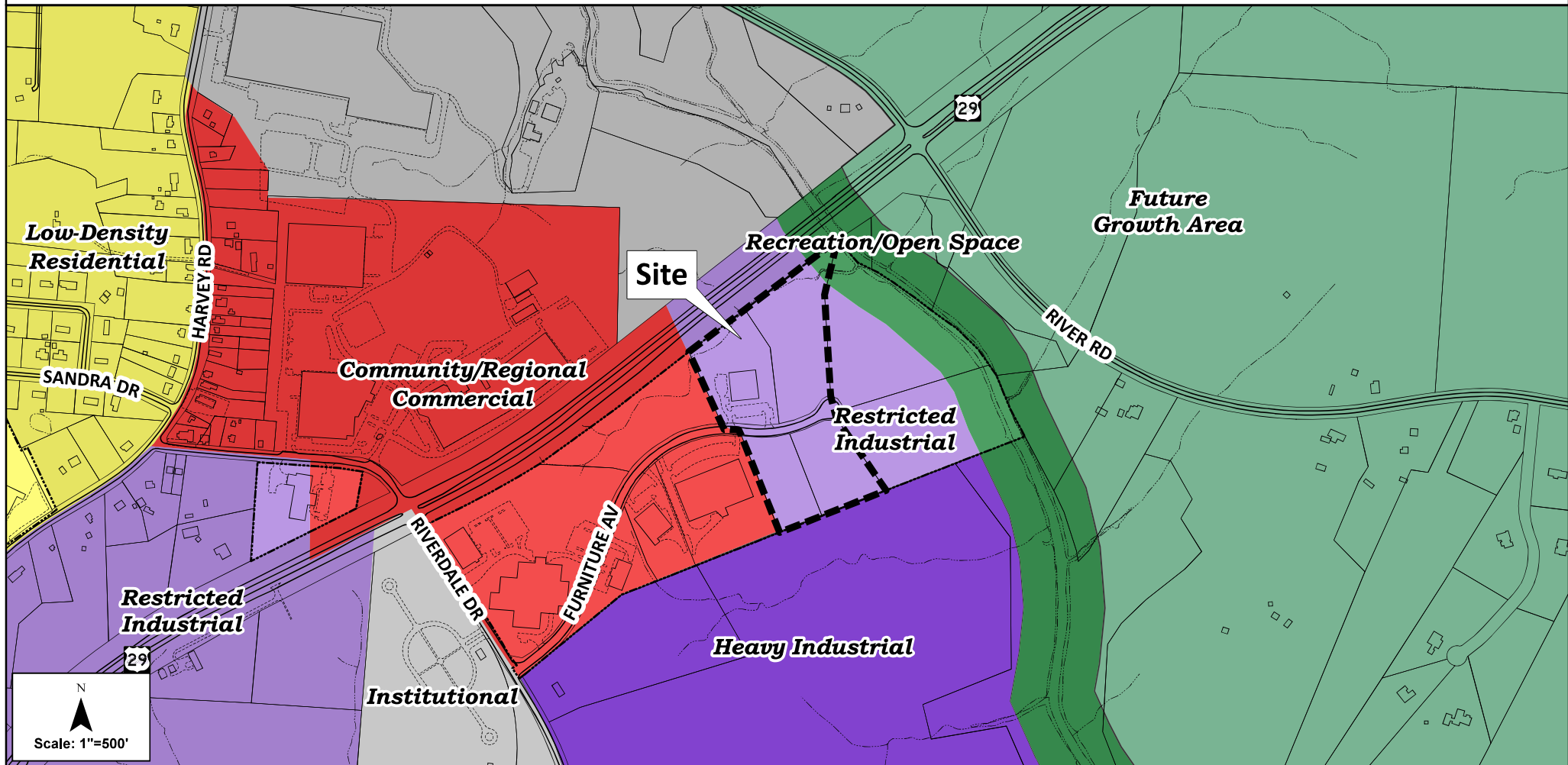


Vicinity Map



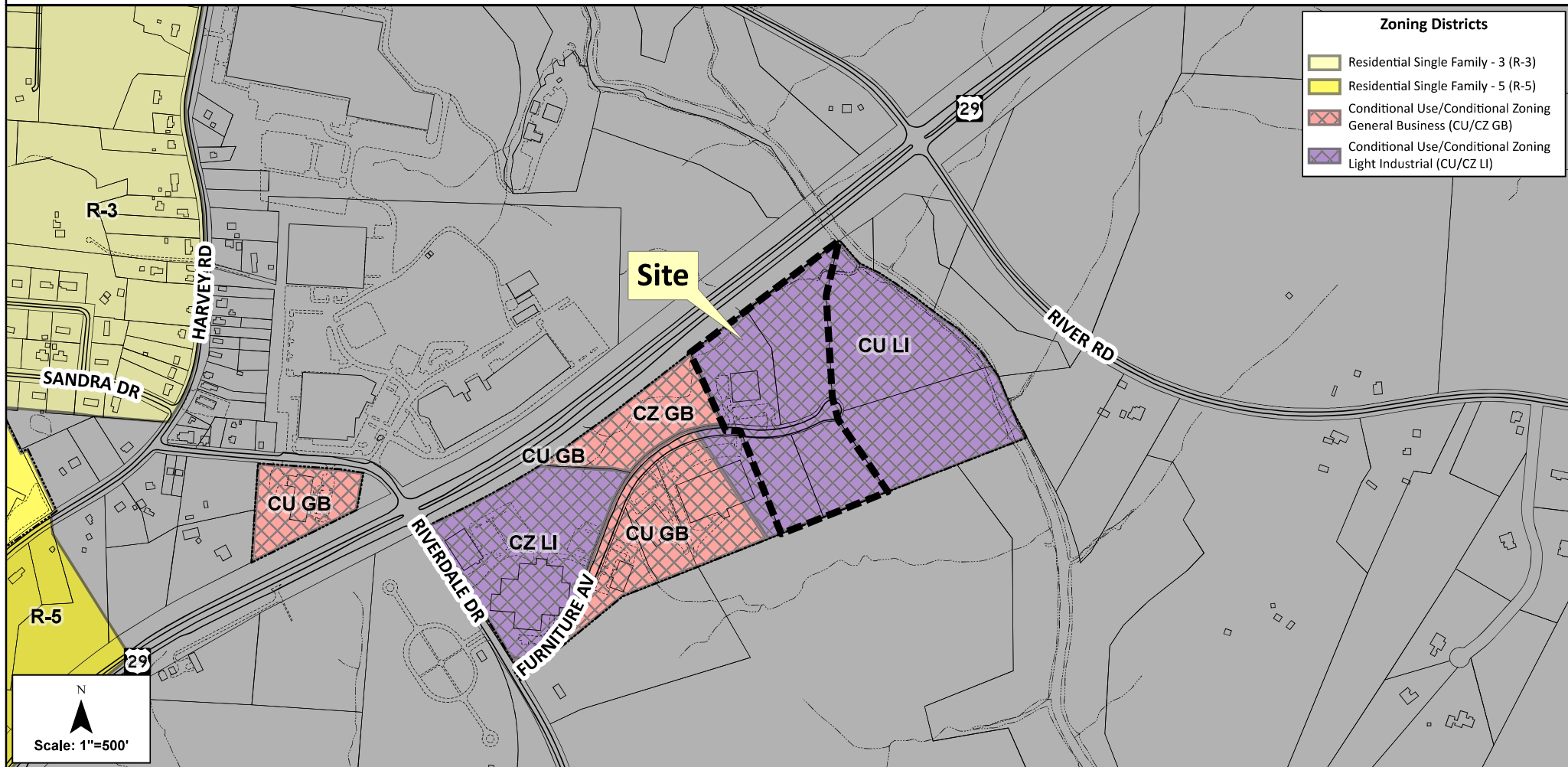
ZONING MAP AMENDMENT: ZA-23-25

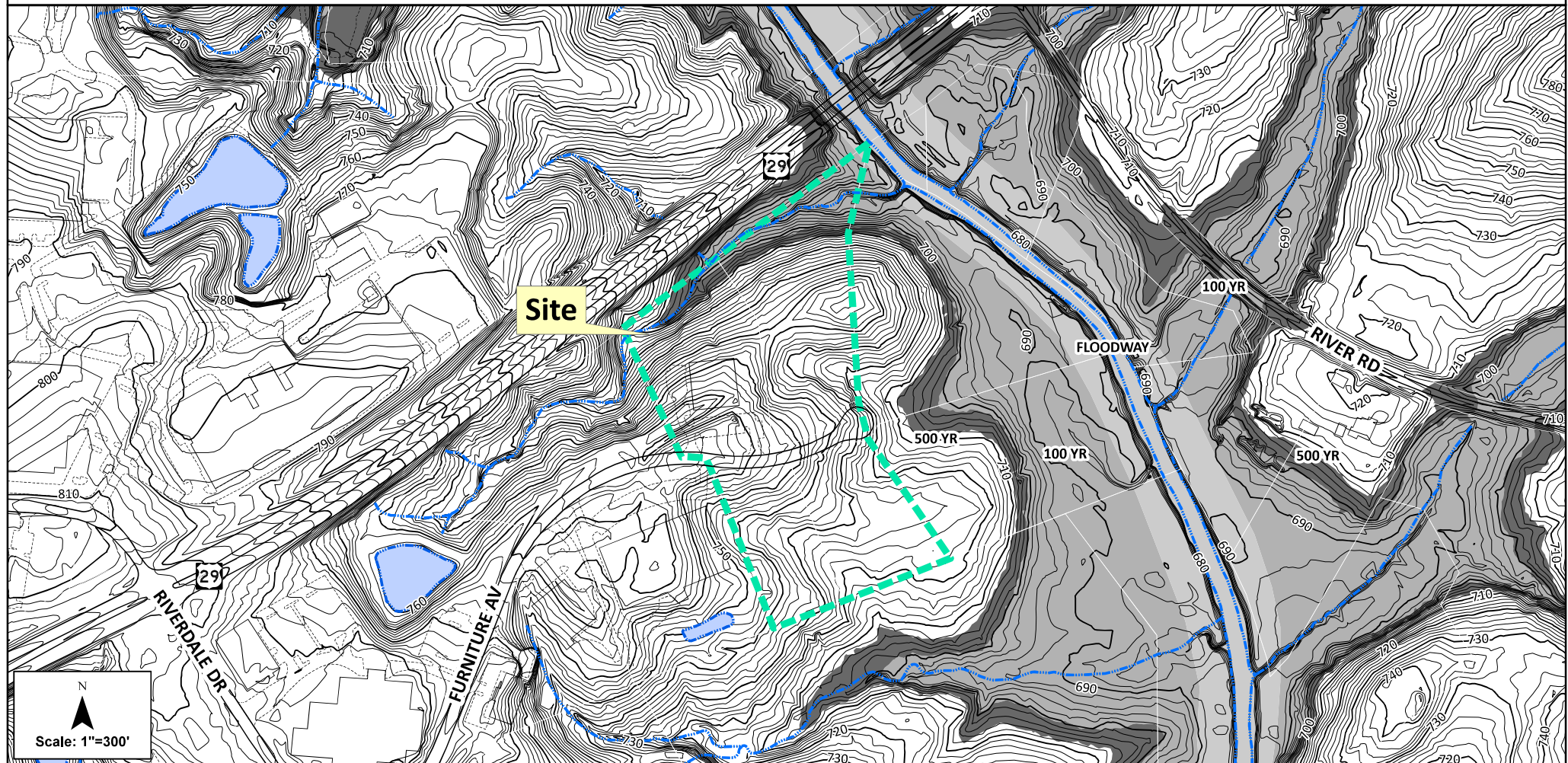
LAND USE PLAN MAP



ZONING MAP AMENDMENT: ZA-23-25

COLOR-CODED ZONING MAP





ZONING MAP AMENDMENT: ZA-23-25

AERIAL PHOTOGRAPHY (FEB. 2022)



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on September 26, 2023 and before the City Council of the City of High Point on October 2, 2023 regarding **Zoning Map Amendment Case 23-25 (ZA-23-25)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on September 16, 2023, for the Planning and Zoning Commission public hearing and on September 20, 2023 and September 27, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **October, 2023**.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning General Business (CZ-GB) District**. The property is approximately 14.19 acres, lying along the north and south sides of Furniture Avenue, approximately 0.3 mile (1,800 feet) east of Riverdale Road (4257, 4265, 4262 & 4268 Furniture Avenue). The property is also known as Guilford County Tax Parcels 209383, 209384, 209387 & 209386.

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. USES:

- A. Permitted Uses: Any uses allowed in the General Business (GB) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.
- B. Prohibited Uses: The following use types, as enumerated in Table 4.1.9 (Principal Use Table) of the Development Ordinance, shall be prohibited:
 1. Institutional Use Category
 - a. Taxi or limousine service facility

2. Commercial Use Category
 - a. Bulky item sales
 - b. Restaurant, major
 - c. Amusement parks
 - d. Major vehicular establishment
 - e. Minor vehicular establishment
 - f. Recreational Vehicle Parks or Campsites
3. Industrial Use Category
 - a. Self-storage, external access

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Development: A perennial stream runs in a general northeasterly direction along the northern/northeastern portion of the site. No development shall be permitted on that portion of the site lying between the stream and the US 29 (formerly known as Business 85) right-of-way.
2. Building Aesthetics: Decorative screening and/or landscaping shall be installed so as to screen from public view along US 29 all trash rooms, trash holding receptacles, loading or service areas, mechanical or electrical equipment, storage facilities or bins, or other unsightly building appurtenances. Appropriate screening shall also be provided to screen as much as reasonably possible from public view along US 29 all roof-mounted equipment, appurtenances, and roof vents from public view.

B. Lot Combination:

1. Guilford County Tax Parcel 209383 and 209384 (*4257 & 4265 Furniture Avenue*) shall be combined into one lot prior to resubdivision or any new development upon these parcels.
2. Guilford County Tax Parcel 209387 and 209386 (*4262 & 4268 Furniture Avenue*) shall be combined into one lot prior to resubdivision or any new development upon these parcels.

C. Transportation Conditions.

1. Access: No vehicular access shall be permitted to US 29.
2. Use restriction for School (major or minor) use type:
 - a. Any use of the zoning site for a School use type, as permitted in Table 4.1.9 Principal Use Table of the Development Ordinance, shall be affiliated with the Major School use located at 4201 Furniture Avenue (Guilford County Tax Parcel 209376) known as “The College Preparatory and Leadership Academy of High Point” (CPLA).

- b. If a School use type on the zoning site is not directly affiliated with CPLA, then onsite vehicular stacking / student drop-off and student pick-up shall be installed on 4257 & 4265 Furniture Avenue (Guilford County Tax Parcels 209383 & 209384) to standards required by the City of High Point Transportation Department. This onsite vehicle stacking, student drop-off and pick up shall:
 - i. obtain land development permits, and
 - ii. be installed within one year of the separate school being established on the zoning site.
 - c. Failure to meet the above noted use standard shall cause the zoning to become void and administrative initiation of a Zoning Map Amendment application by the City of High Point Planning and Development Department to establish a less intensive zoning district on the site.
 3. Other Transportation Conditions The City of High Point Transportation Director and the North Carolina Department of Transportation (if applicable) shall approve the exact location and design of all access points and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 2nd day of October, 2023

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

KMS KUMASI MANAGEMENT SERVICE, LLC

3296 Kittering Ln
Winston Salem, NC 27105
336-577-3726

September 1, 2023

To: Planning & Development Office, City of High Point, NC
Meeting Recap

From: Simon Johnson
Kumasi Management Service, LLC

Re: Rezoning Case ZA-23-25
Citizens Information Meeting, August 30, 2023, 5:00 PM

Kumasi Management Services, LLC conducted a Citizen's Information Meeting in support of Rezoning Case ZA-23-25. The meeting was held at Vertical Church Triad, 4257 Furniture Ave, Jamestown, NC 27282 meeting lobby on 8/30/2023. Letters of invitation were mailed to the affected property owners via certified mail on August 23, 2023 (Letter is attached).

Mr. Johnson informed the attendants of the proposed use of the facilities that would support the neighboring school's (College Preparatory and Leadership Academy of High Point) educational needs. It was a positive meeting with specific discussion based on how this proposal would affect the surrounding businesses.

A telephone conversation was held with Mark Hayes who represents Turtle Trail Holdings on August 28, 2023. He was not able to attend the meeting. He voiced his support for the proposal and indicated that he was interested in selling some of the Turtle Trail Holdings.

There were no objections to the presented plan.

Attachments:

Citizen's Information Meeting Sign-in Sheet
Citizen's Information Agenda & Handouts
List of Neighboring Property Owners
Letter sent to Neighboring Property Owners
City of High Point Citizen Information Meetings

Sign-In Sheet

Citizens Information Meeting

August 30, 2023

Application #ZA-23-25-Rezoning

4257-4265-4262 & 4268 Furniture Avenue

Name

Address

DANIEL PAUL

Winston. Salem

Michelle Johnson

8705 Shady Hill Ct, Colfax

MATTHEW MCCARTHY

4057 FURNITURE AVE JAMIS TOWN, NC 27282

Sumar S Johns

3296 Kittering Ln W-S, NC

Eula Johnson

3296 Kittering Ln, Winston, Salem, NC

Delleau Johnson

3296 Kittering Ln - W-S, NC

Citizens Information Meeting
Rezoning Application Number ZA-23-25
CPLA Purchase of Vertical Church Triad

August 30, 2023

5:00 PM

Vertical Church Triad

4257 Furniture Ave

Jamestown, NC 27282

I. Welcome

II. Purpose of the Meeting

To allow the person filing an application for rezoning the opportunity to inform citizens about their development proposal and to provide citizens the opportunity to ask questions and find out more about the proposal.

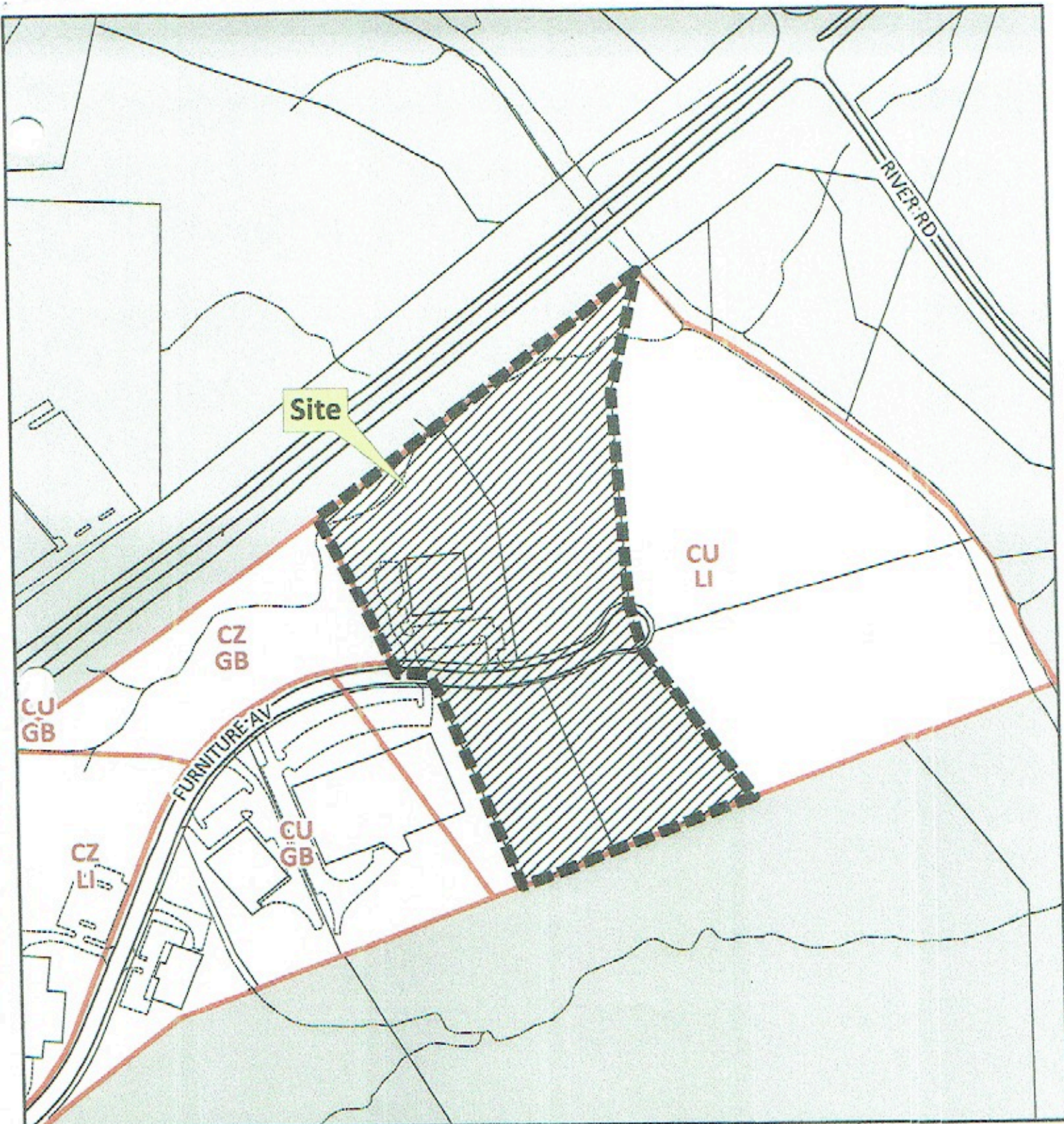
All of the area property owners (within 300 feet of the proposed zoning site) were sent a notice advising them of this meeting on 8/25/2023).

III. Proposed Facility

Inform how the proposed facility at the site will be in support of the needs of the school.

IV. Discussions, Comments, Ideas, Suggestions & Questions

V. Sign In Sheet (Attached)



ZONING MAP AMENDMENT ZA-23-25

From: Conditional Use Light Industrial (CU LI)
To: Conditional Zoning General Business (CZ GB)

CITY OF
high point

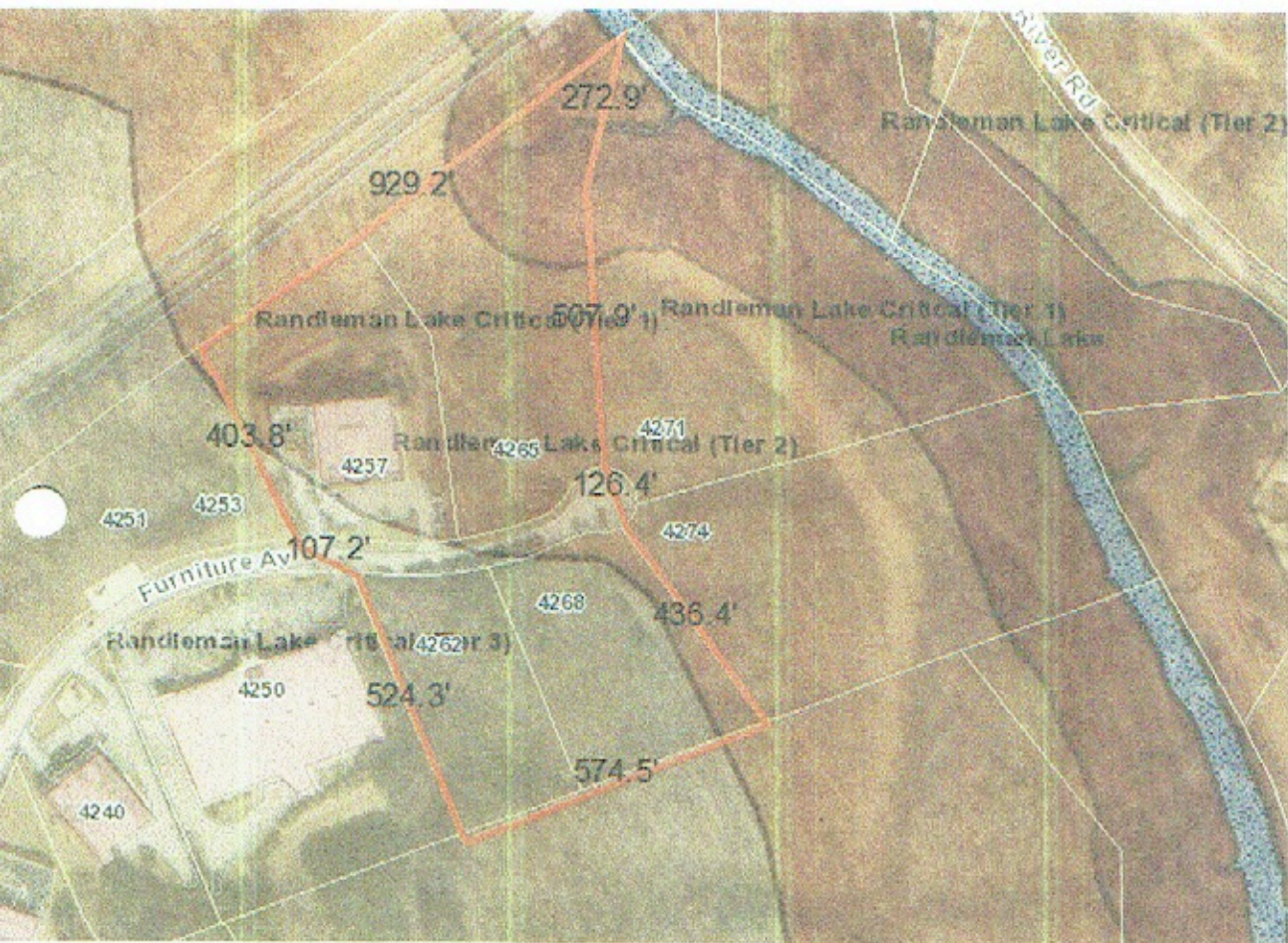
PLANNING AND
DEVELOPMENT

N

Scale: 1" = 300'

Existing Zoning Boundary
Subject Property Boundary



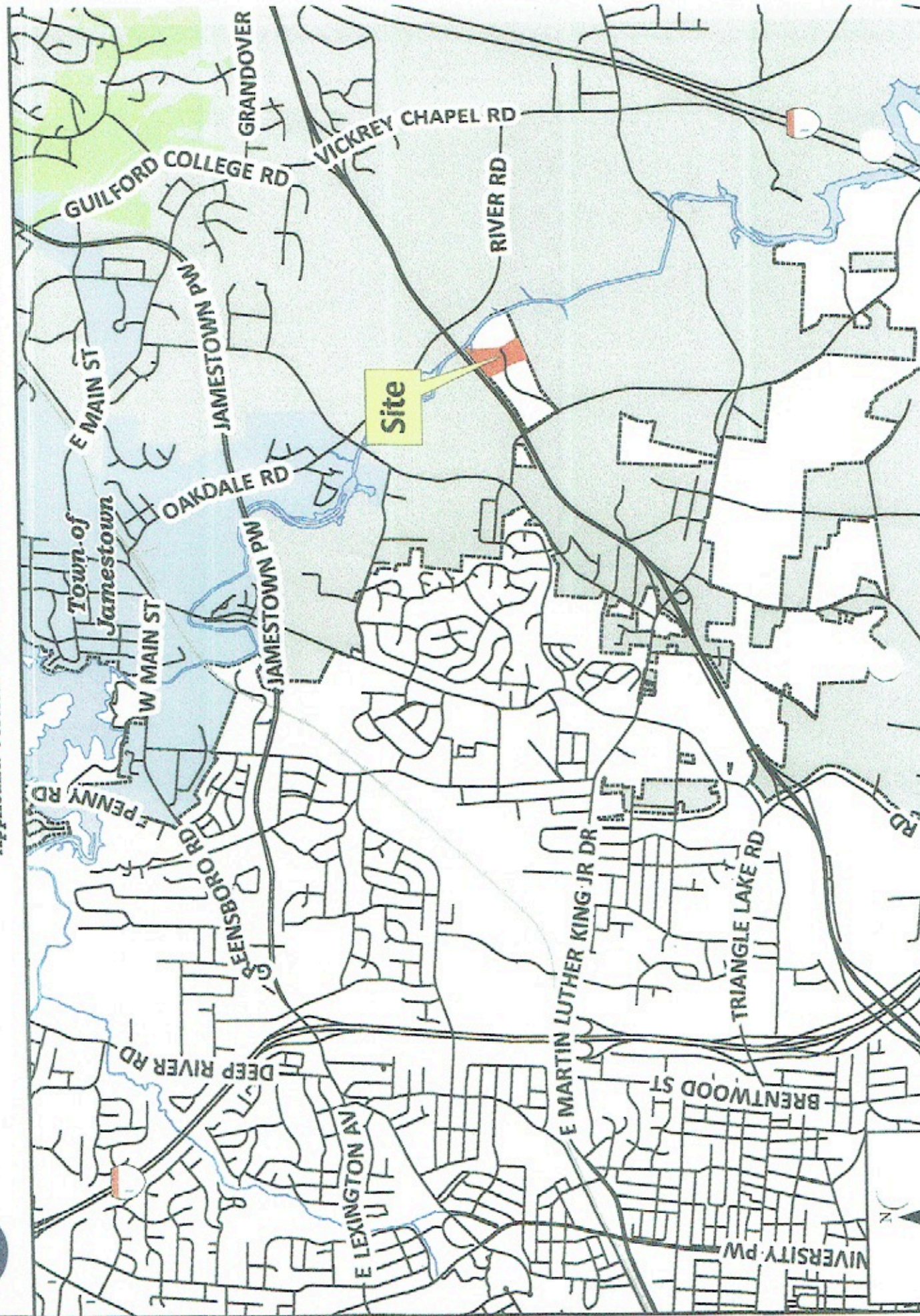




LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-25

Applicant: Vertical Church Greensboro, Kumasi Management Services LLC, and The Poi



City of High Point
Citizen Information Meetings



Persons filing certain development applications with the City of High Point are required to hold a citizen information meeting. This requirement applies to applications for a Conditional Zoning District, Planned Development District, Special Use and a Zoning Map Amendment that proposes to establish a more intense zoning district.

The City of High Point finds that quality development is better achieved through an informed and cooperative process than an adversarial one. The purpose of the citizen information meeting is to allow the person filing an application, otherwise known as the applicant, the opportunity to inform citizens about their development proposal and to provide citizens the opportunity to ask questions and find out more about the proposal prior to any official public hearings.

The applicant's development proposal is officially presented to the Planning & Zoning Commission and City Council at their respective public hearings. At the public hearings, the Commission and Council hear comments and concerns from citizens regarding the proposal prior to making decisions. The public hearings are not the preferred setting for citizens to learn about a development proposal for the first time. It is difficult to gain understanding of a proposal and offer well thought out comments during the relatively short time of a public hearing. The citizen information meeting is important in that it can provide basic information and allow communication with the applicant before the public hearings, so that citizens may informatively develop their comments and any concerns, and later present them at the public hearings for consideration.

Applicants may vary the form and number of citizen information meetings they conduct; however, they are required to contact or otherwise notify owners of property located within 300 feet of the proposed site. Whatever form the meeting takes, those citizens participating are provided with this written statement from the City of High Point, which describes the purpose of the citizen information meeting, the application process and where additional information may be obtained from the City. In addition, the applicant must provide a description of the development proposal and are encouraged to share any other available information that would help citizens to better understand it.

After the application is filed with the City's Planning & Development Department, the applicant submits to the City a written summary of the citizen information meeting(s). At a minimum, this report records:

- The date, time, and location of the meeting;
- The method and date of notification about the meeting;
- A list of landowners notified about the meeting;
- A list of meeting attendees;
- If the meeting was conducted as a series of telephone calls;
- The description of the development proposal presented to the attendees; and
- A summary of attendee comments, ideas, and suggestions from citizens to be incorporated into the development proposal.

Before the public hearings are held, the City's Planning & Development Department mails notices to all owners of property located within 300-feet of the site. This notice provides a brief summary of the application; the time, date and place of the Planning & Zoning Commission public hearing; and contact information. A second notice is mailed prior to the City Council's public hearing with similar information. Also, signs are placed on the site giving notice of the request and the City's public hearings.

After hearing public comments and considering the development proposal, the Planning & Zoning Commission makes a recommendation to the City Council who, after holding their public hearing, decides what action should be taken on the proposal. Changes to the applicant's proposal can occur during this process in order to insure consistency with City policy and development regulations, and to minimize expected impacts that can be generated by the development or use of the site.

Development conditions can be adopted by the City Council for a Conditional Zoning District, Planned Development District, or Special Use. However, no condition can be included that:

- Specifies the ownership status, race, religion, or other characteristics of the development's occupants;
- Establishes a minimum size of a dwelling unit;
- Establishes a minimum value of buildings or improvements;
- Excludes residents based upon race, religion, or income; or
- Obligates the City to perform in any manner relative to the approval of or development of the land.

Citizens are strongly encouraged to contact the City's Planning & Development Department and visit the website below for additional information on the City's zoning process, and for information about specific development proposals.

Contact:

Planning & Development Department 336-883-3328

www.buildhighpoint.com

Property Owners w/in 300 ft

4260 FURNITURE AVENUE LLC
11428 SATELLITE BLVD
ORLANDO, FL 32837

H.I.P. II LLC
PO BOX 1550
JAMESTOWN, NC 27282

HARRIS INVESTMENT PROPERTIES LLC
5015 HARVEY RD
JAMESTOWN, NC 27282

MARTIN MARIETTA MATERIALS INC
PO BOX 8040
FORT WAYNE, IN 46806

PIEDMONT TRIAD REGIONAL WATER AUTHORITY
WILMINGTON BLDG STE 217
2216 W MEADOWVIEW RD
GREENSBORO, NC 27407

TURTLE TRAIL HOLDINGS INC
4026 CHAPRA DR
WILMINGTON, NC 28412

KMS
Kumasi Management Services, LLC
3296 Kittering Ln
Winston Salem, NC 2727105
336-577-3726
johnsonsimon663@gmail.com

August 25, 2023

TO: Owners of property near 4257 Furniture Ave. Jamestown, NC 27282

FROM: Simon Johnson, Kumasi Management Services, LLC

Re: Zoning Map Amendment Citizen Information Letter

Kumasi Management Services, LLC has submitted a Zoning Map Amendment (Rezoning) Application to the City of High Point Planning and Development Department to rezone properties from Conditional Use Light Industrial (CU-LI) District to a Conditional Zoning General Business (CZ-GB) District (or institutional District). The site is located along the north side of Furniture Avenue, approximately 0.3 mile (1,800 feet) east of Riverdale Road (4257, 4265, 4262, & 4268 Furniture Avenue).

As required by the rezoning process, all surrounding property owners within 300 feet of the proposed zoning site must be notified by the applicant and a Citizen Information Meeting must be held. In accordance with approved means of notification from the applicant per the City of High Point Planning and Development office, this information letter shall serve as the means of notification.

A Citizen Information Meeting will be held on August 30, 2023 at 5:00 PM in the main lobby of Vertical Church Triad, 4257 Furniture Ave. Jamestown, NC 27282.

Please call or email if you have any comments, questions, or concerns regarding this rezoning request.

With kind regards



Simon S. Johnson

Attachments

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Text Amendment 23-03 (City of High Point)	
FROM: Sushil Nepal, AICP Planning & Development Director	MEETING DATE: October 2, 2023
PUBLIC HEARING: Yes	ADVERTISED DATE/BY: September 20 & 27, 2023 Planning & Development
ATTACHMENTS: A. Staff Report B. Text Amendment Ordinance	

PURPOSE:

A request by the City of High Point to amend the Development Ordinance to revise the powers and duties of the Planning and Zoning (P&Z) Commission. This amendment proposes to grant the P&Z Commission the authority to make the final decision on various Zoning Map Amendment requests. In conjunction with the proposed expanded P&Z Commission authority, this request also amends the review procedures, appeals process, and amends the Conditional Zoning, Planned Development, Zoning Map Amendment and Overlay (Historic & Manufactured Housing) District zoning process.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at its August 22, 2023 and at its September 26, 2023 public hearings. At its September public hearing, all members of the Commission were present, except for member Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the proposed text amendment as outlined in the staff report.

Speaking on the request:

Speaking on this request was Ms. Judy Stalder, Regulatory Affairs Director for the Triad Real Estate and Building Coalition (TREBIC), 115 South Westgate Drive, Greensboro. Ms. Stalder noted that TREBIC is supportive of the proposed Text Amendment related to delegation, but encouraged the commissions to exclude the proposed changes noted in Section 4 of the ordinance pertaining to Citizen Information Meeting requirements. Ms. Stalder said they do not believe it is necessary to mandate having a concept plan at a Citizens Information Meeting and added that they wish to keep the option of not requiring such a meeting based upon the merits of individual zoning proposals.

In addition, Ms. Stalder read a letter from Mr. Thomas Terrell, Jr., a local land use attorney who presents many zoning cases in the City of High Point. In this letter Mr. Terrell touched upon the following subjects in opposition to the Citizen Information Meeting portion of the Text Amendment:

- Keep the ordinance flexible.
- A developer should be trusted to determine what level and kind of communication are required based upon the specific zoning request.
- It can be costly to develop a concept plan and it may change during the official plan review process.
- Finally, if a developer is being intentionally noncommunicative or misleading toward neighbors, the P&Z Commission and City Council can delay or turndown a zoning request.

Once the public hearing was closed, the Commission deliberated on the text amendment request. Several members stated that they were very supportive of the proposed text amendment, and that changes to the process for the Citizens Information Meeting standards, in their opinion, were minor.



BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION/ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 7-0. (*vote-count based on having one absent member and one vacant seat on the commission*).

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 7-0 to approve the following statement:

That Text Amendment 23-03 is consistent with the City's adopted policy guidance because the proposed amendment 1) Expands the authority of the PZ Commission; and 2) clarifies and provides for consistent review and decision making procedures among the various boards; and 3) makes the zoning process more flexible and supportive of the City's adopted policy guidance documents. Furthermore, the proposed text amendment provides for an updated, streamlined zoning process for noncontroversial requests and provides citizens the ability to appeal the P&Z Commission's decision to their elected officials.

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

**STAFF REPORT
TEXT AMENDMENT CASE TA-23-03**

September 26, 2023

(Revised)

Request	
Applicant: City of High Point	Affected Ordinance Sections:
Proposal: To amend the City of High Point's Development Ordinance to revise the powers and duties of the Planning and Zoning Commission. This amendment proposes to grant the Planning and Zoning (PZ) Commission the authority to make the final decision on various Zoning Map Amendment requests. As a result of the proposed expanded PZ Commission authority, this request also amends the review procedures, requirements for citizen information meetings, appeals process, and the Conditional Zoning, Planned Development, Zoning Map Amendment and Overlay (Historic & Manufactured Housing) District zoning process.	• <u>Sections 2.2.2, 2.2.3, and Table 2.1.2, 2.2.2, 2.2.3</u> (<i>Powers and Duties related to Conditional Zoning, Planned Development, and Zoning Map Amendment applications</i>). • <u>Section 2.3.3.D</u> (<i>Review of applications and citizen information meetings</i>). • <u>Section 2.3.4</u> (<i>Application submittal process</i>). • <u>Section 2.3.6 and Table 2.3.6</u>, (<i>Public notification timing requirements</i>). • <u>Section 2.3.8</u> (<i>Review by the P&Z or HPC</i>). • <u>Section 2.3.9.G</u> (<i>Voting by a decision-making body</i>). • <u>Section 2.4.3</u> (<i>Appeals of decisions by the P&Z to the City Council</i>). • <u>Section 2.4.6, 2.4.9 and 2.4.20</u> (<i>Conditional Zoning, Planned Development and Zoning Map Amendment applications</i>). • <u>Section 3.1.5.D</u>, (<i>Changes to zoning district boundaries on the City's Official Zoning Map</i>). • <u>Section 3.6.1</u>, (<i>Purpose and intent of conditional zoning districts</i>). • <u>Section 3.7.3</u> (<i>Standards applied to planned development districts</i>). • <u>Section 3.8.8.B and 3.8.9.B</u>, (<i>Local Historic Overlay and Manufactured Housing Overlay zoning districts</i>).

Background

The PZ Commission is a citizen's board, made up of nine High Point residents, that review land development related cases. The members of this commission are appointed by the City Council and typically include at least one-member from each of the City Council Wards. Members serve a 3-year term and must be reappointed by the City Council.

The PZ Commission meetings are open public hearings where certain land development cases are presented to the commission for a recommendation. Except for Street Name changes, which the PZ Commission has final authority to decide upon, all of their cases are forwarded to the City Council for a final decision. Their recommendation is of such significance that if a request receives a recommendation of denial, that case requires a super majority (2/3's majority) vote by the City Council for approval.

This proposed amendment to the Development Ordinance, which was initiated by the City Council, proposes to grant the PZ Commission the authority to make the final decision on various rezoning requests. Key points from this amendment are:

1. After submitting a zoning application to the Planning and Development Department, a written staff recommendation is submitted to the PZ Commission. At a advertised public hearing the commission will have authority to make the final decision (approval, approval with amendments or denial) on a zoning request.
2. A decision by the PZ Commission is final if two-thirds (2/3s) of voting members present and constituting a quorum vote in favor of the decision. Their decision may be appealed to the City Council. If there is no appeal, the PZ Commissions decision is final.

3. Appeal of PZ Commission Decision:

a) Automatic Appeals

In the event of an approval with a simple majority vote (and not a 2/3 super-majority vote), the decision is automatically referred to the City Council. The City Council will hold a public hearing and make the final decision on the request.

Example: PZ Commission **approves** a request by a simple majority vote (5 yes – 4 no).

The request is automatically forwarded to the City Council, with a favorable recommendation from the Commission.

b) Appeals from an aggrieved party.

The decision of the PZ Commission may be appealed to the City Council. An aggrieved party that disagrees with the commission's decision, either for approval or denial, has 15-days to file an appeal application (with a fee) to the Planning and Development Department. The City Council will hold a public hearing and make the final decision on the request.

Example: PZ Commission **approves** a request by more than a 2/3s majority (6 yes – 3 no) OR (9 yes – 0 no). ***The PZ Commission's decision stands unless an appeal application is submitted by an aggrieved party.***

PZ Commission **denies** a request. ***The PZ Commission's decision stands unless an appeal application is submitted by an aggrieved party.***

c) Appeals by City Council.

The City Council may appeal a PZ Commission decision. Such an action must be by a majority vote of the Council and occur within 15 days of the PZ Commission decision.

- d) Updating of the Commissions standard operating policy (PZ Rules of Procedure Manual).
Once adopted, the Planning & Development Department will update the PZ Commission's Rules of Procedure Manual to be consistent with changes noted in this ordinance. Among the policy issues to be addressed will be the potential submittal of multiple appeals applications. Under such a scenario, there will not be multiple appeals public hearing, the applications will be combined and reviewed by the City Council at a single appeal public hearing.

4. Cases that will still be heard by the City Council

Per the NC General Statutes, there are certain land development related requests that can only be decided upon by the City Council. These consist of:

- a) Annexation;
- b) Special Use Permit;
- c) Development Agreement;
- d) Land Use Plan Amendment;
- e) Street Abandonment; and
- f) Text Amendment.

A zoning request that is associated with any of the above noted cases will be decided upon by the City council, after receiving a recommendation from the PZ Commission. This is to prevent possible contradictions between associated applications. For example, having a zoning case approved, but its associated annexation petition denied.

- 5. The text amendment clarifies procedures and codes of conduct for voting so as to be consistent among all the various land development review boards. These boards consist of:
 - a) City Council,
 - b) PZ Commission,
 - c) Board of Adjustment; and
 - d) Historic Preservation Commission.
- 6. Change to note that a Zoning Map Amendment is not an ordinance. This will reduce required public notices published in the local newspaper from two to one for each public hearing (one for PZ Commission Meeting and one for Appeal public hearing). This also would support the option for future submittal of binding Zoning Plans with conditions listed on said plan.
- 7. Finally, this is a significant change to the zoning process with the potential of only one public hearing for the public to comment on a request. Thus, the Citizen Information Meeting Process is being updated to offer more transparency to the public. The amendment proposes to:
 - a) Clarifies that a virtual meeting(s) is permitted and requires notices be mailed at least seven days before the Citizen Information Meeting.
 - b) A description of proposed development including a draft concept plan that is presented at the Citizen Information Meeting, or verbally described during a telephone communication meeting and note the proposed use.
 - c) With the PZ Commission being the only public hearing, unless appealed, the option to not hold a Citizen Information Meeting is proposed to be removed.

Analysis

The goal of this text amendment is to update the City's rezoning process so that simple straight forward requests can be decided upon by the PZ Commission. This will free up the City Council to focus on the more controversial requests and those land development related cases they are required to decide upon by the NC General Statutes.

Consistency with Adopted Policy Guidance:

Whether and the extent to which the proposed text amendment is consistent with applicable City adopted policy guidance.

The proposed amendment:

- 1) Expands the authority of the PZ Commission;**
- 2) Clarifies and provides for consistent review and decision making procedures among the various boards; and**
- 3) Makes the zoning process more flexible and supportive of the City's adopted policy guidance documents.**

Reasonableness/Public Interest:

Why a decision to approve, or to deny, the proposed text amendment is reasonable and in the public interest.

The proposed text amendment provides for an up-dated stream-lined zoning process for noncontroversial requests and provides citizens the ability to appeal the PZ Commissions decision to their elected officials.

Recommendation

Staff recommends approval of Text Amendment 23-03.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

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

SUMMARY OF AMENDEMENTS

Sections 1 thru 3

Amendments to the development review tables that outlines authority for development applications under the Development Ordinance **(Pages 1 thru 6)**.

- Table 2.1.2 (Summary Development Review Table)
- Table 2.2.2 (City Council Review Authorities)
- Table 2.2.3 (P&Z Commission Review Authorities)

These amendments:

- a) Grants the PZ Commission authority to decide on Conditional Zoning, Planned Development and Conditional Zoning;
- b) Requires a 2/3s majority vote of the P&Z Commission for approval or the request is forwarded to the City Council for a final decision;
- c) Allows a decision of the P&Z Commission to be appealed to the City Council; and
- d) There are still certain requests that by State Status require City Council to make the final decision.
 - Annexation
 - Special Use Permit
 - Development Agreements,
 - Land Use Plan Amendments,
 - Street Abandonment; and
 - Text Amendments.

A Zoning Map Amendment, Conditional Zoning or Planned Development that is associated with one of these procedural items will be reviewed by the P&Z Commission with a recommendation forwarded to the City Council for final decision.

Section 4. Update to Citizens Informational Meeting requirements as to clarifying that virtual meeting are permitted and notification standards to surrounding property owners, inclusion of draft concept plan of proposed new development, listing of proposed use, and removes the option to not hold this meeting. **(Page 6 - 8)**

Section 5. Amends application submittal section for appeal application **(Page 9)**

Section 6. Amends and clarify Public Notice standards for Zoning Map Amendment, Conditional Zoning and Planned Development. (Page **10 - 11**)

Section 7 & 8.

Amends and clarify voting procedures for the PZ Commission (P&Z), Board of Adjustment (BOA, Historic Preservation Committee (HPC) and City Council. **(Page 11 - 14)**

Section 9. Amends appeals section of the Development Ordinance to establish procedure and standards for the City Council or an aggrieved party to appeal PZ Commission decision. Also clarifies BOA appeal procedures **(Page 14 – 20)**

Section 10 thru 17.

Grants the P&Z Commission authority to make decision on zoning request within a Local Historic District, zoning map amendments, conditional zoning districts, and Planned Development zoning districts cases, with appeal option to City Council. **(Pages 21 – 38)**

In Section 13, amends City's Official Zoning Map, requirements so that zoning changes to this map are not considered an ordinance. **(Page 34)**

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE

WHEREAS, the City of High Point adopted the "City of High Point Development Ordinance" on May 16, 2016, with an effective date of January 1, 2017, and subsequently amended; and

WHEREAS, on July 1, 2022, Session Law 2022-37 took effect and amended the City's Charter to authorize City Council to delegate or assign the authority to change the zoning classification of property to the Planning and Zoning Commission under rules, regulations, and guidelines established by the City Council, and with certain rights of appeal and review before the City Council; and

WHEREAS, public hearings were held before the Planning and Zoning Commission on August 22, 2023 and before the City Council on October 2, 2023 regarding Text Amendment 23-03; and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on August 12, 2023 and October 16, 2023 for the Planning and Zoning Commission public hearing, and on September 20, 2023 and September 27, 2023 for the City Council public hearing pursuant to N.C.G.S. § 160D-601; and

WHEREAS, in accordance with Session Law 2022-37, City Council intends to delegate or assign the authority to change the zoning classification of property to the Planning and Zoning Commission under rules, regulations, and guidelines established by the City Council, and with certain rights of appeal and review before the City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, NORTH CAROLINA:

SECTION 1.

(Regarding Planning and Zoning Commission duties related to the decision of conditional zoning, planned development, and zoning map amendment applications, and regarding City Council duties related to the appeal of conditional zoning, planned development, and zoning map amendment applications).

That Table 2.1.2., *Summary Development Review Table*, is hereby amended as follows:

NOTE: (Only the Conditional Zoning, Planned Development, and Zoning Map Amendment procedures have been amended, and Note (7) and (8) have been added, in this Table 2.1.2.)

(The remainder of the table remains unchanged)

TABLE 2.1.2: SUMMARY DEVELOPMENT REVIEW TABLE

Pre-application Conference & Citizen Information Meeting: M = Mandatory O = Optional
Type of Action: C = Comment R = Recommendation D = Decision A = Appeal
Type of Hearing: { } = Public Hearing [] = Quasi-Judicial Hearing
Table symbols: "." = not applicable / = see notes

Procedure	Section Reference	Pre-application Conference	Citizen Information Meeting	Review Authorities							
				Staff				Decision-Making Bodies			
				Planning and Development Director	Engineering Services Director	Technical Review Committee (TRC)	Urban Forestry Committee (UFC)	Historic Preservation Commission (HPC)	Planning & Zoning Commission (P&Z)	City Council	Board of Adjustment (BOA)

PROCEDURES SUBJECT TO DECISION-MAKING BODY REVIEW AND DECISION

Conditional Zoning	2.4.6	M	M	R	.	.	.	R (2)	{R} {D} (7) {R} (8)	{D} (8) {A}	.
Planned Development	2.4.9	M	M	R	.	C	.	R (2)	{R} {D} (7) {R} (8)	{D} (8) {A}	.
Zoning Map Amendment	2.4.20	M	M (6)	R	.	.	.	R (2)	{R} {D} (7) {R} (8)	{D} (8) {A}	.

NOTES:

(1) The decision-making director provides comments on appeals.

(2) The Historic Preservation Commission provides a recommendation on applications associated with a local historic district and comments on applications associated with a landmark.

(3) The Technical Review Committee decides right-of-way encroachments for features located below ground and comments on above ground right-of-way encroachments.

(4) The Engineering Director provides a recommendation on variance requests involving the flood damage prevention provisions.

(5) The Technical Review Committee provides a recommendation to the Board of Adjustment on watershed variances, the Engineering Services Director provides a recommendation on flood damage prevention variances, and the Planning and Development Director provides a recommendation on all other variance requests. Major watershed variances require consideration by the North Carolina Environmental Management Commission.

(6) Only zoning map amendment applications seeking to re-designate land to a more intense zoning district designation are subject to a citizen information meeting requirement.

(7) Except as set forth in Note (8) below, a decision by the Planning & Zoning Commission is final if two-thirds (2/3) of voting members present and constituting a quorum vote in favor of the decision and there is no appeal. If the decision is approved by a smaller majority, denied, or appealed, City Council makes the final decision.

(8) A zoning map amendment, conditional zoning or planned development application that is associated with one of the procedural items listed below shall be forwarded to City Council for concurrent public hearing review by the Planning & Zoning Commission and City Council, with a recommendation from the Planning & Zoning Commission and a final decision by City Council to be made after the public hearing review:

- (a) Annexation**
- (b) Special Use Permit**
- (c) Development Agreement**
- (d) Land Use Plan Amendment**
- (e) Street Abandonment**
- (f) Text Amendment**

SECTION 2.

(Regarding City Council powers and duties related to the appeal of conditional zoning, planned development, and zoning map amendment applications).

That Section 2.2.2., *City Council*, Table 2.2.2., *City Council*, specifically *A. Powers and Duties, 2. Other Powers and Duties*, is hereby amended as follows:

(The remainder of the table remains unchanged)

TABLE 2.2.2: CITY COUNCIL	
A. POWERS AND DUTIES	1. APPLICATION REVIEW AND DECISION – TO INITIATE, REVIEW, AND DECIDE APPLICATIONS FOR:
	(a) Beneficial use determination;
	(b) Conditional zonings;
	(c) Development agreements;
	(d) Land use plan amendments;
	(e) Planned developments;
	(f) Right-of-way encroachments
	(g) Special uses;
	(h) Street abandonments;
	(i) Text amendments;
	(j) Vested rights certificates;
	(k) Voluntary annexations;
	(l) Watershed variances (major); and
	(m) Zoning map amendments.
	2. OTHER POWERS AND DUTIES - THE CITY COUNCIL SHALL HAVE THE FOLLOWING OTHER POWERS AND DUTIES:
	(a) To approve, by resolution, a schedule of fees governing:
	(1) Applications for permits and other development approvals reviewed under this Ordinance; and
	(2) Civil penalties for violations of this Ordinance.
	(b) To take any other action not delegated to the P&Z, BOA, HPC, UFC, TRC, Planning and Development Director, Engineering Services Director, or Public Services Director, as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.

(c) To hear and decide on P&Z decisions, including appeals of decisions made by the P&Z regarding conditional zoning, planned development, and zoning map amendment applications.

SECTION 3.

(Regarding Planning and Zoning Commission powers and duties related to the appeal of conditional zoning, planned development, and zoning map amendment applications).

PART 1.

That Section 2.2.3., *Planning and Zoning Commission (P&Z)*, Table 2.2.3., *Planning and Zoning Commission (P&Z)*, specifically *A. Powers and Duties, 1. Application Review and Decision*, is hereby amended as follows:

(The remainder of the table remains unchanged)

TABLE 2.2.3: PLANNING AND ZONING COMMISSION (P&Z)	
A. POWERS AND DUTIES	1. APPLICATION REVIEW AND DECISION - TO REVIEW AND DECIDE APPLICATIONS FOR:
	(a) Street name changes for existing streets-
	<u>(b) Conditional Zoning</u>
	<u>(c) Planned Development</u>
	<u>(d) Zoning Map Amendment</u>

PART 2.

That Section 2.2.3., *Planning and Zoning Commission (P&Z)*, Table 2.2.3., *Planning and Zoning Commission (P&Z)*, specifically *C. Rules of Procedure, 6. Voting*, is hereby amended as follows:

(The remainder of the table remains unchanged)

TABLE 2.2.3: PLANNING AND ZONING COMMISSION (P&Z)	
C. RULES OF PROCEDURE	6. VOTING
	(a) <u>A 2/3 majority vote of the P&Z members present and constituting a quorum, excluding vacant seats, constitutes an approval for conditional zoning, planned development, or zoning map amendment decisions not associated with an annexation, special use permit, development agreement, land use plan amendment, street abandonment, or text amendment. In the event of an approval with a simple majority vote (and not a 2/3 majority vote), the decision is automatically referred to the City Council.</u>
	An affirmative vote of a simple majority of P&Z members present and constituting a quorum is required for all other decisions and recommendations .
	(b) The Chair shall vote as any other member.
	(c) The ETJ member shall vote on all matters as any other member.
	(d) The ETJ member shall be required to vote on all matters involving land located within the ETJ.

SECTION 4.

(Regarding Planning and Zoning Commission and City Council review of applications and citizen information meetings).

That Section 2.3.3.D., *Procedure*, is hereby amended as follows:

- D. **Procedure** If a citizen information meeting is required, it shall comply with the following procedures:
1. **Timing** The applicant shall hold the citizen information meeting at least 23 days prior to consideration of the application by the P&Z, or in the case of a special use, 22 days prior to consideration of the application by City Council.
 2. **Form** The citizen information meeting can take the form of a meeting, gathering, **virtual meeting**, or a telephone communication between the applicant or the applicant's representative and landowners or other interested parties. Nothing shall prohibit multiple meetings or telephone communications from taking place.

3. Notification

- (a) **At least 7 days p**Prior to the citizen information meeting, the applicant shall provide notice of the meeting to all landowners of land located within 300 feet of the land subject to the application, as shown on the county tax listing, **and to the Planning and Development Director. Mail notices of the citizen information meeting shall be post marked at least 7 days prior to the meeting.**
- (b) Failure of a party to receive notice of the meeting shall not invalidate the application.

4. Information Provided

The applicant shall provide the following information to those attending a meeting or participating in a telephone call:

- (a) A description of the proposed development **including:**
 - (1) a draft site concept plan of proposed new development that is presented at the meeting, gathering, virtual meeting, or verbally described during a telephone communication; and**
 - (2) a listing of proposed and permitted uses.**
- (b) Information provided by the Planning and Development Department that describes:
 - (1) The purpose of the citizen information meeting;
 - (2) The development review procedure(s) the application will follow;
 - (3) The potential for changes in the applicant's development proposal as it proceeds through the review process;
 - (4) Sources of further information about the development review process; and
 - (5) Any additional information that would promote understanding of the development proposal.

5. Conduct of Meeting

At the meeting, the applicant shall explain the development proposal and application, inform attendees about the application review process and the potential for change to the proposal as

it proceeds through the process, respond to questions and concerns neighbors raise about the application, and propose ways to resolve conflicts and concerns.

6. **Written Summary** At least 22 days before the initial consideration of the application by the P&Z, or in the case of a special use, 21 days prior to consideration of the application by City Council, the applicant shall submit a written summary of the citizen information meeting or telephone call to the Planning and Development Department that includes:
- (a) The date, **time**, and location of the meeting;
 - (b) The method and date of notification about the meeting;
 - (c) A list of landowners notified about the meeting;
 - (d) A list of meeting attendees;
 - (e) If the meeting was conducted as a series of telephone calls;
 - (f) The description of the development proposal presented to the attendees; and
 - (g) A summary of attendee comments, ideas, and suggestions from citizens to be incorporated into the development proposal.

The written summary shall be included with the application materials and be made available to the public for inspection.

~~7. No Meeting Conducted~~

- ~~(a) Applicants subject to the requirement to conduct a citizen information meeting but who choose not to do so shall include, in writing, the reasons for not conducting a meeting or the activities undertaken in lieu of conducting a meeting.~~
- ~~(b) The City Council shall may consider an application regardless of whether a required citizen information meeting is conducted.~~

SECTION 5.

(Regarding the application submittal process).

That Section 2.3.4., *Application Submittal and Acceptance*, is hereby amended as follows:

A. Authority to File Applications

- 1. Unless expressly stated otherwise in this Ordinance, development applications reviewed under this Ordinance shall be submitted by the landowner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed. This requirement shall not apply to appeals made in accordance with Section 2.4.3, Appeal.**

B. Application Content

1. The Planning and Development Director is authorized to establish the application **content** and forms, which shall be placed in the *Development Guide*.
2. The Planning and Development Director may change requirements for submission of certain required information when, in the Director's opinion, such information is otherwise available or is not necessary to review the application.

C. Application Fees

1. The City Council shall establish application fees, and may amend and update those fees as necessary.
2. No action shall be taken on an application and no application approval shall be issued until all required application fees are paid in full.
- 3. No application fee shall be required for appeals initiated by City Council of a zoning map amendment, conditional zoning, or planned development application approved or denied by the P&Z.**

(The remainder of 2.3.4 remains unchanged)

SECTION 6.

(Regarding public notification timing requirements).

That Section 2.3.6., *Public Notification*, Table 2.3.6., *Public Notification Timing Requirements*, related to conditional zoning, planned development, and zoning map amendment application types, is hereby amended as follows:

(The remainder of the table remains unchanged)

TABLE 2.3.6: PUBLIC NOTIFICATION TIMING REQUIREMENTS				
APPLICATION TYPE	DECISION-MAKING BODY REVIEW	TYPES OF REQUIRED PUBLIC NOTICE		
		PUBLISHED NOTICE	MAILED NOTICE	POSTED NOTICE
Conditional Zoning	P&Z	X [1]	X [5]	X [3]
	City Council	X [61]	X [5]	X [3]
Planned Development	P&Z	X [1]	X [5]	X [3]
	City Council	X [61]	X [5]	X [3]
Zoning Map Amendment	P&Z	X [1]	X [5]	X [3]
	City Council	X [61]	X [5]	X [3]
[1] Published notice provided once, at least 10 days before the hearing.				
[2] Mailed notice provided to affected owners and landowners within 100 feet of the subject lot or site between 10 and 25 days before the hearing.				
[3] Posted notice provided between 10 and 25 days before the hearing.				
[4] Mailed notice provided to all landowners in the subject LHO district between 10 and 25 days before the hearing.				
[5] Mailed notice provided to affected owners and landowners within 300 feet of the subject lot or site between 10 and 25 days before the hearing.				

[6] Published notice provided once a week for 2 successive calendar weeks, with first notice between 10 and 25 days before the hearing.
[7] Certified mailed notice provided to all landowners abutting the street, plus NCDOT if street is under NCDOT control, between 10 and 25 days before the hearing.
[8] Posted notice required in at least 2 locations along the street at least 10 days before the hearing.
[9] Published notice provided once a week for 4 weeks before the hearing.
[10] Mailed notice provided to all landowners abutting the street between 10 and 25 days before the hearing.
[11] For watershed variances, the City shall notify and allow a reasonable comment period for all local governments having jurisdiction in the applicable designated watershed and any entity using the water supply for consumption.

SECTION 7.

(Regarding review by the P&Z or HPC).

That Section 2.3.8., *Review by P&Z or HPC*, is hereby amended as follows:

If an application is subject to a **recommendation review** by the P&Z or HPC, the P&Z or HPC shall review and act on the application in accordance with the following procedures:

- A. **General** The P&Z or HPC, as appropriate, shall consider the application, relevant support materials, staff report, and any public comments. One of the decisions authorized for the particular type of application shall be recommended, based on the review standards applicable to the application type, as set forth in Section 2.4, Review Procedures Subject to Decision-Making Body Review and Decision.
- B. **General Conduct** Members conducting a review and providing a recommendation should act in accordance with the following guidelines:
 - 1. **No Prejudice** Consider the application without prejudice.
 - 2. **No Commitment Prior to Review** Make no commitment or agreement or take a public position on an application or on any proposed condition until the application is reviewed during the meeting.

3. **Acknowledgement** Acknowledge any information obtained outside the public meeting that they believe has influenced their evaluation of the application.
 4. **Deliberation** Refrain from deliberation or formulation of a judgment or decision prior to the meeting at which the application is considered.
- C. **Clearly State Factors for Recommendation** The recommendation shall clearly state the factors considered in making the recommendation and the basis or rationale for the recommendation.
- D. **Vote**
1. A decision to recommend approval shall be decided by a simple majority of voting members present and constituting a quorum ~~present~~.
 2. ~~A tie vote by members of the P&Z shall be forwarded to the City Council without a recommendation.~~
 3. ~~Zoning map amendment, conditional zoning, planned development and t~~Text amendment applications receiving a recommendation for denial by the P&Z shall require a $\frac{2}{3}$ favorable vote of the City Council members present and voting to be approved. (SL 1989-918)
- 3. A zoning map amendment, conditional zoning, or planned development application that is associated with one of the procedural items listed below shall be forwarded to City Council for concurrent public hearing review by the P&Z and City Council, with a recommendation from the P&Z and a final decision by City Council to be made after the public hearing review:**
- (a) Annexation**
 - (b) Special Use Permit**
 - (c) Development Agreement**
 - (d) Land Use Plan Amendment**
 - (e) Street Abandonment**
 - (f) Text Amendment**

(The remainder of 2.3.8 remains unchanged)

SECTION 8.

(Regarding voting by a decision-making body).

That Section 2.3.9.G., *Vote*, related to the voting of zoning map amendment, conditional zoning, planned development and text amendment applications by the P&Z and City Council, is hereby amended as follows:

G. Vote

1. ~~A-z~~**Zoning map amendment, conditional zoning, or planned development applications that are denied by the P&Z, or** text amendment applications receiving a recommendation for denial from the P&Z, shall only be approved by the City Council with a $\frac{2}{3}$ majority vote of the City Council members present and voting. (SL 1989-918; **SL 2022-37**)
2. **Zoning map amendment, conditional zoning, and planned development applications that receive a favorable vote by two-thirds (2/3) of the P&Z members present and constituting a quorum shall constitute approval of the application unless appealed to the City Council.**
3. **Zoning map amendment, conditional zoning, and planned development applications that receive less than a two-thirds (2/3) favorable vote, but a majority favorable vote from the P&Z members present and constituting a quorum, shall constitute a favorable recommendation of the application and shall be forwarded to the City Council.**
4. **Zoning map amendment, conditional zoning, and planned development applications receiving less than a majority favorable vote, or a majority unfavorable vote, from the P&Z members present and constituting a quorum, shall constitute denial of the application unless appealed to the City Council.**
5. **Applications forwarded or appealed to the City Council shall be scheduled for a public hearing before the City Council.**
- 2-6. **Any board**—member **of the P&Z, BOA, or HPC** shall recuse themselves from voting on any **advisory or legislative decision application** where the outcome of the matter being considered is reasonably likely to have a direct, substantial, ~~or-and~~ readily identifiable financial impact on the member. **No member of the P&Z, BOA, or HPC shall vote on any legislative decision if the landowner of the property is a person with whom the member has a close familial, business, or other associational relationship. A "close familial relationship" means a spouse, parent, child, brother, sister,**

grandparent, or grandchild. The term includes the step, half, and in-law relationships.

- 7. Any member of City Council shall recuse themselves from voting on any legislative decision where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A City Council member shall not vote on any zoning amendment if the landowner of the property subject to zoning amendment or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.**

- 3-8.** Vacant seats shall not be considered **present** members for the calculation of **quorum** ~~the requisite supermajority.~~

- 4-9.** Upon failure of the City Council to act on an **application request** following a public hearing **on a matter,** and **in the absence of** any ~~properly followed~~ continuance **motions procedures,** the application shall be deemed denied.

SECTION 9.

(Regarding appeals of zoning map amendment, conditional zoning, planned development, and text amendment decisions by the P&Z to the City Council).

That Section 2.4.3., *Appeal*, related to appeals of zoning map amendment, conditional zoning, planned development, and text amendment decisions by the P&Z to City Council, is hereby amended as follows:

A. Applicability

1. This section sets out the procedure and standards for **the City Council,** an aggrieved party, officer, department, or **any** board of the City affected by any decision or determination by a City official **or board of the City** to **appeal** ~~determine if~~ the decision or interpretation ~~complies with the requirements of this Ordinance.~~
2. In the event an applicant wishes to appeal a standard outside this Ordinance, or a decision by a staff member not addressed by this Ordinance, the appeal is made to the City Manager in accordance with City policy, not this appeal procedure.

B. **Initiation** An appeal shall be initiated by filing a written notice of appeal with the Planning and Development Director **as follows**:

1. **Appeals to BOA** **An applicant shall file written notice of appeal within 30 days of the date of the written determination or decision being appealed** ~~is received by the applicant~~ (except where otherwise specified in this Ordinance), ~~or~~
2. **Appeals of P&Z Zoning Decision** **Any aggrieved person shall file a written notice of appeal of P&Z's decision for conditional zoning, planned development, and zoning map amendment applications within 15 days of the date of P&Z's decision. City Council may, by a majority vote taken within 15 days of P&Z's decision, authorize the Planning and Development Director to file a written notice of appeal of the P&Z's decision.**
3. **Appeals to NC SCC** In the event that a soil erosion and sedimentation control plan is denied in accordance with Section 6.3, Soil Erosion and Sedimentation, the applicant may appeal the denial directly to the North Carolina Sedimentation Control Commission **(NC SCC)**.

C. Appeal Procedure

1. **Pre-Application Conference** Optional (see Section 2.3.2, Pre-Application Conference).
2. **Application Submittal and Acceptance**
 - (a) Applicable (see Section 2.3.4, Application Submittal and Acceptance).
 - (b) The written notice of appeal shall include a statement of the error or improper decision or determination, the date of the decision or determination, the grounds for the appeal, and all related support materials.
3. **Staff Review**
 - (a) Applicable (see Section 2.3.5, Staff Review and Action).
 - (b) On accepting a notice of appeal, the Planning and Development Director shall transmit to the BOA **or City Council (for appeal of P&Z Zoning Decision)** the appeal and the record of material considered by the decision-maker in making the decision or determination (including but not limited to, for example, the application and support materials, staff report, other plans, documents, reports, and studies considered in making the decision,

and any minutes, transcripts, or record of the meetings held to consider and make the decision).

- (c) The Planning and Development Director, Engineering Services Director, Public Services Director, or Transportation Director, as appropriate, shall review and comment on appeals related to the aspects of this Ordinance for which they are responsible for administering.

4. Public Notification Applicable (see Section 2.3.6, Public Notification).

5. BOA Review and Decision

- (a) Applicable (see Section 2.3.9, Action by Decision-Making Body, and 2.3.7, Quasi-Judicial Hearing Procedures).
- (b) The BOA, at the conclusion of a quasi-judicial hearing, shall decide the application for the appeal.
- (c) The decision shall be based on the competent, material, and subsequent evidence in the record of the appeal, as supplemented by arguments presented at the quasi-judicial hearing, and the standards in Section 2.4.3 D, Appeal Review Standards.
- (d) The decision shall be one of the following:
 - (1) Affirmation of the decision or determination (in whole or in part);
 - (2) Modification of the decision or determination (in whole or in part); or
 - (3) Reversal of the decision or determination (in whole or in part).
- (e) A vote to reverse or modify a decision or determination shall require approval of a majority of a quorum present at the hearing.
- (f) Each decision shall be made in writing and reflect the BOA's determination of contested facts and their application to the standards in this Ordinance.
- (g) The written decision shall be signed by the Chair or other duly authorized member of the BOA.
- (h) The decision of the BOA shall be effective upon the filing of the written decision.

65. City Council Review and Decision (for appeal of P&Z Zoning Decision)

- (a) Applicable (see Section 2.3.9, Action by Decision-Making Body).**
- (b) No changes to the zoning map amendment, conditional zoning, or planned development application shall be permitted after the P&Z decision appeal application is submitted to the City.**
- (c) The City Council, after the conclusion of a public hearing, shall decide the application for the appeal of a zoning map amendment, conditional zoning, or planned development decision made by the P&Z based on the following:**
 - (1) information and documents received from the P&Z;**
 - (2) public hearings; and**
 - (3) review standards provided in Section 2.4.6 C, Conditional Zoning Review Standards.**
- (c) The decision on an appeal of a zoning map amendment, conditional zoning, or planned development decision made by the P&Z shall be one of the following:**
 - (1) Affirmation of the decision;**
 - (2) Modification of the decision;**
 - (3) Reversal of the decision; or**
 - (4) Remand of the zoning map amendment, conditional zoning, or planned development application to the P&Z for further consideration.**
- (d) As part of the decision, the City Council shall adopt a written statement of consistency and reasonableness that:**
 - (1) Describes whether the decision is consistent with all applicable City-adopted policy guidance; and**
 - (2) Explains why the decision is reasonable and in the public interest.**

(e) Conditions Applicable (see Section 2.4.6.D., Conditions of Approval).

(f) Effect Applicable (see Section 2.4.6.E., Effect).

(g) Amendment Applicable (see Section 2.4.6.F., Amendment).

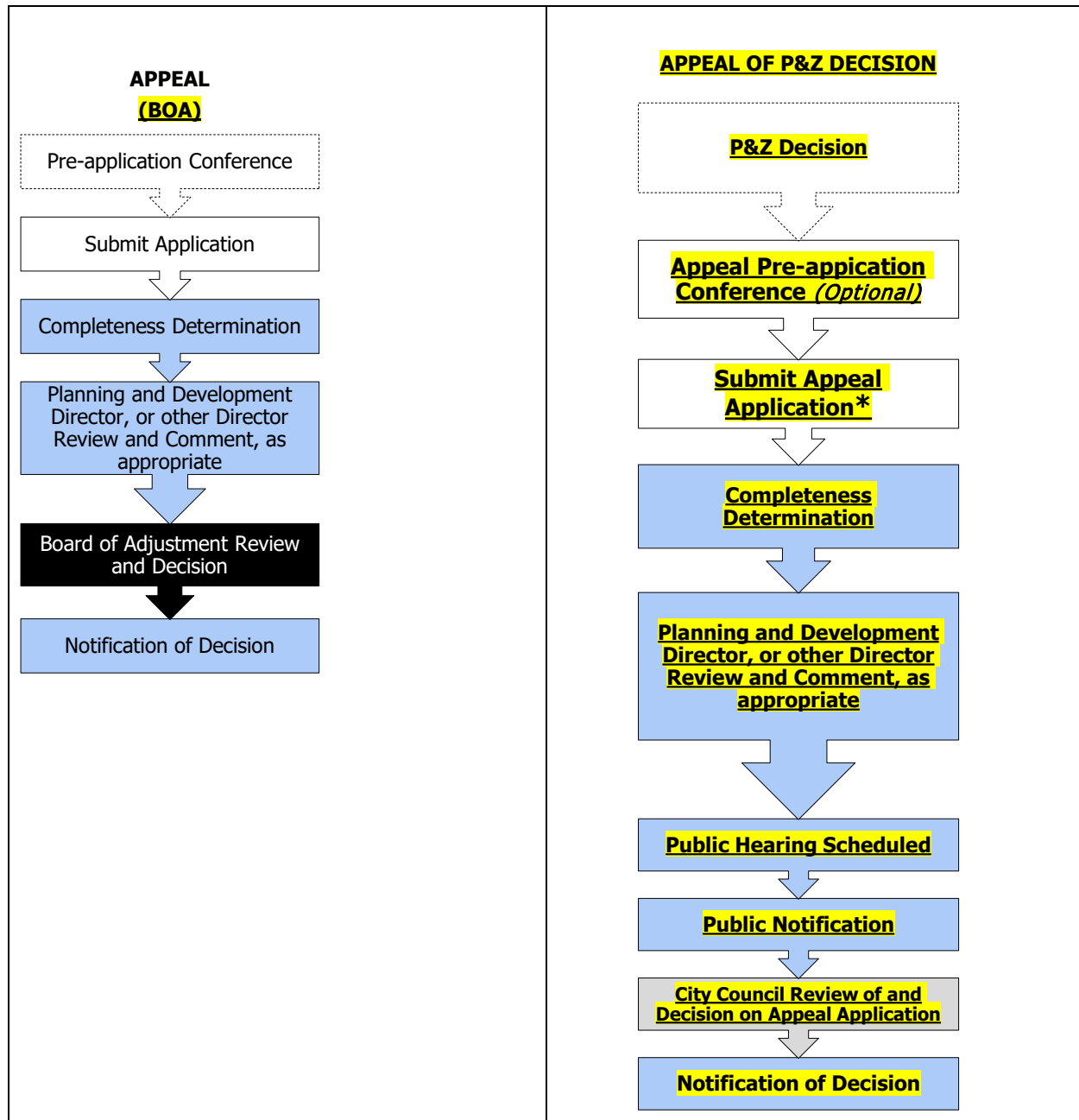
76. Notification of Decision The decision of the BOA **or City Council on any appeal** shall be delivered by personal service, electronic mail, or by first-class mail to the applicant, the landowner, and to any person who has submitted a written request for a copy ~~prior to the date the decision becomes effective~~. The person providing notification of decision shall certify that proper notification has been made.

D. BOA Appeal Review Standards

1. The BOA is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
 - (a) The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;
 - (b) The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
 - (c) The decision-maker made an error because the decision was based on a standard not contained in this Ordinance or other appropriate City ordinances, regulations, or state law, or that a standard more strict or broad than the standard established in this Ordinance was applied; or
 - (d) The decision-maker made an error in applying a standard or measuring a standard.
2. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
3. The BOA shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance.)

E. Effect of BOA Appeal

1. An appeal **to the BOA** stays all proceedings in furtherance of the action appealed, unless the City official from whom the appeal is taken certifies to the BOA, after notice of appeal has been filed, that because of facts stated in the certificate a stay would, in the city official's opinion, cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of this Ordinance.
 2. If certification by a City official is filed, administrative proceedings **before the BOA** shall not be stayed except through issuance of a restraining order by a court of competent jurisdiction.
 3. If the appeal **to the BOA** is not stayed, the appellant may file for an expedited hearing of the appeal, and the BOA shall meet to consider the appeal with 15 days of the date the request is filed.
 4. The filing of an appeal **to the BOA** prevents the filing of an application for a zoning map amendment or special use for the same land subject to an appeal application, as well as the filing of a text amendment application by the same party filing the appeal until the appeal application is decided **by the BOA** or appealed to the courts.
- F. BOA Appeal** Any decision by the BOA shall be subject to Superior Court review by proceedings in the nature of certiorari.



* **No changes to the zoning map amendment, conditional zoning, or planned development application shall be permitted after the P&Z decision appeal application is submitted to the City.**

(Ord. No. [7476/18-105](#), § 1.C, 12-3-2018; [Ord. No. 7712/21-29](#), § 5, 5-19-2021)

SECTION 10.

(Regarding Conditional Zoning applications)

PART 1.

That Section 2.4.6.B.6., *P&Z or HPC Review and Recommendation*, related to P&Z Review and Decision or HPC Review and Recommendation, is hereby amended as follows, (including the Conditional Zoning process graphic):

6. P&Z Review and Decision or HPC Review and Recommendation

- (a) Applicable (see Section 2.3.~~78~~, Review by P&Z or HPC).
- (b) If the application is proposed for land located within a LHO district, the HPC, following a meeting, shall provide a recommendation on the application to the P&Z. The P&Z shall not make a **recommendation decision** on an application until they receive a recommendation from the HPC.
- (c) The P&Z, following a public hearing, shall make a **recommendation decision** on the application in accordance with Section 2.4.6 C, Conditional Zoning Review Standards, and shall comment on the application's consistency with all applicable City adopted policy guidance.
- (d) During its review of the application, the P&Z may suggest revisions to the proposed conditions (including the conditional zoning plan), consistent with the provisions of Section 2.3.10, Conditions of Approval. Only those revisions agreed to in writing by the applicant shall be incorporated into the application.

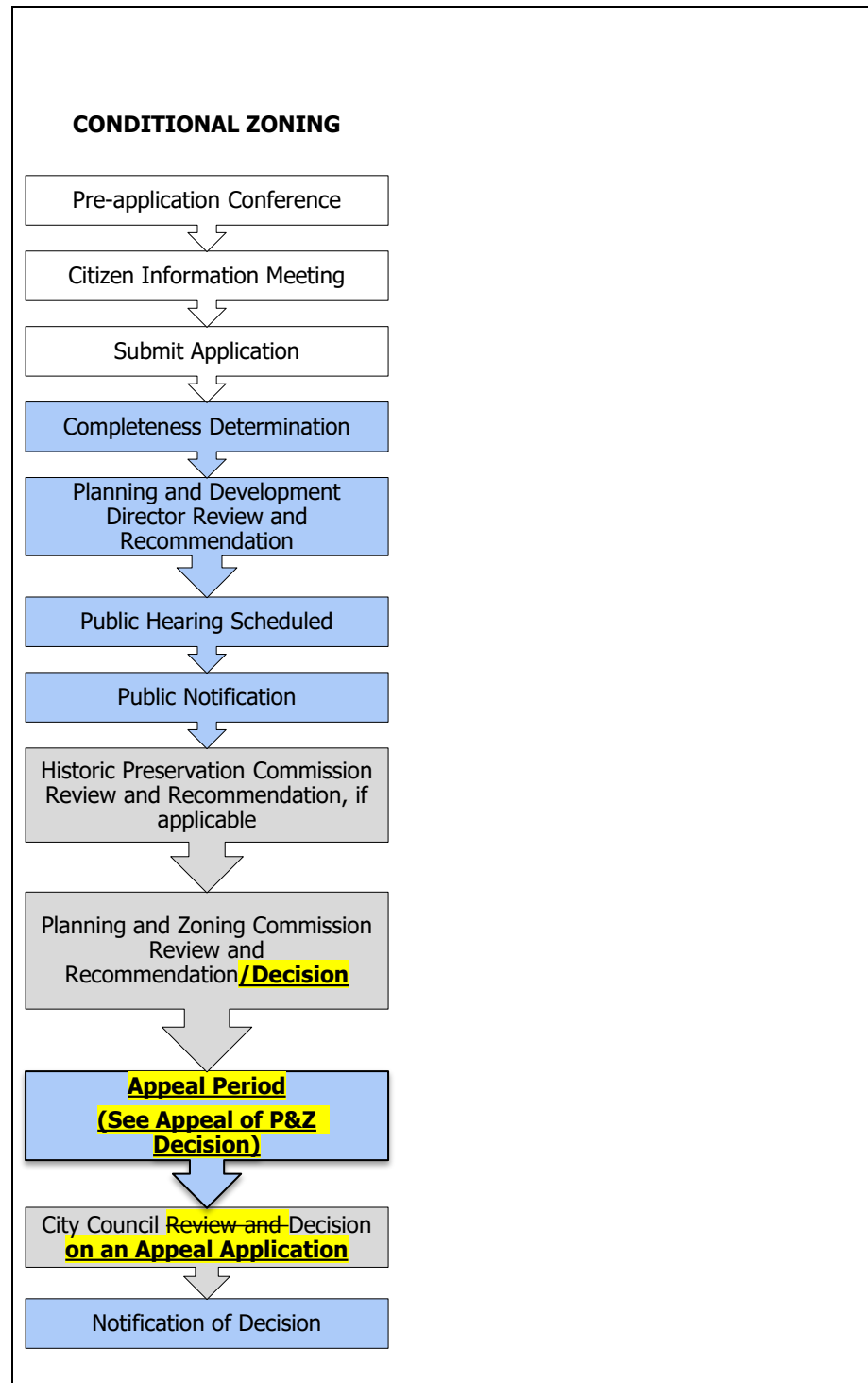
(e) A decision on a conditional zoning application by the P&Z shall be one of the following:

- (1) Approval of the conditional zoning application as proposed;**
- (2) Approval of a revised conditional zoning application;**
- (3) Denial of the conditional zoning application; or**
- (4) Remand of the conditional zoning application to staff for further consideration.**

(f) As part of the decision, the P&Z shall adopt a written statement of consistency and reasonableness that:

(1) Describes whether the decision is consistent with all applicable City- adopted policy guidance; and

(2) Explains why the decision is reasonable and in the public interest.



PART 2.

That Section 2.4.6.B.7., *City Council Review and Decision*, related to City Council review and decision, is hereby amended as follows:

7. City Council Review and Decision

- (a) Applicable (see Section 2.3.9, Action by Decision-Making Body).
- (b) The City Council, after the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.6.C, Conditional Zoning Review Standards.
- (c) The decision shall be one of the following:
 - (1) ~~Adoption~~ **Approval** of the conditional zoning **application** as proposed;
 - (2) ~~Adoption~~ **Approval** of a revised conditional zoning **application**;
 - (3) Denial of the conditional zoning **application**; or
 - (4) Remand of the conditional zoning application to the P&Z for further consideration, **based upon new conditions offered by the applicant**.
- (d) As part of the decision, the City Council shall adopt a written statement of consistency and reasonableness that:
 - (1) Describes whether the decision is consistent with all applicable City- adopted policy guidance; and
 - (2) Explains why the decision is reasonable and in the public interest.

PART 23.

That Section 2.4.6.B.8., *Changes to Application*, related to changes to a ~~c~~Conditional zoning application, is hereby amended as follows:

- 8. **Changes to Application** An applicant may change the conditions associated with a conditional zoning application until 22 days prior to ~~the initial~~ review **and decision** by the P&Z. After that time, the applicant may only propose changes in accordance with the following:
 - (a) Changes shall be made in writing to the Planning and Development Director ~~during or after the hearing conducted by the P&Z but~~ no closer **than eight (8) two** business days prior to final action by the **P&Z or** City Council on the conditional zoning application;
 - (b) Changes shall be signed by all landowners or those authorized to submit the application; and

- (c) Changes shall be approved by **the** P&Z, or the City Council, depending upon the time the changes were submitted by the applicant.

PART 4.

That Section 2.4.6.B.9., *Designation on Official Zoning Map*, related to approval of a conditional zoning application, is hereby amended as follows:

9. **Designation on Official Zoning Map** The Planning and Development Director shall make changes to the Official Zoning Map promptly after approval of a conditional zoning district application by the **P&Z or** City Council.

PART 5.

That Section 2.4.6.C., *Conditional Zoning Review Standards*, related to the review of a conditional zoning application, is hereby amended as follows:

- C. **Conditional Zoning Review Standards** The advisability of a conditional zoning is a matter committed to the legislative discretion of the **P&Z and** City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the **P&Z and** City Council shall weigh the relevance of and consider the following:

(1 through 6 remain unchanged).

PART 6.

That Section 2.4.6.D., *Conditions of Approval*, related to the conditions within a conditional zoning application, is hereby amended as follows:

- D. **Conditions of Approval** Applicable (see Section 2.3.10, Conditions of Approval).
1. Only conditions agreed to in writing by the landowner(s) of the land to be conditionally zoned and approved by the **P&Z or** City Council may be incorporated into a conditional zoning district.
 2. No condition shall be less restrictive than the standards of the parallel general zoning district, any applicable overlay zoning district standard, or other applicable requirements in this Ordinance.
 3. No conditions may be included within a conditional zoning district that are prohibited by State law.

PART 7.

That Section 2.4.6.E., *Effect*, related to the conditions within a conditional zoning application, is hereby amended as follows:

E. Effect

1. Lands rezoned to a conditional zoning district shall be subject to the standards applicable to the parallel zoning district (including the range of allowable land uses), as modified by the more restrictive conditions proposed by the applicant and approved by the **P&Z or** City Council for the conditional zoning district. These standards and approved conditions are perpetually binding on the land as an amendment to this Ordinance and the Official Zoning Map, and may only be changed in accordance with the procedure for zoning map amendment, conditional zoning, or planned development.
2. No condition shall have the effect of removing or amending any requirement of this Ordinance.
3. No permit or development approval shall be issued for development subject to a conditional zoning district except in accordance with the approved conditions and an accompanying conditional zoning plan (if submitted).

PART 8.

That Section 2.4.6.F., *Amendment*, related to the amendment and changes of conditions within a conditional zoning application, is hereby amended as follows:

1. **Minor Changes** Unless expressly prohibited by **the P&Z or the** City Council in approval of a conditional zoning district, subsequent plans and permits for development within a conditional zoning district may include minor changes from the approved conditions, provided the development continues to meet the minimum requirements of this Ordinance. Minor changes are limited to changes that have no material effect on the character of the development or its conditions or that address technical considerations that could not reasonably be anticipated at the time of the conditional zoning approval. The following minor changes may be approved by the Planning and Development Director:
 - (a) Changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - (b) Changes to the configuration of parking areas;
 - (c) Changes to the configuration or location of open space or placement of required amenities;

- (d) Changes to the arrangement or location of buildings, provided there is no increase in number;
- (e) Changes to the proposed building elevation or facade, including materials, provided that the change retains the same general architectural character;
- (f) Changes to the configuration of landscape yards, including types of materials;
- (g) Increases in nonresidential gross floor area of up to 10 percent, or 50,000 square feet, whichever is less; and
- (h) Changes to features on a conditional zoning plan that are not specifically conditioned.

2. Material Changes are Amendments Changes that materially affect the basic configuration of the development or are beyond the scope of a minor change are not considered minor changes, and shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a conditional zoning application.

SECTION 11.

(Regarding Planned Development applications)

PART 1.

That Section 2.4.9.B.6., *P&Z or HPC Review and Recommendation*, related to P&Z Review and Decision or HPC Review and Recommendation, is hereby amended as follows, (including the Planned Development process graphic):

6. P&Z Review and Decision or HPC Review and Recommendation

- (a) Applicable (see Section 2.3.~~78~~, Review by P&Z or HPC).
- (b) If the application is proposed for land located within a LHO district, the HPC, following a meeting, shall provide a recommendation on the application to the P&Z. The P&Z shall not make a **recommendation decision** on an application until they receive a recommendation from the HPC.
- (c) The P&Z, following a public hearing, shall make a **recommendation decision** on the application in accordance with Section 2.4.9 C, Planned Development Review Standards, and shall comment on the

application's consistency with all applicable City adopted policy guidance.

- (d) During its review of the application, the P&Z may suggest revisions to the proposed development standards (including the master plan map). Only those revisions agreed to by the applicant shall be incorporated into the application.

(e) A decision on a planned development application by the P&Z shall be one of the following:

(1) Approval of the planned development application as proposed;

(2) Approval of a revised planned development application;

(3) Denial of the planned development application; or

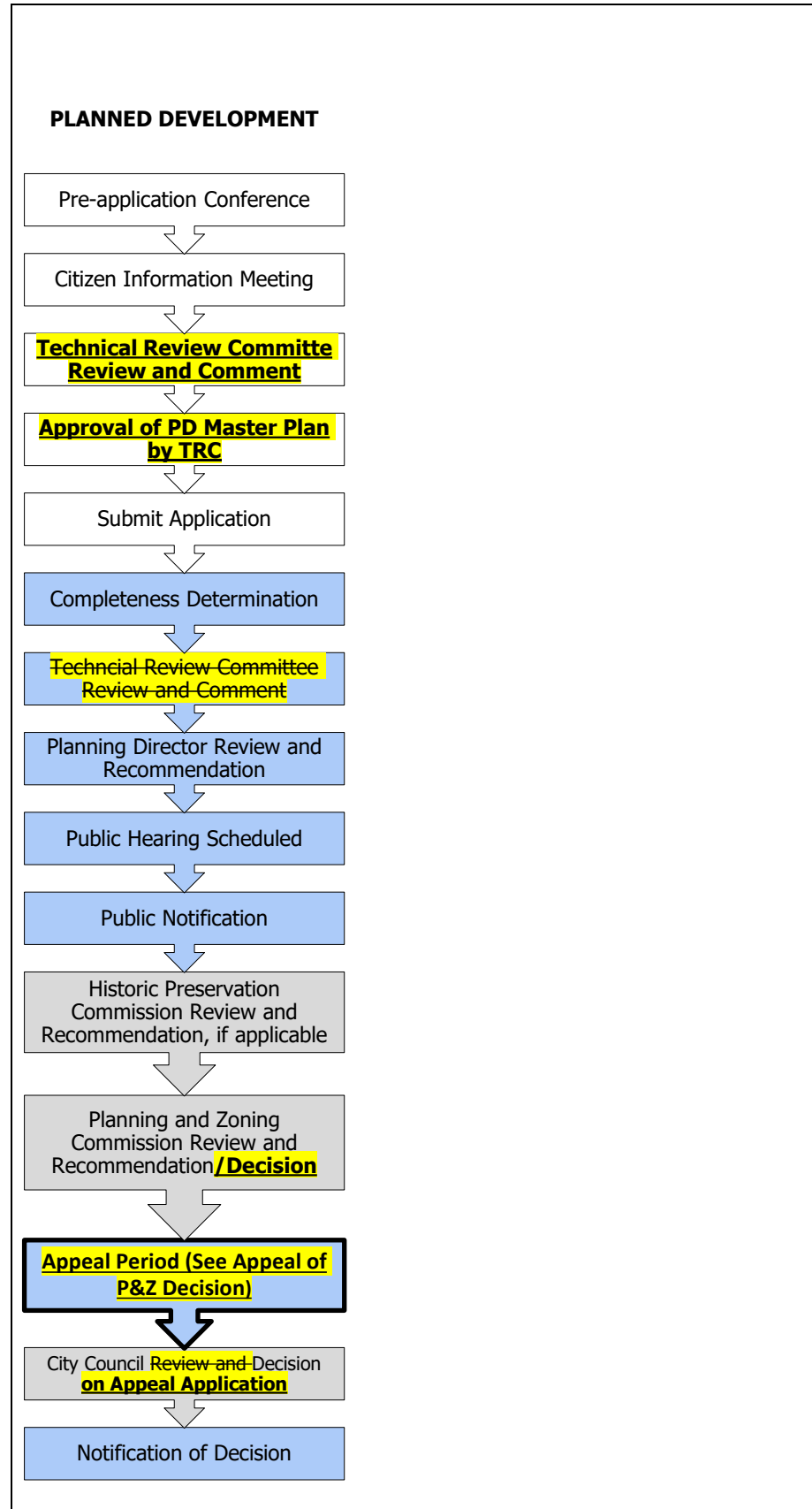
(4) Remand of the planned development application to staff for further consideration.

(f) As part of the decision, the P&Z shall adopt a written statement of consistency and reasonableness that:

(1) Describes whether the decision is consistent with all applicable City- adopted policy guidance; and

(2) **Explains why ~~Explains~~ Describes whether the decision is reasonable and in the public interest.**

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PART 2.

That Section 2.4.9.B.8., Changes to Application, related to changes to a conditional zoning application, is hereby amended as follows:

8. **Changes to Application** An applicant may change the standards associated with a planned development application until 22 days prior to ~~the initial~~ review and decision by the P&Z. After that time, the applicant may only propose changes in accordance with the following:
 - (a) Changes shall be made in writing to the Planning and Development Director ~~during or after the hearing conducted by the P&Z but~~ no closer than eight (8) calendar days ~~48 hours~~ prior to final action by the P&Z or City Council on the planned development application;
 - (b) Changes shall be signed by all landowners or those authorized to submit the application; and
 - (c) Changes shall be approved by the P&Z, or the City Council, depending upon the time the changes were submitted by the applicant.

PART 3.

That Section 2.4.9.B.9., *Designation on Official Zoning Map*, related to approval of a planned development application, is hereby amended as follows:

9. **Designation on the Official Zoning Map** The Planning and Development Director shall place the planned development district classification on the Official Zoning Map promptly after approval of a planned development district classification by the P&Z or City Council.

PART 4.

That Section 2.4.9.C., *Planned Development Review Standards*, related to the review of a Planned Development application, is hereby amended as follows:

- C. **Planned Development Review Standards** The advisability establishing a planned development district is a matter committed to the legislative discretion of the P&Z and City Council and is not controlled by any one factor. In determining whether to approve or deny a planned development district, the P&Z and City Council shall weigh the relevance of and consider the following:

(1 through 7 remain unchanged).

SECTION 12.

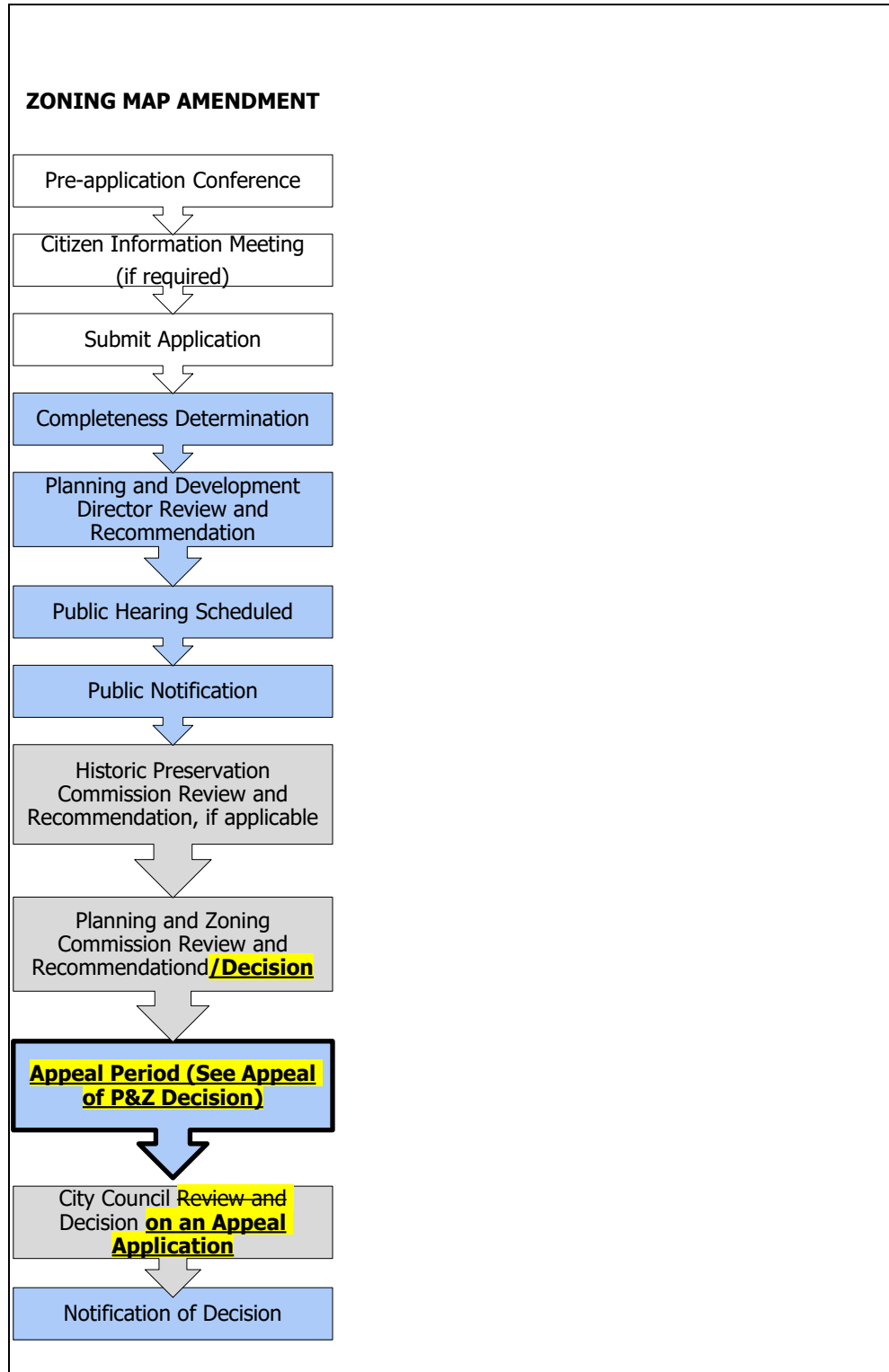
(Regarding zoning map amendment applications)

PART 1.

That Section 2.4.20.B.6., *P&Z or HPC Review and Recommendation*, related to P&Z review and decision or HPC review and recommendation, is hereby amended as follows:

6. P&Z Review and Decision or HPC Review and Recommendation

- (a) Applicable (see Section 2.3.8, Review by P&Z or HPC).
- (b) If the application is proposed for land located within a LHO district, the HPC, following a meeting, shall provide a recommendation on the application to the P&Z. The P&Z shall not make a **recommendation decision** on an application until they receive a recommendation from the HPC.
- (c) The P&Z, following a public hearing, shall make a **recommendation decision** on the application in accordance with Section 2.4.20 C, Zoning Map Amendment Review Standards, and shall comment on the application's consistency with all applicable City adopted policy guidance.



PART 2.

That Section 2.4.20.B.7., *P&Z and City Council Review and Decision*, is hereby amended as follows:

7. P&Z and City Council Review and Decision

- (a) Applicable (see Section 2.3.9, Action by Decision-Making Body).
- (b) The **P&Z and** City Council, at the conclusion of a public hearing, shall decide the application in accordance with Section 2.4.20.C, Zoning Map Amendment Review Standards.
- (c) The decision shall be one of the following:
 - (1) Adoption of the zoning map amendment as proposed;
 - (2) Adoption of a revised zoning amendment;
 - (3) Denial of the zoning map amendment; or
 - (4) Remand the zoning map amendment application to the P&Z for further consideration.
- (d) In making its decision, the **P&Z and** City Council shall adopt a written statement of consistency and reasonableness that:
 - (1) Describes whether the decision is consistent with all applicable City adopted policy guidance; and
 - (2) Explains why the decision is reasonable and in the public interest.

PART 2.

That Section 2.4.20.B.8., *Designation on Official Zoning Map*, related to approval of a zoning map amendment application, is hereby amended as follows:

- 8. Designation on the Official Zoning Map** The Planning and Development Director shall make changes to the Official Zoning Map promptly after approval of a **zoning** map amendment application by the **P&Z or** City Council.

PART 3.

That Section 2.4.20.C., *Zoning Map Amendment Review Standards*, related to the review of a Zoning Map Amendment application, is hereby amended as follows:

- C. Zoning Map Amendment Review Standards** The advisability of a zoning map amendment is a matter committed to the legislative discretion of the **P&Z and** City Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the **P&Z and** City Council shall weigh the relevance of and consider the following:

(1 through 2 remain unchanged)

SECTION 13.

(Regarding changes to zoning district boundaries on the City's Official Zoning Map)

That Section 3.1.5.D., *Zoning Map Amendment Review Standards*, related to the review of a Zoning Map Amendment application, is hereby amended as follows:

- D. **Changes to Official Zoning Map** Changes made in zoning district boundaries on the Official Zoning Map shall be ~~considered an amendment to this Ordinance and are~~ made in accordance with Section 2.4.20, Zoning Map Amendment. Changes shall be entered on the Official Zoning Map by the Planning and Development Director promptly after the amendment is approved by the P&Z or City Council. ~~Where the ordinance enacting a zoning district boundary change contains wording explaining or clarifying the location of the new boundary, the Planning and Development Director shall enter the boundary on the Official Zoning Map in accordance with the ordinance wording.~~

SECTION 14.

(Regarding the purpose and intent of conditional zoning districts)

That Section 3.6.1., *Purpose and Intent*, related to conditional zoning districts, is hereby amended as follows:

3.6.1. - Purpose and Intent

The rezoning of land to a conditional zoning district is intended to provide a landowner and the City an alternative to rezoning the land to a general zoning district, where the general zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to adopted policy guidance or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the P&Z or City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel general zoning district. This enables the City and the landowner to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the general zoning district.

SECTION 15.

(Regarding standards applied to all planned development districts)

PART 1.

That Section 3.7.3., *Standards Applied to All Planned Development Districts*, related to planned development districts, is hereby amended as follows:

Before approving a PD zoning district, the **P&Z or** City Council shall determine that the application, as well as the master plan map, the statement of intent and development standards document, and the common signage plan if included as part of the application, comply with the following standards, unless expressly stated otherwise.

PART 2.

That Section 3.7.3.B, *Statement of Intent and Development Standards*, related to planned development districts, is hereby amended as follows:

(1. through 9. remain unchanged)

10. Any other provisions the **P&Z or** City Council determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

PART 3.

That Section 3.7.3.D, *Mandatory Use Mix*, related to the use types required within planned development districts, is hereby amended as follows:

- D. **Mandatory Use Mix** Unless exempted by the **P&Z or** City Council, a PD district shall include at least one use type from 2 of the following four use classifications or at least 2 different use types from the use types listed in the Residential Use Classification, in Table 4.1.9, Principal Use Table:

(1. through 4. Remain unchanged.)

SECTION 16.

(Regarding Local Historic Overlay zoning districts)

PART 1.

That Section 3.8.8.B.2., *Local Designation Report Recommendations*, related to the evaluation of local designation reports for the establishment of a local historic overlay district, is hereby amended as follows:

2. Local Designation Report Recommendations

- (a) **Local Historic Preservation Commission** The local HPC shall forward the local designation report and its recommendation to the North Carolina Department of Cultural Resources (NCD CR) for its review and comment.
- (b) **NCD CR**
 - (1) Based on the local designation report, the NCD CR, acting through the State Historic Preservation Officer, or a designee, shall make an analysis of, and recommendation concerning the proposed LHO district, and shall submit its recommendation to the **Planning and Zoning Commission P&Z City Council**.
 - (2) Failure of the NCD CR to submit its recommendation to the **Planning and Zoning Commission P&Z City Council** within 30 calendar days after receipt of a written request for such from the City, shall relieve the **Planning and Zoning Commission P&Z City Council** of its responsibility to await the recommendation.
- (c) **Planning and Zoning Commission** Prior to action by the **Planning and Zoning Commission P&Z City Council**, the Planning and **Development Director Zoning Commission** shall review the recommendations of the HPC and the NCD CR, and forward **its** comments and **a** recommendation to the **Planning and Zoning Commission P&Z City Council**.
- (d) **Other Reviewers** The **Planning and Zoning Commission P&Z City Council** may, prior to taking any action, refer the local designation report and proposed boundaries to other local preservation groups or other interested parties for comment and recommendation.

PART 2.

That Section 3.8.8.B.3., *Action by the City Council*, related to the establishment of a local historic overlay district, is hereby amended as follows:

3. Action by **the Planning and Zoning Commission City Council**

- (a) After receipt of the comments and recommendations of the HPC, NCD CR - if received in accordance with the procedures set forth in this section - and **the Planning and Development Director the P&Z,** the **Planning and Zoning Commission P&Z City Council**, at its discretion, may determine whether to proceed with the initiation of an

application for a zoning map amendment for a LHO district, in accordance with Section 2.4.20, Zoning Map Amendment.

- (b) The ~~**Planning and Zoning Commission P&Z City Council**~~ shall decide a zoning map amendment application to classify land as a LHO district only after determining that the proposed district is of special significance in terms of its historic, pre-historic, architectural or cultural importance, and possesses integrity of design, setting, workmanship, materials, feeling and/or association.

PART 3.

That Section 3.8.8.B.4., *Architectural and Historic Guidelines*, related to the establishment of a local historic overlay district, is hereby amended as follows:

4. Architectural and Historic Guidelines

- (a) **Purpose** Architectural and historic standards provide a framework from which recommendations may be offered about the appropriateness of exterior treatment in an LHO.
- (b) **Adoption** Following the adoption of an LHO by ~~**the Planning and Zoning Commission P&Z City Council**~~ and prior to the effective date of the LHO, the HPC shall adopt detailed architectural and historic standards applicable to proposals within a designated LHO. Review and comment by ~~**the P&Z City Council**~~ shall be required before the HPC adopts any such standards.

SECTION 17.

(Regarding Manufactured Housing Overlay zoning districts)

That Section 3.8.9.B., *Establishment*, related to the establishment of a manufactured housing overlay district, is hereby amended as follows:

B. Establishment

1. Manufactured Housing Overlay (MHO) districts shall be established in accordance with Section 160D-910 of the North Carolina General Statutes and Section 2.4.20, Zoning Map Amendment.
2. MHO districts are permitted in accordance with Table 4.1.9, Principal Use Table.

3. In requesting the establishment of an MHO district, an applicant shall present factual information to ensure, in the discretion of the **P&Z or** City Council, that property values of surrounding lands are protected, that the character and integrity of the neighborhood are adequately safeguarded, and the proposed MHO district is consistent with these standards.
4. To assure acceptable similarity in exterior appearance between proposed manufactured dwellings and dwellings that are constructed on adjacent or nearby land, an applicant may, for illustrative purposes only, present examples of the types and design of such proposed dwellings.

SECTION 18.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 19.

This ordinance shall become effective on **January 1, 2024.**

Adopted by the City Council
City of High Point, North Carolina
The **XX** day of **MONTH 2023**
Sandra R. Keeney, City Clerk

By: _____
Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

**RESOLUTION FOR THE SHALL CONSIDER REGULATORY STANDARDS ADDED TO THE PURPA BY THE
INFRASTRUCTURE INVESTMENT ACT AND JOBS ACT OF 2021**

WHEREAS, on November 15, 2021, the infrastructure Investment and Jobs Act of 2021 ("IIJA") was enacted into law, amending the Public Utility Regulatory Policies Act 1978, as previously amended ("PURPA"), requiring both state-regulated electric utilities and certain non-regulated electric utilities (as defined under PURPA) to either consider or to establish a date to hold a hearing after public notice, within one year from the date of enactment (i.e., by November 15, 2022 thereof), following which the affected electric utilities are to consider the proposed standards hereto; and

WHEREAS, on August 18, 2023, the City of High Point, a non-regulated utility, as that term is defined by PURPA, 16 U.S.S. 2602, initiated proceeding to make a determination whether or not it is appropriate for the City to implement either of the two new PURPA standards;

WHEREAS, the amendments to PURPA require the City to consider and make a final determination as to whether it is appropriate to implement the standards related to the Demand-Response Practices and Electric Vehicle Charging Programs to fulfill the purposes of PURPA, which are to encourage the conservation of energy supplied by the City; to optimize efficiency of electric utility facilities and resources; and to facilities equitable rate for electric customers; and

WHEREAS, as part of its consideration, the City is required to hold a public hearing and issue a final determination, in writing, based upon the evidence presented at the hearing and upon findings specifically included in its written determination, and thereafter make a final determination available to the public; and

WHEREAS, the City gave public notice and allowed for comment from August 18th, 2023, through September 20th, 2023 at 5 P.M. A Public Hearing was then held on October 2nd. This public comment period and hearing allowed for written and verbally submitted comments; and

WHEREAS, the City of High Point Council is of the opinion that all hearing proceedings were conducted and notices provided in full compliance with PURPA; and

WHEREAS, in considering each of the two new PURPA standards the City of High Point Council must make a determination "whether or not it is appropriate to implement such standards to carry out the purpose of this title" pursuant to 16 U.S.C.A. 2621(a)(2006); and

WHEREAS, in making these determinations, the City of Concord Council has considered how the implementation of these standards might affect the City of High Point and its citizens in the area of encouraging energy conservation by citizens, making efficient use of facilities and resources, and maintaining equitable rates to customers, as well as conditions and circumstances specific to the City in reaching its conclusions; and

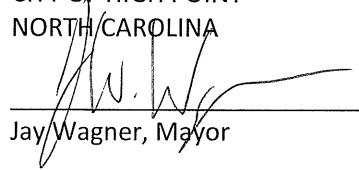
WHEREAS; the current and planned demand-response and demand flexibility programs of the City are programs that promote demand-response and demand flexibility practices by commercial, residential, and industrial customers to reduce electricity consumption during periods of unusually high demand, to the extent that the City is reasonably able to do so based upon information available and circumstances specific to operations of the City Electric System; and

NOW, THEREFORE, on this 2nd day of October 2023, the City of High Point Council hereby issues its final determinations on the implementation of the Demand-Response Practices standards and the Electric Vehicle Charging Programs standard as follows, to-wit:

1. **Demand-Response Practices:** the City has already adopted programs that promote demand-response and demand flexibility practices by commercial and industrial customers to reduce electricity consumption during periods of unusually high demand. As the technology is available through advanced metering infrastructure (AMI), the City will consider additional programs that will promote demand-response and demand flexibility practices.
2. **Electric Vehicle Charging Programs:** the City owns and operates four publicly available electric vehicle charging station locations. The City will continue to consider measures to promote greater electrification of the transportation sector as circumstances change and opportunities arise. As the technology is available through advanced metering infrastructure (AMI), the City will consider additional programs that will promote electric vehicle charging programs.

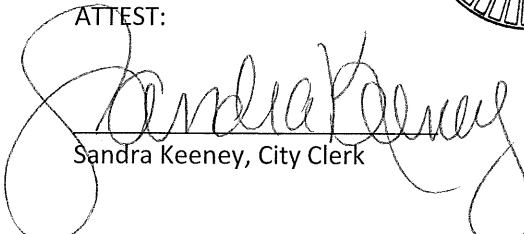
NOW, FURTHER THEREFORE, the City of High Point, having completed the mandatory consideration of these two standards, shall cause this final determination to be made available to the public by posting it on the City's website through and until December 31, 2023.

CITY COUNCIL
CITY OF HIGH POINT
NORTH CAROLINA


Jay Wagner, Mayor



ATTEST:


Sandra Keeney, City Clerk

Prosperity & Livability Committee

Chaired by Councilman Hudson

Committee Members: Hudson, Holmes, Jefferson, and Peters

September 20, 2023 –9 :00 a.m.

3rd Floor, Council Chambers

Minutes

CALL TO ORDER

Chairman Wesley Hudson called the meeting to order at 9:03 a.m. Following a roll call, the following attendance by Committee Members was duly noted.

Present (3):

Chairman Wesley Hudson, Committee Member Monica Peters; and Committee Member Michael Holmes

Absent (1):

Committee Member Cyril Jefferson

PRESENTATION OF ITEMS

2023-447 High Point Transit System (HPTS) Fare-Free on Election Days

Staff will provide information regarding fare-free transit service for the Municipal Primary election on Tuesday, October 10th and for the Municipal General election on Tuesday, November 7th.

Greg Venable, Transportation Director reported that the City of High Point would be providing fare-free transit service for the Municipal Primary election on Tuesday, October 10th and for the Municipal General election on Tuesday, November 7th; said that the service would be on the fixed and paratransit route systems; noted that this would be the first time that the HPTS had offered fare-free transit service for the primary and general elections; staff would advertise this information on the city's website and social media, local news outlets and at the transit station; said that the one day average revenue for the HPTS fixed and paratransit system would be \$700.00; and advised that no action was needed from the committee and that this matter was for informational purposes.

Committee Member Holmes spoke to the barriers that some voters experienced.

Mr. Venable provided an update regarding expanded times for transit services; and advised that staff was in the process of recruiting additional drivers for this matter.

2023-448 Update-High Point 2045 Comprehensive Plan

The Consultants, czb, will be giving an update regarding the High Point 2045 Comprehensive Plan.

Heidi Galanti, Planning Administrator recognized the consultants, Matt Ingalls and Thomas Eddington with czb, to provide an update regarding the High Point 2045 Comprehensive Plan (Plan).

Mr. Ingalls extended greetings; discussed the process summary for the Plan; said that a draft Plan would be available in early 2024; spoke to public engagement to include: Kitchen Table Conversations, Online Survey, Open House “Road Show”, and Online Feedback; spoke to the elements of the Plan coming together; explained the core values and planning principles regarding the Plan (support critical thinking and strategic risk-taking, etc...), ‘Big Things’ (cultivate a sense of community and unity, strengthen the sense of place and economic vitality of downtown, and diversity transportation modes and land uses), and the preferred growth scenario-outcomes to prioritize. Mr. Ingalls continued discussion regarding the growth framework of the Plan (Continued population growth of the city, complete streets, quality urban design, open space preservation-primarily in planning area, activity centers, key corridors); provided the next steps as followed: online survey September (opens 9/22), refine growth framework based on feedback, next round of meeting: November 1, and draft plan #1; and entertained questions.

Discussion took place regarding urbanized green space; rezoning; and incentives for developers regarding affordable housing opportunities.

Mr. Eddington spoke to and shared a preliminary map that included redevelopment locations and building metrics regarding the potential growth in activity centers and downtown.

Discussion ensued regarding redevelopment opportunities, and identifying areas/locations of redevelopment opportunities, and revitalization.

The consultants (czb) thanked everyone for their time; and encouraged the committee to reach out to them regarding any questions, concerns, or comments.

Chairman Hudson thanked staff and the consultants for their efforts.

ADJOURNMENT

There being no further business to come before the Prosperity & Livability Committee, the meeting was adjourned at 9:43 a.m.

Respectfully Submitted:

Wesley Hudson, Chairman

Attest:

Mary S. Brooks, CMC
Deputy City Clerk

COMMUNITY DEVELOPMENT COMMITTEE

Chaired by Council Member Williams

Committee Members: Williams, Hudson, Jefferson, and Johnson

September 12, 2023 – 4:00 P.M.

Council Chambers – Municipal Building

211 S. Hamilton Street

CALL TO ORDER

Acting Chairman Jefferson called the meeting to order at 4:02 p.m. and conducted roll call as followed:

Present: Acting Chairman Cyril Jefferson (Committee Member), Chairman Christopher Williams, and Committee Member Wesley Hudson

Absent: Committee Member Tyrone Johnson

PRESENTATION OF ITEMS

2023-414 Consideration of a Resolution to Convey Property located at 1215 Adams Street

City Council is requested to approve a resolution to convey the property located at 1215 Adams Street to the Boys & Girls Club of Greater High Point and that the appropriate City Official(s) be authorized to execute all necessary documents.

Nena Wilson, Community Development Director reported that this was a request to convey the property located at 1215 Adams Street, High Point, N.C. to the Boys & Girls Club of Greater High Point; said that the conveyance of said property would allow the Boys & Girls Club to expand their facilities; noted that the Boys & Girls Club also owned the properties surrounding this parcel; the said property was obtained through tax foreclosure this year and the property value is \$12,000; there was no budget impact; and that staff is recommending approval of the resolution to convey said property and that the appropriate city officials/employees to be authorized to execute all necessary documents.

A motion was made by Committee Member Hudson, seconded by Chairman Williams, to approve agenda item 2023-414.

Motion carried with the following vote:

Aye: Acting Chairman Jefferson, Chairman Williams, and Committee Member Hudson

Absent: Committee Member Johnson

2023-415 Consideration for Approval of the 2023 Urgent Repair Program (URP23) Policy Amendments

City Council is requested to approve the amended URP23 Procurement and Disbursement Policies and the amended URP23 Assistance Policy, and that the appropriate City Official(s) be authorized to execute all necessary documents.

Ms. Wilson reported that the Community Development and Housing ensures compliance with the Environmental Protection Agency Renovation, Repair and Painting (RRP) Rule,

the language was being included in the city's URP23 policies to comply with North Carolina Housing Finance Agency's (NCHFA) model policies; explained the RRP process; said that the policy amendments would become effective July 1, 2023; said that as part of the URP program, the city is required to have an approved Assistance Policy and Procurement and Disbursement Policies; that the post Approval Documentation packet for URP23 was submitted; and that staff is recommending approval of the amended URP23 Procurement and Disbursement Policies and the amended URP23 Assistance Policy, and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Discussion took place regarding the application process for the URP program.

A motion was made by Committee Member Hudson, seconded by Chairman Williams, to approve agenda item 2023-414.

Motion carried with the following vote:

Aye: Acting Chairman Jefferson, Chairman Williams, and Committee Member Hudson

Absent: Committee Member Johnson

Information was shared regarding the upcoming Operation Inasmuch Fall 2023; the upcoming 'Day at the Park' event at City Lake Park for Saturday; and the upcoming Unity Festival scheduled for September 23rd from 12 to 4 p.m.

ADJOURNMENT

There being no further business to come before the Committee, the meeting adjourned at 4:18 p.m.

Respectfully Submitted,

Cyril Jefferson, Acting Chairman
Community Development Committee

Attest:

Mary S. Brooks, Deputy City Clerk
City Clerk

Office of the Mayor
City of High Point
North Carolina
Proclamation...

WHEREAS, Public power is a crucial component in cities and towns across North Carolina, contributing to the overall health of communities by providing reliable electricity, excellent local service, and prompt restoration; and

WHEREAS, North Carolina's more than 70 public power cities and towns are among more than 2,000 across the country, and most North Carolina public power cities and towns have been electric providers for more than 100 years; and

WHEREAS, The City of High Point maintains 784 miles of distribution lines, over 27,000 streetlights, 14 substations, and nearly 44,000 customer accounts; and

WHEREAS, North Carolina's public power utilities are valuable community assets that contribute to the well-being of the community and provide economic development opportunities; and

WHEREAS, North Carolina's public power utilities are dependable institutions that provide excellent service and a commitment to community.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of High Point, North Carolina, do hereby proclaim the week of **October 1-7, 2023**, as

PUBLIC POWER WEEK

and the City of High Point joins our other North Carolina Public Power communities, as well as, all public power systems in the United States in this celebration of public power.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of High Point to be affixed this 2nd day of October 2023

Jay W. Wagner, Mayor

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Resolution for New PURPA Standards	
FROM: Tyler Berrier, PE; Electric Utilities Director	MEETING DATE: October 2, 2023
PUBLIC HEARING: October 2 nd , 2023	ADVERTISED DATE/BY: September 22, 2023
ATTACHMENTS: Attachment A: Regulatory Standards Resolution Attachment B: PURPA Standards Information	

PURPOSE: The Federal Government has added 2 new regulatory standards pertaining to Public Utility Policy. Each qualifying utility had one year from the enactment of the IIJA (November 15, 2022) to formally commence consideration of each of the two new regulatory standards, and has two years from the enactment of the IIJA (November 15, 2023) to decide whether or not to adopt each such standard.

BACKGROUND: On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act of 2021 (IIJA). Embedded within the IIJA are sections 40104(a)(1) and 40431(a), which amend Section 111(d) of the Public Utility Regulatory Policy Act of 1978 (PURPA) adding two new regulatory standards that each state regulatory commission, and each "nonregulated electric utility," such as The City of High Point Electric Utilities Department, must formally consider and decide on whether or not to adopt. The standards concern Demand Response Practices and Electric Vehicle Charging Programs.

BUDGET IMPACT: None

RECOMMENDATION/ACTION REQUESTED: : It is the recommendation of Electric Department Staff that City Council adopt at its regularly scheduled October 2nd, 2023 meeting, the attached Resolution, which would do the following:

1. Demand-Response Practices: the City has already adopted programs that promote demand-response and demand flexibility practices by commercial and industrial customers to reduce electricity consumption during periods of unusually high demand. As the technology is available through advanced metering infrastructure (AMI), the City will consider additional programs that will promote demand-response and demand flexibility practices.
2. Electric Vehicle Charging Programs: the City owns and operates four publicly available electric vehicle charging station locations. The City will continue to consider measures to promote greater electrification of the transportation sector as circumstances change and opportunities arise. As the technology is available through advanced metering infrastructure (AMI), the City will consider additional programs that will promote electric vehicle charging programs.



Mayor, Members of Council:

The Federal Government issued two 'shall consider' energy standards as part of the infrastructure investment and Jobs Act of 2021 which amended the Public Utility Regulatory Policies Act of 1978 (PURPA). PURPA was created to promote energy conservation (reduce demand) and promote greater use of domestic energy and renewable energy (increase supply). The two shall consider standards are promoting demand response and promoting electric vehicle charging programs.

The act required a public hearing to seek comments on the two shall consider standards. With the help of the Public Information office a public comment notice was conducted for 30 days. Also, we are holding a public hearing today. No comments were received during the public comment notice period.

As amended, PURPA Section 111(d)(20) directs state regulatory commissions and non-regulated electric utilities, like the City of High Point's Electric Department, to consider for adoption a very broad regulatory policy to promote demand response. The city has already adopted programs that promote demand response and demand flexibility practices with Time-of-Use Rates and Coincident Peak rates. As technology is available through advanced metering infrastructure (AMI), the city will consider additional programs that will promote demand response and demand flexibility practices. Also, we plan to adopt a residential TOU Rate.

As amended, PURPA Section 111(d)(21) directs non-regulated electric utilities, like the City of High Point's Electric Department, to consider for adoption a broad regulatory policy to promote electric vehicle charging programs in their retail service territories. For this second shall consider standard the city operates 4 publicly available electric vehicle charging stations which are currently free to charge. As technology is available through advanced metering infrastructure (AMI), the city will consider additional programs that will promote electric vehicle charging programs.

It is staff's recommendation to adopt the resolution in the agenda packet entitled, "Resolution for the Shall Consider Regulatory Standards Added to the PURPA by the Infrastructure Investment and Jobs Act of 2021." As a summary, staff has reviewed the two energy standards and found that the City already offers programs that promote demand response and EV charging. While maintaining our goal to consistently deliver reliable electric service in a timely and cost-efficient manner, the City will continue to consider additional programs as technological advances. By adopting the resolution, the city will meet the requirements of the PURPA standards.

**RESOLUTION FOR THE SHALL CONSIDER REGULATORY STANDARDS ADDED TO THE PURPA BY THE
INFRASTRUCTURE INVESTMENT ACT AND JOBS ACT OF 2021**

WHEREAS, on November 15, 2021, the infrastructure Investment and Jobs Act of 2021 (“IIJA”) was enacted into law, amending the Public Utility Regulatory Policies Act 1978, as previously amended (“PURPA”), requiring both state-regulated electric utilities and certain non-regulated electric utilities (as defined under PURPA) to either consider or to establish a date to hold a hearing after public notice, within one year from the date of enactment (i.e., by November 15, 2022 thereof), following which the affected electric utilities are to consider the proposed standards hereto; and

WHEREAS, on August 18, 2023, the City of High Point, a non-regulated utility, as that term is defined by PURPA, 16 U.S.S. 2602, initiated proceeding to make a determination whether or not it is appropriate for the City to implement either of the two new PURPA standards;

WHEREAS, the amendments to PURPA require the City to consider and make a final determination as to whether it is appropriate to implement the standards related to the Demand-Response Practices and Electric Vehicle Charging Programs to fulfill the purposes of PURPA, which are to encourage the conservation of energy supplied by the City; to optimize efficiency of electric utility facilities and resources; and to facilities equitable rate for electric customers; and

WHEREAS, as part of its consideration, the City is required to hold a public hearing and issue a final determination, in writing, based upon the evidence presented at the hearing and upon findings specifically included in its written determination, and thereafter make a final determination available to the public; and

WHEREAS, the City gave public notice and allowed for comment from August 18th, 2023, through September 20th, 2023 at 5 P.M. A Public Hearing was then held on October 2nd. This public comment period and hearing allowed for written and verbally submitted comments; and

WHEREAS, the City of High Point Council is of the opinion that all hearing proceedings were conducted and notices provided in full compliance with PURPA; and

WHEREAS, in considering each of the two new PURPA standards the City of High Point Council must make a determination “whether or not it is appropriate to implement such standards to carry out the purpose of this title” pursuant to 16 U.S.C.A. 2621(a)(2006); and

WHEREAS, in making these determinations, the City of Concord Council has considered how the implementation of these standards might affect the City of High Point and its citizens in the area of encouraging energy conservation by citizens, making efficient use of facilities and resources, and maintaining equitable rates to customers, as well as conditions and circumstances specific to the City in reaching its conclusions; and

WHEREAS; the current and planned demand-response and demand flexibility programs of the City are programs that promote demand-response and demand flexibility practices by commercial, residential, and industrial customers to reduce electricity consumption during periods of unusually high demand, to the extent that the City is reasonably able to do so based upon information available and circumstances specific to operations of the City Electric System; and

NOW, THEREFORE, on this 2nd day of October 2023, the City of High Point Council hereby issues its final determinations on the implementation of the Demand-Response Practices standards and the Electric Vehicle Charging Programs standard as follows, to-wit:

1. **Demand-Response Practices:** the City has already adopted programs that promote demand-response and demand flexibility practices by commercial and industrial customers to reduce electricity consumption during periods of unusually high demand. As the technology is available through advanced metering infrastructure (AMI), the City will consider additional programs that will promote demand-response and demand flexibility practices.
2. **Electric Vehicle Charging Programs:** the City owns and operates four publicly available electric vehicle charging station locations. The City will continue to consider measures to promote greater electrification of the transportation sector as circumstances change and opportunities arise. As the technology is available through advanced metering infrastructure (AMI), the City will consider additional programs that will promote electric vehicle charging programs.

NOW, FURTHER THEREFORE, the City of High Point, having completed the mandatory consideration of these two standards, shall cause this final determination to be made available to the public by posting it on the City's website through and until December 31, 2023.

CITY COUNCIL
CITY OF HIGH POINT
NORTH CAROLINA

Jay Wagner, Mayor

ATTEST:

Sandra Keeney, City Clerk



Sign-In Sheet

[illegible]

**HIGH POINT CITY COUNCIL
SPECIAL MEETING
September 18, 2023 – 4:00 P.M.
3rd Floor Conference Room – Municipal Building
211 S. Hamilton Street**

CALL TO ORDER

Mayor Wagner called the meeting to order at 4:00 p.m. noting the following Elected Officials were present at the call to order:

Present: Mayor Jay Wagner, Mayor Pro Tempore Wesley Hudson, Council Member Britt Moore, Council Member Victor Jones, Council Member Monica Peters, and Council Member Jefferson.

Council Member Michael Holmes (arrived at 4:09 p.m.), Council Member Chris Williams (arrived at 4:24 p.m.), and Council Member Tyrone Johnson (arrived at 4:47 p.m.)

Staff

Present: Tasha Logan Ford, City Manager, Greg Ferguson, Deputy City Manager, Eric Olmedo, Assistant City Manager, Damon Dequenne, Assistant City Manager, Meghan Maguire, City Attorney, Sandy Dunbeck, Economic Development Director, Montana Brown, Economic Development Manager, Mary Brooks, Deputy City Clerk, and Sandra Keeney, City Clerk

PRESENTATION OF ITEMS

2023-446 Closed Session-Attorney Client Privilege and Economic Development

Council is requested to go into Closed Session Pursuant to N.C. General Statute §143-318.11(a)(3) for Attorney-Client Privilege; and into Closed Session Pursuant to N.C. General Statute §143-318.11(a)(4) for Economic Development.

Council Member Jones made a motion, seconded by Council Member Jefferson, to go into Closed Session Pursuant to N.C. General Statute §143-318.11(a)(3) for Attorney-Client Privilege and §143-318.11(a)(4) for Economic Development.

Motion carried with the following vote:

Aye: Mayor Wagner, Mayor Pro Tempore Hudson, Council Member Moore, Council Member Jones, Council Member Peters, and Council Member Jefferson

Absent: Council Member Holmes, Council Member Williams, and Council Member Johnson

Closed Session began at 4:02 p.m.

Council Member Jones made a motion, seconded by Council Member Jefferson, to end Closed Session and resume Regular Session.

Motion carried with the following vote:

Aye: Mayor Wagner, Mayor Pro Tempore Hudson, Council Member Moore, Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Jones, and Council Member Holmes

Absent: Council Member Peters

Closed Session ended at 5:21 p.m.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 5:22 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Sandra Keeney
City Clerk

COMMUNITY DEVELOPMENT & HOUSING Code Enforcement Division



To: Greg Ferguson, Deputy City Manager

From: Thanena Wilson, Director, Community Development & Housing

Date: October 2, 2023

Re: Strategic Plan Update for Proactive Codes Enforcement

This report summarizes Local Codes Enforcement activities for the month of September 2023.

Minimum Housing

- 16 New Citizen Complaints
- 10 New City-initiated Cases
- Demolition Ordinances
 - 2 properties pending asbestos abatement
 - 1 owner-initiated demolition (*1707 Welborn St*)
 - 7 properties pending owner repairs (*1205 Filbert St, 1105 Forrest St, 613 Manley St, 524 Cross St, 1222 Carter St, 1004 Prospect St and 337 Wingo St*)

Public Nuisance

- 101 New Citizen Complaints
- 150 New City-initiated Cases
- 216 Cases Abated
 - 59 City-abated
 - 157 Owner-abated

Zoning

- 16 New Citizen Complaints
- 32 New City-initiated Cases
- 76 Signs collected

Total Active Cases (571)

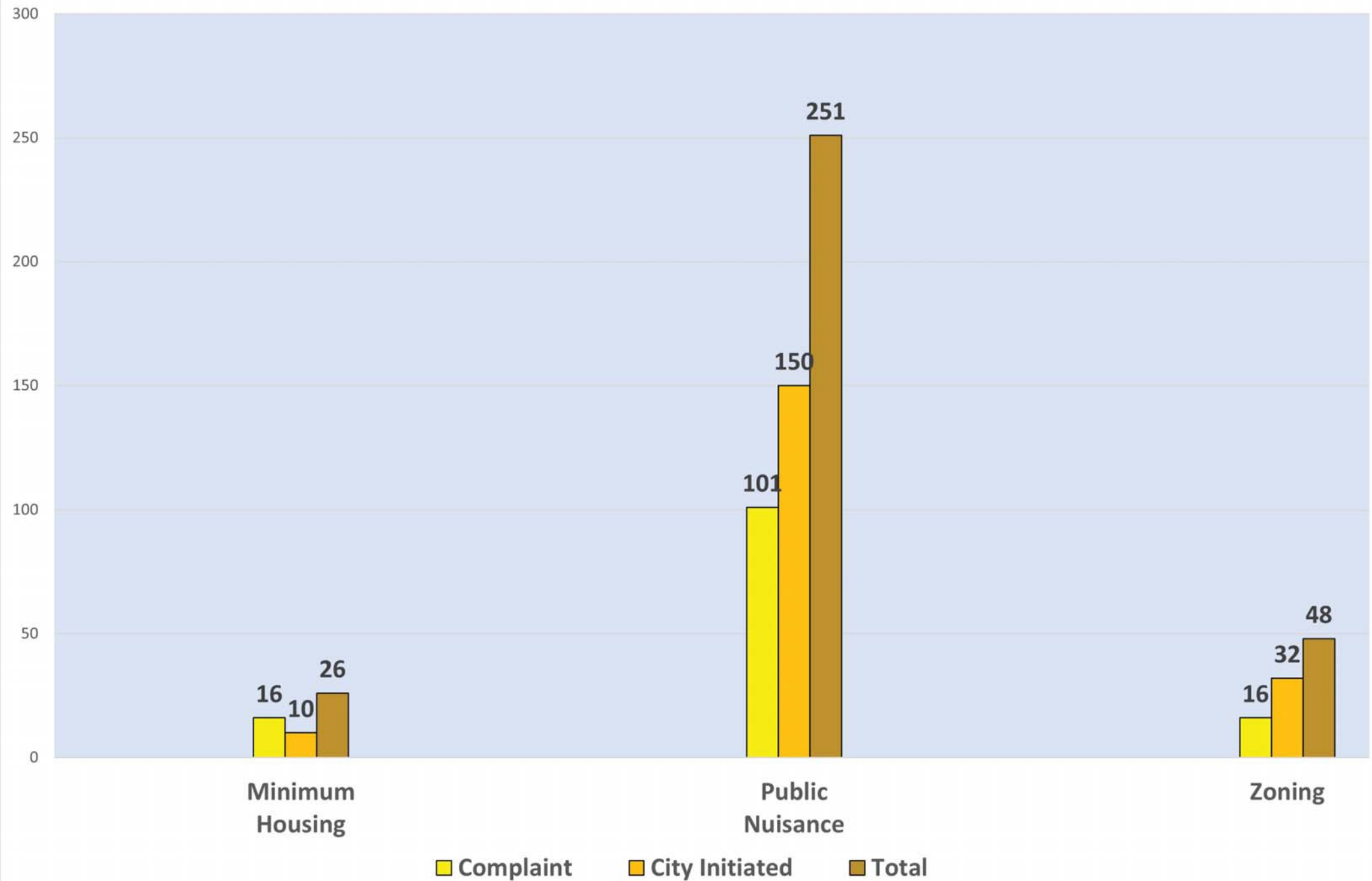
- 236 Minimum Housing
- 183 Public Nuisance
- 152 Zoning

Attachments: 1) Monthly report table
2) Photos – 802 Carrick Street



[illegible]

New Cases September 2023





802

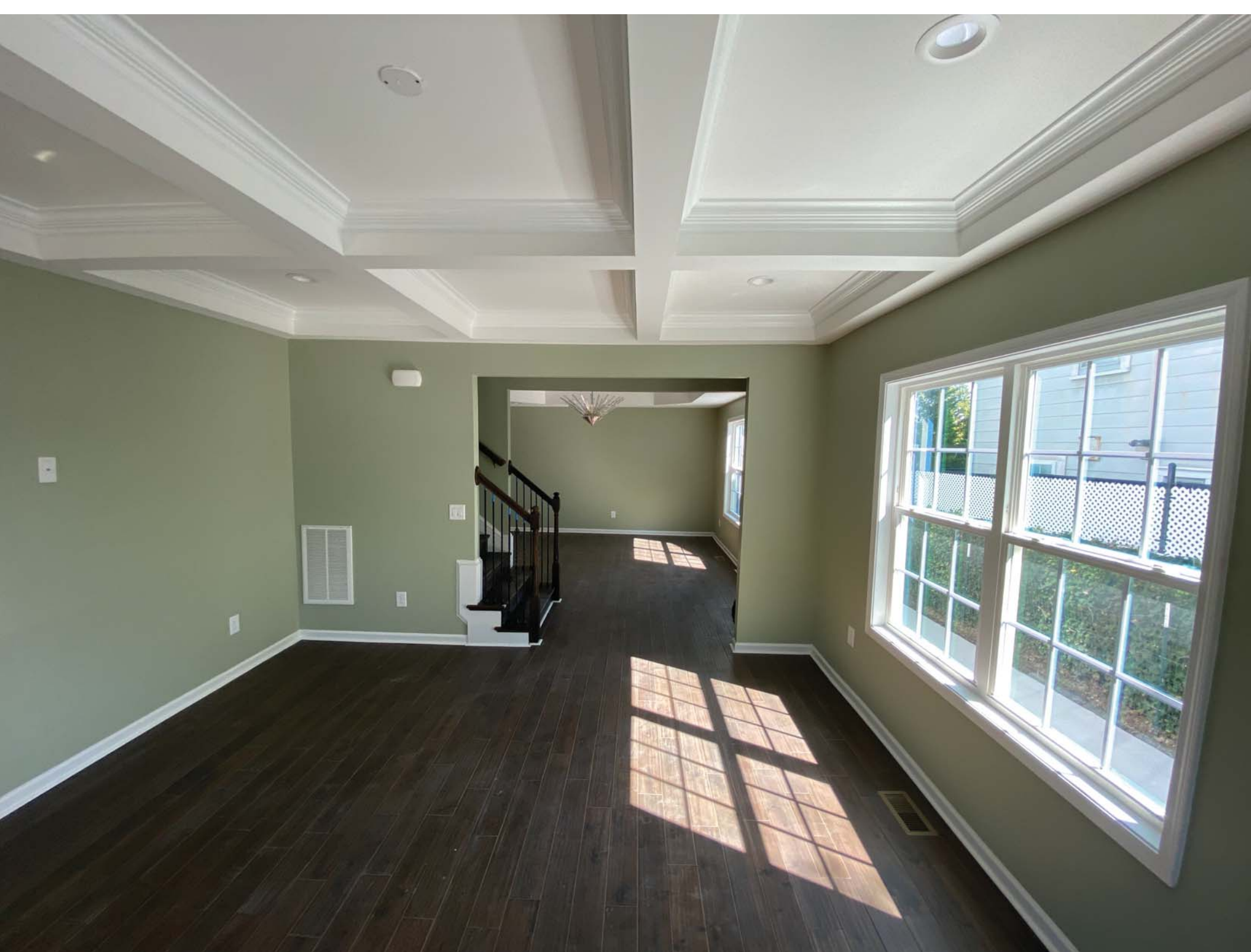
**CITY OF HIGH POINT
CODE ENFORCEMENT
VIOLATION NOTICE**

☐ HIGH GRASS/WEEDS	☐ POOLING/DOCK OF STANDING WATER
☐ TRAMPY INFESTATIONS	☐ FLYING UNCLE/CLIPPING
☒ SECURE DWELLING	☒ UNDESIRABLE/FALLEN TREES
	☒ BUILDING MATERIALS/DEBRIS
COMPLIANCE DATE: <u>4-11-17</u>	
CODE OFFICER: <u>Mullins</u>	NUMBER: <u>283-3324</u>

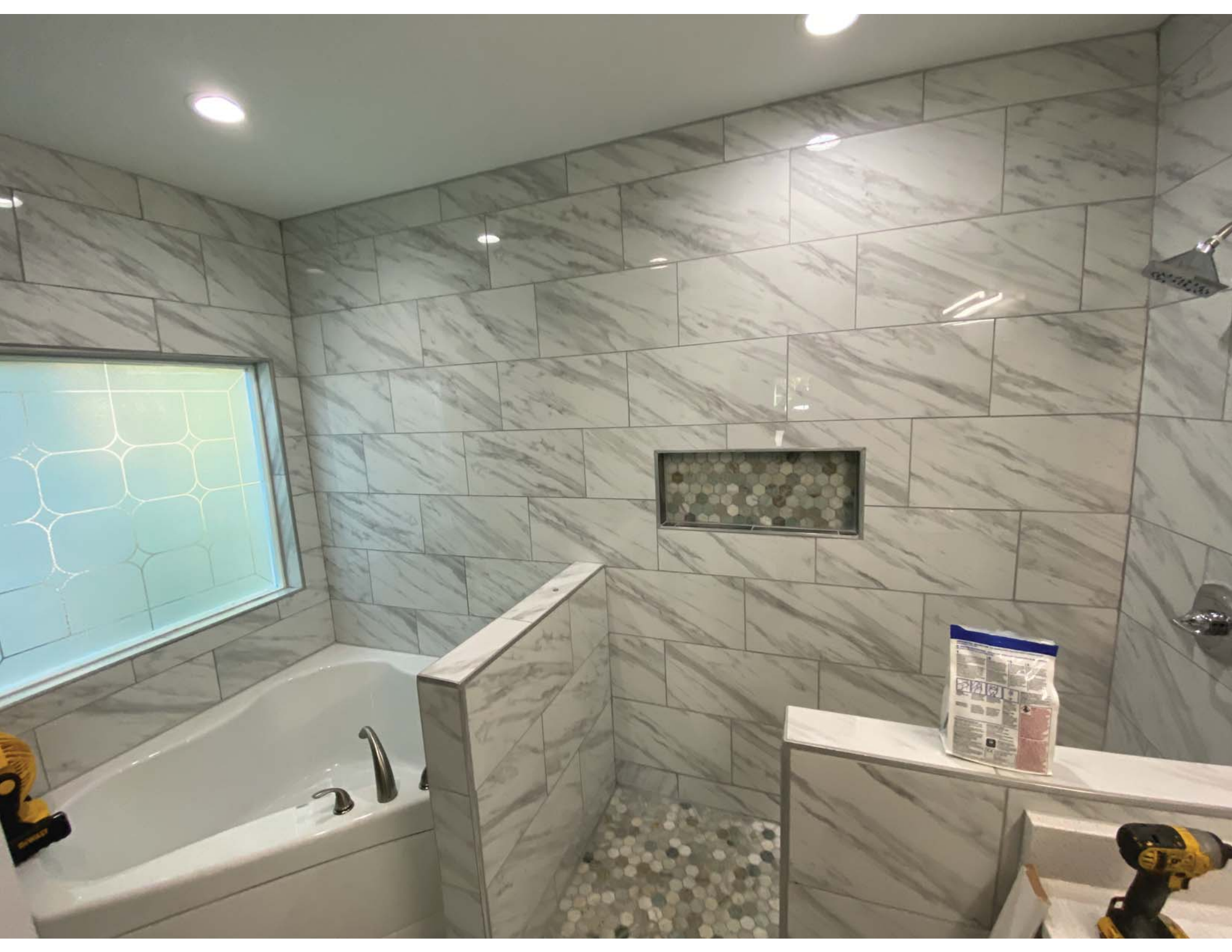






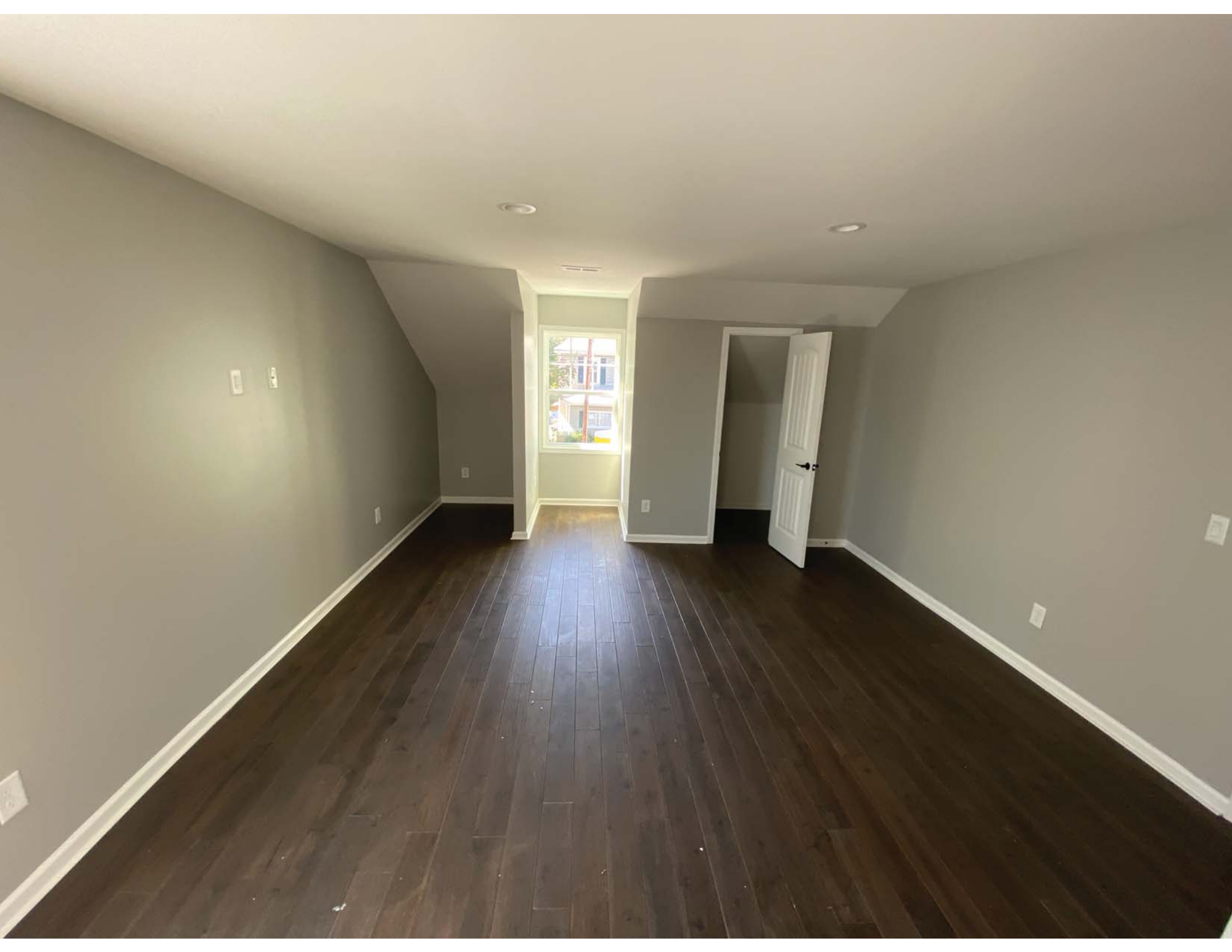


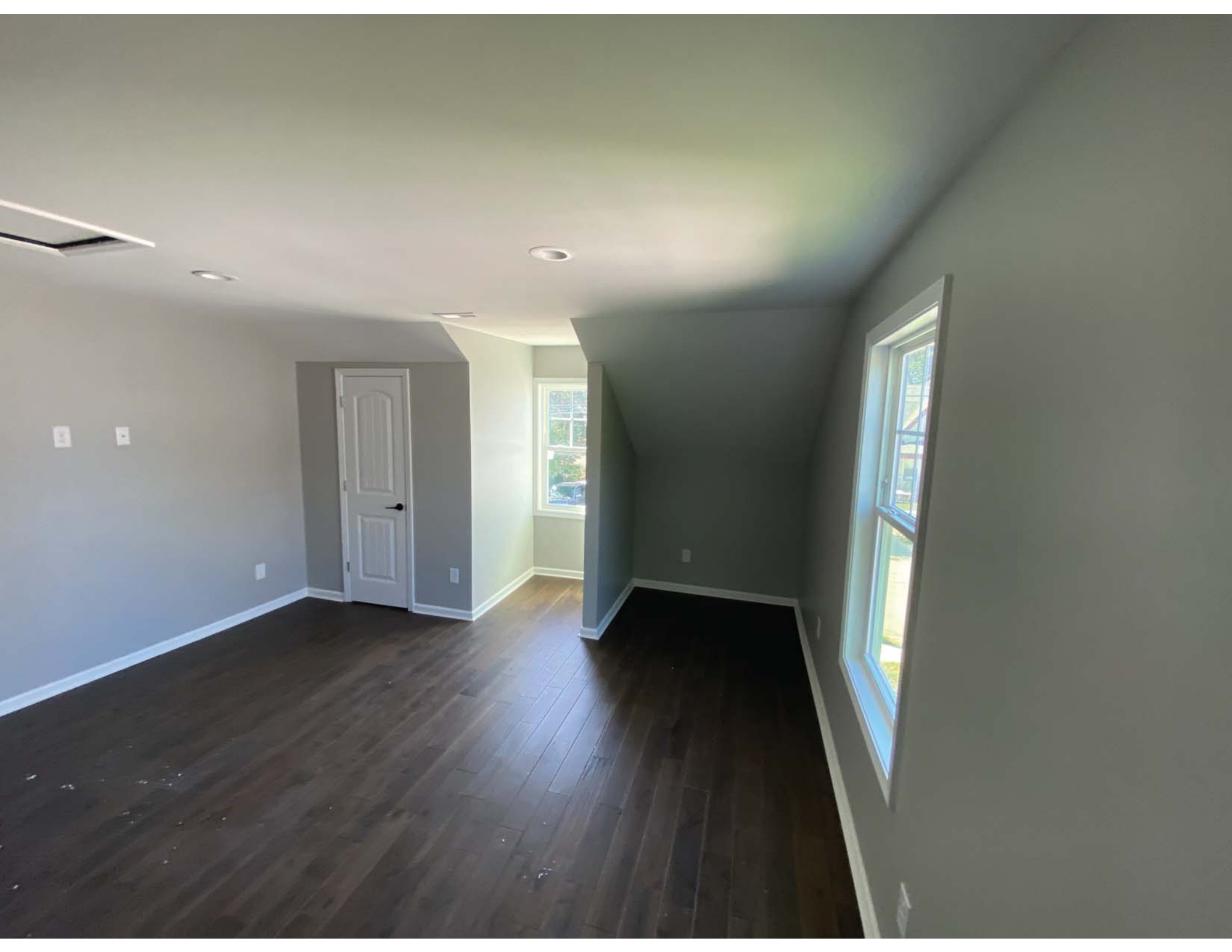














AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.6, CONDITIONAL ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on September 26, 2023 and before the City Council of the City of High Point on October 2, 2023 regarding **Zoning Map Amendment Case 23-25 (ZA-23-25)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on September 16, 2023, for the Planning and Zoning Commission public hearing and on September 20, 2023 and September 27, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **October, 2023.**

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning General Business (CZ-GB) District.** The property is approximately 14.19 acres, lying along the north and south sides of Furniture Avenue, approximately 0.3 mile (1,800 feet) east of Riverdale Road (4257, 4265, 4262 & 4268 Furniture Avenue). The property is also known as Guilford County Tax Parcels 209383, 209384, 209387 & 209386.

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and condition(s) imposed, unless subsequently changed or amended as provided for by the Development Ordinance.

Part I. USES:

- A. Permitted Uses: Any uses allowed in the General Business (GB) District subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.
- B. Prohibited Uses: The following use types, as enumerated in Table 4.1.9 (Principal Use Table) of the Development Ordinance, shall be prohibited:
 - 1. Institutional Use Category
 - a. Taxi or limousine service facility

2. Commercial Use Category
 - a. Bulky item sales
 - b. Restaurant, major
 - c. Amusement parks
 - d. Major vehicular establishment
 - e. Minor vehicular establishment
 - f. Recreational Vehicle Parks or Campsites
3. Industrial Use Category
 - a. Self-storage, external access

Part II. CONDITIONS:

- A. Development and Dimensional Requirements.
 1. Development: A perennial stream runs in a general northeasterly direction along the northern/northeastern portion of the site. No development shall be permitted on that portion of the site lying between the stream and the US 29 (formerly known as Business 85) right-of-way.
 2. Building Aesthetics: Decorative screening and/or landscaping shall be installed so as to screen from public view along US 29 all trash rooms, trash holding receptacles, loading or service areas, mechanical or electrical equipment, storage facilities or bins, or other unsightly building appurtenances. Appropriate screening shall also be provided to screen as much as reasonably possible from public view along US 29 all roof-mounted equipment, appurtenances, and roof vents from public view.
- B. Lot Combination:
 1. Guilford County Tax Parcel 209383 and 209384 (*4257 & 4265 Furniture Avenue*) shall be combined into one lot prior to resubdivision or any new development upon these parcels.
 2. Guilford County Tax Parcel 209387 and 209386 (*4262 & 4268 Furniture Avenue*) shall be combined into one lot prior to resubdivision or any new development upon these parcels.
- C. Transportation Conditions.
 1. Access: No vehicular access shall be permitted to US 29.
 2. Use restriction for School (major or minor) use type:
 - a. Any use of the zoning site for a School use type, as permitted in Table 4.1.9 Principal Use Table of the Development Ordinance, shall be affiliated with the Major School use located at 4201 Furniture Avenue

- (Guilford County Tax Parcel 209376) known as “The College Preparatory and Leadership Academy of High Point” (CPLA).
- b. If a School use type on the zoning site is not directly affiliated with CPLA, then onsite vehicular stacking / student drop-off and student pick-up shall be installed on 4257 & 4265 Furniture Avenue (Guilford County Tax Parcels 209383 & 209384) to standards required by the City of High Point Transportation Department. This onsite vehicle stacking, student drop-off and pick up shall:
 - i. obtain land development permits, and
 - ii. be installed within one year of the separate school being established on the zoning site.
 - c. Failure to meet the above noted use standard shall cause the zoning to become void and administrative initiation of a Zoning Map Amendment application by the City of High Point Planning and Development Department to establish a less intensive zoning district on the site.
3. Other Transportation Conditions The City of High Point Transportation Director and the North Carolina Department of Transportation (if applicable) shall approve the exact location and design of all access points and improvements.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

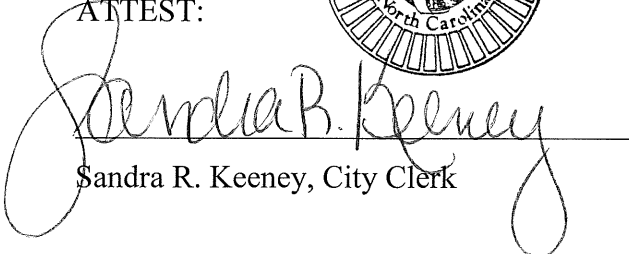
Adopted by the City Council
City of High Point, North Carolina
The 2nd day of October, 2023

By: _____

Jay W. Wagner, Mayor



ATTEST:


Sandra R. Keeney, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Zoning Map Amendment 23-23 (City of High Point)	
FROM: Sushil Nepal, AICP Planning & Development Director	MEETING DATE: October 2, 2023
PUBLIC HEARING: Yes	ADVERTISED DATE/BY: September 20 & 27, 2023 Planning & Development
ATTACHMENTS: A. Staff Report B. Zoning Ordinances	

PURPOSE:

A request by the City of High Point to rezone approximately 11.7 acres as part of the Comprehensive Zoning Map Amendment project.

- Area A - To rezone approximately 0.7 acres from the Residential Single Family – 5 (R-5) District to the General Business (GB) District. The site is located along the south side of W. Parris Avenue, approximately 640 feet west of N. Main Street (149, 151 & 153 W. Parris Avenue).
- Area B - To rezone approximately 11 acres from the Heavy Industrial (HI) District to the Limited Business (LB) Districts. The site is located along Beddington Street, between Blake Avenue and Tower Avenue.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at its September 26, 2023 public hearing. All members of the Commission were present, except for member Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Area A (W. Parris Avenue), there were no speakers on this portion of the zoning request.

Area B (Beddington Street), there were two speakers in favor and one speaker in opposition.

Speaking in favor of the request were Mr. Bruce and Donald Shipwash, who own property at 218, 220, and 222 Beddington St. They noted they have been constructing affordable homes along Beddington Street since 2008. With the change in the Development Ordinance in 2017, new residential uses are no longer permitted in Heavy Industrial-zoned areas. They support rezoning to protect the existing residential homes and to continue to allow development of affordable homes on the few remaining undeveloped lots along Beddington Street.

Speaking in opposition was James Dildine, the owner of Sixth-Eight Motors Inc. at 230 Beddington Street. He noted that he prefers the area retain its HI District zoning, including his property and all the other homes along this street. He added that due to recent robberies at his facility, he does not desire to have any additional residential uses in the area and that there is already too much traffic on Beddington Street.

BUDGET IMPACT:

There is no budget impact.



RECOMMENDATION/ACTION REQUESTED:

A. Staff Recommendation

Staff recommended **approval** of this request as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 7-0. (*vote count based on having one absent member and one vacant seat on the commission*).

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 7-0 to approve the following statement:

Zoning Map Amendment 23-23 is consistent with the City's adopted policy guidance because the zoning map amendment is supported by goals and objection of the Land Use Plan that speaks to promote an urban growth pattern that occurs in an orderly fashion; and encourage development that enhances and preserves established neighborhoods. Furthermore, The amendments are needed to match the manner in which these neighborhoods have developed and to remove unneeded restrictions.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-23
September 26, 2023**

Request

A request by the High Point City Council to rezone approximately 11.7 acres, as part of the Comprehensive Zoning Map Amendment Project. This request focuses on two areas, 1) parcels within the central-western portion of the City along W. Parris Avenue, and 2) parcels within the south portion of the City off Beddington Street.

Background

The purpose of the Comprehensive Zoning Map Amendment Project is to review and evaluate the zoning of land throughout the city, identify areas where the zoning is out of sync with the existing use of land or is inconsistent with current land use policy, and propose appropriate changes in zoning for those areas. The primary goal of the project is to remove improper or obsolete zoning districts that may be acting as a barrier to development.

Details of Proposal

The following is a summary of the properties to be considered under this Zoning Map Amendment.

From	To	Development/Use	Location
R-5	GB	Single family dwellings	Lying along the south side of W. Parris Avenue, approximately 640 feet west of N. Main Street (149, 151 & 153 W. Parris Ave).
HI	LB	Single family dwellings, undeveloped parcels, and a major vehicle establishment (<i>automotive repair facility</i>)	Lying along Beddington Street, between Blake Avenue and Tower Avenue.

Analysis

The requested rezoning of these lands is intended to update zoning to match the development pattern of the surrounding area. See attached evaluations for further detail.

Consistency with Adopted Policy Guidance

Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.

The zoning map amendment is supported by goals and objection of the Land Use Plan that speaks to promote an urban growth pattern that occurs in an orderly fashion; and encourage development that enhances and preserves established neighborhoods.

Reasonableness/Public Interest:

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

The amendments are needed to match the manner in which these neighborhoods have developed and to remove unneeded restrictions.

Recommendations

Staff recommends approval of the following zoning map amendments:

Area A: Rezone approximately 0.7 acres to the GB District.

Area B: Rezone approximately 11 acres to the LB District.

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 statement(s) as written in this report or with any additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with the consistency statement(s) in this report, 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 and other plans as may be applicable. This may be done by adopting the statement(s) as written in this report, or with any additions or changes as agreed upon by the Council, or, if the Council is in disagreement with the consistency statement(s) in this report, by adoption of its own statement.

Report Preparation

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

AREA A

Location: 149, 151 & 153 W. Parris Avenue (lying along the south side of W. Farris Avenue, approximately 640 feet west of N. Main Street).

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
	Residential Single Family – 5 District	General Business District
<i>Purpose & Intent:</i>	<u>R-5 District</u> The R-5 district is established to accommodate principally single-family detached dwellings developed at a density of 5 units an acre that is served by public water and sewer. Complimentary uses such as open space, schools, utilities, religious institutions, and recreational facilities are also allowed.	<u>GB District</u> The GB district is established to accommodate a wide range of general retail, business, and service uses that serve groups of neighborhoods. GB districts are generally located at major street intersections and along major thoroughfares. Residential uses are encouraged as stand-alone uses and on the upper floors of retail and office buildings as a part of mixed-use development.
<i>Current Uses:</i>	Three single family homes. <i>Permitted use in the R-5 District</i>	Single family homes are not permitted in the GB District. <i>The current single family homes will become existing nonconforming uses.</i> <i>(NOTE: Multifamily, townhomes and triplex/quadplex dwellings are permitted in the GB District.)</i>

	Adjacent Zoning	Adjacent Land Use
North:	General Business (GB) District	Governmental facility (US Army Reserve Post)
South:	General Business (GB) District	Major vehicle establishment (Automotive repair establishment)
East:	General Business (GB) District	Commercial/retail/office structure
West:	General Business (GB) District	Commercial/retail/office structure

Land Use Plan Classification
The area is designated as follows: • Community/Regional Commercial: This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.

Analysis

The zoning site lies within a two-block area encompassed by N. Main Street, W. Parris Avenue, Idol Street and Westchester Drive. This area was historically a residential neighborhood lying at the edge of the N. Main Street commercial corridor. Beginning in the early 1980s, zoning requests began to be

submitted and approved for properties along Westchester Drive and within the middle of these blocks to allow commercial and office uses. By the late 1990s, most of the residential zoning and uses had been changed to commercial and office uses. Thus in 2000, the Land Use Map was amended to classify these blocks as Community / Regional Commercial.

In 2006, the City Council adopted a policy statement pertaining to the remaining residential lots in this area. This statement noted that future commercial zoning requests consist of a grouping of abutting residential lots. The intent was to prevent the creation of an isolated residential zoned parcel, that may be unusable, as this area completes its conversion from residential to a commercial zoned area.

Since 2010 there have been four rezoning of groups of residential homes in this area, leaving the three parcels associated with this zoning request as the last residential zoned node in this two block area. Rezoning of these parcels from the R-5 District to the GB District will remove unintended barrier to future commercial development. Furthermore, the requested GB District more accurately reflects the manner in which this area has redeveloped over the past 35 years, and it will promote greater consistency in zoning standards among abutting parcels.

Remaining single family dwellings in this two-block area would become nonconforming uses as single family homes are not permitted in the GB District. However, the Development Ordinance allows nonconforming uses to remain and continue to be used in the same manner, they can also be expanded up to 25% of its building footprint. The nonconforming use status runs with the land; thus, a nonconforming dwelling may be sold, and the new owner maintains all previous rights of use.

The only time a nonconforming status would be impacted is if that use ceases operation for a continuous period of more than 180 days. If this happens any subsequent use of the land must be a use permitted in the GB District. Staff has historically granted broad flexibility when dealing with nonconforming residential uses. Simply not having anyone occupying the dwelling would not trigger the 180 day time-period. Staff has historically only acted on nonconforming single family homes when 1) the property is not being actively marketed for sale or rent, 2) when all utilities have been turned off, or 3) when the structure is razed/demolished.

Recommendation

Rezone 149, 151 & 153 W. Parris Avenue from the R-5 District to the GB District.

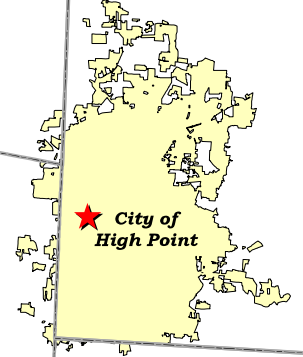


LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-23A

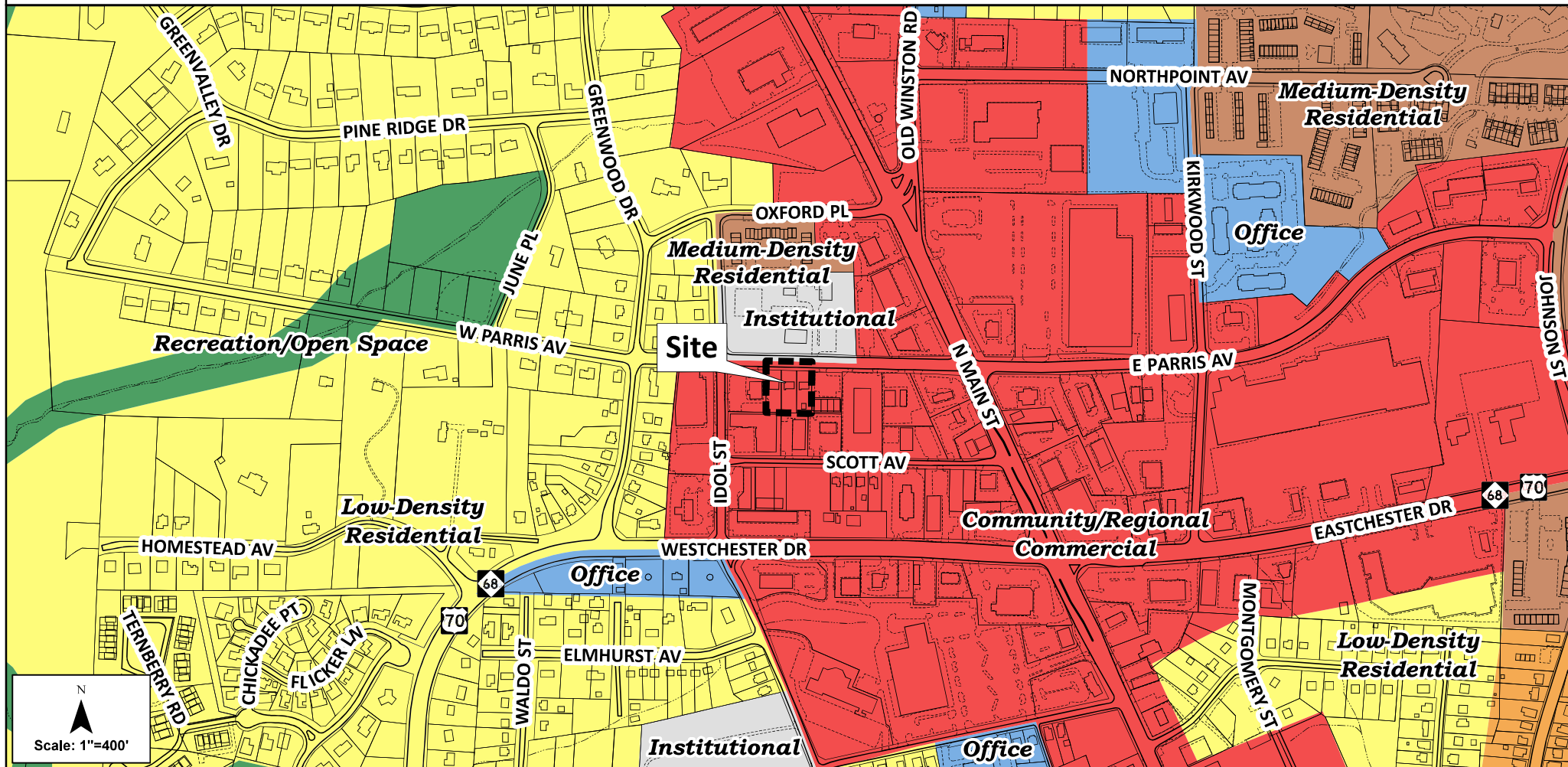
Applicant: City of High Point

Vicinity Map



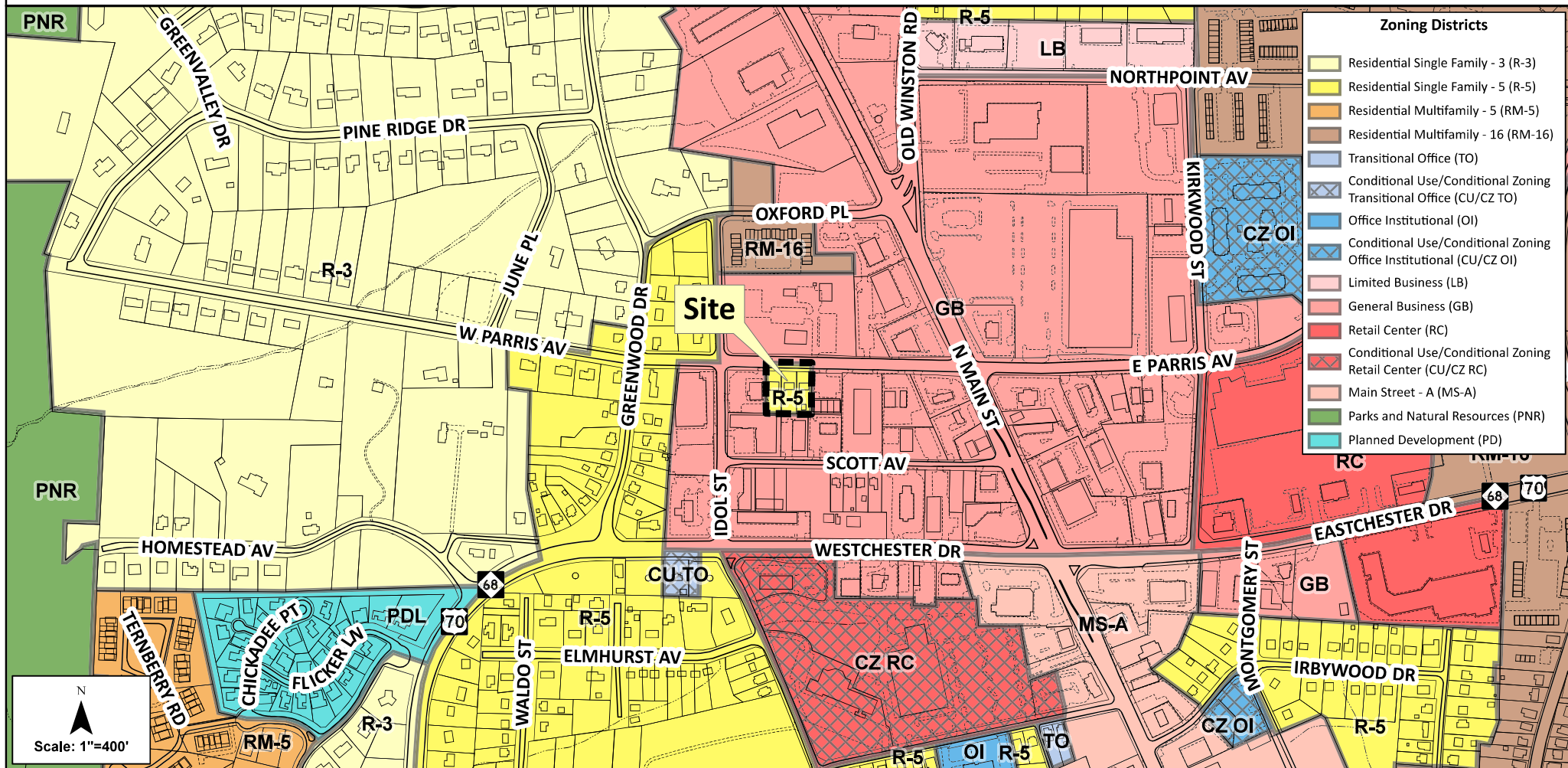
ZONING MAP AMENDMENT: ZA-23-23A

LAND USE PLAN MAP



ZONING MAP AMENDMENT: ZA-23-23A

COLOR-CODED ZONING MAP



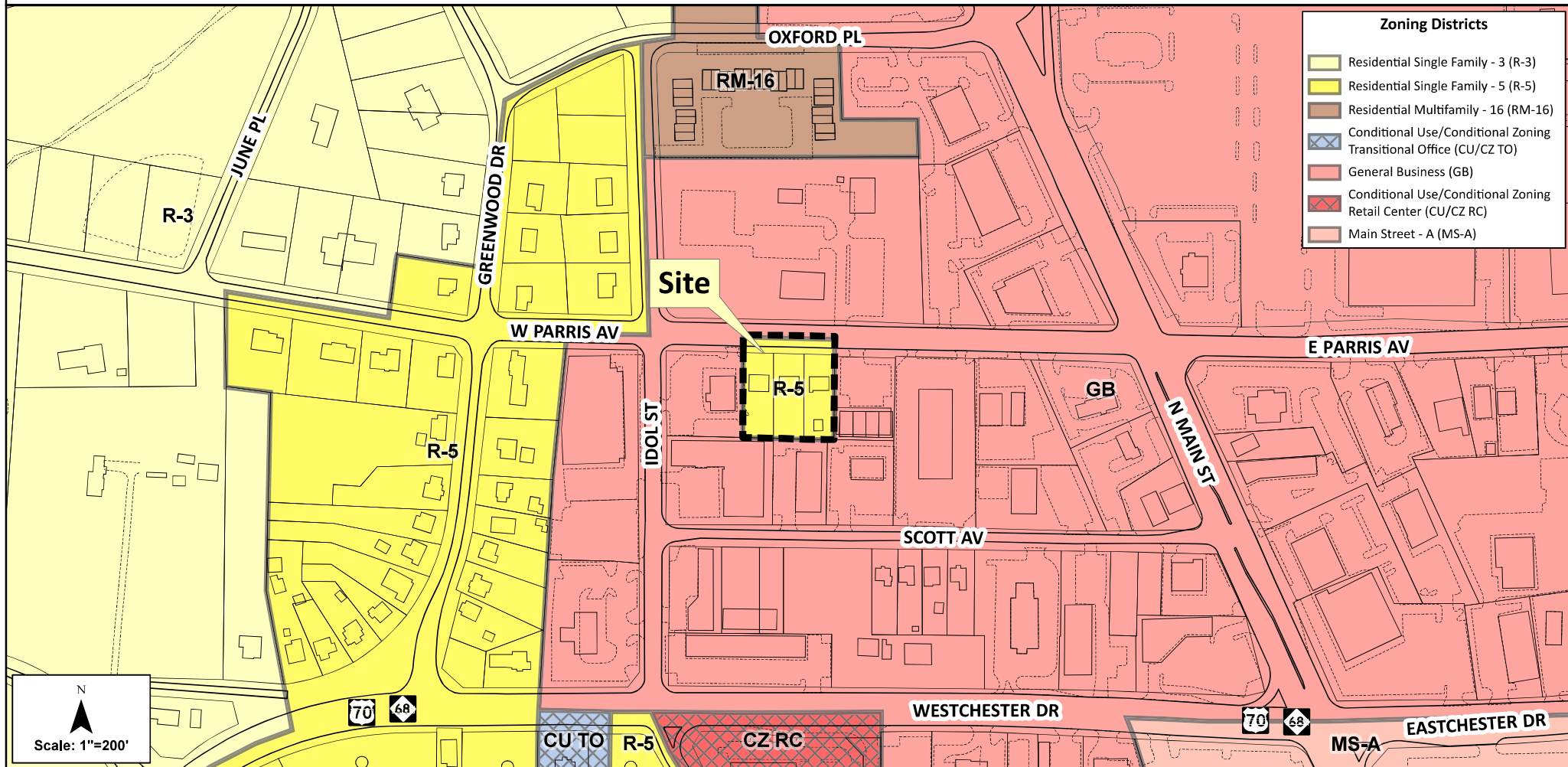
ZONING MAP AMENDMENT: ZA-23-23A

AERIAL PHOTOGRAPHY (FEB. 2022)



ZONING MAP AMENDMENT: ZA-23-23A

COLOR-CODED ZONING MAP



AREA B

Location: The zoning site consists of approximately 11 acres located along Beddington Street, between Blake Avenue and Tower Avenue.

Comparison of Current and Proposed Zoning

	Current Zoning	Proposed Zoning
<i>Purpose & Intent:</i>	<u>Heavy Industrial (HI) District</u> The HI district is established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicles, materials, and goods, and greater potential for adverse environmental & visual impacts.	<u>Limited Business (LB) District</u> The LB district is established to primarily accommodate low to moderate intensity office, retail, and personal service uses adjacent to and within residential neighborhoods. In addition to commercial uses, the district also allows a variety of residential and institutional uses in stand-alone structures as well as in mixed-use developments.
<i>Current Uses:</i>	• 105 & 205 Beddington Street and 200 - 294 Beddington Street Approximately 27 single family homes and 5 undeveloped parcels. <i>(Not a permitted use in HI District Existing nonconforming uses).</i> • 230 Beddington Street, an existing auto repair facility and 236 Beddington Street, former auto repair facility that is now an outdoor storage lot. <i>Although permitted in the HI District, with specific development standards. the uses of these lots are currently nonconforming because development activity [storage of vehicles and materials] is occurring within the stream buffer and flood zone areas.</i>	• Single family, duplex, townhome and multifamily residential uses are permitted uses in the LB District. • Not permitted use in the LB District. <i>The use of the property will become an existing nonconforming use.</i>

	Adjacent Zoning	Adjacent Land Use
North:	Heavy Industrial (HI) District	Undeveloped parcel, and automotive repair facility
South:	Heavy Industrial (HI) District	Duplex residential use
East:	Heavy Industrial (HI) District	Manufacturing use (<i>KAO Specialties</i>) Church and automotive repair facility
West:	Heavy Industrial (HI) District	Various industrial and manufacturing uses

Land Use Plan Classification

The area is designated as follows:

- **Heavy Industrial:** This classification includes the whole range of assembling, fabricating, and heavy manufacturing activities, some of which have significant environmental impacts or nuisance effects, as well as certain intense and large-scale, open land uses like wastewater treatment plants, landfills and quarries.

Background Information

The southern portion of the City, lying south of Market Center Drive, consists of mostly industrial zoned lands and various industrially developed areas. Interlaced in some of these industrial areas are older residential neighborhoods. Most of these neighborhoods date back to the 1950s and many have been slowly incorporated, via change of uses, into the surrounding industrial/manufacturing use landscape.

Some of these residential areas have been maintained as unified residential nodes that are surrounded by industrial uses. The zoning for many of these areas is Light Industrial (LI) or Heavy Industrial (HI) and single family dwellings are not a permitted use in these zoning districts. As part of the ongoing Comprehensive Zoning Map Amendment Project, staff will be evaluating many of these areas to determine:

- 1) If the area is too far gone as to changes over the years that it is no longer a cohesive residential neighborhood and maintain the current industrial zoning; or
- 2) If the area is still a cohesive viable residential area and industrial zoning should be changed to preserve the residential structures area and promote a wide range of housing options.

Beddington Street is such an area and is on the Comprehensive Zoning Map Amendment Study List to evaluate in the next 2 – 3 years. At the August 7, 2023, City Council meeting Mr. Bruce Shipwash and Donald Shipwash spoke during the public comment portion of the agenda. Prior to adoption of the current Development Ordinance in 2017, they constructed single family homes along Beddington Street. They desire to develop additional affordable housing options on the remaining undeveloped lots in this block, but the HI zoning district does not support this use. They requested, and Council has approved, moving the Beddington Street area up on the Comprehensive Zoning Map Amendment Study list for evaluation of zoning change.

Analysis/Recommendation

This rezoning proposal along Bedding Street consists of an approximately 11 acre node, mostly along the west side of the street, of residential uses. Based upon review of historic aerial photos, about half of the current residential structures have existed since the 1960s. Over the preceding decades various industrial uses have developed around them.

This staff is generally supportive of rezoning to support maintaining the established residential dwellings and make them conforming uses, as the Land Use Plan speaks to:

Goal #3: Provide a wide range of housing opportunities for families of all income levels.

Obj. #3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas.

Obj.#4. Protect the City's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment;

However, we do not think it would be appropriate to rezone to a residential zoning district as it may raise spot zoning concerns by having a small area of single family zoning in an overall larger area of industrial zoning. Staff would be supportive of the LB District for this area as it is intended to accommodate low to moderate intensity office, retail, and personal service uses adjacent to and within residential neighborhoods. In addition to commercial uses, the district also allows a variety of residential uses and mixed-use developments. The LB District would allow existing nonconforming single family homes to be conforming uses, while also supporting a wide variety of other residential uses and personal service uses.

There are two parcels, 230 and 236 Beddington Street, that would become nonconforming if the area is rezoned to LB District. The parcel at 230 Beddington Street is an automotive repair facility and 236 Beddington Street was formally an automotive repair facility in the 1990s, but based upon review of aerial photos the land is now being used as an outdoor storage/salvage yard use where junk or discarded materials are being stored. The rezoning would not create a new nonconforming situation as both of these parcels are already in conflict with previous and current Development Ordinance standards. A intermittent stream runs between these two lots and the activity being conducted on these parcels is within the required stream buffer areas (50-feet along both sides of the stream). Also, perimeter landscaping standards along the street and next to abutting single family homes, which has been a requirement of development since 1992, are not being met.

The automotive repair use on 230 Beddington Street may continue as a nonconforming use. If the use ceases to operate for more than 180-days, this use cannot be reestablished on this parcel. However, the previous automotive use at 236 Beddington Street cannot be reestablished as it has been inactive for several years. Furthermore, the salvage yard activity on this lot does not appear to meet the five acre minimum lot size requirements or standard that items be stored behind the principal building.

Recommendation

Rezoning to the LB Districts will make the majority of uses along this street conforming uses and would support a wide variety of infill residential development. Staff recommends approval to rezone this approximately 11 acre area along to the LB District.

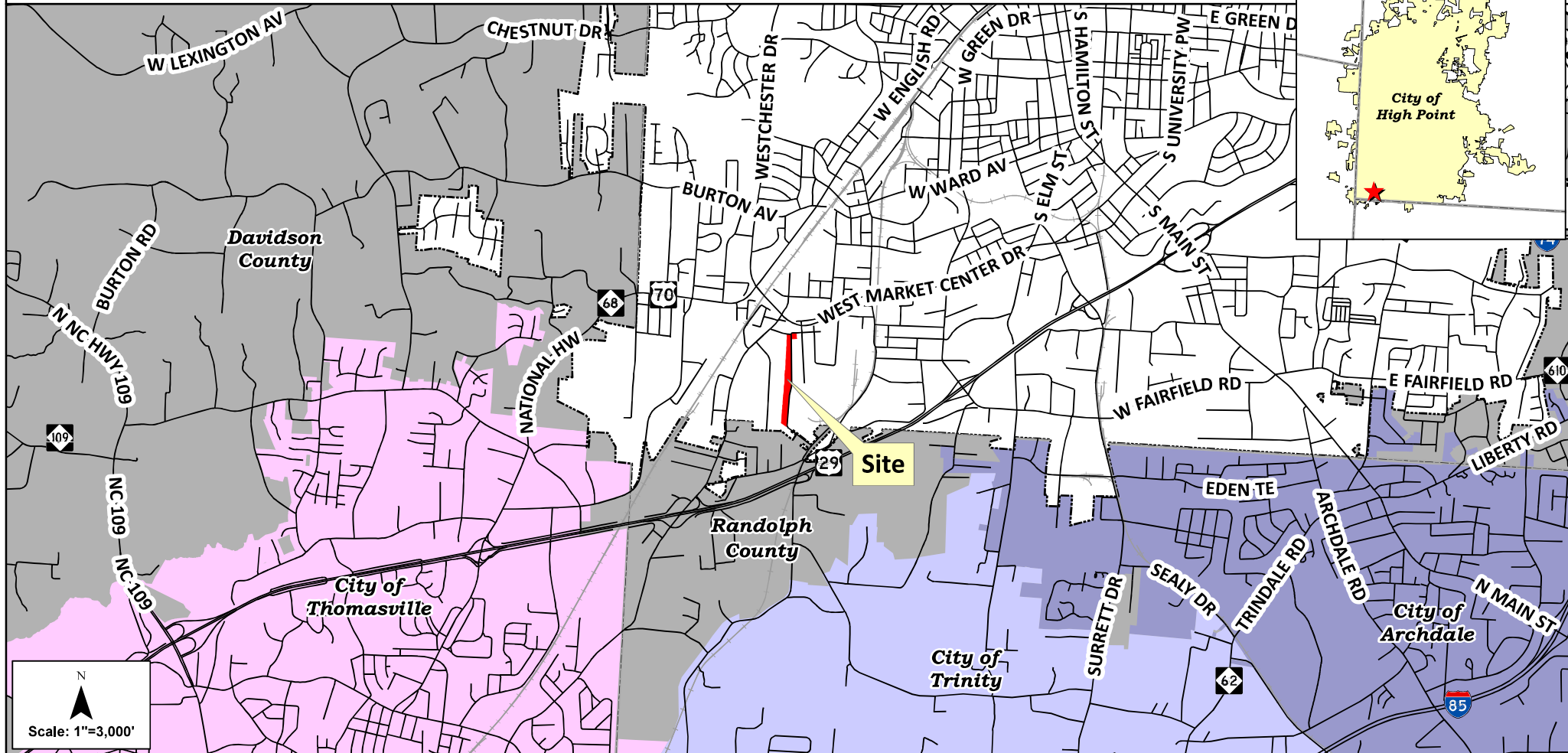
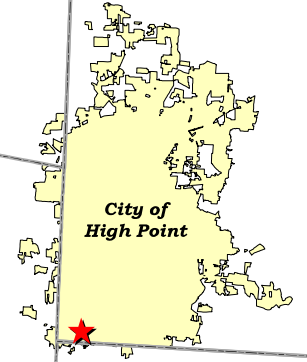


LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-23B

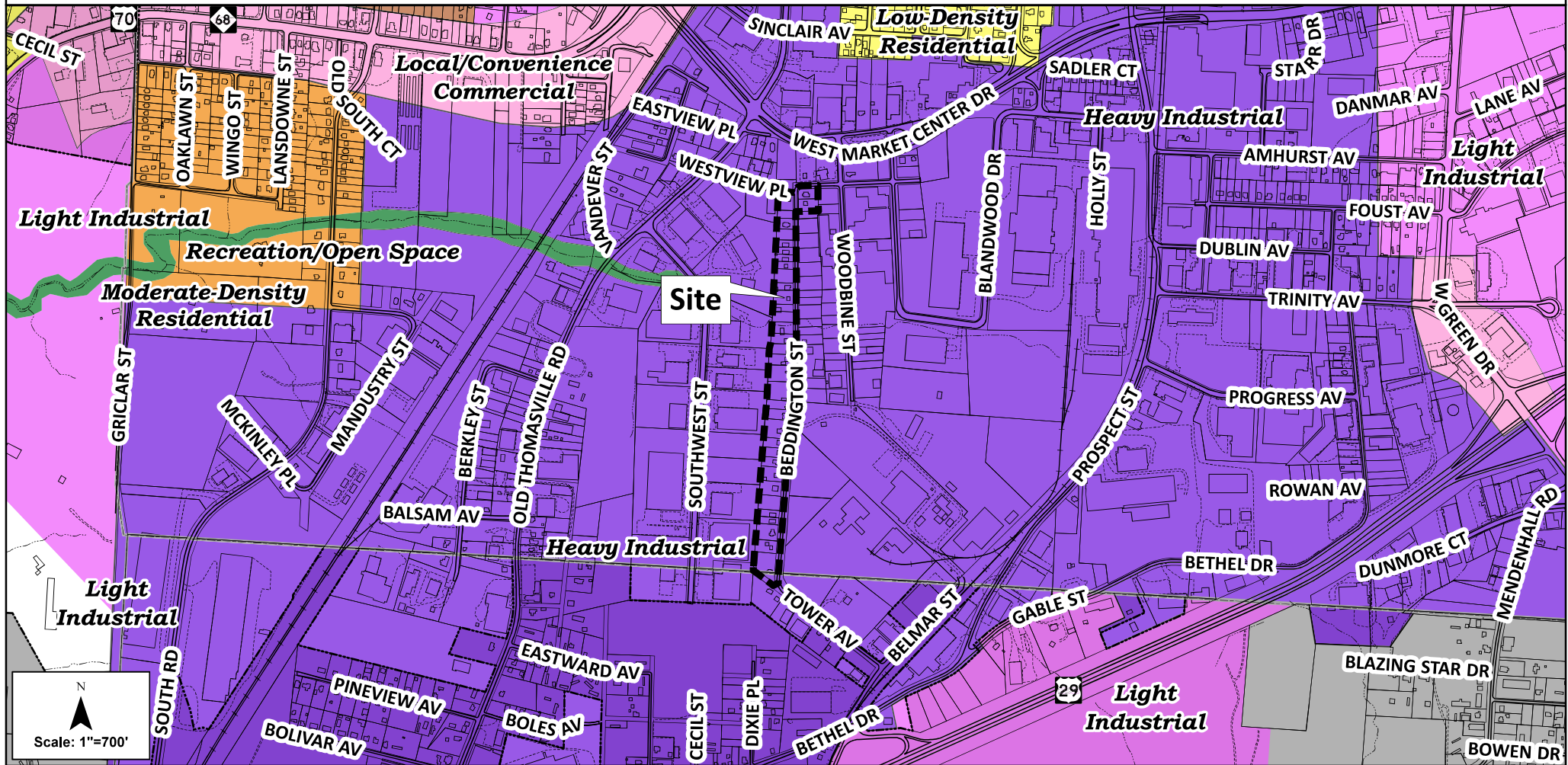
Applicant: City of High Point

Vicinity Map



ZONING MAP AMENDMENT: ZA-23-23B

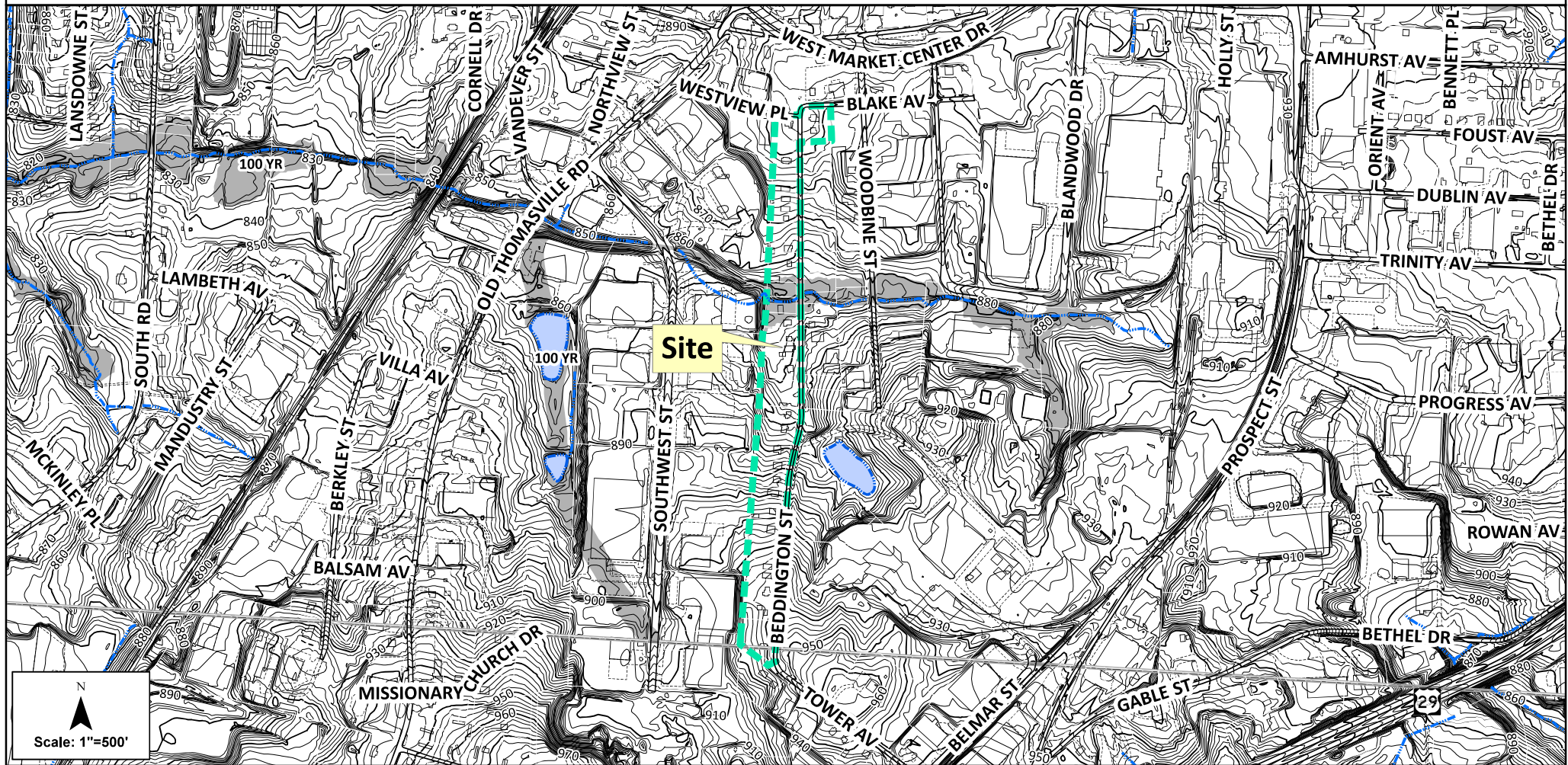
LAND USE PLAN MAP





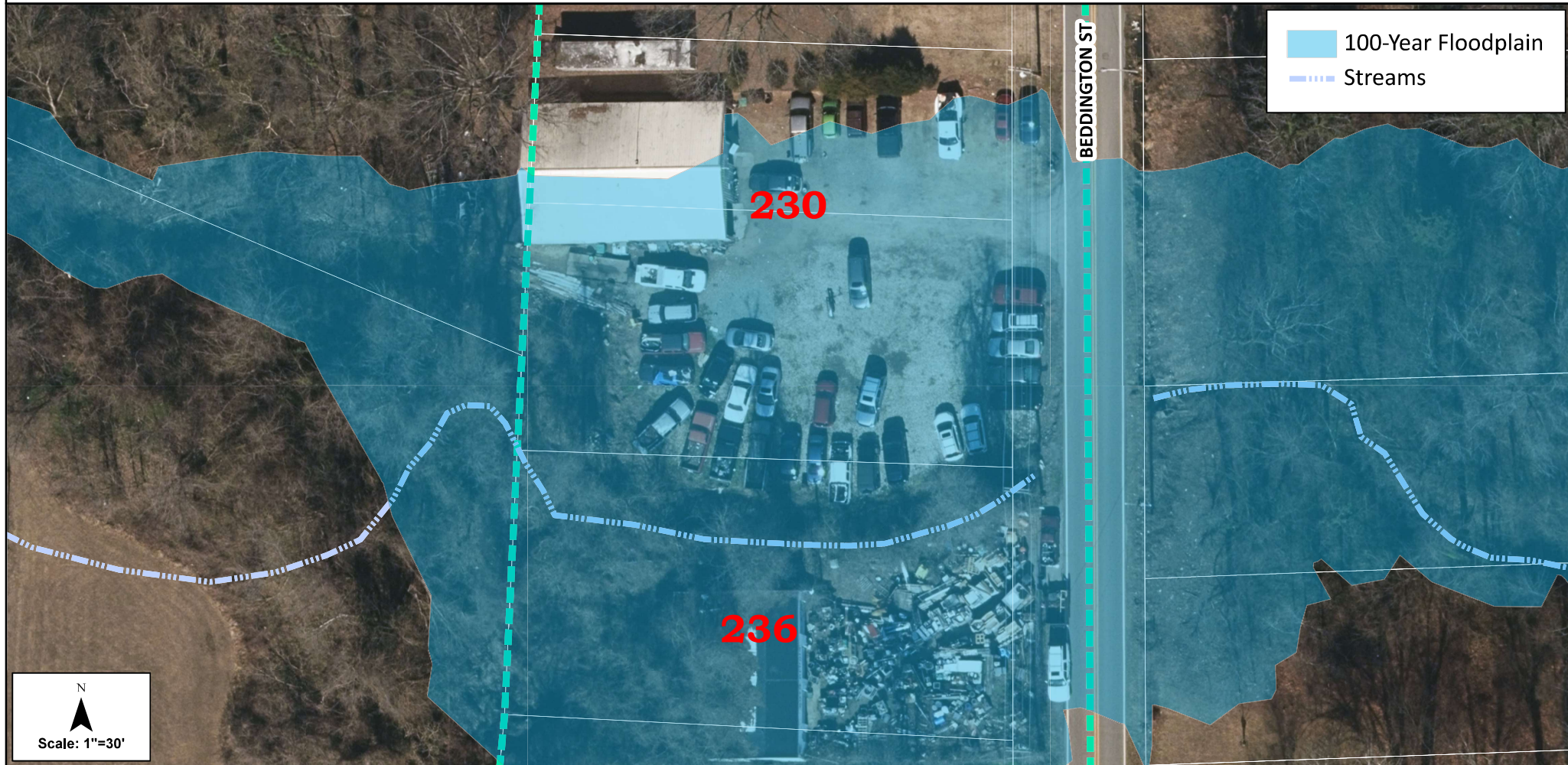
ZONING MAP AMENDMENT: ZA-23-23B

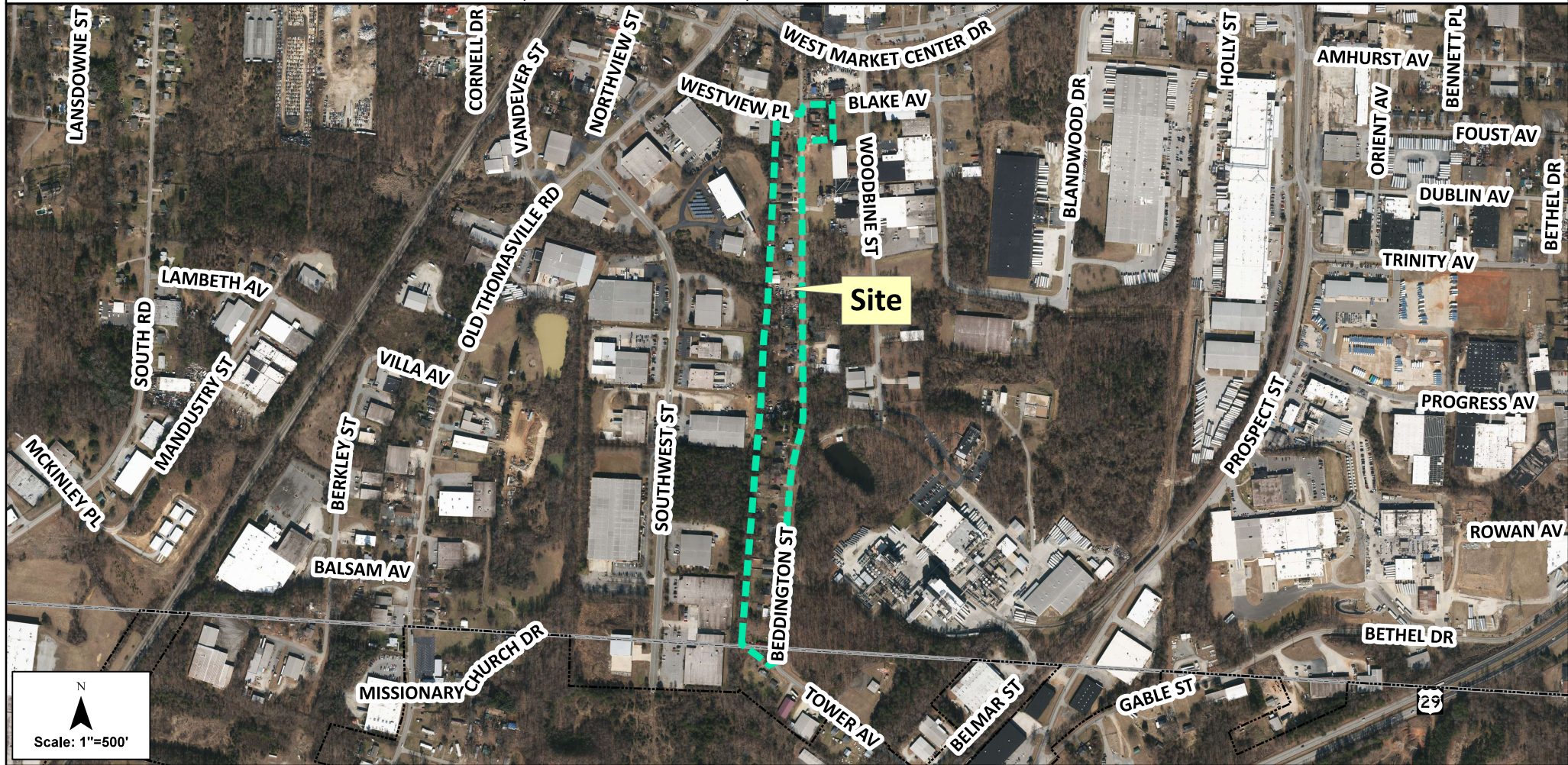
TOPOGRAPHY



ZONING MAP AMENDMENT: ZA-23-23B

230-236 BEDDINGTON ST





AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on September 23, 2023 and before the City Council of the City of High Point on October 2, 2023 regarding **Zoning Map Amendment Case ZA-23-23 (ZA-23-23)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on September 16, 2023, for the Planning and Zoning Commission public hearing and on September 20, 2023 and September 27, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **October 2, 2023**.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1 (Area A – W. Parris Ave)

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Residential Single Family – 5 (R-5) District**. The property is approximately **0.7** acres and located on the south side of W. Parris Avenue, approximately 640 feet west of N. Main Street. The zoning site is addressed as 149, 151 & 153 W. Parris Avenue and also known as Guilford County Tax Parcels 194664, 194665 and 194666.

SECTION 2 (Area B – Beddington Street)

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Limited Business (LB) District**. The property is approximately **11** acres, and located along Beddington Street, between Blake Avenue and Tower Avenue. The zoning site is also known as Guilford County Tax Parcels 178386, 178387, 178403, 178404, 178405, 178406, 178407, 178408, 178409, 178410, 178411, 178412, 178413, 178414, 178415, 178416, 178417, 178418, 178419, 178420, 178424, 178426, 178428, 178429, 178430, 178431, 178432, 178433, 178434, 178435, 178436, 178437, 178438, 178439 and 178457.

SECTION 3

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 4

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

SECTION 5.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 2nd day of **October, 2023**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



TITLE: Historic Marker Request (Village of Florence)	
FROM: Sushil Nepal, AICP Planning & Development Director	MEETING DATE: October 2, 2023
PUBLIC HEARING: No	ADVERTISED DATE/BY: NA
ATTACHMENTS: A. Historic Preservation Commission Recommendation B. Staff Report	

PURPOSE:

A request by the High Point Preservation Society for approval of a historic marker to recognize the Village of Florence that is proposed to be located on Penny Road near the intersection with East Fork Road.

BACKGROUND:

The Historic Preservation Commission is designated by the Historic Marker Policy to review and evaluate all proposed roadside historic markers prior to consideration by City Council. This roadside historic marker request is the twelfth request under the City's roadside Historic Marker Policy.

BUDGET IMPACT:

The High Point Preservation Commission is purchasing this marker.

RECOMENDATION/ACTION REQUESTED:

- A. Staff Recommendation
Staff recommended **approval** of this request as outlined in the attached staff report.
- B. Historic Preservation Commission Action
On August 9, 2023, the Historic Preservation Commission recommended approval of this request by a vote of 8-0.



HISTORIC PRESERVATION COMMISSION RECOMMENDATION

Historic Marker Request recognizing the Village of Florence

At its August 9, 2023 meeting, the Historic Preservation Commission reviewed a request for a historic marker recognizing the Village of Florence. Eight members of the Commission were present. Mr. David Fencl, Senior Planner, presented the request and recommended approval of the request as outlined in the staff report.

The Historic Preservation Commission determined that the proposed marker met the minimum evaluation criteria of the Historic Marker Policy, which includes the site's significance occurred at least 50 years before the request, no other public or private markers recognize the Village of Florence, and the location of the proposed marker is within the corporate limits. The Historic Preservation Commission also determined that the proposed marker will be consistent in appearance with existing City markers and recommended approval of the historic marker request, as recommended by staff, by a vote of 8-0.

To: Historic Preservation Commission Members

From: David Fencl, Senior Planner

Meeting Date: August 9, 2023

Subject: Village of Florence Historic Marker Request by the High Point Preservation Society

PURPOSE:

The Historic Preservation Commission (HPC) is designated by the Historic Marker Policy to review all requests for historic markers to be located in public street rights-of-way. The HPC shall first determine whether the request meets the minimum evaluation criteria outlined in the policy, and if the request meets the minimum evaluation criteria, the HPC shall then evaluate the request based on relevant criteria as determined by the HPC.

The following criteria must be present and factually correct in order for the HPC to review any request for placement of a marker:

1. Any site or event requested to be recognized must be at least 50 years old and for any individual to be recognized with a marker, the individual's contribution that is the subject of the request must have occurred as least 50 years before the request.
2. There may not be any current markers, public or private, currently recognizing the site or event within the City of High Point.
3. The location requested to be recognized must be within the corporate limits of the City of High Point and within public view.

Requests for markers shall be evaluated based on relevant criteria as determined by the HPC, including the following:

1. Is each historical claim by the applicant presenting the request supported by documentation or other evidence of the claim's validity? Documentation should consist of primary sources that were created at the time of the event and may include tax records, deeds, newspaper articles, meeting minutes, photographs, etc. Secondary sources may be submitted to help provide context and justify the significance of the event, person, or location.
2. In an attempt to avoid repetition and promote diversity in the recognitions, is the requested site, event or individual closely related to a site, event or individual accomplishment that has already been recognized with a Marker?
3. Has the site, event, or individual contribution maintained its significance over time?

4. Is the site, event or individual recognized outside of High Point at state wide, national, or international levels?
5. Marker proposals will be rejected if the Commission cannot authenticate or verify the historical information to its satisfaction. The Commission shall make the deciding rule if there is conflicting evidence.

STAFF ANALYSIS:

According to the information supplied with this Historic Marker Request, the Village of Florence was established in the 1840s by members of the Deep River Friends Meeting. By the 1850s the Village of Florence had 11 dwellings, a general store, two smith shops, one wood shop, and two gun shops. In 1853, the Florence Female Academy was erected and managed by the Quakers. Penny Road was named the Fayetteville Road, and East Fork Road was the Jamestown Road.

In the early days of the Civil War many citizens of the Village of Florence, including one free black family, moved west in a caravan of twenty-five covered wagons to abandon the slave economy of the new country they found themselves in, the Confederate States of America. After the war, the mixed-race Florence community included members of Turner Chapel A.M.E. church and the Gardner and Hill Store at the crossroads was considered the best this side of Greensboro. In 1875 Julius A. Richardson established a buggy shop that was joined by the Briggs Brothers Buggy Shop in 1881. In the 1880s, a school for Black students was established in Florence and around 1912 a larger school was re-established near Turner Chapel and the Florence Memorial Masonic Lodge #719 as a Rosenwald School. Today, only two of the original houses remain standing in addition to the Florence Female Academy.

The historic Village of Florence represents an important site in terms of mixed racial heritage in the mid-nineteenth century, a feature that was rare in Guilford County and the South. The historic marker recognizing the historic Village of Florence is proposed to be erected on Penny Road, near the intersection of East Fork Road.

Staff believes that this historic marker request meets the minimum evaluation criteria due to the Village of Florence's period of significance being more than 50 years ago, there are no other historic markers recognizing the Village of Florence and the marker's proposed location is within the City of High Point and within public view. The applicant has submitted information that documents the history and significance of the historic Village of Florence.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the Historic Preservation Commission recommend approval of the historic marker request recognizing the historic Village of Florence. This historic marker request meets the minimum evaluation criteria, and with the documentation submitted, staff believes this request meets all of the relevant evaluation criteria of the Historic Marker Policy.

Attachments: Village of Florence Historic Marker Request and Supporting Documentation



**HIGH POINT
PRESERVATION SOCIETY**

2023 OFFICERS

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Chair

BENJAMIN BRIGGS

President

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Gloria Halstead

Becky McFadden

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STAFF

Anique Oliver Brewer

June 2, 2023

RE: The Village of Florence Historic Marker

Dear High Point Historic Preservation Commission and Staff,

Please consider this request by the High Point Preservation Society, Inc. to recognize the historic Village of Florence, a town that was once located in today's Penny Road corridor, with an official city historic marker.

The Village of Florence was established in the 1840s by members of the nearby Deep River Friends Meeting. By the 1850s there were 11 dwellings, a general store, two smith shops, one wood shop, and two gun shops. In 1853, the Florence Female Academy was erected and managed by Quakers. Penny Road was named the Fayetteville Road, and East Fork Road was the Jamestown Road. In the early days of the Civil War, many citizens of the village, including one free Black family, formed a caravan of twenty-five covered wagons to abandon the slave economy of the new country they found themselves in, the Confederate States of America, by moving west. After the War, the mixed-race community included members of Turner Chapel A. M. E. church. The Gardener and Hill Store at the crossroads was considered the best this side of Greensboro. In 1875 Julius A. Richardson established a buggy shop that was joined by the Briggs Brothers Buggy Shop in 1881. A school for Black students was established in Florence in the 1880s, and around 1912 a larger school was re-established near to Turner Chapel and the Florence Memorial Masonic Lodge #719 as a Rosenwald School. Today, only two of the original houses remain standing in addition to the Florence Female Academy.

The village represents an important site in terms of mixed racial heritage in the mid-nineteenth century, a feature that was rare in Guilford County and the South.

We look forward to working with the City of High Point's Historic Preservation Commission on this important project.

Benjamin Briggs

President, High Point Preservation Society

P.O. Box 5653, High Point, NC 27262

Proposed Marker Description

The Village of Florence

Established in the 1840s by Quakers and Methodists, this once vibrant village contained 11 dwellings, a general store, two smith shops, a wood shop, a distillery, and two rifle makers by the 1850s. Before the Civil War, many citizens of the village, including one free Black family, formed a caravan of twenty-five covered wagons to abandon the slave economy of the Confederate States of America and moved west. After the War, members of Turner's Chapel A. M. E. established the Florence Elementary School. Today, only three buildings of the old village remain standing.



Village of Florence Historical Narrative and Documentation [DRAFT]

By Benjamin Briggs

The Village of Florence represents an important early narrative in terms of mixed racial heritage beginning as early as the mid-nineteenth century, a narrative that is rarely recognized in Guilford County and the South.

The Village of Florence was centered at the intersection of Penny Road (earlier known as the "Great Road" or "Fayetteville Road") and East Fork Road (earlier known as "Jamestown Road" or "Bundy Road"). Although the place-name of Westminster denoted a community generally located within the vicinity of Deep River Friends Meeting that was recognized through the federal government between 1843 and 1904, Florence grew in popularity in the 1850s and remained a placename into the twentieth century.

The Village was established in the 1840s by members of the nearby Deep River Friends Meeting. Historian H. Clay Briggs wrote a comprehensive history of the community in the 1930s, and he stated that Florence was at least fifty years older than High Point (established in 1859) though the date of its establishment was not known to him. He stated in his narrative "a part of the first house built there is incorporated in the John Briggs house, now owned by Mrs. J.R. Briggs of Greensboro, and occupied by Mrs. Bascombe Hodgin." H. Clay Briggs stated "I have always been told that the first house in the settlement (of Florence, NC) was built by a man named Scott, and that this first house is now part of the John Briggs house..."¹ This house remains standing today, and contemporary research has revealed that it was built by 1843, as a deed from that year documents the sale of land to Sarah Scott for \$34 an acre.²

Clay Briggs stated "Opposite that house and a hundred yards east of the road was the Stephens house, and old hip-roof house painted red as houses of that style usually were. Esther Stephens was one of the first clerks of Deep River Friends' Quarterly Meeting, set up in 1818. She was a Wheeler and lived at this house from the time she was married. This house was built by Jesse Wheeler, Mrs. Stephens' father."³ This house was destroyed before 1951.

Clay Briggs states that in 1853 the brick school building for Florence Female Academy was erected by William Gardner (1808-1881) and his wife Penelope Hill (1817-1903). Clay Briggs stated "Winslow Davis built a barn-like addition to the Sarah Scott house...the upper story was used as a dormitory with the first floor serving for administration and instructional purposes."⁴ Penelope's sister, Margaret Hill (1815-1905), married Winslow Davis (1814-1884), and the couple operated a dormitory for the girls attending the Florence Female Academy. Penelope's and Margaret's half-sister, Abigail Hill (1834-1913), attended Westtown School in Pennsylvania and returned to Florence to be the principal of the academy. She later married Elihu Mendenhall, an abolitionist whose house stands today at 1106 Skeet Club Road.

Penelope, Margaret, and Abigail were the daughters of Aaron Orlando Hill (1785-1863) by either his first wife Miriam or his second wife Mary. The Aaron Hill family were Quakers in Randolph County, and in the 1840 census there were six free people of color living in Aaron's household. In addition, his home was

¹ Sizemore, F. J., *The Building and Builders of a City*. High Point Chamber of Commerce, 1947 an article titled "Florence" written by H. Clay Briggs May 29, 1941 on p. 10.

² Guilford County Register of Deeds Office, Deed Book 27 Page 141

³ H. Clay Briggs, *The Village of Florence*.

⁴ Ibid.

said to have been a station on the Underground railroad.⁵ All three women likely held abolitionist sentiments.

Adela Hunt Davis (1824-1900) was widowed by the death of her husband Bartlett Davis in 1858. Her executor was her husband's brother, Winslow Davis. Adela stated that upon the death of her husband "my children and I moved to a house in the village, near the Deep River Friends Meeting House and School, where we were close to dear relatives and friends."

By the 1850s there were 11 dwellings, a general store, two smith shops, one wood shop, two rifle shops, and a Sons of Temperance chapter. The Gardener and Hill Store at the crossroads was considered "the best this side of Greensboro."⁶ Elam Beard operated a distillery less than a half mile from the village.⁷ Though the village was thriving, national politics weighed heavy on the hearts and minds of Quakers such as the Gardners, Davises, Mendenhall, and others. When Confederates fired on the US garrison of Fort Sumter on April 12, 1861, a process began that divided the nation and many Quakers could not tolerate living in a country that condoned legalized slavery.

Rev. Thomas Barnum (1792-unk), a Connecticut-born Methodist Minister and resident of Florence, wrote to an acquaintance in Indianapolis in February 1861 "All the South is preparing as fast as possible for war. The future is the darkest and most distressing that ever was known in the country. Many have gone to the Free States, and thousands are struggling to go. You may be assured I and my family are anxious to go into your State. My son Benjamin is old enough to be drafted and compelled to fight for the *Slaveholder*, which is a distressing thought. I fear that if I do not sell my place, I shall hardly be able to go."⁸

Adela Hunt Davis described the reaction of the Quakers of Florence to the news. "Kansas was admitted to the Union January 29, 1861 as a free state. Winslow Davis persuaded me and my relatives that this would be a good place in which to bring up my children. He was administrator of my money. It was decided we would be a part of the twenty-five covered wagon caravan that would leave North Carolina May 7, 1861." On the other side of the Blue Ridge, Adela Hunt Davis stated "Our captain thought it would be wise to divide the train of twenty-five wagons, as a smaller number would attract less attention and be less likely halted and disturbed. The free Negro family requested to go with our group."⁹

The Gardners and the Davises settled Hesper Kansas. Other families moved to Indiana and Iowa.¹⁰

Historian Sallie W. Stockard summarized the event in 1902, observing that "The town of Florence, in Guilford, went west almost bodily. Men remember when Florence was a thriving little town; now it is a deserted village...the efficient cause was slavery, the old, old story of the time"¹¹

⁵ Margo Lee Williams, *From Hill Town to Strieby: Education and the American Missionary Association in the Uwharrie "Back Country" of Randolph County, North Carolina*, Backintyme Publishing. 2016.

⁶ H. Clay Briggs, *The Village of Florence*.

⁷ Sizemore, *The Building and Builders of a City*, article titled "Florence" written by H. Clay Briggs May 29, 1941 on p. 10.

⁸ *The Indiana Herald*, February 13, 1861, p. 2.

⁹ Mildred Davis Watson, *Adela Hunt Davis-- A Kansas Pioneer Mother*, pp. 8-9.

¹⁰ Watson, *Adela Hunt Davis*, pp. 6-7.

¹¹ Sallie W. Stockard, *The History of Guilford County, North Carolina*, 1902, P. 32.

Although no Civil War battles occurred in Florence, the village was the center of a famous tale involving Union troops. According to "Aunt Sallie" who lived in Florence, locals hid a large supply of rifles or supplies in the barn that was located just north of the Scott House at the close of the War. A rifle factory just southeast of the village was destroyed by Union troops in 1865, but Aunt Sallie remembered supplies being hidden by Union and Confederate troops alike at the close of the War. The old barn was destroyed around the 1940s.¹²

As anticipated by Quakers, the war was devastating to the South, but resulted in the emancipation of all people in the United States. After the War, freedmen purchased Barnum's Chapel Methodist Church on land on the north side of the village. The church was built before the war by the Methodist minister Rev. Thomas Barnum who lived in the village as early as 1850.¹³ Barnum was a member of the Guilford County Temperance Convention in 1849, and likely held a leadership role in the group's Florence Division of Sons of Temperance.¹⁴

Barnum's Chapel was purchased by a Black congregation and established an African Methodist Episcopal church, named for the 12th Bishop Henry Turner. The church members included family names of Cole, Fuller, Jeffers, Joyner, Palmer, Pearson, Raper, and Reeder. The second sanctuary was erected in 1921 and the third (standing) sanctuary was built in 1955.¹⁵

Located adjacent to Turner's Chapel is the Florence Memorial Masonic Lodge #719 is a member of the Most Worshipful Prince Hall Grand Lodge Free and Accepted Masons of North Carolina based in Durham, a branch of masonry established by Black citizens.¹⁶

A 30' x 40' one-room school for Black students was established in Florence in the 1880s. Clay Briggs stated in an article published in the Greensboro Daily News in March 17, 1928 that the old school house was one-half mile southeast of where it is now (Florence Elementary School) on the Jamestown road. Della Cain, a colored woman, lives in the old schoolhouse." Leon Ray Harris (1886-1960) was one of the teachers there. Harris attended three terms enrolled at the Tuskegee Institute and found a role for himself, his wife Gertrude (1886-1955), and their family in the Florence community in Turner's Chapel and in reinvigorating the old school. His classes were often integrated with white attendees when he taught there from 1912-1914.¹⁷

In an article published in the Greensboro Daily News on April 15, 1956, Harris recalled "The Florence church was the center of our community life. We should build the new school near the church. This location was also ideal in case other contiguous districts would be consolidated with ours. We should have a school of not less than three rooms. The cost would be evenly divided between the county, the Rosenwald Fund, and the people of the community. All of us got together, white and Negro. The white

¹² Interview, Carl Garrett, native of Deep River community 1995.

¹³ *Raleigh Christian Advocate*, Rev. Thomas Barnum. December 26, 1883, Page 1, and 1850 Federal Census, Southern Division of Guilford County, North Carolina.

¹⁴ The Greensboro Patriot, *Guilford County Temperance Convention*. April 28 1849, p. 2.

¹⁵ Retrieved from website <https://www.turnerschapelamechurch.org/> March 2023.

¹⁶ Retrieved from website <http://www.masonic-lodge.info/MLI/mli2330.htm> March 2023.

¹⁷ *Greensboro Daily News*, Sunday, April 15, 1956, Feature Section.

people donated all the timber for the rough lumber and gave some money. I took my ax into the woods with others. We felled trees, cut the logs and hauled them to the sawmill.”¹⁸

In 1912 a larger school was opened near Turner’s Chapel to replace the older school for Black children with financial assistance from the Rosenwald Fund, once of only two documented such schools in Guilford County. Three teachers were employed, though the Harris’s had to leave for family reasons.¹⁹

Rapidly changing requirements in educational facilities and increasing enrollment led to the construction of a substantial new building in 1929. This large school, costing nearly \$20,000 to build, served a wide community stretching from the airport area south to Jamestown, and east into Greensboro. It contained four classrooms, as well as a large auditorium and library. Additions were constructed later, including a cafeteria built in 1947 through funds raised by parents and classroom wings built in 1974. Once racial segregation ended, Florence Elementary contained kindergarten through second grade classes. Since that time, classes have been extended to fifth grade.

Florence grew little during the Reconstruction Era as development in the region occurred along the North Carolina Railroad Tracks that passed through High Point, Jamestown, and Greensboro. The Gardener and Hill Store at the crossroads was considered “the best this side of Greensboro.” In 1875 Julius A. Richardson established a buggy shop that was joined by the Briggs Brothers Buggy Company in 1881.²⁰

Resident Virgil Volney Horney, Jr. recalled during the time of the Great Depression that “there were approximately 20 white families and 14 black families. Mr. Horney said the black families and the white families got along very well; they helped each other. Most of the black families owned property and had lived in the area for a long time. There was a black school behind Barnum’s Chapel, the black AME church. Mr. Horney said he was told that black people attended the Deep River Meeting prior to 1916, there was a balcony at the back of the meeting where they would sit. There are a number of black people buried un the Deep River Cemetery.”²¹

The Briggs family consisted of three brothers, Alpheus Martin (1857-1936), Henry Clay (1858-1947), and John Rufus (1860-1917). Alpheus built his home in 1885 in the community (destroyed c. 2000), Clay built a home by recycling older structures including the Nathan Wright and the Nathan Spencer houses around 1885 (standing), and John took the old Scott House that was purchased by his grandfather in 1878. It was these three brothers who established the Briggs Brothers Buggy Company, which moved to High Point in 1901.

Mary Evelyn Thornton Clodfelter, a lifelong resident of the Florence community, recalled in 2003 that “the Briggs family lived near the homes of the Coles, the Williamses, and the Rapers of the Florence Community. From the very beginning, a feeling of mutual respect set the tone for good relationships through the decades. Oscar Cole has said that no one would sell land to the black people until A. E. Richardson, who was born on Penny Road and a member of the High Point Friends Meeting, became instrumental in helping the black community negotiate the acquisition of the deeded land. Pressley

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ H. Clay Briggs, *The Village of Florence*.

²¹ *Deep River Friends 1754-2004*, privately published by Deep River Friends Meeting, pp. 42-43.

Raper was one of the first black landowners in the Florence Community. After that, an elementary school and the Turner's Chapel A.M.E. church were built..."²²

Clay Briggs recollected "of the old houses that were here at the close of the Civil War, there are only six left. The J. R. Briggs house, Mrs. Reid's house, the school building, Richardson's house, a part of the old Pearson house, and a part of my house." In 2023, only the J. R. Briggs house, the school building, and the home of H. Clay Briggs remain standing.²³

²² *Deep River Friends 1754-2004*, pp. 46-47.

²³ H. Clay Briggs, *The Village of Florence*.







CITY OF HIGH POINT

AGENDA ITEM



TITLE: Zoning Map Amendment 23-24 (Bricks & Beams, LLC)	
FROM: Sushil Nepal, AICP Planning & Development Director	MEETING DATE: October 2, 2023
PUBLIC HEARING: Yes	ADVERTISED DATE/BY: September 20 & 27, 2023 Planning & Development
ATTACHMENTS: A. Staff Report B. Zoning Ordinances	

PURPOSE:

A request by Bricks & Beams, LLC to rezone approximately 6.5 acres from the Light Industrial (LI) District to the Central Business (CB) District. The site is located along the south side of E. Green Drive, between S. Centennial Street and Park Street (313 S. Centennial Street).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at its September 26, 2023 public hearing. All members of the Commission were present, except for member Ray Wheatley. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

The applicant's representative, Ms. Elizabeth Koonce, attorney with Roberson, Haworth & Reese PLLC, 300 N. Main Street, High Point, spoke in favor of the request. Ms. Koonce provided an overview of her client's proposal to renovate the former Slane Hosiery Mill off S. Centennial Street. The Slane Hosiery facility has relocated to a new site in the southern portion of the city off W. Fairfield Drive. She stated that the reuse of this former industrial building for a market showroom and corporate office uses will be an excellent repurposing of this site. Ms. Koonce concluded by noting that the requested CB District is consistent with the surrounding zoning pattern and with the City's Land Use Plan.

There were no speakers in opposition to this request.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION/ACTION REQUESTED:

- A. Staff Recommendation
Staff recommended **approval** of this request as outlined in the attached staff report.
- B. Planning and Zoning Commission Action
 - 1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 6-0. (vote count based on having one absent member, one vacant seat on the commission, and Mr. Steve Galanti was recused from the case).



2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 6-0 to approve the following statement:

That Zoning Map Amendment 23-24 is consistent with the City's adopted policy guidance because the requested CB District zoning is supported by the Community/Regional Commercial designation of the Land Use Plan and by the site being identified as lying within the Showroom District by the Core City Plan. Furthermore, the request is reasonable and in the public interest because similar properties fronting along this section of S. Centennial Street, classified by the adopted Land Use Plan as Community /Regional Commercial, are zoned as a CB district.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-24
September 26, 2023**

Request	
Applicant: Bricks & Beams, LLC	Owner: Staunton Capital, Inc. <i>(Successor by Merger to Slane Hosiery Mills Inc.)</i>
Zoning Proposal: To rezone approximately 6.5 acres	From: LI Light Industrial District
	To: CB Central Business District
Notices: • Applicant held a Citizen Information Meeting <i>(Not required, re zoning to a less intensive district)</i> • As required by Section 2.3.6 (Notification) of the Development Ordinance, the Planning and Development Department provided published, mailed and posted notice of this public hearing.	

Site Information	
Location:	The site is located along the south side of E. Green Drive, between S. Centennial Street and Park Street <i>(313 S. Centennial Street)</i> .
Tax Parcel Number:	Guilford County Tax Parcel 171747
Site Acreage:	Approximately 6.5 acres
Current Land Use:	Vacant industrial buildings
Physical Characteristics:	The site has no noteworthy physical features. The western half of the site, fronting S. Centennial Street, is developed with an approximate 151,500 square foot structure. The eastern half of the site consists of parking and undeveloped land.
Water and Sewer Proximity:	There are 4, 6 & 16-inch City water lines and 6 & 8-inch City sewer lines within the abutting public right-of-way's (S. Centennial Street, E. Green Drive, Park Street and E. Russell Avenue).
General Drainage and Watershed:	The site has a level to moderately sloping terrain that generally drains in a easterly direction. Development is subject to the Randleman Lake General Watershed Area – Downtown Area. Development shall not exceed 90 percent built-upon (impervious) area.
Overlay Districts:	• Core City Area • Watershed Overlay (General Watershed Area)

Adjacent Property Zoning and Current Land Use			
North:	I	Institutional District	Guilford County Courthouse Facility
South:	CB	Central Business District	Market Showroom facility
	TO	Transitional Office District	Office use
East:	GB	General Business District	Retail use and City of High Point
	LI	Light Industrial District	warehouse/maintenance facility
West:	CB	Central Business District	Market Showroom and Guilford County Public offices <i>(Tax Office, Register of Deeds, Social Service)</i>

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	Goal 4: Make Downtown High Point and its environs a vibrant, diverse and mixed use environment. Goal 6: Keep High Point's economy strong and make it more diversified. <u>Obj. 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 site has a Community/Regional Commercial land use designation. This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.
Land Use Plan Goals, Objectives & Policies:	The following objective of the Land Use Plan is relevant to this request: Obj.#10. Target appropriate established neighborhoods and areas adjoining the central business district and industrial locations for conservation and revitalization activities including public and private investment.
Relevant Area Plan:	<u>Core City Plan:</u> The site is located within the boundaries of the Core City Plan adopted in 2007 and is identified as being within the Showroom District. The intent of this district is to allow for the growth of future Market showrooms, particularly where vacant and underutilized industrial lands predominate. Since adoption of the Core City Plan, the Central Business (CB) district has been designated as the area where new Market showrooms are allowed by right.
Zoning History:	There has been no recent zoning activity in this area. The abutting market showroom facility along the opposite side of S. Centennial Street was rezoned from the LI District to the CB District in 2009 to support showroom use. Similar rezonings of LI zoned parcels have occurred one-block to the west, along S. Hamilton Street, in the late 1990s and mid-2010s.

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	S. Centennial Street	Major Thoroughfare	350 ft.
	E. Green Drive	Major Thoroughfare	520 ft.
	Park Street	Collector Street	660 ft.
	E. Russell Drive	Major Thoroughfare	100 ft.
Vehicular Access:	Via upgrading and use of existing driveways access point to the site from S. Centennial Street, E. Green Drive and park Street.		
Traffic Counts: <i>(Average Daily Trips)</i>	S. Centennial Street	3,500 AADT (2021, NCDOT traffic count)	
	E. Green Drive	3,600 AADT (2021, NCDOT traffic count)	
	Park Street	No NCDOT traffic counts conducted.	
	E. Russell Drive	1,100 AADT (2021, NCDOT traffic count)	
Estimated Trip Generation:	The conversion of this 151,5200 square foot industrial building to a market showroom facility, corporate office, warehousing, furniture retail an possible restaurant is anticipated to generate approximately 1,203 daily trips, with		

	fewer than 130 trips during the peak hours. Daily traffic impacts are anticipated to be significantly less outside of the biannual market events.	
Traffic Impact Analysis (TIA):	Required	
	<u>Yes</u>	<u>No</u> X
	TIA Comments A TIA is not required. This analysis is only required for developments that generate more than 150 trips within the AM or PM peak hours.	

School District Comment
Not applicable to this zoning case.

Details of Proposal

The zoning site is the former location of a longstanding industrial use (Slane Hosiery Mill). This industrial facility closed earlier this year after operating at this location since the 1920s. They have moved their manufacturing operations to their headquarters in south High Point off W. Fairfield Road and have this 6.5 acre parcel under contract to sell to the applicant. The applicant has requested rezoning to support establishing their furniture related corporate headquarters at this location.

The zoning site is part of the showroom district as envisioned and adopted by the Core City Plan. This block forms the eastern most boundary of the showroom district. It was officially designated as part of the showroom district by the Core City Plan because:

- It avoids encroaching into the existing “de facto” downtown along the N. Main Street corridor,
- It avoids well established and viable residential areas to the east.
- It allows for growth of future showrooms in underutilized industrial lands abutting the downtown area and it “rounds out” the showroom fringe areas by creating more definitive boundaries, which will be important to avoiding real estate speculation that discourages beneficial land uses.

The applicant is requesting rezoning from the LI District to the CB District. They proposed to renovate and upgrade the current building to support market showroom activities during the biannual event, have year round furniture related retail, warehousing and distribution of products and corporate offices. Adopted land use policy from the Land Use Plan and Core City Plan supports higher intensity and mix-use development of the CB District at this location. Furthermore, the southern portion of this block and the abutting block to the west are already zoned CB and have existing market showroom uses.

Staff Analysis

Section 2.4.20.C. of the Development Ordinance states that the advisability of a zoning map amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the City Council shall weigh the relevance of and consider the following:

<u>Consistency with Adopted Policy Guidance</u>
Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the City’s adopted policy guidance.
The requested CB District zoning is supported by the Community/Regional Commercial designation of the Land Use Plan and by the site being identified as lying within the Showroom District by the Core City Plan.

Reasonableness/Public Interest:

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

Similar properties fronting along this section of S. Centennial Street, classified by the adopted Land Use Plan as Community /Regional Commercial, are zoned as a CB district.

Recommendation

Staff Recommends Approval:

The Planning and Development Department recommends approval of the request to rezone this 6.5 acre parcel to the CB District. The requested CB District zoning designation is consistent with current land use policy and zoning pattern for this area.

Required Action

Planning and Zoning Commission:

The NC General Statutes require that the Planning and Zoning Commission place in the official record a statement of consistency with the City's adopted plans when making its recommendation. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

City Council:

The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting its own statement.

Report Preparation

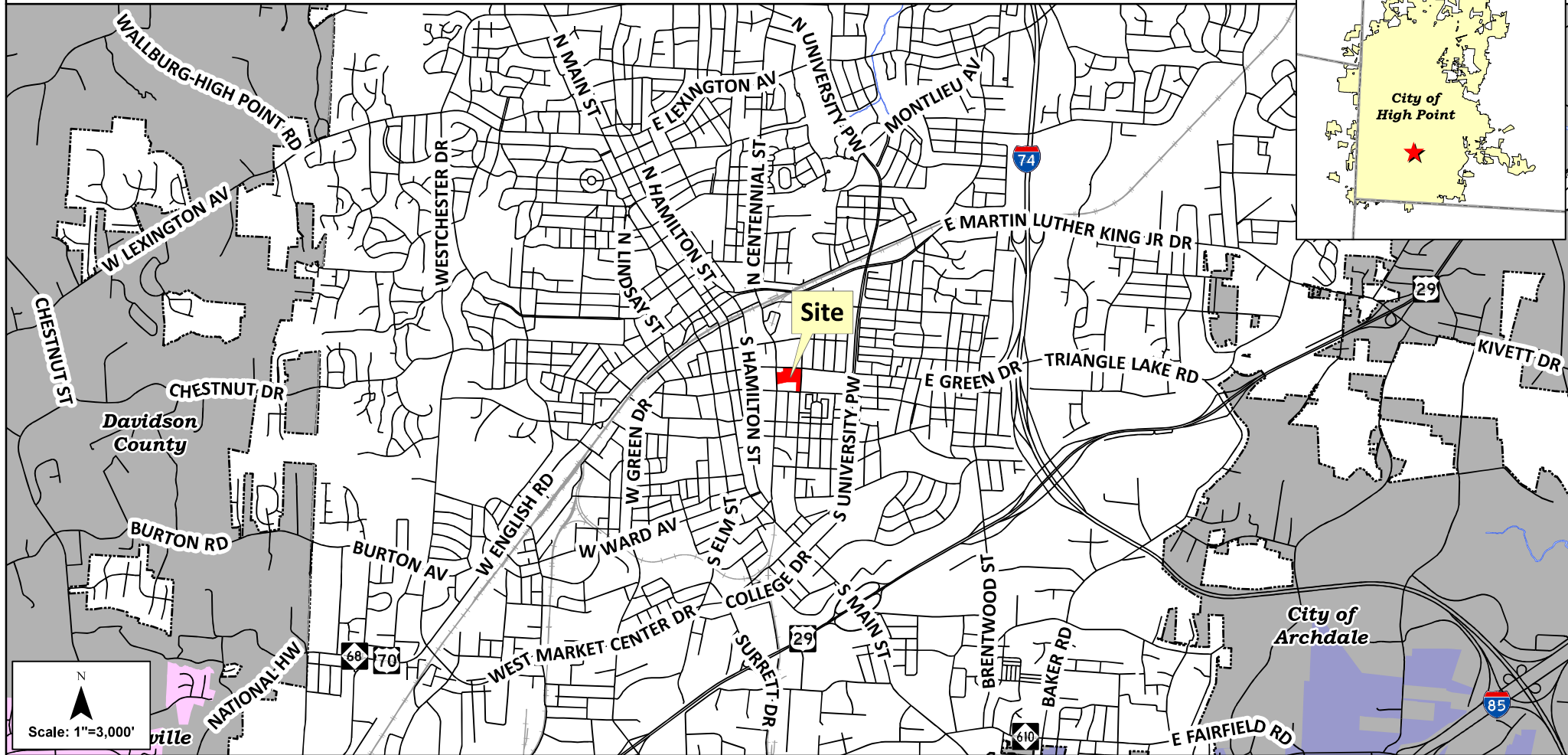
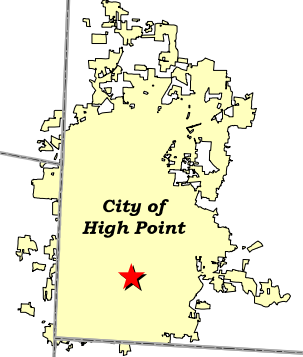
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Sushil Nepal AICP, Planning and Development Director.

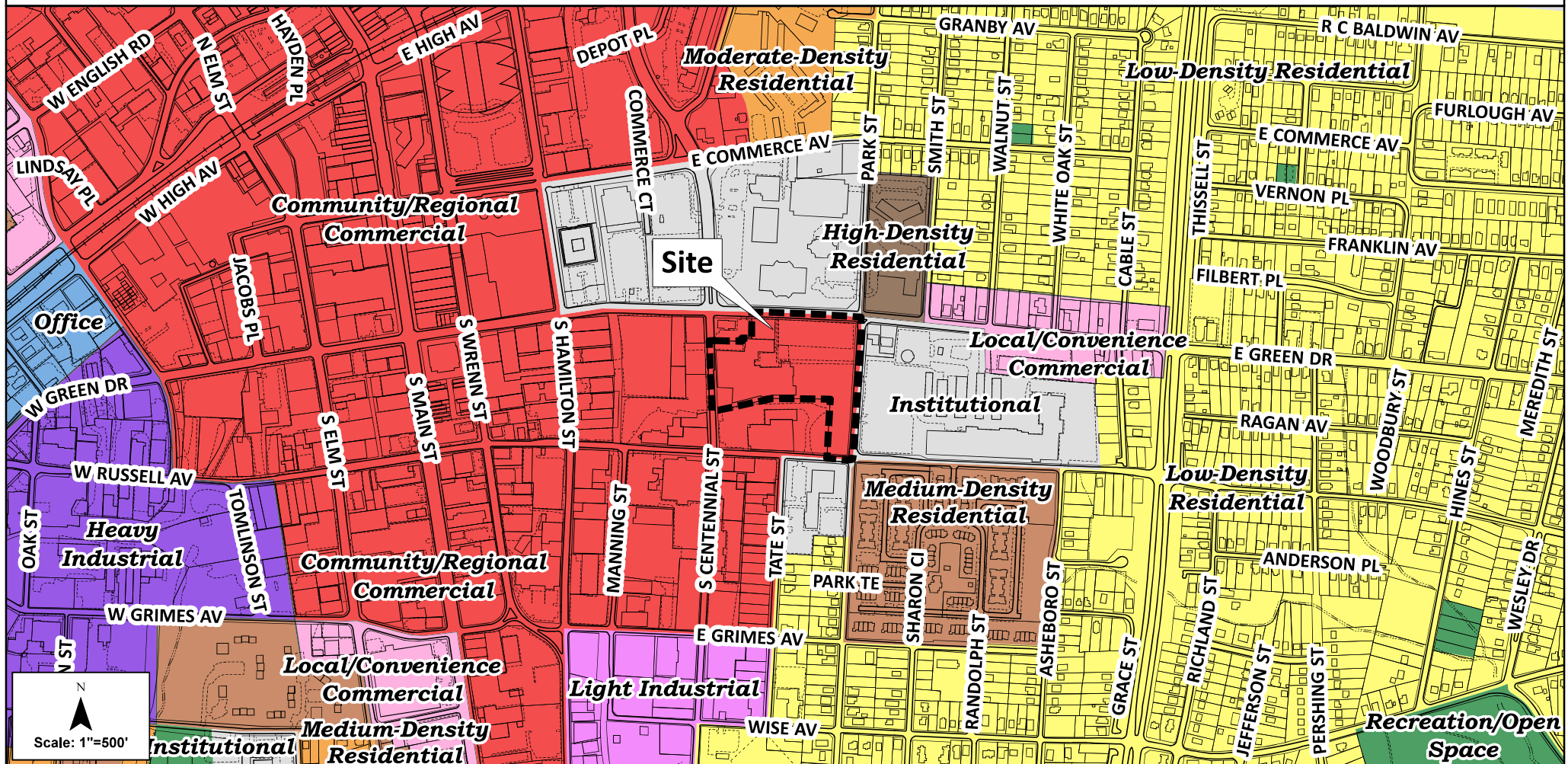


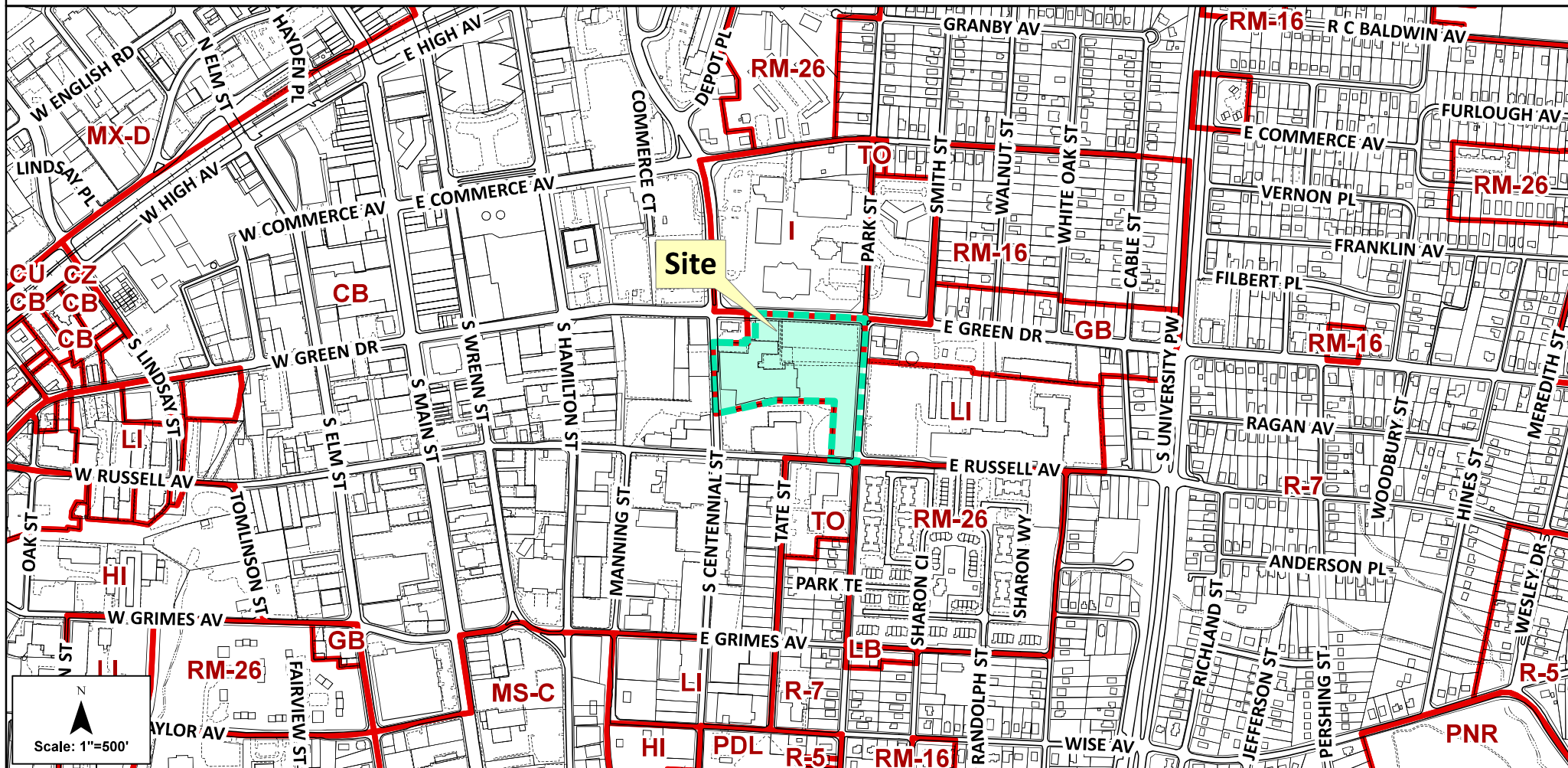
LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-24
Applicant: Bricks & Beams LLC

Vicinity Map

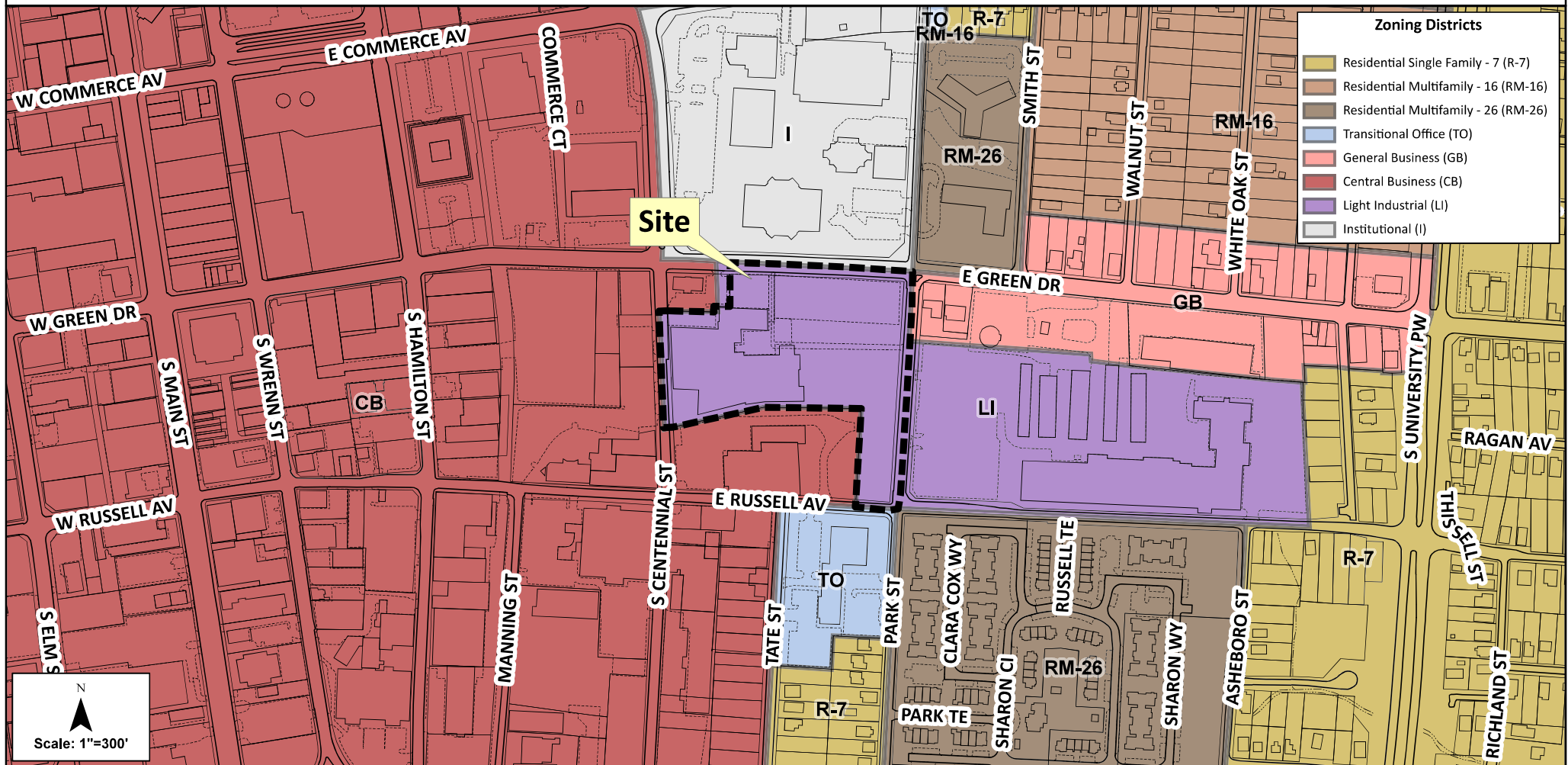






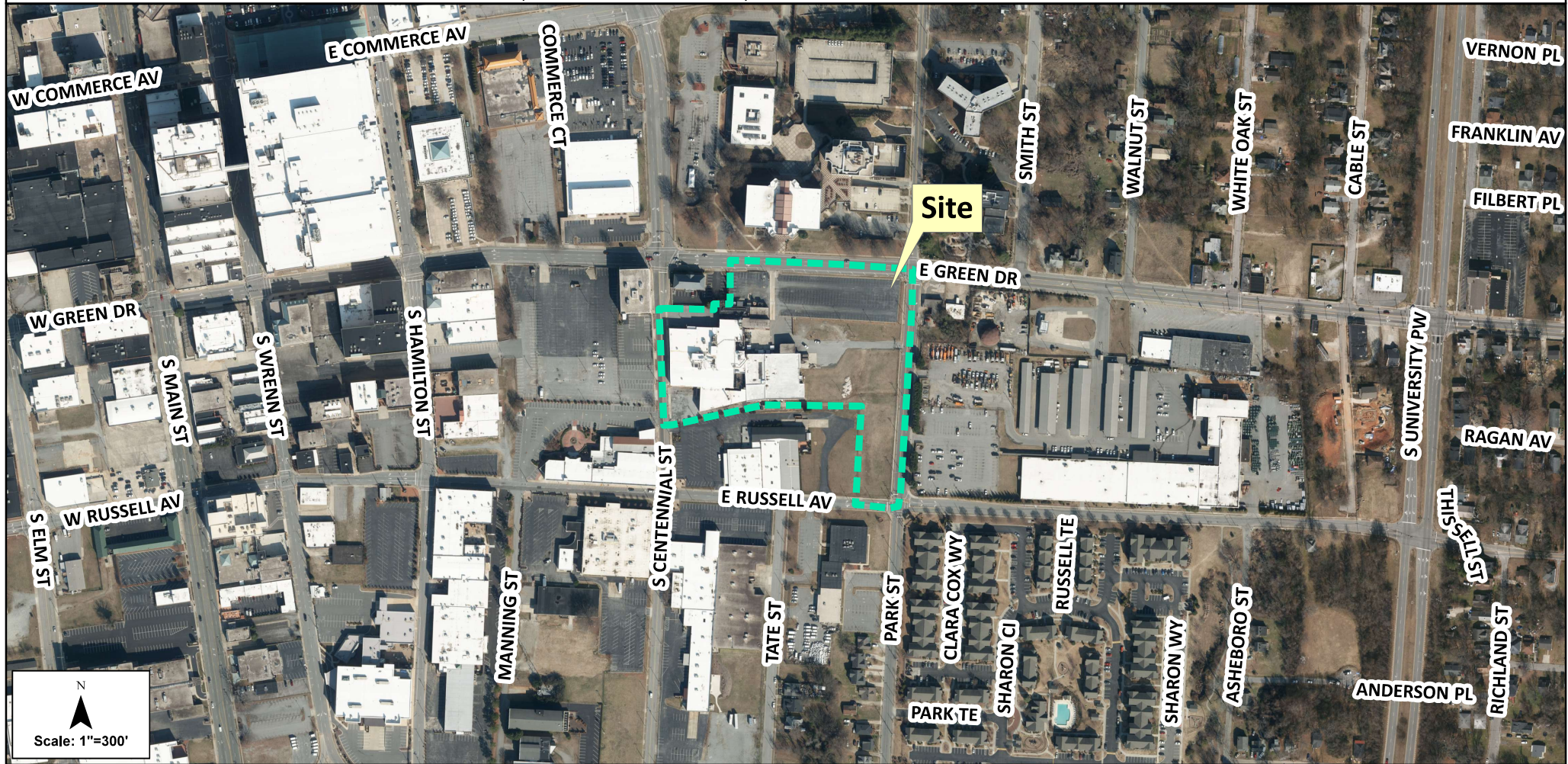
ZONING MAP AMENDMENT: ZA-23-24

COLOR-CODED ZONING MAP



ZONING MAP AMENDMENT: ZA-23-24

AERIAL PHOTOGRAPHY (FEB. 2022)



AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.20, ZONING MAP AMENDMENT, OF THE DEVELOPMENT ORDINANCE.

WHEREAS, the City Council of the City of High Point adopted “The City of High Point Development Ordinance” on May 16, 2016 with an effective date of January 1, 2017, and subsequently amended;

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on September 26, 2023 and before the City Council of the City of High Point on October 2, 2023 regarding **Zoning Map Amendment Case ZA-23-24 (ZA-23-24)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on October 16, 2023, for the Planning and Zoning Commission public hearing and on October 20, 2023 and October 27, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **October 2, 2023**.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT:

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Central Business (CB) District**. The property is approximately **6.5** acres, located along the south side of E. Green Drive, between S. Centennial Street and Park Street (*313 S. Centennial Street*) The property is also known as Guilford County Tax Parcel 171747.

SECTION 2

Should any section or provision of this ordinance be declared invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 3

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

SECTION 4.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 2nd day of **October, 2023**

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk