

City of High Point

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



Meeting Minutes

Monday, November 17, 2008

4:45:00 PM

Council Chambers

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
John Faircloth, Michael D. Pugh, Bernita Sims,
Lisa M. Stahlmann, Ronald B. Wilkins*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE

Upon call of the roll, Mayor Pro Tem Mayor Pro Tem M. Christopher Whitley, and Council Members Latimer B. Alexander, IV, William S. "Bill" Bencini, Jr., John Faircloth; Michael D. Pugh; Bernita Sims; Lisa Stahlmann, and Ronald B. Wilkins were present.

Mayor Rebecca R. Smothers was absent. Mayor Pro Tem Whitley chaired the meeting due to Mayor Smother's absence.

Council Member Wilkins offered the invocation. Boy Scout Troop #67 led the Pledge of Allegiance.

Present: Council Member Whitley, Council Member Wilkins, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Pugh, Council Member Sims and Council Member Stahlmann

Absent: Mayor Smothers

At the conclusion of the Committee of the Whole Session, and after all matters were heard by Council, motion was made by Council Member Bencini, seconded by Council Member Alexander to suspend the rules in order to take final action on these matters at tonight's meeting. The motion carried unanimously. [7-0 vote] [Mayor Smothers was absent and Council Member Wilkins was excused from the meeting when vote was taken]

Motion was then made by Council Member Bencini, seconded by Council Member Pugh that all Committee recommendations stand as final action regarding these matters. The motion carried unanimously. [7-0 vote] [Mayor Smothers was absent and Council Member Wilkins was excused from the meeting when vote was taken]

Note: As a result of this action, there is no need for the Thursday morning meeting.

The minutes of the following meetings were unanimously approved as submitted upon motion by Council Member Alexander and second by Council Member Pugh.

Combined Meeting; Monday, November 3rd @ 4:45/5:30 p.m.

Transportation Committee Meeting; Wednesday, November 5th @ 9:00 a.m.

PRESENTATION OF ITEMS

FINANCE COMMITTEE - Council Member Whitley, Chair
Committee Members: Bencini, Faircloth and Pugh

(all were present)

Chairman Whitley asked Committee Member Faircloth to chair the Finance portion of the Agenda.

080296

Approval of contract awarding Bid No. 30 for the construction of the Soccer Complex/Miracle League Field at the High Point Athletic Complex on School Park Road. Purchasing and Parks and Recreation recommends that contract be awarded to Brooks General Contractors in the amount of \$1,871,917.00 which is the lowest responsive and responsible bidder meeting specifications.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved contract awarding Bid No. 30 for the construction of the Soccer Complex/Miracle League Field at the High Point Athletic Complex on School Park Road to Brooks General Contractors in the amount of \$1,871,917.00 which is the lowest responsive and responsible bidder meeting specifications.

A motion was made by Council Member Faircloth, seconded by Council Member Bencini, that this matter be approved. The motion carried unanimously.

080298

Council is requested to approve a contract extension in the amount of \$150,000.00 with Breece Engineering to add new sanitary sewer outfall construction to serve a portion of West Lexington Avenue. Specifically, this line will be extended to serve the property at the intersection of Wallburg High Point Road and W. Lexington Avenue as well as property owned by the Allred Family and Doug Carty.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for approval.

Approved a \$150,000.00 contract extension to the existing Breece Engineering contract to add new sanitary sewer outfall construction to serve a portion of W. Lexington Avenue, more specifically the line will be extended to serve the property at the intersection of Wallburg High Point Road and W. Lexington Avenue as well as property owned by the Allred Family and Doug Carty.

A motion was made by Council Member Faircloth, seconded by Council Member Bencini, that this matter be approved. The motion carried unanimously.

080299

Council is requested to authorize staff to proceed with the purchase of property located on West Lexington Avenue for a proposed new fire station. Property belongs to Bruce Clodfelter, Jr and wife Janet W. Clodfelter.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agend with a favorable recommendation for approval.

Authorized staff to proceed with the purchase of property from Bruce Clodfelter, Jr. and wife, Janet W. Clodfelter located on W. Lexington Avenue for a proposed new fire station.

A motion was made by Council Member Faircloth, seconded by Council Member Bencini, that this matter be approved. The motion carried unanimously.

080312

Council is requested to adopt a Capital Project Ordinance Amendment for Contributions in the amount of \$60,000.00 for the Neal F. Austin Library Expansion.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted a Capital Project Ordinance Amendment for contributions in the amount of \$60,000 for the Neal F. Austin Library expansion.

Ordinance No. _____

Introduced 11/17/08

Adopted 11/17/08

Ordinance Book Volume XVI, Page _____

A motion was made by Council Member Faircloth, seconded by Council Member Bencini, that this matter be adopted. The motion carried unanimously.

080313

Council is requested to approve contract with Unity Builders, Inc. to construct eleven homes on city owned property in the Southside community and authorize the city attorney to convey the parcels to the developer.

This matter was discussed during a Finance Committee meeting held at 3:30 p.m. prior to this meeting. However, several questions arose regarding whether or not High Point builders were given an opportunity to bid on the project so this matter was forwarded without recommendation for these concerns to be addressed.

Council Member Faircloth asked staff to address these concerns. Mike McNair, Director of Community Development and Housing explained that the proposal made came to the city with the development team intact (developer, builder, financing, etc...) and noted there would be nothing wrong with staff doing an RFP for the project, but it would delay the project. Council Member Faircloth explained this issue has surfaced due to the present economic environment and noted there are a lot of local builders who are finding that work is hard to find and times are tough and would love to be given an opportunity to bid on a project such as this. Mr. McNair explained that the actual construction if not the issue, the issue becomes the pre-purchase and post-purchase relationship that requires a tremendous amount of time and commitment on everyone's part. He pointed out that staff has had some conversations with local private developers and suggested to them that they find a non-profit that could do that portion of the project.

Mr. McNair pointed out in this case, although the developer for the project is from Burlington, the builder was from Greensboro. He reminded Council that SHARE has completed several projects and came from Greensboro also. He explained staff did attempt to get more local developers involved, but was unsuccessful. Council Member Faircloth reiterated that the High Point builders want an opportunity to bid on the construction projects.

Council Member Sims noted Council has expressed concerns over the years about High Pointer's being given opportunities to bid in all aspects of purchasing--not just in housing, but in other areas as well. Council Member Alexander pointed out there have been many previous opportunities for local builders to step forward and express an interest to be considered for these construction projects. Council Member Sims agreed and felt if builders were interested, they would have approached the city to let their interests be known. She didn't think delaying this matter was an option at this point. Council Member Alexander agreed and saw this as a good way to move forward with some positive press on the situation in hopes that some of the locals would express an interest. Council Member Wilkins agreed with Council Member Alexander and felt the city owed Southside the redevelopment. He, too, expressed a disinterest in delaying the matter further.

Mr. McNair noted that a young man who has been building in Swansgate did approach staff and wanted to know how he could participate and he indicated an interest in actually becoming a non-profit.

Council Member Pugh acknowledged the group of citizens present from the Southside community and thanked them for coming. He, too, felt Council should move forward with this project.

At this time, Council Member Faircloth moved to place this matter in the Finance Committee for no longer than 60 days so that staff could pursue the possibility of other interests with local builders. Council Member Whitley made a second.

Council Member Sims then offered a substitute motion to approve the contract with Unity Builders as submitted to construct eleven homes on city-owned property in the southside community. Council Member Wilkins made a second.

Mayor Pro Tem Whitley called for a vote on the substitute motion. The substitute motion carried by a vote of 5-3 as follows:

A motion was made by Council Member Sims, seconded by Council Member Wilkins, that this matter be approved. The motion carried by the following vote:

Votes: Aye: Council Member Wilkins, Council Member Alexander, Council Member Bencini, Council Member Pugh and Council Member Sims
Nay: Council Member Whitley, Council Member Faircloth and Council Member Stahlmann
Absent: Mayor Smothers

PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair
Committee Members: Faircloth, Stahlmann, Pugh and Wilkins

(all were present)

080300 Council is requested to adopt an amendment to the High Point Code of Ordinances to create a new Section 12-1-15, Article 12, Chapter 1 entitled Presence of Registered Sex Offenders in City parks and City recreation centers prohibited.

Chairman Alexander noted this comes to Council as a recommendation from the Parks & Recreation Commission and asked Mr. Allen Oliver, Director of Parks & Recreation to review the provisions of the proposed ordinance. Mr. Oliver stated that this ordinance basically would ban sex offenders in the city's parks and recreation centers and would not necessarily exclude them from attending/participating in public meetings, polling locations, etc..... Chairman Alexander inquired as to if the city limits access or services from any other municipal facilities to any particular class or group of individuals. Fred Baggett, City Attorney, replied that there are some programs that may be differentiated by sex, or people over a certain age such as the senior programs, but that was the norm. Chairman Alexander also asked if there would be any legal issues associated with the adoption because the park system is funded with general revenue dollars which is collected from everyone. Mr. Baggett replied this was not the case and explained this would be a police power regulation. He further explained that questions were raised in the Finance Committee meeting as to why the city is allowed to adopt such regulations. He pointed out that the recent decision in the Woodfin case gives the cities the authority to take such action.

Discussion followed regarding what types of meetings might have exclusions. JoAnne Carlyle, Assistant City Attorney, explained Council should take into consideration and be cognizant that the whole focus of the law is to protect the minors and any meetings that are not geared toward children would not limit the registered sex offenders from attendance. Council Member Wilkins voiced concerns regarding how the law can be interpreted, but stated he has no problem with it because the focus is on the protection of the children. Ms. Carlyle reiterated that the law would be based on police power and it would actually be up to the officer doing the enforcement at the time.

Chairman Alexander specifically mentioned other events that the city sponsors or ones that take place on city property such as the boat races at Festival Park and the annual July 4th celebration and asked if registered sex offenders would be restricted from attending these events. Mr. Oliver replied in the affirmative and explained the proposed ordinance limits the opportunity for someone to possibly kidnap or accost a child. Chairman Alexander pointed out that the ordinance would not provide any protection on the front side--only on the back side even if suspicious activity is observed and an officer responds. He then posed a question and asked how many registered sex offenders call High Point their home. Mr. Oliver stated he wasn't sure of the exact number, but noted there was a sex offender's registry through the sheriff's department where this information could be obtained. Council Member Pugh reported that it is an astonishing number and expressed concerns that several of his colleagues were referring to this ordinance as a "feel good" ordinance. He noted with its adoption it would act as a deterrent and would send a message to the public that the city does care about their children and is willing to do what it can to offer their protection while on city property.

At this time, Chairman Alexander moved to send the proposed ordinance to

committee and asked for the following additional information to be provided for discussion in the committee:

*Copy of the recent Woodfin opinion
Current state laws that cover parks and rec facilities*

Council Member Stahlmann made a second to the motion.

For further discussion, Mayor Pro Tem Whitley asked Chairman Alexander if he would also amend his motion to include an additional request for information coming from the High Point Police Department as to them rendering an opinion. Chairman Alexander stated he would very much appreciate that information to be included as well. Council Member Wilkins also pointed out the adoption of this ordinance could jeopardize the use of community service workers in High Point because some may or may not be registered sex offenders and felt Council should be very cautious. Council Member Pugh commented that if Council could prevent one kid from being molested or one's life from being ruined, then it would be worth every endeavor Council could make and felt adoption of the ordinance was a no brainer.

Council Member Faircloth asked Chairman Alexander if he would also include that additional information as to the true definition of a sex offender and the various categories associated with it. Chairman Alexander welcomed this additional information and felt it would be very beneficial to the discussion.

Mayor Pro Tem Whitley asked if there were any additional comments or questions. There being none, he called for a vote on the motion to send this matter to the Public Safety Committee for further discussion. The motion carried by a 7-1 vote with Council Member Pugh casting the dissenting vote. [Mayor Smothers was absent]

080293

Monday, November 3, 2008 at 5:30 p.m. is the date and time established by City Council to receive public comments on the following changes to the High Point Code of Ordinances:

A new section 12-1-13 - Aggressive Solicitation Prohibited

A new section 12-1-14 - Urinating or Defecating on any public place

Amendment to section 12-1-4 - Possession or consumption of malt beverages and unfortified wine on streets and city property.

This matter will be discussed during a City Manager's Briefing on Tuesday, November 18th at 4:00 p.m.

Action anticipated on the portion regarding aggressive solicitation. Please refer to the Adjourned Session Minutes (November 18, 2008).

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair
Committee Members: Alexander and Pugh

(all were present)

Chairman Sims reported there were no matters on tonight's Agenda for consideration by the Public Services Committee.

Chairman Faircloth reported there were no matters on tonight's Agenda for consideration by the Transportation Committee.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair
Committee Members: Faircloth, Sims, Stahlmann and Whitley

(all were present)

080301 Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 20, 2009 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of a 50-foot wide unimproved portion of right-of-way, known as Friends Avenue, west of Worth Street and north of Wesley Drive.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution of Intent establishing a public hearing date of Tuesday, January 20, 2009 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of a 50-foot wide unimproved portion of right-of-way known as Friends Avenue, west of Wroth Street and north of Wesley Drive.

Resolution No. 1463/08-105
11/17/08

Introduced

Adopted 11/17/08

Resolution Book Volume XVI, Page 105

A motion was made by Council Member Bencini, seconded by Council Member Stahlmann, that this matter be adopted. The motion carried unanimously.

080302 Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 20, 2009 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of a 30-foot wide unimproved portion of right-of-way, known as Cliffside Avenue, between Martin Street and Cassell Street.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution of Intent establishing a public hearing date of Tuesday, January 20, 2009 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of a 30-foot wide unimproved portion of right-of-way known as Cliffside Avenue, between Martin Street and Cassell Street.

Resolution No. 1464/08-106

Introduced

11/17/08

Adopted 11/17/08

Resolution Book Volume XVI, Page 106

A motion was made by Council Member Bencini, seconded by Council Member Stahlmann, that this matter be adopted. The motion carried unanimously.

080303

Approval of a resolution of intent that establishes a public hearing date of Tuesday, January 20, 2009 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of a 16-foot wide unimproved right-of-way, unnamed, east of Sales Street between Triangle Lake Road and Roberts Lane.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution of Intent establishing a public hearing date of Tuesday, January 20, 2009 at 5:30 p.m. to consider a request by the Technical Review Committee for the abandonment of a 16-foot wide unimproved right-of-way, unamed, east of Sales Street between Triangle Lake Road and Roberts Lane.

Resolution No. 1465/08-107

Introduced

11/17/08

Adopted 11/17/08

Resolution Book Volume XVI, Page 107

A motion was made by Council Member Bencini, seconded by Council Member Stahlmann, that this matter be adopted. The motion carried unanimously.

PUBLIC HEARINGS ON ITEMS

Prior to the public hearings being held, those persons desiring to speak regarding quasi-judicial matters were duly sworn.

080304

A request by the City of High Point City Council to rezone an approximately 32 acre parcel from the Conditional Use Light Industrial (CU-LI) District to an Agricultural (AG) District. The site is lying at the northwest corner of Gallimore Dairy Road and Pegg Road.

The public hearing regarding this matter was held on Monday, November 17, 2008 at 5:30 p.m. Herb Shannon of Planning and Development gave an overview of the staff report as follows:

Chairman Bencini opened the public hearing and solicited comments in support of this request.

Speaking in favor of the request was the property owner's representative, Lynne Bostic of 400 Avalon Road in Winston-Salem. Ms. Bostic indicated that all members of the family would like the zoning to revert back to the agriculture designation since the original request to rezone the property to the CU-LI District was not accepted by all members of the family.

Chairman Bencini then asked if there was anyone present to speak in opposition of the request. There being none, the public hearing was closed.

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted ordinance amending the official zoning map changing the zoning designation of this 32-acre parcel from the Conditional Use Light Industrial (CU-LI) District to an Agricultural (AG) District.

Ordinance No. 6589/08-74

Introduced 11/17/08

Adopted 11/17/08

Ordinance Book Volume XVI, Page 74

At this time, Council took a 5-minute recess before proceeding to the next matter.

A motion was made by Council Member Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried unanimously.

080305

A request by Eastchester Park Partner, LLC to change the land use designation for approximately 4.7 acres from the Moderate Density Residential designation to an Office designation. The site is lying 250 feet east of Eastchester Drive, between Ambassador Court and Lassiter Drive. In addition, the request includes consideration of a recommendation by the Planning & Development Department for additional parcels lying along the south side of Lassiter Drive and west of Guyer Street to be designated Office.

The joint public hearing regarding this matter and related matter 080306 Ordinance- Rezoning Case 08-18- Eastchester Park Partners, LLC with accompanying Major Amendment to Conditional Use Permit 07-32 was held on Monday, November 17, 2008 at 5:30 p.m.

Note: For specific comments made at this joint public hearing, please refer to matter 080306 Ordinance- Rezoning Case 08-18- Eastchester Park Partners, LLC with accompanying Major Amendment to Conditional Use Permit 07-32 (below).

Andy Piper of Planning and Development gave an overview of the staff report for the Land Use Plan Amendment as follows:

Following the conclusion of the public hearing, the Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted resolution changing the land use designation of this 4.7 acre tract from the Moderate Density Residential designation to an Office designation as requested by the petitioner.

Resolution No. 1466/08-108

Introduced

11/17/08

Adopted 11/17/08

Resolution Book Volume XVI, Page 108

A motion was made by Council Member Bencini, seconded by Council Member Alexander, that this matter be approved. The motion carried by the following vote:

Votes: Aye: Council Member Wilkins, Council Member Alexander, Council Member Bencini, Council Member Faircloth and Council Member Stahlmann
Nay: Council Member Whitley, Council Member Pugh and Council Member Sims
Absent: Mayor Smothers

080306

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

A request by Eastchester Park Partners, LLC to rezone an approximately 0.6 acre parcel from the Residential Single Family-9 (RS-9) District to a Conditional Use General Office Moderate Intensity (CU GO-M) District. The site is lying at the northwest corner of Guyer Street and Lassiter Drive (109 Lassiter Drive).

b. Major Amendment to Conditional Use Permit 07-32

A request by Eastchester Park Partners, LLC to amend the permit to add approximately 0.6 acres into the permit, to amend landscaping requirements and to add architectural design conditions.

The joint public hearing regarding this matter and related matter 080305 Land Use Plan Amendment Case 08-04- Eastchester Park Partners, LLC was held on Monday, November 17, 2008 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report as follows:

Following the presentation of the staff report, the floor was opened for comments.

Public Hearing: Transcript

Mayor Pro Tem Whitley: This is the advertised time for the public hearings, but before we do, though, Council Members have received this but I also want to announce this for the public. I would ask that you please join us for a reception in honor of Councilman Ron Wilkins. I've served with Ron since he came on back in 1998 and it's been a pleasure Ron. The reception will be at the Macedonia Family Resource Center at 401 Lake Avenue on November 24th and would appreciate your stopping by between 4 and 6 p.m. Let's welcome Ron as he gets ready to leave us.

Chairman Bencini: Thank you Mr. Mayor Pro Tem. Before we get started. If you're here to speak regarding any of the following items, please come forward to be sworn in by the city clerk. That would be Eastchester Park Partners; Anco-Engling, Inc; and Wrennovation, LLC.

[oaths administered]

Chairman Bencini: The first item tonight is the Eastchester Park Partners, LLC and that involves a Land Use Plan amendment as well as rezoning and conditional use.

Herb Shannon: Yes, Mr. Chairman. Herb Shannon with the city Planning & Development Department. The next two agenda items Land Use Plan Amendment 08-04 and Zoning Case 08-18 are related so staff is going to combine that presentation. Myself and Mr. Andy Piper will do it. This is a Land Use Plan amendment and a zoning proposal pertaining to a portion of a city block bounded by Lassiter Drive. This is Eastchester and this is Lassiter Drive to the south. Guyer Street is to the east and Ambassador Court to the north. The applicant is proposing to rezone a .06 acre parcel at the intersection of Lassiter and Guyer Street and to add that to the abutting zoning case. Due to the fact that the area of the GO-M District that's being proposed has expanded, a Land Use Plan amendment was also required with this request.

As you may recall, in December 2007, the applicant initially submitted rezoning for the eastern half of the block that fronts along Eastchester Drive. In March of this year, they presented a Major Amendment request that expanded further

eastward back to Guyer Street. Bob, if you can put up the next overhead projection please. This site divided the two tracts. Tract 1 is Conditional Use-GO-M and was for office use only. That's oriented toward Eastchester Drive. Tract 2 is also Conditional Use- GO-M, but only residential uses are proposed. Under the zoning proposal, the applicant is requesting to add this parcel at the intersection into Tract 1 (the office portion of the site).

The applicant has control of the majority of this block and due to the fact that the office uses were proceeding to occupy the almost entire block. With this proposed amendment, staff had noted that the Land Use Plan Amendment would also be required. That's a quick overview of where we're at with this proposal. I'm going to let Mr. Andy Piper give you an overview of the Land Use Plan Amendment. Once he's done, I'll give you the details of the zoning application. In the end, we can answer any questions you may have.

Andy Piper: Thanks Herb. Like Herb said, my name's Andy Piper. I'm with the Planning Department. This Land Use Plan amendment case involves a redesignation of approximately 4.9 acres from Moderate Density-Residential to Office. Staff recommends adding 5.4 acres to this request for a total of 10.3 acres. To clarify, the Land Use Plan amendment does not change the current zoning or the uses allowed on this site. It just identifies what types of future land uses would be most appropriate. The current Moderate Density Residential designation generally includes residential uses with densities ranging from 5 to 8 dwelling units per acre. The proposed Office Designation generally includes professional personal and business service uses. As you can see on this slide, the Eastchester Drive frontage is already designated Office. The request involves almost $\frac{3}{4}$ of the block that is already being developed as a Unified Office Park. So, it would add this additional area. That's the applicant's request. It would expand this office designation, but not include the fire station and the small townhome development here. Staff is recommending that these two properties also be considered for inclusion into the Office Designation. That way, there's a cohesive block of office that's separated from the low and medium density residential designations by a collector street. In addition, staff recommends adding these five properties to the south of Lassiter in order to avoid leaving a small pocket of leftover moderate density residential. Many of the city's Land Use Policies discuss protection of existing neighborhoods when they abut non-residential uses. The treatment of the boundary between Office and Residential uses will be included in the amended Conditional Use Permit which Herb will discuss next.

Changing the Land Use designation to Office meets the Land Use Plan objective regarding in-fill development which encourages an urban growth pattern. The Office designation also helps implement the Eastchester Corridor Plan for Office development along Eastchester Drive. At this time if you have any questions about the Land Use Plan Amendment, I can try to answer that. If not, I'll turn it back over to Herb.

Chairman Bencini: Mr. Piper, it would seem to me that by changing the Land Use Plan, you certainly encourage, not protection of the surviving residential units there, but assemblage for additional office development. Is that what the intention is?

Andy Piper: Well the intention is...like I said is to create a cohesive block. Basically, this request with the applicant's is already being developed as an Office Park. So you just basically have a leftover piece here, here and here. So when you're looking obviously at the Land Use Plan you're looking at a bigger picture. To have a parcel specific Land Use designation doesn't make sense especially when these are very similar land uses for very similar parcels. So it's really to include a more cohesive Land Use Plan instead of having parcel specific designations.

Lee Burnette: [inaudible]

Chairman Bencini: So, in staff's opinion that would be the right thing to do planning wise? Okay.

Council Member Sims: Well, now Mr. Burnette, would that not be....I noticed in your notes you talked about intrusion into residential neighborhoods. If we were to do that, would it not create that very same situation because you would now be abutting right up on a residential neighborhood if it should redevelop as office.

Lee Burnette: We do give some consideration to that. There's a church at the corner of Lassiter and Guyer that's fairly stable and an active use. We feel like that more than likely it'll be single family houses to the north of that site adjacent to commercial use has a more likely potential for office use in the interim. We also believe, we didn't recommend any changes, but particularly on the other side of Guyer opposite of this request. The majority of the uses along that frontage are already multi-family. You've got a condo, townhouse project and you've got about four single family houses and large lots. So where you've got low-density residential, you'll probably have some opportunity in the future for some true moderate density housing. You could see those properties come in and be redeveloped to moderate density at this location. I think what you may actually see is that transition moving backward, but still giving some protection in that neighborhood. Guyer is pretty much a collector street so there's a good amount of traffic on that road.

Council Member Stahlmann: Mr. Piper, I have just a very simple point of clarification that I'd like to ask. Those three parcels where it says planning staff recommended additional areas. Those are to change the Land Use Plan to Moderate density residential, it is not staff's recommendation that the petitioner acquire those lots-that property?

Andy Piper: That's correct.

Chairman Bencini: Any other questions of Mr. Piper? [none]

Herb Shannon: Just some specifics regarding the rezoning. As I previously noted, the applicant's proposing that this .06 acre parcel be rezoned to a Conditional Use GO-M District and added to Tract 1 which is the Office uses. To insure that the request would be compatible with the surrounding area, they've offered conditions that any development upon that site be limited to a maximum of two stories. Building facades facing Lassiter Drive or Guyer Street are to include architectural features and articulations so you're not just looking at a long blank wall and they've offered a higher landscaping standard along the Guyer Street frontage. The ordinance only requires an 8-foot wide street yard. The applicant has offered to provide a street yard that would have an average width of 20 feet and increase the planting yard requirement to a higher tree planting rate. They've also offered a condition that a majority of this parcel is used for parking, then a 5-foot high opaque fence is to be provided and that fence is to be provided inside the property behind the landscaping. So you'll have the fence and then landscaping on the outside.

As you recall, when this property initially came forward, there were a lot of transportation questions. There are no changes in the access conditions. It's still the same access. Right-in only from Eastchester. One access point from Lassiter. Once access point from Ambassador Court. As far as the Tract 1 (office portion) no access permitted to Guyer Street. So none of those access issues are changing. The findings pertaining to this request for the rezoning portion is outlined on page 59 and 60 of your packet. One particular item to note in the findings, we noted that the character of this block has changed over the past twenty years. Twenty years ago, it primarily consisted of multi-family and single family. Today, all the single family's gone and it consists primarily of office and some multi-family, institutional use. Therefore, staff is recommending approval of the rezoning of this tract to a Conditional Use GO-M District and a Major Amendment to Conditional Use Permit 07-32. This is based upon staff's conclusion that subject to approval of the Land Use Plan Amendment, the request is consistent with the city's Land Use Plan. The statement of consistency is on page 61 of your packet. At the October 28th Planning & Zoning Commission meeting, the commissioners recommended approval of the Land Use Plan Amendment, the Rezoning and the Major Amendment.

Are there any questions on the zoning portion of this request?

Council Member Alexander: Herb, I've got really no problem at all with the Tract 1 and Tract 2. The four properties that are to the south there, I think it's staff's intention to get those properties to unify into one, but going forward with this what guarantees that so that you don't end up with an office in one....so you end up with four little itty bitty offices operating out of the houses there?

Herb Shannon: I think it's just a functional use of the property. With an office use, your setbacks next to abutting uses, your parking, your watershed requirements-it's going to be extremely difficult to meet parking, watershed, landscaping and parking on such a small parcel, so just that functional aspect of meeting those standards is going to dictate some lot combination.

Chairman Bencini: Don't the Eastchester Corridor requirements for assemblage kick in on those parcels?

Lee Burnette: Not on this particular property here because it's not along that segment of the corridor that requires that, but as Herb pointed out, from a practical standpoint, it would be very difficult to develop it individually. It's more from a policy standpoint that staff will be basically asking the property owner or applicant to look at all four properties to bring it under the zoning.

Council Member Alexander: Let's say you had a chiropractor, one man office.....

Mayor Pro Tem Whitley: Bob, can you put the Land Use Plan back up there?

Council Member Alexander: Let's say you had a chiropractor who had a one man office and let's say for the sake of argument that they're the one adjacent to the church there. That looks like the biggest lot. Could they operate out of that house as it exists there?

Lee Burnette: It's zoned residential. It's being changed to moderate density and all you'll be doing is changing and designating it as office, but they'd still have to seek a rezoning.

Council Member Alexander: Okay, so we do have things that would protect and encourage strongly the assemblage of that property? Okay, I don't have a problem.

Mayor Pro Tem Whitley: Lee, explain that to me. If you're going to rezone it to office, what's going to prevent it from happening to some of the other areas where a single source small business wants to decide they want to locate there?

Lee Burnette: Well it's not being rezoned, it's being redesignated.

Mayor Pro Tem Whitley: Yeah, but the land designation makes it easier to rezone it.

Lee Burnette: Correct, it takes that issue out. I think what we looked at...when you look at this area and what's left after this office development has gone forward, there really is no practical use for _____ development. Those four lots with or without the church property probably would be very impractical to use for multi-family. So looking at potential reuse of the property whenever that

may occur, it's going to be likely be done for office given the surrounding use and given the commercial to the west towards Eastchester and given that scenario what the city is encouraging there is office property. The way to encourage that is at the time of rezoning. Herb noted that it would be basically impractical to be used individual because it would be difficult to meet the parking requirements and that sort of thing. More specifically, as a matter of policy, you typically look at the Land Use Plan and look at the opportunity to more and more handle access issues. So, from a staff standpoint if the request goes forward in the future would be to encourage the property owner to assemble those four properties.

Mayor Pro Tem Whitley: Well, you see, that sounds like a great plan, but we've already rezoned a one person accounting office on Old Winston Road which would meet the same criteria as all four of them homes for how we approved that.

Lee Burnette: Those parcels were a little bit larger in size. The plan there is it's much more broader in terms of the amount of land that's designated. You've got several tracts along that side of the road designated as office. Here you've got a small amount of land and I don't see how it practically can be done individually.

Mayor Pro Tem Whitley: I've been by that way and I'll be honest with you. It can't be more than three, four or five feet either way on the property on Old Winston Road. It's pretty close, so I don't know how you designate that this property's smaller than that property. I think it's pretty much the same scenario.

Lee Burnette: Well, again, what we would look at in this particular scenario is lot combination. We've looked at several similar types of requests in the past.

Council Member Sims: Lee, what would prevent someone if we go ahead with the actual changing the land use designation, have someone say in order for me to do what I need to do I need the rest of those houses that are sitting on Guyer. Now we have another similar situation with what we've already dealt with at the other end of Guyer with, you know, assembling these parcels and to me, I don't see the need to do this on that side of Lassiter Street unless it arises. If someone does assemble it, it's right there next to a residential area.

Lee Burnette: When you say similar to the other houses.....

Council Member Sims: The other end of Guyer. We just went through this process. Those four houses just below the orange sections-those houses right there.

Lee Burnette: Those relate more towards single family. If you look at the orientation of housing out here along the front along Guyer Street here....you've got commercial, or office development that comes back here. This is what the real focus is for opportunity for redevelopment-not along through here.

Council Member Sims: Well, what prevents someone from saying that in order for me to redevelop it, I need these four houses?

Lee Burnette: Well, first off, they'd have to get a Land Use Plan Amendment. Secondly, they'd have to get a rezoning.

Council Member Stahlmann: And those people would have to sell.

Council Member Sims: We're creating an environment that encourages that to happen and that's my concern because if you're going to put something else in there that's not in keeping with the rest of what's going on on Guyer Street, that encourages an environment that says I don't want something sitting right next to my house whatever that thing happens to be. If the church decides it wants to sell. So I don't see where we need to cross Lassiter Street in terms of that-recommending an additional area-until it happens. I don't think we should encourage it.

Lee Burnette: I think the real question the Council needs to look at....if you're comfortable with this being redesignated and thus eventually part of this request and rezoned to office, what are you trying to encourage for that area right there?

Council Member Alexander: And the orientation of those houses is not towards Guyer, it's towards Lassiter. So you're concerned with the property that orients itself to Lassiter.

Council Member Sims: It starts one piece at a time. Right now, orientation is in a different direction, but as you go in and you start to change things one house at a time regardless of what the orientation is and my concern is at this particular point in time is there is no desire on anyone's part to come in there and do anything, then why do we change the Land Use Plan? Why can't we just leave it as is and deal with the block that's actually in question this evening. That's not what the petitioner came to us and asked for. So my.....[tape changed to Side B]...that at this particular point in time without knowing what the express use is going to be.

Lee Burnette: To answer your question, you can remove that from the Council's decision.

Council Member Sims: Thank you, Lee.

Council Member Pugh: The church is the stabilizing factor right there though at the moment.

Chairman Bencini: Anyone present care to speak in favor of this request?

R. W. Hamlett, Jr.: I'm R. W. Hamlett, Jr. I'm the managing member of

Eastchester Park Partners. Concerning the five lots on the south side of Lassiter, we have worked on the north side of Lassiter to build a campus-a very homogeneous development, buildings, paving, and gazebo and so forth to be a unique thing. I feel a little bit like Ms. Sims in I don't oppose the land use either way you do it, I think you're right there, it is an area of concern to me as to what may happen. I'm not prepared at this time to do anything about it, but we appreciate your help here. We're definitely in favor of purchasing the Barino property to add to the parking and possibly further the office development. We're trying to do it in an uptown manner-something that the Eastchester group feels is positive. There has been a lot of talk about the southern side of Lassiter. At this point, I think it's mostly talk, but it will come and I think it will come in the way Ms. Sims said-one lot at the time and it will divide and conquer. We would like it to be....if we ever had anything to do with it....we'd like it to be a stable building whether it's residential or office.

Mayor Pro Tem Whitley: Mr. Hamlett, this isn't part of the request, but have you got any idea with what's going on at the corner right here?

R. W. Hamlett, Jr: Which corner?

Mayor Pro Tem Whitley: This corner right here. The one that's not part of your zoning.

R. W. Hamlett, Jr.: The Eyecare Center?

Mayor Pro Tem Whitley: Yes. Is it proceeding?

R. W. Hamlett, Jr.: Absolutely. It's done. It's occupied. It's been opened now about three weeks. Go see it. It's a fine facility. The operation has moved from the Oak Hollow Mall. Dr. Blair Harrell's operation-this is his 54th Eyecare Center. It's fine. Well done. The building's a good quality building and it has been done and the Eastchester Park Offices is occupied by the Senn Dunn and Marsh and Roland Insurance Company and we're upfitting the first floor for the AON Insurance Group of High Point.

Mayor Pro Tem Whitley: Is the eyecare center using your parking lot as access or do they have separate access?

R. W. Hamlett, Jr.: This is an IMUD. This whole block is....to explain the block, the total block....I'm sorry, the map is divided us up a little bit, but the one that Herb had shows you a little better. We went to a lot of care and a lot of working together. The Eyecare Group that's on the northwest corner is a member of the IMUD. The Eyecare Center which is on the southwest corner if a member of the IMUD. We have gotten together with the City of High Point Fire Station and eliminated the swamp behind their building, filled it in and drained it properly. We have purchased one of the duplexes and we have filled the swamp behind that

and made it into a neighborhood. Mr. Barino and his wife, Daisy, asked us to buy their property and include it in this campus and that's what we're here about today and we hope that when you come by and see that it's progressing to be an office park that you might like to be in.

Chairman Bencini: Thank you. Anyone else care to speak? [none] Seeing no one, I'm going to close the public hearing. First we'll deal with the Land Use Plan Amendment. I'm going to go ahead and make the motion to approve the amendment as presented by staff.

Council Member Alexander: Second.

Council Member Sims: I'd like to offer a substitute motion to remove the portion that's south of Lassiter that includes those parcels as part of the change in the Land Use designation.

Council Member Pugh: Second.

Mayor Pro Tem Whitley: Everyone has heard the substitute motion. All in favor of the substitute motion, please say Aye.

Mayor Pro Tem Whitley and Council Members Pugh and Sims: Aye.

Mayor Pro Tem Whitley: Raise your hands. Okay, the substitute motion fails [3-5 vote] [Dissenting: Council Members Alexander, Bencini, Faircloth, Stahlmann and Wilkins]

Okay, we'll proceed to the regular motion. I'm going to make a comment here. Mr. Hamlett, the first time we did this, I voted against your project if you'll remember and I'm glad to hear that you have gone back after the fact and done what the Mayor and I both originally wanted to be done which was to bring in all the areas around there. I'm not going to support the Land Use Plan change, but that has nothing to do....because I am going to support your zoning case tonight. So proceeding with that, I'm going to ask all those in favor of the original motion to approve the staff's request for the Land Use Plan change, say Aye.

Council Members Alexander, Bencini, Faircloth, Stahlmann and Wilkins: Aye.

Mayor Pro Tem Whitley: All opposed?

Mayor Pro Tem Whitley, Council Members Pugh and Sims: No [5-3 vote]

Chairman Bencini: In the next motion, I'm going to move to approve the Conditional Use rezoning and the Major Amendment to the Conditional Use Permit based upon staff's findings and their comment that this is consistent with the city's Land Use Plan.

Council Member Alexander: Second.

Mayor Pro Tem Whitley: All right, everyone heard the motion. All in favor of the motion, please say Aye.

All: Aye.

Mayor Pro Tem Whitley: Any opposed? [none] [8-0 vote] [Mayor Smothers was absent] Motion carries.

[end of transcript]

Approved the conditional use rezoning request as submitted by the petitioner to rezone an approximately 0.6 acre parcel from the Residential Single Family-9 (RS-9) District to a Conditional Use General Office Moderate Intensity (CU GO-M) District and approved the Major Amendment to Conditional Use Permit 07-32 based upon the Findings of Fact as outlined in the staff report and the consistency with the city's Land Use Plan.

Ordinance No. 6590/08-75

Introduced

11/17/08

Adopted 11/17/08

Ordinance Book Volume XVI, Page 75

A motion was made by Council Member Bencini, seconded by Council Member Alexander, that this matter be adopted. The motion carried by the following vote:

Votes: Aye: Council Member Whitley, Council Member Wilkins, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Pugh, Council Member Sims and Council Member Stahlmann
Absent: Mayor Smothers

080307

A request by Anco-Eaglin, Inc., for a Special Use Permit to allow an Industrial & Commercial Machinery use in a Light Industrial (LI) District. This site is lying along the south side of Lorraine Avenue, approximately 300 feet west of Alleghany Street.

The public hearing regarding this matter was held on Monday, November 17, 2008 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report as follows:

Public Hearing: Transcript

Chairman Bencini: The next item is Special Use Permit 08-04- Anco-Englin, Inc.

Herb Shannon: Herb Shannon, the City of High Point Planning Department. This is Special Use Permit case 08-04. It's a request to allow an industrial/commercial/machinery use within the Light Industrial District. This is for a 10-acre parcel lying along the south side of Lorraine Avenue. Just to note to everyone where we're at, the cross-hatched area is the site in question-this is Lorraine. To the rear of the site, is a right-of-way for the US 311 Bypass and this is Baker Road. The applicant's requesting this Special Use Permit to allow a food production, machinery, manufacturing use upon this site and that's classified within the city's Development Ordinance as a commercial machinery use. As you can see from the overhead projection, all of this area is designated as Light Industrial. To the northeast and west of this site and on the opposite side of the 311 Bypass is all designated as Light Industrial and also has a Light Industrial Land Use designation.

A Special Use Permit is a use in addition to those that are permitted by right in the Development Ordinance. The review by Council of the Special Use Permit is to insure that the request will be in harmony with the area. With the Light Industrial use, we do have some areas of the city where you have residential areas or residential uses within Light Industrial as areas in transition where some industrial uses may not be appropriate or you may have some other areas where it may be appropriate so with this Special Use Permit review, the Council reviews the request to ensure that What's being proposed is appropriate for that area.

With this proposal, the applicant's use will consist of engineering and manufacturing assembly of special designed commercial cooking equipment. All activities will occur within the structure. Staff is unaware of any byproduct from the manufacturing operation that would negatively impact the surrounding property owners. As for the surrounding area, this is a long established Industrial area. The area to the east of the site was initially platted for industrial uses in 1979 and except for this one lot, all these existing uses to the east are existing industrial uses. To the north, this area was platted as an industrial subdivision in 1999. You have two industrial uses on the opposite side of this roadway. There are about five single family dwellings scattered in this area, but with both the Land Use Plan and the Zoning being designated for industrial use and the fact that it's not a cohesive neighborhood is you know you have a single family home here, one there and two to the north-it's kind of scattered. Long term, staff envisions this

area all being non-residential uses.

Staff had no major or minor issues with this request. Our findings are outlined on page 80 and 81 of your packet. The key items touch upon...the request conforms to the Light Industrial Land Use Designation. This site is within a long established industrial area and where the site does about an existing single family dwelling, they've offered a condition for higher landscaping standards and they've also offered higher landscaping standards along the site's 311 frontage. Those higher standards address the goals and objectives of the Land Use Plan and the US 311 Bypass Corridor Strategy Plan. Staff is recommending approval of this Special Use Permit. There is a site plan included in your packet. Because this is a Special Use Permit, there is a binding site plan that notes how the site is supposed to be developed. The Planning & Zoning Commission reviewed this request at the October 28th meeting and recommended approval. Are there any questions?

Council Member Alexander: Herb, could I ask a question and it's more of a procedure question. With a Special Use Permit, if that company were to ever not continuously occupy that property, it would revert back to the existing zoning?

Herb Shannon: Yes. If it is not occupied for that use for up to eighteen months, then that particular special use could not go back in unless it comes back. If they do a use that's permitted in the LI District, then they are allowed to do that. This is just for this specific special use.

Council Member Alexander: Ownership could change and that would not require them to come back, but if they stop the process that required the Special Use Permit for a period of time, then it would revert back to the prior zoning?

Herb Shannon: Well, the zoning is not changing, but if that specific Special Use Permit ceases to operate for more than eighteen months, they could not reestablish it and that use runs with the land and not the ownership, so a new owner could come in and do that same type of use.

Chairman Bencini: Thank you Herb. Anyone present care to speak in favor of this request? [none] Anyone present care to speak in opposition of the request? [none] Seeing no one, I'm going to close the public hearing and make a motion to approve this Special Use Permit based upon the staff's findings.

Council Member Stahlmann: Second.

Mayor Pro Tem Whitley: Everyone's heard the motion, is there any additional questions? All in favor of the motion, say Aye.

All: Aye.

Mayor Pro Tem Whitley: Any opposed? [none] [8-0 vote] [Mayor Smothers was

absent]

[end of transcript]

Approved Special Use Permit 08-04 as requested by the petitioner based upon the Findings of Fact as outlined in the staff report.

A motion was made by Council Member Bencini, seconded by Council Member Stahlmann, that this matter be approved. The motion carried unanimously.

080308

A request by the City of High Point Parks & Recreation Department to rezone approximately 16.5 acres from the Residential Single Family-9 (RS-9) District and Residential Multifamily-8 (RM-8) District to a Public & Institutional (PI) District. This site is lying along the west side of Shadybrook Road, approximately 250 feet south of School Park Drive.

The public hearing regarding this matter was held on Monday, November 17, 2008 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report as follows:

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked if there was anyone present to speak in favor of the request. There being no comments in support, the floor was opened for opposition comments.

Raymond Brown, 918 Old Winston Road addressed Council and identified the following concerns regarding this request:

*Tremendous amount of traffic already in the Bellevue/Old Winston Road area
Need proper buffer zones between the homes and the fields
Safety concerns about folks parking in neighbors driveways and using property as a cut through to the field
Safety issues with the reconfiguration of the intersection at Bellevue and Old Winston Road
Concerns about the wildlife in the area that it might affect
Could be an older site that could possibly contain a burial site or some kind of historical site with relevance to High Point*

Council Member Alexander asked Allen Oliver, Director of Parks & Recreation, if there would be any kind of fence bordering or defining this space. Mr. Oliver replied that staff plans on planting hollies or other vegetation along the property line as they have done in other locations. He explained that fences are usually not erected except around substations and traditionally vegetative screens are used in the other uses. Council Member Sims asked how many trees would be saved. Mr. Oliver explained that only the trees required for erosion control would be removed and they would definitely limit the amount of trees removed. Council Member Alexander stated he could certainly relate to Mr. Brown's concerns about people using his property as a cut-thru and asked staff if they would be opposed to putting up a fence, should it be determined that it was needed. Mr. Oliver noted he would not be opposed to putting up a fence, but as a policy staff does not put fencing up around facilities of this type. Mayor Pro Tem Whitley suggested another solution might be to post the road at Bellevue with No Parking signs. Council Member Alexander asked Mr. Brown to notify the city immediately should there be a problem with folks cutting through his property after the park is developed.

Chairman Bencini asked if there was anyone else present who would like to speak. There being no further comments from the public, the public hearing was declared closed.

Adopted Ordinance amending the Official City of High Point Zoning Map rezoning this 16.5 acre tract from the Residential Single Family-9 (RS-9) District and Residential Multifamily-8 (RM-8) District to a Public & Institutional (PI) District.

Ordinance No. 6591/08-76

Introduced 11/17/08

Adopted 11/17/08

Ordinance Book Volume XVI, Page 76

A motion was made by Council Member Bencini, seconded by Council Member Faircloth, that this matter be adopted. The motion carried unanimously.

080309

a. Conditional Use Highway Business (CU-HB) District.

A request by Wrennovation, LLC to rezone approximately 0.98 acres from the Light Industrial (LI) District to a Conditional Use Highway Business (CU-HB) District. The site is lying along the south side of E. Kivett Drive, approximately 715 feet east of the Business 85 on-ramps (3718 E. Kivett Drive). This site is within the city's extraterritorial jurisdiction (ETJ).

b. Conditional Use Permit 08-20

A request by Wrennovation, LLC for approval of an accompanying Conditional Use Permit with conditions pertaining to permitted uses, vehicular access and landscaping.

The public hearing regarding this matter was held on Monday, November 17, 2008 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report as follows:

[end of staff report]

Public Hearing: Transcript

Chairman Bencini: The next item is Rezoning Case 08-20- Wrennovation, LLC.

Herb Shannon: This is a request by Wrennovation, LLC to rezone a .09 acre parcel from Light Industrial to a Conditional Use Highway Business District. I believe many of you are familiar with this case. A similar case was submitted earlier this year to rezone this parcel. The applicant withdrew that request due to some concerns about some right-of-way improvements. The primary difference between this request and the previous request that you saw this summer is in regards to improvements along the frontage of this site. The applicant last time had some confusion and did not agree to the staff recommended condition. Since then, the applicant has met with the State DOT and also with the City of High Point Department of Transportation to find out what exactly would need to be done in order to provide an access point that would be acceptable to both parties. The State had noted that they would require a drainage swell along the frontage of the property and the City and the State noted that they would require a standard access point. In putting a drainage swell across the front of the property, it's going to require the gravel where that swell's going to be relocated at to be removed and that area be seeded. The presence of that drainage area would eliminate concerns about parking and making sure that all access would proceed to the standard access being proposed. As part of this zoning request, the applicant has submitted a conditional use permit. They've offered to install paved driveway access to city standards, install a city street planting yard, and to install a drainage swell along the site's frontage that meets the NCDOT's standard. Based upon the condition that they've offered, staff had no major or minor issues of concern and we are recommending approval of this request. The Planning & Zoning Commission reviewed this request at the October 28th meeting and recommended approval. Are there any questions?

Council Member Alexander: The right-of-way that the state owns and maintains, Mark I guess this question might be for you. If that road were widened in there, would they have enough right-of-way or should there be any dedication of right-of-way at the rezoning.

Mark McDonald: The right-of-way existing there now is approximately 60 feet or 30 feet off the centerline.

Chairman Bencini: Anyone care to speak in favor of this request?

George Ragsdale: I'm George Ragsdale in Jamestown. I appreciate your patience and the city's help in dealing with this request. We made the decision to withdraw the request after our last meeting because we wanted to take the time to take all of your constructive criticism into account and at that point we went and met with DOT as well as with your staff and feel like we've come up with a mutually beneficial agreement and again an agreement that the State DOT is pretty much mandated on us. Abigaile Pittman is here again with me if you have any technical questions. She's available to answer those. But, again, we feel like we've taken your constructive criticism to heart and tried to do what we can do to accommodate the city and work with the staff.

Chairman Bencini: What's the current use of the building there at this site?

George Ragsdale: Bob and Pat Earnhardt who are here this evening operate a BINGO Parlor there.

Council Member Alexander: I think the permit question was the thing that triggered the zoning case, wasn't it?

George Ragsdale: The zoning case was triggered due to a.....

Council Member Alexander: An operational permit.....

George Ragsdale: Not an operational permit, it was due to building code violations that were oblivious to us that were brought to our attention. Once those things were brought to our attention, we worked with staff to get those corrected and then it came to our attention that we were not conforming to current zoning. The property has been there forever and has been used as a church for many, many years as an assembly use without any problems. It's been in violation the entire time the buildings been built to be honest with you. Once we realized that was the case, we again got with staff and wanted to correct everything we needed to correct.

Council Member Alexander: I thought I remembered also there was a....you couldn't get a business license because the property wasn't zoned properly.

George Ragsdale: That's something that's new to me. I'm not familiar with that at all.

Council Member Alexander: All right, I may be confused.

George Ragsdale: What other questions do you have?

Mayor Pro Tem Whitley: If I'm not mistaken, one of the concerns last time was the

amount of parking area you had regarding the existing use.

George Ragsdale: We were concerned about tearing up parking in the front, but we have more than ample parking in the back.

Abigaile Pittman: No spaces were lost in the front.

Council Member Stahlmann: Didn't they want you to close the entrance?

Abigaile Pittman: I had Jamestown Engineering to kind of....if you can show that whole part there that goes all the way back....so the majority of the parking is in the back and there were no spaces lost.

Council Member Stahlmann: Didn't they want you to curb and gutter here so that all the traffic had to leave your property at one location?

George Ragsdale: That's correct. After meeting with DOT, they still want all traffic to leave at....enter and leave at one designated area which we've never had a problem with. DOT is now asking us to put a ditch there. The issue last time that came up was putting in curb and guttering and grassing and going where we felt was above and beyond, but we're doing exactly as we're being asked this time.

Chairman Bencini: Anyone else care to speak in favor of this request? [none] Anybody present care to speak in opposition? [none] Seeing no one, I'm going to close the public hearing, make a motion to approve the rezoning request and the accompanying conditional use permit based upon the findings.

Council Member Pugh: Second.

Mayor Pro Tem Whitley: Everyone's heard the motion....and I'll ask for a moment while I look up something here. Mr. Bencini, I still seem to recall that one of the biggest issues we had last time was regarding the parking in the back and I can't get Google Earth to work right right now, but I'm not sure about the amount of parking that's being claimed back there because there were so many trees. I didn't hear trees being cut down.

Council Member Sims: It was an empty lot and it was deep, but the angle of the picture didn't show how deep the lot was.

Mayor Pro Tem Whitley: But there was something else about the back of the lot that didn't work out. Okay, everyone's heard the motion. All in favor of the motion, say Aye.

All: Aye.

Mayor Pro Tem Whitley: Any opposed? [none] Motion carries. [8-0 vote]

[Mayor Smothers was absent]

At this time, Mayor Pro Tem Whitley noted that Council Member Wilkins had asked to be excused from the meeting. Motion by Council Member Stahlmann and second by Council Member Alexander to excuse Council Member Wilkins. The motion carried unanimously.

Adopted Ordinance amending the Official City of High Point Zoning Map to rezone this approximate 0.98 acres within the city's ETJ area from the Light Industrial (LI) District to a Conditional Use Highway Business (CU-HB) District and approved the accompanying Conditional Use Permit 08-20 based upon the Findings of Fact as outlined in the staff report.

Ordinance No. 6592/08-77

Introduced 11/17/08

Adopted 11/17/08

Ordinance Book Volume XVI, Page 77

A motion was made by Council Member Bencini, seconded by Council Member Pugh, that this matter be adopted. The motion carried unanimously.

080310

A request by Harris Teeter Inc., to rezone approximately 2.62 acres from the General Business (GB) District to the Main Street (MS) District. This site is lying at the northeast corner of E. Dayton Avenue and Montgomery Street.

The public hearing regarding this matter was held on Monday, November 17, 2008 at 5:30 p.m.

Herb Shannon of Planning and Development gave an overview of the staff report as follows:

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments in support of this request.

Council Member Sims asked for a clarification on the boundaries of the Core City area at State Street. Lee Burnette, Director of Planning and Development, explained that the Core City Plan includes properties all the way to Eastchester and the MS (Main Street) District actually goes from Eastchester towards Westover. Mr. Shannon added that State Street is actually the transitional Area B and Mr. Burnette noted there could be some different development standards there and different uses there as well. Council Member Sims also inquired about the hours of operation for the trucks.

Gilbert Gates, attorney representing the applicant, spoke in favor of the request. He explained this would actually benefit the neighborhood because it reduces the area of the truck parking and noted the triangular lot to the east was undevelopable so it would remain as a "buffer." He noted that the parcel they are requesting to be rezoned is leased on a long-term lease because they have an option that will be exercised, although it is not currently exercisable. He informed Council that they had discussed their plans with the two neighbors at the corner of Irbywood and Montgomery and both are in support of it because it would stop the drag racing and drug sales that go on in this area at night. Harris Teeter's intent is to fence this entire area if the accompanying street abandonment request is approved by City Council. Council Member Stahlmann asked if they would have bays for the trucks or just slab parking. Mr. Gates noted their intent would be to pave the entire area so that trucks could easily get back to the property.

At this time, Mr. Dwight Moore, Vice President of Harris Teeter, Hunter Farms, 1900 N. Main Street addressed Council in support of the request. He noted the hours of operation would start around 5:00 a.m. and production would continue until around 6:00 p.m. or 7:00 p.m. and that the majority of the traffic would be during this time, but there might be an odd truck leaving off and on during the night.

Council Member Alexander expressed concerns about the scattering of light in the surrounding residential neighborhood and asked what type of screening is planned for the light. Mr. Moore explained their intentions were to fence the entire area, add surveillance cameras and he didn't see them increasing the lighting that's currently there.

Chairman Bencini asked if there was anyone else present who would like to speak regarding this case. There being no further comments, he closed the public hearing.

The committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Ordinance amending the Official City of High Point Zoning Map rezoning this 2.62 acres on Main Street from the General Business (GB) District to the Main Street (MS) District.

Ordinance No. 6593/08-78

Introduced 11/17/08

Adopted 11/17/08

Ordinance Book Volume XVI, Page 78

A motion was made by Council Member Bencini, seconded by Council Member Stahlmann, that this matter be adopted. The motion carried by the following vote:

Votes: Aye: Council Member Whitley, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Pugh and Council Member Sims

Nay: Council Member Stahlmann

Absent: Mayor Smothers and Council Member Wilkins

080311

A request by Harris Teeter Inc. and Lyles Holdings, Inc., to abandon a portion of an improved 50-foot wide right-of-way, known as Montgomery Street, between E. Dayton Avenue and Irbywood Avenue.

The public hearing regarding this matter was held on Monday, November 17, 2008 at 5:30 p.m.

Mark Schroeder with Planning and Development gave an overview of the staff report as follows:

[end of staff report]

Following the presentation of the staff report, Chairman Bencini opened the public hearing and asked for comments in support of this request.

Skipper Gates, Attorney representing the applicant, spoke in favor of the request and was present to address any concerns and/or questions.

Chairman Bencini asked if there were any additional comments in support of or in opposition to this request. There being none, the public hearing was closed.

The Committee recommended this matter be placed on Thursday's Agenda with a favorable recommendation for adoption.

Adopted Resolution abandoning a portion of an improved 50-foot wide right-of-way known as Montgomery Street between E. Dayton Avenue and Irbywood Avenue.

Resolution No. 1467/08-109

Introduced 11/17/08

Adopted 11/17/08

Resolution Book Volume XVI, Page 109

A motion was made by Council Member Bencini, seconded by Council Member Sims, that this matter be adopted. The motion carried by the following vote:

Votes: Aye: Council Member Whitley, Council Member Alexander, Council Member Bencini, Council Member Faircloth, Council Member Pugh, Council Member Sims and Council Member Stahlmann
Absent: Mayor Smothers and Council Member Wilkins

Police Department Award

Council Member Alexander recognized the Police Department for the award they recently received in Orlando. He also noted that High Point was recently showcased in the Statesville paper regarding a new strategy they're learning from High Point. He noted the article was well-written and stated it was additional recognition that our Police Department is forward thinking, their actions are recognized nationwide and the actions that the Police Department is taking are making changes not only in our community, but in the community of the world.

Reception for Council Member Ron Wilkins

Mayor Pro Tem Whitley reminded everyone that a reception in Council Member Wilkins honor would be held at the Macedonia Center, 401 Lake Avenue on Monday, November 24th from 4:00 to 6:00 p.m. and encouraged everyone to attend to recognize him for his dedicated service to the citizens since being elected to Council in 1997.

ADJOURNMENT

Upon motion duly made and seconded, this meeting was adjourned until Tuesday, November 18th at 4:00 p.m.

Respectfully Submitted,

Rebecca R. Smothers, Mayor

Attest:

*Lisa B. Vierling, MMC
City Clerk*