

City of High Point

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

Meeting Agenda

Thursday, July 21, 2011

9:00:00 AM

Council Chambers, City Hall

City Council

*Rebecca R. Smothers, Mayor
Latimer B. Alexander, IV, Mayor Pro Tem
James Corey, Foster Douglas, A.B. Henley, III,
Britt W. Moore, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE**APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING**

Planning, Econ. Dev and IT Committee meeting held Thursday, June 9th at 9:30 a.m.

Finance Committee meeting held Monday, June 20th at 3:30 pm.

Combined Council Meeting held Monday, June 20th at 4:45/5:30 p.m.

REGULAR MEETING ITEMS**PLANNING, ECONOMIC DEVELOPMENT AND INFORMATION TECHNOLOGY
COMMITTEE - Council Member Whitley, Chair****110151 Resolution - Street Abandonment 11-03 - High Point University**

A request by High Point University to abandon an improved portion of Fifth Street located between North Avenue and E. Farriss Avenue.

110152 City of High Point Incentives Policy - Job Creation Policy (new)

Council is requested to receive the following Incentives Policy Review Committee recommendations:

2) City of High Point Job Creation Incentives Policy [new]

For Part 1 (Industrial Incentives Policy) and Part 3 (Incentives Map) refer to Legislative Matter 110032 (action taken March 21, 2001). For Part 4 (Retail Incentives Policy) refer to Legislative Matter 110053 (action taken June 6, 2001).

110128 Technical Review Committee Appeal - Word of Life Tabernacle

Consideration of an appeal of the Technical Review Committee's decision to require sidewalks along Deep River Road and Gordon Road for an approved site plan located at the northwest corner of Deep River Road and Gordon Road.

6/20/2011 Committee of the Whole referred

Planning , Economic Dev.
& Information
Technology Committee

ADJOURNMENT

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

**STAFF REPORT
TECHNICAL REVIEW COMMITTEE APPEAL
June 20, 2011**

Request	
Applicant: Ronald L. Diggs	Owner(s): Word of Life Tabernacle
Proposal: Consideration of an appeal of the Technical Review Committee's decision to require sidewalks along Deep River Road and Gordon Road for an approved site plan located at the northwest corner of Deep River Road and Gordon Road.	Relevant Ordinance Section(s): 9-9-12(d) Appeals to City Council and 9-5-1(f) Sidewalks.

Site Information	
Location:	<i>Northwest corner of Deep River Road and Gordon Road.</i>
Site Description:	<i>Existing church and recreation building with a 33,000 square foot addition under construction.</i>

Statement of Appeal

On May 20, 2011, staff received a letter from Mr. Ronald L. Diggs with Word of Life Tabernacle appealing the requirement of sidewalks along their property frontage. The church is citing the sidewalk requirement as a, "sidewalk to nowhere" and would like to have the Technical Review Committee's application of the ordinance that requires sidewalks for the church site overturned.

Background and Circumstances of the Case

The City of High Point adopted the sidewalk ordinance on June 19, 2003. The Development Ordinance requires sidewalks for developments that require Technical Review Committee (TRC) approval, which includes major subdivisions, minor subdivisions, and non-residential developments with a building area of 15,000 square feet or more.

The Word of Life Tabernacle received approval for two expansions since 2005. The first expansion was approved in March 2005 for a 10,404 square foot gymnasium. The gymnasium was issued a building permit in February 2005 and received a certificate of occupancy in August 2005. The second expansion was approved in October 2009 for a 33,000 square foot main sanctuary. This expansion was issued a building permit in February 2010 and is getting close to requesting a final inspection to obtain a certificate of occupancy.

The expansion in 2005 did not trigger the sidewalk requirement because it was less than 15,000 square feet in area. The second expansion in 2009 exceeded 15,000 square feet in area, therefore,

sidewalks were required when the site plan was approved by TRC. The sidewalk ordinance requires sites abutting a street classified City as a collector, minor thoroughfare, or major thoroughfare to have sidewalks along those road frontages. Deep River Road is classified as a major thoroughfare. Gordon Road is classified as a collector street.

Appeals to a Technical Review Committee (TRC) decision go to City Council. The Church is appealing the decision by the TRC to require sidewalks on the basis that the sidewalks are not necessary and that they will potentially require a substantial amount of grading and utility relocation.

The attached map illustrates installed and construction pending sidewalks in the area. In addition, the installed greenway and planned greenway is shown.

Staff Analysis and Comment

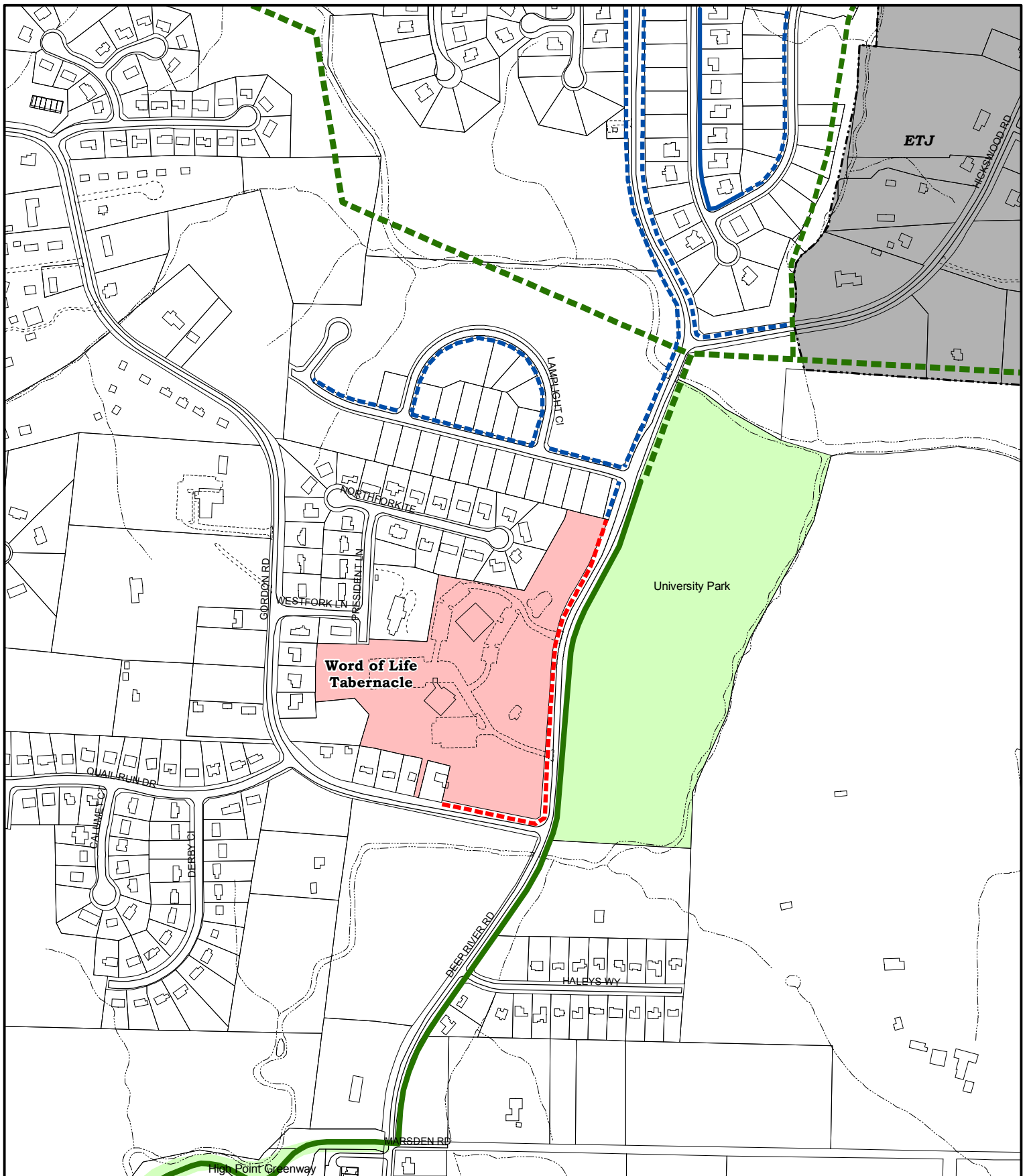
The applicant desires a waiver from installing sidewalks along the street frontage as approved by TRC in October 2009. The ordinance does not contain provisions to waive requirements. However, the ordinance does permit TRC, and City Council upon appeal, to approve modifications to a sidewalk plan that results in equal or better performance. The Transportation Department did share concerns with installing sidewalks along Gordon Road during the site plan review process in 2009 and offered the church alternatives to installing along Gordon Road. These options were not pursued by the church.

Conclusion

Based on the development ordinance, the City has the authority to require sidewalks along the abutting road frontage concurrently with the proposed building expansion for Word of Life Tabernacle. Since 2003 when the sidewalk ordinance was adopted, these provisions have been applied consistently to similar developments, including other churches. In reviewing the applicants' appeal, the staff cannot find a basis for granting relief as request.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder, AICP, Senior Planner and reviewed by Bob Robbins, AICP, Development Administrator, and Lee Burnette, AICP, Director.



Location Map - 1801 Deep River Road

Sidewalks

- Installed
- - - Construction Pending

Greenways

- Installed
- - - Planned

- - - Approved Church Sidewalk

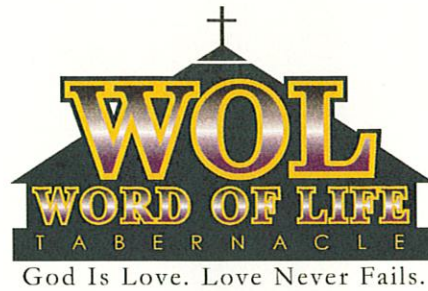
Planning & Development
Department

City of High Point

Date: June 10, 2011



Scale: 1"=500'



Friday, May 20, 2011

To: Randy McCaslin
Attn: Mayor and City Council

Dear Mr. McCaslin,

This letter is in reference to petition an appeal versus the technical review committee's decision on sidewalks.

We have been noted that we would need to comply with such decision and put a sidewalk on our property. We feel that this would be a "sidewalk to nowhere." We do not see any valid reason why, at our cost, we would have to put a sidewalk on our property along Deep River Rd. and Gordon Rd. There are no other commercial or residential properties in which the sidewalk would serve purpose. It is also irrelevant to the scope of the grounds.

If we had to put in this "sidewalk to nowhere", it would definitely disturb the grounds of our property. Based on the architectural drawings, a substantial amount of grading would have to take place just to make this work. Drains, fire hydrants, and possibly utility poles located on our property would have to be moved. This could have the potential to disturb the flood plains and layout of our property as well as Deep River Rd.

Furthermore, the city has already added a greenway directly across the street from where the proposed sidewalk would be. The greenway runs parallel to our property on Deep River Rd. It runs the whole stretch of where our property is located past Gordon Rd., where our property ends. Adding a sidewalk to the greenway would overcompensate whatever need there is for a sidewalk on this stretch of our property and Deep River Rd.

We would like to thank you in advance for reviewing this matter in a timely manner. If you would like, we would more than welcome a meeting, at our location, to further discuss why there is no valid reasoning for a sidewalk on our property. Please review the enclosed pictures which further support our stand.

Sincerely,

Ronald L. Diggs

Ronald L. Diggs







High Point City Council

- I respect the hard work and dedication of the city staff. I believe they do a great job in administering the requirements of the 2003 sidewalk ordinance.
- Sidewalks are public transportation built on public right of way. No owner should be required to pay for public transportation. The 2003 sidewalk ordinance should be changed to reflect this.
- Requiring sidewalks in a planned subdivision is one thing. Requiring a property owner to pay for public transportation in front of their property is not a fair way to pay for public transportation.
- City council has the authority to change this ordinance and authority to grant an exemption for this property owner. It should do both.
- It is noble, good and council's duty to supply adequate public transportation where needed. This sidewalk does not fit that need.
- There are many areas which need sidewalks in High Point. This would be last on a list of needed sidewalks for the city of High Point.
- \$60,000 for a sidewalk that is not needed and may be replaced in the future is not a practical way to spend \$60,000 no matter who pays.
- Not granting this exemption because we have not granted one before or because we are afraid to set a precedent is not a valid reason to deny the request.
- Please listen to the citizens of High Point and make a practical decision to grant this exemption and review the 2003 sidewalk ordinance. Place public transportation where it is needed and practical.

David R. Wilson
3408 Central Ave
High Point, NC 27260

PLANNING AND ZONING COMMISSION RECOMMENDATION

On June 28, 2011, a public hearing was held before the Planning and Zoning Commission regarding the requests described below. All members of the Commission were present except Mr. Keith McInnis.

High Point University

Street Abandonment Case 11-03

A request by High Point University to abandon an improved portion of Fifth Street located between North Avenue and E. Farriss Avenue.

Mr. Schroeder presented the request and recommended approval as outlined in the staff report.

Speaking in favor of the request was Ron Guerra of 833 Montlieu Avenue, representing High Point University and Dan Pritchett of 809 Arbordale Road. Mr. Guerra stated that the University plans to close Fifth Street and install a gate at the intersection of E. Farris Avenue and Fifth Street along with a mobile operating patrol unit. He stated that reducing the number of access points to the campus will provide better security, thus the reason for the street abandonment request. Mr. Pritchett, the applicant's engineer, addressed technical issues pertaining to the request.

Speaking in opposition to the request was Mr. Robert Barnes of 1011 Willoubar Terrace. Mr. Barnes stated that he has lived at this location for 14 years and although his property has access from both Willoubar Terrace and Fifth Street, he has always used the Fifth Street entrance. His stated concerns with access only to Willoubar Terrace were: the narrow width of Willoubar Terrace; the construction traffic with trucks parked on both sides of the street; speeding; and that it may place his foster care license in jeopardy due to the inability of fire trucks to negotiate the turn on Willoubar Terrace. If the street abandonment is approved, Mr. Barnes stated that he is afraid adequate fire protection could not be provided to his house.

After a lengthy discussion with additional technical information being provided by the applicant and Mr. Barnes, the Planning & Zoning Commission recommended **approval** of Street Abandonment Case 11-03, by a vote of 6-0, , with the retention of public utility easements as recommended by staff, including a natural gas easement.

Additionally, the Commission recommended to City Council:

1. Insure that the culvert in the stream upon which contains Mr. Barnes' Fifth Street driveway is not removed, to assure continued adequate fire protection, and
2. That a letter be provided to the City Council from Mr. Barnes' foster care representative stating any concerns with fire protection services to the house.

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

**STAFF REPORT
STREET ABANDONMENT CASE 11-03
July 18, 2011**

Request	
Applicant: High Point University	Proposal: Abandonment of an improved portion of Fifth Street between North Avenue and E. Farriss Avenue.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
E. Farriss Avenue	Local	34 ft. right-of-way – 26 ft. curb & gutter
Fifth Street	Local and Private Street	50 -100 ft. right-of-way – 16 - 32 ft. ribbon and curb & gutter (concrete and granite)
North Avenue	Private Street	50 ft. right-of-way – 39 ft. curb & gutter

Adjacent Property Zoning and Current Land Use		
North	Residential Single Family – 7 (RS-7)	E. Farriss Ave. and Greenway
East	Conditional Use Public Institutional (CUP PI) and Residential Single Family – 7 (RS-7)	Vacant and improved residential lots and university
South	Conditional Zoning Public Institutional (CZ PI)	University student housing
West	Conditional Zoning Public Institutional (CZ PI) and Residential Single Family – 7 (RS-7)	Residential Single Family Homes and vacant lots

Analysis

The right-of-way requested for abandonment is approximately 2.05 acres in area with a varying width between 50 and 100 feet, and contains an improved section of Fifth Street. All abutting property is owned by High Point University with the exception of 1011 Willoubar Terrace (owned by Robert Barnes). This right-of-way is shown on a plat titled, “Plat No. 2 – Sherwood Park” depicting Fifth Street as a boulevard type street. Several right-of-ways have been abandoned in the area over the past several years (shaded on the attached map). The most recent abandonment for a portion of North Avenue between Fifth Street and Willoubar Terrace, pursuant to a High Point University request, was approved by City Council on June 20, 2011.

No immediate development plans within the vicinity of this abandonment are proposed by the University. The only known proposal at this time is for the University to install a gate at the Fifth Street entrance from E. Farriss Avenue as a campus security measure.

The physical improvements within the Fifth Street right-of-way including the cartway, a water main (one line with 6-inch and 8-inch sizing and two fire hydrants), sewer mains (two separate 8-inch lines), piedmont natural gas, and electric utilities (overhead) shall remain until a redevelopment plan is approved. Easements must be retained for these utilities. If the area is

redeveloped, then the utilities may be relocated and abandoned per City standards, provided any properties currently being served by these utilities continue to receive services as long as they are needed.

This street abandonment will limit vehicular access to 1011 Willoubar Terrace. Currently 1011 Willoubar Terrace has access to both Willoubar Terrace and Fifth Street. The parcel's primary vehicular access is from the south to Willoubar Terrace which shall remain as a public right-of-way so as to provide public street access to this property. If approved, 1011 Willoubar Terrace will have 50 feet of right-of-way frontage at the terminus of Willoubar Terrace and own the western 50 feet of the abandoned Fifth Street right-of-way, increasing the lot area by approximately 3,800 square feet. Garbage collection occurs from Willoubar. Other utilities serving the lot, however, are obtained from Fifth Street including water, sewer, natural gas, and electric. Utility easements are being retained to insure no reduction in the level of service from these utilities occurs (including fire protection), for this residential property. Any gates installed shall have a Fire Department Knox Box installed which provides the Fire Department the ability to open the gate.

Findings

The Technical Review Committee (TRC) reviewed this request on February 16, 2011 and identified concerns related to public interest and access to abutting property. Subsequent discussions by TRC and the acquisition of additional property by the University have resulted in TRC concluding that there are no identified issues that would prevent its abandonment.

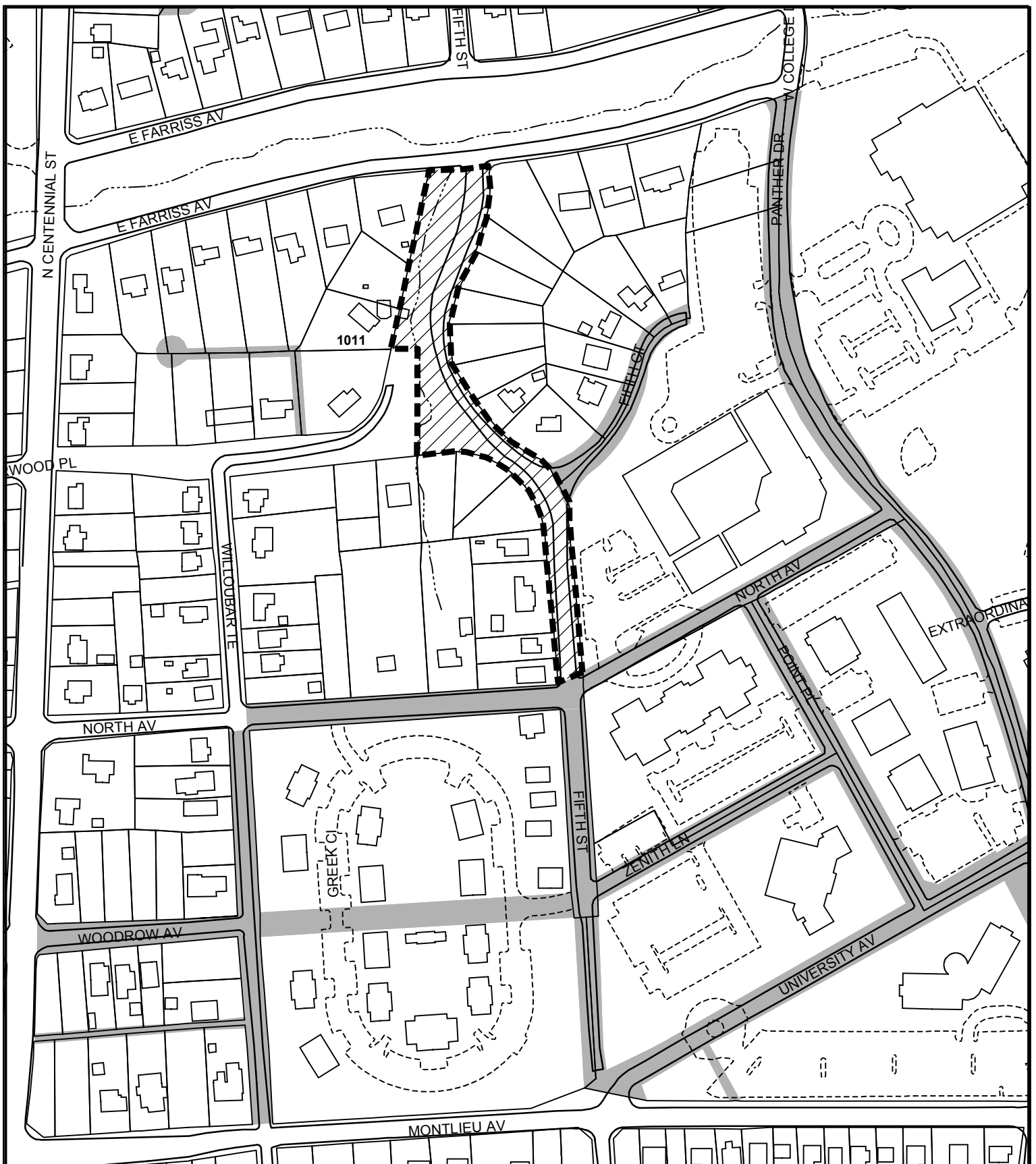
This abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, High Point University and Robert Barnes, as provided by State statutes, is found not to be contrary to the public's interest and found not to deprive abutting properties owned by High Point University and Robert Barnes reasonable means of ingress and egress.

Recommendation

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of the following public utility easements: 1) A 20-foot sanitary sewer easement centered on each of the existing 8-inch sewer lines; 2) A 50-foot water main easement with the eastern limits of the easement being the eastern limits of the Fifth Street right-of-way which will encompass the existing 6-inch, 8-inch, and hydrant stubs; 3) A 30-foot electric utility easement centered on the existing overhead electric utility lines; and 4) A 50-foot piedmont natural gas easement with the eastern limits of the easement being the eastern limits of the Fifth Street right-of-way based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder, AICP, Senior Planner and reviewed by Bob Robbins, AICP, Development Administrator, and Lee Burnette, AICP, Director.



STREET ABANDONMENT REQUEST SA11-03

Applicant: High Point University

Area: 2.05 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development
Department

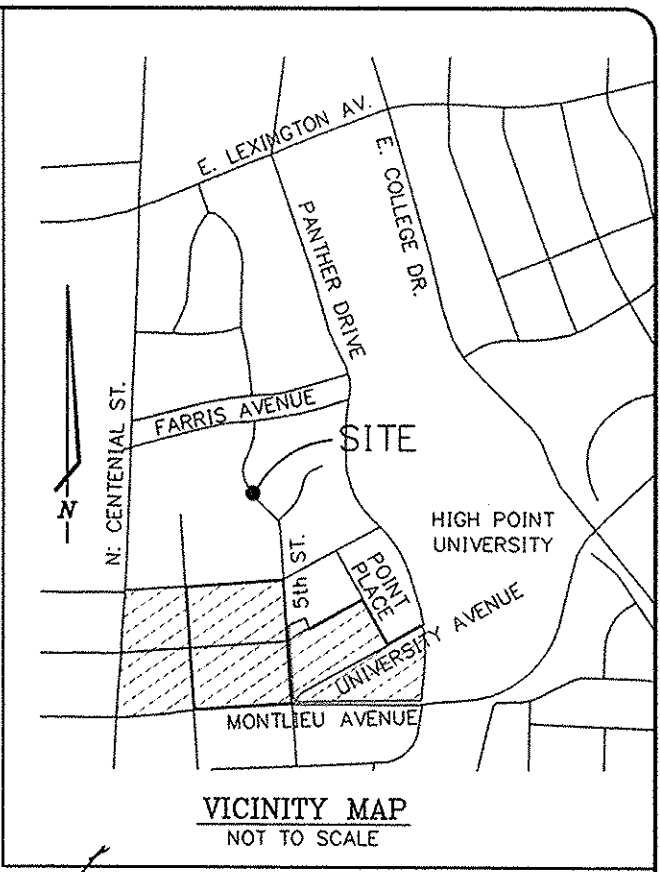
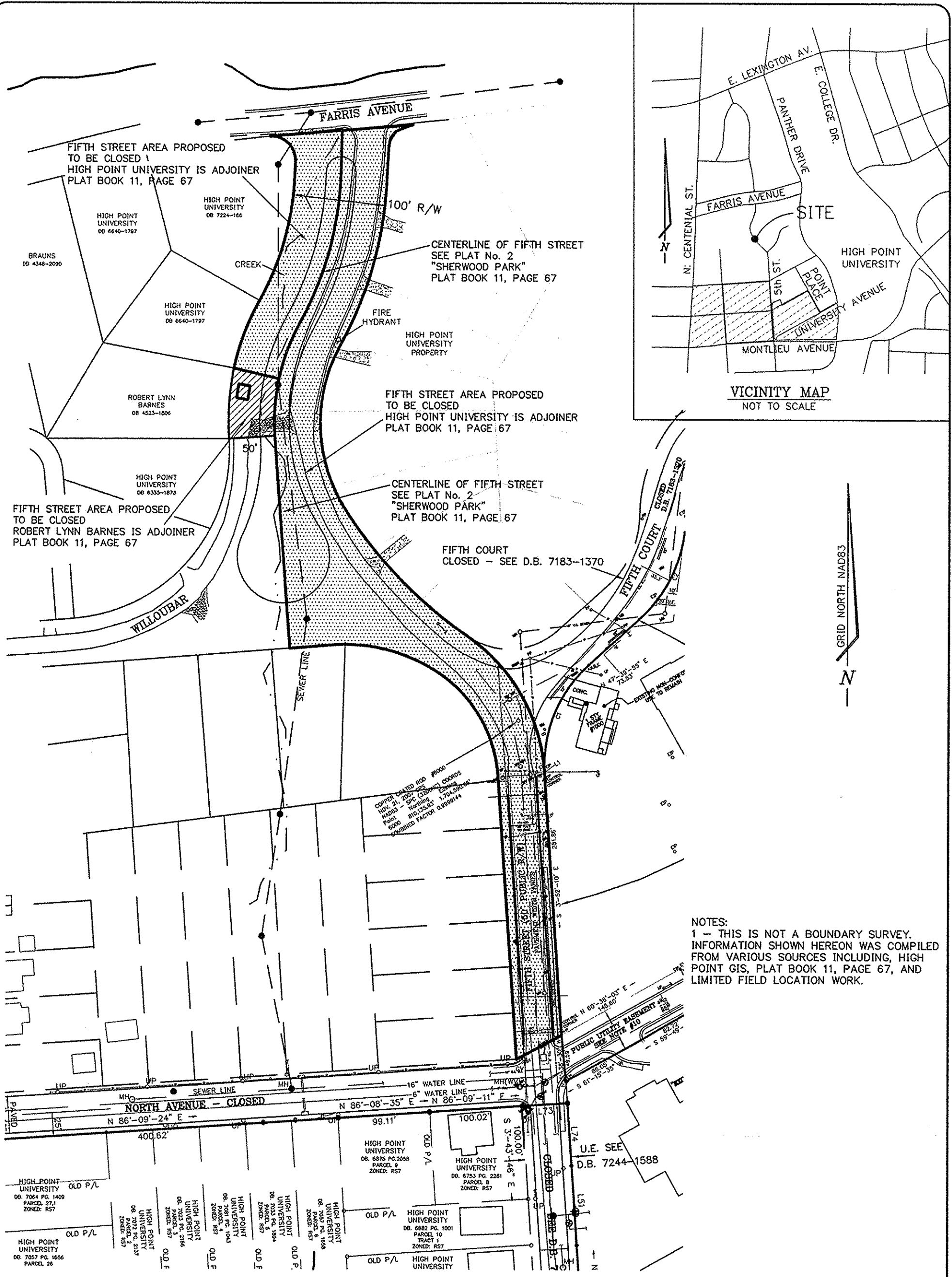
City of High Point

Date: July 18, 2011



Scale: 1"=250'

y/ba-pz/2011/pz/sa11-03.mxd



GRID NORTH NAD83
N

NOTES:
1 - THIS IS NOT A BOUNDARY SURVEY.
INFORMATION SHOWN HEREON WAS COMPILED
FROM VARIOUS SOURCES INCLUDING, HIGH
POINT GIS, PLAT BOOK 11, PAGE 67, AND
LIMITED FIELD LOCATION WORK.

LEGEND

- EXISTING IRON PIN FOUND
- NEW IRON PIN SET
- N/F NOW OR FORMERLY
- C/L CENTERLINE
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- D.B. DEED BOOK
- P.B. PLAT BOOK
- E.U.E. ELECTRIC UTILITY EASEMENT
- FF FINISHED FLOOR
- PDA PROTECTED DRAINAGE AREA

PRELIMINARY SKETCH PLAN
FIFTH STREET R/W RELINQUISHMENT
NORTH AVENUE TO FARRIS AVENUE
BARNES AND HIGH POINT UNIVERSITY PROPERTIES
 HIGH POINT TOWNSHIP - GUILFORD COUNTY
 HIGH POINT, NORTH CAROLINA

80' 40' 0 80' 160'

SCALE: 1" = 80'

JAMESTOWN ENGINEERING GROUP, INC.
 117 EAST MAIN STREET
 P.O. BOX 365
 JAMESTOWN, N.C 27282
 Telephone (336) 886-5523

DATE JUNE 24, 2011 SCALE 1" = 80'
 JOB No. 2011-004
 SURVEY BY PLATTED BY JBS

C-0626

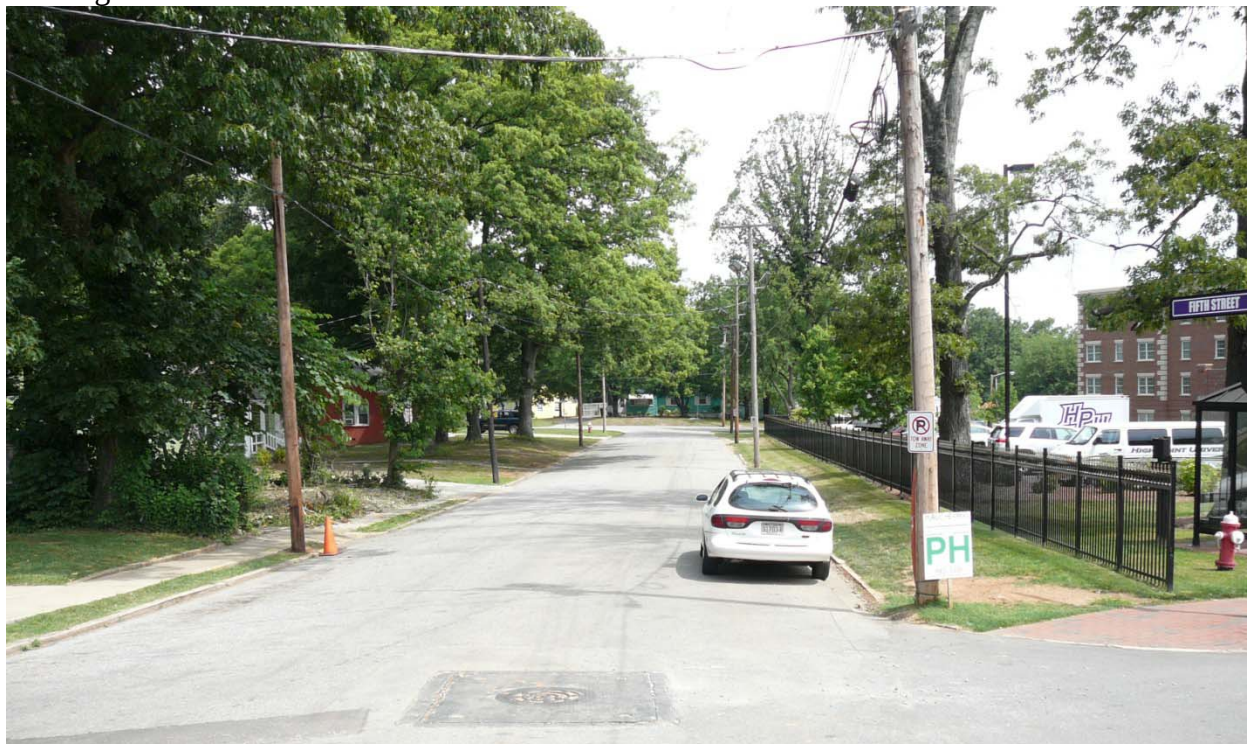
JEG inc.

Attachments: Photographs (June, 2011) and Aerial (February, 2008)

Looking south down Fifth Street from E. Farriss Avenue.

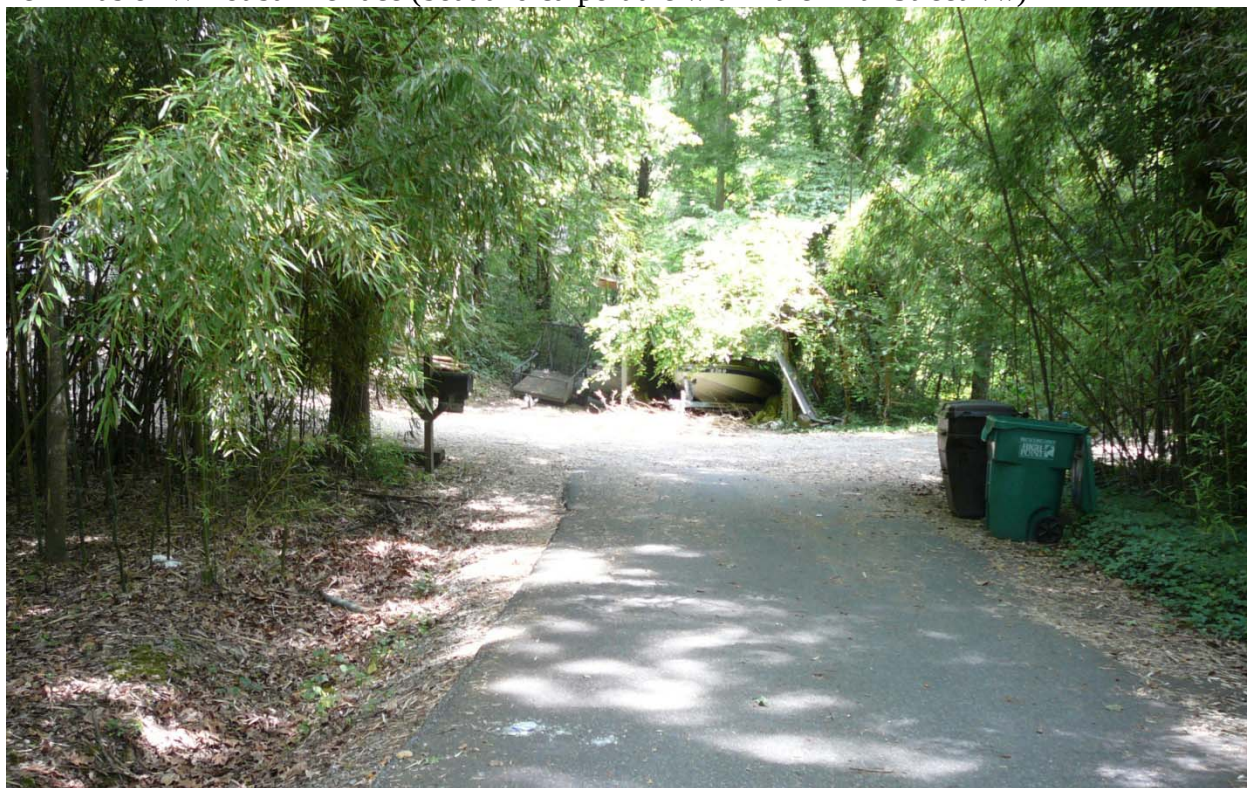


Looking north down Fifth Street from North Avenue towards Fifth Court.

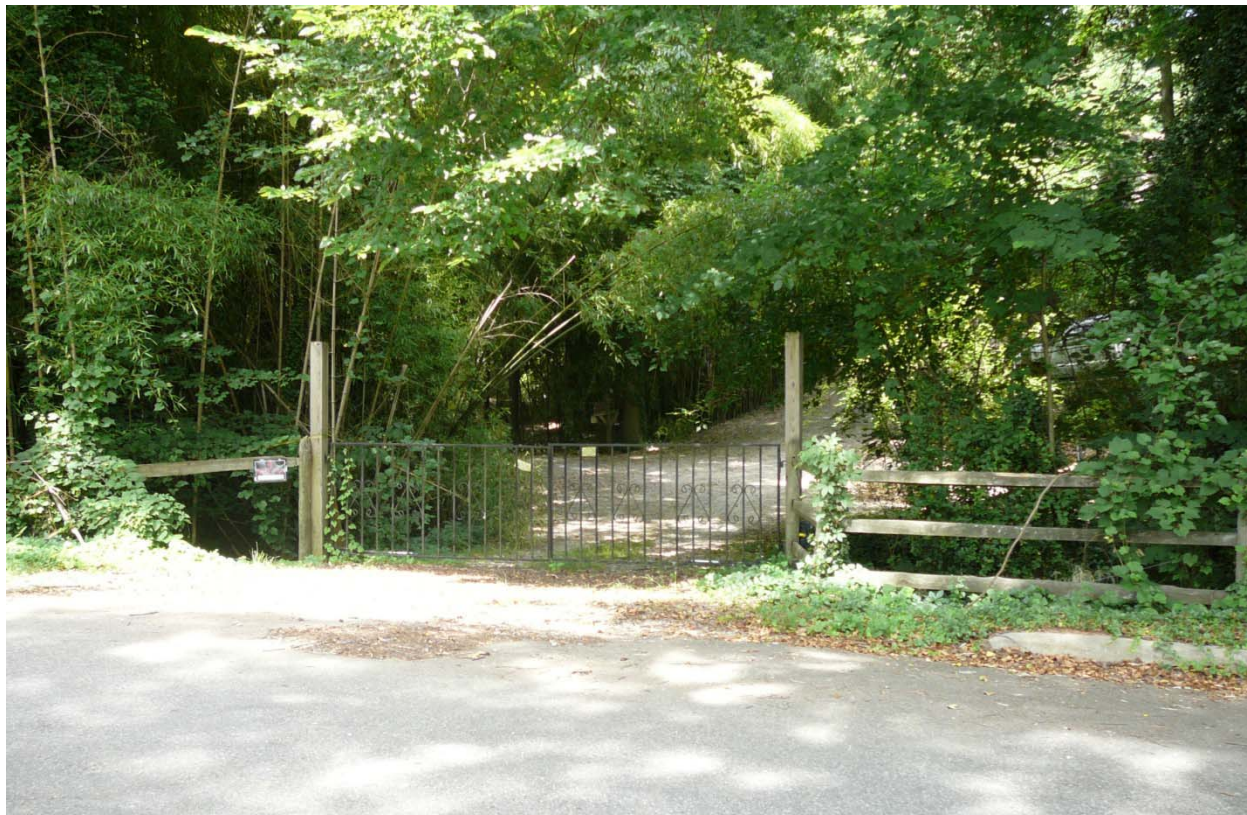


Attachments: Photographs (June, 2011) and Aerial (February, 2008)

Terminus of Willoubar Terrace (boat and carport are within the Fifth Street r/w)



Entrance to 1011 Willoubar Terrace from Fifth Street



Looking north from the approximate centerline of Fifth Street.



This proposed property corner is approximately 22' from edge of pavement

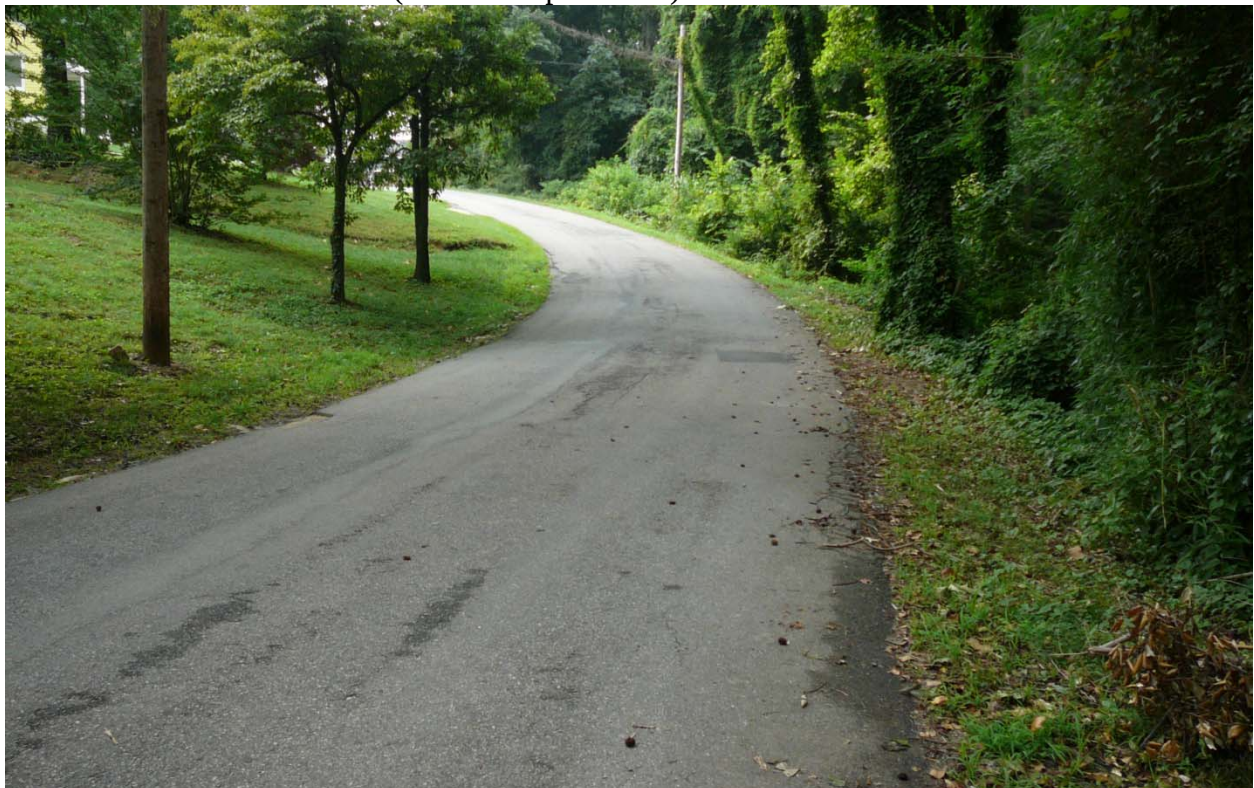


Attachments: Photographs (June, 2011) and Aerial (February, 2008)

Looking west at the sharp turn in Willoubar Terrace



Narrow section of Fifth Street (16' ribbon pavement)



Attachments: Photographs (June, 2011) and Aerial (February, 2008)

Aerial with the abandonment area highlighted.

