

City of High Point

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



Minutes

Monday, May 20, 2013

4:45 PM

Council Chambers

City Council

*Bernita Sims, Mayor
Britt W. Moore, Mayor Pro Tem
James C. Davis, Foster L. Douglas
Jason P. Ewing, Jeffrey J. Golden,
Judith P. Mendenhall, Rebecca R. Smothers,
Jay W. Wagner*

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. City Manager Strib Boynton offered the invocation; the Pledge of Allegiance followed.

Present 9 - Mayor Bernita Sims, Mayor Pro Tem Britt Moore, Council Member James Davis, Council Member Foster Douglas, Council Member Jason Ewing, Council Member Jeffrey Golden, Council Member Judy Mendenhall, Council Member Rebecca Smothers, and Council Member Jay Wagner

SPECIAL PRESENTATIONS**EMPLOYEE HONORS PROGRAM RECIPIENTS****Employee Recognitions- Honors Program**

Assistant City Manager Pat Pate presented awards to the following employees. Mayor Bernita Sims assisted in the process as well as Yvette Carey and Dianne Nance of Human Resources.

ABOVE & BEYOND AWARD

Recipients of this award will have their names read into the record, will receive a \$250 cash reward, their names will be engraved onto a permanent plaque for display in the lobby of city hall, and they will receive an honors shirt.

- ✓ Steve Lee, Patrick Servey, Eileen Frazier, Tammy Dyles, Brooke Nagy & Julia Smith(Telecommunicators/Information Technologies)

EXTRA MILE AWARD

Recipients of this award will have their names read into the record, receive a plaque honoring their service, will receive a \$100 cash award, and will receive an honors shirt.

- ✓ Tommy Hayes (Fire Department)
- ✓ Larry McAmis (Water & Sewer Technician)
- ✓ Tommy Hicks, Danny Anderson & Charlie Wade (Police Department)

WORKING TOGETHER AWARD

Recipients of this award will have their names read into the record and will receive a certificate of merit as well as an honors shirt.

- ✓ Ivan Lewis (Park Attendant/Operations/City Lake Park)
- ✓ Susan Patterson (Office Supervisor/CD & Housing)
- ✓ Andrea Penn (Library Assistant)
- ✓ Greg Riddle (PC Network Analyst)

Exhibit Book Volume X, Page 67

SERVICE AWARDS- HISTORIC PRESERVATION COMMISSION & BOARD OF ADJUSTMENT

Mayor Sims and Bob Robbins of Planning & Development recognized the

following service award recipients, who have served on the Historic Preservation Commission and the Board of Adjustment.

Amy MacArthur. Although she could not be present for this meeting, she was recognized for her service from November 2009 until May 2013 on the Historic Preservation Commission as the Johnson Street Historic District representative.

Patricia Garton. Although she could not be present for this meeting, she was recognized for her service from June 2008 until February 2013 on the Historic Preservation Commission as the Sherrod Park Historic District representative.

Ozzie Hough. Mr. Hough was present to accept the plaque for appreciation for service rendered on the Board of Adjustment.

Allan Tarbell. Mr. Tarbell was present to accept the plaque for appreciation for service rendered on the Board of Adjustment.

Greg Adzima. Mr. Adzima was present to accept the plaque for appreciation for service rendered on the Board of Adjustment.

Following the presentation of the awards, Mayor Sims thanked all employees and staff who received these awards and go above and beyond the call of duty as it relates to their job. She also thanked those citizens receiving the service awards for their service rendered to the city.

Exhibit Book, Volume X, Page 68

HIGH POINT CHILDREN'S CABINET

Barbara Frye made a presentation to the City Council and shared some information about what the Cabinet does and how it impacts the community and the lives of children and families in the City of High Point. The Children's Cabinet was established in 2003 as a result of concerns about the state of foster care in the High Point community with lots of foster children and no foster homes.

Dr. Jeffrey Williams from the Guilford County Department of Social Services and Assistant Director and Director of Child Welfare for Guilford County shared some data and statistics of foster care as well as child protective services as it relates to the City of High Point. High Point averages about 97 children in foster care per year. Guilford County receives between 4,800 and 5,200 reports of child abuse/neglect in any given year and in High Point this represents about 25% of that total number (averages out to about 1,250). Both Guilford County DHS and Children's Home Society actively recruit for foster parents in the High

Point area as well in other parts of the county. The Children's Home Society currently has ten foster homes in High Point and the Department of Social Services has licensed 11 foster homes. He noted there is a need for foster care and they are trying to support relative care providers so they will get the same compensation as a regular foster parent. He pointed out Children's Home Society and Kin Gap are both active in trying to address this issue regarding fairly compensating relatives that take care of children from a family member. Guilford County is one of six counties that is going to join together to seek a Federal 4E waiver from the federal government with the main intent to use flexible dollars to compensate relatives who take in children of family members at a much higher rate than what is currently being done. He reported that currently a relative gets around \$181 per month for one child and a licensed foster parent gets approximately \$484 for that same child.

Sara Harper with the Children's Home Society and founder of Kin Gap Services of NC addressed Council. She shared that Kin Gap Services of NC was conceived five years ago in her home and birthed last February in High Point at 614 N. Hamilton Avenue. She noted that it was founded out of her own personal needs while raising three of her great nieces' children due to the lack of services, support and resources. She reported there are 7,200 grandparents raising grandchildren and only about 25% of these placements are through the Department of Social Services (DSS) with the rest being voluntary placements. She clarified that if the placement is not through DSS, the kinship family may not receive subsidies, service or support as non-kinship families. She, too, stated there is a great need for more foster homes and help with kinship caregiver homes in High Point.

Ms. Frye thanked Council for all they have done for the children in the High Point community. Mayor Sims asked the members of the High Point Children's Cabinet to stand so they could be recognized and thanked them for coming and being a part of this process.

FINANCE COMMITTEE

Chaired by Mayor Pro Tem Moore
Committee Members Wagner, Davis and Sims

(all were present)

130133

Presentation of Proposed 2013-2014 City of High Point Annual Budget

The City Manager will present the proposed 2013-2014 City of High Point Annual

Budget to City Council and ask Council to establish public hearing dates to receive comments on the budget for Monday, June 3rd at 5:30 p.m. and Thursday, June 6th at 9:00 a.m.

The City Manager presented the proposed 1013-2014 City of High Point Annual Budget to City Council after the Finance Committee meeting that was held at 3:30 p.m. prior to this meeting.

Established the public hearing dates and times to receive comments on the budget for Monday, June 3rd at 5:30 p.m. and Thursday, June 6th at 9:00 a.m.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, establishing the public hearing dates to receive comments on the proposed budget for Monday, June 3rd at 5:30 p.m. and Thursday, June 6th at 9:00 a.m. The motion PASSED by a 9-0 unanimous vote.

[130134](#)

Contract - Bid No. 35 - Sidewalks, Bus Pads and Curb Cuts

Consideration of approval of contract awarding Bid No. 35 to construct new sidewalks, bus pads and curb cuts along existing City of High Point transit routes. Purchasing, Transportation and Engineering Services recommends that contract be awarded to Triangle Grading and Paving in the amount of \$214,100.00 which is the lowest responsible and responsible bidder meeting specifications.

Attachments: [Bid 35 - Sidewalk, Bus Stop Pads Recommendation](#)

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 approved.

Approved contract with Triangle Grading and Paving in the amount of \$214,100.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[130135](#)

Contract - Bid No. 40 - Roof Replacement at Ward WTP

Consideration of approval of contract awarding Bid No. 40 for the replacement of the roof at the Ward Water Treatment Plant. Purchasing and Public Services recommends that contract be awarded to Triad Roofing Company, Inc. in the amount of \$191,995.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Bid No. 40 - Roof Replacement - Ward Water Plant](#)

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

Approved contract with Triad Roofing Company, Inc. in the amount of

\$191,995.00 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[130136](#)

Contract Extension - Stone Materials For City-Wide Usage

Consideration of an extension to the contract awarded May 16, 2011 for the purchase of stone materials for usage by various departments within the City of High Point. Purchasing and the Public Services Department recommends that contract be awarded to Martin Marietta Aggregates in the amount of \$100,000.00 which is the lowest responsible and responsive bidder meeting specifications.

Attachments: [Contract Extension - Stone Materials for Various City Departments](#)

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

Approved an extension to the Martin Marietta Aggregates contract in the amount of \$100,000 which is the lowest responsible and responsive bidder meeting specifications.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that the extension to this Contract be approved. The motion PASSED by a 9-0 unanimous vote.

[130137](#)

Budget Ordinance Amendment - Forfeiture Funds - High Point Police Department

Council is requested to adopt an Ordinance amending the 2012-2013 budget ordinance to appropriate forfeiture funds in the amount of \$174,344.00 received from the Department of Justice equitable sharing program.

Attachments: [Budget Ordinance Amendment - Forfeiture Funds - Police Department](#)

Ordinance No. 6993/13-25

Introduced 5/20/2013; Adopted 5/20/2013

Ordinance Book, Volume XVIII, Page 25

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

Adopted Ordinance amending the 2012-2013 Budget Ordinance to appropriate forfeiture funds in the amount of \$174,344.00 received from the Department of Justice equitable sharing program.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this Ordinance be adopted. The motion PASSED by an unanimous vote.

[130138](#)**Resolution - Reconveyance of Real Property for Retention Pond - Piedmont Centre**

Council is requested to adopt a Resolution authorizing the reconveyance of a small parcel in Piedmont Centre, which is owned by the City of High Point to SDL Johnson City, LLC.

Attachments: [Resolution - Conveyance of Property - Piedmont Centre Retention Pond](#)
[Resolution - Conveyance of Property - Piedmont Centre Retention Pond](#)

Resolution No. 1303/13-26

Introduced 5/20/2013; Adopted 5/20/2013

Resolution Book, Volume XVIII, Page 26

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

Adopted Resolution authorizing the re-conveyance of a small parcel in Piedmont Centre, which is owned by the City of High Point to SDL Johnson City, LLC.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

[130157](#)**ElectriCities - Joint Purchasing Agreement**

Council is requested to approve a cooperative agreement with ElectriCities of North Carolina for collaborative purchases for FY 2013-2014 for the Electric Operations Department.

Attachments: [ElectriCities Joint Purchasing Agreement](#)

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

Approved a cooperative agreement with ElectriCities of North Carolina for collaborative purchases for FY 2013-2014 for the Electric Operations Department.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this Agreement be approved. The motion PASSED by a 9-0 unanimous vote.

COMPREHENSIVE PLANNING COMMITTEE[130139](#)**Minor Amendment to Conditional Use Permit 88-25 - SDL Johnson City, LLC (Lowell Easter)**

Approval of a Minor Amendment to permit the transfer of a portion of an open space tract from the City to the applicant for a like purpose.

Attachments: [01. Minor Amendment CUP88-25 Staff Report](#)

Bob Robbins of Planning & Development provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these

proceedings.

Approved the Minor Amendment to Conditional Use Permit 88-25 to permit the transfer of a portion of an open space tract from the City to the applicant, SDL Johnson City, LLC (Lowell Easter).

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Minor Amendment to Conditional Use Permit 88-25. The motion PASSED by a 9-0 unanimous vote.

[130140](#)

Resolution of Intent - Street Abandonment Case 13-03 - High Point University

Approval of a Resolution of Intent that establishes a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by High Point University to abandon a portion of Fifth Street, an improved north/south right-of-way, lying south of Montlieu Avenue, between Montlieu Avenue and Barbee Avenue.

Attachments: [02. ROI SA13-03](#)

Resolution No. 1304/13-27

Introduced 5/20/2013; Adopted 5/20/2013

Resolution Book, Volume XVIII, Page 27

Adopted Resolution of Intent establishing a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by High Point University to abandon a portion of Fifth Street, an improved north/south right-of-way, lying south of Montlieu Avenue, between Montlieu Avenue and Barbee Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

[130141](#)

Resolution of Intent - Street Abandonment Case 13-04 - City of High Point

Approval of a Resolution of Intent that establishes a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way, lying on the south side of Chestnut Drive, approximately 240 feet west of Meadow Place.

Attachments: [03. ROI SA13-04](#)

Resolution No. 1305/13-28

Introduced 5/20/2013; Adopted 5/20/2013

Resolution Book, Volume XVIII, Page 28

Adopted Resolution of Intent establishing a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way, lying on the south side of Chestnut Drive, approximately 240 feet west of Meadow Place.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

[130142](#)**Resolution of Intent - Street Abandonment Case 13-05 - City of High Point**

Approval of a Resolution of Intent that establishes a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way, lying approximately 140 feet west of Carr Street, between Chestnut Drive and Chandler Avenue.

Attachments: [04. ROI SA13-05](#)

Resolution No. 1306/13-29**Introduced 5/20/2013; Adopted 5/20/2013****Resolution Book, Volume XVIII, Page 29**

Adopted Resolution of Intent establishing a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way, lying approximately 140 feet west of Carr Street, between Chestnut Drive and Chandler Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

[130143](#)**Resolution of Intent - Street Abandonment Case 13-06 - City of High Point**

Approval of a Resolution of Intent that establishes a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way, lying south of the intersection of Dale Place and Chandler Avenue.

Attachments: [05. ROI SA13-06](#)

Resolution No. 1307/13-30**Introduced 5/20/2013; Adopted 5/20/2013****Resolution Book, Volume XVIII, Page 30**

Adopted Resolution of Intent establishing a public hearing date of June 17, 2013 at 5:30 p.m. to consider a request by the Technical Review Committee to abandon an unimproved right-of-way, lying south of the intersection of Dale Place and Chandler Avenue.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

PUBLIC HEARINGS - 5:30 P.M.

Prior to the public hearings, those persons desiring to speak regarding the 130145 Special Use Permit 13-01 (Melissa Turgeon); 130150 Special Use Permit 13-02 (Wesleyan Education Center); and 130152 Special Use Permit 13-03 (Phoenix Academy Foundation) were duly sworn.

FINANCE COMMITTEE

[130144](#)**Public Hearing Date - FY 2014 FTA Grant**

Monday, May 20, 2013 at 5:30 p.m. is the date and time established to receive public comments on the filing of the FY2014 FTA Section 5307 operating, capital and planning grant application for High Point Transit, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by the Guilford County Transportation System.

Attachments: [FY 2014 FTA Grant Application - Public Hearing Request](#)

The public hearing for this matter was held on Monday, May 20, 2013 at 5:30 p.m.

Following a presentation by Angela Wynes, Transit Operations Manager, Chairman Moore opened the public hearing and asked if there was anyone present who would like to comment. There being no comments, the public hearing was closed.

Council Member Mendenhall asked about the breakdown for operating (amount for capital vs. planning). Council Member Smothers pointed out all of Section 5307 is operating, Angela Wynes pointed out Section 5303 is just for planning funds with no operating or capital included (generally for staff time). Council Member Smothers asked if staff could elaborate on how the amount collected from the ridership equates with funding from these sources. Ms. Wynes noted roughly the budget is 40% federal funding; 20% fares; 20% state funding and about 20% in city funding. Council Member Smothers pointed out that the state has talked about not providing the 20% as they have in the past.

Approved the filing of the FY 2014 FTA Section 5307 operating, capital and planning grant application for High Point Transit, the Thomasville portion of Davidson County Transportation System, and the area within High Point served by the Guilford County Transportation System.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that the 2014 FTA Grant application be approved as presented by the Transit staff. The motion PASSED by a 9-0 unanimous vote.

COMPREHENSIVE PLANNING COMMITTEE[130145](#)**Special Use Permit 13-01 - Melisa Turgeon**

A request by Melisa Turgeon to allow a Day Care Center, Child (with 30 or more children) in the Residential Single Family-9 (RS-9) District. The property is lying northeast of the intersection of W. Fairfield Road and Holleman Street.

Attachments: [06. SUP13-01 Staff Report \(W. Fairfield\)](#)
[Adopted SUP13-01 \(signed\).pdf](#)

The public hearing for this matter was held on Monday, May 20, 2013 at 5:30 p.m.

Herb Shannon of Planning and Development provided an overview of the staff report which is hereby attached as a permanent part of these proceedings.

Transcript: Public Hearing

Chairwoman Smothers: The first item is the request for a Special Use Permit to allow a daycare center in a residential, single-family district. This had previously been a daycare center. It closed and as per the ordinance, if it had been closed 18 months, they have to start over. So Herb I think you're making that presentation.

Herb Shannon: Yes. One housekeeping item for the sake of time. Special Use Permits are quasi-judicial proceedings and requires anyone who is going to be speaking to be sworn in. We have three special use permits on the agenda tonight. The daycare center on Fairfield; the Wesleyan Educational facility; and Phoenix Academy. Wesleyan Educational facility and Phoenix Academy facility, we recommend that we swear everyone that's going to speak at once to speed up the meeting. So anyone who is going to speak on either three of these special use permits-if they would come up to be sworn in.

Chairwoman Smothers: And we will have to ask again if folks were sworn in as we go down the line..

[oaths administered at this time]

Herb Shannon: The first item is Special Use Permit 13-01. As Mrs. Smothers noted, this is a Special Use Permit for a site that previously had approval for a daycare center located at the corner of West Fairfield and Holleman. A special Use Permit was approved for this site in 2004. That previous use closed in 2009. The property has been sold off and a new owner, a new applicant is proposing to reestablish the Special Use Permit. The proposed use meets all the ordinance requirements and is outlined in the findings in the staff report. The only condition that staff is recommending that the applicant has agreed upon is to upgrade the landscaping upon this site. I think the key item to note regarding the findings for this request is that this site fronts on the outer edge of this subdivision. Traffic does not have to travel through that abutting subdivision. There's an existing turn lane so that the continued use of this property for a daycare center would not negatively impact abutting property owners and when it was previously operated, staff was unaware of any complaints or negative impacts on adjacent property owners. Therefore, staff is recommending approval of this request for a daycare center in the RS-9 district is outlined in the staff report. This item was reviewed by the Planning & Zoning Commission at the April public hearing and they recommended approval by a vote of 7-0. Are there any questions? [none]

Chairwoman Smothers: Thank you. Is there anyone else that would like to speak to this item? If not, I'm going to close the public hearing and Madam Mayor, I would move that the application for this Special Use Permit be granted and that the justification would be that the request is consistent with the surrounding zoning and development in the area, complies with the Land Use Plan goals and objectives and that the findings are included in the staff report and **I so move.**

Council Member Mendenhall: **Second.**

Mayor Sims: I have a motion and a second to approve the Special Use Permit for Case 13-01. Are there any further questions? If not, all those in favor, signify by saying Aye. Aye. Any opposed? [none]

[end of transcript]

Approved Special Use Permit 13-01 based upon the conditions as outlined in the Special Use Permit application and the findings of fact identified in the staff report and consistency with the surrounding zoning and development in this area, and in compliance with the goals and objectives of the Land Use Plan.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Special Use Permit be approved. The motion PASSED by a 9-0 unanimous vote.

[130146](#)

Resolution - Street Abandonment Case 13-02 - West-Locke, Ltd and City of High Point

- a. A request by West-Locke, Ltd to abandon the northern portion of an unimproved 7-foot wide alley, running in a north to south direction, within the western portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
- b. A request by the Technical Review Committee to abandon the southern portion of an unimproved 7-foot wide alley, running in a north to south direction, within the western portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
- c. A request by the Technical Review Committee to abandon a 10-foot wide unimproved alley, running in an east to west direction, within middle of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.
- d. A request by the Technical Review Committee to abandon 12-foot wide alley, partially improved with a private driveway, running in a north to south direction within the eastern portion of the block bounded by Westwood Avenue, N. Lindsay Street, Gatewood Avenue and Lock Street.

Attachments: [07. Staff Report SA13-02](#)

Resolution No. 1308/13-31

Introduced 5/20/2013; Adopted 5/20/2013

Resolution Book, Volume XVIII, Page 31

The public hearing for this matter was held on Monday, May 20, 2013 at 5:30 p.m.

Herb Shannon of Planning & Development presented the staff report which is hereby attached as a permanent part of these proceedings.

Following the presentation of the staff report, Chairwoman Smothers opened the public hearing and asked if there was anyone present who would like to

comment.

Beth Koonce, attorney representing West-Locke, Ltd, 300 N. Main Street, expressed support for the street abandonment as requested by West-Locke, Ltd. She clarified that the street abandonment petition filed by West-Locke, Ltd. could be identified as the one in red and noted that was the one they needed to do in order to clear the title to some property because it ran under the building. She voiced no objections to the other alleyways proposed to be closed.

Chairwoman Smothers asked if there were any additional comments. There being none, the public hearing was closed.

Adopted Resolution authorizing the abandonment of the preceding alleyways based on the findings that the requests are 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 and egress.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this Resolution be adopted. The motion PASSED by a 9-0 unanimous vote.

130147

Ordinance - Rezoning Case 13-02 - Jemsite Development LLC

A request by Jemsite Development LLC to rezone approximately 65 acres from the Conditional Use Planned Unit Development-Mixed (CU-PDM) District to a Planned Unit Development-Mixed (PDM) District. The property is lying south of the intersection of Penny Road and Greensboro Road, and extends to the southeast to include frontage on the west side of Scientific Street, opposite Pump Station Road.

Attachments: [08. Z13-02 Staff Report](#)
[amended condition jemsite dev zoning case 13-02.pdf](#)
[Rezoning Case 13-02 adopted](#)

The public hearing for this matter was duly held on Monday, May 20, 2013 at 5:30 p.m.

_____ Transcript of Public
Hearing _____

Herb Shannon: The applicant is requesting zoning approval to allow a mixed use development consisting of commercial use, multi-family dwellings and single-family dwellings. This property is lying south of the intersection of Penny Road and Greensboro Road and extends to include the frontage along N. Scientific Street. Just to note to everyone where we're at. This is Greensboro Road. The intersection of Greensboro and Penny. This cross-hatched area is the site in question and this is where the property has frontage along N. Scientific Street. A previous Planned Unit Development zoning was granted for this site. The applicant has submitted rezoning for an updated Planned Unit Development mix or a PDM District on the property. That similar case was approved in

2006. Under this new proposal, they are requesting a combination of commercial, single-family and multi-family uses. Now the Planned Unit Development is an optional form of land development that is designed to permit multiple uses. The main advantage of the PUD District is the design and flexibility it affords a developer. Bob, if you can go to the next slide please. This is a composite of the land use zoning. The Land Use Plan designates the frontage of the property along Greensboro Road for Local Convenience/Commercial uses. The mid-section of the Land Use Plan notes Low Density residential and the multi-family along the northern and eastern portion of this site. If you can go to the next slide please. This is included in your packet. This is the Planned Unit Development Master Plan that the applicant has submitted. The development of this site will be guided by the Conditional Zoning Ordinance and the PUD Master Plan which the applicant has submitted. The site is divided into four tracts. If you can expand that just a little bit more, Bob.

The central portion of the tract, this large area here is designated as Tract A. That area is intended for single-family dwellings that will develop to the RS-7 district. This northern portion of this site, Tract B, that is intended to develop under the RM-8 district standards which would allow single family or multi-family uses. Along the frontage of this site, you have Tract C and Tract D. Starting with Tract D, that is intended to develop with commercial uses allowed in the Limited Business District. Tract C has two options. It can either develop with multi-family uses as allowed in the RM-8 district or commercial uses as allowed by the Limited Business District. Included in the packet is a very detailed conditional zoning ordinance that the applicant has offered.

Some key points that I want to touch upon and these are noted in the staff analysis section of this report. The applicant has offered conditions requiring the non-residential portion of this site to be higher design standards. This would insure a cohesive and higher quality development. They've also proposed for a single development rather than coming in with separate piece meal development. And with that single overall development you have a cohesive circulation network. There is a proposal for Penny Road to be extended through this site all the way to Scientific. Traffic calming devices included with roundabouts at strategic locations. There is also a proposal for a loop road that will serve this commercial area. By bringing all this in together, you have a Unified Development that will insure compatibility with the surrounding area. Along the western boundary of this site, there is an existing residential neighborhood there at Manor Drive. With the option of commercial development in this area, the applicant has offered a condition of a 150-foot wide buffer along this western boundary of this site for that area to insure compatibility to the abutting residential neighborhood. Included in your packet is a detailed finding and reasonable of public interest statement. I would note that the applicant has been working closely with the Transportation Department to work out various issues that are outline din the cover memo. There were quite a bit of discussion regarding transportation items at the public hearing. I believe those items have been addressed and are included in the packet is an updated memorandum from the Transportation Department. When the Planning & Zoning Commission reviewed this request at their April meeting, they recommended approval by a vote of 7-0.

I would note there was one updated condition that the applicant wishes to offer and they can go into more detail on that, but a written proposal is on the dais in front of you

regarding that one condition. That is a very brief summary of the zoning proposal. Are there any questions?

Chairwoman Smothers: Two questions: one, you mentioned the additional condition offered by the applicant. Now there are two different references in the CU permit that deal with outside storage and the canopy. So is this just some putting it all together or is that something I should ask them?

Herb Shannon: I can address part of that and the applicant can address the other. I believe the intent in dealing with that is to clear up...the ordinance allows outdoor storage and display with specific criteria. The applicant's proposing that they are going to meet those requirements of the ordinance. The one thing they want to clarify is that outdoor storage and display could be permitted underneath a gasoline canopy.

Chairwoman Smothers: Okay. I didn't know if it had to do with the LB District or what.

Herb Shannon: They just wanted to make sure that was clear in the proposed conditional zoning ordinance.

Chairwoman Smothers: And then the other question under this note at the end of your report...actually it's at the end of the minutes from the Planning & Zoning Commission. It says the Transportation Department has updated their memorandum, see May 13 which is on page 15 of our agenda packet. Now, is all of that stuff an update or it a restatement of what had already been agreed to?

Herb Shannon: That is a restatement that had already been agreed to. We were trying to avoid any confusion. You were looking for an April 23rd memo. Did you see a May 13th memo? After the Planning & Zoning Commission meeting where the Transportation Department and the applicant had addressed their issues, they had submitted an updated memorandum and that's what is included in your packet.

Chairwoman Smothers: But they have not gone outside of what P & Z recommended because they recommended....

Herb Shannon: They have not gone outside of what P & Z recommended.

Chairwoman Smothers: They have not gone outside?

Herb Shannon: Right.

Chairwoman Smothers: Because it is a very long memo. Any more questions of Herb? If not, is there anyone here who'd like to speak to this issue?

Tom Terrell: I'm Tom Terrell, 529 W. Parkway Avenue. This 64-acre site is to be called Wrenn Farm. Wrenn Farm is the name of the gentleman who actually used to live there back in the 19th Century and is the same gentleman for whom Wrenn Street, one block over from us is named. As Herb said, it was approved by Council in 2006. The site plan that you see tonight is not exactly the same as what was approved, but it's essentially the

same. Retail is slightly larger. The apartments or multi-family have been lowered. This essentially is the same. It's consistent with the Land Use Map. There's no discernible opposition. There may be somebody here behind me who will speak, but we had a neighborhood meeting and only three people showed up. They all just came to find out what was going on. Nobody spoke against it at the Planning & Zoning Commission and the Planning & Zoning Commission, as you see in your packet, recommended that you rezone it. The best I can tell, the only real issue that we see is a transportation condition that I'd like to call your attention to. This is a condition that was not identified by a traffic study. It's a condition that is not flagged by the ordinance and it is a condition that we just learned about reading a staff report this past week. In fact, I think it's branding. I'm looking at the staff report that went to Planning & Zoning and on page 7 of 9, the condition is constructing Penny Road Extension to provide an ingress lane and two egress lanes. And all of a sudden we pick up the staff report now and its one ingress and three egress. That extra egress is something that would cost tens of thousands of dollars and it is not required by ordinance or a TIA. A little bit of history on that....prior to about 15 years ago, all conditions-traffic conditions-were subjective. It was uncomfortable. There was a lot of head-butting in that process and the city proposed that we convert that to an objective process where developers would be required to hire a traffic engineer to do the appropriate study of that project. The development community fought that. It is very expensive to hire a traffic engineer, but the city imposed that requirement anyway. It's a very simple process. The engineer goes to the Transportation Department, the Transportation Department tells the engineer what area they want to be studied, the Transportation staff says here are the parameters and then the engineer goes out and does the appropriate study and runs everything to a very sophisticated computer modeling program, called Synchro. Synchro tells the developer exactly what has to be done to mitigate that developments impact on the transportation network. I have taken the position that whatever the traffic study says...I continue to take this position....if the traffic study says to do it, it is not debatable. That was our objective measure. If the traffic study says this is what you have to do, then you have to do that. And Jemsite has obligated itself to do 100% of everything that the traffic study says is necessary to do. Now, there are several things that the transportation staff had asked Jemsite to do in addition to that. Some they have not agreed to do, but quite a few they have agreed to do. And that would mean that Jemsite is actually not doing just 100% of what's required, but 100% plus a lot more. So Jemsite is not coming to you trying to get out of something that otherwise would be required. When Jemsite got to Planning & Zoning Commission, there was another new issue and that was the question of where-I'm sorry....of when the Penny Road Extension would be required to be built and Jemsite says we will do this according to the ordinance. When there are 50 homes built, then we are required to complete that construction. We're not asking to get out of anything the ordinance requires-that's the trigger point and the TIA did not say it's necessary to construct it earlier. And when you're already committing around \$2,000,000 of public improvements, when you have to commit your capital, it's a critical issue. So they said no. And the Planning & Zoning Commission agreed with Jemsite and that issue was worked out. Now, as I said a moment ago, there is a new issue and it's just one little small phrase that's in the new transportation memo. Whereas, the one as I just held up....this is the staff report at the P & Z and if you look at the current staff report, it says not two egresses, but three egress. And there's a requirement for a third turn lane right there going onto Greensboro Road. Jemsite does not offer to do that. I'm glad to answer questions about it, but perhaps it would be better to first introduce Doug Spell who was

with Jemsite Development to give you more of an overview of what the project proposes.

Doug Spell: Good evening, May Sims and Council Members. I appreciate the opportunity to speak before you. My name is Doug Spell. I work with Jemsite Development. That address is 1608 Highway 221, Jefferson, NC 28640. Also attending with me tonight is Jeff Flattery, our company president, Richard Dunn with Southeast Real Estate Group and our Traffic Engineer, Jay Clapp. First, I'd like to share just a little bit with you about Jemsite Development. The company is a development company. It was formed in 2000 and it has experienced some turn-key development projects from site evaluation, due diligence all the way through to project construction. In looking at this specific project that staff has outlined to you, it does consist of 64 acres. It is proposed to be a mixed-use development similar to the project that was approved in 2006 and it is consistent with your Land Use Plan. Staff's worked with city staff throughout the process very closely. I would complement Mr. Herb Shannon for the accessibility and the dialogue we've been able to have in working through this project starting off with a pre-application meeting in December of last year and moving us to this point. We retained Randy Kemp & Associates as our Traffic Engineer, who appeared before the Technical Review Committee. In March, we met with representatives with Pennybyrn and discussed the project. We mailed out notices with regard to the project. We conducted a citizens information meeting actually held at Pennybyrn. We had a unanimous recommendation from the Planning & Zoning Commission at their meeting in April and we met with NC Department of Transportation with regard to signal and roadway improvements. I will not be redundant going through the project details because it's stated, it is a mixed use project with residential development as well as limited business. I would also point out one thing on the overall Master Plan that was presented to you. Your Limited Business District also includes office uses. It's not exclusively commercial, so there are areas there that could be....actually in Tract C that could serve in this area to be....also a possibility would be office use that would allow a transition between commercial and residential. I just point that out to you. We also envision the project being developed in phases. We've got measures. You probably can't see it quite as clearly, but the majority of the site drains to your Oakdale Watershed with the exception of just a small area. Once we are able to get in and field survey and topo of the area to determine that area there may drain to the west. We've shown a small impoundment there that would be used to treat water if it is in fact draining into the City Lake Watershed. Staff outlined the buffer that we are proposing if this develops as non-residential. A 150-foot wide buffer and then we've also include a street yard along Greensboro Road and then along Penny Road Extension. If staff would, I'd like to try to run through-if you would put up the next overhead.

I'd like to talk about the transportation improvements that we are required to do as part of the project that we have committed to. Basically as far as access goes for the project, you would have Penny Road Extension in this area, right-in, right-out to the east and a right-in, right-out to the west. We worked with staff and those would have a median in Greensboro Road at both locations to prevent left turns out of the site or left turns into the site. You also can see, shaded in orange, the right turn and decal lanes that would approach any of these intersections. With the exception of this right-in, right-out, it was not warranted as part of the traffic study and it's not being required. There would be widening along Greensboro Road headed west in this area of the intersection and then also widening in Penny Road Extension to accommodate a left turn lane, a thru lane and also a right turn

lane at the Greensboro Road intersection. There's right-of-way that's required 50-feet from the centerline of Greensboro Road that would have to be dedicated. On the other end at Scientific Drive, it would be 36-feet from the centerline and then Penny Road Extension itself has a 68-foot right-of-way that goes through the project. So I hope this would give you an overview of the infrastructure improvements and demonstrate our commitment to fulfilling the items that are required as part of the Traffic Impact Analysis. Mr. Shannon also alluded to a request to revise a condition with regard to outdoor display and outdoor storage. We just want to clarify. We're asking basically that it be clarified under a fuel canopy that outdoor storage and outdoor display is allowed and that in other areas it would be in conformance with the requirements of outdoor display and outdoor storage in the Limited Business District which your ordinance already stipulates out. Just to try to wrap up. ... if I could ask Mr. Robbins if you would just put up the next slide up just briefly and then.... This will give you an idea of Penny Road Extension going through the property. There is a little over 2,300 linear feet of roadway that is Penny Road Extension going through this project. Just to give you an idea of the magnitude. It's on your Thoroughfare Plan as a minor thoroughfare and we would be obligated to construct it with a 30-foot wide roadway to have turn lanes at the intersections. It would have sidewalks on both sides of the roadway. This just gives you an idea of what a typical intersection would have as far as laneage in that area. I mentioned the length of it being 2,300 feet and I would also outline with a 68-foot right-of-way and two roundabouts for about 4 acres of property going through this site that is tied up in Penny Road Extension right-of-way for this roadway. The recommendation from staff...we had originally talked with staff and at the Planning & Zoning Commission there was discussion of a threshold as far as number of trips and then since then, the Transportation Department has indicated that an additional right turn lane, or a separate right turn lane would be required at the intersection as it approaches Greensboro Road. Our traffic engineer did the Traffic Impact Analysis, evaluated the level of service that would be existing at the intersection. The level of service was acceptable. Transportation staff indicated that the study should require increased improvements where available and that a right turn lane could be accommodated so it should be included. Our traffic engineer did additional supplemental analysis and has indicated that the level of service would meet what staff is looking for it to meet. Basically with one end bound lane, a left turn lane and a combination through and right. So that is what we have offered to include as part of the development of this project is the lane. The separate right turn lane indicated by the Transportation Department is not necessary or warranted as part of this study, so therefore we ask that the approval of the project not include that from the memo. I would be glad to answer any other questions. We certainly appreciate your support of the project that's proposed and also as supported by the Planning & Zoning Commission.

Chairwoman Smothers: Thank you Mr. Spell. It think that the one thing that I'm having a little difficulty with and maybe you all have gotten all the pages straight, but I keep flipping back and forth and Mr. Terrell had indicated something was on page 7. Well that's not my page 7. But you're talking about a right turn lane. Can somebody show is that on the map?

Doug Spell: The drawing Mr. Robbins is putting up. If you could zoom in on this area if that's possible. I think we can depict what you're asking. This is the intersection of Penny Road Extension which would be a new leg of this existing T intersection.

Chairwoman Smothers: And that's what your TIA indicated was required?

Doug Spell: That's correct. This is what was indicated was one ingress and two egress and the two egress would be a left turn and then a combination through and right. That's what we have proposed to include as part of the scope of our project and roadway improvements. The difference in what Transportation staff is indicating is that there would be another separate lane that would be constructed that would be an exclusive right turn lane.

Council Member Mendenhall: And what you had proposed was approved by Planning & Zoning, right?

Doug Spell: Yes.

Chairwoman Smothers: And this was added after P & Z?

Doug Spell: That is correct.

Council Member Ewing: It's on page 16.

Tom Terrell: Ms. Smothers if you see the Transportation memo, it's the fourth bullet down under Roadway and Intersection Improvements, but the corresponding point under the memo that went to Planning & Zoning which would be under Item D of the memo says two egresses. And that's straight and left.

Chairwoman Smothers: Did y'all find it?

Council Member Mendenhall: Yes.

Chairwoman Smothers: Everybody understand it?

Council Member Davis: You said Penny Road Extension would not be fully developed until you met a threshold of 50 developed lots. Did I hear you right?

Doug Spell: That is correct.

Council Member Davis: What phase are you going to construct first? The commercial end of it? Is that what your plans.....

Doug Spell: We anticipate working on both ends of the project at the same time. So I would envision....

Council Member Davis: You're thinking multi-family, commercial at the same time?

Doug Spell: Probably single-family would obviously be part of the initial construction and down on the possibly on the Scientific end and then what you're indicating with the 50 lots-the ordinance indicates that with more than 50 lots, you'd have to have a second point of ingress and egress so that would require the connection through.

Chairwoman Smothers: Thank you. Excuse me, were there other questions for Mr. Spell?

Mayor Sims: Just one other question and it has to do I guess with the Jamestown Thoroughfare. You know there's been speculation and talk for quite some time about construction of that road. Do you have any updates about what's going on with that and about how that will impact this particular site?

Doug Spell: Yes, Ma'am. Mr. Robbins will you put the Master Plan up? We did meet with DOT and that was part of the primary reason of the meeting with DOT. There is a corridor to the south of our project that you can see that is off the property that is under rezoning. If I'm not mistaken, that's acquired. It's either acquired or protected at this point. So that's the best information I have as far as the actual corridor. According to DOT, that section is unfunded at this time and when asking when it may be funded, they indicated that 2030 is as far as the TIP projects out and that is the date they designated because it is unfunded and they don't know when it will be built or funded for construction I guess I should say.

Mayor Sims: But it would not affect your development nevertheless.

Chairwoman Smothers: Is there anyone else who would like to speak either for or against? Of not, I'm going to close the public hearing.

Mayor Sims: Let me ask this one thing....is there anybody here from Transportation that can explain to us why they were asking for that additional turn lane?

Chairwoman Smothers: Well I asked if there was anybody who wanted to speak and apparently he didn't want to speak.

Matt Carpenter: I was waiting on the question. The timing is not exactly how Mr. Terrell described it. We've been talking about a northbound turn lane since the middle of April and the discussion at P & Z as it came about, we had initially asked if they construct the remainder of Penny Road through the site when they constructed all the commercial lots that front on Greensboro Road. As a compromise for that, what we went back in analyzing looking at the analysis their traffic engineer had provided that we still do not agree with. That needs to be said. We do not agree with your traffic engineer's analysis, okay. Level of Service D at that intersection is not acceptable. He has maintained that it is acceptable and we maintain that it is not. It is not acceptable for the reason that other improvements are available to be made at that intersection and that's what our TIA policy calls for. The TIA policy says that you have to mitigate your trips. You make the intersection as good as you can make it. In lieu of that, what we looked at in the initial analysis with no northbound right turn lane at that intersection was construction of Penny Road through the property. That would meet our concern. What they expressed to us was the cost of doing that. We took that under advisement and came back with another recommendation. The other recommendation was, okay in lieu of building the rest of Penny Road through the property with the completion of the commercial, add the northbound right turn lane and that will satisfy our concern that you're doing everything you can at that intersection to make it as good as you can. So we put that in so the Council could make the decision on

whether that right turn lane is necessary or not.

Chairwoman Smothers: Well if they were having to build a northbound turn lane at the same time they built the commercial and all of Penny Road doesn't even go all the way through....how's that going to....I mean I don't understand how that falls into mitigating something anymore that it ever had.

Matt Carpenter: They told us from day one that they deal primarily with commercial development. They're not residential developers. They have maintained to us in several different conversations that their primary focus is going to be the commercial. So what we had asked their traffic engineer to look at was building out the commercial property first and the impact that it would have on Greensboro/Penny Road intersection. Our position has been from day one, you need to make all the improvements you can at that intersection with all that commercial prior to the road being built all the way through. If you're not willing to build the road all the way through, that is what we have said.

Council Member Mendenhall: Well what I don't understand is....so you're saying either build the road through or put the extra lane in?

Matt Carpenter: Yes Ma'am.

Council Member Mendenhall: But that sounds to me like you're just.....so if they built the road all the way through, they wouldn't have to put the lane in?

Matt Carpenter: That was the compromise we tried to work with them on. Yes Ma'am.

Council Member Mendenhall: But I don't understand. Either it's needed or it's not needed. I mean, to me, you're saying either build the whole road and then you don't have to put the lane in or you've got to put the lane in if you don't build the whole road. That doesn't make a whole lot of sense to me, but I'm not a traffic engineer.

Matt Carpenter: The issue is if you build the whole road through, you provide another means for that commercial traffic to have another exit to Scientific so they can travel south. Okay, if you don't have that extra exit, then all that traffic has to go back through the intersection of Greensboro and Penny Road. That is what we're saying.

Council Member Mendenhall: How much traffic do you think is actually-even if that whole road is built-going to wander all the way down to Scientific if they are up there? I mean I wouldn't do it.

Matt Carpenter: It really depends on where you came from. That's the key. It's where you're coming from and where you're going.

Chairwoman Smothers: But I still don't see how it works. I mean the road is not all the way through. How does that increase the amount of traffic that would be needed to start with?

Matt Carpenter: It doesn't increase....well, it does increase the amount of traffic that will

go through that intersection because they don't have anywhere else to go.

Chairwoman Smothers: Well that's going to be the case anyway.

Matt Carpenter: Until they build the road through.

Council Member Wagner: I mean they paid good money for a traffic analysis. What is our evidence that...I mean you said you don't agree with it. Based upon what evidence do you not agree with it?

Matt Carpenter: They're not conducting it to meet our standards. I've given them the standards. I expressed to them that they need to...

Council Member Wagner: Well what evidence supports our standards?

Matt Carpenter: Give me a little bit more.

Council Member Wagner: I mean is the fact that they have a certain amount of traffic going through that intersection. They have trips going through that intersection and my analysis of those trips show it's a Level of Service D with the addition of a right turn lane, it's a Level C and that's as good as you can make it. That's mitigating their trips, their impact on that intersection for the other motorists in that corridor. That is what our position is.

Chairwoman Smothers: So do y'all use different calculators or do you use different formulas?

Matt Carpenter: Their position is that Level of Service D is acceptable and our position is that it is not.

Council Member Davis: What's the cost of this turn lane? I mean is it just an astronomical amount of money?

Matt Carpenter: I couldn't tell you that.

Council Member Wagner: So what is the basis of our policy that would say that their level of service D is not sufficient?

Matt Carpenter: Our policy clearly states that you make the intersection. You mitigate your trips and you improve the intersection as well as you can. You make as many improvements as necessary.

Council Member Wagner: And our argument is as well as you can and their argument is it's good enough.

Matt Carpenter: Yes.

Council Member Wagner: Okay, well that answers my question. I think good enough is

good enough.

Chairwoman Smothers: So if they didn't own the land...

Council Member Mendenhall: Only if they don't make the whole road. If they make the whole road, then they don't need that.

Council Member Wagner: If they put the lane in and then they extend the road through, are we going to allow them to take the lane out?

Matt Carpenter: No.

Council Member Wagner: Because if it's all the way through, they don't need the lane and we're not going to let them take the lane out.

Chairwoman Smothers: Is this a traffic engineering firm you've ever heard of before?

Matt Carpenter: Yes Ma'am.

Chairwoman Smothers: Have we accepted TIAs from them before?

Matt Carpenter: Yes Ma'am.

Chairwoman Smothers: So now we just don't like what they did on this one?

Matt Carpenter: We can't seem to reach an agreement. No Ma'am.

Chairwoman Smothers: Okay.

Matt Carpenter: That happens occasionally.

Chairwoman Smothers: I realize that. Thank you Matt. Are there any more questions before I close the public hearing?

Mayor Pro Tem Moore: Is there anybody to address Jim's question on the current cost of the turn lane at this time?

Tom Terrell: I will repeat what Mr. Spell told me this morning that it could cost at least \$50,000. And that's just a rough guess and by the way, they are a residential developer-not a residential builder. They will develop the residential, but they would not build the homes.

Mayor Sims: So just before you sit down, Tom, one last question. The process is going to be to do the commercial and the residential simultaneously.

Tom Terrell: That is the idea. I will ask Mr. Spell to correct me if I say it wrong. At this point, there is no one on the hook to develop the commercial part. They are working already with a builder for the residential part-at least one. And they will proceed at the

best speed they can. It could be residential first, but the pro-forma for this type of development makes sense when you do start with the commercial first. Because that way you can pay for the construction of Penny Road.

Chairwoman Smothers: I'm not sure if this question goes to you or to Mr. Spell. We do have the condition that you've submitted-the handout. I need to ask staff.....has that been given to you and has it been signed?

Herb Shannon: Yes.

Tom Terrell: Are there any other questions? We'll be glad to answer them.

Chairwoman Smothers: Any other questions? [none] I'm going to close the public hearing. Madam Mayor, **I'm going to make the motion.... if I can get back to my thing.....that Rezoning Case 13-02 be approved with the addition of what has been submitted to replace Section 2, Part II, B.3.a.9 which is on page 4 of 9 of the Conditional Use Ordinance which is contained before the Council and that zoning is approved based on the recommendation as forwarded to us by the Planning &**

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that Rezoning Case 13-02 be approved. The motion PASSED by a 9-0 unanimous vote.

130148

Ordinance - Annexation Case 13-02 - Wesleyan Education Center

A request by Wesleyan Education Center to consider a voluntary contiguous annexation of approximately 66.8 acres lying at the southwest corner of Johnson Street and Sandy Ridge Road.

Attachments: [09. Annex 13-02 Staff Report](#)

Ordinance No. 6995/13-27

Introduced 5/20/2013; Adopted 5/20/2013

Ordinance Book, Volume XVIII, Page 27

The joint public hearing for this matter and related matters 130149 Rezoning Case 13-03 and 130150 Special Use Permit 13-02 as requested by Wesleyan Education Center was duly held on Monday, May 20, 2013 at 5:30 p.m.

_____ Transcript of Public
Hearing_____

Chairwoman Smothers: The next public hearing really has three components to it. The first would be an annexation ordinance. The second one would be a rezoning case to accompany the annexation and the third would be a Special Use Permit. This petition is submitted by Wesleyan Education Center and Mr. Shannon will cover all three.

Herb Shannon: We will cover all three in the presentation, but you would need to vote on each item separately.

Chairwoman Smothers: Right, but before you begin....has everyone been sworn who is

here with Wesleyan who wants to speak? You have to be sworn in. I know there were a number of folks sworn in earlier, but that was....okay, thank you.

Herb Shannon: The site in question is on the overhead projection. This is a request to annex approximately 66 acres. As you noted, there is a corresponding rezoning and special use permit. The property is located on the southwest corner of Johnson Street and Sandy Ridge Road. You have Sandy Ridge Road here and Johnson Street. The area that's cross-hatched in red is the site in question and that's the same site for all three proposals. First is an annexation request. The applicant is requesting annexation in order to obtain city utilities for this property. This represents a logical progression of the city's annexation policy in this area. As you can see from the overhead projection, the property abuts existing corporate limits along this western boundary. Further to the north there is approximately 300 acres of existing residential developments that are in the city. You have The Legacy at Sandy Ridge directly to the north and you have the River Landings facility that's a mixed use residential development and north of that is the Saddlebrook Development. Additionally, as Council is aware, you recently approved approximately 500 acres of commercial or office/industrial use further north of this area. So there are existing service vehicles in this area and inclusion of this 66 acres into the city limits would not negatively impact the city's ability to provide services. Once update that staff was just made aware of regarding this annexation, they are requesting that the annexation become effective within 180 days-not immediately.

In regards to the zoning proposal, Bob you can go to the next slide please. The site currently has a zoning of Agriculture and Residential Single Family-40 under Guilford County's zoning jurisdiction. They are requesting initial city zoning for a Conditional Zoning RS-9 District for the entire site. In reviewing the zoning portion of the proposal, staff looked at what could be developed on this site if it was developed for residential uses. The applicant has offered a Conditional Zoning Ordinance that would mitigate impact in the event that the site was developed for residential use. All uses are required to connect to city utilities. The proposed right-of-way dedication and for adjacent roadways. The staff analysis is included in your packet. I think the key thing to note is in the event that the school use does not develop and develops residential, the applicant has offered conditions to mitigate any impact from any potential single family development of this site and included in your packet is your reasonable and public interest statement for your consideration in regards to the rezoning proposal. I would note that the RS-9 District has been established in this area. Directly to the north of this site, this subdivision is zoned Conditional Zoning RS-9m so this is not a new zoning designation in this area. As far as the zoning proposal, that was reviewed by the Planning & Zoning Commission and they recommended approval by a vote of 7-0.

Finally, the Special Use Permit. This is a special use permit to propose a school use on the property. The special use permit is a use in addition to those permitted by right. Such use requires analysis for the potential impact that the proposed use may have on surrounding property owners and that's the purpose of this going through the public hearing process for the Planning & Zoning Commission and City Council to perform that analysis. The specific use is a school, grades K-12 of a maximum of 1,500 students with a maximum building size of 315, 000 square feet. Included in your packet is a special use permit master plan. Bob, if you can put that up please. The applicant can go into more detail of

the layout of the Special Use Permit Master Plan, but it notes the general location of the building, access points and where they will have the various athletic fields. You may have to press the button to zoom out to see the Master Plan. This is included in the packet and just for any members of the public, you have Johnson Street in this area and Sandy Ridge Road. An access point from Johnson Street in this general location. An access point from Sandy Ridge Road in this location. Here is the location of the building that will have a loop area for stacking so drop off and pickup vehicles are not stacked to the roadway. And you have the stadium athletic fields on the western portion of this site.

One final aspect to note about the Special Use Permit, The Development Ordinance notes that a Special Use Permit is valid for 18 months. That means the applicant has 18 months to either commence the use or at least receive a footing inspection. The ordinance does allow the applicant to request a longer time frame. The applicant is requesting a 120 month time period to at least receive a footing inspection. This item was discussed at the Planning & Zoning Commission and a new condition was added and agreed upon by the applicant that they would have the 120 months to obtain their initial footing inspection. If the school use does not commence operation or obtain a footing inspection within 60 months, then the owners shall update the Traffic Impact Analysis. If that update notes that there are additional improvements required, then they will submit an update to their Special Use Permit.

That was the main item of discussion at the Planning & Zoning Commission. That revised language was agreed upon by the applicant, so it gives them the 120 months. It's just that in 60 months, nothing has happened, they will just have to update their Traffic Impact Analysis. Included in your packet are findings that staff has noted. Staff is recommending approval of this request for a special use permit and this request was also recommended for approval by the Planning & Zoning Commission by a vote of 7-0. Are there any questions on either the annexation, the rezoning request or the special use application?

Chairwoman Smothers: Just for Council's direction, the items that he discussed at the end-those four different additions, they are on page 2 of 2 of the Special Use Permit and they were part of the approval by P & Z.

Herb Shannon: Yes, they were discussed and approved by P & Z and incorporated to the staff report that you have in front of you.

Council Member Davis: Herb, either I missed it or I didn't catch it....the access from the neighborhood on the bottom of the map, I know that's for emergency vehicles....but does that road go around that facility down to the athletic fields?

Herb Shannon: No, you have an access drive that goes westward toward the athletic fields, but there is no public connection for the general public to come through that subdivision from the south for the special use permit.

Council Member Davis: Is it going to be a gated entrance?

Herb Shannon: Yes, for emergency access only for emergency vehicles.

Chairwoman Smothers: Further questions of staff at this time? If not, is there anyone else who would like to speak?

Doug Stimmel: Mayor Sims, City Council members, I'm Doug Stimmel, a landscape architect and the President of Stimmel Associates, 601 North Trade Street in Winston Salem. I'm here to represent Wesleyan Education Center. I'd like to spend a few minutes walking you through the site plan. We're here because Wesleyan has outgrown their existing 24-acre campus and need to expand into the 67 acre campus that they purchased earlier. Can you find that first slide? I would like to compliment staff. We worked through a lot of issues. It's a complex process and I believe we have agreed to all the conditions and everything before we got here, so we're all in agreement and in support with staff with all the issues. This slide that you see before you, you can see our site-67 acres in red here. What the yellow is is the neighborhood invitation area that we included. We actually had two neighborhood meetings. The first one was on March 5th and we invited 170 households to that meeting. That's, of course, a lot more than what is required by your ordinance, but we wanted to make sure the entire subdivision and developments that surrounded us were included in that neighborhood meeting. Out of that 170 households that we invited, I believe we had about 29 households actually show up at the meeting which we thought was a great turnout. Approximately 40 some people came to the meeting and drop-in session and it was overall supportive. Nobody at that time was in opposition to what we had proposed and actually felt very positive that it was a school rather than multi-family or a housing development were a lot of the words that they said at that time. On March 15th, we also had another neighborhood meeting at River Landing which is the Retirement Community that borders this entire area right here. They've always been interested in the transportation in that area. So they've written a letter that should be in your docket of support for the development as well. They were very interested in the fact that Johnson Street and Sandy Ridge would have a traffic signal here and a traffic signal at this location which I will explain in a minute. And redirecting how Sandy Ridge comes into Johnson Street, so they were very pleased with those improvements and wrote a letter of recommendation for us with that. If you can hit the next slide please...

I show you your High Point Land Use Plan just to point out the obvious. This area is in a big transition zone poised for major growth. This is your plan prior to us coming to this site. Here's our site in red and this is what your Land Use Plan calls for....up to 613 units on this property according to the Land Use Plan. It's multi-family and residential as well. Immediately to the east is an activity center and medium density attached housing. So before Wesleyan ever bought this site, the area was poised for major growth and approved for substantial improvements. Next slide please.

I'd like to point out the Transportation Plan that's approved by High Point. Again, if you see our site here, the orange indicates major thoroughfare. So our site is surrounded by these two major thoroughfares. When I say major, they are slated to be....Johnson Street will be at least a four lane divided road and Sandy Ridge Road....we've actually dedicated right-of-way on both of these to the City of High Point. And this right-of-way across from Legacy is at least 120 feet. So that is a major roadway that's going to transition and change the character of the neighborhood before we even get there. So two major thoroughfares already on the books prior to Wesleyan coming to this site. So a lot of change is coming

into this area. If I could have the next slide please.

A little bit about the site plan. Herb touched on it a lot already, but I wanted to point out that Wesleyan has dedicated right-of-way on Johnson as well as Sandy Ridge for those improvements. We've agreed to realign Sandy Ridge to a safer T intersection and install a traffic signal. A majority of all our school traffic will come in at one place on Johnson Street with a signal at this location and all of the stacking that occurs in and around here that can be controlled internally so it doesn't affect external site traffic. There is a second access that we were required to line up with Legacy for safety and this will be primarily used by the daycare which is here and those folks come in throughout the entire course of the morning, so it's really spread out. A majority of the traffic comes into this location. The building sort of fronts the street with all of the fields as they slope down to the natural flood plain back in this area. Rather than going into any detail, I think you all have seen this. The Planning staff recommended approval of this. The Planning Board recommended approval unanimously. It meets all of High Point's Land Use Plans and adopted plans and we'll be happy to answer any questions at the appropriate time. Thank you.

Chairwoman Smothers: Thank you. Any questions of Mr. Stimmel? Any questions of anybody?

Council Member Ewing: Are there going to be any stadium lights on the athletic fields that could affect some of the neighborhoods?

Doug Stimmel: Yes, good question. I meant to comment on that. On some of the fields, we will have lights and we agreed to put a condition in there and actually volunteered the condition that lighting shall not exceed .5 foot candles at the property line of any location. And actually Wesleyan has one of their board members who is a National Lighting consultant and knows that so that condition is one that we've used in other locations as well and protects the areas and the neighbors.

Chairwoman Smothers: Mr. Stimmel, you mentioned in your opinion the traffic would be coming from certain directions. Based on student enrollment, now, where generally are the students going to be coming from?

Doug Stimmel: The majority of the students come from Johnson Street in this direction. I think several years ago the count was at least in the neighborhood of 70% coming from this direction that would use this access point here.

Council Member Mendenhall: Ms. Smothers, I don't have a question, I just have a comment. It always.....I don't want to say it breaks my heart, but it really bothers me that we take in areas and they're part of us but they've got Colfax or Greensboro or some other mailing address. I know that's not our issue and I know somebody else makes that determination, but it always bothers me. So I just have to say it.

Chairwoman Smothers: Well I would certainly expect that Wesleyan Education Center would identify everything that has their name on it as High Point, North Carolina.

Council Member Mendenhall: Right, except their mailing address. They won't have anything to say about that.

Chairwoman Smothers: They can get a post office box.

Council Member Mendenhall: There you go.

Chairwoman Smothers: Is there anyone else who would like to speak either for or against? Yes sir.

Kenneth Wood [4546 Peeple's Road, Oak Ridge]: I own a piece of property in Cedar Springs. I presently live in Oak Ridge on Peeple's Road. My question is....there is a road that is incomplete, Windchime, down in Cedar Springs. What is Wesleyan's plans? Is that road going to be blocked which I hope it is and not used as a place to go through. And, too, I see it looks like tennis courts down in that area. Is that tennis courts? And how much buffer are we going to have for the noise that's going to come from there? And you said that other road up there...the one....Willow Run is only going to be an emergency road I believe. Is that what you said?

Chairwoman Smothers: Yes.

Kenneth Wood: Just an access road and the gate will be secured where people won't be using it to ferry buses in and out and all that.

Chairwoman Smothers: That was what was testified, yes.

Kenneth Wood: Okay, my question is....that road, Windchime, and the noise barrier, and the lighting. I understand what they said about the lighting. That's my questions, right there.

Chairwoman Smothers: Wind Chime....is it just going to dead-end?

Herb Shannon: There's a stream that runs in this direction along the southern boundary of the site. The applicant is not proposing to cross that stream so the road will just stop right there. Because that is a classified perennial stream, there's going to be at least a 200 foot wide stream buffer required on both sides. So at a minimum there's a 100 foot buffer that's going to be maintained along the southern boundary of this site.

Kenneth Wood: On the school side?

Herb Shannon: Yes, or along that stream buffer. 100 feet on both sides of that stream.

Kenneth Wood: Okay.

Chairwoman Smothers: Does that answer your question satisfactorily.

Kenneth Wood: Yes, thank you.

Chairwoman Smothers: Thank you. Is there anyone else who would like to speak? [none] Any further questions from Council? [none] If not, I'm going to close the public hearing. The first order of business would be, **I move to adopt the ordinance regarding annexation 13-02 and that the effective date of such annexation would be 180 days from today.**

Council Member Ewing: **Second.**

Mayor Sims: I have a motion and a second to approve the Annexation Case 13-02 with an effective date of 180 days from the date of adoption. Is there any further discussion or questions regarding this case? If not, all those in favor, signify by saying Aye. Aye [all]. Any opposed? [none] **The motion passes. [9-0 vote]**

[end of transcript]

Adopted Ordinance providing for the annexation of this property with an effective date of 180 days from adoption.

A motion was made by Council Member Smothers, seconded by Council Member Ewing, that this Ordinance be adopted. The motion PASSED by a 9-0 unanimous vote.

[130149](#)

Ordinance - Rezoning Case 13-03 - Wesleyan Education Center

A request by Wesleyan Education Center to rezone approximately 66.8 acres from the Agricultural (AG) District and Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying at the southwest corner of Johnson Street and Sandy Ridge Road. Approval of this rezoning request is contingent upon City Council approval of a voluntary annexation request.

Attachments: [10. Staff Report CZ13-03 & SUP13-02](#)

Ordinance 6996/13-28

Introduced 5/20/2013; Adopted 5/20/2013

Ordinance Book, Volume XVIII, Page 28

The joint public hearing for this matter and related matters 130148 Annexation Case 13-02 and 130150 Special Use Permit 13-02 as requested by Wesleyan Education Center was duly held on Monday, May 20, 2013 at 5:30 p.m.

Note: For specific comments made at the public hearing, please refer to 130148 Annexation Case 13-02.

Adopted Ordinance authorizing the rezoning of this property from the Agricultural (AG) District and Residential Single Family-40 (RS-40) District, within Guilford County's zoning jurisdiction, to a Conditional Zoning Residential Single Family-0 (CZ RS-9) District based upon consistency with the city's adopted plans. Additionally, Council finds this action taken to be reasonable and in the public interest and does hereby adopt the statements in the Staff

Analysis section of the staff report.

Note: Rezoning becomes effective with the annexation.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that Rezoning Case 13-03 be approved. The motion PASSED by a 9-0 unanimous vote.

130150

Special Use Permit 13-02 - Wesleyan Education Center

A request by Wesleyan Education Center to allow an Elementary or Secondary School use in the Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying at the southwest corner of Johnson Street & Sandy Ridge Road.

Attachments: [10. Staff Report CZ13-03 & SUP13-02](#)

The joint public hearing for this matter and related matters 130148 Annexation Case 13-02 and 130149 Rezoning Case 13-03 as requested by Wesleyan Education Center was duly held on Monday, May 20, 2013 at 5:30 p.m.

Note: For specific comments, please refer to 130148 Annexation Case 13-02.

Approved Special Use Permit 13-02 based upon the findings in the Staff Analysis section of the staff report and consistency with the city's adopted plans. Additionally, Council finds this action taken to be reasonable and in the public interest and does hereby adopt the statements in the Staff Analysis section of the staff report.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that Special Use Permit 13-02 be approved. The motion PASSED by a 9-0 unanimous vote.

130156

Ordinance - Rezoning Case 13-04 - Phoenix Academy Foundation

- a. A request by Phoenix Academy Foundation to rezone approximately 14.06 acres from the Traditional Neighborhood (TN) District to a Residential Single Family-9 (RS-9) District. The site consists of two parcels lying on the south side of Clinard Farms Road, approximately 1,150 feet and 2,240 feet, respectively, east of the intersection of Barrow Road.
- b. A request by Phoenix Academy Foundation to rezone approximately 42.3 acres from the Traditional Neighborhood (TN) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying at the southeast corner of Clinard Farms Road and Barrow Road, and on the south side of Clinard Farms Road approximately 2,390 feet east of the intersection of Barrow Road.

Attachments: [11. Staff Report CZ13-04 & SUP13-03](#)

The joint public hearing for this matter and related matter 130152 Special Use Permit 13-03 as requested by Phoenix Academy Foundation was duly held on Monday, May 20, 2013 at 5:30 p.m.

Transcript of Public

Hearing_____

Herb Shannon: Yes, this is a request for a rezoning and special use permit for this property lying along the southside of Clinard Farms Road and east of Barrow Road. The overhead map notes that this is Clinard Farms Road. This is Barrow Road. The area that's cross-hatched is the property in question. The first part of the proposal is a rezoning. The area that's cross-hatched currently has a zoning of Conditional Use-General Business and Traditional Neighborhood. This zoning approval was I believe in 2007 where they were proposing a mixed use development consisting of commercial, office, multi-family and single-family. That project never came to fruition. The developer, unfortunately, went bankrupt and the property went through an auction and now where it was dealing with one property owner, got sold off to multiple owners. Phoenix Academy is proposing to develop a school on this property, but not all of it.

First, they had to get rid of all remnants of the previous TN District. So along with abutting property owners, they have submitted a request to rezone this area from the Conditional Use General Business TN to an RS-9, Residential Single-family 9, and Conditional Zoning RS-9. Bob if you can go to the next slide please. All the TN had to be removed in order for this project to go forward, so the areas that highlighted in purple...those are owned by two separate property owners that are currently developed with existing single-family dwellings. Phoenix Academy approached those property owners, they signed on as applicants, but they only requested just an RS-9 zoning. The remaining area that's not highlighted in the purple is the property that Phoenix Academy is looking at and they've requested a Conditional Zoning, Residential Single-Family 9 zoning on that site. They offered conditions to mitigate the impact in the event this property develops for residential use. The area that's highlighted in purple is about 14 acres. It has limited impact by itself, but to ensure compatibility of this surrounding area, Phoenix Academy's zoning application included the provision for stub streets to that area in the event that area does develop for residential to help disperse traffic. Their Conditional Use Permit or their Conditional Zoning Permit, excuse me, includes conditions for connecting the city utilities and limiting the location and number of access points and various transportation improvements that mitigate impact to the development. There's quite a bit of information in the staff analysis. The key thing that staff will point out is the requested RS-9 District is compatible with surrounding development in this area. To the south, you have an existing residential development. That was approved as a PUD Development, but it was to the RS-9 standard where it abuts the property. And further to the west, you have the Piedmont Crossing Development which is a combination of single-family, multi-family. So residential zoning has been established in this area.

Also included in your packet is a proposed reasonableness and public interest statement for Council's consideration. Staff is recommending approval of the rezoning proposal for RS-9 and Conditional Zoning RS-9. At the April public hearing, the Planning and Zoning Commission recommended approval of the zoning application.

In regards to the Special Use proposal, the applicant is requesting a Special Use Permit to allow a school, grades K-12 with a maximum of 1,500 students with a maximum building area of 149,000 sq. ft. This map shows the area that is under review for the Special Use Permit. Bob, if you can go to the next slide please. If you can just zoom out a little.

They've included with their Special Use Permit, a Special Use Permit Master Plan. The eastern half of the site proposed for one building. The western portion of this site is proposed for a second building and you have a recreation area in the middle. The applicant can go into a little more detail of their proposal, but it would be a phased development. The applicant has included within the Special Use Permit conditions to mitigate the impact. They've offered quite a bit of transportation conditions to ensure that development of the site at build-out would not negatively impact adjacent property owners; that all traffic impacts would be addressed; and stacking would all be on-site. The Planning & Zoning Commission reviewed this request at their April meeting and they also recommended approval of this proposal for a school use on the site. Are there any additional questions? [none] Thank you.

Chairwoman Smothers: Thank you, Herb. Is there anyone else who would like to speak in favor?

Brian Hall: Mrs. Mayor and members of the Council, my name is Brian Hall. I work with Samet Corporation. We've been hired by Phoenix Academy. Our address is 309 Gallimore Dairy Road. Phoenix Academy....located here in High Point is the city's first charter school. It's been operated successfully for 12 years and it's currently in the Piedmont Centre Development. It's right across from the Chop House. You guys have been there before. The school's been recognized as a North Carolina Honor School of Excellence, created with the PBIS methodology, which has been adopted by DPI and is now at work in over a thousand schools in the state. The success that they've seen at Piedmont Centre over in the Liberty Property Trust development is driving this growth. That's the success that they've seen over the past 12 years and frankly, they've been paying rent for 12 years and they're ready to own. The growth plan includes remaining in their current facility where they are across the street from the Chop House and in addition to expanding on other property that's up for discussion this evening. Phoenix is attracted to this property for a couple of reasons. It's well located. It's very close to their current campus, just right down Clinard Farms Road from 68. And in addition, it's close to some existing other educational infrastructure, Southwest Middle and High just down the street on Barrow Road. Tri City Christian Academy is just down the other street on Clinard Farms Road. And the properties passed through a recent foreclosure process. So what that means to us, what that means to Phoenix Academy is that the property is affordable for them with the operating budget that they have as a charter school. The property was annexed in 2006 by you guys. Planned for a Traditional Neighborhood, then with their neighbors as Herb explained, that plan included mixed use components of retail, commercial and multi-family at a relatively high residential development standard allowing more than 550 homes, 1,497 parking spaces and almost 7 acres of commercial and retail allowing drive-thru uses. As the Traditional Neighborhood Plan that was never realized, the planned traditional neighborhood which consisted of four individual tax parcels proceeded through the foreclosure process where all four of them were individually auctioned off. They now belong to four separate owners, but they are all still tied together under this old plan that was put into place in 2006. So part of our request is to undo some of that work that was done in 2006. Clean that up, give the four individual property owners their right to zoning back and zone two of the parcels for Phoenix Academy. So that unwinding is our first request and then the approval of Phoenix Academy being the second.

So we've completed a conceptual site plan that shows what Phoenix Academy would like to do with the property. This plan, per staff's direction, is the max build-out. Max build-out for us means 1,500 kids. This would be as much as we would ever build on the property. The reality is that Phoenix Academy today has 400 kids. They anticipate growing to about 750 next year. So they don't even have 1,500 kids here. So this is a very phased approach and the reality is that we would begin building with the building that you see on the farthest right or....east that would be the first building we would do to accommodate 400-500 kids. There is no future schedule or plan for building out the balance, but this is how we see the future could be built out, or would be built out for the property based on the way the property sits and how the property could be developed. We held a neighborhood meeting at Phoenix Academy. We invited the neighbors you guys suggested we invite. They came. They listened. Most of their comments were directed toward the previous plan and sort of pleased that the previous plan with the multi-family and apartments were not going to be built. They were pleased to see that a high school, middle school, and elementary school would be built. We didn't perceive any negative comments at that neighborhood meeting and no negative comments at Planning & Zoning and they unanimously approved the plan as we provided.

A couple of facts about Phoenix Academy and what their plans entail here. From a capital spending perspective, they expect to spend close to \$20,000,000 over the course of the entire expansion. From economic development and job growth, they expect to create about 100 new jobs here in High Point. They are recruiting from out of state and also recruiting recent graduates from their program to come back and teach. Through innovative programs, they work closely with International Baccalaureate team out of Geneva, GTCC and local businesses on bringing programs and extra-curricular activities to the campus. Something that I'll mention that's different about Phoenix and their charter is something they see as a competitive advantage...they don't offer traditional athletic programs like football, baseball and basketball. You don't see those fields on the plan, but something that they've taken...an approach they've taken is with an equestrian program. And you'll see there that middle ring there in the center is labeled as an equestrian field and they've partnered with a group called Horse Power. It's a non-profit here. They would operate on this property with Phoenix Academy to train some of their students in equestrian program, riding lessons-that sort of program, as well as offering the community service that Horse Power continues to operate and provide today. Ken Norcross, who is the head of the school, and Paul Norcross are both here and they're happy to answer questions on the operations of the school. One request we'd like to make...we're still confirming our financing for this property and so per the advice from Mr. Shannon and Mr. Burnette, we wanted to go ahead and have the public hearing, answer any questions that you have, but we would respectfully ask for a continuance to give us the opportunity to confirm our financing for the project before we set the zoning that will affect not only us but the two neighbors that we're working with also.

Chairwoman Smothers: Mr. Hall, I did not realize that, but have you set the date to which we would set the public hearing?

Brian Hall: I think it's June 17th....just the next meeting, 30 days. We're close we just want to make sure and have it set in stone.

Chairwoman Smothers: Thank you. Any questions of Mr. Hall? [none] If not, is there anyone else who would like to speak either for or against?

Carla Ringler: Hello. My name is Carla Ringler of 922 Londonderry Drive here in High Point. That address is important due to the fact that I am a City of High Point payer-I pay taxes to the City of High Point, but I also pay to Davidson County, not Guilford. But I'm in that little section of the northwest part of High Point where it's sad to say, I don't have that many options when it comes to education. In Davidson County, they do have nice schools, but there's only neighborhood schools. That's it. When I called Davidson...as my son who entered kindergarten this past fall, they said well you can go to Friendship Ledford Elementary School that is on the other side of 109. From where I live off of Shadow Valley, I'd have to go all the way to the other side of 109. Thanks to Phoenix Academy I have a choice now. I've been provided a choice and so I just ask you to please continue to provide us choices. Thank you.

Chairwoman Smothers: Thank you. Are there others who would like to speak?

Chris Chapman: Hello. My name is Chris Chapin and can you go to the map that shows the neighborhoods surrounding? If you can zoom in. Okay. Just to give you a little background, my wife and I are both teachers and we school our children at home so we are very pro education. The only thing that I am asking is we happen to be the house that's the very closest to this proposed development. It's located, if you look at...actually I'll just walk over and how you.

Chairwoman Smothers: Is it on the cul-de-sac?

Chris Chaffin [4009 Tonsley Ct., High Point]: Yes. We are right here and the only thing that I'm asking is that as they plan to move forward, that we will be apprised of what the plans are for that area right behind our home. As we were looking at it, it looked like that area was for athletic fields. I guess it's for horses. But if there were to be lights and so forth in that area or if it did become an athletic field with bleachers and so forth, that would have a lot of impact on us and the two neighbors around us. So I would just ask before finalized plans come about that the neighborhood be recognized for comments.

Chairwoman Smothers: Just a question back to staff. As I understood Mr. Hall presented that as conceptual in design, so prior to any building permit could be issued for construction, there would be a final site plan?

Herb Shannon: Yes, but that would be an administrative review.

Chairwoman Smothers: Right, but I mean it will be final.

Herb Shannon: They have proposed a condition that if there are any lights, they would be designed in such a manner to be zero foot candles as measured from the property. That is a condition in the Special Use Permit. I would also note that there is a Duke Power transmission line running along the southern boundary of this site and it would not be crossing that.

Chairwoman Smothers: Mr. Chapman, is that consistent with what you see out your back door? The Duke Power easement? You can't do anything under that, except build a driveway.

Chris Chaffin: Okay, again, we have no negative comments about this. We're excited it's going in. We just wanted to make sure that we understood what was going in.

Chairwoman Smothers: Well thank you for coming.

Chris Chaffin: Thank you Council and thank you Mayor.

Chairwoman Smothers: Are there others that have questions or comments? If you would just give us your name and address. You do need to come up.

Rosalyn Turner: My name is Rosalyn Turner and my address is 4410 Piedmont Trace Parkway. It's a Greensboro address, but I have High Point trash and High Point water so I'm right on that line. I am a school teacher. I teach at Wesleyan Memorial School. The reason why my child no longer goes to that school is because the grades only go up to Kindergarten. I chose Phoenix because as an educator and volunteering there, the excellence of teaching and the quality of teachers, the quality of staff is beyond and that's why my child goes there. So I would hope that everyone would try to approve what they are bringing forth. The efforts that the Norcross's have brought forward and to take into consideration that this may be one of the best schools in the area for High Point. Thank you.

Chairwoman Smothers: Thank you. Is there anyone else? I'm having a horrible feeling that some of these folks weren't sworn in, but I'm not going to ask. They were opinions-only opinions.

Victoria Morales: My name is Victoria Morales. I live 328 Bland River Cove, High Point, North Carolina and I just want to let you know that it's a great school. We are very pleased. My family....it's a good part of the community and it's a kind of private school that you can afford. The teachers are excellent. The group of people-the staff-is excellent too and I feel like it's a family. So I hope you can consider this improvement. I think it's going to be a good thing for High Point especially for an education option. Thank you.

Council Member Mendenhall: Ms. Smothers, don't worry they weren't sworn in. I think they're speaking more about the school than the Special Use Permit, so that's a good thing.

Chairwoman Smothers: Yeah, that's why I said it's opinion. It's not challenging anything. Is there any other question or comment before I close the public hearing? [none] Seeing none, then I'll close the public hearing and **make a motion that Rezoning Case 13-04 which involves two separate actions for zoning be approved as presented by staff with the....that's right, it's to be continued until June 17th at 5:30 and that will also include the Special Use Permit as well Madam Mayor.**

Mayor Sims: Is there a second?

Council Member Mendenhall: **Second.**

Mayor Sims: I have a motion and a second to continue Rezoning Case 13-04 and Special Use Permit 13-03 until June 17th. Are there any additional questions or comments concerning the motion?

Chairwoman Smothers: Only the fact that when we do reopen the public hearing, we will not have another presentation unless there is evidence to be presented that has been omitted this evening.

Mayor Sims: Does everybody understand that? All those in favor of the motion, signify by saying Aye. Aye. Any opposed? [none] **The motion passes. [9-0 vote]**

[end of transcript]

Continued the public hearing for Rezoning Case 13-04 to Monday, June 17, 2013 at 5:30 p.m.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that the public hearing for Rezoning Case 13-04 be continued to Monday, June 17th at 5:30 p.m.. The motion PASSED by a 9-0 unanimous vote.

[130152](#)

Special Use Permit 13-03 - Phoenix Academy Foundation

A request by Phoenix Academy Foundation to allow an Elementary or Secondary School use in the Conditional Zoning Residential Single Family-9 (CZ RS-9) District. The site is lying at the southeast corner of Clinard Farms Road and Barrow Road, and on the south side of Clinard Farms Road approximately 2,390 feet east of the intersection of Barrow Road.

Attachments: [11. Staff Report CZ13-04 & SUP13-03](#)

The joint public hearing for this matter and related matter 130156 Rezoning Case 13-04 was duly held on Monday, May 20, 2013 at 5:30 p.m.

Note: For specific comments made at the public hearing, please refer to 130156 Rezoning Case 13-04.

Continued the public hearing for this matter until Monday, June 17, 2013 at 5:30 p.m.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that the public hearing for Special Use Permit 13-03 be continued to Monday, June 17, 2013 at 5:30 p.m.. The motion PASSED by a 9-0 unanimous vote.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

[130154](#)

Approval of the following Minutes:

Catawba Nuclear Plant Tour, May 2nd

Finance Committee meeting held Monday, May 6 @ 3:30 p.m.

High Point City Council Regular Meeting held Monday, May 6 @ 4:45/5:30 p.m.

Comprehensive Planning Committee Meeting (SoSi Presentation) held Tuesday, May 7th @ 4:00 p.m.

City Manager's Briefing Session held Thursday, May 9th @ 9:00 a.m.

Ethics for Elected Officials - Wednesday, May 15th @ 10:00 a.m.

Attachments: [May 2 2013 High Point City Council \(Catawba Tour\).pdf](#)
 [May 6 2013 Finance Committee.pdf](#)
 [May 6 2013 High Point City Council.pdf](#)
 [May 7 2013 Comprehensive Planning Committee \(SoSi Presentation\).pdf](#)
 [May 9 2013 Manager's Briefing.pdf](#)
 [May 15 2013 High Point City Council \(Mandatory Ethics Training\).pdf](#)

Approved the preceding minutes as submitted.

A motion was made by Council Member Mendenhall, seconded by Council Member Ewing, that these Minutes be approved as submitted. The motion PASSED by an 9-0 unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

130155

Revision of Appointment - Historic Preservation Commission - Ray Wheatly

Council is requested to revise Mr. Ray Wheatly's appointment to the Historic Preservation Commission so that the expiration date is July 1, 2016. This will give a full term without having to reappoint him in July of 2013 and keep the expiration date of the HPC balanced at three in any given year.

Attachments: [Wheatly memo](#)

Approved the revision to Ray Wheatley's appointment to the Historic Preservation Commission extending the expiration date to July 1, 2016.

A motion was made by Council Member Smothers, seconded by Council Member Mendenhall, that this matter be approved. The motion PASSED by a 9-0 unanimous vote.

120229

Boards and Commissions - Vacancies

Attached is the current list of vacancies for all Boards and Commissions.

Attachments: [term expirations spreadsheet vacancy report.pdf](#)

This information is attached for informational purposes only. No action is required on this item.

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:10 p.m. upon motion by Council Member Mendenhall and second by Council Member Ewing.