



City of High Point

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

Meeting Agenda

City Council

Jay W. Wagner, Mayor

S. Wesley Hudson, Mayor Pro Tem

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

Monday, May 15, 2023

5:30 PM

Council Chambers

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

RECOGNITIONS AND PRESENTATIONS

[2023-210](#)

Proclamation-City of High Point - National Public Works Week
Mayor Wagner will present a proclamation recognizing the week of May 21-27, 2023 as National Public Works Week by recognizing staff which provides essential services to thousands of customers each day.

Attachments: [Agenda Item- Public Works Week 2023](#)

[Public Works Week proclamation May 2023](#)

[2023-230](#)

Recognition - Volunteer Income Tax Assistance (VITA) Program
Staff will recognize Volunteer Income Tax Assistance Program (VITA) volunteers.

Attachments: [Memo - VITA 2022 Tax Season](#)

[Presentation - VITA 2022 Tax Season](#)

FINANCE COMMITTEE - Britt Moore, Chair

CONSENT AGENDA ITEMS

[2023-211](#)

Amendment No. 2 - GEL Engineering of NC - Eastside Wastewater Treatment Plant
City Council is requested to approve Amendment No. 2 in the amount of \$15,700 to modify the original supplemental agreement entered on July 20, 2022 (PO Number 109917) with GEL Engineering of NC for on-call air permitting assistance at the Eastside Wastewater Treatment Plant.

Attachments: [Supplemental Agreement Amendment 2– Assistance with Air Permit Reporting](#)

[2023-212](#)

Resolution - American Rescue Plan Act Grant Funding (ARPA) - Whites Mill Pump Station
City Council is requested to adopt a resolution to accept \$400,000 in grant funds from the American Rescue Plan Act (ARPA) offered by the North

Carolina Department of Environmental Quality for design efforts to upgrade the Whites Mill sanitary sewer lift station.

Attachments: [Resolution - Whites Mill Pump Station - American Rescue Plan Act Grant Fundi](#)

2023-213

Contract - JWC Environmental Inc. - Eastside Wastewater Treatment Plant (WWTP)

City Council is requested to award a contract to JWC Environmental Inc. in the amount of \$253,815 for the purchase of a fine bar screen and washer compactor to replace the existing mechanical screen (#2) and compactor that is no longer functional at the Eastside Wastewater Treatment Plant (WWTP).

Attachments: [Contract - Eastside WWTP- Bar Screen Replacement](#)

2023-222

Resolution - Retire and Sale of Police K-9 Jinx

City Council is requested to adopt a resolution to retire Police K-9 Jinx and declare as surplus property to allow him to be purchased by Officer Terence Garrison who will assume all responsibility and liability for Gunner's care.

Attachments: [Resolution - Retire and Sale of Police K-9 Jinx](#)

2023-223

Contract - Sole Source - Forensic Technology, Inc. - BrassTrax System

City Council is requested to procure a BrassTraxHD3D Cartridge Case Acquisition Station with triage scope using the sole source bid recommendation from Forensic Technology, Inc. and authorization for the appropriate City Officials to negotiate terms and execute a contract.

Attachments: [Contract – Sole Source – Forensic Technology, Inc. - BrassTrax System](#)

2023-224

Contract - Long Foundation Drilling Co. - Transmission Pole Foundation

City Council is requested to award a contract to Long Foundation Drilling Company in the amount of \$322,276 to relocate a portion of 100kV transmission poles to accommodate the substation rehabilitation work at Jackson Lake Substation.

Attachments: [Contract – Long Foundation Drilling Co. – Transmission Pole Foundation](#)

2023-225

Budget Amendment - Agreement - SW Guilford County Fire Hydrant

Agreement - High Point Fire Department

City Council is requested to approve an agreement and a budget amendment with Guilford County to fund the installation of eleven (11) Fire Hydrants in Southwest Guilford County.

Attachments: [Budget Amendment - Agreement – SW Guilford County Fire Hydrant Agreemen](#)

GENERAL BUSINESS AGENDA

2023-232

Consideration of Funding - Outside Non-Profit Organizations

Council is requested to finalize recommendations for the funding of outside non-profit organizations requests.

Attachments: [Consideration of Funding for Outside Non-Profit Organizations](#)

- [2023-233](#) Consideration of Funding - Outside Non-Profit Organizations - High Point Discovered and Carl Chavis YMCA
Council is requested to finalize recommendations for the funding of outside non-profit organizations High Point Discovered and Carl Chavis YMCA.

Attachments: [Consideration of Funding for Outside Non-Profit Organizations - High Point Disc](#)

- [2023-234](#) Consideration of Funding - Outside Non-Profit Organizations - Macedonia Family Resource Center
Council is requested to finalize recommendations for the funding of outside non-profit organizations Macedonia Family Resource Center.

Attachments: [Consideration of Funding for Outside Non-Profit Organizations - Macedonia Fan](#)

PUBLIC HEARINGS

- [2023-227](#) Public Hearing - Resolution - SELS USA LLC Project - NC Building Reuse Grant
City Council is requested to consider a request to approve a local match for a State of North Carolina Building Reuse Grant for SELS USA LLC not to exceed \$5,000.

Attachments: [Resolution - SELS USA LLC Project – NC Building Reuse Grant](#)

- [2023-228](#) Public Hearing - Dive Bar - Performance Based Incentives
City Council is asked to consider a request from Dive Bar, to authorize performance-based incentives for a retail project at 312 N. Elm St. in the amount of \$124,798 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Attachments: [Dive Bar – Performance Based Incentives](#)

PROSPERITY & LIVABILITY COMMITTEE - Council Member Hudson, Chair

CONSENT AGENDA ITEMS

- [2023-153](#) Resolution of High Point, NC City Council Designating City of High Point as a BEE CITY USA® Affiliate.
Approve a request from Keep High Point Beautiful (KHPB) to become an affiliate of Bee City USA.

Attachments: [Memo - Bee City USA](#)

[Resolution - Bee City USA](#)

[Presentation - Bee City](#)

- [2023-155](#) Ordinance Amending Title 6 Chapter 2 Section 6-2-5 of the High Point City

Code Regarding Solid Waste Collection and Disposal
City Council is requested to approve the updated solid waste ordinance to eliminate plastic bags for yard waste disposal.

Attachments: [Memo - Plastic Bag Elimination](#)

[Ordinance - Sec.6-2-5. Preparation of Solid Waste Collection](#)

[Presentation - Yard Waste](#)

COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams, Chair

CONSENT AGENDA ITEMS

[2023-196](#) Ordinance-Demolition of Dwelling-411 W. Willis Avenue
Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling at 411 W. Willis Avenue.

Attachments: [Memo - Ordinance 411 W Willis Ave Committee](#)

[2023-197](#) Ordinance-Demolition of Dwelling-717 Cliffside Avenue
Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling at 717 Cliffside Avenue.

Attachments: [Memo - Ordinance 717 Cliffside Avenue](#)

[2023-199](#) Resolution-Conveyance of Properties-506 Rolling Green Drive
Approval of the resolution conveying the properties to Community Housing Solutions of Guilford, Inc. (CHS) to construct affordable housing, and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Attachments: [Memo - Resolution of Conveyance - 506 Rolling Green Drive](#)

GENERAL BUSINESS AGENDA

PUBLIC HEARINGS

[2023-198](#) 2023 Annual Action Plan
City Council is requested to approve the 2023 Annual Action Plan

Attachments: [Memo - 2023 Annual Action Plan](#)

[Presentation - 2023 AAP](#)

PLANNING & DEVELOPMENT - Mayor Jay W. Wagner

[2023-215](#) Resolution of Intent, Annexation 23-02
Approval of a Resolution of Intent to establish a public hearing date of June 20, 2023, to consider a voluntary non-contiguous annexation petition for approximately 30.39 acres. The site is located at the southwest corner of S. Bunker Hill Road and Boylston Road. The proposed annexation site is

addressed as 8871 & 8869 Boylston Road and 721 S. Bunker Hill Road and also known as Guilford County Tax Parcel 168991, 169142 and 169021.

Attachments: [Resolution of Intent \(AN-23-02\).pdf](#)

PUBLIC HEARINGS

- [2023-216](#) SL Wendover LLC/Deep River Partners, Zoning Map Amendment 23-10
A request by SL Wendover LLC/Deep River Partners to rezone an approximate 54.8 acres from a Planned Development - Mixed (PDM) District to a Planned Development - Periphery (PD-P) District. The site is located along the east side of NC 68, approximately 620 feet north of Piedmont Parkway, and at the northern terminus of Empire Street.
Attachments: [Staff Report ZA-23-10.pdf](#)
- [2023-217](#) PEX Wendover LLC, Zoning Map Amendment 23-11
A request by PEX Wendover LLC and Maria T. Montoya-Couch to rezone approximately 35.03 acres from the Conditional Zoning Retail Center (CZ-RC) District to an amended Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road.
Attachments: [Staff Report ZA-23-11.pdf](#)
- [2023-218](#) Diversified Estate Holdings, LLC, Zoning Map Amendment 23-08
A request by Diversified Estate Holdings, LLC to rezone approximately 9.6 acres from a Conditional Use Agricultural (CU-AGR) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road).
Attachments: [Staff Report ZA-23-08.pdf](#)
- [2023-219](#) City of High Point, Text Amendment 23-02
A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance to correct errors, provide consistency, and make revisions related to specific development standards.
Attachments: [Staff Report TA-23-02.pdf](#)

GENERAL BUSINESS AGENDA

PUBLIC HEARING

- [2023-229](#) Public Hearing - Proposed FY2023-24 City of High Point Annual Budget
Monday, May 15, 2023 at 5:30pm is the date and time established to receive public comments on the proposed FY2023-2024 City of High Point Annual Budget.

Attachments: [Public Hearing - Proposed FY 2023-24 City of High Point Budget](#)

GENERAL BUSINESS AGENDA

2023-208

Boards and Commission Appointment - Parks and Recreation Commission

Council is requested to confirm the appointment of Vickie McKiver to the Parks and Recreation Commission. Appointment will be effective immediately and will expire July 1, 2025.

Attachments: [Memo - Parks and Recreation Commission Appointment Vickie McKiver](#)

Application - MCKIVER, Vickie Ward 1 2023

2023-209

Boards and Commissions Appointment - Citizen Advisory Council

Council is requested to confirm the appointment of Amoy Lindo-Coleman to the Citizen Advisory Council. Appointment effective immediately and will expire May 31, 2025.

Attachments: [Memo - Citizen Advisory Council - Appointment Amoy Lindo-Coleman](#)

LINDO-COLEMAN - Amoy Ward 3 2023

2023-231

Minutes to be Approved

Prosperity Livability Committee Minutes - November 9, 2022 @9:00 a.m.

Special Meeting of the High Point City Council Minutes - May 1, 2023 @ 4:00 p.m.

Regular Meeting of the High Point City Council Minutes - May 2, 2023 @ 5:30 p.m.

Community Development Committee Meeting Minutes - May 2, 2023 @ 4:00 p.m.

Attachments: [Memo - Minutes](#)

[Prosperity Livability Committee Minutes - November 9 2022](#)

[Special Meeting High Point Minutes - May 1, 2023](#)

[Regular Meeting of the High Point City Council Minutes - May 1, 2023](#)

[Community Development Meeting Minutes - May 2, 2023](#)

ADJOURNMENT

City Clerk's Office

Sandra R. Keeney

CITY CLERK



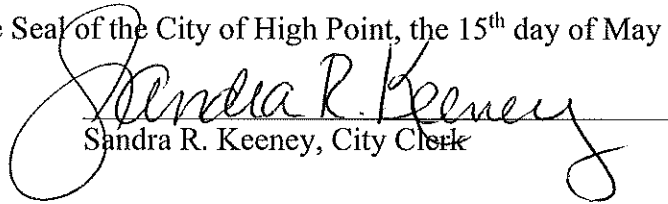
City of High Point
Municipal Office Building
211 South Hamilton Street
High Point, NC 27261

Certification

I, Sandra R. Keeney, City Clerk of the City of High Point, North Carolina, do hereby certify that the foregoing is a true and accurate Ordinance adopted by the City Council in official Session on May 15, 2023, and upon approval by City Council will be recorded in the Official Minute Books and Ordinance Book Volume XXII, Ordinance No. 7923/23-38, Page 240 of this City, under my care, custody and control. As of this date, action to adopt said Ordinance has not been amended, rescinded or repealed and is in full force and effect.

WITNESS my hand and the Corporate Seal of the City of High Point, the 15th day of May 2023.

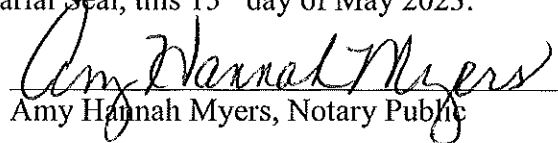



Sandra R. Keeney, City Clerk

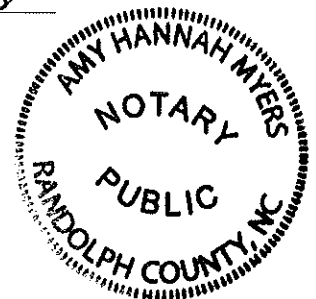
ACKNOWLEDGEMENT

I, Amy Hannah Myers, a Notary Public of said County and State, do hereby certify that Sandra R. Keeney, is known to me as City Clerk of the City of High Point; that this person personally appeared before me this date; and, upon authority duly given and as an act of said City, issued and executed the foregoing Certification.

WITNESS my hand and official Notarial Seal, this 15th day of May 2023.


Amy Hannah Myers, Notary Public

Commission Expires: 4/30/2025



ORDINANCE

AN ORDINANCE REQUIRING THE BUILDING INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

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

SECTION 1: That the City Council of the City of High Point finds as a fact that the following described property has been ordered to be demolished, and it further finds as a fact that the owner has been ordered to demolish said building at his expense and said Owner has failed to comply with said order.

SECTION 2: That the Inspector of the City of High Point is hereby authorized and directed to proceed with the demolition of the following described building in accordance with code of Ordinances: and, Article 12 of Chapter 160D of the General Statutes of North Carolina.

PROPERTY LOCATION

OWNER (S)

717 Cliffside Ave.

Adebayo Oshiyemi
717 Cliffside Ave.
High Point, NC 27260

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 15th day of May, 2023

Sandra Keeney, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Contract - JWC Environmental Inc. Eastside Waste Water Treatment Plant

From: Robby Stone – Public Services Director
Derrick Boone – Asst. Director Public Services

Meeting Date: May 15, 2023

Public Hearing: No

Advertising Date: N/A

Advertised By: N/A

Attachments: Attachment A – Bid Tabulation
Attachment B- Additional Equipment Information

PURPOSE:

To purchase a fine bar screen and washer compactor that will replace the existing mechanical screen (#2) and compactor that is no longer functional at the Eastside Wastewater Treatment Plant (WWTP).

BACKGROUND:

The Eastside WWTP has three mechanical bar screens at the plant influent that function as part of the preliminary treatment process. A bar screen is a mechanical filter used to remove large objects, such as rags and plastics, from wastewater (see picture below). The mechanical bar screen in the #2 location is 20-years old, and it has been difficult to obtain replacement parts and technical support from the manufacturer. The Public Services Department received two bids for a replacement bar screen. The lowest bidder is JWC Environmental Inc. with a base bid of \$213,935 for a fine screen unit /washer compactor and an alternate bid of \$39,880 for a dual shafted grinder.

BUDGET IMPACT:

Funds for this project are available in the FY 2022-2023 budget.

RECOMMENDATION / ACTION REQUESTED:

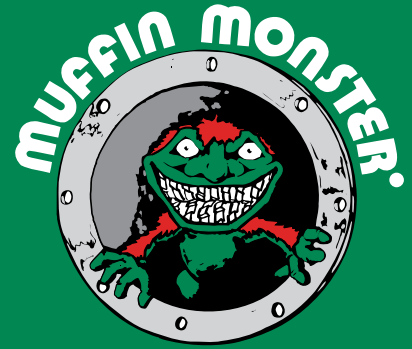
The Public Services Department recommends awarding the contract to JWC Environmental Inc. in the total amount of \$253,815 which includes the alternate bid item.



Example Bar Screen at the Eastside WWTP

Bid Tabulation
City of High Point, North Carolina
Fine Bar Screen and Compactor Replacement
Bid 37-050323

Contractor	Fine Screening Unit	Washer, Compactor	Total Base Bid Price	Alternate Bid (Dual Shafted Grinder)
Parkson Corp	\$229,000.00	Included	\$229,000	N/A
JWC Environmental	\$169,450.00	\$44,485.00	\$213,935.00	\$39,880.00



Monster Separation Systems®

FINESCREEN MONSTER®



The Finescreen Monster provides a high capture rate of wastewater solids, including small debris. It incorporates a continuous band of stainless steel panels or optional StapleGuard ultra high molecular weight (UHMW) polyethylene perforated panels attached to heavy-duty stainless steel roller chains. Panels are available with 1/8" or 1/4" (3 or 6 mm) openings. Stainless steel rollers track in UHMW guides at the bottom of the screen, thus eliminating the need for sprockets or bearings submerged in the wastewater flow.

Advanced Design

- Completely stainless steel.
- UHMW side seals and Buna-N rubber with polypropylene bristle bottom sealing strip prevent debris from passing around the screen.

Enhanced Cleaning System

- Brushless cleaning system using water spray with UHMW panels.
- Lower maintenance and better panel cleaning.

Ease of Maintenance

- Easy to lift access covers and easy to reach assembly allows simple fine tuning.

Staple Guard UHMW Polyethylene Perforated Panels (optional)

- Reduces stapling (or hair pinning) on the panels.
- Highly abrasion, wear and corrosion resistant.

Equipment Sizing

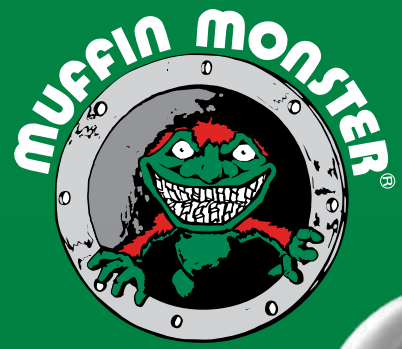
Screen Panel Hole Size: $\varnothing$ 1/8" or 1/4" (3 or 6 mm) holes

Depth: Up to 40' (12.2 m) with a max 6' (1.8 m) discharge height

Width: 2' to 8' (.6 to 2.4 m)

Angle: 60° to 85° inclination; 70° standard





MONSTER WASH PRESS



The Monster Wash Press is JWC Environmental's latest generation of washer compactors. The Monster Wash Press processes screenings to separate water and organics from the solids. The result is a clean, dry, light and compact discharge which reduces the amount of waste to be dumped, ultimately saving treatment facilities time and money.

The Monster Wash Press may be outfitted with a Muffin Monster® grinder to pre-condition the screenings before they enter the washer compactor. The grinder breaks open rags, plastics and trash to promote washing and removal of soft organics during the wash cycle. Additionally, pre-conditioned screenings result in superior compaction, reducing the volume of discharge that must be hauled away.

Discharge from the pre-conditioning Muffin Monster or directly from the screen enters a Pre-Wash Zone where the debris is soaked to begin the process of separating organics from the solids. An auger rotor transports the soaked debris into the Active Wash Zone of the Monster Wash Press where a paddle rotor* agitates the material, enhancing wash water penetration throughout the debris. The soft organic washed from the solids pass through a screen and return to the plant's waste stream for treatment. The washed solids are moved to the Transport and Compaction Zone where water is removed and the solids are compacted. The resultant discharge emerges from the Monster Wash Press as a dry, solid plug.

Features and Benefits

Dual Shafted Grinder (optional)

- 30K Muffin Monster grinds screenings discharge for the best washing and compacting
- Easy to retrofit grinderless Monster Wash Press with Muffin Monster

Pre-Wash Zone

- Soaks screenings to jump-start separation of organics from solids
- Brushless auger rotor to promote free movement of debris to active wash zone

Active Wash Zone

- Paddle rotor* mixes and break-ups debris in wash zone to optimize separation of soft organics from solids
- Brushed rotor keeps screen clean
- 2, 3, or 6 mm perforated screens to separate solids from organics

Easy Maintenance

- Segmented auger rotor brush for easy brush replacement
- Removable top cover and drive end plate* minimizes clearance space needed to remove rotor and screen
- Field replaceable screen
- Multiple inspection ports for easy examination of equipment and operation

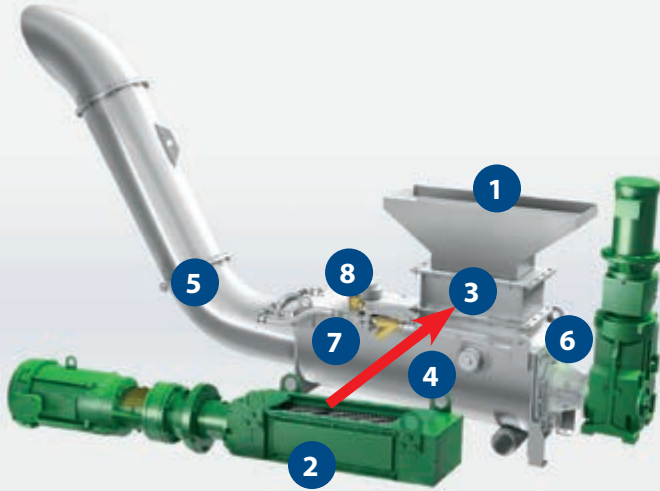


The Monster Wash Press is available only in North America

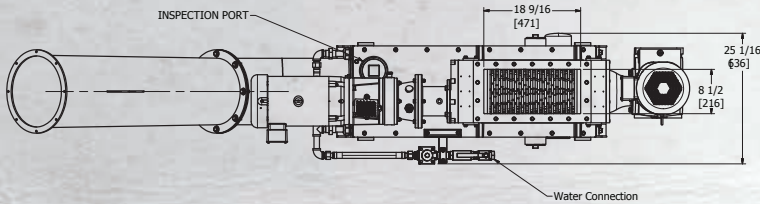
* Patent Pending

www.jwce.com

Monster wash press details



1. Hopper collect screenings
2. Muffin Monster grinds up material (optional)
3. Easy to install grinder later
4. Active Wash Zone cleans screenings
5. Cleaned discharge is dewatered and compacted
6. Removable top cover and drive end plate for easy removal of rotor and screen
7. Segmented rotor brush for easy brush replacement
8. Inspection ports

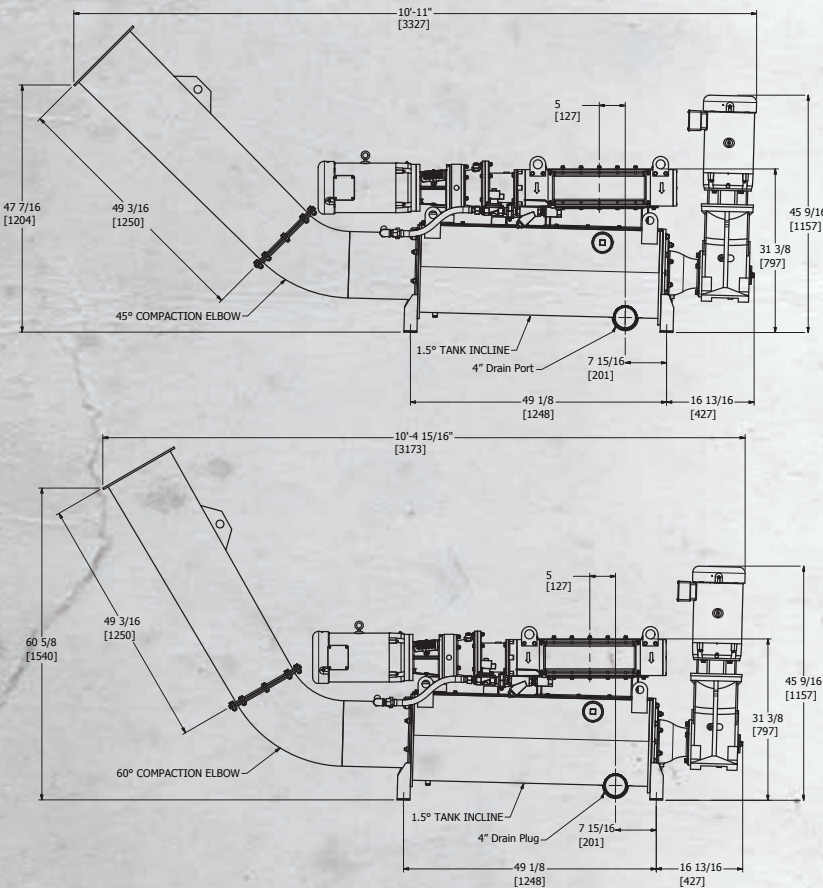


Standard Construction

- Tank, screen, compaction elbow and transport tube: 304 stainless steel
- Auger rotor: Alloy steel
- Grinder with MWP3018: Ductile iron housing, hardened alloy steel cutters

Optional Equipment

- 316 stainless steel tank, screen, compaction elbow and transport tube
- Discharge bagger
- Stainless steel roller base
- Discharge tip
- Customized hopper
- Customized discharge transport assembly



STANDARD FEATURES

	MWP0018	MWP3018
Grinder Motor - hp (kW)	N/A	10 (7.5)
Auger Screw Motor - hp (kW)	5 (3.7)	5 (3.7)
Upgradeable to Add Grinder	Yes	Grinder Included
Dry Weight w/Controller - lb (kg)	1425 (647)	2025 (920)

PERFORMANCE

	MWP0018	MWP3018
Continuous Throughput - ft ³ /hr (m ³ /hr)	206 (5.8)	78 (2.2)
Batch Output - ft ³ /hr (m ³ /hr)	120 (3.4)	46 (1.3)
Water Capacity* - gpm (l/s)	280 (17.7)	

*For 3mm or 6mm perforated screen

The Monster Wash Press is available only in North America



Headquarters
 2850 Red Hill Ave., Suite 125
 Santa Ana, CA 92705 USA
 toll free: **800.331.2277**
 phone: **949.833.3888**
 fax: **949.833.8858**
 email: **jwce@jwce.com**

www.jwce.com



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(MWP-NA-JWCE-0122)



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT: Public Services Department

COUNCIL AGENDA DATE: May 15, 2023

BID NO.: 37-050323 CONTRACT NO.: DATE OPENED: May 3, 2023

DESCRIPTION:

Fine Bar Screen and Compactor

PURPOSE:

To purchase a fine bar screen and washer compactor that will replace the existing mechanical screen (#2) and compactor that is no longer functional at the Eastside Wastewater Treatment Plant (WWTP).

COMMENTS:

RECOMMEND AWARD TO: JWC Environmental Inc. AMOUNT: \$253,815.00

JUSTIFICATION:

Lowest Bidder

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
621757	533101			\$253,814.00
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: Robby Stone Digitally signed by Robby Stone
Date: 2023.05.04 07:50:03 -04'00' DATE: 5-4-2023

The Purchasing Division concurs with recommendation submitted by the and recommends
award to the lowest responsible, responsive bidder in the amount of \$

PURCHASING MANAGER: Candy E. Harmon Digitally signed by Candy E. Harmon
Date: 2023.05.04 08:05:04 -04'00' DATE: 5-4-2023

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: Bobby Fitzjohn Digitally signed by Bobby Fitzjohn
Date: 2023.05.04 08:11:45 -04'00' DATE: 5-4-2023

CITY MANAGER: DATE:

ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
TO APPROPRIATE FUNDS FROM GUILFORD COUNTY
FOR FIRE HYDRANTS IN SOUTHWEST GUILFORD COUNTY

Be it ordained by the City Council of the City of High Point, North Carolina, as follows:

Section 1. The proposed amendment appropriates \$200,000 in funds from Guilford County for the installation of fire hydrants in southwest Guilford County. The locations are in the area of the Pinecroft-Sedgefield Fire District that currently has no pressurized water. The addition of the fire hydrants will improve the water supply operation in the event of a fire in the area.

Section 2. The 2022-2023 Budget Ordinance of the City of High Point should be amended as follows:

(A) That the following Special Revenue Fund revenues be amended as follows:

Guilford County	\$200,000
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(B) That the following Special Revenue Fund expenditures be amended as follows:

Fire Hydrant Installation	\$200,000
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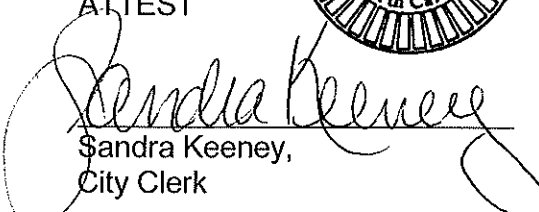
Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

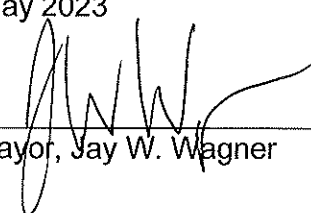
Section 4. That this ordinance shall be effective from and after its passage."

Adopted by High Point City Council, this the 15th day of May 2023



ATTEST


Sandra Keeney,
City Clerk


Mayor, Jay W. Wagner

CITY OF HIGH POINT

AGENDA ITEM



Title: Text Amendment 23-02
(City of High Point)

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: May 15, 2023

Public Hearing: Yes

Advertising Date: May 3, 2023, and May 10, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By:
Planning & Development

PURPOSE:

A request by the Planning and Development Department to amend various sections of the City of High Point Development Ordinance to correct errors, provide consistency, and make revisions related to specific development standards.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their April 25, 2023 public hearing. All members of the Commission were present except for Mr. Mark Morgan. Sam Hinnant, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

Ms. Judy Stalder, representing TREBIC, 115 South Westgate Drive, Greensboro, and Mr. Jim Grdich, Blue Ridge Companies, 5826 Samet Dr, Suite 105 spoke on this item.

Regarding Section 1 of the text amendment, the speakers noted that TREBIC had concerns that the change would add additional time to the zoning process and recommended that the period of time remain at 2 days. Staff responded by noting the change more accurately reflects the time required by management for the submittal of complete agenda items to the City Clerk's Office and provided examples of how simple changes would not impact the timing of a zoning case. Furthermore, the change will ensure applications address issues early in the process through the pre-application meeting with staff and neighborhood meeting with adjacent property owners.

Regarding Section 7 of the text amendment, Ms. Stalder stated that TREBIC recommended extending the direct utility provision to serve accessory dwelling units (ADU). Staff responded by noting that the ADU's provision are within a different section of the ordinance and does not directly relate to this section of the ordinance being reviewed. Furthermore, as there are multiple competing bills before the NC General Assembly related to ADU's, staff provided that after the General Assembly provides legislation related to ADUS then the Planning & Development Department will provide a new regulatory assessment. Finally, Planning & Development Director Sushil Nepal stated that it would be more appropriate to look at the ADU section of the ordinance comprehensively rather than in a piece-meal manner.

Once the public hearing was closed the Planning & Zoning Commission had a lengthy discussion on this text amendment request. The Commission recommended Section 7 be removed from the Text Amendment Case and that the issues be discussed in a more comprehensive manner at a later time or as a separate text amendment.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

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

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended *approval* with modification of this request, as recommended by staff, by a vote of 8-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to approve the following statement:

That Text Amendment 23-02 is consistent with the City's adopted policy guidance because these general amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance.

Furthermore, the request is reasonable and in the public interest because the proposed amendments to the Development Ordinance address necessary changes required to better clarify existing standards, expand allowable uses within the City and continue to provide consistent language and formatting.

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

**STAFF REPORT
TEXT AMENDMENT CASE TA-23-02
May 15, 2023**

Request	
Applicant: City of High Point Planning & Development Department	Affected Ordinance Sections: Section 2.4.6.B.8. <i>Changes to Application</i> Section 2.4.9.B.8. <i>Changes to Application</i> ; Section 2.4.16. <i>Variance</i> ; Section 3.4.8.G., <i>District Standards</i> ; Section 3.5.7.C.2.h., <i>Sidewalks</i> ; Section 3.5.7.D.2., <i>Dimensional Standards</i> ; Section 3.5.7.E.2., <i>Dimensional Standards</i> ; Table 4.2.4. <i>Residential Use Classification</i> ; Section 4.3.2.B.5., <i>Multi-Family Dwelling</i> ; and Section 4.4.4.D.2., <i>Utilities</i>.
Proposal: To amend the Development Ordinance regarding the following: 1) The amount of time required for the submittal and review of changes to applications of Conditional Zoning or Planned Development applications prior to Council consideration. 2) The variance process flowchart; 3) An incorrect section reference related to building standards; 4) Alternate sidewalk widths for certain streets within the Mixed Use Downtown (MX-D) and Mixed Use Washington (MX-W) zoning districts; 5) The use type description of a triplex/quadplex; 6) Standards for ground floor uses along Main Street lot frontages in multi-family dwellings within certain zoning districts; and, 7) Utility standards for residential accessory structures to allow lots that are two acres or more to have direct utility services.	

Background

The Development Ordinance was adopted on May 16, 2016 and went into effect on January 1, 2017. Since that time there have been several general amendments proposed by staff and approved by the City Council that have focused on needed changes, clarifications and corrections. This proposed amendment does the same, and also includes amendments resulting from the development review process and requests from the Prosperity and Livability Committee of City Council.

Details of Proposal

The following is a brief summary of the proposed amendments.

- Section 1.** Amends the amount of time required for the submittal and review of changes to applications of Conditional Zoning or Planned Development applications prior to Council consideration. (Page 1)
- Section 2.** Amends the variance procedure flowchart to reflect the current variance procedure. (Page 2)
- Section 3.** Amends an incorrect section reference related to building standards. (Page 3)
- Section 4.** Establishes alternate sidewalk widths for certain streets within the Mixed Use Downtown (MX-D) and Mixed Use Washington (MX-W) zoning districts. Section references are also renumbered as well. (Page 3)
- Section 5.** Amends Table 4.2.4., *Residential Use Classification*, to amend the use type description of a triplex/quadplex. (Page 6)
- Section 6.** Amends Section 4.3.2.B.5., *Multi-family Dwelling*, to add standards for ground floor uses along Main Street lot frontages in multi-family dwellings within certain zoning districts. (Page 6)
- Section 7.** Amends the utility standards for residential accessory structures to allow lots that are two acres or more to have direct utility services, subject to TRC review and that no new street address is created for the structure. (Page 7)

Analysis

Section 1 amends the amount of time required for the submittal and review of changes to applications of Conditional Zoning or Planned Development applications prior to Council consideration.. Section 2 amends the variance procedure flowchart to reflect the current variance procedure.

Section 3 fixes an incorrect section reference related to building standards.

Section 4 establishes alternate sidewalk widths for certain streets within the Mixed Use Downtown (MX-D) and Mixed Use Washington (MX-W) zoning districts. Section references are also renumbered as well.

Section 5 Amends Table 4.2.4., *Residential Use Classification*, to amend the use type description of a triplex/quadplex.

Section 6 amends Section 4.3.2.B.5., Multi-family Dwelling, to add standards for ground floor uses along Main Street lot frontages in multi-family dwellings within certain zoning districts.

~~Section 7 amends the utility standards for residential accessory structures to allow lots that are two acres or more to have direct utility services, subject to TRC review and that no new street address is created for the structure.~~

These items were presented before the Prosperity and Livability Committee on April 5, 2023 and before the Planning & Zoning Commission on April 25, 2023.

In all, the proposed amendments continue staff's efforts to make the Development Ordinance more user friendly, consistent in its formatting, language and terminology, and more error free, and responsive to issues or circumstances raised or observed through the zoning or land development process.

Consistency with Adopted Plans:

The proposed text amendments are appropriate and are consistent with the purposes, goals, objectives and policies of relevant comprehensive land use or area plans.

These general amendments make the Ordinance more user-friendly and flexible, and supportive of the City's adopted policy guidance.

Reasonableness/Public Interest:

An approval of the proposed text amendments is considered reasonable and in the public interest.

The proposed amendments to the Development Ordinance address necessary changes required to better clarify existing standards, expand allowable uses within the City and continue to provide consistent language and formatting.

Recommendation

Staff recommends approval.

Required Action

City Council:

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

Report Preparation

This report was prepared by Planning and Development Department staff member Sam Hinnant, CZO CFM, Senior Planner, and reviewed by Sushil Nepal, AICP, Director.

AN ORDINANCE AMENDING THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE

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

WHEREAS, public hearings were held before the Planning and Zoning Commission on April 25, 2023 and before the City Council on May 15, 2023 regarding Text Amendment 23-02; and

WHEREAS, notice of the public hearings was published in the High Point Enterprise on April 15, 2023 for the Planning and Zoning Commission public hearing, and on May 3, 2023 and May 10, 2023 for the City Council public hearing pursuant to Chapter 160D-601 of the General Statutes of North Carolina.

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

SECTION 1.

(Regarding changes to applications for conditional zoning or planned development requests)

PART A.

That Section 2.4.6.B.8. *Changes to Application*, regarding changes made by applicants for conditional zoning applications, is hereby amended as follows:

(a) Changes shall be made in writing to the Planning and Development Director during or after the hearing conducted by the P&Z but no closer ~~two~~ **than 10** business days prior to final action by the City Council on the conditional zoning application;

(b) *(unchanged)*

(c) *(unchanged)*

PART B.

That Section 2.4.9.B.8. *Changes to Application*, regarding changes made by applicants for planned development applications, is hereby amended as follows:

(a) Changes shall be made in writing to the Planning and Development Director during or after the hearing conducted by the P&Z but no closer than ~~48-hours~~ **10 business days** prior to final action by the City Council on the planned development application;

(b) *(unchanged)*

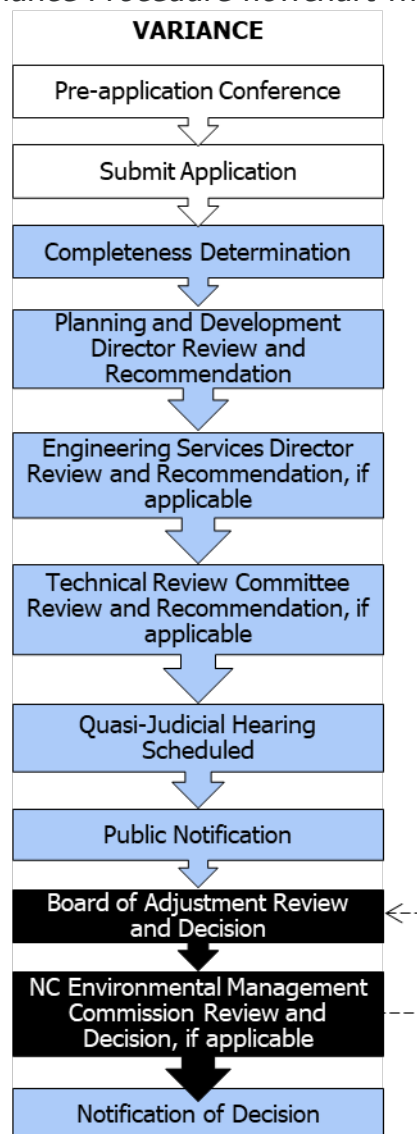
(c) *(unchanged)*

SECTION 2.

(Regarding the Variance procedure)

That Section 2.4.16. *Variance*, is hereby amended as shown, to reflect the current variance procedure. It was previously included in TA-20-03, related to watershed protection standards, but erroneously amended again with TA-21-01 during previous amendments related to 160D.

(Replace the existing Variance Procedure flowchart with this new version below)



SECTION 3.

That Section 3.4.8.G., *District Standards*, related to the section reference of building standards within the Central Business District, is hereby amended as follows:

G. District Standards

1. Building Compliance due to Expansion or Exterior Alteration

- (a) In cases where an existing building is expanded or enlarged by 25 percent or less of its gross floor area as it existed on June 5, 2017, or the effective date of the district upon the land, whichever is later, the expansion of the building shall either maintain the current appearance of the existing building or comply with the standards in Section 3.4.8 G.~~13~~, Building Standards.
- (b) In cases where an existing building is expanded or enlarged by more than 25 percent of its gross floor area as it existed on June 5, 2017, or the effective date of the district upon the land, whichever is later, the portion of the front and side building facades associated with the expansion or enlargement shall comply with the standards in Section 3.4.8 G.~~13~~, Building Standards.

SECTION 4.

(Regarding sidewalk standards in the Mixed Use Districts and to renumber subsequent tables accordingly)

PART A.

That Section 3.5.7.C.2.h., *Sidewalks*, related to sidewalk widths within the Mixed Use District is hereby amended as follows, including the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District*:

(h) **Sidewalks** Sidewalks shall comply with the standards in Section 5.9, Sidewalks, as well as the following:

- (1) Sidewalks shall be located on both sides of all streets except alleys.
- (2) Sidewalks shall be located at the back of the curb and shall maintain a minimum width of at least 12 feet or up to the existing building line when less than 12 feet., **unless an alternate width standard is provided in Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.**

Author's note: Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District is established below as follows:

TABLE 3.5.7.D, ALTERNATE SIDEWALK WIDTH STANDARDS IN THE MX DISTRICT

Mixed-Use Downtown District (MX-D)

STREET NAME	WIDTH
Boulevard Street	8 feet
Ferndale Avenue (W. of Lindsay Street)	8 feet
Gatewood Avenue (W. of Lindsay Street)	8 feet
Hayden Place	8 feet
Lindsay Place	8 feet
Oakwood Street	8 feet
Virginia Place	8 feet
W. Broad Avenue	8 feet
Westwood Avenue (W. of Lindsay Street)	8 feet
Mixed-Use Washington Street District (MX-W)	
Fourth Street	8 feet

Hobson Street	8 feet
Richardson Avenue	8 feet

(3) *(unchanged)*

(4) *(unchanged)*

PART B.

That the following table titles be amended to reflect the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.*

TABLE 3.5.7.~~DE~~, DIMENSIONAL STANDARDS IN THE MX-W DISTRICT

TABLE 3.5.7.~~EE~~, DIMENSIONAL STANDARDS IN THE MX-D DISTRICT

PART C.

That Section 3.5.7.D.2., *Dimensional Standards*, be amended to reflect the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.*

2. Dimensional Standards The dimensional standards in Table 3.5.7.~~DE~~, Dimensional Standards in the MX-W District, shall apply to all development in the MX-W District.

PART D.

That Section 3.5.7.E.2., *Dimensional Standards*, be amended to reflect the addition of *Table 3.5.7.D. – Alternate Sidewalk Width Standards in the MX District.*

2. Dimensional Standards The dimensional standards in Table 3.5.7.~~EE~~, Dimensional Standards in the MX-D District, shall apply to all development in the MX-D District.

SECTION 5.

(Regarding the description of a triplex/quadplex)

That Table 4.2.4. *Residential Use Classification*, to amend the use type description for a triplex/quadplex, is hereby amended as follows:

B. HOUSEHOLD LIVING	(h) Triplex/quadplex	A type of residential structure that includes 3 or 4 individual dwelling units located on 1 lot, or configured so that each unit is on its own individual lot.
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SECTION 6.

(Regarding ground floor use standards for multi-family dwellings)

That Section 4.3.2.B.5., *Multi-Family Dwelling*, related to the use standards for multi-family dwellings, is hereby amended as follows to add ground floor use standards:

5. **Multi-Family Dwelling** Multi-family development shall comply with the following standards:

(a) through (g) *(unchanged)*

(h) Permitted Ground Floor Uses Along Main Street

(1) A minimum of 50 percent of the ground floor building frontage along Main Street shall be dedicated to institutional or commercial use types, or an active amenity which is commonly found within a multi-family dwelling, such as offices, recreation rooms, or common areas. The remainder of the frontage may be occupied by any use type permitted within the applicable zoning district.

(2) This standard shall only apply to multi-family dwellings with frontage on Main Street within the MS-A, MS-B, MS-C, MX-D and CB Districts.

SECTION 7.

That Section 4.4.4.D.2., *Utilities*, related to standards for residential accessory structures, is hereby amended as follows:

2. ~~**Utilities**~~ Utility service, such as water, sewer and electricity, to the accessory structure shall be provided by branching service from the principal structure. ~~**For lots that are 2 acres or more, utility service may be provided by direct service, subject to TRC review, and that no new street address is created for the structure.**~~

SECTION 8.

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

SECTION 9.

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

SECTION 10.

This ordinance shall become effective upon adoption.

Adopted by the City Council
City of High Point, North Carolina
The 15th day of MAY, 2023
Sandra R. Keeney, City Clerk

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

CITY OF HIGH POINT

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 and S.L. 2022-74 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered ARPA funding in the amount of \$400,000 to perform the work detailed in the submitted application, and

WHEREAS, the City of High Point intends to perform said project in accordance with the agreed scope of work,

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

That the City of High Point does hereby accept the ARPA grant offer of \$400,000; and

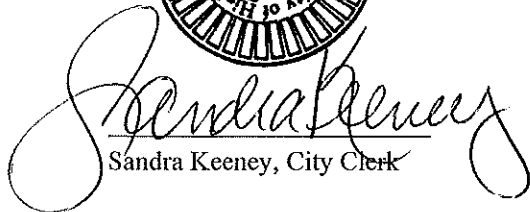
That the City of High Point does hereby give assurance to the North Carolina Department of Environmental Quality that any *Conditions* or *Assurances* contained in the *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

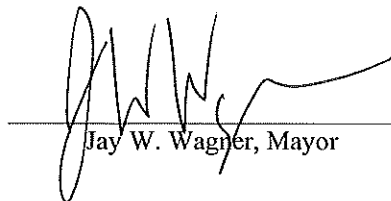
That City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

SEaled by High Point City Council this May 15, 2023 in High Point, North Carolina.



[SE]


Sandra Keeney, City Clerk


Jay W. Wagner, Mayor

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of High Point does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the High Point City Council duly held on the 15th day of May, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of May, 2023.


(Signature of Recording Officer)

City Clerk
(Title of Recording Officer)

CITY OF HIGH POINT

AGENDA ITEM



Title: City of High Point Becomes a Bee City USA – An Initiative of the Xerces Society

From: Robby Stone – Public Services Director
Melinda King – Asst. Public Services Director

Meeting Date: April 17, 2023

Public Hearing: No

Advertising Date:
Advertised By:

Attachments: Presentation

PURPOSE: To re-approve a request for Keep High Point Beautiful (KHPB) to become an affiliate of Bee City USA. This item was previously approved by City Council at the January 17th meeting, however, Bee City USA has required a modified resolution be submitted. No other changes have been requested or implemented for this re-submission. In order to become a Bee City USA affiliate, the Bee City USA application and a resolution must be submitted to the City of High Point Council and formal approval and adoption occur.

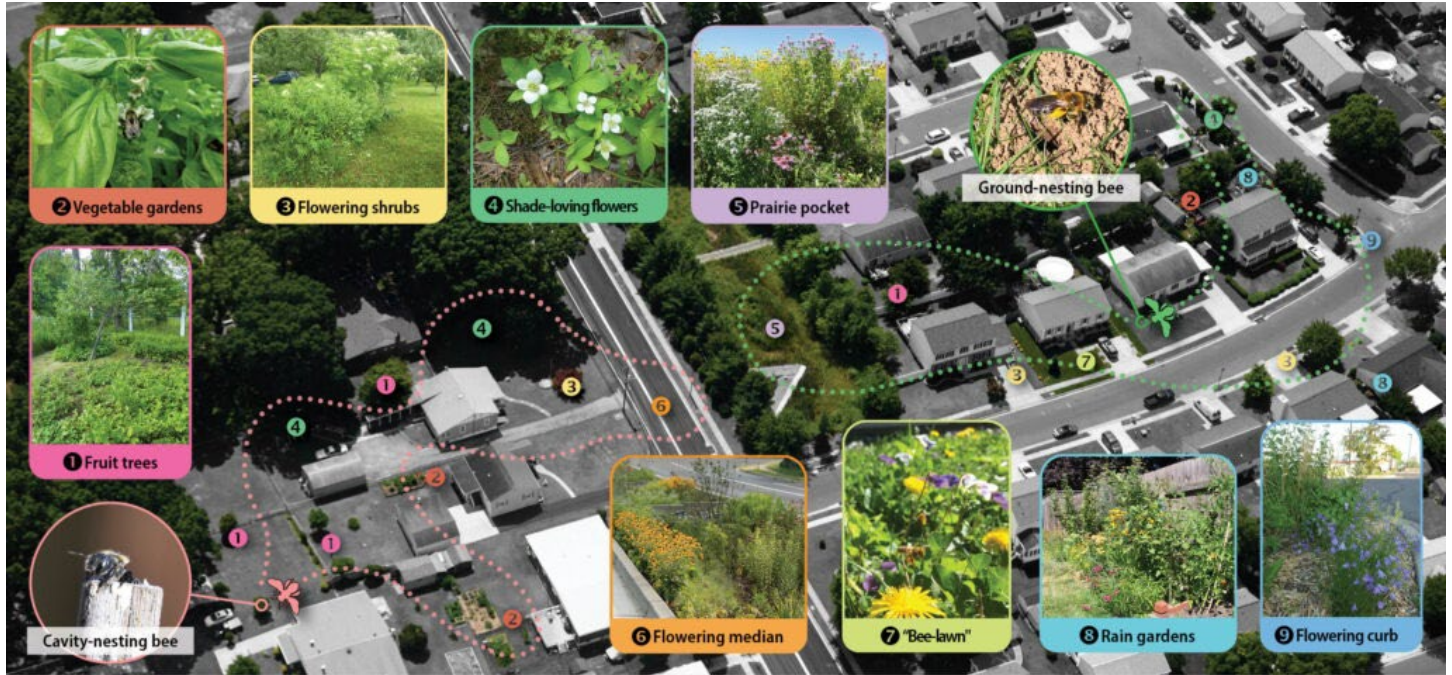
BACKGROUND: The United States is home to just over 3,600 native (wild) bee species such as bumble bees, leafcutter bees, sweat bees, mason bees, longhorn bees, and mining bees. Native pollinators are particularly important because they evolved alongside native plants and in many cases are the most effective pollinators — and in a few cases, the only pollinators. Pollinators are keystone species in essentially every terrestrial ecosystem on earth, assisting in plant reproduction and supporting other species of wildlife. Pollinators touch our lives in numerous ways each day, including “being” (no pun intended) responsible for approximately one third of the food and drink we consume. The value of crop pollination has been estimated between \$18 and \$27 billion annually in the U.S.

Bee City USA provides a framework for communities to come together to conserve native pollinators by providing them with healthy habitat that is rich in a variety of native plants, provides nest sites, and is protected from pesticides. As the name suggests, the focus of Bee City USA is bees, and primarily our native species. The steps that affiliates take to conserve our native bees, including creating safe habitats and hosting community events, will also help other pollinators including butterflies and moths as well as the non-native honey bee. One of the most impactful actions any affiliate can take is to encourage others to think beyond the honey bee and recognize the true diversity of bees that sustain our communities.

As the KHPB board celebrates their 35th Anniversary, it would like to continue to grow its impact throughout the community. KHPB can ensure survival of vital animal species, build community, improve local food production in coordination with non-profits, support small businesses, address pest problems with fewer pesticides and heighten awareness of biological diversity.

BUDGET IMPACT: Funding for this affiliation is currently available in the FY 2022-2023 Keep High Point Beautiful budget.

RECOMMENDATION / ACTION REQUESTED: Public Services is recommending that Council approve the request to become an affiliate of Bee City USA for a total of \$500.



Bee City USA example

CITY OF HIGH POINT

AGENDA ITEM

**Title: Public Hearing – City of High Point FY 2023-24 Budget**

From: Stephen M. Hawryluk
Budget and Performance Manager

Meeting Date: May 15, 2023

Public Hearing: Yes

Advertising Date May 2, 2023
Advertised By: High Point Enterprise

Attachments: City Manager's Message
Legal Advertisement

PURPOSE:

To receive public comment on the proposed City of High Point FY 2023-24 Annual Budget.

BACKGROUND:

Each year, prior to the adoption of the Annual Budget for the City of High Point, the High Point City Council establishes a public hearing date and time to received comments from the public. These comments are taken into consideration by the Council prior to approval of the budget.

The public hearing date is Monday, May 15, 2023.

BUDGET IMPACT:

N/A

RECOMMENDATION / ACTIONS REQUESTED:

None

**PUBLIC NOTICE
CITY OF HIGH POINT
BUDGET HEARING**

The public will take notice that the Proposed Budget for the City of High Point for the Fiscal Year 2023-2024 has been filed with the City Council of the City of High Point. The Proposed Budget is available for public inspection in the office of the City Clerk, 211 S. Hamilton Street, High Point, North Carolina, and the High Point Public Library, 901 N. Main Street, High Point, North Carolina. A copy of the Proposed Budget is also available on the City's website: WWW.HIGHPOINTNC.GOV

One public hearing on the Proposed Budget will be held. The public hearing will be held on Monday, May 15, 2023, at 5:30 P.M. The hearing will be held in the City Council Chambers of the Municipal Building, 211 S. Hamilton Street, High Point, North Carolina.

Oral and written comments will be received from any interested citizen at the hearing. Citizens can speak for or against the proposed budget at the meeting.

Stephen Hawryluk
Budget and Performance
Manager
Financial Services Department
City of High Point
PO Box 230
High Point, NC 27261

May 2, 2023

**HIGH POINT CITY COUNCIL
REGULAR MEETING
May 1, 2023 – 5:30 P.M.
Council Chambers – Municipal Building
211 S. Hamilton Street**

ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE

Mayor Wagner called the meeting to order at 5:40 p.m.

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

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

RECOGNITIONS AND PRESENTATIONS

2023-191 Proclamation Commemorating The Civil Rights Act of 1968

Mayor Jay W. Wagner will present a proclamation commemorating the 55th anniversary of the Civil Rights Act of 1968.

Mayor Wagner read the proclamation into the record and presented it to Dr. Elma Hairston and Bernita Sims of the NAACP. Dr. Hairston asked all the NAACP Members in attendance to stand and be recognized.

2023-192 Proclamation - Recognizing the 100th Anniversary High Point Regional Association of Realtors (HPRAR) & Real Estate Professionals Day May 2023

Mayor Jay W. Wagner will present a proclamation recognizing the 100th anniversary of High Point Regional Association of Realtors (HPRAR) and Thursday, May 4, 2023, as Real Estate Professionals Day in the City of High Point.

Mayor Wagner read the proclamation into the record and presented it to the High Point Realtors Association.

2023-207 Proclamation - Public Service Week May 8-12, 2023

Mayor Jay W. Wagner will present a proclamation recognizing the week of May 8-12, 2023 as Public Service Week in the City of High Point.

Mayor Wagner read the proclamation into the record and presented it to Tasha Logan Ford, City Manager.

2023-193 Proclamation - Municipal Clerks Week- April 30-May 6, 2023

Mayor Jay W. Wagner will present a proclamation recognizing April 30-May 6, 2023, as Municipal Clerks Week in the City of High Point.

Mayor Wagner read the Proclamation into the record and presented it to Sandra Keeney, City Clerk and Mary Brooks, Deputy City Clerk.

2023-194 United Way of Greater High Point - Spirit of North Carolina Award Recognition

United Way of Greater High Point will recognize the City of High Point for the Spirit of North Carolina Award in the category of Diversity, Equity & Inclusion.

Gart Evans with United Way stated every year the United Way of Greater High Point gets the opportunity to nominate certain groups from the community that exemplifies tremendous experiences and efforts towards the United way as well as the community. He spoke to various programs designed to reduce obstacles for the historically marginalized communities that the city has implemented and then introduced Jane Liebscher.

Jane Liebscher, President United Way Greater High Point, presented the 2022 Spirit of North Carolina Award to the City of High Point. Mayor Jay Wagner accepted the award on behalf of the city.

STRATEGIC PLAN UPDATE- Blight Reduction and Marketing & Branding Initiative**2023-189 Strategic Plan Update**

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

Council Member Chris Williams provided the local code enforcement activities for the month of April which included:

Minimum Housing

9 New Citizen Complaints

7 City-initiated Cases

Demolition Ordinances

8 properties out for bid for asbestos abatement

2 Owner-initiated demolitions (1107 Welborn St. and 2315 E. Green Dr.)

6 Units pending repairs (1205 Filbert St, 613 Manley St, 524 Cross St. 1222 Carter St, 1004 Prospect St., and 337 Wingo St.)

Public Nuisance

34 New citizen complaints

106 New City-initiated cases

43 Cases abated

8 City abated

35 Owner abated

Zoning

3 New citizen complaints

14 City-initiated cases

Total Active Cases (535)

245 Minimum Housing

196 Public Nuisance

94 Zoning

Lori Loosemore, Code Enforcement Manager provided photos of properties at 105 Old South Ct and 1402 Furlough Ave which were in disrepair and have since been brought into compliance.

2023-205 CivicBrand Marketing & Branding Implementation Strategy

Council Member Michael Holmes will recognize staff to provide an update regarding Marketing and Branding Initiatives.

City Council is requested to approve CivicBrand brand strategy and direct staff to move forward with implementation.

Council Member Holmes thanked Staff, the Marketing and Branding Taskforce, citizens that completed the survey, and those that attended the pop-up events for the new Marking and Branding campaign. He introduced Ryan Short.

Ryan Short with CivicBrand, provided a presentation which show cased the new Marking and Branding design.

Council Member Holmes stated the work was exhausting and a lot of public input was received, and noted he is very pleased with the new brand.

Council Member Jefferson thanked all the teams that worked on this project noting it is very impressive the work that was done to bring people together. He reiterated his appreciation of the message "what we do here inspires things across the entire world" noting this instills pride and appreciation for the city. He stated how proud and how much he appreciated the diligent work that was done regarding the new brand strategy.

Council Member Peter commended everyone involved in this initiative, noting her appreciation of the new brand being inclusive not just to furniture market creativity, but how expansive and far-reaching creativity is to include such things as running a household.

Council Member Hudson thanked Council Member Holmes for a job well done.

Mayor Wagner thanked the staff and everyone that worked on this project.

A motion was made by Council Member Holmes, seconded by Council Member Jefferson, that the City Council approve the brand strategy and direct staff to move forward with implementation.

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

PUBLIC COMMENT PERIOD

2023-190 Public Comment Period

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

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

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

Amy Purcell, 416 Gray Lane, Colfax, NC spoke against the proposed zoning for the Katherine G. Johnson School noting concerns for family farms, traffic issues, and environmental impacts. She invited the City Council to visit the proposed site.

James Martin, 611 Arlington St. spoke to excessive speeding on the various streets surrounding his home, the bad conditions and poor quality of speed bumps that were put in, honoring the United States Flag, and having continuity regarding citizens requests and concerns throughout the entire city.

Ryan Sims, 2800 Westchester Drive, stated he was lead Pastor for what is formally known as First Weslyn Church which is now rebranded to One Church. He spoke to the intent of the church and how they would like to collaborate with City of High Point to make positives changes in the community and noted the launch of their website to help undocumented immigrants.

Kenneth Orms, 3525 Sainsbury Lane Greensboro, (lives in High Point) spoke to city finances and referenced a High Point Enterprise article regarding a report by Davenport, the city's financial advisor, regarding current and future debts and request that Council not increase taxes.

Jennifer Ayers, 804 Westbourne Grove Ct. requested the City Council deny the upcoming request for proposed zoning for the Katherine G. Johnson School. She noted she is the HOA President of the neighborhood association, and the neighborhood is less than 300 feet from a 90-degree turn. She spoke about current speeding issues, and noted she has witnessed several wrecks and is concerned for the safety of the neighborhood.

Teagan Ayer's, 804 Westbourne Grove Ct., spoke against the proposed zoning for the Katherine G. Johnson School, noting his concerns with current speeding and wrecks. He stated he currently has perfect attendance at school and does not want the traffic issues to interfere with his ability to get to and from school. He shared concerns about the noise levels that he perceives would be associated with a school.

Patricia Derrick, Bolyston Road, spoke against the proposed zoning for the Katherine G. Johnson School noting she is a current farm owner and has concerns regarding traffic, the school being in harmony with the adjacent land surrounding the property, and environmental impacts.

Anne Blankenship, 8826 Bolston Road, spoke of her love for her community and stated concerns about the Katherine G. Johnson School not being in harmony with the current agriculture land. She explained the proposed site is not in line with the Heart of the Triad Plan that notes resources such as water quality, air quality, habitats, wetlands, flood plains, watersheds, agriculture land, and open spaces should be protected. She asked the City Council not to approve the rezoning request.

Julie Eshweiler, 423 Gray Lane, stated her family is pro-education, but opposes the current proposed site for the Katherine G. Johnson School. She noted concerns with a school being in harmony with current neighborhoods and farmlands, traffic issues, and noted anxiety among the citizens regarding this potential rezoning.

Chris Eshweiler, 423 Gray Lane, stated he owns two properties on Gray Lane which will border the proposed site for the Katherine G. Johnson School. He stated he opposes this site as it will require moving the road. He spoke about safety concerns and stated the site was chosen because of the low price as it was originally 14th on the list of proposed sites. He spoke about the environmental impacts as well as traffic issues at other schools.

Robin Sowell, 815 Bunker Hill Road, spoke against the rezoning for the Katherine G. Johnson School. She cited concerns with traffic, conditions of current roads, and provided photos of other traffic issues at various other schools. She noted conversations with NCDOT regarding what the requirements would be if a school was built at the proposed site.

Council Member Jones noted a public meeting will be held in Colfax on Thursday 5:30 p.m. - 6:30 p.m. He explained the zoning process noting that the Planning and Zoning Commission would hear the case first and then it would come to City Council. He invited all concerned citizens to go out and voice their concerns.

Council Member Holmes stated the next School Board Meeting will be held in High Point at City Hall and invited the citizens to come and be heard.

Dr. Elma Hairston, President of High Point NAACP, thanked the Mayor and City Council for allowing the earlier reflection of a moment that defines history which was the signing of the Civil Rights Act of 1968 which officially was placed into law on April 11, 1968. She stated the lives lost and the blood shed would not be forgotten and equally important are the Civil Rights Act and the Voting Rights Act of 1964 and 1965 which were impactful in shaping policy on voter registration, racial segregation, employment discrimination, hate crimes, and state rioting. She stated a city that is inclusive and kind which was one of the four pillars of the new branding for the City of High Point was powerful. She stated it will take all the community to ensure fairness and equity in all actions, so equity and inclusion can be possible for High Point.

Loretta McNeal Laurinburg, NC thanked the Mayor and City Council for the proclamation regarding the Civil Rights Act of 1968. She stated on behalf of the NAACP

she would like to thank the Mayor and City Council for the work that is being done and noted that history brings us where we are today, and everyone should continue to hear the voices of all.

Pastor Brad Lilly representing High Point Peace Makers, stated that on May 17th at Congdon Yards the Peacemakers will have a Stop the Violence Summit. He explained this summit will include neighboring cities to bring together law enforcement, area churches, community improvement groups, and concern people dedicated to making an impact on violent crime.

In response to Council Member Moore, Pastor Lilly stated the summit will be on May 17th beginning at 9:00 a.m.

FINANCE COMMITTEE - Britt Moore, Chair

CONSENT AGENDA ITEMS

Council Member Moore stated the Finance Committee met at the regular scheduled time and recommended items 2023-185-2023-187 move forward to City Council with a favorable recommendation.

A motion was made by Council Member Moore, seconded by Council Member Holmes, to approve the Finance Committee Consent Agenda.

Motion carried with the following vote:

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

2023-185 Memorandum of Understanding (MOU) Guilford County Board of Education - School Year 2023-24

City Council is requested to execute a memorandum of understanding with Guilford County Board of Education for student transportation for the 2023-2024 school year.

Approved by the Consent Vote.

2023-186 Contract - Axon Enterprise, Inc. - High Point Police Department

City Council is requested to award a contract to Axon Enterprise, Inc. in the amount of \$4,607,188 for the purchase of body-worn camera systems to be utilized by the High Point Police Department and authorize the appropriate City Officials to negotiate terms of the

Approved by the Consent Vote.

2023-187 Budget Ordinance - Occupancy Tax Revenues - Convention & Visitor's Bureau & Market Authority

City Council is requested to adopt a budget ordinance to appropriate additional occupancy tax revenues that will be passed along to the Convention and Visitor's Bureau (Visit High Point) and Market Authority.

Approved by the Consent Vote.**GENERAL BUSINESS AGENDA****2023-188 Proposed Budget Presentation & Establishment of Public Hearing Date FY2023-24**

City Council is requested to establish a Public Hearing for Monday, May 15, 2023, at 5:30 pm for the FY2023-24 Budget Presentation and establish the following dates for City Council budget work sessions. Wednesday, May 10, 2023, 3-5 pm, Thursday, May 18, 2023, 3-5 pm, Wednesday, May 24, 2023, 3-5 pm (if necessary).

Tasha Logan Ford, City Manager stated the proposed fiscal year 2023-2024 budget allows the city to meet operational goals, maintain the current tax rate, and continue some capital projects associated in downtown such as parking and 300 Oak and as well as move forward with the senior center project. She noted that the pace of some projects could be impacted based on discussions with Davenport & Company, LLC, the city's financial advisor.

Mrs. Logan Ford explained the city has plans to close on the property associated with the construction of a new city hall in the fall of this year and noted this budget does not consider the initial debt the city would need to take on to support that project. She explained the budget includes employee pay increases and there might be some additional changes needed as the budget process progresses. She introduced Stephen Hawryluk.

Stephen Hawryluk, Budget and Performance Manager, provided the staff report for this item. He spoke about proposed City revenues and expenditures, and provided information regarding the General Fund, Enterprise Funds, and the Capital Improvement Plan. He stated the total budget is \$478.5 million and noted the tax rate will remain at 61.75 cents per \$100 of valuation. He explained there will be no increase to electric rates but there would be a 4% increase in water/sewer rates as well as a proposed fee schedule change for parks and recreation fees, customer service fees, parking fees, solid waste fees, and stormwater fees.

He stated personal services are the biggest expense and this budget includes changes resulting from the classification and compensation study of city positions which includes police, a 3% mid-year merit pay adjustment for employees, increase employer contribution to the Local Government Employees' Retirement System, increase cost for workers' compensation, and increase employer costs to city health plan which would not have an increase to employee contributions.

He stated other expenditures included the transition from fully insured to self-insured for health insurance noting a health insurance fund was established in 2016 to transition to becoming self-insured, implement a full-service employee health clinic, and create a paid six-week parental leave/family caregiver policy.

He explained the budget also includes new positions such as an Assistant Recreation Supervisor for Parks and Recreation and a Utility Locator and Power Line Technician for Electric Services. Reclassifications are Budget and Performance to Budget and Performance Director, Information Technology to Telecommunicator, Police to Firearms

and Tool Mark Examiner, Parks and Recreation to Marketing Coordinator, Library to Library Outreach Coordinator, and Transportation to Assistant Transportation Director.

Mr. Hawryluk reviewed the Operating expenses and the Capital Improvement Plan and reviewed the next steps regarding future Budget Work Sessions and setting the Budget Public Hearing Date.

A motion was made by Mayor Wagner, seconded by Council Member Moore, to establish the date of May 15, 2023, at 5:30 p.m. for the FY 2023-2024 Budget Public Hearing and approved the listed dates for the City Council Budget Work Sessions.

Council Member Jefferson asked if the Work Sessions on May 10th, 18th, and 24th, could begin at 4:00 p.m. instead of the proposed 3:00 p.m.

After a thorough discussion, Mayor Wagner amended his motion to the following: to establish the FY 2023-2024 Budget Public Hearing date of May 15, 2023, at 5:30 p.m. and approve the City Council Budget Work Sessions on May 10th, 18th, and 24th to begin at 4:00 p.m. and end at 5:30 p.m. Council Member Moore provided the second; the motion carried with the following vote:

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

2023-206 Minutes to be Approved

Special Meeting of the High Point City Council Minutes- November 4, 2022 @ 9:00 a.m.
Special Meeting of the High Point City Council Minutes- November 7, 2022 @ 4:30 p.m.
Regular Meeting of the High Point City Council Minutes- November 7, 2022 @ 5:30 p.m.

Special Meeting of the High Point City Council Minutes - April 12, 2023 @ 9:00 a.m.
Finance Committee Meeting Minutes - April 13, 2023 @ 4:00 p.m.

Special Meeting of the High Point City Council Minutes - April 17, 2023 @ 3:30 p.m.
Regular Meeting of the High Point City Council Minutes - April 17, 2023 @ 5:30 p.m.
Public Safety Committee Minutes - April 19, 2023 @ 4:00 p.m.

Council Member Hudson made a motion, seconded by Council Member Jones, to approve the minutes.

Motion carried with the following vote:

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

ADJOURNMENT

Mayor Wagner reminded the Council of the recessed Special Meeting and the continuance of the Closes Session for personnel. He thanked everyone associated with

the opening night for the High Point Rockers and appreciated the special night honoring Coy Willard on Saturday.

Council Member Hudson stated the first High Pont Community Chorale will be Sunday, May 7th at 7:00 p.m. at the First Methodist Church.

Council Member Holmes announced there will be a Town Hall meeting for the Ward 6 residents on May 17th at 6:00 p.m. at the Deep River Recreation Center

There being no further business to come before the City Council, the meeting adjourned at 7:31 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Sandra Keeney
City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 23-11
(PEX Wendover LLC)

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: May 15, 2023

Public Hearing: Yes

Advertising Date: May 3, 2023, and May 10, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By:
Planning & Development

PURPOSE:

A request by PEX Wendover LLC to rezone approximately 35.03 acres from the Conditional Zoning Retail Center (CZ-RC) District to an amended Conditional Zoning Retail Center (CZ-RC) District. The site is located at the southeast corner of W. Wendover Avenue and Penny Road.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their April 25, 2023 public hearing. All members of the Commission were present except for Mr. Mark Morgan. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking on the request:

The applicant's representative, Mr. Dennis Bunker, 1140 Dilworth Crescent Road, Charlotte, made himself available to address any questions from the commission.

No one spoke in opposition to this request.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

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

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 8-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to approve the following statement:

That Zoning Map Amendment 23-11 is consistent with the City's adopted policy guidance because the proposed amendment of the CZ-RC District does not conflict with adopted policy guidance documents. Furthermore, the request is reasonable and in the public interest because as conditioned, the proposed amendment will still provide for a CZ-RC District that will be similar and compatible with previous conditional zoning approvals granted in this area.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-11
April 25, 2023**

Request	
Applicant: PEX Wendover LLC	Owners: PEX Wendover LLC and Maria T. Montoya
Zoning Proposal: To amend the conditional zoning ordinance for approximately 36.3 acres	From: CZ-RC Conditional Zoning Retail Center District
	To: CZ-RC Conditional Zoning Retail Center District (amended)
Notices: • Applicant held a Citizen Information Meeting <i>(Sent Letter)</i> • As required by Section 2.3.6 (Notification) of the Development Ordinance, the Planning and Development Department provided published, mailed and posted notice of this public hearing	

Site Information	
Location:	The site is located at the southeast corner of W. Wendover Avenue and Penny Road.
Tax Parcel Numbers:	Guilford County Tax Parcels 196674, 196671, 196672, 196673, 170002, 170004, 170005, 170006, 170007, 235990
Site Acreage:	Approximately 36.3 acres
Current Land Use:	Single family dwellings, rural residential dwelling, utility building and undeveloped parcel.
Physical Characteristics:	The topography of the site ranges from relatively level adjacent to the abutting roads, to steep towards the interior of the site. The eastern portion of the site is encumbered by a pond. Also, a 50-foot-wide Piedmont Natural Gas easement runs through the middle of the site, from north to south.
Water and Sewer Proximity:	12-inch and 16-inch City water lines lie adjacent to the site along Penny Road and W. Wendover Avenue. 8-inch City sewer lines lies along W. Wendover Avenue and along the southern boundary of the site.
General Drainage and Watershed:	The site drains in a general easterly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for development with a total impervious surface area greater than 24% of the site, and for single family developments with a gross density of 2 units per acre or more.
Overlay Districts:	City Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	CZ-RC PDM	Conditional Use Retail Center District Planned Development – Mixed District	Commercial development (<i>Shoppes at Deep River and Palladium Shopping Centers</i>)
South:	R-5 RS-40	Residential Single Family – 5 District Residential Single Family – 40 District (<i>Guilford County</i>)	Single-family dwellings
East:	R-5	Residential Single Family – 5 District	Single-family dwellings
West:	CZ-RC	Conditional Use Retail Center District	Commercial (<i>Wendover Crossing Shopping Center</i>)

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	The following objectives of the Community Growth Vision Statement are relevant to this request: <u>Goal 5:</u> Balance the efficient movement of vehicles with the needs of pedestrians, alternative transit modes, and aesthetic quality. <u>Obj. 5D:</u> Develop new streets and retrofit existing streets in accordance with design standards intended to balance efficient vehicular flow with other planning objectives, such as creating pedestrian-friendly environments.
Land Use Plan Map Classification:	The site has a Community/Regional Commercial land use designation. This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers.
Land Use Plan Goals, Objectives & Policies:	The following goal and objectives of the Land Use Plan are relevant to this request: Obj. #11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.
Relevant Area Plan:	<u>West Wendover Avenue/Guilford College Road Corridor Plan:</u> Due to this being an important gateway into the city, the plan recommends maintaining the corridor’s visual quality through buffering and landscaping requirements, sign control, and development standards or design guidelines that address topics such as roof pitch, exterior building materials, color, awnings, and building height and orientation. Furthermore, this corridor plan recommends transportation related conditions to protect W. Wendover Avenue as a commuting corridor by restricting the number of access points and that the number of median crossings not be increased.
Zoning History:	In December 2021, City Council rezoned a 36-acre tract of land lying at the southeast corner of W. Wendover Avenue and Penny Road to the CZ-RC District to support development of a future commercial shopping center (Zoning Map Amendment Case 21-23). An additional 0.3 acres was later added under Zoning Case 21-39 in February 2022.

Transportation Information			
Adjacent Streets:	Name		Classification
	Wendover Avenue		Major Thoroughfare
	Penny Road		Major Thoroughfare
Vehicular Access:	W. Wendover Avenue, Penny Road, Samet Drive Extension		
Traffic Counts: (Average Daily Trips)	Wendover Avenue		33,000 AADT (NCDOT 2019 traffic counts)
	Penny Road		22,000 AADT (NCDOT 2019 traffic counts)
Estimated Trip Generation:	The proposed mixed-use development consisting of approximately 160,000 square feet of commercial uses and a 180-unit multifamily development is anticipated to generate approximately 17,464 daily trips with approximately 1,578 AM peak-hour trips and approximately 1,810 PM peak-hour trips		
Traffic Impact Analysis (TIA):	Required		TIA Comments
	<u>Yes</u>	<u>No</u> X	The addition of this 0.3-acre parcel will not change findings of the TIA used to approve ZA-21-23 (see attached TIA executive summary for ZA-21-23).
Conditions:	See Conditional Zoning Ordinance.		

School District Comment
Not applicable to this amendment to the landscaping and access conditions.

Details of Proposal

This zoning site is for a future development consisting of various commercial uses and a multifamily development. The review of engineering plans for the extension of Samet Drive is underway; however specific users and individual lot configuration has not been established at this time.

The applicant is requesting to amend the previously adopted zoning conditions pertaining to landscaping and number of access points to Samet Drive. The amendment to the landscaping condition would allow the Planning Director to approve an alternate landscaping plan addressing the screening of the rear of commercial buildings along Samet Drive that face single family residences. Furthermore, the request proposes to reduce the number of access points along Samet Drive from five to four. All other previously approved zoning conditions will be carried forward into this updated zoning case.

Staff Analysis

Section 2.4.6.C of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance
Whether and the extent to which the proposed conditional zoning district is appropriate for its proposed location, and is consistent with the City's adopted policy guidance.
The proposed amendment of the CZ-RC District does not conflict with adopted policy guidance documents.

Reasonableness/Public Interest:

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

As conditioned, the proposed amendment will still provide for a CZ-RC District that will be similar and compatible with previous conditional zoning approvals granted in this area.

Compatibility with Surrounding Areas

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
 - Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
 - Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.
- ❖ As conditioned to meet various standards of the Gateway Corridor Overlay District, future development will provide for a complimentary character and the higher development standards that have been established for adjacent commercial developments.
 - ❖ The proposed amendment to allow consideration of an alternate landscaping/screening plan will further ensure development will be compatible with the abutting residential dwellings.

Mitigation of Impacts

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

Mitigation #1	Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc. The proposed amendment to landscaping and access standards along Samet Drive will further ensure development impacts are mitigated and not negatively impact adjacent lands.
Mitigation #2	Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat. The site is within the City Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance.
Mitigation #3	Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire. The site is within an area currently served by City of High Point utilities and municipal services.
Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.

	The requested amendments to landscaping standards and number of access points to Samet Drive does not change initial findings under the prior zoning approval to support commercial land uses at this location.
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Supportive Changes in the Area

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

Adopted policy guidance, including prior zoning approvals, has set land use policy and precedent to support commercial development with specific development standards at this intersection.

Promotes a Preferred Development Pattern

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

Adopted policy guidance documents, including the Land Use Plan, Eastchester Corridor Plan, W. Wendover Avenue Corridor Plan, and conditions established from prior zoning approvals have established a preferred development pattern for commercial development at this intersection. As conditioned, the proposed CZ-RC District will ensure this preferred development pattern will be continued.

Recommendation

Staff Recommends Approval:

Staff recommends approval of this request to establish and amended CZ-RC District. As conditioned the requested CZ-RC District will be compatible with the surrounding area and in conformance with adopted policy guidance documents.

Required Action

Planning and Zoning Commission:

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

City Council:

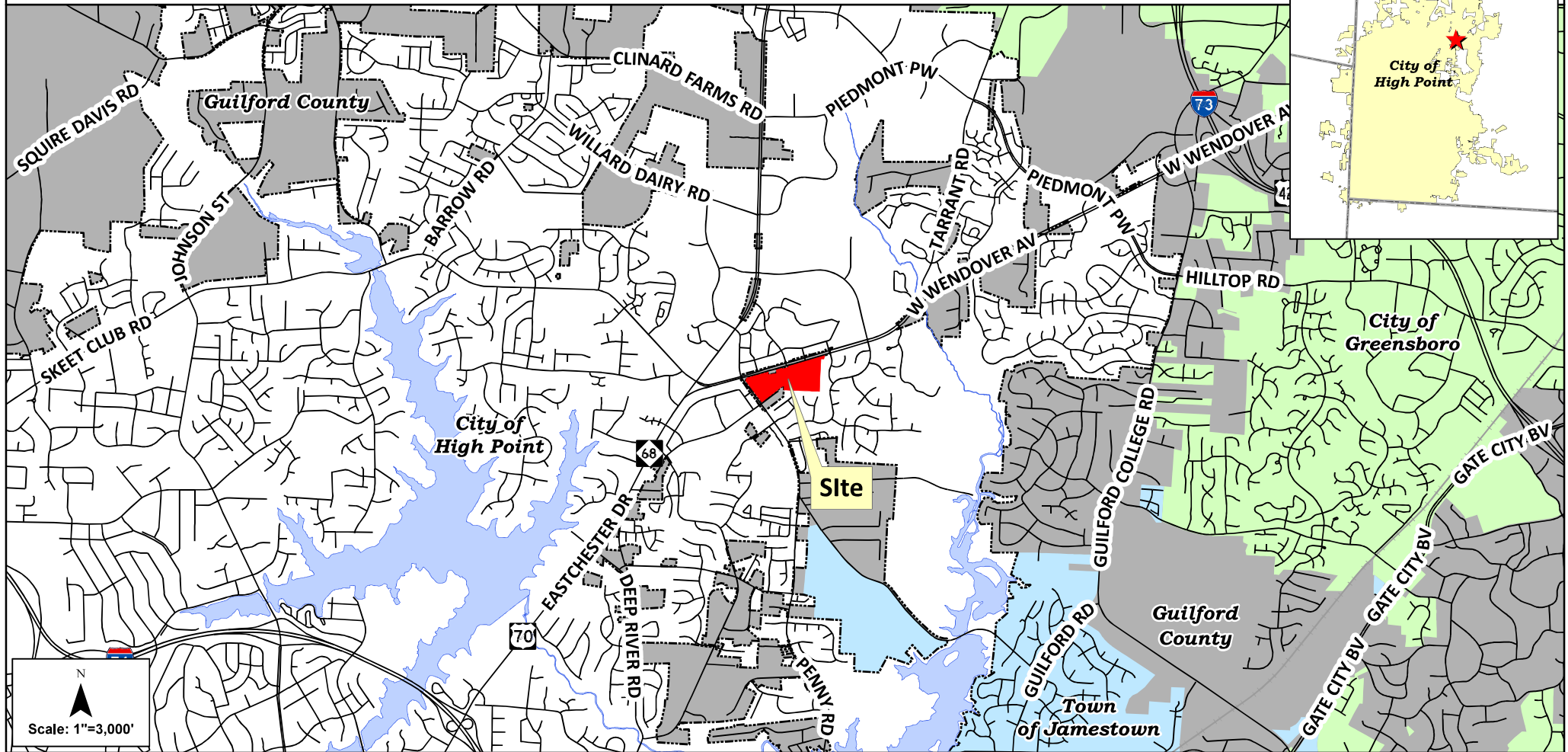
The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans, and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished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

Report Preparation

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

LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-11
Applicant: PEX Wendover LLC & Maria T. Montoya-Couch



Vicinity Map

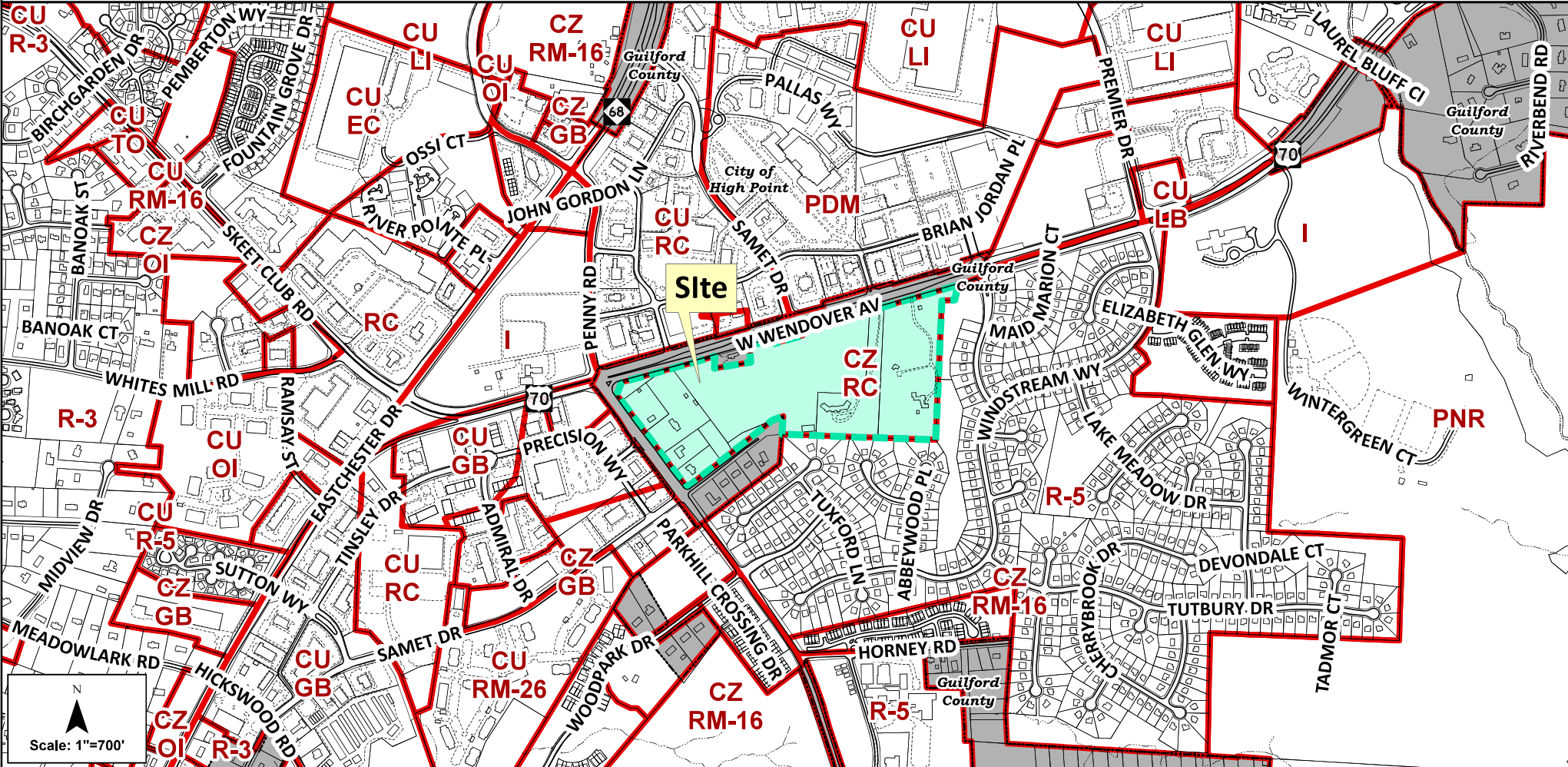
City of
High Point

City of
Greensboro

Guilford
County

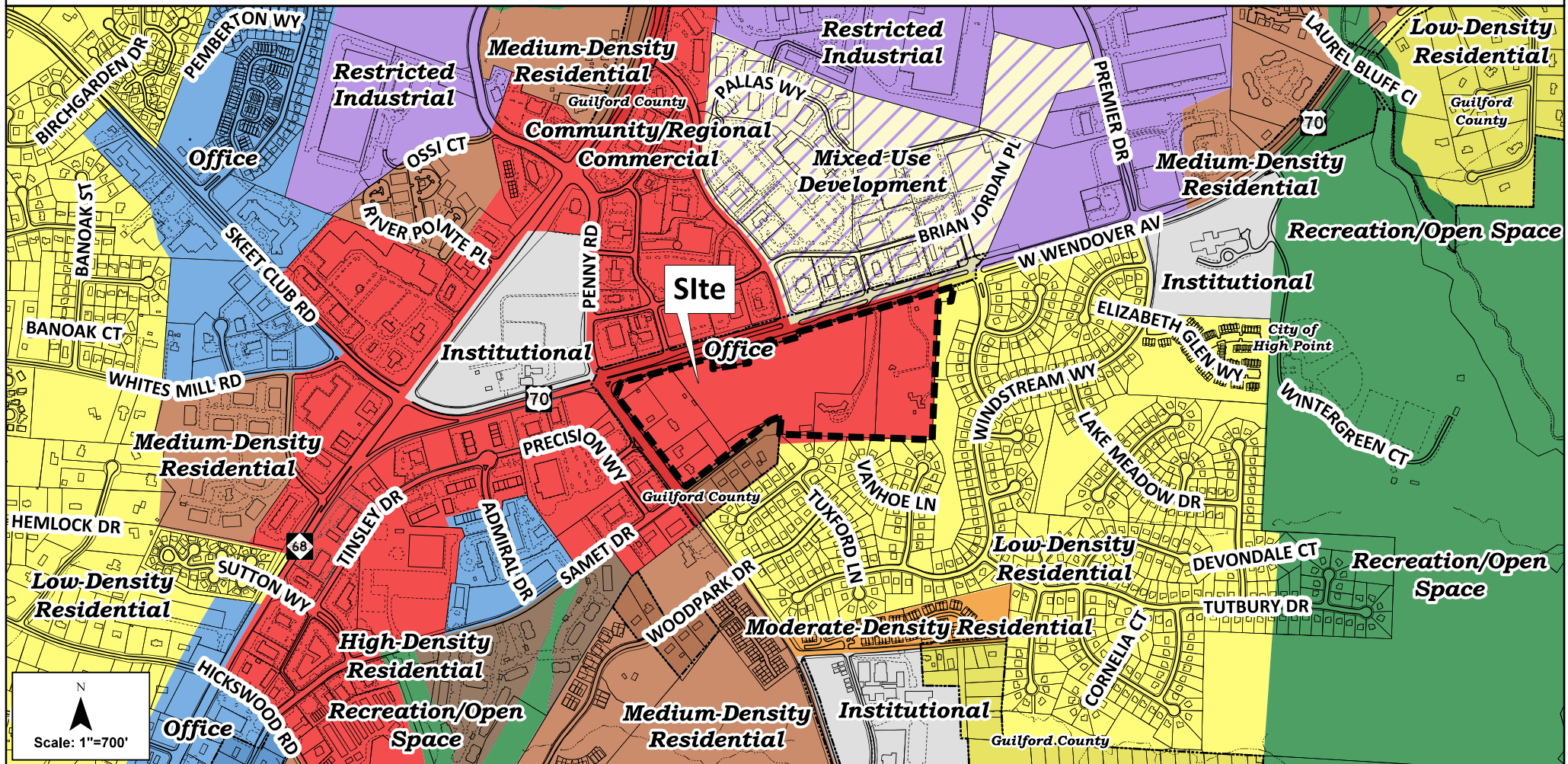
Town
of Jamestown

ZONING MAP AMENDMENT: ZA-23-11
ZONING MAP

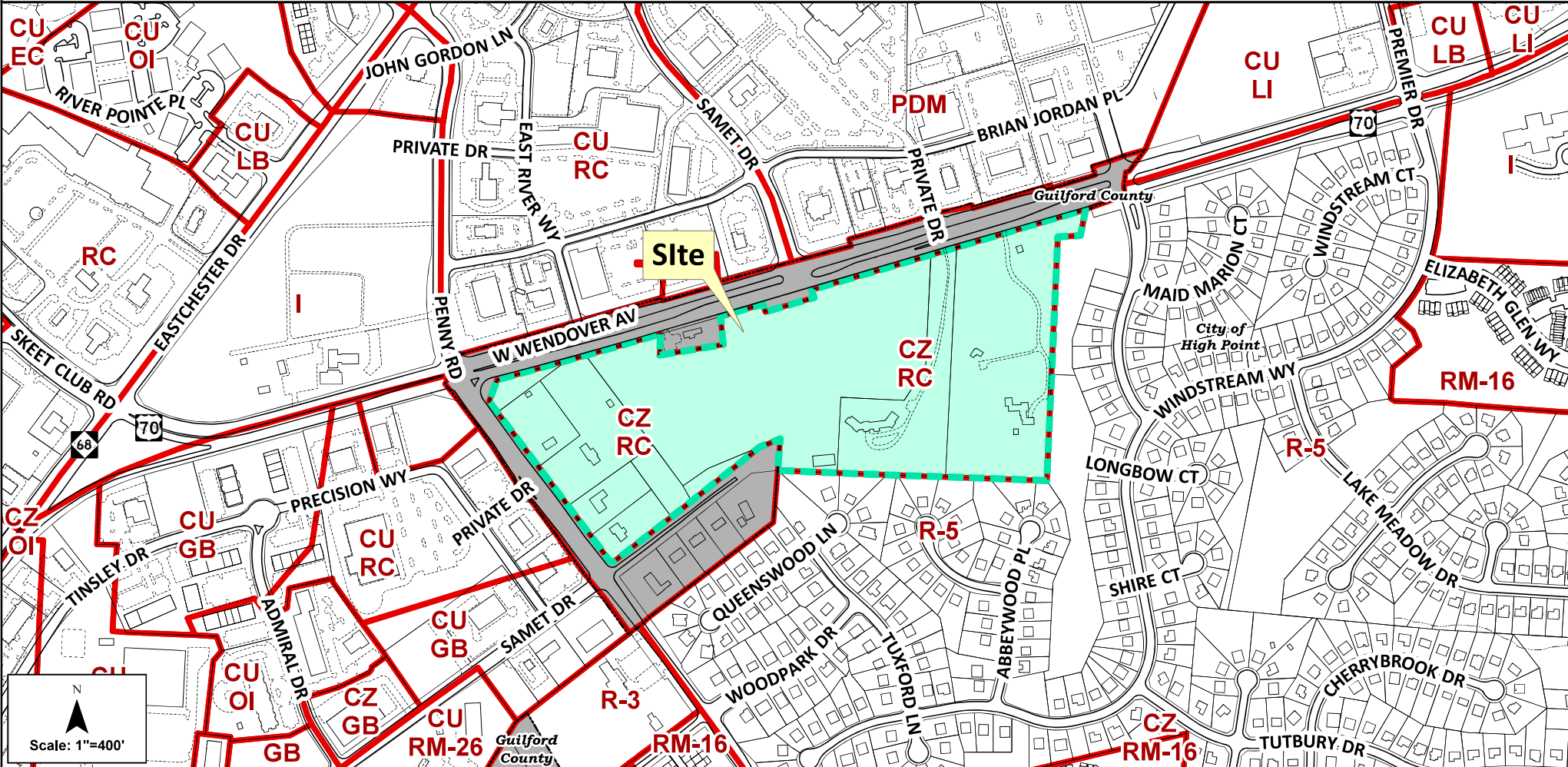


ZONING MAP AMENDMENT: ZA-23-11

LAND USE PLAN MAP

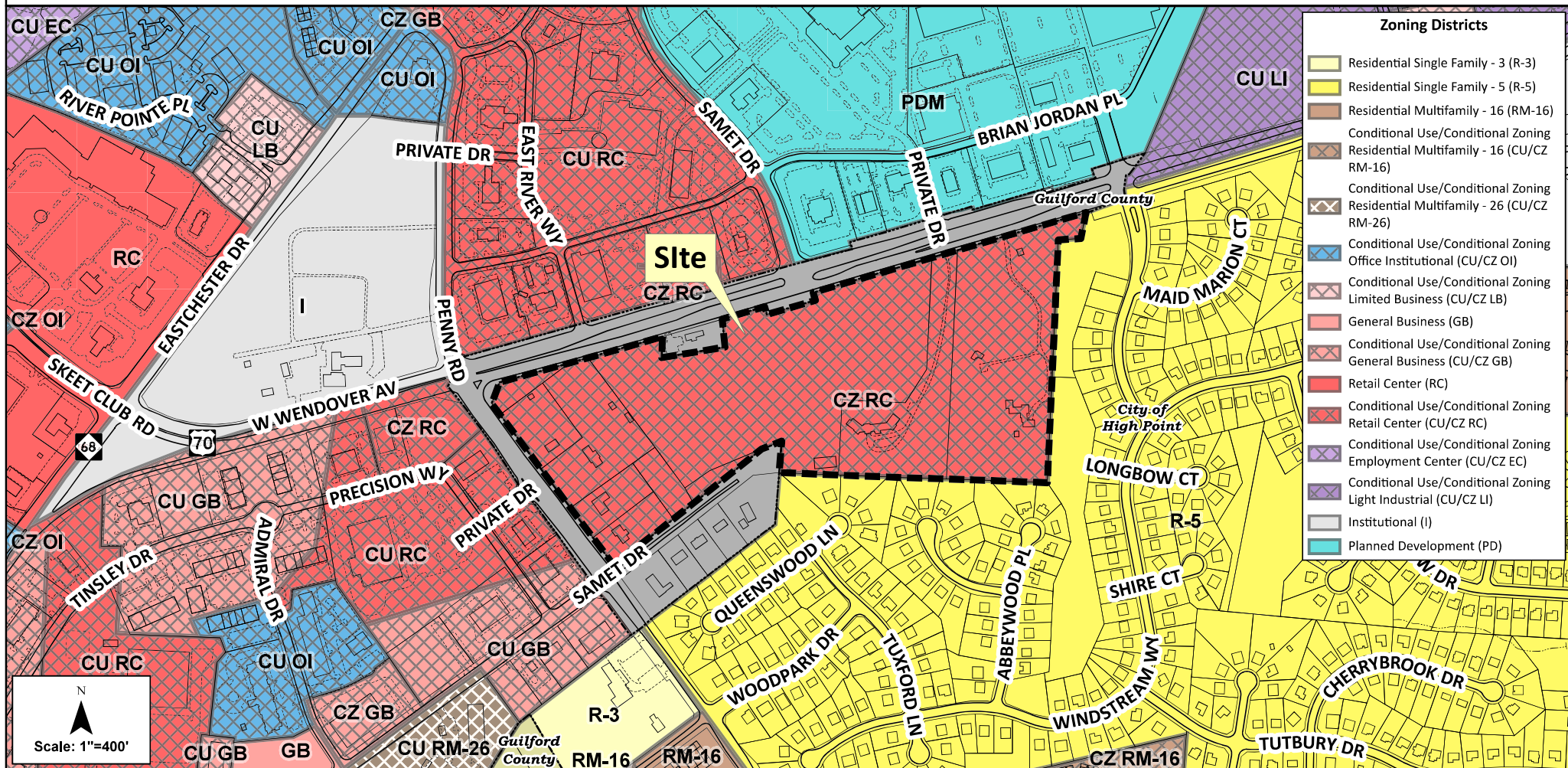


ZONING MAP AMENDMENT: ZA-23-11
ZONING MAP



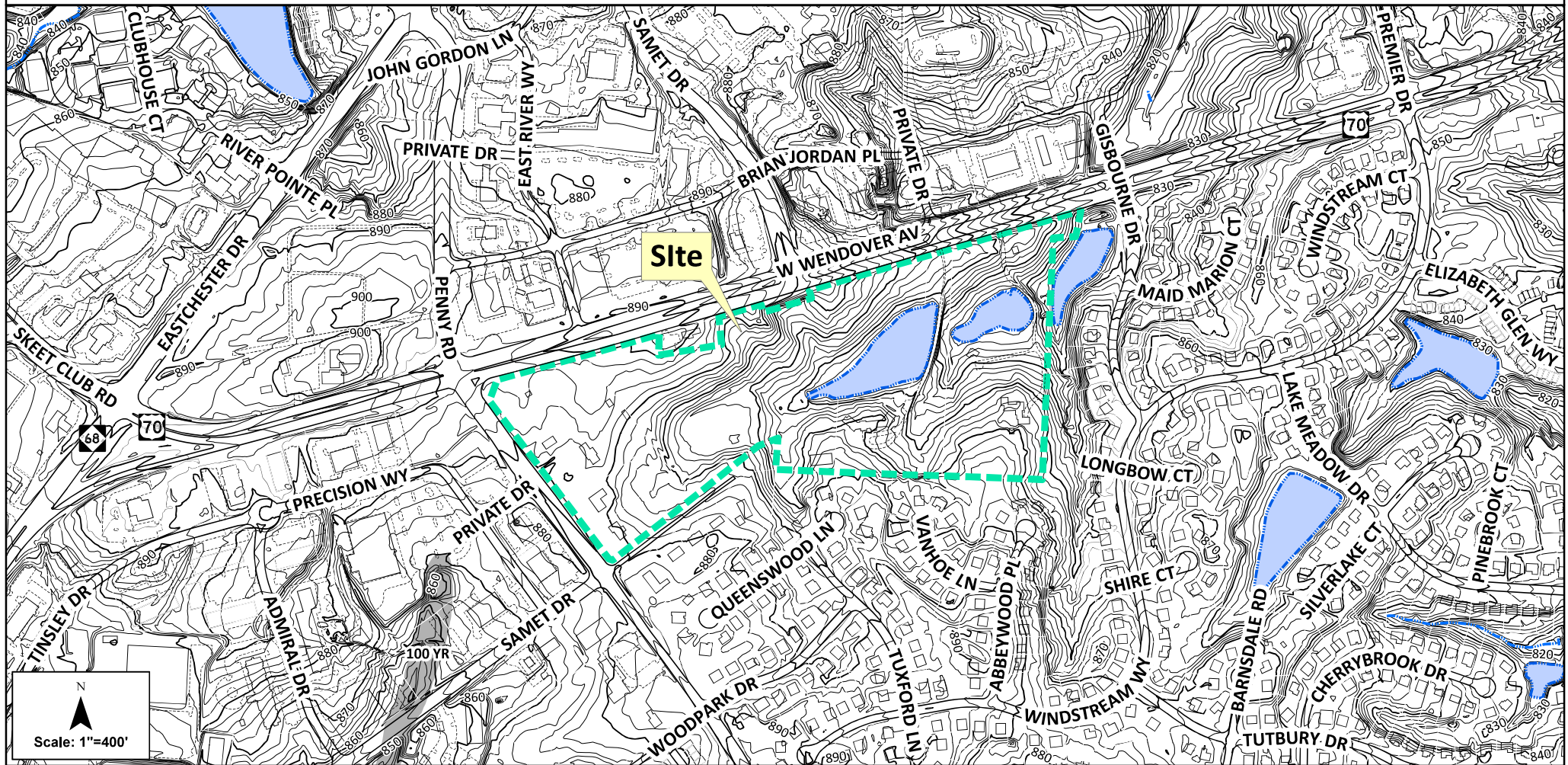
ZONING MAP AMENDMENT: ZA-23-11

COLOR-CODED ZONING MAP



ZONING MAP AMENDMENT: ZA-23-11

TOPOGRAPHY



ZONING MAP AMENDMENT: ZA-23-11

AERIAL PHOTOGRAPHY (FEB. 2022)



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

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on April 25, 2023 and before the City Council of the City of High Point on May 15, 2023 regarding **Zoning Map Amendment Case 23-11 (ZA-23-11)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on April 15, 2023, for the Planning and Zoning Commission public hearing and on May 3, 2023 and May 10, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **May 15, 2023**.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Retail Center (CZ-RC) District**. The property is approximately 35 acres, lying at the at the southeast corner of W. Wendover Avenue and Penny Road. The site is also known as Guilford County Tax Parcels 196671, 196672, 196673, 196674, 170002, 170004, 170005, 170006 and 170007 and 235990.

SECTION 2

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

Part I. **USES:**

A. **Permitted Uses:**

Any of the land uses allowed in the Retail Center (RC) District shall be permitted subject to the requirements of the Development Ordinance and subject to the specific conditions of this Permit.

B. **Restricted Uses:**

1. Within 250 feet of the W. Wendover Avenue right-of-way and within 250 feet of the Penny Road right-of-way, the following land uses shall be prohibited:
 - a) Wireless telecommunication facility.

2. Within 200 feet of the southeastern property boundary of Guilford County Tax Parcel 17005 and the southern boundary of Tax Parcels 17007 **and 235990** (where ~~this~~ **these** parcels abut the Nottingham Subdivision) all land uses under the Commercial Use Classification shall be prohibited. Except that the following Use Types under the Commercial Use Classification shall not be part of this use restriction:
 - a) Office Use Types
 - b) Personal Services Use Types

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multiple Lot Development
As part of land development permit approval, the property owner shall submit and obtain approval for a Multiple Lot Development (Section 5.14.5 of the Development Ordinance) for the entire zoning site.
2. The following standards shall apply to all parcels abutting W. Wendover Avenue and to all parcels abutting Penny Road:
 - a) No outdoor storage, outdoor display or outdoor retail sales activity shall be permitted between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building.
 - b) Automobile bays shall not face Penny Road or W. Wendover Avenue.
 - c) Air hoses, vacuum pedestals and other outdoor automobile service equipment shall not be located between the road rights-of-way (W. Wendover Avenue and Penny Road) and the principal building principal.
3. Development at the northwestern corner of the rezoning site (opposite historic Deep River Friends Meeting):
At the northwestern corner of the rezoning site, all principal building(s) located within 250 feet of the Penny Road right-of-way and within 250 feet of the W. Wendover Avenue right-of-way shall be designed to ensure that such building(s) will be architecturally compatible with the historic Deep River Friends Meetinghouse. Building design standards will include compatible building materials, compatible colors, and a roof design (a pitched roof or a parapet wall system that visually conceals the roof and roof-mounted HVAC systems from the road).
4. Eastchester Gateway Corridor Overlay District Standards:
The following standards from the Eastchester Gateway Corridor Overlay District Standards shall apply:
 - a) Site Standards: The rezoning site shall be subject to the Site Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.4 (Site Standards) of the Development Ordinance.

- b) Signage: The rezoning site shall be subject to the Signage Standards requirements of the Eastchester Gateway Corridor Overlay District, Section 3.8.7.F.6 and Table 3.8.7.F.6 (Signage) of the Development Ordinance.
- c) Building Standards: The rezoning site shall be subject to the ~~following~~ Building Standards requirements in Section 3.8.7.F.7 (Building Standards) of the Development Ordinance
- c) Landscaping: The rezoning site shall only be subject to Section 3.8.7.F.5(a) and (b) (Landscaping Standards) of the Eastchester Gateway Corridor Overlay District.

B. Landscaping, Buffers and Screening.

1. Higher Landscaping at the southeastern boundary of the zoning site
For nonresidential uses, a minimum 25 foot wide perimeter planting yard shall be installed along the southeastern property boundary of Guilford County Tax Parcel **235990**, 17005 and 17007 (where ~~this~~ **these** parcels abut the Nottingham Subdivision) . At a minimum, this planting yard shall consist of a double row of evergreen trees. The evergreen trees are to be planted approximately fifteen (15) feet on center with an approximate five (5) foot offset between the rows. The evergreen trees shall be a plant species that will have a minimum height at maturity of 25 feet.
2. Required Streetyard (Perimeter Landscape Yards), along the W. Wendover Avenue and Penny Road frontages of the zoning, site shall be planted at a rate of 4 canopy trees per 100 linear feet and 17 shrubs per 100 linear feet.
3. Along the southwestern boundary of the rezoning site (~~north~~**ern side** ~~western boundary~~ of Samet Drive facing the single-family homes to the south), a minimum 25-foot wide landscaping street yard (planted to the Type C-Yard Rate) shall be installed along the north side of Samet Drive **and behind the building footprint** if the back of any future building(s) face Samet Drive. **An alternate landscaping/buffering/screening plan may be approved by the Planning and Development Director. In addition to the guidelines noted in Section 5.5.13 (Alternate Landscape Plan) of the Development Ordinance, landscaping, buffering, and screening:**
 - a. **Shall not be less than 10 feet in width;**
 - b. **Shall function as a partial opaque screen behind the building footprint from the ground to a height of 6 feet; and shall create a sense of spatial separation between commercial and adjacent residential uses; and**
 - c. **May include an opaque screening as outlined in Section 5.6.6 (Screening Method) of the Development Ordinance, but said opaque screening shall not be the only buffering method.**

This higher landscape standard or alternate plan shall not apply where front or sides of any building(s) face Samet Drive

C. Transportation Conditions.

1. Right-of-way Dedication:

- a) Samet Drive Extension: Provided that City constructs Same Drive Extension, the property owner shall dedicate sufficient right-of-way from land that it owns or controls to achieve 10 feet of right-of-way from the back of curb on each side of the proposed Samet Drive Extension in accordance with a separate Dedication Agreement between the City and the owner. The right-of-way shall be enough to include all necessary lane configurations at intersections and to accommodate sidewalks and planting strips on both sides of Samet Drive Extension.
- b) West Wendover Avenue: Where turn lanes are required, an additional 10 feet of right-of-way shall be dedicated from the new back of curb of all turn lanes.
- c) Penny Road: Where turn lanes are required, an additional 10 feet of right-of-way shall be dedicated from the new back of curb of all turn lanes.

2. Access:

- a. West Wendover Avenue: The project shall have three points of access to West Wendover Avenue (pending NCDOT approval) as described in Tables A & B and Exhibits A & B of the TIA:
 - i. One full movement access (Samet Drive Extension, not constructed by the owner).
 - ii. One right-in/right-out between Penny Road and Samet Drive Extension (Site Access 1, constructed by the owner).
 - iii. One right-in/right-out with a left-over on westbound Wendover Avenue across from Brian Jordan Place (Site Access 2, constructed by the owner).
- b. Penny Road: The project shall have two points of access to Penny Road (pending NCDOT approval) as described in Tables A & B and Exhibits A & B of the TIA:
 - i. One full movement access (existing Samet Drive, not constructed by the owner)
 - ii. One right-in/right-out across from the Walmart Neighborhood Market Driveway (Site Access 3, constructed by the owner).
- c. Samet Drive Extension: The Project shall have ~~five~~ **four** points of full access to Samet Drive Extension, substantially as depicted on Exhibit B of the TIA. The exact location and design of these access points will be determined during the plan submittal process and is not a requirement of the owner.

3. Improvements:
- a) West Wendover Avenue and Site Access 1 – As described in Table B and Exhibit B of the TIA, right-in/right-out.
 - i. The owner shall construct an east bound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper.
 - b) West Wendover Avenue and Site Access 2 – As described in Table B and Exhibit B of the TIA, right-in/right-out with a left-over.
 - i. The owner shall construct an eastbound right turn lane on West Wendover Avenue with 100 feet of storage and appropriate taper.
 - ii. The owner shall construct a westbound left-over on West Wendover Avenue with 200 feet of storage and appropriate taper.
 - c) Penny Road and Site Access 3 – As described in Table B and Exhibit B of the TIA, right-in/right-out.
 - i. The owner shall construct a northbound right turn lane on Penny Road with 100 feet of storage and appropriate taper.
 - ii. The owner shall construct a minimum four (4) foot wide monolithic median island on Penny Road in front of Access 3. The design and length of this median will be determined by NCDOT during the plan submittal process.
4. Other Transportation Conditions: The City of High Point Transportation Department and the North Carolina Department of Transportation (NCDOT) shall approve the exact location and design of all access points and improvements. However, location and design shall not materially depart from the information within the TIA. The owner's obligations under this ordinance are limited to conveying the land as described above and construction of improvements listed above in section 3.a through c of these conditions, further described as Site Accesses 1, 2, 3 in Table B and depicted on Exhibit B of the TIA. Design and construction of Samet Drive Extension are not obligations of the developer.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 15th day of May 2023

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra Keeney, City Clerk

Neighborhood Communications Report
PEX Wendover, LLC
ZA-23-11

Wendover, Penny, and Samet Dr. Ext.

Submitted by
Dennis Bunker
April 13, 2023

1. Invitation

All neighbors within 300 feet were sent the letter attached as **Exhibit A** which included the city's prepared statement. The letter included (a) a vicinity map showing the location of the property; (b) the mandatory statement about the zoning process; (c) a full description of the rezoning conditions requested; (d) ways the neighbors could personally contact the applicant, Dennis Bunker, with questions.

Recipients of the letter are the neighbors listed on **Exhibit B**.

2. Communications

We did not receive any communications from any neighbors or other individuals.

EXHIBIT A

PEX Wendover, LLC

March 27, 2023

Dear Neighbor:

PEX Wendover, LLC, and Maria T. Montoya Couch, an individual, owns 35 acres of property, collectively, located at W. Wendover Road and Penny Road. This property was rezoned back in 2021 to a Conditional Zoning Retail Center (CZ-RC).

In order to facilitate our development plan, we have applied to the City of High Point to revise two minor details in the zoning conditions for the property. The conditions concern the reduction of the landscape buffer width and access along Samet Drive Extension, internal to the project and the reduction of the number of accesses from 5 to 4 points along Samet Drive Extension internal to Palladium South. These changes do not affect the boundaries adjacent to our neighbors. The granting of our request will enable us to proceed with our plans for an attractive and well-located retail center at this location. Please review the included site plan for more information.

You are receiving this letter because you own property within 300 feet of this site. If one of your neighbors has not received the letter it is because they live farther away and are not on the city's notification list, but please feel free to share this information. Please find included in this mailing an explanation about the zoning process in the City of High Point.

Please feel free to contact our project representative, Dennis Bunker, with any questions you have about this request to change these minor conditions of the zoning for the property. His direct phone number is 704-351-9757, or you can email him at dnb@bunkerlandgroup.com.

The High Point Zoning Commission will meet to consider our request on April 25, 2023, at 6:00 pm. You may participate in person at the City Council Chambers located at 211 S. Hamilton St, 3rd Floor, High Point, NC 27261. If you have any questions about participation, please call the Planning Department at 336-883-3328 or visit www.buildhighpoint.com.

Sincerely,

A handwritten signature in black ink that reads "Dennis N. Bunker, III". The signature is stylized with a large "D" and "B".

Dennis N. Bunker, III

Enclosures

City of High Point
Citizen Information Meetings



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

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

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

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

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

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

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

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

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

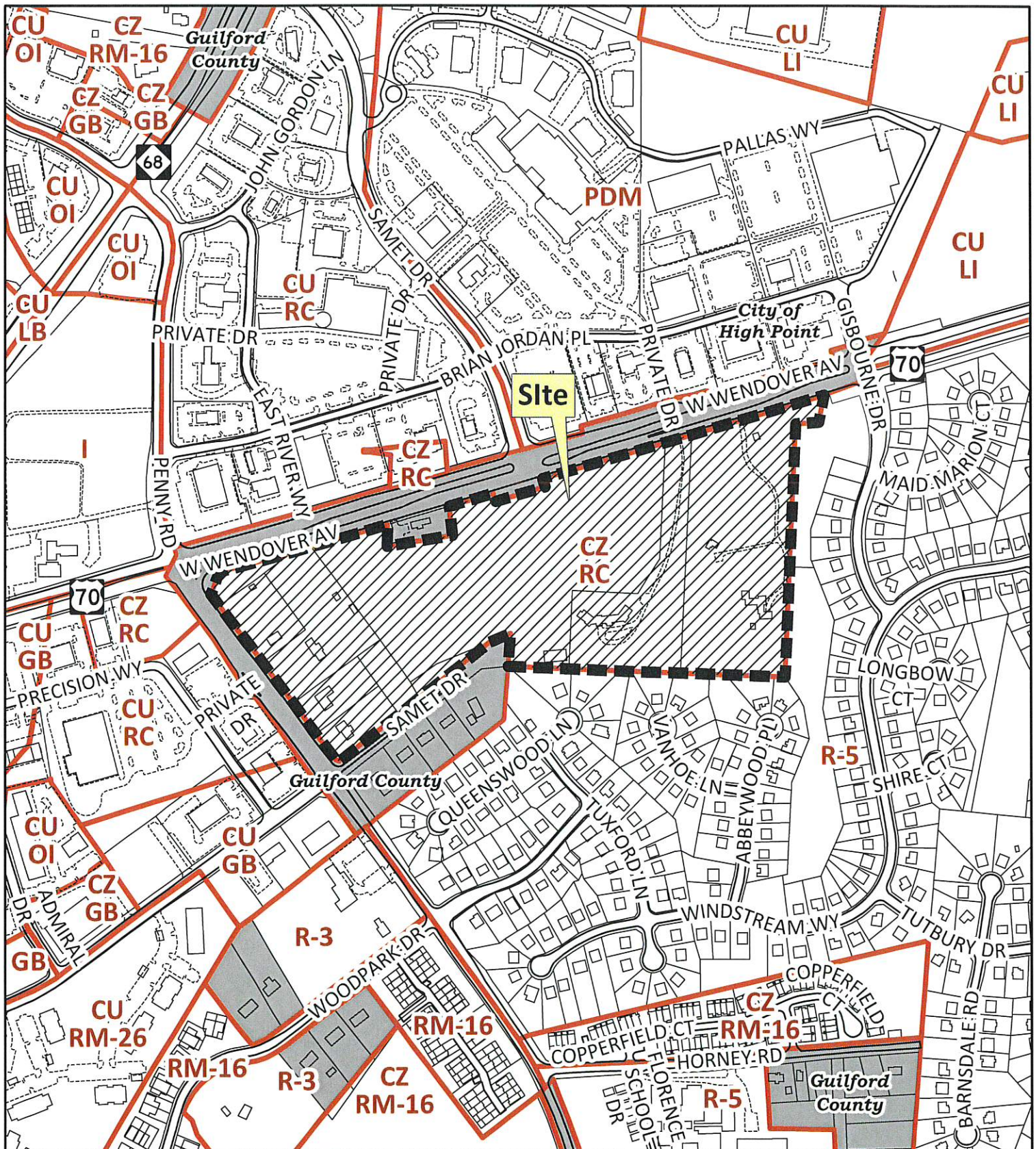
- Specifies the ownership status, race, religion, or other characteristics of the development's occupants;
- Establishes a minimum size of a dwelling unit;
- Establishes a minimum value of buildings or improvements;
- Excludes residents based upon race, religion, or income; or
- Obligates the City to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

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

Contact:

Planning & Development Department 336-883-3328

www.buildhighpoint.com



ZONING MAP AMENDMENT ZA-23-11

From: Conditional Zoning Retail Center (CZ RC)
To: Conditional Zoning Retail Center (CZ RC)



Planning & Development Department

N



Scale: 1" = 500'

Existing Zoning Boundary
Subject Property Boundary



EXHIBIT B

510 SFR NC OPERATIONS I LLC
12906 TAMPA OAKS BLVD
STE 100
TEMPLE TERRACE, FL 33637

ADENOLA, TUNDE A;
ADENOLA, MODUPE
3906 GISBOURNE DR
JAMESTOWN, NC 27282

AJIT PROPERTIES LLC
101 WHIRLAWAY LN
CHAPEL HILL, NC 27516

AMERICAN HOMES 4 RENT
PROPERTIES NINE LLC
ATTN: PROPERTY TAX DEPT,
23975 PARK SORRENTO STE 300
CALABASAS, CA 91302

AMH 2015-1 BORROWER LLC
23975 PARK SORRENTO STE
300 CALABASAS, CA 91302

AMH 2015-2 BORROWER LLC
23975 PARK SORRENTO
STE 300
CALABASAS, CA 91302

AMH NC PROPERTIES LP
23975 PARK SORRENTO
STE 300
CALABASAS, CA 91302

AMOS, GILBERT WAYNE;MCLAUGHIN,
AUDREY LEIGH
3713 QUEENSWOOD LN
JAMESTOWN, NC 27282

API - HIGH POINT LLC
106 WOODWINDS INDUSTRIAL CT
CARY, NC 27511

BAILEY, MICHAEL D
164 KEEL CT
STOKESDALE, NC 27357

BELEUZ, LIVIU;PASCALIN,
VIOLETA
3715 QUEENSWOOD LN
JAMESTOWN, NC 27282

BELMAR RIO LLC
PO BOX 51166
NEW BEDFORD, MA 02740

BRAWNER, AMANDA LYNNE;EVANS,
CHRISTOPHER
3720 QUEENSWOOD LN
JAMESTOWN, NC 27282

BROWN, WILLIAM L III
3909 GISBOURNE DR
JAMESTOWN, NC 27282

CALIN, MINERVA;CALIN, AUREL CALIN
3920 GISBOURNE DR
JAMESTOWN, NC 27282

CALM III LLC
8000 TOWER POINT DR
CHARLOTTE, NC 28227

CANA HOLDING COMPANY LLC
3707 QUEENSWOOD LN
JAMESTOWN, NC 27282

CAROLINA BANK
101 N SPRING ST
GREENSBORO, NC 27401

CASNER CONSOLIDATED LLC
1020 HUNTINGTON DR
SAN MARINO, CA 91108

CH RETAIL FUND II/GREENSBORO
PALLADIUM LLC
3819 MAQPLE AVE
DALLAS, TX 75219

CHRISMON, DAVID L;CHRISMON,
PAMELA P
3722 QUEENSWOOD LN
JAMESTOWN, NC 27282

CLINE, DANIEL R;YOWELL,
BETHANY
3817 ABBEYWOOD PL
JAMESTOWN, NC 27282

COLEMAN, ANTHONY LEE;JOHNSON-
COLEMAN, ROCHELLE
3916 GISBOURNE DR
JAMESTOWN, NC 27282

COPPER, KEITH T;COPPER,
CHAE D
3721 QUEENSWOOD LN
JAMESTOWN, NC 27282

D & Q PROPERTY LLC
3703 QUEENSWOOD LN
JAMESTOWN, NC 27282

DEEP RIVER CENTER LLC
2209 EASTCHESTER DR
STE 107
HIGH POINT, NC 27265

DEEP RIVER FRIENDS CHURCH
5300 W WENDOVER AVE
HIGH POINT, NC 27265

DEGRAFENARIED, DARIN K;LILLEVIG,
SARAH KATE
3728 TUXFORD LN
JAMESTOWN, NC 27282

DG HIGH POINT LLC
2234 WHEAT ST
COLUMBIA, SC 29205

DVORSCAK, JASON M;DVORSCAK,
CHRISTINE R
3811 WINDSTREAM WAY
JAMESTOWN, NC 27282

EASTER, S LOWELL
PO BOX 49579
GREENSBORO, NC 27419

FKH SFR PROPCO D L P
1850 PARKWAY PL #900
MARIETTA, GA 30067

FKH SFR PROPCO I LP
1850 PARKWAY PL
STE 900
MARIETTA, GA 30067

GOODWILL INDUSTRIES OF
CENTRAL NORTH CAROLINA INC
125 S EUGENE ST
GREENSBORO, NC 27406

GUTIERREZ, JOSE LARA;LEMUS, RUTH
ZAMORA
2116 PENNY RD
HIGH POINT, NC 27265

HAGGERTY, RICHARD C JR TRUSTEE;THE
RICHARD C HAGGERTY JR LIVING TRUST
5231 W WENDOVER AVE
HIGH POINT, NC 27265

HALLE PROPERTIES LLC
20225 N SCOTTSDALE RD
SCOTTSDALE, AZ 85255

HAMPTON HEIGHTS ONE LLC;
HAMPTON HEIGHTS TWO LLC;
HAMPTON HEIGHTS THREE LLC
11151 VEIRS MILL RD
WHEATON, MD 20902

HANNAH, FREDERICK W;HANNAH,
KRISTA ANN
3815 ABBEYWOOD PL
JAMESTOWN, NC 27282

HARDISON, PATRINA ROSE
3700 QUEENSWOOD LN
JAMESTOWN, NC 27282

HIGH POINT BK POOH LLC
101 W 55TH ST
NEW YORK, NY 10019

HOMELIKE APARTMENTS INC
PO BOX 644
SPRINGFIELD, MA 61690

HUSSEIN, FERAS
3701 QUEENSWOOD LN
JAMESTOWN, NC 27282

JACOBS, URSULA S
3797 VANHOE LN
JAMESTOWN, NC 27282

JOHNSON, CALVIN D;JOHNSON,
SHARON P
7701 SAMET DR
HIGH POINT, NC 27265

KIMBRELL'S INVESTMENT
COMPANY INC
4524 S BLVD STE C
CHARLOTTE, NC 28209

LTW PARTNERS LLC
3816 ABBEYWOOD PL
JAMESTOWN, NC 27282

M J K INVESTORS LLC
307 WINROW DR
JAMESTOWN, NC 27282

MADI, AZZA;MADI, MOTAZ
3820 ABBEYWOOD PL
JAMESTOWN, NC 27282

MARIANI, THOMAS
3793 VANHOE LN
JAMESTOWN, NC 27282

MATTHEWS, DONALD W JR;MATTHEWS,
PAIGE N
3719 QUEENSWOOD LN
JAMESTOWN, NC 27282

MATURINO, JUAN M;MATURINO,
ELEINA N
3790 VANHOE LN
JAMESTOWN, NC 27282

MAUCERE, CHRISTOPHER C;MAUCERE,
HANNAH ELIZABETH
3726 TUXFORD LN
JAMESTOWN, NC 27282

MCGREGOR, CORINNE L;CHAPLIN,
MARTIN A
3814 ABBEYWOOD PL
JAMESTOWN, NC 27282

MCSWAIN, JON S;MCSWAIN,
APRIL R
3809 WINDSTREAM WAY
JAMESTOWN, NC 27282

MONTAGUE, CORRETTA F
3801 VANHOE LN
JAMESTOWN, NC 27282

MORELLI, JOYCE
117 DUCHESS CT
JAMESTOWN, NC 27284

MURPHREE, MICHAEL;MURPHREE,
KELLY
3918 GISBOURNE DR
JAMESTOWN, NC 27282

NOHO OST HIGH POINT LLC
PO BOX 1098
ALPINE, NJ 07620

NOTTINGHAM HOME OWNERS ASSN
2306 W MEADOWVIEW RD STE 111
GREENSBORO, NC 27407

OREILLY AUTOMOTIVE
STORES INC
PO BOX 9167
SPRINGFIELD, MO 65801

PAGE, BRYAN T;PAGE, CHITOSE
PAGE
3788 VANHOE LN
JAMESTOWN, NC 27282

PALLADIUM DEVELOPMENT III LLC;
PEX PALLADIUM III LLC
5826 SAMET DR STE 10
HIGH POINT, NC 27265

PALLADIUM RETAIL LLC
5826 SAMET DR STE 105
HIGH POINT, NC 27265

PARKER, JAMES H;
WHITE RESIDENTIAL TRUST
3109 LODGE DR
JAMESTOWN, NC 27282

PARKWOOD BAPTIST CHURCH
2107 PENNY RD
HIGH POINT, NC 27265

PIERCE, CHARLES RAYMOND
3818 ABBEYWOOD PL
JAMESTOWN, NC 27282

REARDON, DIANA LEE
3821 WINDSTREAM WAY
JAMESTOWN, NC 27282

RICHARDSON, THAXTON JR
TRUSTEE;THAXTON RICHARDSON JR
LIVING TRUST
1350 W LAKE DR
GREENSBORO, NC 27408

RIVAS, MARKO;RIVAS, VICTORIA
3795 VANHOE LN
JAMESTOWN, NC 27282

RODRIGUEZ, EDUARDO LUIS
CASTR;CASTRO, ISABEL LOPEZ
3789 VANHOE LN
JAMESTOWN, NC 27282

SC CAR WASHES LLC
PO BOX 116
COLFAX, NC 27235

SCOTT, JOHNATHAN W
3908 GISBOURNE DR
JAMESTOWN, NC 27282

SEVERI HEALTHCARE INC
3922 GISBOURNE DR
JAMESTOWN, NC 27282

SHERRILL, KEVIN R
3913 GISBOURNE DR
JAMESTOWN, NC 27282

STUCKI, HEIDI O;STUCKI, RALPH
PO BOX 16105
HIGH POINT, NC 27261

SUNBELT INVESTMENTS LLC
530 MCCALL RD STE 110
MANHATTAN, KS 66502

TECHNICAL METHODS LLC
307 S SWING RD
GREENSBORO, NC 27409

TURNER, FREELAN TONDA;TURNER,
ROBERTA LYNN G
7707 SAMET DR
HIGH POINT, NC 27265

TURNER, ROBERTA L
7707 SAMET DR HIGH
POINT, NC 27265

WALMART REAL ESTATE BUSINESS TRUST
PO BOX 8050, ATTN: 0555
BENTONVILLE, AR 72716

WEST WENDOVER LAND
DEVELOPMENT LLC
5826 SAMET DR STE 105
HIGH POINT, NC 27265

WEST WENDOVER LAND
DEVELOPMENT LLC
PO BOX 36799
CHARLOTTE, NC 28236

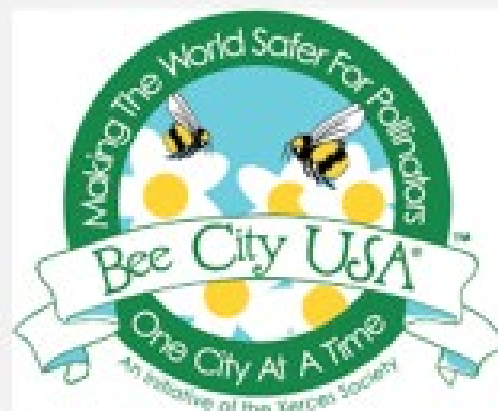
YOOK, SEUNG HEE;YOOK, SUNHEE
3711 QUEENSWOOD LN
JAMESTOWN, NC 27282

YURKO, GAROLD M;YURKO,
LINDA W
3817 WINDSTREAM WAY
JAMESTOWN, NC 27282

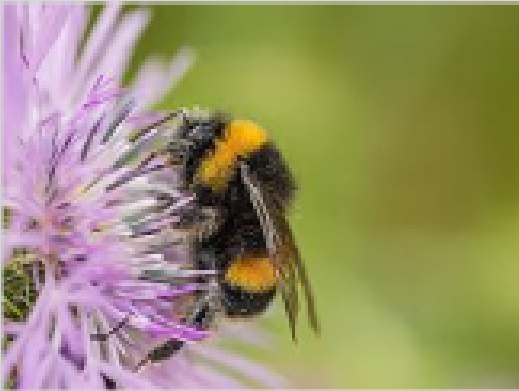
ZENTE, LUKE ANTHONY
3911 GISBOURNE DR
JAMESTOWN, NC 27282



BEE CITY USA®
AN INITIATIVE OF THE XERCES SOCIETY



Why Bee City?



- When people hear the word "bee" they often think of a single bee species, the European honey bee. However, the United States is also home to just over 3,600 native (wild) bee species.
- Native pollinators are particularly important because they evolved alongside native plants and in many cases are the most effective pollinators — and in a few cases, the only pollinators.
- Pollinators are keystone species in essentially every terrestrial ecosystem on earth, assisting in plant reproduction and supporting other species of wildlife.
- Pollinators touch our lives in numerous ways each day, including being responsible for approximately one third of the food and drink we consume.
- The value of crop pollination has been estimated between \$18 and \$27 billion annually in the U.S.

Benefits

- Help to ensure the survival of vital animal species crucial to our planet's functioning ecosystems.
- Build a pollinator friendly community locally. This will boost overall efforts in NC and nationally.
- Improve local food production, support local growers and farmers
- Support the growth of local businesses including native plant nurseries and pollinator friendly landscaping.
- Bring your community together around a positive, shared cause and connect with others across the country that have made the same commitment.





Community Awareness

- Raise community awareness of how our food grows and improve local food production through expanded pollination.
- Work to address pest problems with fewer pesticides and raise community awareness of the least toxic ways to tackle home and garden pest problems.
- Mobilize our community to remove non-native invasive plants to make way for locally native plant species.
- Raise community awareness of the local environment's diversity of plant and pollinator species.
- Ability to partner with businesses and organizations that are already knowledgeable and have well established pollinator friendly practices.



How can we help?

- The steps that affiliates take to conserve our native bees, including creating safe habitats and hosting community events, will also help other pollinators including butterflies and moths as well as the non-native honey bee.
- Educate our community as to the benefits of bees and other pollinators.
- Strive to use fewer pesticides when possible.
- Work together to improve the overall environment

GREAT NEWS! High Point is already well on it way!!



How do we proceed?



- **Form a committee.**

Should include individuals with experience and interests that will help the committee complete the commitments. Generally, a mix of volunteers and city staff. The committee should have a chair or multiple co-chairs and should have a regular meeting schedule that is open to the public.

- **Assign facilitation to a local government body or non-profit organization.**

Assign facilitation of the Bee City USA effort to Keep High Point Beautiful as we are a well-established group that operates under the umbrella of the City of High Point with the support of the Public Services Department. We will form a subcommittee that will include several KHPB board, Youth Advisory Council and community members.

- **Designate a local government department as a sponsor.**

Public Services will serve as the sponsoring department and provide a liaison.

- **Complete the online application form and submit along with a resolution**

Keep High Point Beautiful will be responsible for submission of all.

- **Submit adopted resolution and pay annual fee of \$500.00.**

Keep High Point Beautiful will submit resolution and fee will come from annual budget provide through Public Services Department, Environmental Services Division.



Thank you!

Public Services Department
Environmental Services
Keep High Point Beautiful



CITY OF HIGH POINT

AGENDA ITEM



**Title: SELS USA LLC Project – Local Match/State Grant
& Resolution of Support**

From: Sandy Dunbeck, Director
High Point Economic Development

Meeting Date: May 15, 2023

Public hearing: Yes

Advertising Date: May, 4, 2023

Attachments: Legal Notice

Advertised by: HPE

PURPOSE:

The High Point City Council is asked to consider a request to approve a local match and resolution of support for a State of North Carolina Building Reuse Grant for SELS USA LLC. The local match would not exceed \$5,000.

PROJECT & BACKGROUND:

SELS (Smart Era Lighting System) Solar specializes in innovative, efficient, off-grid energy solutions. Their solar-powered products include streetlights, bench charging stations, transit lighting, mobile power units, signs/billboards, garden lights, and more. The SELS building reuse project would allow for in-house assembly of several of their products.

The company has purchased buildings at 1710 and 1720 King St. in High Point, totaling 21,400 square feet, and plans to invest a total of \$921,241 to purchase, renovate, and equip the facilities.

The company will relocate 5 jobs and create 13 new jobs paying above the county average wage over a 3-year period.

BUDGET IMPACT:

Upon the company being awarded the grant, the City would provide an amount not to exceed \$5,000 to the State as the local match. The source of those monies would be the City's Economic Development Incentive Fund, which is funded by general and electric revenues.

RECOMMENDATION / ACTION REQUESTED:

The High Point Economic Development staff recommends that City Council authorize an amount not to exceed \$5,000 as the City's local match for the grant and approve a resolution of Support for the State of NC Building Reuse Grant.

PUBLISH ONE TIME
THE HIGH POINT ENTERPRISE

Thursday, May 4, 2023

Pursuant to N.C. General Statute 158-7.1, notice is hereby given that a public hearing will be held on Monday, May 15, 2023, at 5:30 p.m. in the Council Chambers, High Point Municipal Building, 211 S. Hamilton St., High Point, NC. The purpose of the hearing is to receive public input on a respective funding request for a local match for a State of NC Building Reuse Grant for SELS USA LLC. The company expects to expand at 1710 and 1720 King St., High Point, NC, and proposes to relocate 5 full-time jobs and create 13 full-time jobs. The High Point City Council will consider authorizing an amount not to exceed \$5,000 – with the source of funding being the Economic Development Incentive Fund, which is funded by general and electric revenues. The City would be authorized to provide this local match to the company upon the company being awarded the State grant.

**RESOLUTION IN SUPPORT OF THE STATE OF NORTH CAROLINA BUILDING REUSE
GRANT FOR SELS USA LLC OF HIGH POINT EXPANSION IN HIGH POINT, NC**

WHEREAS, the State of North Carolina (“State”) is considering approval of a Building Reuse Grant (“Grant”) in the amount of \$100,000 for SELS USA LLC. (“Company”), which will be received by the City and passed on to the Company along with a City of High Point 5% match, upon performance; and

WHEREAS, the High Point City Council supports the State of North Carolina funding a Building Reuse Grant for the Company which is an assembler and installer of innovative, efficient, off-grid energy solutions.; and

WHEREAS, the funding will allow the company to reactivate vacant buildings located at 1710 and 1720 King St, High Point and create 13 jobs paying above the Guilford County average wages; and

WHEREAS, the State requires that a resolution of support be adopted by the High Point City Council proclaiming its support for the Company and the funding; and

WHEREAS, the City believes that it is in the best interests of the citizens of High Point to encourage and support economic development within the City through the recruitment of new industries to the City and the expansion of existing industries in the City.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

1. The High Point City Council hereby adopts this Resolution of Support for the State of North Carolina to provide a Building Reuse grant to SELS USA LLC for its expansion project in High Point, NC.
2. The Mayor and the City Clerk are hereby authorized to sign all necessary documents on behalf of the City.
3. This resolution shall become effective upon adoption.

This 15th day of May 2023.

ATTEST

Sandra Keeney,
City Clerk

Jay W. Wagner,
City of High Point Mayor

CITY OF HIGH POINT

AGENDA ITEM



Title: Ordinance to Demolish - 411 W. Willis Ave.

From: Thanena Wilson, Director
Community Development & Housing

Meeting Date: May 2, 2023

Public Hearing: N/A

Advertising Date:
Advertised By: N/A

Attachments:

- A. Staff report
- B. Ordinance to Demolish
- C. Photos
- D. Maps

PURPOSE:

A request by Community Development and Housing – Local Codes Section to adopt an ordinance ordering the inspector to demolish the dwelling at 411 W. Willis Avenue.

BACKGROUND:

After a Complaint and Notice of Hearing was issued and a hearing held, an Order to Repair or Demolish was issued on 8/25/2022. No action occurred by the compliance date of 9/26/2022. The necessary repairs to the dwelling exceed its current tax value and the demolition is warranted.

BUDGET IMPACT:

There are sufficient funds in the FY22-23 budget for the demolition and asbestos testing of the structure(s), and for the asbestos removal if present.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the adoption of the requested Ordinance to Demolish this single family dwelling and all outbuildings on the property.

PENDING ACTION:

The Ordinance to Demolish becomes effective from the date of adoption. If there is no action by the property owner by the effective date of the Ordinance, then asbestos testing and the demolition bid process will begin and the structure will be removed by the City. After City demolition, the property owner is billed for the cost. If the bill is unpaid, the City places a lien on the property.

**COMMUNITY DEVELOPMENT AND HOUSING
CODE ENFORCEMENT
HOUSING ENFORCEMENT DIVISION**

**ORDINANCE
REQUEST:**

Ordinance to Demolish

**PROPERTY
ADDRESS:**

411 W. Willis Ave.

OWNER:

Triad Housing Group I, LLC

**REASON FOR
INSPECTION:**

Inspector observed condition of the property

**FIRST
INSPECTION:
7/26/2022**

Summary of Major Violations

1. Repair or replace roof system
2. Repair or replace sheetrock throughout
3. Repair or replace rear porch, steps and handrail/guardrail
4. Repair or replace/install required plumbing & plumbing fixtures
5. Repair or replace floor system throughout

**HEARING
RESULTS:
8/24/2022**

No one appeared for the Hearing. It was determined there are several violations of the Minimum Housing Code. There are multiple violations of the minimum housing code in the house that make it unsafe. In its present state, necessary repairs to the dwelling exceed 65% of the value of the structure.

**ORDER(S)
ISSUED:
8/25/2022**

Order to Repair or Demolish
Date of Compliance 9/26/2022

APPEALS:

None

**OWNER
ACTIONS:**

None

ADDITIONAL:

A representative for Triad Housing Group I, Nicole Berg, told the inspector in December 2022 they would be making repairs to the property. In January 2023, after they received a repair estimate exceeding \$65,000.00 to make repairs the representative told the inspector they plan to sell the house quickly and have the owner move forward with the needed repairs. In March 2023 Mr. Belcher, another representative for the company advised the inspector they are having a hard time selling the property, and if they don't find a buyer, they will demolish the house.

There are no delinquent property taxes for this property.



ORDINANCE

AN ORDINANCE REQUIRING THE BUILDING INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

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

SECTION 1: That the City Council of the City of High Point finds as a fact that the following described property has been ordered to be demolished, and it further finds as a fact that the owner has been ordered to demolish said building at his expense and said Owner has failed to comply with said order.

SECTION 2: That the Inspector of the City of High Point is hereby authorized and directed to proceed with the demolition of the following described building in accordance with code of Ordinances: and, Article 12 of Chapter 160D of the General Statutes of North Carolina.

PROPERTY LOCATION

411 W. Willis Ave.

OWNER (S)

Triad Housing Group I, LLC
1615 Brannock Dr.
Greensboro, NC 27406

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 15th day of May, 2023

Sandra Keeney, City Clerk



14 Apr 2023



14 Apr 2023



14 Apr 2023



14 Apr 2023



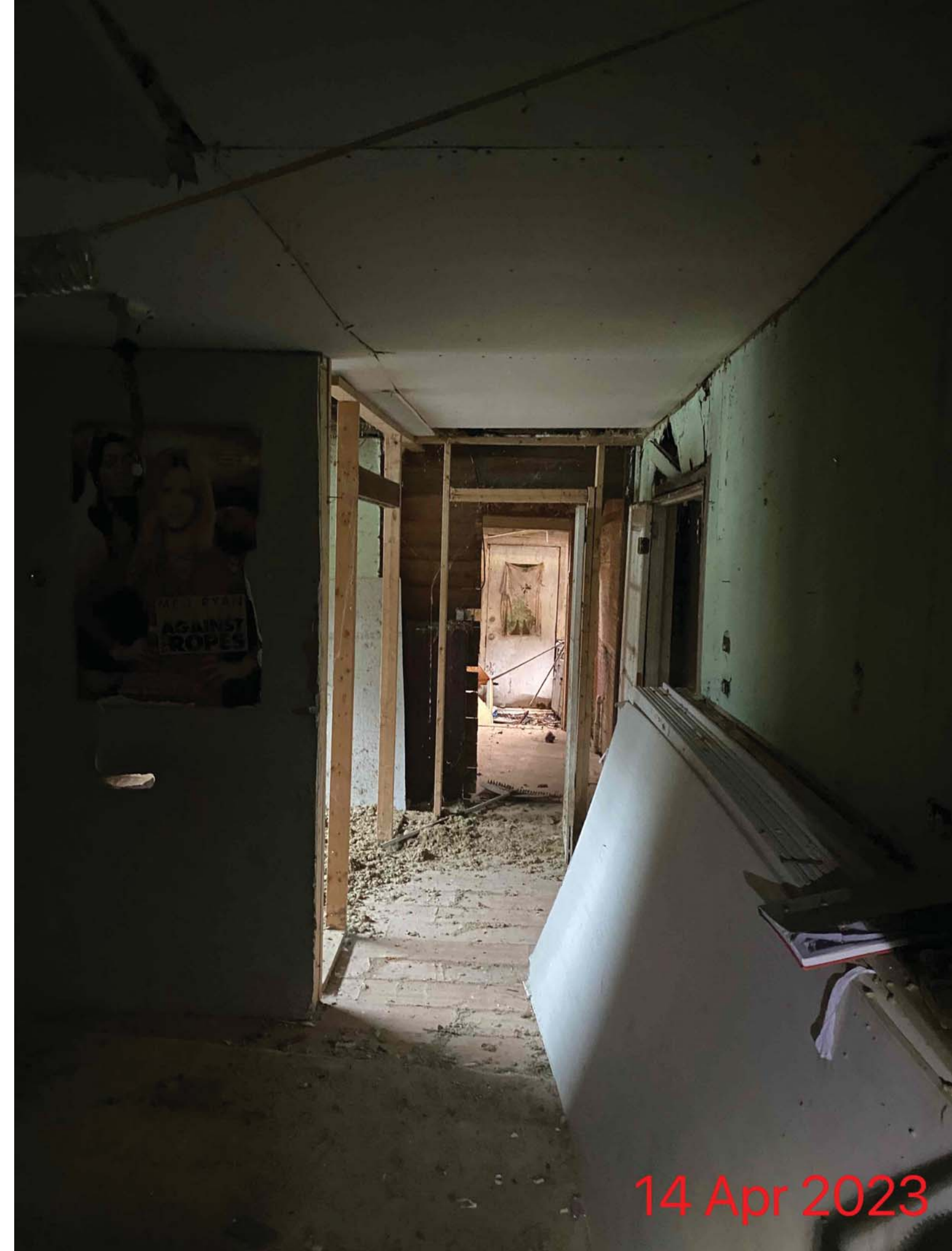
14 Apr 2023



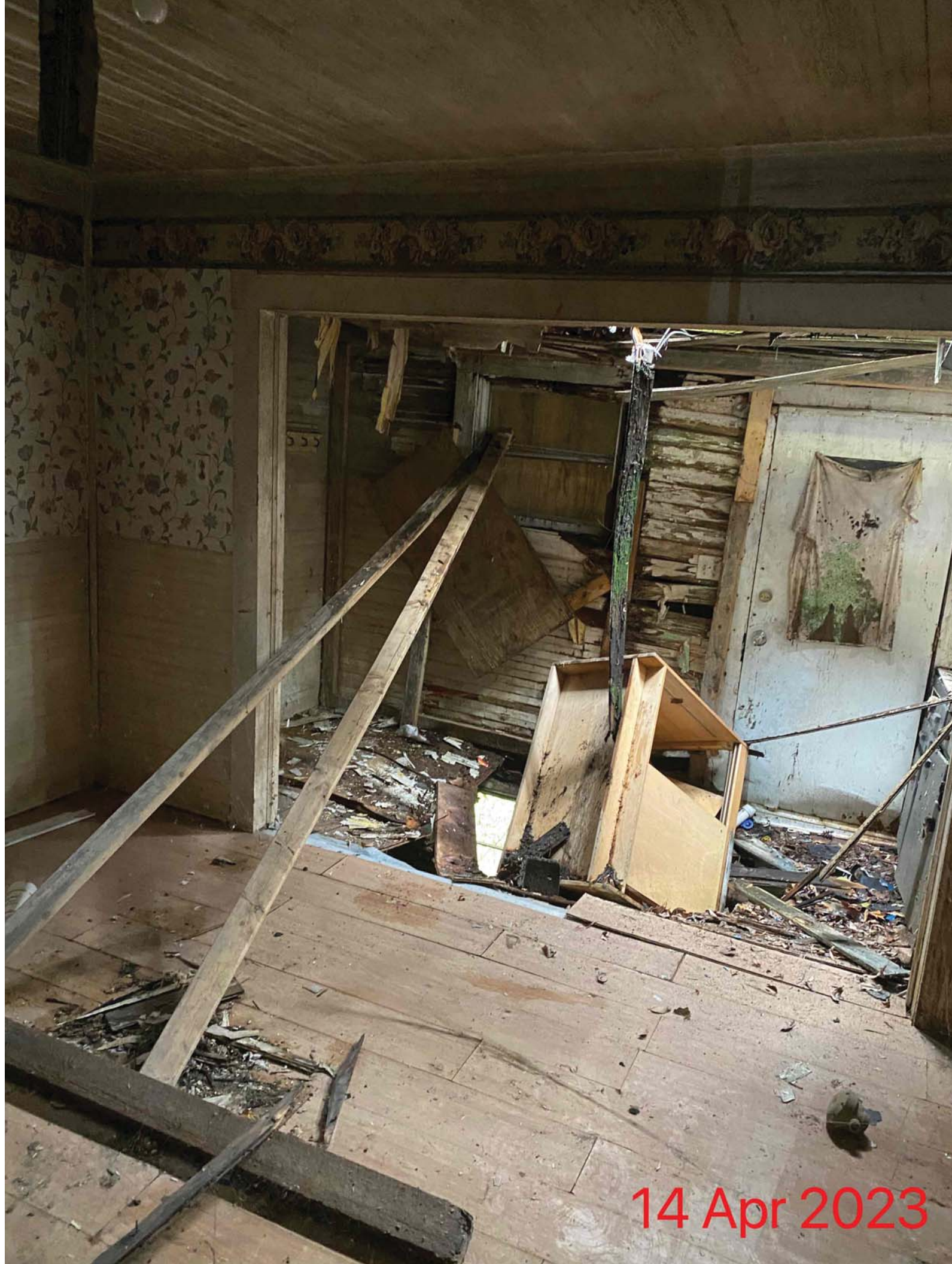
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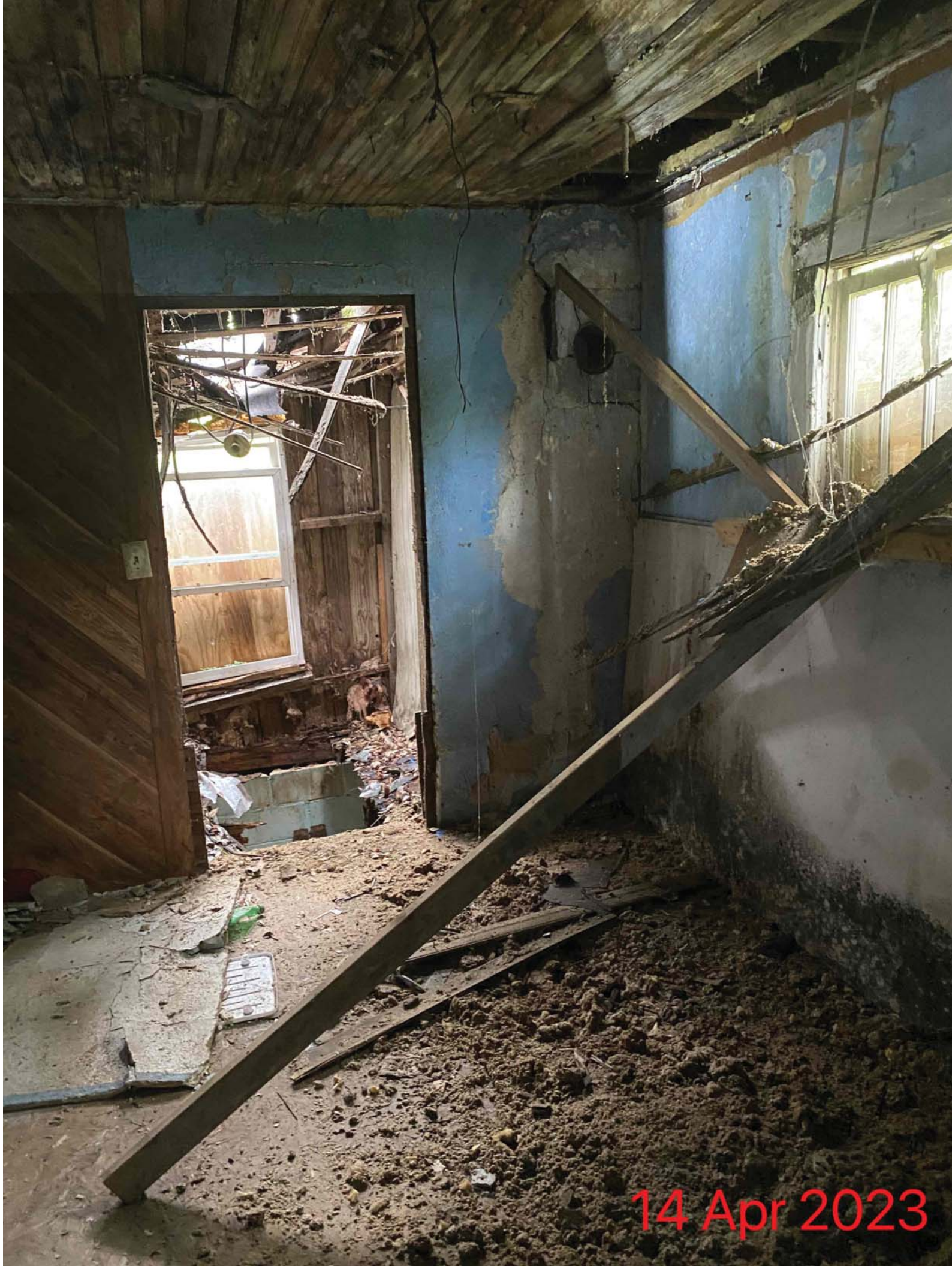
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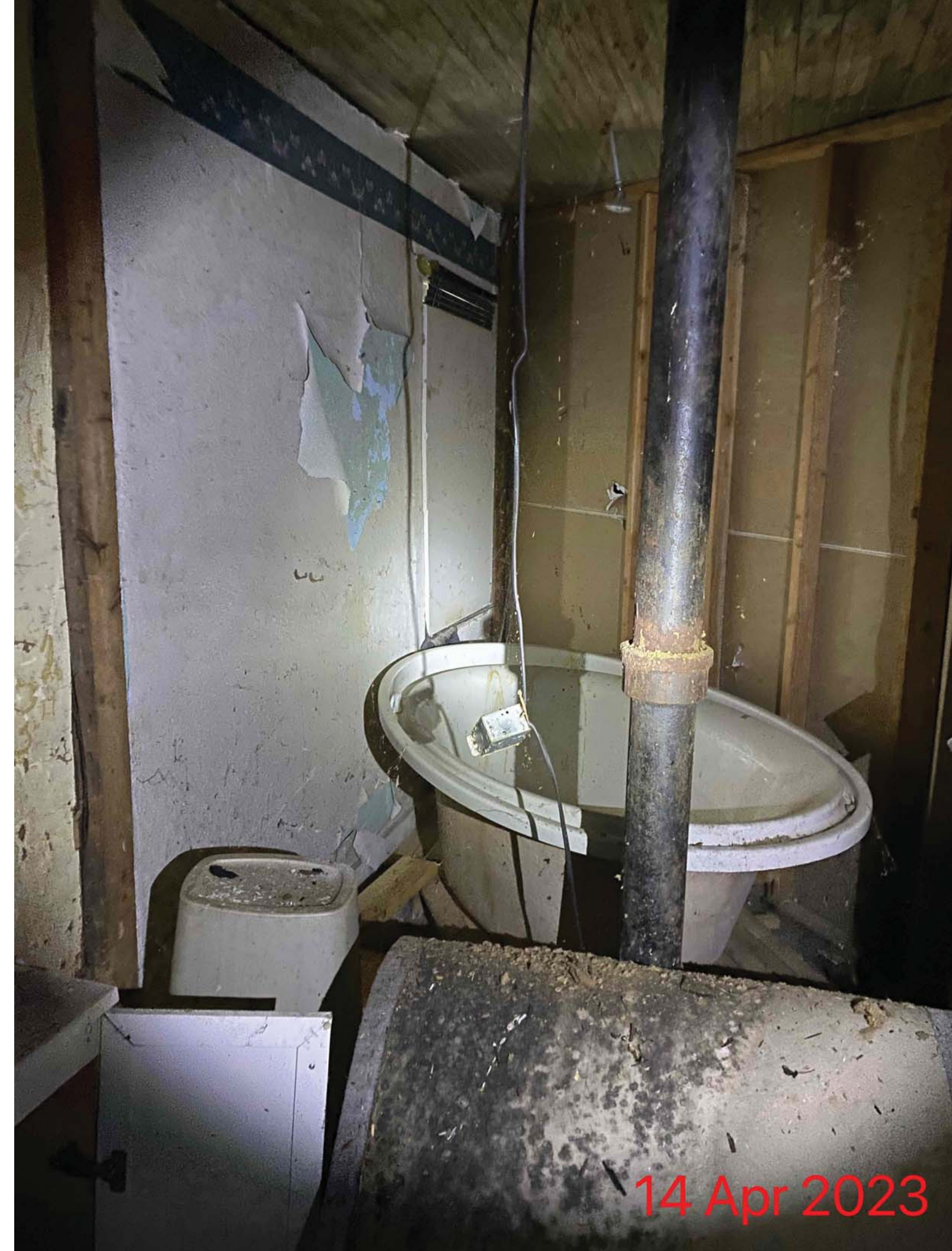
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14 Apr 2023

CITY OF HIGH POINT

AGENDA ITEM



Title: 100 KV Transmission Pole Foundation Construction
Bid # 9021-042623

From: Tyler Berrier, PE; Electric Utilities Dir.

Meeting Date: May 15, 2023

Public Hearing: N/A

Advertised By: N/A

Attachments: Attachment A: Bid Tabulation
Attachment B: Recommendation Form

PURPOSE:

The Electric Utilities Department has been tasked with relocating a portion of 100kV transmission poles to accommodate the substation rehabilitation work at Jackson Lake Substation. This bid was for the construction of the pole foundations.

BACKGROUND:

This project is a portion of the rehabilitation work being performed at Jackson Lake Substation.

BUDGET IMPACT:

Funds are included in the Capital Budget to cover this service.

RECOMMENDATION / ACTION REQUESTED:

City Staff has reviewed the bid submittal and evaluated the information provided. Staff is recommending that the bid for the 100 kV Transmission Pole Foundation construction be awarded to Long Foundation Drilling Co. Inc. for \$322,276. Long Foundation Drilling Company was the lowest bidder meeting specifications of the 4 bids received.



Bid Tabulation
City of High Point, North Carolina
Jackson Lake Transmission
Bid 9021-042623 / Wednesday, April 26, 2023 PM

Contractor	MWBE	Addendum	Bid Form	Total Bid
Long Foundation Drilling Co	Yes	Yes	Yes	\$322,276.00
GridTech, LLC	Yes	Yes	Yes	\$365,257.00
Quality Plus Services DBA Graves Construction and Drilling Services	No	Yes	Yes	\$436,270.00
Southeastern Power Corporation	Yes	Yes	Yes	\$543,845.55



Southeastern Consulting Engineers, Inc.

April 28, 2023

Mr. Tyler Berrier, P.E.
Electric Utilities Director
City of High Point
P.O. Box 230
High Point, North Carolina 27261

Ref.: Bid No. 9021-042623
Jackson Lake Transmission Line Foundations

Dear Tyler:

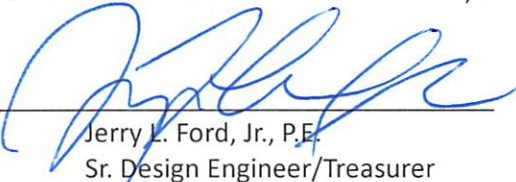
The City received informal proposals at 2:00 p.m. on April 26, 2023, from four contractors for the installation of concrete transmission pole foundations. The bids were reviewed for compliance with the specifications and relevant project experience. A bid tabulation is attached.

The low bid was submitted by Long Foundation Drilling Company in the amount of \$322,276.00. Long Foundation maintains their corporate headquarters in Hermitage, TN, but also have a local office in Winston Salem, NC. Long Foundation Drilling has been in business since 1985 and has relevant project experience. We believe that Long Foundation Drilling has a thorough understanding of the complexities of the City's project and provided the lowest and most responsive proposal.

We recommend that the City accept Long Foundation Drilling Company's proposal and proceed with executing the contract documents. Please let us know if you have any questions or need any additional information.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By 
Jerry L. Ford, Jr., P.E.
Sr. Design Engineer/Treasurer

JLF/lc

Attachment



**FORMAL BID RECOMMENDATION
REQUEST FOR COUNCIL APPROVAL**

DEPARTMENT:

COUNCIL AGENDA DATE:

BID NO.: CONTRACT NO.: DATE OPENED:

DESCRIPTION:

PURPOSE:

COMMENTS:

RECOMMEND AWARD TO: AMOUNT:

JUSTIFICATION:

ACCOUNTING UNIT	ACCOUNT	ACTIVITY	CATEGORY	BUDGETED AMOUNT
TOTAL BUDGETED AMOUNT				

DEPARTMENT HEAD: DATE:

The Purchasing Division concurs with recommendation submitted by the and recommends award to the lowest responsible, responsive bidder in the amount of \$.

PURCHASING MANAGER: DATE:

Approved for Submission to Council
FINANCIAL SERVICES DIRECTOR: DATE:

CITY MANAGER: DATE:

CITY OF HIGH POINT

AGENDA ITEM



Title: Whites Mill Pump Station – American Rescue Plan Act Grant Funding

From: Robby Stone – Public Services Director
Derrick Boone – Asst. Public Services Director

Meeting Date: May 15, 2023

Public Hearing: No

Advertising Date: N/A
Advertised By:

Attachments: Resolution

PURPOSE: Adoption of a resolution to accept \$400,000 in grant funds from the American Rescue Plan Act offered by the North Carolina Department of Environmental Quality for design efforts to upgrade the Whites Mill sanitary sewer lift station.

BACKGROUND: The Whites Mill lift station is a duplex sanitary sewer lift station that was upgraded circa 2006. The lift station service area consists primarily of residential properties as well as three schools. The lift station is nearing its operating capacity. The Whites Mill lift station was evaluated in November 2021. The scope of the project will consist of the design of improvements to expand the capacity of the lift station, as well as the following:

- Extension of a 10-inch diameter force main along Oak Hollow Drive and La Salle Drive to discharge immediately upstream of the La Salle Siphon
- Upsizing of 320 feet of gravity sewer and installation of a grinder in the vicinity of the La Salle Drive Siphon
- Installation of a third 8-inch siphon pipe will be installed by horizontal directional drill (HDD) across the lake to connect to the Lake Forest lift station.

The preliminary cost estimate to construct the Whites Mill Lift Station Upgrade and additional downstream sanitary sewer improvements is approximately \$5 million dollars.

BUDGET IMPACT: The NC Department of Environmental Quality issued a funding award in the total amount of \$400,000 toward the design of this project.

RECOMMENDATION / ACTION REQUESTED: Approve the attached resolution accepting the \$400,000 grant offer.

CITY OF HIGH POINT

RESOLUTION BY GOVERNING BODY OF RECIPIENT

WHEREAS, the American Rescue Plan Act (ARPA), funded from the State Fiscal Recovery Fund, was established in Session Law (S.L.) 2021-180 and S.L. 2022-74 to assist eligible units of local government with meeting their drinking water and/or wastewater and/or stormwater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered ARPA funding in the amount of \$400,000 to perform the work detailed in the submitted application, and

WHEREAS, the City of High Point intends to perform said project in accordance with the agreed scope of work,

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

That the City of High Point does hereby accept the ARPA grant offer of \$400,000; and

That the City of High Point does hereby give assurance to the North Carolina Department of Environmental Quality that any *Conditions* or *Assurances* contained in the *Funding Offer and Acceptance* (award offer) will be adhered to; has substantially complied, or will substantially comply, with all federal, State of North Carolina (State), and local laws, rules, regulations, and ordinances applicable to the project; and to federal and State grants and loans pertaining thereto; and

That City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the North Carolina Department of Environmental Quality, Division of Water Infrastructure.

Adopted by High Point City Council this May 15, 2023 in High Point, North Carolina.

[SEAL]

Jay W. Wagner, Mayor

Sandra Keeney, City Clerk

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of High Point does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the High Point City Council duly held on the 15th day of May, 2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2023.

(Signature of Recording Officer)

(Title of Recording Officer)

CITY OF HIGH POINT

AGENDA ITEM



Title: Conveyance of Properties to Community Housing Solutions for the Cedrow Affordable Housing Project

From: Thanena S. Wilson, CD & Housing Director

Meeting Date: 5/15/2023

Public Hearing: N/A

Advertising Date: N/A

Advertised By:

Attachments: Area Map
Resolution of Conveyance

PURPOSE:

To continue development of affordable single-family housing for homeownership, Community Development & Housing seeks Council approval of conveyance of 506 Rolling Green Drive as part of the Cedrow Affordable Housing Project:

Community Housing Solutions of Guilford, Inc. (CHS) will build one unit on the lot to be sold to an income eligible homebuyer. The conveyance and home construction will facilitate affordable housing in accordance with HUD regulations and serve a public purpose.

BACKGROUND:

CHS has completed and sold four (4) units in the Cedrow Project. Three (3) units are currently under contract and are expected to close by the end of June. They expect to get underway with construction on the next three (3) lots, which includes 506 Rolling Green, this month.

BUDGET IMPACT:

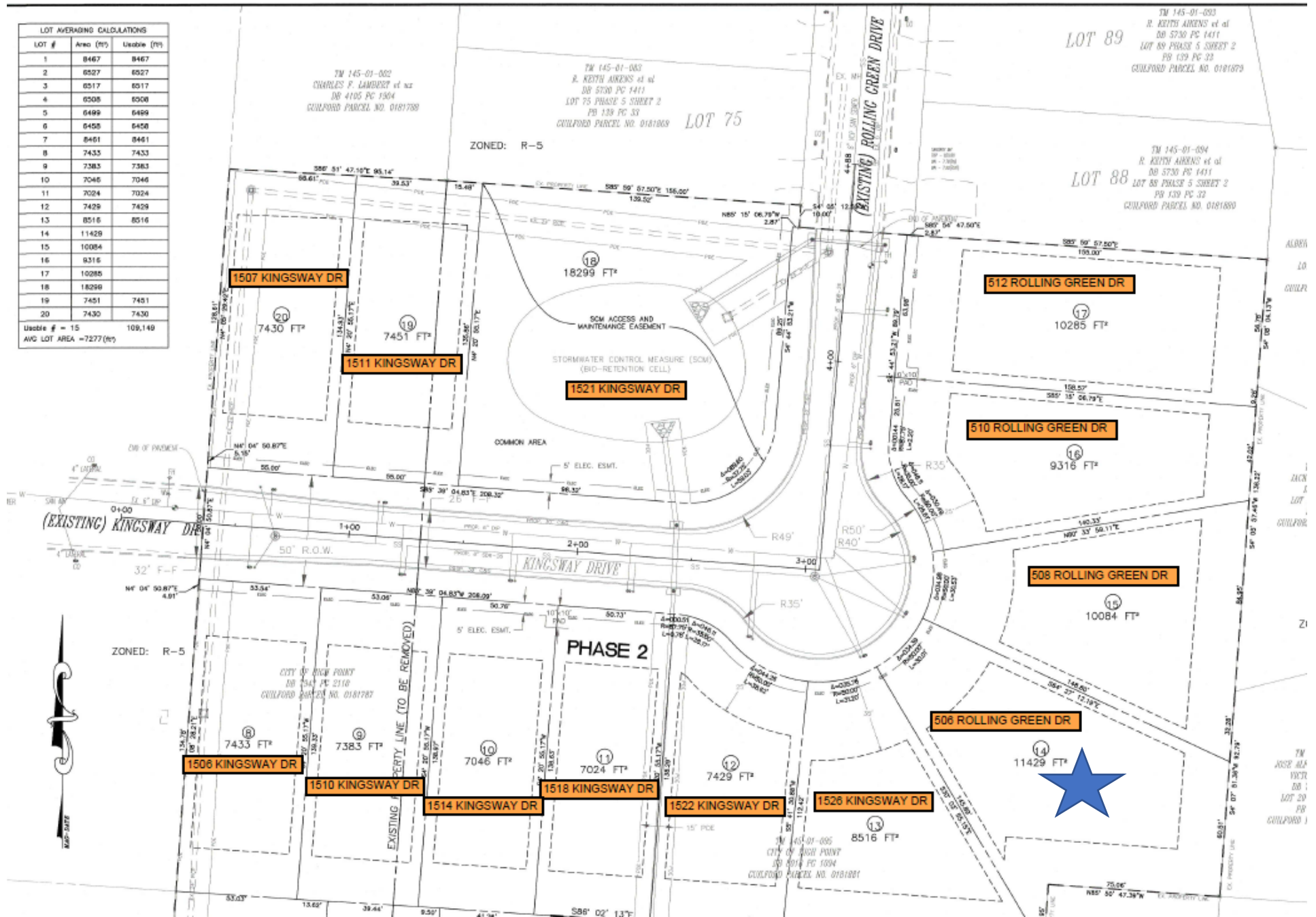
There is no budget impact for conveyance of the properties. Council previously approved an amendment to the CHDO Agreement to add 506 Rolling Green Drive for total construction of seven (7) units with the use of HOME funds.

RECOMMENDATION/ACTION REQUEST:

The Community Development & Housing Department recommends approval of the resolution conveying the properties to CHS to construct affordable housing, and that the appropriate City official and/or employee be authorized to execute all necessary documents.

CEDROW DRIVE PROJECT

LOT AVERAGING CALCULATIONS		
LOT #	Area (sq)	Usable (sq)
1	8467	8467
2	8527	8527
3	8517	8517
4	8508	8508
5	8499	8499
6	8458	8458
7	8461	8461
8	7433	7433
9	7383	7383
10	7046	7046
11	7024	7024
12	7429	7429
13	8516	8516
14	11429	
15	10084	
16	9316	
17	10285	
18	18299	
19	7451	7451
20	7430	7430
Usable # = 15		109,149
AVG LOT AREA = 7277 (sq)		



**RESOLUTION OF THE HIGH POINT CITY COUNCIL
APPROVING CONVEYANCE
OF REAL PROPERTY
TO A NONPROFIT CORPORATION**

WHEREAS, the City of High Point owns a tract of land recorded in Plat Book 202, Pages 148-149, recorded in the Guilford County Register of deeds, which contains the following property: 506 Rolling Green Drive, High Point, NC (“Property”); and

WHEREAS, North Carolina General Statute § 160A-457 authorizes a city’s acquisition and disposition of property for redevelopment as part of a community development program, or independently thereof, and without the necessity of compliance with the Urban Redevelopment Law; and

WHEREAS, North Carolina General Statute § 160A-20.1 authorizes a city to appropriate money to private organizations to carry out any public purpose that a city is authorized by law to engage in; and

WHEREAS, North Carolina General Statute § 160A-279 authorizes a city to convey real property by private sale to a nonprofit corporation which carries out a public purpose, in lieu of or in addition to the appropriation of funds; and

WHEREAS, the City of High Point has executed a contract with Community Housing Solutions of Guilford, Inc. to construct affordable housing in the City of High Point by conveying the above-described Property to Community Housing Solutions of Guilford, Inc.

THEREFORE, THE CITY COUNCIL FOR THE CITY OF HIGH POINT RESOLVES THAT:

1. The Mayor of the City of High Point is authorized to execute all documents necessary to convey title to the Property located at 506 Rolling Green Drive in the City of High Point, and more particularly described in Plat Book 202, Pages 148-149 of the Guilford County Registry.

2. The consideration of the conveyance is Community Housing Solutions of Guilford, Inc.’s agreement to use this property only for the “public” purpose of furthering the mission of the City of High Point in providing owner-occupied housing. If for any reason the property ceases to be used for a “public” purpose, the property shall revert to the City of High Point. A statement to this effect shall be placed in the deed of conveyance.

3. The City Clerk shall publish a notice summarizing the contents of this resolution and the conveyance of the property may be consummated at any time after 10 days of publication of the notice.

ADOPTED this the 15th day of May 2023.

CITY OF HIGH POINT

By: _____
Jay W. Wagner, Mayor

Attested to:

Sandra R. Keeney, City Clerk

COMMUNITY DEVELOPMENT COMMITTEE
Chaired by Council Member Williams
Committee Members: Williams, Hudson, Jefferson, and Johnson
May 2, 2023 – 4:00 P.M.
Council Chambers – Municipal Building
211 S. Hamilton Street

CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m.

Present: Chair Christopher Williams, Council Member Tyrone Johnson, and Council Member Cyril Jefferson

Absent: Council Member Wesley Hudson

PRESENTATION OF ITEMS

Community Development Committee - Council Member Williams, Chair

2023-196 Ordinance-Demolition of Dwelling-411 W. Willis Avenue

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling at 411 W. Willis Avenue.

Lori Loosemore, Code Enforcement Officer provided the staff report for this item. She provided photos of the property and stated the inspector observed the condition of the property which initiated an inspection on July 26, 2022. A hearing was held on August 24, 2022, in which no one appeared. An order to repair or demolish was issued with a date of compliance of September 26, 2022.

She stated representatives for Triad Housing Group 1 informed the city they would be making repairs. However, after obtaining an estimate, the repairs would exceed \$65,000. Mr. Belcher, a representative of the company, informed the inspector they are having a challenging time selling the property, and if they do not find a buyer, they will demolish the house. She noted the property taxes are not delinquent.

Chairman Williams asked if anyone was present that wished to be heard regarding this matter.

No one was present.

Chairman Williams made a motion, seconded by Committee Member Jefferson, to approve agenda item 2023-196 ordinance-demolition of dwelling for 411 W. Willis Avenue.

Motion carried with the following vote:

Aye: Chair Williams, Council Member Johnson, and Council Member Jefferson

Absent: Council Member Hudson

2023-197 Ordinance-Demolition of Dwelling-717 Cliffside Avenue

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling at 717 Cliffside Avenue.

Lori Loosemore, Code Enforcement Manager, provided the staff report and photos for this item. She stated an inspector noticed the condition of the property which initiated an inspection on August 10, 2022. A hearing was conducted on September 7, 2022, in which no one appeared. An order to repair or demolish was issued on September 8, 2022, with a compliance date of October 10, 2022. Property taxes are delinquent in the amount of \$1,734.75 for 2022. She noted this was advertised in the paper as they could not locate the owner.

Chair Williams asked if there was anyone present to speak for or against this item.

No one was present.

A motion was made by Chairman Williams, seconded by Council Member Jefferson, to approve agenda item 2023-197 ordinance-demolition of dwelling 717 Cliffside Avenue.

Motion carried with the following vote:

Chairman Williams stated that he neglected to notify those listening of who was present and noted that Council Member Johnson and Jefferson are present, and Council Member Hudson is absent.

Aye: Chair Williams, Council Member Johnson, and Council Member Jefferson

Absent: Council Member Hudson

2023-199 Resolution-Conveyance of Properties-506 Rolling Green Drive

Approval of the resolution conveying the properties to Community Housing Solutions of Guilford, Inc. (CHS) to construct affordable housing, and that the appropriate City official and/or employee be authorized to execute all necessary documents.

Nena Wilson, Community Development and Housing Director, provided the staff report for this item. She stated for the Cedrow Project contract was initiated for six lots but when the general contractor was staking one of the lots, a berm was noticed, and additional grading is needed. In order to keep the progress moving on six lots, it is recommended that an additional lot which would bring the total agreement up to seven lots be added on this particular contract. She stated the property is located at 506 Rolling Green Drive and noted this was previously considered at the Finance Committee and the City Council meeting to increase the total agreement to include this one lot, so now the request is to convey the property.

Committee Member Jefferson stated he is enjoying seeing the work on this progress.

Chairman Williams noted he is pleased regarding how efficient the homes are.

A motion was made by Chairman Williams, seconded by Committee Member Johnson, to approve agenda item 2023-199 Resolution-Conveyance of Properties at 506 Rolling Green Drive.

Motion carried with the following vote:

Aye: Chair Williams, Council Member Johnson, and Council Member Jefferson

Absent: Council Member Hudson

2023-198 2023 Annual Action Plan

City Council is requested to approve the 2023 Annual Action Plan

Nena Wilson, Community Development and Housing Director, provided the staff report for this item. This is year four of the five-year consolidated plan. The Annual Action Plan is a strategic plan that describes the funding sources, uses, and the beneficiaries of the programs. It identifies how the plan uses the Community Development Block Grant (CDBG) as well as Home Investment Partnership Program (HOME) funds and also includes state and local funding. She said for the projected year 2023 the Community Development Department will receive a CDBG allocation of \$817,693 which is a \$90,093 reduction and a HOME allocation of \$541,533 which is a reduction of \$59,645. She noted the reduction in allocations are due to formula allocations at the federal level and it is based on population, overcrowded housing, and poverty rate.

She reviewed the Strategic Goals which are housing, homelessness, community development, special needs, economic development, and administration, planning and management strategies. She explained the areas of impact that are focused on are affordable housing, community capacity building, and code enforcement.

Ms. Wilson explained funding sources which includes allocations totaling \$2,871,874 with the majority of the funding being federal. She thanked the City Council for the contributions from the general fund which totals \$754,398. She stated for the proposed uses, affordable housing and housing repairs continues to be the primary focus of the programs. She stated public services requests were received that totaled almost \$122,000 however, \$75,000 was budgeted. She stated the Citizens Advisory Council worked hard regarding recommending the following agencies for funding:

- *ARC of High Point - \$20,000*
- *The Salvation Army Boys and Girls Club - \$22,228*
- *City of High Point Housing Authority - \$3,600 for their family self-sufficiency occupational training project*
- *Senior Resources of Guilford County - \$11,100*
- *The Servant Center - \$10,072*
- *Growing High Point - \$8,000*

For a total amount of \$75,000

She explained the 2023 Annual Action Plan Schedule and noted the draft plan is available for 30 days for public review and comment period which began April 13th and will end on May 12th. She said the plan has been distributed throughout the city such as Deep River Recreation Center, Allen Jay Recreation Center, Senior Resource Center, and the library. She stated there will be a public hearing at the City Council meeting on May 15th and then the plan will be submitted.

Chairman Williams thanked Ms. Wilson and the Community Development Department for their hard work.

A motion was made by Chairman Moore, seconded by Council Member Johnson, to approve agenda item 2023-198.

Motion carried with the following vote:

Aye: Chair Williams, Council Member Johnson, and Council Member Jefferson

Absent: Council Member Hudson

2023-200 Update-2023 Volunteer Income Tax Assistance (VITA) Program

Staff will be providing an update regarding the 2023 VITA Program.

Megan Scales, Community Resource Specialist, stated the Volunteer Income Tax Assistance (VITA) is a nation-wide program that is managed by the Internal Revenue Service but implemented by partners such as the City of High Point. VITA provides free tax assistance to people with incomes of \$58,000 or less and noted this is the 17th year the city has performed these services. This year's host sites include: The ARC of High Point, YWCA High Point, Macedonia Resource Center, West End Ministries, High Point Public Library, Guilford County Technical Community College Jamestown, and High Point.

She stated there were two drop off sites as well as six in person sites. All returns are reviewed with the taxpayer prior to filing, and sites were open six days a week Monday-Saturday from January 23, 2023, to April 18, 2023. She stated there were several volunteers for the program which included greeters, schedulers, tax preparers, and site supervisors. She explained there were 1,913 total volunteer hours, 1,432.5 total tax preparation hours, 431 VITA hours of operation and 941 total federal and state tax return completed with a total of \$717,953 federal refunds issued. She said there were no IRS audit findings and reviewed the cost benefits as well as the return on investment and noted this program put up to \$959,820 back into the economy.

Chairman Williams thanked Ms. Scales and the VITA Team for volunteering to help with this much needed service.

ADJOURNMENT

There being no further business to come before the Committee, the meeting adjourned at 4:31 p.m.

Respectfully Submitted,

Chris Williams, Chairman
Community Development Committee

Attest:

Sandra Keeney
City Clerk

DRAFT

Community Development & Housing

2023-24 Annual Action Plan

Community Development Council Committee

May 2, 2023

2023 Annual Action Plan

- Year 4 of the 5-year 2020-2024 Consolidated Plan
- A strategic plan that describes sources, uses and beneficiaries of programs
- Primarily identifies how the City plans to use Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds
- Also includes state & local funding
- 2023 CDBG Allocation - \$817,693 *(\$90,093 reduction)*
- 2023 HOME Allocation - \$541,533 *(\$59,645 reduction)*



The City of High Point
Community Development and Housing

ANNUAL ACTION PLAN 2023-2024



The City of High Point, North Carolina, is an essential community under the U.S. Department of Housing & Urban Development's (HUD) Community Development Block Grant (CDBG) Program and a Participating Jurisdiction (PJ) in the HOME Investment Partnerships (HOME) Program. In compliance with the HUD regulations, the City of High Point has prepared this one-year **DRAFT** Annual Action Plan for July 1, 2023, through June 30, 2024.

STRATEGIC GOALS

HOUSING STRATEGY

HOMELESS STRATEGY

COMMUNITY
DEVELOPMENT
STRATEGY



SPECIAL NEEDS
STRATEGY

ECONOMIC
DEVELOPMENT
STRATEGY

ADMINISTRATION,
PLANNING, AND
MANAGEMENT
STRATEGY

Areas of Impact

➤ Affordable Housing

- ❑ Emergency/Urgent Repair
- ❑ Down Payment Assistance
- ❑ New Construction – Single- and Multi-family
- ❑ Operation Inasmuch

➤ Community Capacity Building

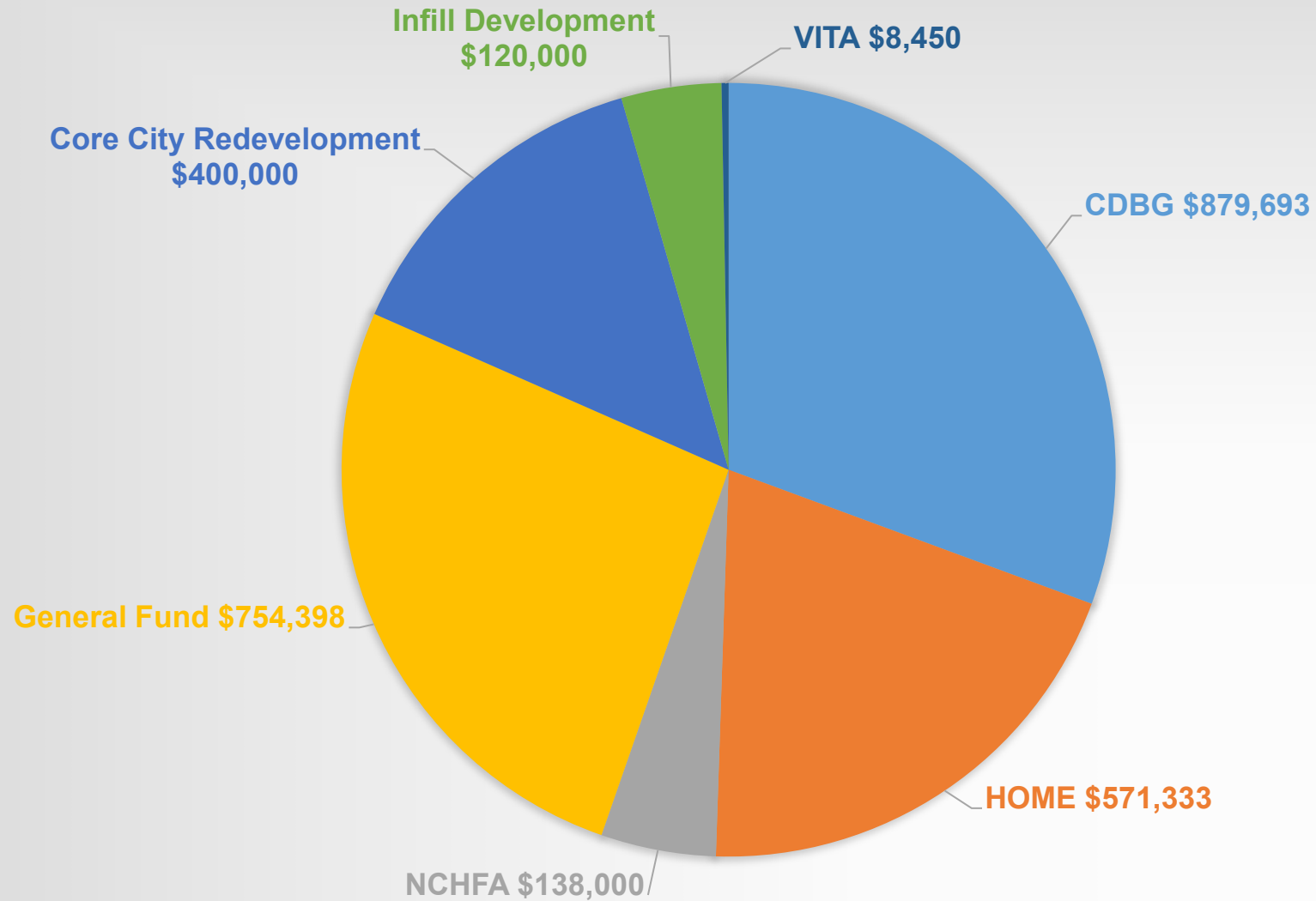
- ❑ Public Service Grants
- ❑ Technical Assistance to Neighborhood Associations/Groups
- ❑ Volunteer Income Tax Assistance (VITA)
- ❑ Community Gardens

➤ Code Enforcement

- ❑ Public Nuisance Abatement
- ❑ Minimum Housing Code Enforcement

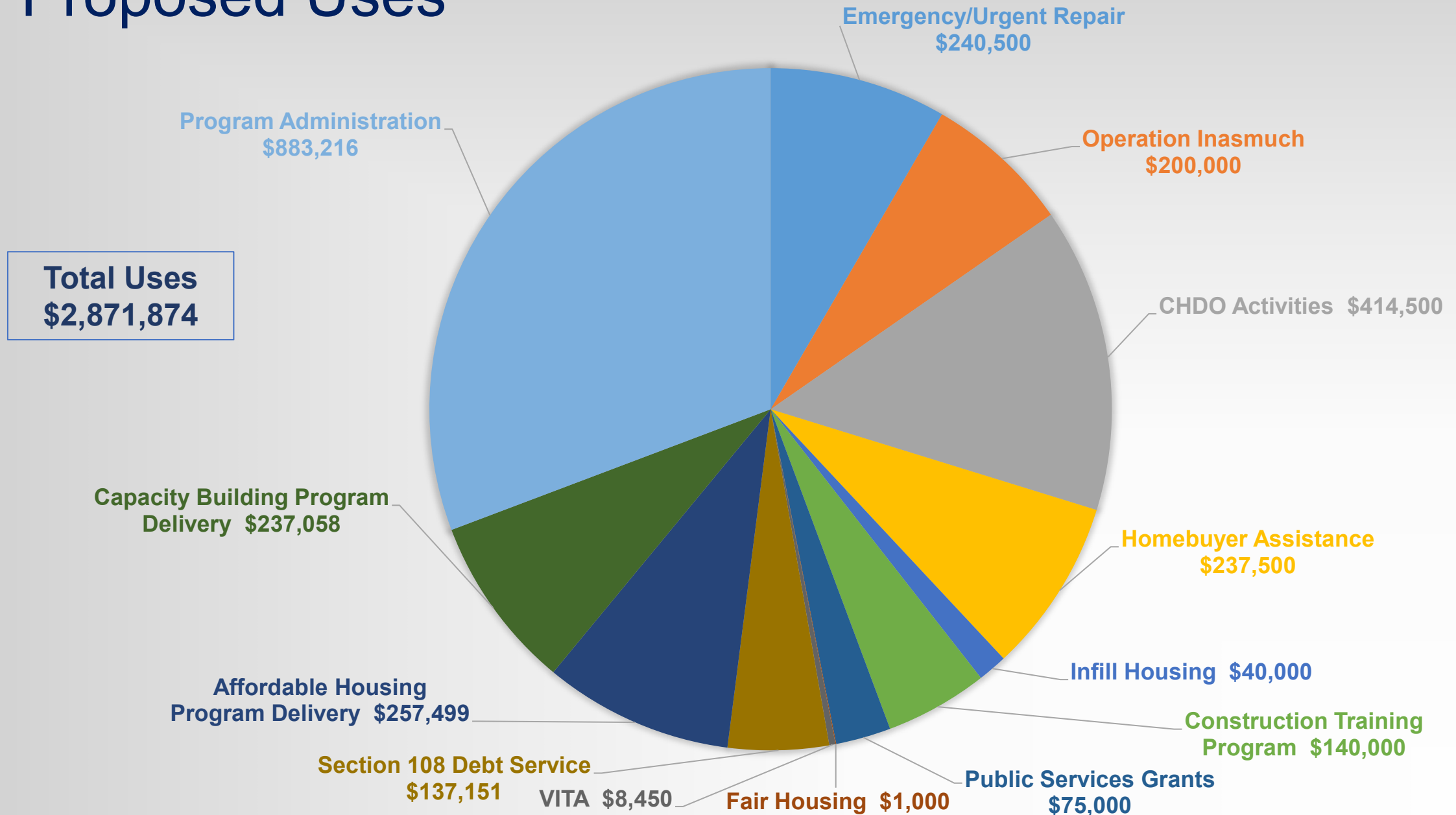


Funding Sources



Total Sources
\$2,871,874

Proposed Uses



2023 ANNUAL ACTION PLAN SCHEDULE

March 23rd	Citizen Advisory Council Presentation
March 27th	Community Leaders/Citizen Participation Meeting Morehead Recreation Center 6pm
March 30th	Virtual Citizen Participation Meeting 10am
April 13th-May 12th	Draft plan available for 30-day public review and comment period
May 2nd	Community Development Council Committee Presentation
May 15th	Public Hearing/Request City Council Approval
May 15th (on or about)	Submit Plan to HUD Upon Council Approval

Questions/Comments

Thank You

Thanena Wilson, Director
Community Development & Housing Department
336-883-3351
thanena.wilson@highpointnc.gov

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 23-08
(Diversified Estate Holdings, LLC)

From: Sushil Nepal, AICP
Planning & Development Director

Public Hearing: Yes

Meeting Date: July 17, 2023

Advertising Date: July 5, 2023, and
July 12, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by Diversified Estate Holdings, LLC to rezone approximately 9.6 acres from a Conditional Use Agricultural (CU-AGR) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road).

BACKGROUND:

Mr. Herbert Shannon, Senior Planner, provided an overview of the history of this zoning request, changes to the Conditional Zoning Ordinance offered by the applicant, and the updated staff recommendation that is generally supporting this zoning request based upon changes offered by the applicant.

Speaking in favor of the request:

The applicant's representative, Ms. Judy Stalder, 3735 Admiral Drive, High Point, spoke in favor of the request. She outlined their proposal to develop this site for a multifamily project with approximately 145 dwelling units. Ms. Stalder provided an overview of the changes offered to the conditional zoning ordinance to address concerns raised by staff and surrounding property owners. Based upon the amended zoning conditions, she noted that the proposed development can be compatible with the surrounding area.

Speaking in opposition to the request:

Speaking in opposition to this request were Mr. Williams Jones, 3646 Hickwood Forest Drive, Ms. Deborah Davis 3951 Cobblestone Drive, Ms. Melody Thomas 3933 Cobblestone Bend Drive and Mr. Reid Nifong, 3948 Cobblestone Bend Drive. These speakers expressed the following concerns:

1. Development intensity/density:

- The proposed multifamily development, at 16 units per acre, is inconsistent with the low-to-medium-density development around the site. A multi-story multifamily development is too intense next to the abutting single story residential dwellings.
- Even with the updated conditions, the intensity of development south of the power lines is still too high.

2. Building Height and Location: Development should be focused on the portion of the site lying north of the powerlines. Any development south of the powerlines should be limited to two-story structures.

3. Traffic: This proposed multifamily development, in conjunction with other previously approved multifamily to the north, will increase traffic in an area where traffic is already a problem.

After the public hearing, the Planning and Zoning Commission members had a lengthy discussion. They appreciated that the applicant revamped their development proposal to address issues raised by staff at their March and April public hearings. There was still concern that this is a transitional parcel, and the development intensity should be stepped down. There was also concern with having a multistory multifamily development next to a single-story residential development.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Based upon these changes and the updated Conditional Zoning Ordinance, the Planning and Development Department is supportive of this amended request.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **approval** of this request, as recommended by staff, by a vote of 6-1. Member Thad Juszczak vote in opposition due to concern with intensity of development proposed next to the single-story residential development.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to approve the following statement:

That Zoning Map Amendment 23-08 consistent with the City's adopted policy guidance because the requested zoning map amendment, as conditioned by the applicant, is to a certain degree aligned with the Land Use Plan and adopted policy guidance documents. Furthermore, conditions offered by the applicant for reduced development density along the southern half of the site, greater building setbacks and higher perimeter landscaping will support multifamily development that is generally compatible with abutting lower intensity land uses.



MEMORANDUM

TO: Jay Wagner, Mayor
City Council Members

FROM: Herbert Shannon, AICP, Senior Planner

DATE: July 17, 2023

SUBJECT: Zoning Map Amendment Case 23-08 (1711 & 1701 Penny Road)
Applicant: Diversified Estate Holding, LLC

Overview

This zoning map amendment application (ZA-23-08) proposes to rezone a 9.7-acre parcel, lying east of the intersection of Penny Road and East Fork Road, from a Conditional Use Agricultural (CU-AG) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. This rezoning is being sought to support a multifamily development at a density of 16 dwelling units per acre (up to 155 dwelling units) [See *Maps #1 & 2*].

The zoning site is situated at the transition point where higher intensity development, associated with the commercial node at the W. Wendover Avenue and Penny Road intersection, transitions to lower intensity land uses. The adopted land use plan supports Medium Density land uses (8 to 16 dwelling units per acre) along the northeastern 1/3 of the site while the southern 2/3s of the site is classified as Low-Density Residential which supports single family or other lower intensity residential development up to 5 units per acre [See *Map #3*].

Development options, as to building placement, is limited as most of the parcel is encumbered by a 150-foot wide Duke Power easement that runs through the entire length of the parcel. This restricts the developable area of this parcel to roughly 40%. Structures are limited to a triangular area at the northeastern and southwestern portions of the site [See *Map #4*].

A conceptual site plan presented by the applicant depicts 4-story multifamily structures, each containing 56-dwelling units, at the northeastern and southwestern corners of the site. These multifamily structures would abut lower intensity development consisting of a single family home and one-story townhomes. As outlined in the Staff Report (ZA-23-08 Staff Report March 28, 2023) the Planning and development Department expressed concerns with this request as to 1) compatibility of development at this transitional point of land use intensity and 2) intensity of development and conditions offered by the applicant does not adequately mitigate impacts [See *Map #5 and attached Staff Report ZA-23-08*].

Public Hearings Summary

- A. Planning & Zoning Commission (4th public hearing): The Planning and Zoning Commission held a 4th public hearing pertaining to this request at their **June 27, 2023 public hearing**. The Planning and Development Department provided an updated staff presentation and general recommendation of approval, based upon submittal of amended zoning conditions that addressed most of staff's concerns.

After the applicant's presentation and comments from the public (4 speakers in opposition), ***the Planning and Zoning Commission offered an updated recommendation of approval of the request, by a vote of 6-1.***

- B. City Council (3rd public hearing): This application was reviewed by the High Point City Council at their **May 15, 2023 public hearing**. The Friday prior to the City Council meeting (June 12), the applicant submitted a updated conditional zoning ordinance. At this public hearing staff provided a presentation and recommendation of denial. The applicant also provided a presentation and there were nine speakers in opposition.

The City Council expressed concerns that this updated conditional zoning ordinance has not been shared with the public (as part of the official staff report) and these new conditions were not offered to the Planning and Zoning Commission for their consideration.

The City Council unanimously voted (9-0) to refer this case back to the Planning and Zoning Commission.

- C. Planning & Zoning Commission (1st and 2nd public hearings): The Planning and Zoning Commission held the first public hearing pertaining to this request at their **March 28, 2023 public hearing**. After receiving a staff presentation and recommendation of denial, applicants' presentation and comments from the public (7 speakers in opposition), the Commission continued the request to their April 25, 2023 meeting to allow the applicant to address issues raised by the Planning Department.

The second public hearing was held on **April 25, 2023**. Staff outlined new conditions offered by the applicant. These changes did not address the primary issues of concern raised by the Planning Department at the March public hearing. Staff maintained its recommendation of denial to the zoning request.

The Planning and Zoning Commission made a recommendation to forward ZA-23-08 to the City Council with a recommendation of denial, by a vote of 8-0.

(See attached summary of changes to Conditional Zoning Ordinance ZA-08 as presented at the 4th public hearing – Planning & Zoning Commission June 27, 2023 meeting)

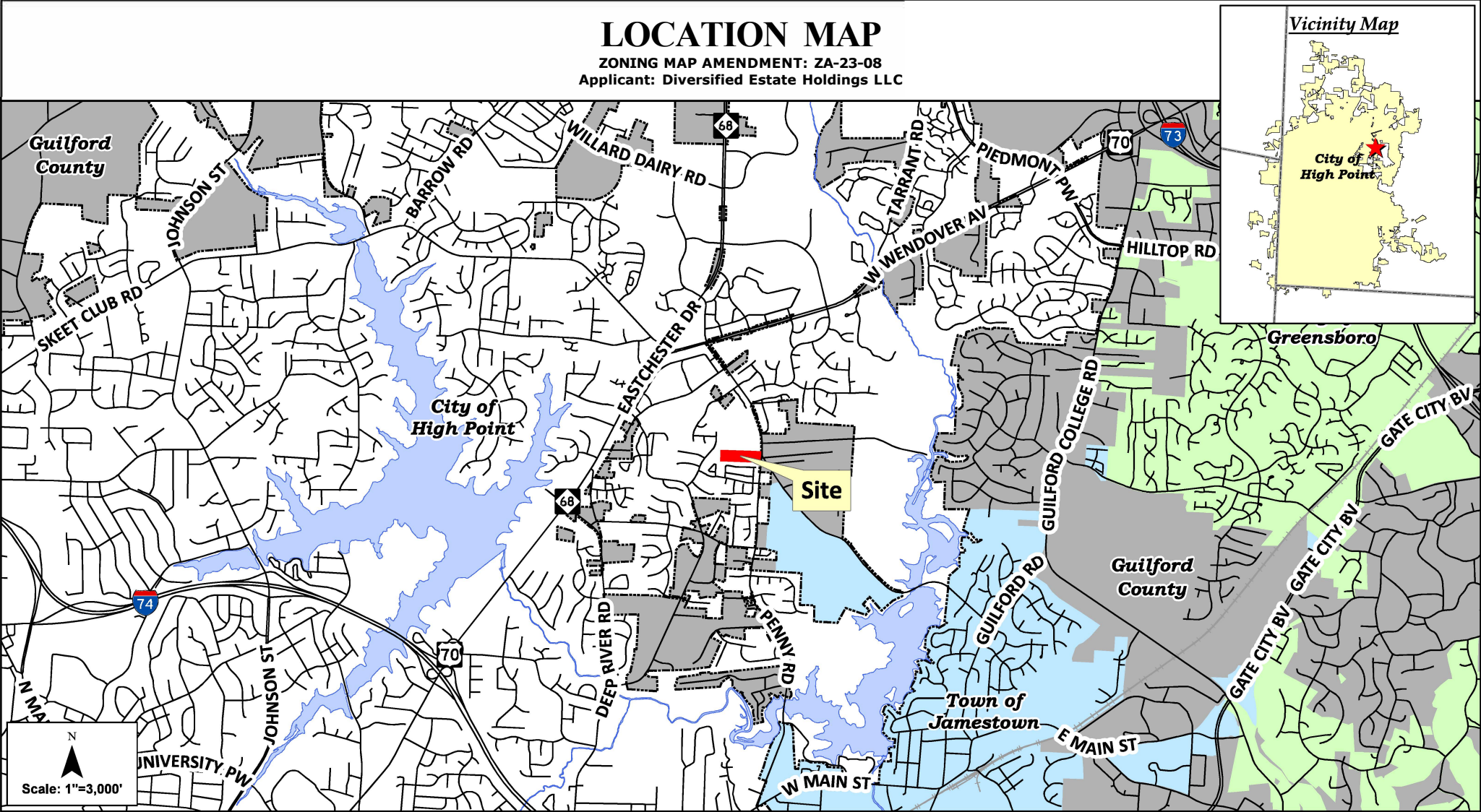
Staff Recommendation

The table below outlines a general summary of changes to Conditional Zoning Ordinance 23-08. **Based upon these changes to the Conditional Zoning Ordinance, the Planning and Development Department is supportive of this amended request.**

Summary of Zoning Conditions	
Staff Recommendation	Conditions Offered by Applicant
Binding Conditional Zoning Plan.	Not addressed
<u>Next to Southern Boundary of site</u> Staff proposed conditions to restrict building height, restrict building length, higher building setback. <i>(Option: staff noted that the P&Z Commission could consider rezoning the southern half of site to RM-5 District)</i>	<u>Next to Southern Boundary of site</u> <u>(New conditions)</u> • Number units reduced from 56 to 33. • Max. building height locked in at 50 ft. with pitched-roof building construction. • Multifamily building setback increased from 15 ft. to 30 ft. • Maximum building length reduced from 250 ft. to 200 ft. <i>(Note: Conditions are similar to the RM-5 District standards except for density (if southern half of site was RM-5 density would be limited to approx. 24 units).</i>
<u>Next to Northern Boundary of site</u> Staff proposed conditions to restrict building height, restrict building length, higher building setback.	<u>Next to Northern Boundary of site</u> <u>(New conditions)</u> Setback from Penny Road for a multifamily building increased from 20 ft to 250 ft. This pushes higher intensity development away from the history site with single family home. <i>(higher setback standard does not apply to garages and other accessory structures).</i>
<u>Transportation Conditions</u> Require at least two points of access for more than 50 dwelling units. One of access points shall be to Penny Road (align with the Penny Road/East Fork Road intersection). Intersection improvements <i>(traffic signal modification and turn lanes).</i>	<u>Transportation Conditions</u> Applicant has agreed to these transportation conditions.

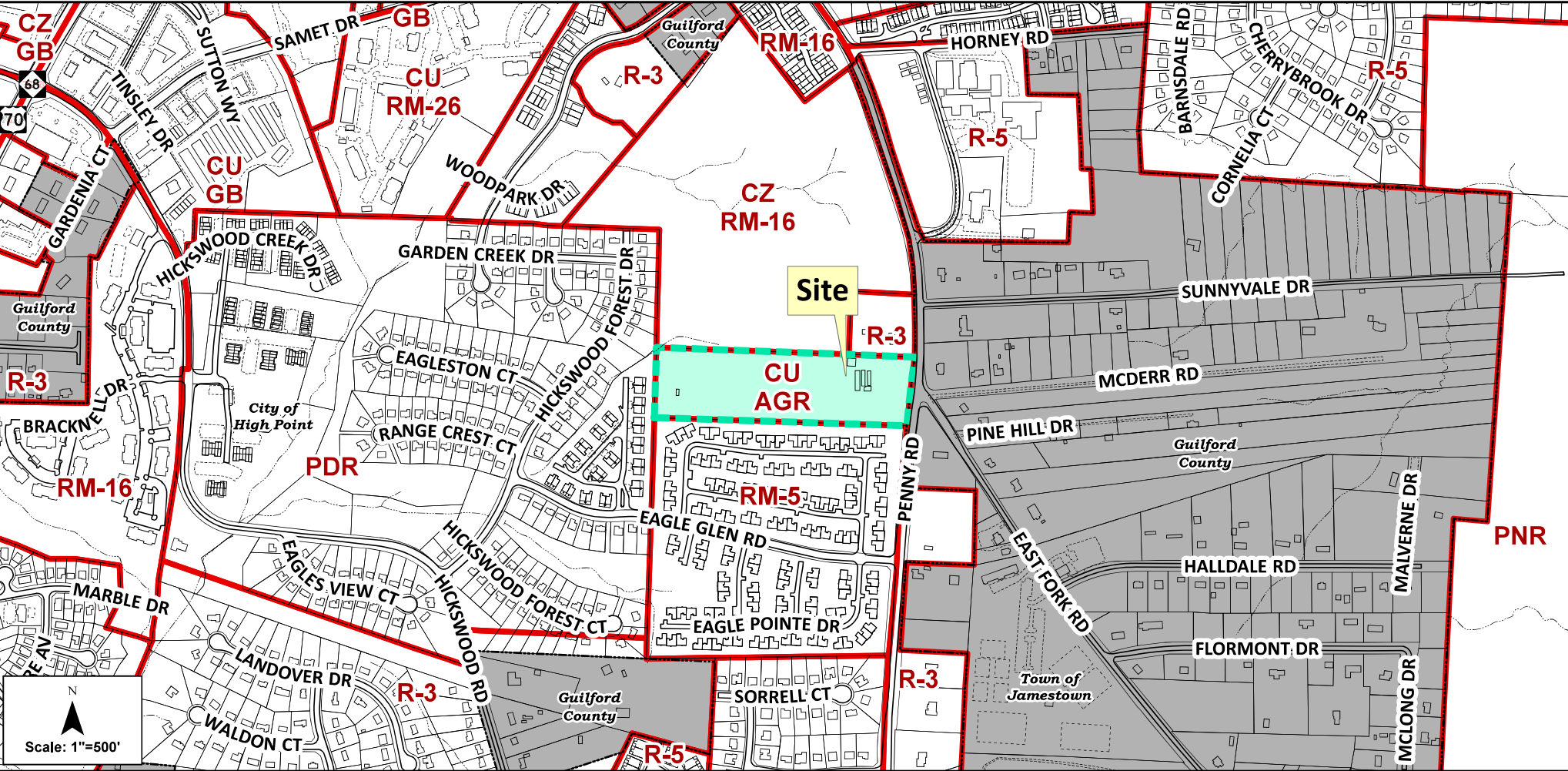
Staff Recommendation	Conditions Offered by Applicant
<u>Landscaping Standards</u> <u>Southern boundary</u> Nothing required by Ordinance. Staff recommended a min. 25-foot-wide Type B Yard (<i>10 trees and 25 shrubs every 100 linear ft</i>) <u>Northern boundary</u> Type C Yard required by Ordinance. Staff recommended a min. 25-ft-wide Type B Yard (<i>10 trees & 25 shrubs every 100 liner ft – 50% of shrubs to be evergreen</i>) <u>Penny Road frontage</u> 10-foot wide Street Yard, planted to the Type C (7 trees and 20 shrubs every 100 linear feet - 25% of shrubs to be evergreen)	<u>Landscaping Standards</u> <u>(New conditions)</u> <u>Southern boundary</u> • Applicant offered Type C Yard (15-ft average width containing 7 trees & 20 shrubs every 100 linear ft, with 50% of shrubs to be evergreen) • 6-foot high screening fence next to building <u>Northern boundary</u> Applicant proposed a Type C Yard planting yard of greater than 50% evergreen. <u>Penny Road frontage</u> Higher Type C Planting rate not agreed to by applicant.

Map #1

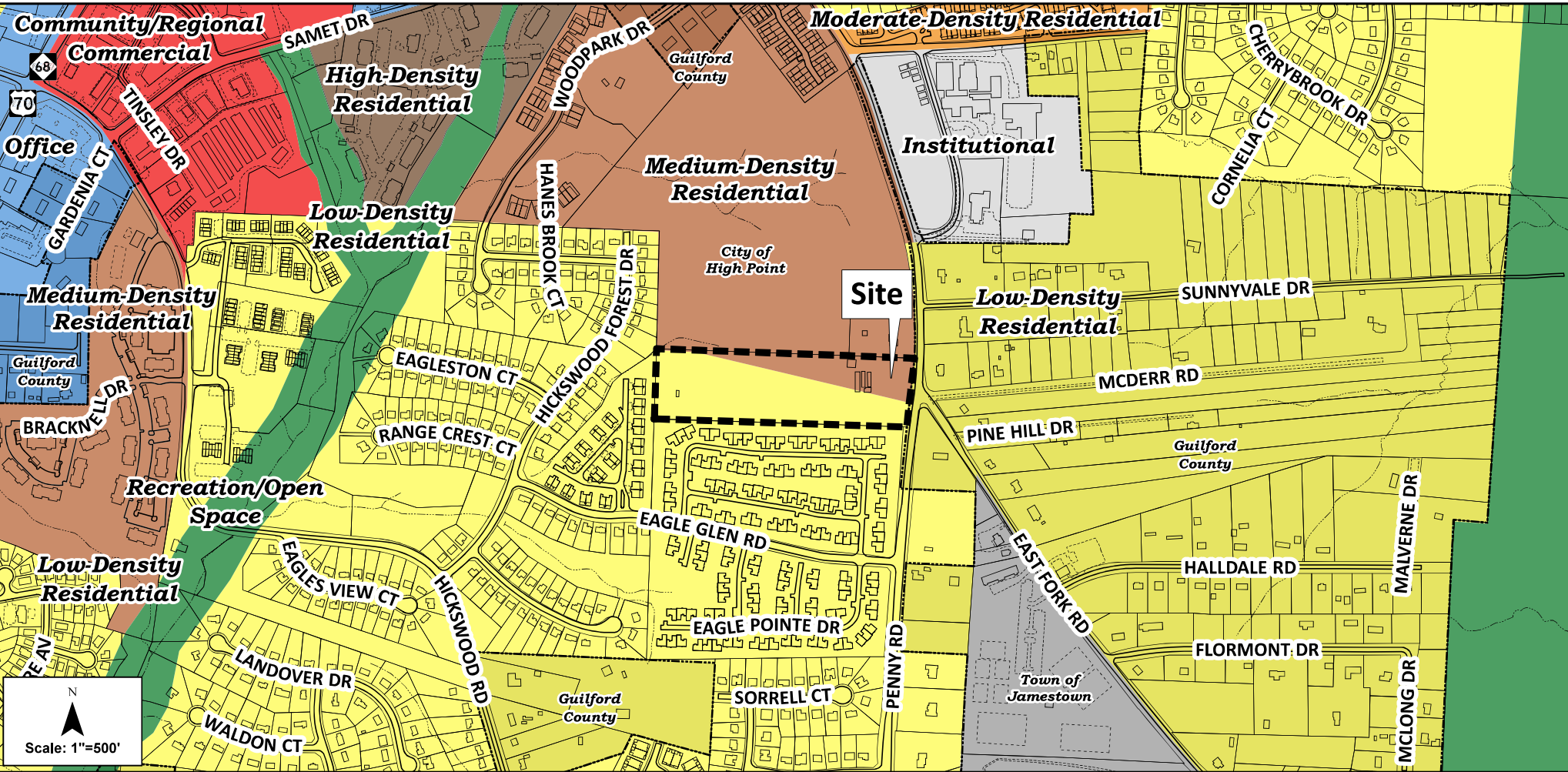


© Planning Board Action Case/Zoning Map Amendment/2023 Zoning Map Amendments 2023, apr.

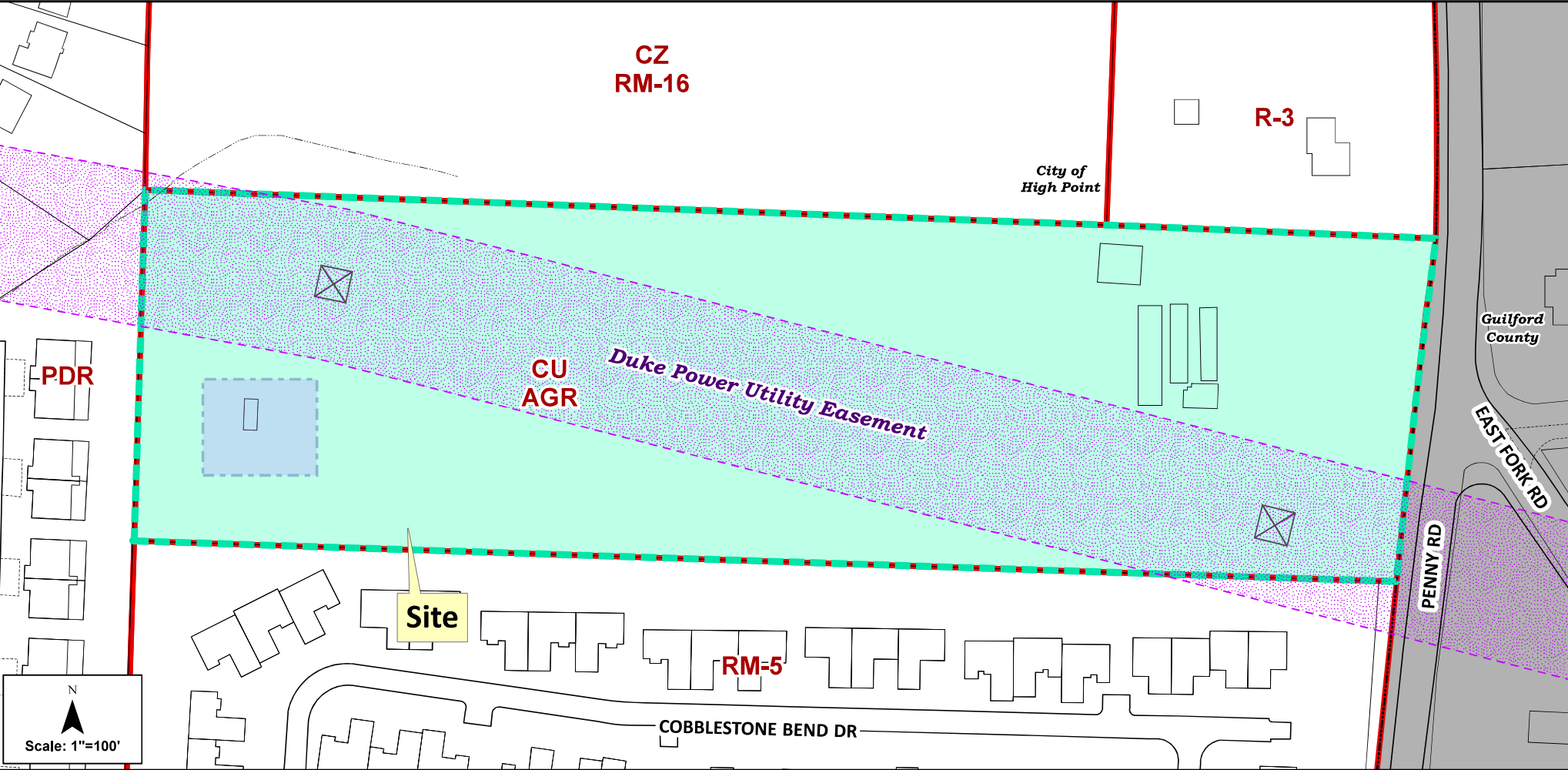
ZONING MAP AMENDMENT: ZA-23-08
ZONING MAP



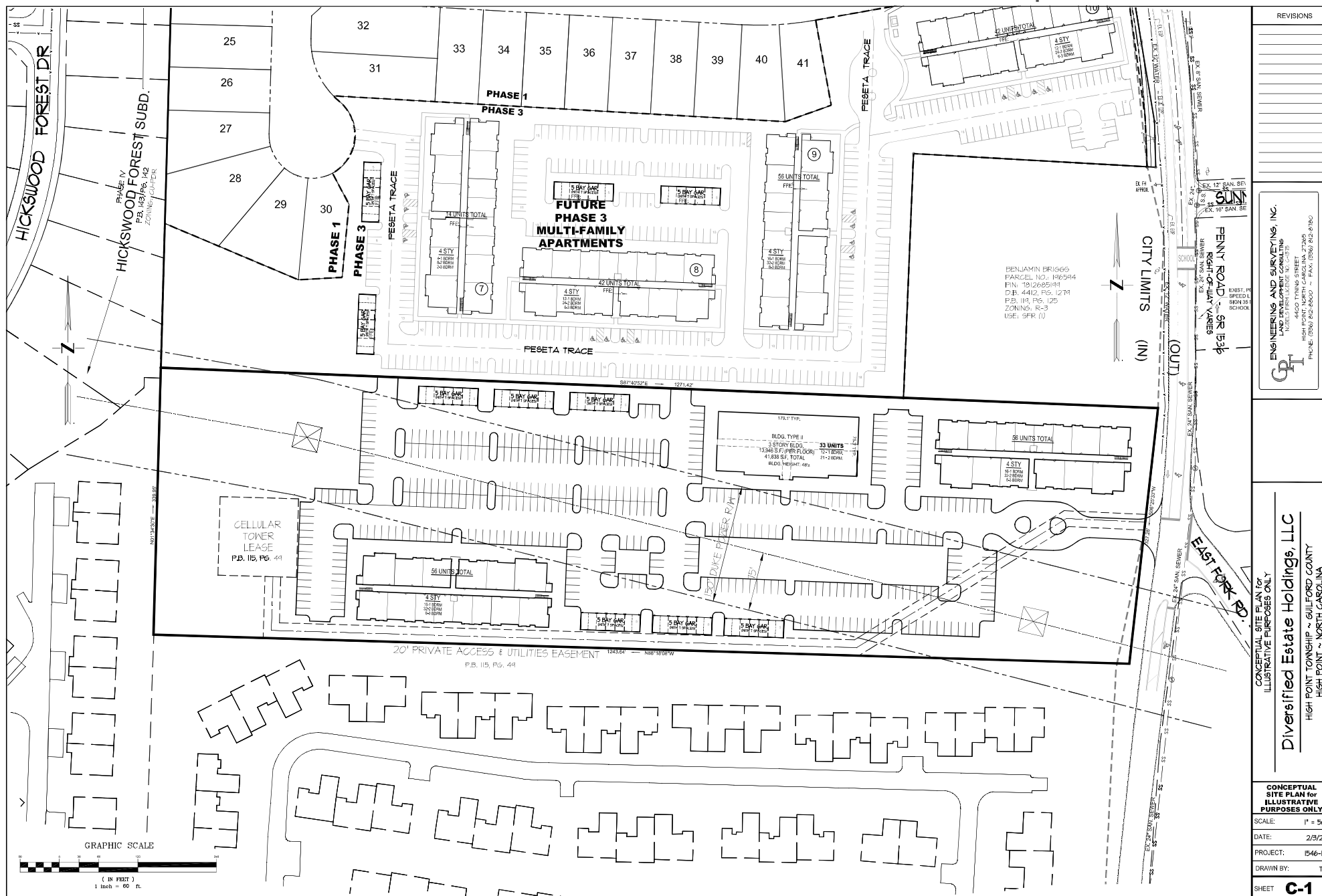
ZONING MAP AMENDMENT: ZA-23-08
LAND USE PLAN MAP



**ZONING MAP AMENDMENT:
EXHIBIT MAP**

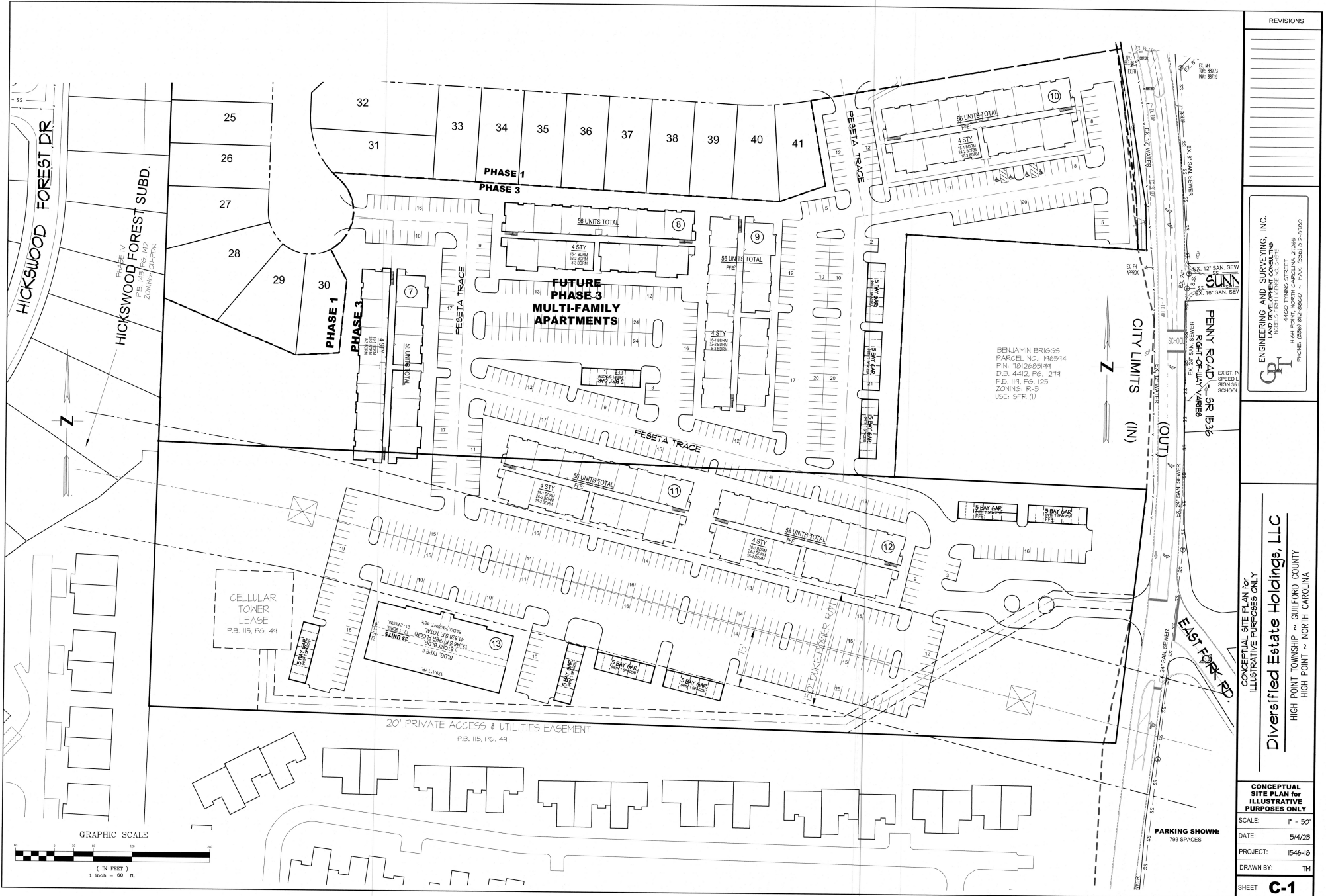


Map #5



1:CPY1546-16DWG1546-18 CIVIL DESIGN_NEW PARCEL 02-02-23.dwg, PLOT1 Sketchy, 2/3/2023 7:12:52 PM, 1:1, TMJTN

Amendment Concept Plan



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

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on March 28, 2023 and before the City Council of the City of High Point on April 17, 2023 regarding **Zoning Map Amendment Case 23-08 (ZA-23-08)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

18, 2022, for the Planning and Zoning Commission public hearing and on April 5, 2023 and April 12, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on May 15, 2023.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Residential Multifamily - 16 District (CZ RM-16) District**. The property is approximately 9.7 acres, located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road). The property is also known as Guilford County Tax Parcel 187199.

SECTION 2

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

Part I. **USES:** Any uses allowed in the Residential Multifamily – 16 (RM-16) District shall be permitted, subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multifamily Dwelling Use Type Development Standards:

- a. Penny Road Setback: A minimum building setback of 250 feet shall be required from the Penny Road right-of-way line for multifamily building(s). This higher setback standard shall not apply to accessory structures associated with a multifamily development.
- b. The following development and dimensional standards shall apply to multifamily structures that are developed on that portion of the property south of the Duke Energy Transmission Line Easement.
 - i. A maximum of 33 dwelling units shall be allowed.
 - ii. A minimum building setback of 30 feet shall be provided from the southern property line of the zoning site.
 - iii. A maximum building height of 50 feet shall be allowed, and buildings shall be of pitched roof construction.
 - iv. A maximum building length of 200 feet.

B. Landscaping, Buffers and Screening.

- 1. Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 - (a Guilford County Historic Landmark Property): ~~Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a Type C perimeter landscape yard, of greater than 50% evergreen will be established.~~ In the event the R-3 zoning of tax parcel 196594 is changed to a multifamily or non-single family zoning district and the Guilford County Landmark historic designation is removed, this higher landscaping standards shall not apply.
- 2. Southern boundary of the site (abutting the Eagle Glen Eagle subdivision): ~~Along the southern boundary of the zoning site, adjacent to the Eagle Glen Subdivision, a Type C perimeter landscape yard, of greater than 50% evergreen, shall be established. This planting yard shall not encroach into the Duke Energy Transmission Line Easement.~~

An alternate landscaping/buffering/screening plan may be approved by the Planning and Development Director. In addition to the guidelines noted in Section 5.5.13 (Alternate Landscape Plan) of the Development Ordinance, landscaping, buffering, and screening:

- a) Shall not be less than 15 feet in width;

- b) Shall function as a partial opaque screen and shall create a sense of spatial separation between the zoning site and adjacent residential uses to the south; and
 - c) May include an opaque screening as outlined in Section 5.6.6 (Screening Method) of the Development Ordinance, but said opaque screening shall not be the only buffering method.
3. Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.
4. Along the southern property boundary, a 6 foot high opaque screening fence will be erected adjacent to any multifamily building (between the building and the southern property line). The fence shall extend a minimum of 10 feet beyond the side walls of the building.
- C. Pedestrian Access: As a part of development permit approval, the property owner shall install a minimum five (5) foot wide concrete or asphalt pedestrian connection from the internal pedestrian circulation area(s), within the zoning site to the perimeter sidewalk along Penny Road.
- D. Transportation Conditions.
- 1. Access:
 - a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, two physical vehicular access connections shall be required to be installed to an improved public/private street or existing improved access drive corridor. One of the required access points shall align with Penny Road/East Fork Road. Right and left turn lanes, with appropriate storage and taper, shall be provided on Penny Road.
 - b) If more than 50 dwelling units are approved, the developer shall be responsible for signal modifications at the site access at Penny Road/East Fork Road.

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with this conditional zoning district and shall be submitted to the City of High Point and other

approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 15th day of May, 2022

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

Citizen Information Meeting Report
1711 Penny Road
Zoning Case ZA-23-08

A second Citizen Information Meeting was held for property owners in the vicinity of 1711 Penny Road. An informational letter dated May 26, 2023, was sent by US Mail to the 87 addresses supplied by the City of High Point Planning and Development Department inviting property owners to a meeting on June 6 at 5:30 pm at Keystone at James Landing, 5500 Freedom Lane, Jamestown NC. The letter described the new conditions proposed for the zoning of the property and included an illustrative site plan. A copy of the letter and list of addressees is attached. The meeting was hosted by Scott Wallace and Judy Stalder

Attendees:

Bill Robertson 3953 Cobblestone Bend Drive, High Point NC 27265
 Mel Thomas 3933 Cobblestone Bend Drive, High Point NC 27265
 Teresa Cochran 3931 Cobblestone Bend Drive, High Point NC 27265
 Deborah Davis 3951 Cobblestone Bend Drive, High Point NC 27265
 Lillie McKeathen 2986 Cloverwood Drive, High Point NC 27265

Presentation

Judy Stalder presented the changes in conditions that were presented to High Point City Council in May:

PORTION OF SITE SOUTH OF DUKE ENERGY TRANSMISSION LINE EASEMENT	
Originally Proposed	Revised Conditions
56 homes	33 homes maximum
4 story building with flat roof	3 story building with pitched roof construction
60 foot maximum building height	50 foot maximum building height
15 foot setback w/ a 25 ft setback for buildings over 50 feet	30 foot minimum setback
250 foot maximum building length	200 foot maximum building length
No additional landscaping	Type C planting yard greater than 50% evergreen
No fence	6 foot screening fence adjacent to multifamily buildings

- As a result of the revised conditions, that part of the site adjacent to the existing RM-5 zoning district to the south, meets all the requirements for RM-5 zoning except density. The proposed density is only slightly higher at 6.75 units per acre.
- The 30 foot setback from the property line will result in a separation between the proposed multifamily building and existing townhomes of approximately 90 feet at the closest point.

PORTION OF SITE NORTH OF DUKE ENERGY TRANSMISSION LINE EASEMENT (ADJACENT TO BRIGGS PROPERTY)	
Original Conditions	Revised Conditions

20 foot minimum setback from Penny Road	250 foot minimum setback from Penny Road for multifamily buildings
Type C planting yard	Type C planting yard greater than 50% evergreen

- The 250 foot setback from Penny Road results in a building location that is not immediately adjacent to the Briggs home.
- The planting yard will incorporate plantings that honor the historical designation of the home.

OVERALL SITE	
Original Conditions	Revised Conditions
No transportation conditions beyond ordinance requirements	If more than 50 homes are permitted on the site: One of the two required access points will align with Penny Road. Right and left turn lanes with appropriate storage and taper shall be provided on Penny Road. The developer shall be responsible for signal modifications.

- Transportation conditions include all the improvements suggested by HPDOT.

Questions and Comments

How many apartments will you build? *We are not sure at this time, but the maximum number that can be accommodated on the property is 144.*

Will you consider just not building on the south side of the property? *No, but the new conditions in regard to height, width, number of units, setback from the property line, landscaping and fencing, will greatly mitigate the impact of the building.*

Would you consider single family homes? *The transmission line easement and communications towers make this property impractical to develop as single family.*

What will the landscaping between the building and Eagle Glen look like? *For every 100 linear feet, 3 canopy trees, 4 understory trees and 20 shrubs will be required. The plantings will be at least 50% evergreen to give year round separation.*

When will construction start? *Construction is 3-4 years in the future. Once construction begins, we estimate 200 days per building to complete.*

How much parking is required? *At this time we are showing more parking than required by ordinance. The parking layout will be determined at TRC review.*

How many bedrooms will each unit have? *There will be 1, 2 and 3 bedroom units available.*

What is the rent for these units? *The rental rates have not been determined yet. However, the rates will be similar to our rates at Keystone at James Landing where one bedroom units start around \$1350 per month.*

What amenities will be provided? *Amenities will be similar to those at James Landing including a clubhouse and pool.*

Will the clubhouse be next to our property? *No. The clubhouse will be on the northern part of the site.*

Will there be windows on the back side of the building? *Yes.*

These buildings are directly under the power lines. Are you aware of studies that say you should not live under power lines? *These buildings will not be directly under the power lines.*

Have you contacted Florence Elementary School about all the changes in this area? *The school system is notified by the City when a development is proposed. In addition, Florence Elementary School officials were notified and in attendance at the zoning hearings for the adjacent Keystone Development.*

When will something be done about the school overcrowding in this area? *The School Board is currently in the process of rezoning property for a new school in the Boylston Road area that will relieve some of the overcrowding.*

What will happen at the intersection? *The access road for this development will be aligned with the Penny Road/East Fork Road intersection. Right and left turn lanes will be built on Penny Road at the signal. . The signal will be modified by the developer to accommodate the access road.*

Will the left turn lane extend to the entrance of Eagle Glen? *The turn lane is not required to extend that far to the south, but you may talk to HPDOT about additional improvements on Penny Road.*

What access will the property have other than the Penny Road/East Fork Road intersection? *This site will be integrated into the plans for apartments and single family homes to the north. Access through that site consists of a circuitous connection to Hickwood Forest Drive and 2 additional connections to Penny Road.*

Will our berm remain? *Development of this site will not affect the berm on the Eagle Glen property.*

When are the public hearings? *The Planning and Zoning Commission hearing is on Tuesday, June 27 at 6:00 pm. The date and time for the City Council hearing will be announced at the P&Z meeting.*

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 23-08
Diversified Estate Holdings, LLC

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: May 15, 2023

Public Hearing: Yes

Advertising Date: May 3, 2023, and May 10, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By:
Planning & Development

PURPOSE:

A request by Diversified Estate Holdings, LLC to rezone approximately 9.6 acres from a Conditional Use Agricultural (CU-AGR) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located west of the intersection of Penny Road and East Fork Road (*1711 and 1701 Penny Road*).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their March 28, 2023 public hearings. Mr. Herbert Shannon, Senior Planner, presented the case. Staff **recommended denial** of the request due to concerns as to the lack of compatibility with adopted land use policy and intensity of development next to less intensive residential uses. The Planning and Zoning Commission continued this request to their April 25, 2023 public hearing so that the applicant could address the list of concerns outlined in the staff report, including.

- Compatibility and development intensity next to lower intensity uses.
- Submittal of a binding Conditional Zoning Plan that would lock in the intensity of development.
- Access and transportation related improvements.
- Perimeter buffering/landscaping standards

At the April 25, 2023 public hearing, the applicant proposed additional landscaping and fencing conditions for the Commissions consideration. As these conditions did not address key issues outlined in the staff report, primarily development intensity and vehicular access, staff maintained its **recommendation of denial**.

Speaking in favor of the request:

The applicant's representative, Ms. Judy Stalder, 3735 Admiral Drive, High Point, and the applicant, Mr. Scott Wallace, 3708 Alliance Drive, Greensboro, with Keystone Group, Inc./Diversified Estate Holdings, LLC, spoke in favor of the request. The speakers outlined their proposal to develop this site for a multifamily project with approximately 145 dwelling units. Ms. Stalder provided a handout to commissioners detailing the obstacles that the developer is trying to overcome to develop multifamily housing units on the site and some proposed changes to their Conditional Zoning Ordinance. She also highlighted the high demand for new apartments/housing. In conclusion, she noted that this particular site is limited to two areas where vertical development is possible (northeastern and southwestern portion of the site) and they are working with the owner of that adjacent property, Benjamin Briggs, to mitigate his concerns about development.

Speaking in opposition to the request:

The following people spoke in opposition to the request:

- Mr. Arthur Patterson & Ms. Lisa Walker, 3973 Sorrell Court, High Point
- Mr. Wayne Matlosz, 2917 Eagle Pointe Drive, High Point
- Ms. Diana Engel, 3971 Sorrell Court, High Point
- Ms. Janice Doherty, 3971 Cobblestone Bend Drive, High Point
- Mr. Benjamin Briggs, 1753 Penny Road, High Point
- Ms. Wanda McCorquodale, 3616 Rock Meadow Circle, High Point
- Mr. B.J. Fortson, 3618 Rock Meadow Circle, High Point

These speakers expressed the following concerns:

- Development intensity/density: The proposed multifamily development, at 16 units per acre, is inconsistent with the low-to-medium-density development around the site. They argued that a 145-unit multifamily development, with 4-story buildings towering over abutting single story residential dwelling, is not compatible with abutting lands.
- Traffic: This proposed multifamily development, in conjunction with previously approved multifamily development under construction to the north, will increase traffic in an area where traffic is already a problem, and the existing roads are not built to handle it.
- Stormwater Control & Flooding: The zoning site topography is higher than the residential development to the south. Concern development will cause flooding problems for surrounding residents.
- Environmental Impact: The removal of more trees will increase soil erosion and decrease habitat to animals in the area.
- Overcrowded schools: The proposed development will add to the existing overcrowding issues at Florence Elementary, Southwest Middle and Southwest High schools.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

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

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **denial** of this request, as recommended by staff, by a vote of 8-0.
2. Consistency and Reasonableness Statements
The Planning and Zoning Commission voted 8-0 to forward to City Council the following statement of denial:

That Zoning Map Amendment 23-08 is **not consistent** with the City's adopted policy guidance. As conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.. Furthermore, as conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Herbert Shannon, AICP, Senior Planner
DATE: April 25, 2023
SUBJECT: Zoning Map Amendment Case 23-08 (1711 & 1701 Penny Road)

At your March 28, 2023 public hearing, the Planning & Zoning Commission reviewed the above referenced case pertaining to an approximate 9.7-acre parcel located west of the intersection of Penny Road and East Fork Road. The applicant is requesting rezoning to a CZ RM-16 District to allow a multifamily development. Under the proposed RM-16 District, up to 155-dwelling units would be permitted on this 9.7-acre parcel.

The zoning site is situated at the transition point where higher intensity land use changes to lower intensity land use. Development options, with respect to building placement, is limited due to the fact that most of the parcel is encumbered by a 150-foot wide Duke Power easement, limiting development to roughly 40% of the parcel. Proposed multifamily structures can only be placed at the northeastern and southwestern portions of the site.

Staff recommended denial of the case due to concerns as to the compatibility of development and due to the proposed intensity of development. The applicant is proposing to construct 3 and 4-story multifamily structures, with up to 56-units per building in close proximity to lower intensity single story residential development.

The Planning and Zoning Commission continued this request to their April public hearing so that the applicant could address the list of concerns and additional zoning conditions noted by staff in our March 28, 2023 staff report. Since the March P&Z Commission public hearing, the applicant has offered conditions that:

- Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a minimum 25-foot building setback shall be required for any building that exceeds 50 feet in height.
- Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a type C planting yard of greater than 50% evergreen will be established.
- Along the southern property boundary, a 6-foot screening fence will be erected adjacent to any building that exceeds 50 feet in height. The fence shall extend a minimum of 10 feet beyond the side walls of the building.

As outlined in the conclusion of the staff report, there were several proposed conditions to address compatibility and development intensity, including a proposal for the submittal of a binding Conditional Zoning Plan that would lock in the location, size, height, and intensity of development next to lower intensity uses. There were also several conditions pertaining to access and transportation related improvements. As these issues have not been fully addressed, the Planning and Development Department maintains its recommendation of denied.

If the P&Z Commission desires to support this case, staff would strongly encourage you to take the following recommendations into consideration:

- 1) Limit the development intensity for the southern half of the site (approx. 4.8 acres) to the CZ RM-5 District and require pitched-roof buildings; and
- 2) That all transportation recommendations list in the staff report also be part of your approval.

Development Ordinance Standards

RM-5 vs. RM16 Comparison table for 1711 Penny Road.

RM-5 District (south half of site – approx. 4.8 acres)	RM-16 District (north half of site – approx. 4.9 acres)
5 du/ac (approx. 24 dwelling units)	16 du/ac (approx. 78 dwelling units)
20 foot perimeter setback	15 foot perimeter setback
Maximum building height 50 feet	No maximum building height, higher setbacks for buildings over 50 feet.
Maximum building length 200 feet	Maximum building length 300 feet
Add condition to require pitched-roof buildings.	

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-08
March 28, 2023**

Request	
Applicant: Diversified Estate Holdings, LLC	Owners: Diversified Estate Holdings, LLC
Zoning Proposal: To rezone approximately 9.6 acres	From: CU-AGR Conditional Use Agricultural District
	To: CZ RM-16 Conditional Zoning Residential Multifamily - 16
Notices: • Applicant held a Citizen Information Meeting (Yes) • As required by Section 2.3.6 (Notification) of the Development Ordinance, the Planning and Development Department provided published, mailed and posted notice of this public hearing	

Site Information	
Location:	The site is located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road).
Tax Parcel Number:	Guilford County Tax Parcel 187199
Site Acreage:	Approximately 9.7 acres
Current Land Use:	There are vacant greenhouse structures near the Penny Road frontage of the site and two telecommunication towers at the rear of the site.
Physical Characteristics:	The site has a flat to gently sloping terrain with no significant natural features. A 150-foot wide Duke Power easement and two electrical transmission towers run through the middle of the site.
Water and Sewer Proximity:	A 12-inch City water line and a 24-inch City sewer line both lie adjacent to the site along Penny Road.
General Drainage and Watershed:	The site drains in a westerly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for development with a total impervious surface area greater than 24% of the site.
Overlay Districts:	City Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	R-3 CZ RM-16	Residential Single Family – 3 District Conditional Zoning Residential Multifamily - 16 District	Single family dwelling and undeveloped parcel
South:	RM-5	Residential Multifamily-5 District	Twinhome and townhome dwellings
East:	RS-40	Residential Single Family – 40 District	Single family dwelling
West:	PDR	Planned Development – Residential	Twinhome dwellings

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	Goal 1: Preserve and enhance High Point's most important natural and cultural resources. <u>Obj. 1D</u>: Preserve and revitalize key historic landmarks and unique areas in High Point. Goal 5: Balance the efficient movement of vehicles with the needs of pedestrians, alternative transit modes, and aesthetic quality. <u>Obj. 5D</u>: Develop new streets and retrofit existing streets in accordance with design standards intended to balance efficient vehicular flow with other planning objectives, such as creating pedestrian-friendly environments. <u>Obj. 5E</u>: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access.
Land Use Plan Map Classification:	The site has both a Low-Density Residential and a Medium-Density Residential land use designation. • The Low-Density Residential land use classification includes primarily single family detached dwellings at a gross density of five dwelling units per acre. • The Medium-Density Residential classification supports a variety of attached dwellings, generally including higher density townhouses and less land-intensive multi-family housing such as garden apartments. Development densities shall range from 8 - 16 units per gross acre.
Land Use Plan Goals, Objectives & Policies:	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #3: Provide a wide range of housing opportunities for families of all income levels. Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj.#5. Maintain an appropriate balance between the size, location and density of new development and the availability and demands upon the public services and facilities required to serve that development. Obj. #8. Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations. Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.
Relevant Area Plan:	Not applicable
Zoning History:	<u>Zoning Map Amendment 94-43 and 97-28</u> : Abutting lands to the south and west are part of the Eagle Glen and Hickwood Forest subdivisions which were granted zoning approvals in the 1990s. These lands were granted lower

	intensity RM-5 and PUD zoning. The abutting Eagle Glenn twinhome/townhome development is limited to 4.5 units per acre, while the abutting twinhome and single family portions of the Hickwood Forest subdivision are restricted to 5 and 3.5 units per acre. <u>Zoning Map Amendment 18-09:</u> Abutting land to the north was annexed and granted a CZ-RM-16 District zoning in 2018.
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Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Penny Road		Minor Throughfare	330 ft.
Vehicular Access:	Penny Road			
Traffic Counts: (Average Daily Trips)	Penny Road		10,500 AADT (2021 NCDOT Traffic Counts)	
Estimated Trip Generation:	A 145-unit multifamily development is proposed, which is anticipated to generate approximately 789 daily trips during a 24-hour time period) with approximately 46 AM peak-hour trips (6am – pam) and approximately 35 PM peak-hour trips (4pm – 7pm).			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	A TIA is not required. This analysis is only required for developments that generate more than 150 trips within the AM or PM peak hours.	
Conditions:	<u>Access:</u> a) If more than 50 dwelling units are approved, two physical access connections shall be required. One of the required access points shall aligned with Penny Rd/East Fork Rd. Right and left turn lanes with appropriate storage and taper shall be provided on Penny Rd. b) Developer shall be responsible for signal modifications at the site access at Penny Rd / East Fork Rd.			

School District Comment				
Guilford County School District				
Local Schools:	Enrollment: 2022 – 2023 (20 th day of class)	Maximum Design Built Capacity: (2022 – 2023):	Mobile Classrooms:	Projected Additional Students:
Florence Elementary	618	761	11	40 - 42
<u>School Choice Zone</u>				
Willborn Middle	424	690	0	20 - 22
Southwest Middle	1,107	1,223	10	
<u>School Choice Zone</u>				
Andrews High	725	1,254	0	18 - 22
Southwest High	1,676	1,506	11	
<u>School District Remarks:</u> With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021 – 2022. Elementary built capacity assumes reduced K-3 class sizes per applicable core academic classroom as of the stated year. Middle and high school built capacity assumes 30 students per core academic classroom.				

Details of Proposal

The applicant is requesting rezoning of this 9.7-acre parcel to a CZ RM-16 District to develop a multifamily project. Based upon review of a non-binding concept plan submitted by the applicant, a 145-unit multifamily development is proposed. In conjunction with this request is a Conditional Zoning Ordinance in which the applicant has offered conditions pertaining to building setback, landscaping, pedestrian access and vehicular access.

Staff Analysis

The zoning site is situated at the transition point where higher intensity development, associated with the commercial node at the W. Wendover Avenue and Penny Road intersection, transitions to lower intensity land uses. The adopted land use plan supports Medium Density land uses (8 to 16 dwelling units per acre) along the northeastern portion of the site while the remaining center and southern two-thirds of the site is classified as Low-Density Residential which supports single family or other lower intensity residential development up to 5 units per acre.

Development options, as to building placement, for this site is limited due to the fact most of the parcel is encumbered by a 150-foot wide Duke Power easement that runs through the entire length of the parcel. There are also two wireless telecommunications towers on the western portion of the parcel. These previously established encumbrances limit the developable area to roughly 40% of the parcel. Structures are limited to a triangular area at the northeastern portion of the site (approximately 2.7 acres) and a triangular area to the southwestern portion of the site (approximately 1.5 acres). Below are issues that need to be further addressed concerning any current or future development proposal for this site.

Compatibility of development at this transitional point of land use intensity:

As a transitional parcel, care must be taken to ensure development is of the appropriate intensity, bulk, height, and massing to establish compatibility with adjacent land uses. Such care has been taken with surrounding zoning approvals to provide for higher building setbacks (up to 100 feet), and higher perimeter landscaping standards, where higher intensity multifamily development abuts lower intensity development. The importance of compatibility becomes further emphasized as the northeastern portion of the site abuts a Guilford County Landmark Property (Florence Female Academy Dormitory) and the southern boundary of the site abuts a single story twinhome townhome subdivision, Eagle Glen, that is developed at a density of 4.5 units per acre. To address these concerns, conditions should address density, building setback, building height, building bulk and mass, and higher landscaping standards.

Intensity of Development

The applicant proposes rezoning to support development up to 16 units per acre. A conceptual drawing of potential development depicts the northeastern portion of the site being developed with two multifamily structures (89 units in 3 and 4 story buildings) next to the historic parcel. The plan also depicts a third building consisting of a 56-unit, 4-story multifamily building, with a length of approximately 250 feet, being placed at the southwestern portion of the site next to the single story Eagle Glenn development. Development of this intensity, especially along the southern boundary of the site, is not supported by adopted policy guidance documents and sufficient conditions have not been offered to ensure development will be compatible with abutting low intensity uses.

Section 2.4.6.C of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance

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

As conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.

Reasonableness/Public Interest:

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

As conditioned, it would not be in the public interest to establish the intensity of residential development, as allowed by the RM-16 District, upon this entire parcel without additional detail regarding the transition of intensity, or buffering.

Compatibility with Surrounding Areas

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
 - Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
 - Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.
- ❖ As conditioned, the requested CZ-RM-16 District will not result in a development that is compatible with the abutting lower intensity land uses to the south. There is not sufficient buffering and perimeter landscaping to ensure compatibility with abutting land uses, or appropriate transition between more and less intensive land uses as encouraged by Objective 9 of the Land Use Plan.
 - ❖ Building massing, building height and intensity of development, as proposed under this CZ RM-16 District request, is not compatible with abutting lands to the south. As conditioned the request does not promote an urban growth pattern that occurs in a compatible or orderly fashion.

Mitigation of Impacts

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

Mitigation #1	Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.
	❖ At the proposed density of 16 units per acre, 2 to 3 vehicular access points are required. As conditioned, there is no assurance that one of these access points will be to Penny Road. ❖ Due to the physical impediments related to this site, a binding Conditional Zoning Plan should be required to ensure building placement, bulk, height and massing will be compatible and not adversely impact the abutting lower intensity residential development to the south.
Mitigation #2	Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.
	The site is within the City Lake General Watershed Area (GWA), and as such, development is required to meet the watershed standards of the Development Ordinance.
Mitigation #3	Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire.
	❖ The site is within an area currently served by City of High Point utilities and municipal services. ❖ Connectivity to pending development to the north is encourage. However, at the density allowed by the proposed RM-16 District, access should also be required to Penny Road. As encouraged by Goal #5 of the Community Growth Vision Statement and Goal #4 of the Land Use Plan, vehicular connectivity to both the north and to Penny Road will assist to avoid congestion at a single access point, improve traffic safety, enhance emergency management access and ensure services are sequenced to meet demands of development.
Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.
	Based on the allowable development density of the RM-16 District, the request lacks sufficient development conditions to address transition of development intensity along the southern half of the zoning site as to building height, massing, setback and development intensity.

Supportive Changes in the Area

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

There has been no change in land use policy in this area to support the intensity of development allowed by the RM-16 District upon the southern half of the site.

Promotes a Preferred Development Pattern

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

Key policies of the land use plan and community vision statement as to unique historic landmarks, balance of vehicular flow and street connectivity, and transition of development intensity are not fully

addressed. Furthermore, conditions offered do not promote policies for preferred development pattern between higher and lower intensity developments.

Recommendation

Staff Recommends Denial

As currently submitted the request is not in line with adopted policy guidance documents. Staff is not in opposition to some form of multifamily development at this location, but suggests the request be withdrawn and the applicant take a more detailed look at incorporating the following zoning conditions as part of a future request:

1. Include a Conditional Zoning Plan.
2. RM-16 District zoning for the northern portion of the site and RM-5 District zoning, or its development standards, for the southern half of the site.
3. Multifamily Dwelling Use Type Development Standards:
 - a) Within forty (40) feet of the southern property line of the zoning site:
 - i. Maximum building height shall be fifty (50) feet (not to exceed two stories).
 - ii. Maximum building length shall be two hundred (200) linear feet (*a RM-5 District standard*)
 - iii. Increase building setback from 15 feet to 25 feet.
 - b) Within forty (40) feet of Guilford County Tax Parcel 196594 (*a Guilford County Historic Landmark Property - 1753 Penny Road*):
 - i. Maximum building length shall be two hundred (200) linear feet.
 - ii. Increase building setback from 15 feet to 25 feet.
4. Landscaping, Buffers and Screening.
 - a) Southern boundary of the site: If a multistory multifamily structure is to be developed within 40 feet of the southern boundary of the zoning site, a minimum 25-foot-wide Type B planting yard shall be installed and maintained.
 - b) Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 - (*a Guilford County Historic Landmark Property*)): A minimum 25-foot wide Type B planting yard shall be installed next to Tax Parcel 196594.
 - c) Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard, planted to the Type C rate, shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.
 - d) In the event easement(s) exist or will be established in the above noted planting yards, the planting yard shall be reestablished outside the easement area.
5. Transportation Conditions.
 - a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, a minimum of two physical vehicular access connections shall be required to be installed to an existing improved public/private street or existing improved access drive corridor. One of the required access points shall be from Penny Road, this access point shall align with the Penny Road/East Fork Road intersection.

- b) Penny Road Access Point and Improvements:
 - i. As part of development permit approval, the access point from the Penny Road/East Fork Road intersection shall provide right and left turn lanes with appropriate storage and tapers on Penny Road.
 - ii. As part of development permit approval, the property owner shall be responsible for the design and installation of traffic signal modifications at the Penny Road / East Fork Road intersection access point. The property owner shall also be responsible for realignment of travel lane configuration at this intersection as may be required by the City of High Point Transportation Department and NCDOT.
- c) Other Transportation Conditions: The City of High Point Transportation Director and the North Carolina Department of Transportation (if applicable) shall approve the exact location and design of all access points and improvements.

Required Action

Planning and Zoning Commission:

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

City Council:

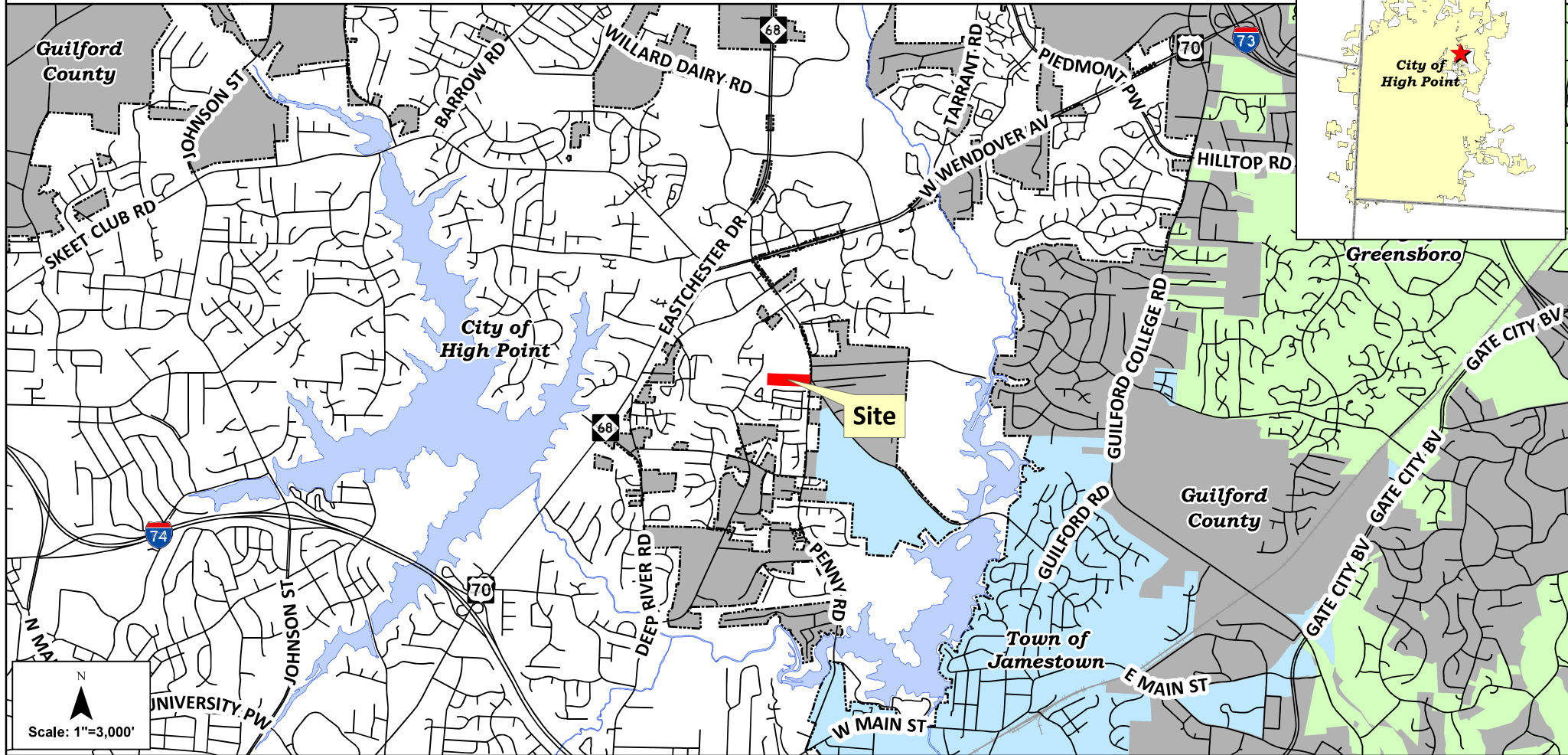
The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished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

Report Preparation

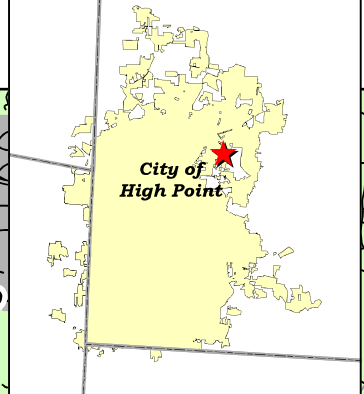
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Christopher Andrews AICP, Development Administrator, and Sushil Nepal AICP, Planning and Development Director.

LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-08
Applicant: Diversified Estate Holdings LLC

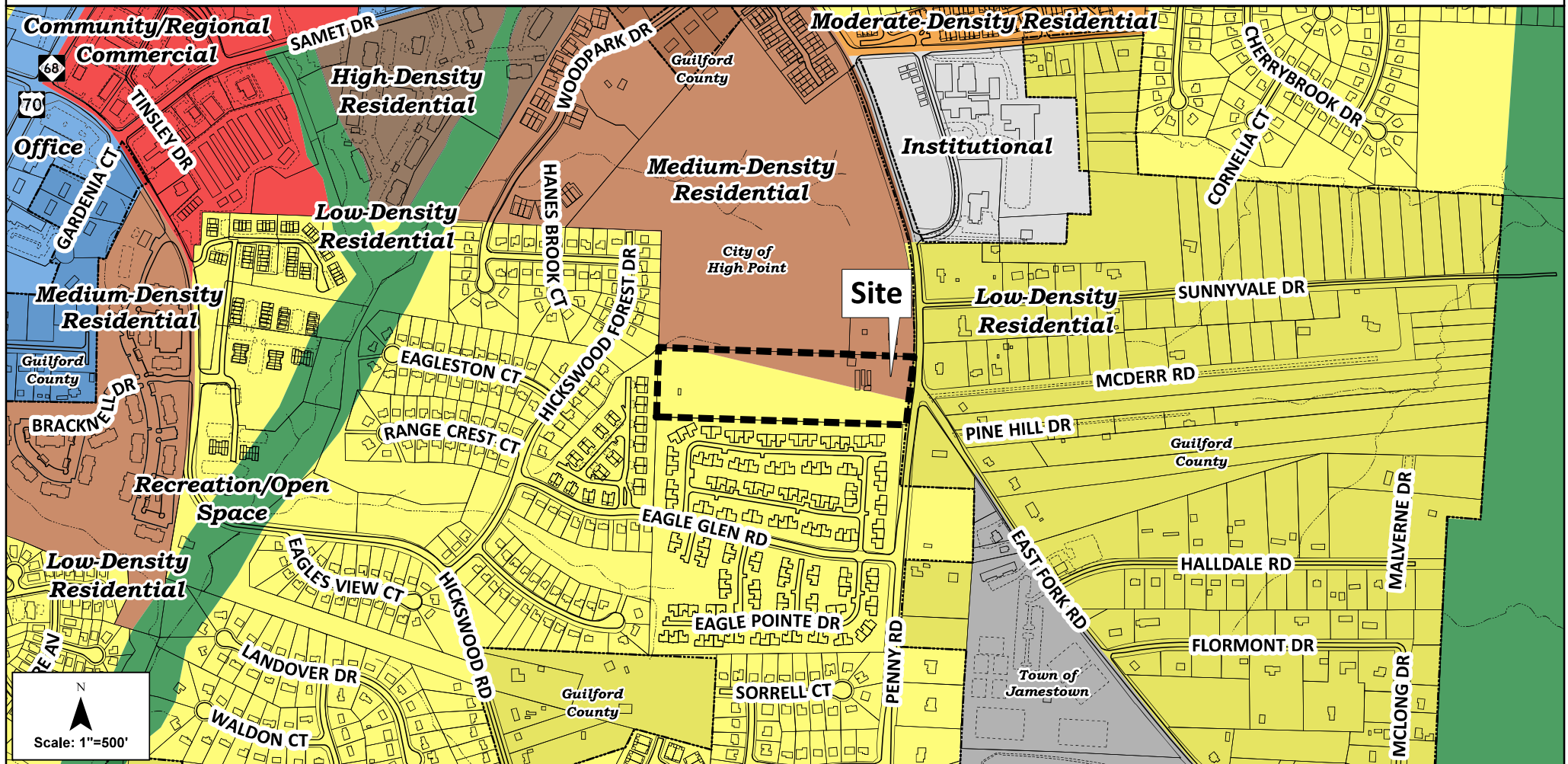


Vicinity Map



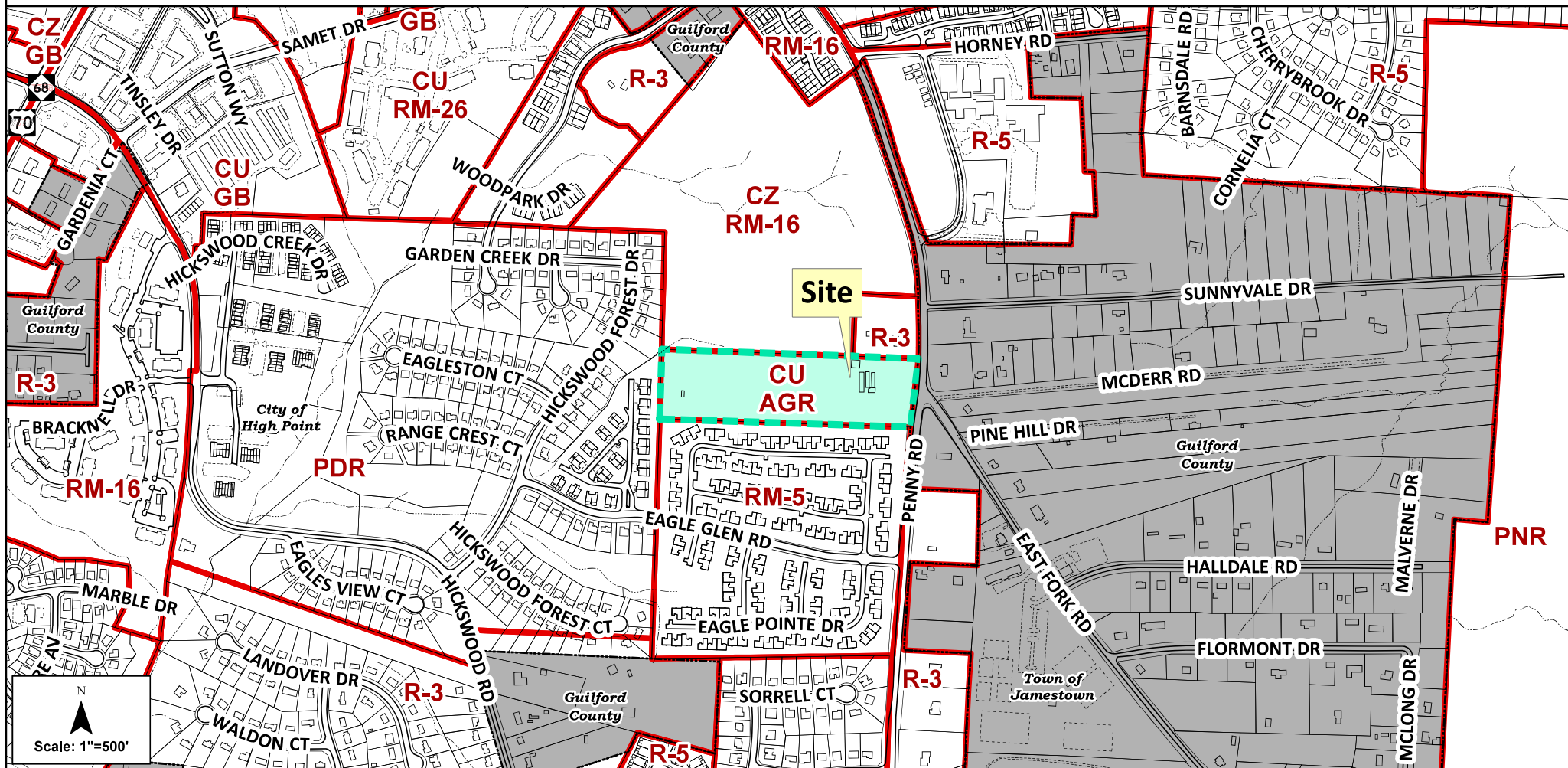
ZONING MAP AMENDMENT: ZA-23-08

LAND USE PLAN MAP



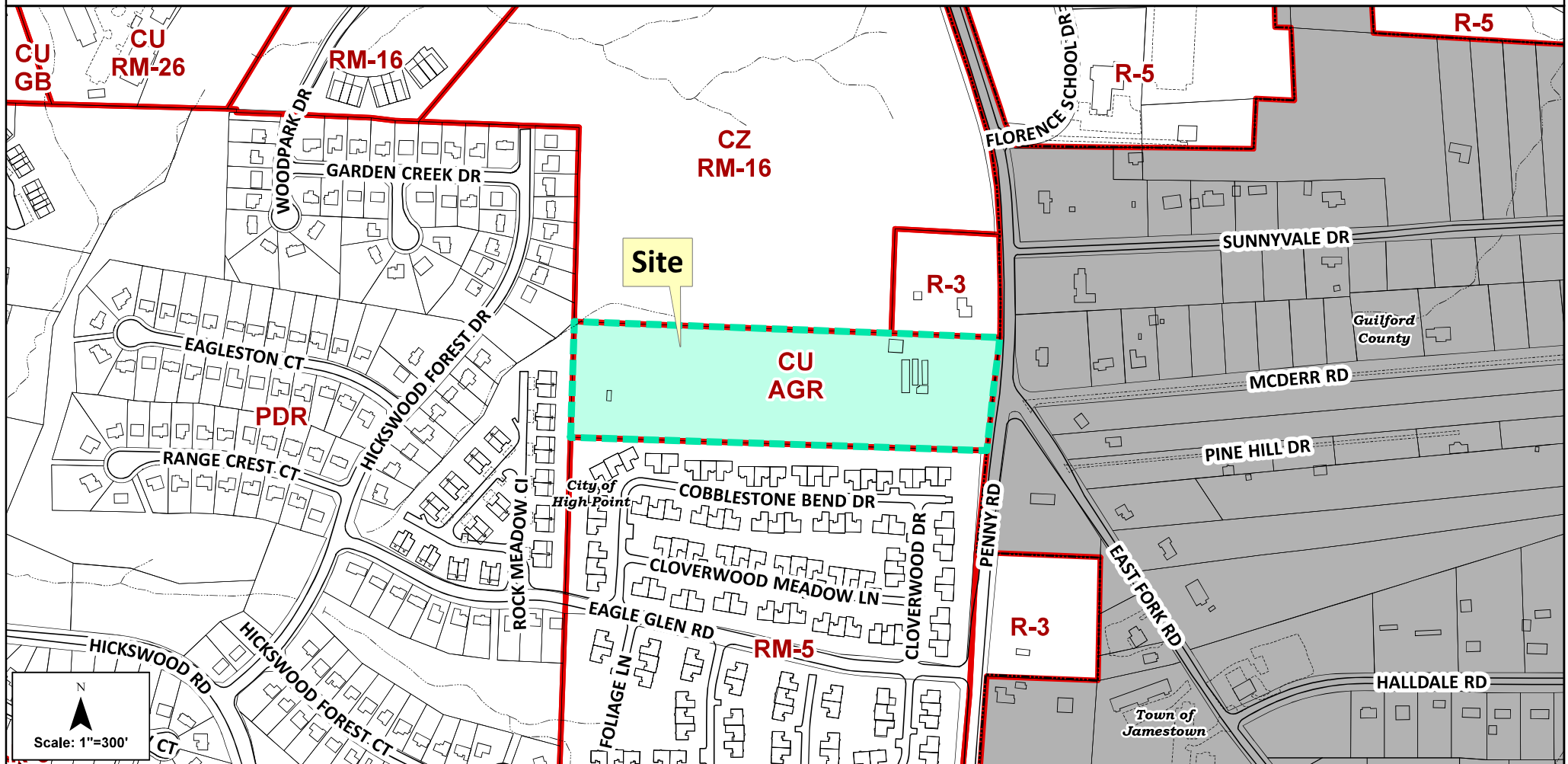
ZONING MAP AMENDMENT: ZA-23-08

ZONING MAP

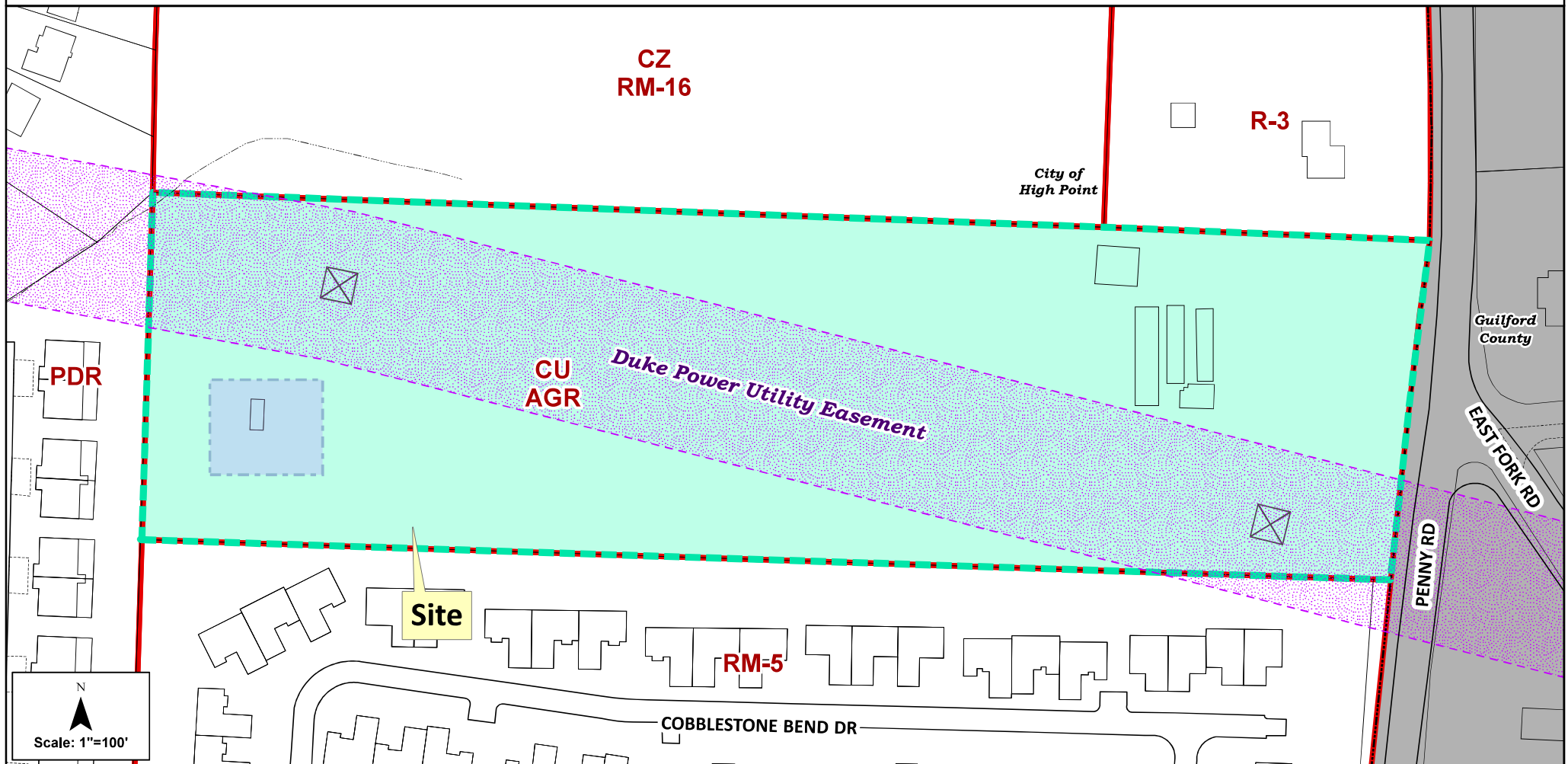


ZONING MAP AMENDMENT: ZA-23-08

ZONING MAP

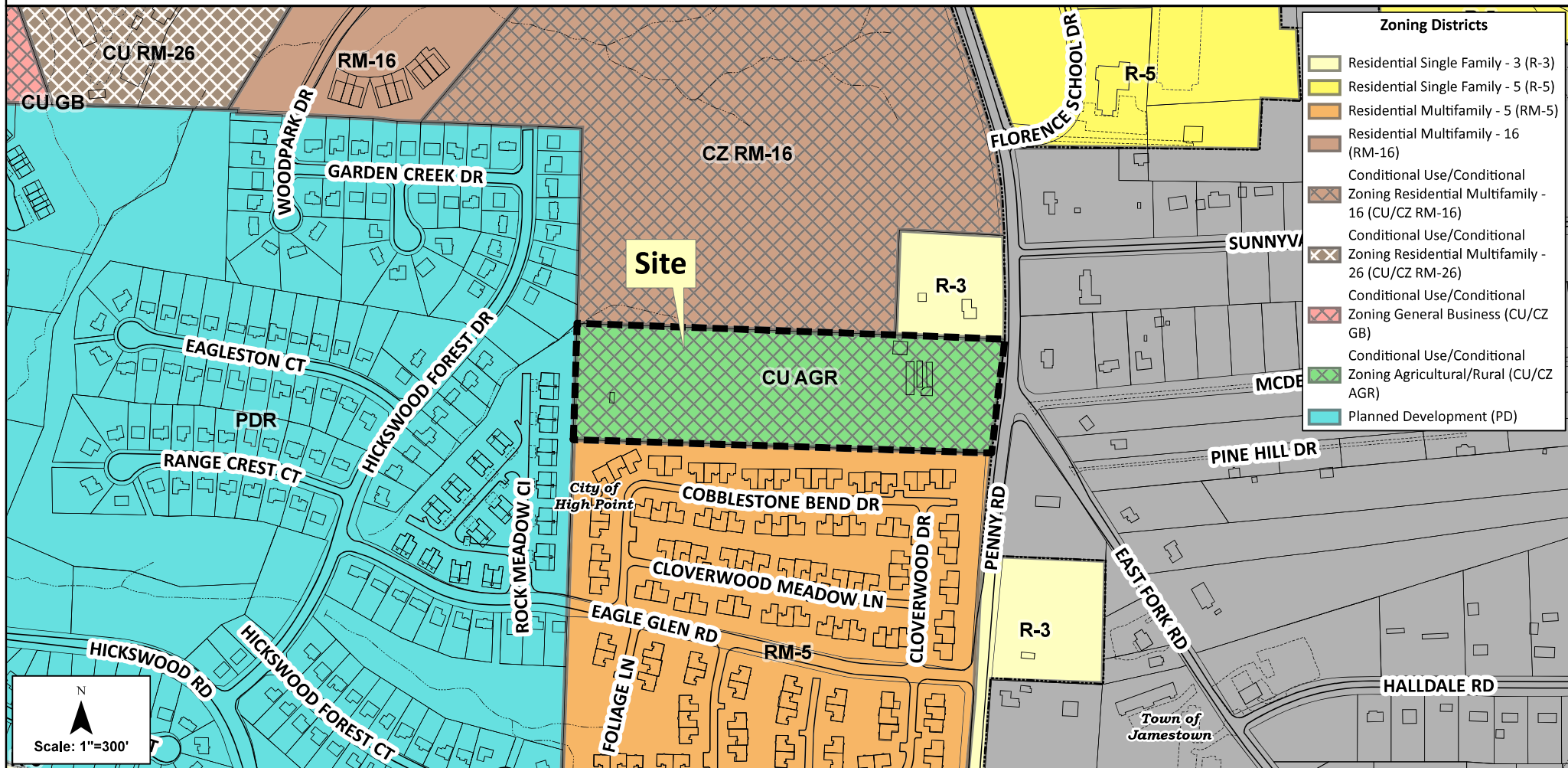


ZONING MAP AMENDMENT: EXHIBIT MAP



ZONING MAP AMENDMENT: ZA-23-08

COLOR-CODED ZONING MAP



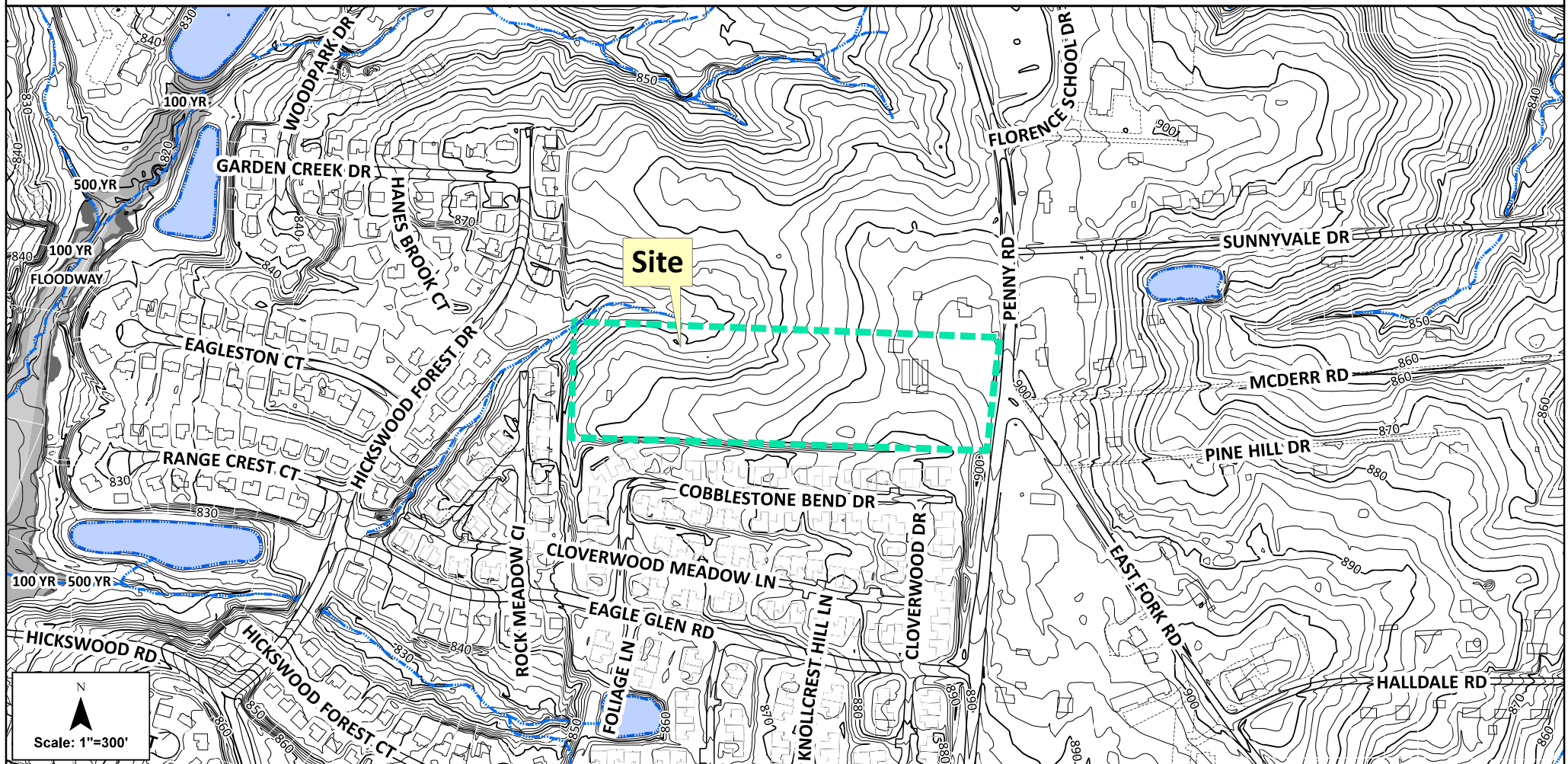
ZONING MAP AMENDMENT: ZA-23-08

AERIAL PHOTOGRAPHY (FEB. 2022)



ZONING MAP AMENDMENT: ZA-23-08

TOPOGRAPHY



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

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on March 28, 2023 and before the City Council of the City of High Point on April 17, 2023 regarding **Zoning Map Amendment Case 23-08 (ZA-23-08)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on March 18, 2022, for the Planning and Zoning Commission public hearing and on April 5, 2023 and April 12, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **May 15, 2023**.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Residential Multifamily - 16 District (CZ RM-16) District**. The property is approximately 9.7 acres, located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road). The property is also known as Guilford County Tax Parcel 187199.

SECTION 2

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

Part I. **USES:** Any uses allowed in the Residential Multifamily – 16 (RM-16) District shall be permitted, subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multifamily Dwelling Use Type Development Standards:

- a) Adjacent to the southern property line of the zoning site, the following development standards shall apply to all multifamily structures:
 - i. A minimum 25-foot building setback shall be required for any building that exceeds 50 feet in height.

- b) ~~Within fifteen (15) feet of Guilford County Tax Parcel 196594 (a Guilford County Historic Landmark Property – 1753 Penny Road), the following development standards shall apply to all multifamily structures: TBD after meeting with owner of parcel.~~

Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a minimum 25 foot building setback shall be required for any building that exceeds 50 feet in height.

B. Landscaping, Buffers and Screening.

- 1. ~~Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 – (a Guilford County Historic Landmark Property):~~ **Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a type C planting yard of greater than 50% evergreen will be established.** In the event the R-3 zoning of tax parcel 196594 is changed to a multifamily or non-single family zoning district and the Guilford County Landmark historic designation is removed, this higher landscaping standards shall not apply.

- 2. Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.

- 3. **Along the southern property boundary, a 6 foot screening fence will be erected adjacent to any building that exceeds 50 feet in height. The fence shall extend a minimum of 10 feet beyond the side walls of the building.**

- C. Pedestrian Access: As a part of development permit approval, the property owner shall install a minimum five (5) foot wide concrete or asphalt pedestrian

connection from the internal pedestrian circulation area(s), within the zoning site to the perimeter sidewalk along Penny Road.

D. Transportation Conditions.

1. Access:

- a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, two physical vehicular access connections shall be required be installed to an public/private street or existing improved access drive corridor. If one of the required access points is from Penny Road, this access point shall align with the Penny Road/East Fork Road intersection.
- b) If one of the access points is to Penny Road:
 - i. As part of development permit approval, the access point from the Penny Road/East Fork Road intersection shall provide right and left turn lanes with appropriate storage and tapers on Penny Road.
 - ii. As part of development permit approval, the property owner shall be responsible for the design and installation of traffic signal modifications at the Penny Road / East Fork Road intersection access point.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 15th day of May, 2022

By: _____
Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

Citizens Information Meeting Report

Zoning Map Amendment 23-08

Submitted by: Mrs. Judy Stalder, Development Consultant, on
behalf of Diversified Estate Holdings, LLC

Citizen Information Meeting Report
1711 Penny Road
Zoning Case ZA-23-08

A Citizen Information Meeting was held for property owners in the vicinity of 1711 Penny Road. An informational letter dated February 27, 2023, was sent by US Mail to the 87 addresses supplied by the City of High Point Planning and Development Department. The letter invited property owners to a meeting on March 7 at 6:30 pm at Keystone at James Landing, 5500 Freedom Lane, Jamestown NC. The mailing also included the *City of High Point Conditional Zoning Citizen Information Meetings* statement and an illustrative site plan. A copy of the letter and list of addressees is attached. The letter provided a general description of the property, the proposed zoning of RM-16 for apartments and an explanation of what could be expected at the meeting. The meeting was hosted by Scott Wallace and Judy Stalder

Attendees:

Antwaniece Williams, 1702 Penny Road, High Point NC

Presentation

Because there was only one attendee, the meeting was in the form of an informal conversation. The developer explained that Keystone has a chance to acquire this property and wants to rezone it to match the zoning of the adjacent property. An illustrative site plan was shared showing the maximum development potential of the property.

Questions and Comments

How many apartments will you build? *We are not sure at this time, but we think the maximum number that can be accommodated on the property is 144.*

Is there any other way to arrange the buildings? *Because of the transmission line easement, there are only a couple of buildable areas on this property.*

Would you consider single family homes? *The transmission line easement and communications towers make this property difficult to develop as single family.*

Have you contacted Florence Elementary School? *The school system is notified by the City when a development is proposed.*

When will construction start? *Construction is 4-5 years in the future.*

What will happen at the intersection? *The access road for this development will be aligned with the Penny Road/East Fork Road intersection and turn lanes may be required on Penny Road. Either the signal will be modified to accommodate the access road, or a roundabout will be installed in lieu of the signal.*

Will there be any landscaping along Penny Road? *Yes. The Development Ordinance requires at a minimum a street planting yard that includes 2 canopy trees and 17 shrubs for every 100 feet of frontage.*

When are the public hearings? *The Planning and Zoning Commission hearing is on Tuesday, March 28 at 6:00 pm. The date and time for the City Council hearing will be announced at the P&Z meeting.*

Will this be like Keystone at James Landing or low income? *Development will be typical Keystone quality. There will be a clubhouse and pool with amenities similar to James Landing.*

Ms. Williams acknowledged the need for more housing.

THE STALDER GROUP LLC PO BOX 5581 HIGH POINT NC 27262
(336) 688-2204 jstalder@northstate.net

February 27, 2023

Dear Neighbor,

This letter is to notify you of a Citizen Information Meeting to present rezoning plans for property at 1711 Penny Road. The meeting will be held on Tuesday, March 7 at 6:30 pm at the Keystone at James Landing Clubhouse, 5500 Freedom Lane, Jamestown NC 27282. Please refer to the enclosed statement from the High Point Planning and Development Department concerning Citizen Information Meetings.

The property consists of approximately 9.62 acres. Keystone Group Inc. has applied to rezone the property to Conditional Zoning Residential Multifamily-16. The zoning will allow multifamily apartments similar to our project at James Landing.

At the Citizen Information Meeting you will be able to learn more about our plans and to ask any questions you may have. A preliminary site plan will be presented for illustrative purposes.

Scott Wallace from Keystone and I will be available at this meeting. If you are unable to attend or you have questions prior to the meeting, you may contact me at 336.688.2204 or jstalder@northstate.net.

The High Point Planning and Zoning Commission has scheduled a public hearing on the request for Tuesday, March 28 at 6:00 pm at 211 South Hamilton Street.

Sincerely,

Judy Stalder
Development Consultant

3461 ROCK MEADOW CIRCLE LLC
2307 ALDERBROOK DR
HIGH POINT, NC 27265

ALEXANDER, KIMBERLY A
2942 SHADY VIEW DR
HIGH POINT, NC 27265

AMH 2015-1 BORROWER LLC
23975 PARK SORRENTO STE 300
CALABASAS, CA 91302

ANKOMAH, GLORIA;ANKOMAH, PAUL
3968 COBBLESTONE BEND DR
HIGH POINT, NC 27265

BARNHART, ERIC
3628 ROCK MEADOW CIR
HIGH POINT, NC 27265

BASHAM, JOHN DAVID;BASHAM, RHODA C
3639 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

BEST, EDITA L
3636 ROCK MEADOW CIR
HIGH POINT, NC 27265

BRANDON, LESLIE K
3620 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

BRAZEAU, DAVID
3956 COBBLESTONE BEND DR
HIGH POINT, NC 27265

BRIGGS, BENJAMIN
1753 PENNY RD
HIGH POINT, NC 27260

BULMER, GAIL T;BULMER, NANCY R
2984 CLOVERWOOD DR
HIGH POINT, NC 27265

BURROUGHS, GENEVA B
3614 ROCK MEADOW CIR
HIGH POINT, NC 27265

CALDABAUGH, CONSTANCE E
3624 ROCK MEADOW CIR
HIGH POINT, NC 27265

CALIS, SOFIA
3905 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

CASTANO, CARMELA
3957 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COCHRAN, TERESA G
3931 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COLLIER, HASSAN;SANTIAGO- COLLIER, MIGDALIA
3965 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COOPER, ANNETTE CLARK
7226 E FORK RD
HIGH POINT, NC 27265

CRAVEN, LOIS O
3952 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DABBS, THERESA TATE
4007 WALDENBROOK CT
GREENSBORO, NC 27407

DANIEL URIAH CREGAR JR LIVING TRUST;CREGAR,
DANIEL URIAH JR TRUSTEE
3961 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DAVIS, MOSES EARL;DAVIS, DEBORAH W
3951 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DOHERTY, EDWARD A;DOHERTY, JANICE L
3971 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DOYLE, DAMON A;DOYLE, HEATHER M
3654 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

EAGLE GLEN HOMEOWNERS ASSOCIATION INC
222 S SWING RD STE 6
GREENSBORO, NC 27409

FARRINGTON, ROSS ADRIAN JR
2981 CLOVERWOOD DR
HIGH POINT, NC 27265

FLOWERS, GAIL J/T R/S;HAYES, VIVIAN F J/T R/S
7546 MCDERR RD
HIGH POINT, NC 27265

FORTSON, BILLIE J JR;FORTSON, RITA H
3618 ROCK MEADOW CIR
HIGH POINT, NC 27265

GIBSON, MARY LEE
1411 BERGAMOT LOOP UNIT F
HIGH POINT, NC 27260

GODETTE, MAE C
4800 TOOLEY DR
CHESTER, VA 23831

HAGA, TONY M
3630 ROCK MEADOW CIR
HIGH POINT, NC 27265

HARRIS, ALVIS WESLEY L/T;HARRIS, LOUELLA M
L/T;HARRIS, ALVIS WESLEY JR;HARRIS, EDWARD
BUHL;HARRIS, JOHN DELAND
3909 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

HARRISON, MATTHEW T;HARRISON, REBEKAH
HAYNES
3648 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

HICKSWOOD HOA INC
PO BOX 24961
WINSTON SALEM, NC 27114

HINNANT, JOSEPH JAMES
3640 ROCK MEADOW CIR
HIGH POINT, NC 27265

HIRAKAWA, HIROKO
3981 COBBLESTONE BEND DR
HIGH POINT, NC 27265

HOLBROOK, DAVID SCOTT;HOLBROOK, JESSICA
RAE
3642 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

HOLMES, PATRICIA
3970 COBBLESTONE BEND DR
HIGH POINT, NC 27265

HUDLER, BILLY D
3652 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

JONES, WILLIAM C;JONES, MARGARET S
3643 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

KEMP, MARIE ANN
3935 COBBLESTONE BEND DR
HIGH POINT, NC 27265

KEYSTONE AT PENNY ROAD LLC
3708 ALLIANCE DR
GREENSBORO, NC 27408

KIMBALL, JOAN D
3974 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEDBETTER, ROBERT M
3939 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEE, CAROL ROBBINS
3954 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEWIS, MICHELLE E
3975 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MANRING, JONATHAN DOUGLAS
3964 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MCCORQUODALE, WANDA KAY
3616 ROCK MEADOW CIR
HIGH POINT, NC 27265

MCINTOSH, LINDA S
3610 ROCK MEADOW CIR
HIGH POINT, NC 27265

MCKEATHEN, GEORGE K;MCKEATHEN, LILLIE T
2986 CLOVERWOOD DR
HIGH POINT, NC 27265

MCNIEL, SANDRA L
3608 ROCK MEADOW CIR
HIGH POINT, NC 27265

MEBANE, RHONDA COLE
3302 REHOBETH CHURCH RD APT C
GREENSBORO, NC 27406

MERRITT, NANCY LEONARD
3977 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MILLER, LINDA;OWENS, DELACY
3634 ROCK MEADOW CIR
HIGH POINT, NC 27265

MILLOWAY, GARRY A;MILLOWAY, VALLIE S
3950 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MOORE, BRENDA C
3960 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MORGAN, SALLIE JO
2982 CLOVERWOOD DR
HIGH POINT, NC 27265

MULLIN, FLORENCE M
3919 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

MULLIN, FLORENCE M;MULLIN, JOHN S
3919 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

NIFONG, REID F JR;ROBERTSON, WILLIAM A
3953 COBBLESTONE BEND DR
HIGH POINT, NC 27265

NIFONG, REID FRANKLIN
3948 COBBLESTONE BEND DR
HIGH POINT, NC 27265

OSCAR JACKSON COLE SR TRUST;COLE, OSCAR
JACKSON JR TRUSTEE
1725 JUNIPER ST NW
WASHINGTON, DC 20012

PASCENTE, JOHN MICHAEL
3650 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

PEARCE, GRAHAM T
3946 COBBLESTONE BEND DR
HIGH POINT, NC 27265

PEELER, DAVID C
3643 ROCK MEADOW CIR
HIGH POINT, NC 27265

RAQUENO, MARVIN ORLANDO LIZAMA;SALMERON,
MARIA CANDELARIA CRUZ
7224 E FORK RD
HIGH POINT, NC 27265

RIDGEVIEW HOA INC
1171 W 4TH ST
WINSTON SALEM, NC 27101

RUFE, EDWARD JR;RUFE, SARAH
3628 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

SANDERS, JANICE C
3979 COBBLESTONE BEND DR
HIGH POINT, NC 27265

SCROFANI, JOANNE
3963 FOUNTAIN VILLAGE LN
HIGH POINT, NC 27265

SHOTWELL, DAVID
7549 SUNNYVALE DR
HIGH POINT, NC 27265

SIMMONS, ZALLO;SIMMONS, PENNY D
3632 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

SMITH, DEBORA LAWSON
7214 E FORK RD
HIGH POINT, NC 27265

STANLEY, DANNY E;STANLEY, FAY A
3943 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TALTON, RONALD K
3937 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TAYLOR, ERIC L;TAYLOR, KALA CONELIA
3642 ROCK MEADOW CIR
HIGH POINT, NC 27265

THAPA, SANJAY;THAPA, AZITA
3647 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

THOMAS, DONNA YVETTE
3976 COBBLESTONE BEND DR
HIGH POINT, NC 27265

THOMAS, LARRY L;THOMAS, KAYE P
3941 COBBLESTONE BEND DR
HIGH POINT, NC 27265

THOMAS, MELODY L
3933 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TROTTER, PAT R
3945 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TYSINGER, LINDA KENNEDY;TYSINGER, CURTIS
WILLIAM
3907 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

VANHOOK, CAROL W
3973 COBBLESTONE BEND DR
HIGH POINT, NC 27265

VASQUEZ, NESTOR;VASQUEZ, DIVA
781 SPRING ROSE CT APT 105
CASSELBERRY, FL 32707

WESTMORELAND, FANNIE R
3983 COBBLESTONE BEND DR
HIGH POINT, NC 27265

WILLIAMS, ANTWANIECE
1702 PENNY RD
HIGH POINT, NC 27265

WISSMILLER PROPERTIES LLC
4028 WINDSTREAM CT
JAMESTOWN, NC 27282

City of High Point
Citizen Information Meetings



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

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

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

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

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

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

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

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

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

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

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

Contact:

Planning & Development Department 336-883-3328

www.buildhighpoint.com

**ORDINANCE AMENDING TITLE 6 CHAPTER 2 SECTION 6-2-5
OF THE HIGH POINT CITY CODE
REGARDING SOLID WASTE COLLECTION AND DISPOSAL**

Sec. 6-2-5. Preparation of solid waste for collection.

Solid waste materials are collected once per week beginning at 6:00 a.m. Rollout carts (solid waste, recycling, or yard waste) shall be placed at the curb no earlier than 6:00 p.m. the evening prior to the regularly scheduled collection day. Rollout carts shall be removed from the curb no later than 6:00 p.m. the day following the regularly scheduled collection day. Customers who fail to properly remove carts from the curb/street will be in violation of this chapter and subject to a fine or penalty see Section 6-2-5.(b)

- (a) All solid waste shall be placed in approved rollout carts. No loose bags of garbage or recycling shall be placed at the street and will not be collected. All bags must be contained in the approved rollout carts. It is recommended that all garbage be contained in bags as to prevent spillage during servicing. The city manager may authorize city crews to collect additional bagged solid waste on certain occasions during the year (such as Christmas) for a set time period, such as two (2) weeks after the holiday. The maximum number of rollout carts allowed for garbage service for anyone (1) billable location is two (2) carts. Carts should maintain a minimum three (3) foot area of clearance from any object including other carts, hydrants, power poles, mailboxes, etc.
- (b) Rollout carts (solid waste, recycling or yard waste) not removed from the curb by 6:00 p.m. the day following regularly scheduled collection day will be subject to the following enforcement:
 - a. First Offense: The rollout cart will be tagged and accompanied by an educational letter reminding customer of the Code requirements.
 - b. Second Offense: The rollout cart will be tagged and a fine of \$250.00 will be placed on the customer's bill along with a letter stating the reason for the fine and citation to the section(s) of the Code that were violated.
 - c. Third Offense: The rollout cart will be removed from the customer.
- (c) Yard waste shall be placed at the curb in a city approved yard waste rollout cart, paper bags, or secured in bundles weighing no more than 50 pounds and not exceeding a length of four (4) feet. Yard waste may not be mixed with any other types of solid waste. Yard waste not conforming to yard waste requirements shall not be collected by the city, and is subject to enforcement procedures outlined in Section 6-2-5.(b).

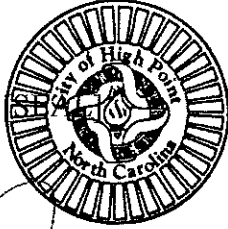
Loose tree limbs not conforming to yard waste requirements shall not be collected by the city. It is not the intent of the city to collect large portions of trees, entire tree(s), or lot clearing debris. Any tree trimming or removal performed at a multi-family residential unit or condominiums, or by a commercial company, business, landscaping company, or entities other than the property owner shall be responsible for the complete removal and disposal of all materials.

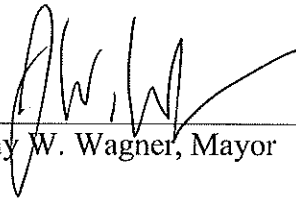
In the event of a storm (ice, tornado, severe thunderstorm, etc.), the city manager may authorize the collection of loose tree limbs for a set time period (i.e. four (4) weeks) for crews to remove all limbs placed at the curb as a result of storm cleanup.

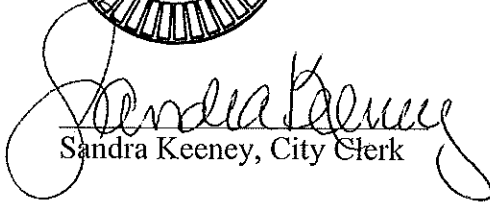
- (d) Loose leaves may be placed at the edge of the road (not in the road, ditchline, or curblane) for loose leaf collection during the late fall and early winter each year (approx. November through January). Collection schedules will be advertised and published. No other yard waste shall be included or mixed with loose leaves (no litter, garbage, sticks, brush, or paper bagged leaves/grass).
- (e) Bulky items shall be placed at the curb free from overhead wires, trees and tree limbs, mailboxes, utility poles, vehicles, or other endangerments that would impede collection. This service is intended for the occasional disposal of a mattress, appliance, furniture items, carpet, or other like items from a property owner or tenant. The bulky item service is not intended as a cleanout/disposal for removing all items from a property. Bulky items service does not apply to any business. No tires will be collected by the city. Tires shall be disposed at the county tire facility.
- (f) The city provides for the collection of recyclable materials and strongly encourages all customers to participate. Recyclable materials should be placed in a city-approved container. Acceptable materials are defined above and in city literature. Materials do not require sorting. Only recyclable materials should be placed in the containers. Mixing garbage, yard waste, or other materials with recyclables will result in a notice of violation and no collection. The city may remove carts and discontinue service to locations where notice of violation of the ordinance has been given three times within a 12-month period.
- (g) Electronics such as computers, monitors, televisions, or any items with a cord shall not be placed in a roll out cart or placed at the curb. These items will not be collected and should be taken to the city's Material Recycling Facility, Ingleside Compost Facility electronics drop off site, City of High Point Household Hazardous Waste quarterly collection, or to the county's household recycling facility.
- (h) Tires should not be placed in any container or curbside for collection. Tires will not be collected and should be taken to the county's tire disposal facility.
- (i) Special waste such as batteries, chemicals, oils and other hazardous waste materials are not accepted as recyclable or solid waste and should not be placed in any container and will not be collected. These items may be recycled at the county's household hazardous waste recycling facility, one of the city's quarterly household hazardous waste events, or other approved sites. Plastic bags (#2 LDPE) should be returned to retail stores for recycling and should not be included in weekly recycling collection.

(Ord. No. 91-57, 7-18-91; Ord. No. 6586/08-71, 10-20-08; Ord. No. 7748/21-65, 10-4-21)

Adopted by High Point City Council this May 15, 2023 in High Point, North Carolina.




Jay W. Wagner, Mayor


Sandra Keeney, City Clerk

Parking Study

High Point

Executive Summary

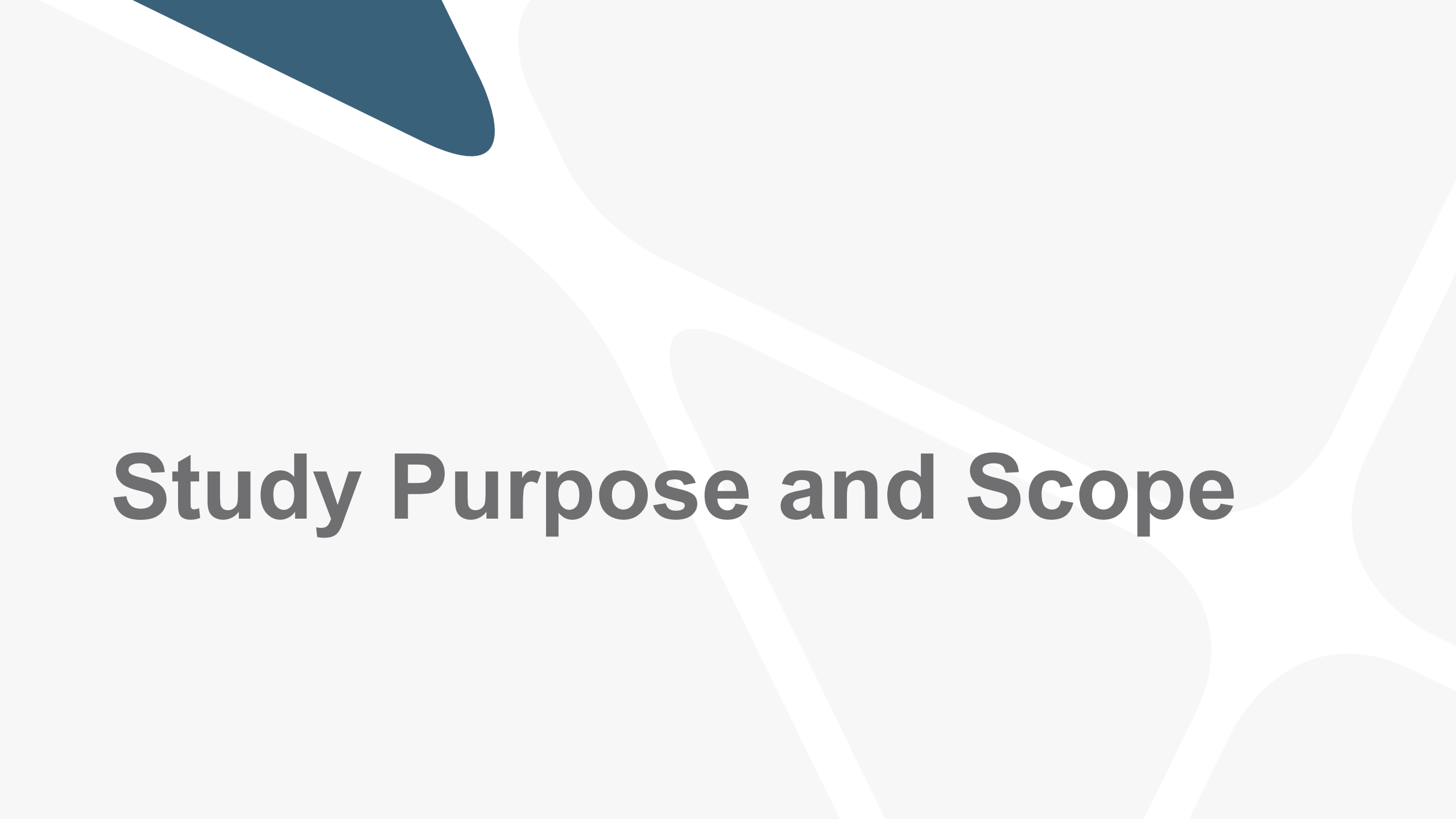
Kimley»Horn

May 3, 2023



Agenda

1. Study Purpose and Scope
2. Existing Conditions
3. Forecasted Parking Demand
4. Recommendations



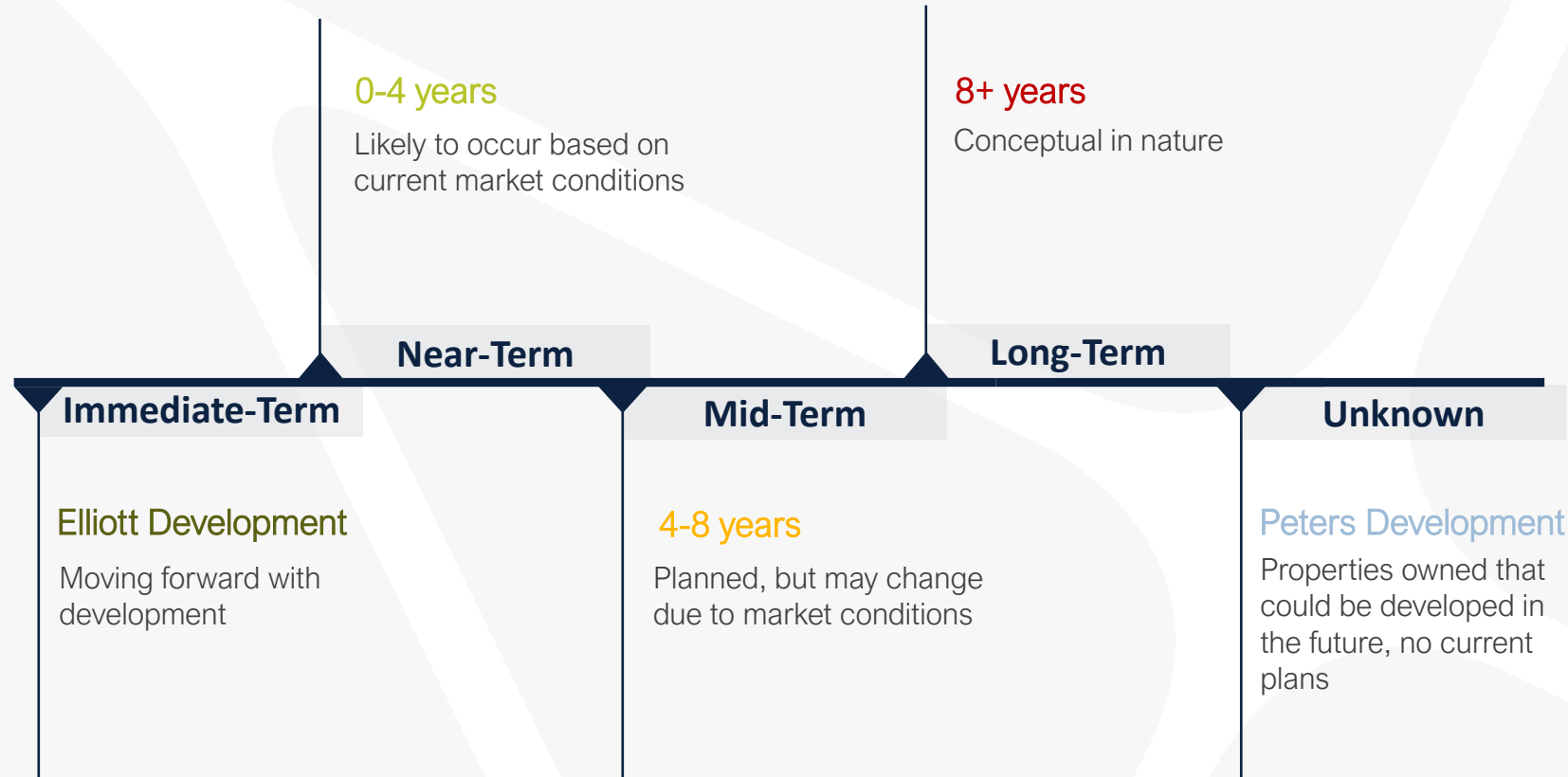
Study Purpose and Scope

Study Purpose and Scope

Key Goals:

- Determine the amount and location of new parking to serve redevelopment of the Entertainment District
- Recommend strategies to manage parking for special events
- Build on existing parking opportunities, such as expanding the City's on- and off-street parking program
- Evaluate the ability to use the Plaza Garage to serve the needs of the Entertainment District

Entertainment District Redevelopment Timeline



Project Methodology

- Interviewed key stakeholders to understand current parking needs in the area and planned future development
- Collected parking occupancy data during typical conditions and event conditions
 - Bi-hourly from 7AM – 7PM
 - Thursday 9/22 – No Events
 - Friday 9/23 – Rockers Game
 - Saturday 9/24 – Rockers Game
 - Additional Rockers observations on Thursday 8/4
- Analyzed future parking demand based on collected data and planned development
 - Documented planned future parking supply changes
 - Utilized ULI Shared Parking model to project future parking demands
 - Compared future parking demand to parking inventory (including changes to parking inventory from future development)
- Developed recommended parking garage sizes

Stakeholder Feedback

Stakeholders Interviewed:

- City of High Point
- Peters Development
- High Point Rockers
- Forward High Point
- Elliott Sidewalk Communities
- Congdon Development
- Springhill Suites
- Coy Willard
- The Market

Key Findings:

- City of High Point is contractually obligated to Elliott Sidewalk Communities to provide 565 public parking spaces.
- Need and desire for more on-street parking spaces.
- Multiple developers in the area are interested in utilizing public spaces to serve future demand.
- People have trouble finding proper locations to park during events since the facilities are scattered.
- Desire to create a “District” parking solution to eating, working and playing.

Parking Demand

Non-Event Conditions

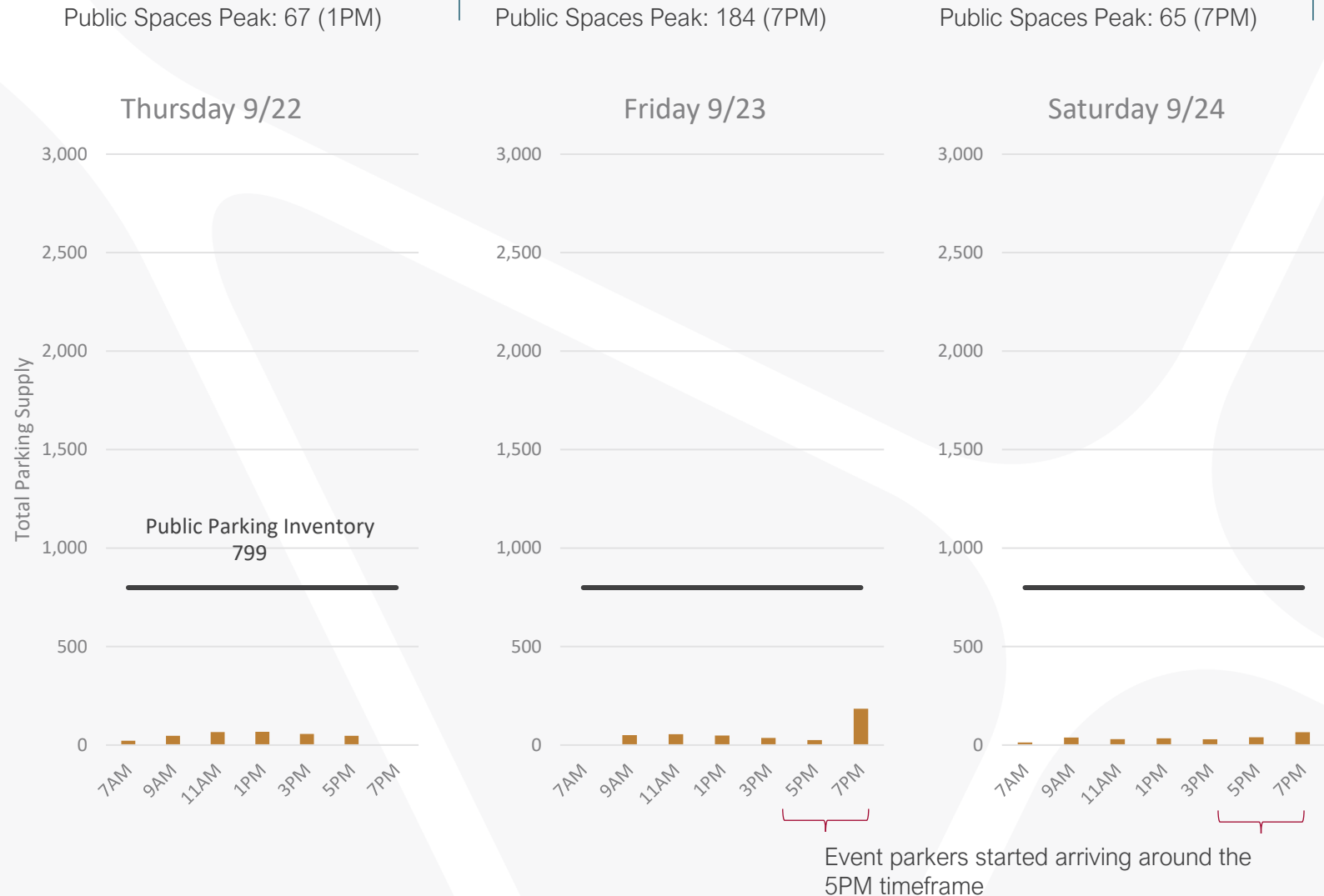
- 1 PM peak public parking demand (67 / 8.4%)
- 732 public spaces available during peak conditions

Event Conditions

- 7 PM peak public parking demand (184 / 23%)
- 615 public spaces available during peak conditions

Public Space Demand

High Point Rockers Post-Season Game



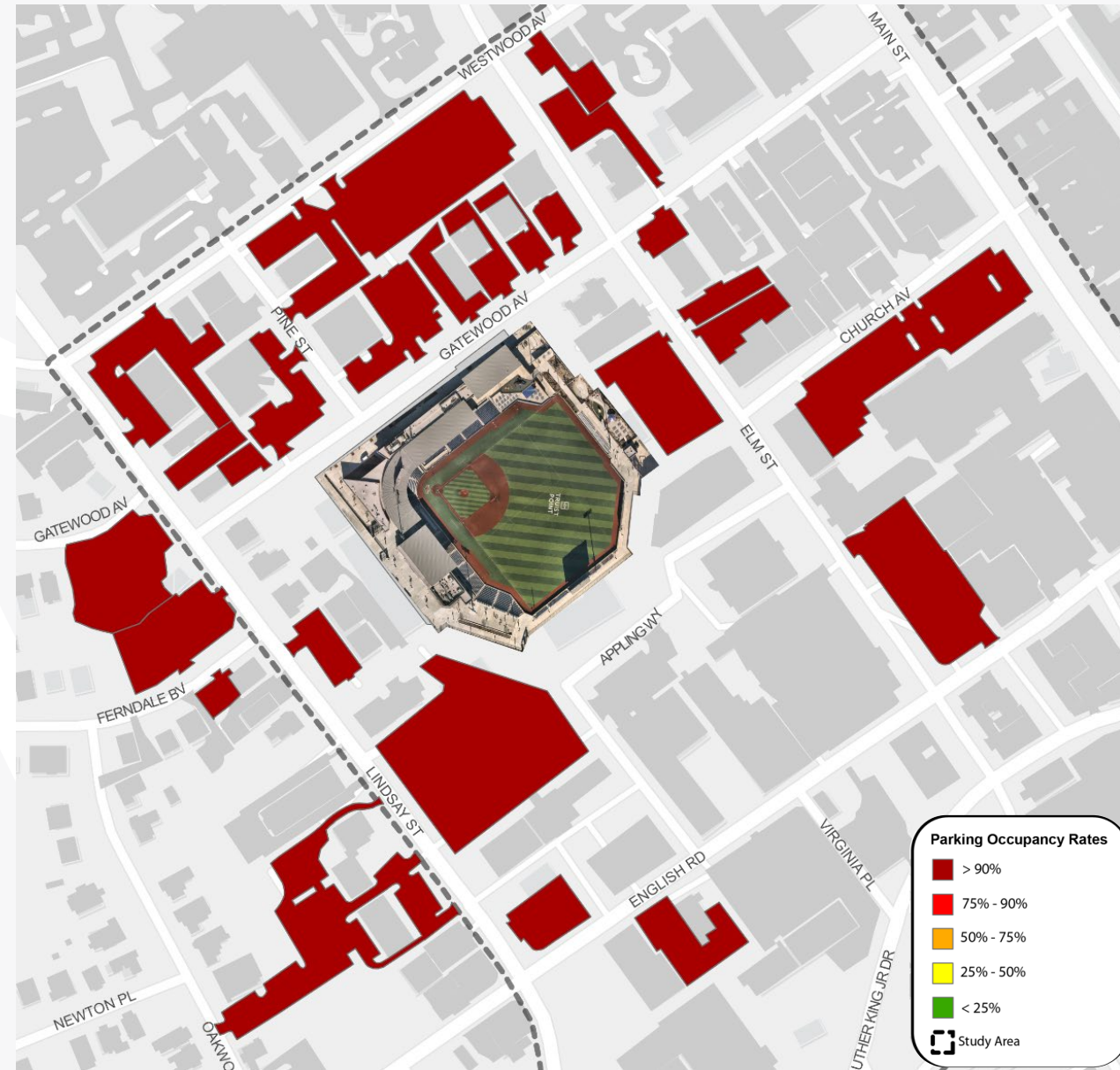
High Point Rockers Sell-Out Conditions

Projected Peak Demand

- At sold out event of 4,024 attendees, projected total event peak demand is 1,450 spaces
- 16 spaces short of currently accessible parking per available public parking and agreements with private owners

Key Takeaways

- For a game at 100% capacity, a deficit of 16 spaces is projected (based only on current Rockers parking supply)
- Sold-out Rockers games require 1,450 spaces
- 28% of Rockers parking comes from public spaces, 72% of Rockers parking comes from private spaces
- 283 private parking spaces may go away in the future making the new deficit 299 spaces (based on properties we know are coming offline)
 - Additional public spaces will be lost that will need to be provided for in parking garages to satisfy sold-out Rockers parking demand



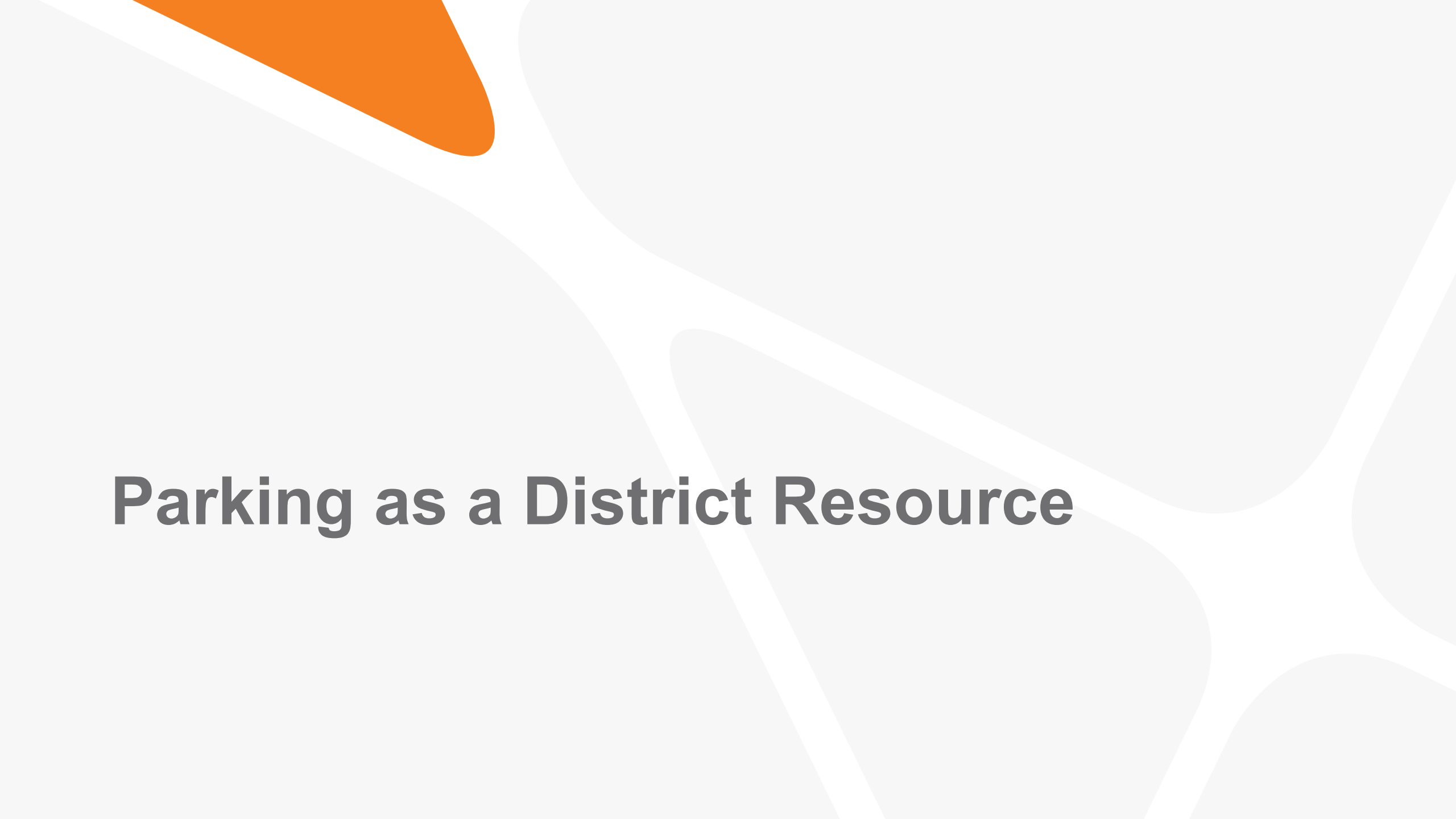
**Based only on official Rockers parking locations
(Rockers charge \$5 for parking)*

Existing Conditions Summary

- Early Opportunities
 - 129 new on-street parking spaces
 - 138 net new off-street parking spaces
- Parking Supply (includes early opportunities above)
 - 799 Public Spaces
 - 264 On-Street
 - 535 Off-Street
- Typical Day Parking Demand
 - Surplus of 2,097 spaces during peak conditions
- Most properties self-park, little use of public parking to serve uses within the district

Rockers Event Conditions:

- Rockers have agreements for 1,434 spaces across study area (50% of parking in district)
- Sold-out Rockers game estimated to need 1,450 spaces
 - Deficit of 16 spaces based on current Rockers parking supply
- A deficit of 299 spaces is anticipated for a sold-out game based on Rockers parking supply if anticipated development occurs, removing several private parking facilities



Parking as a District Resource

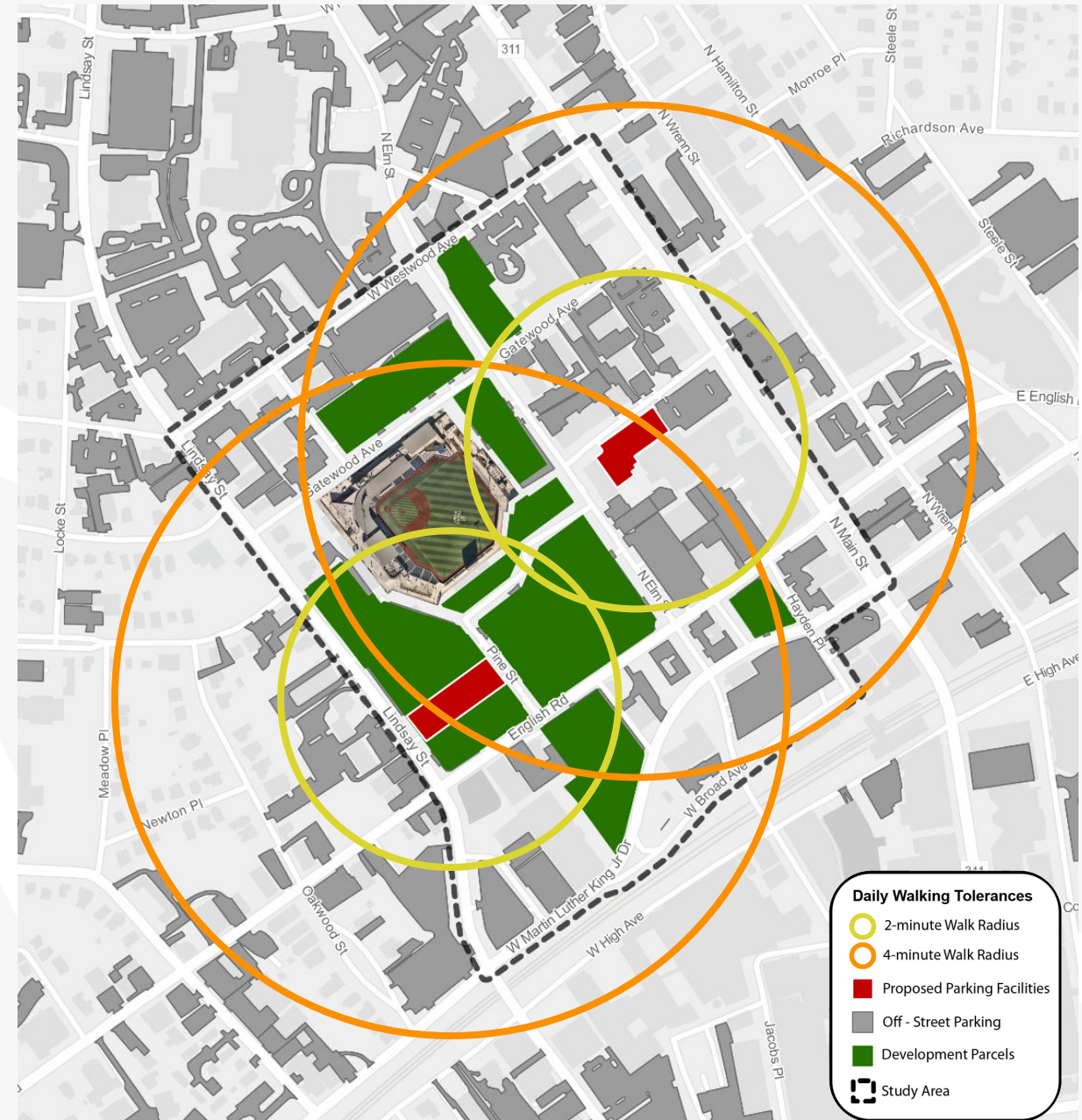
Walkshed

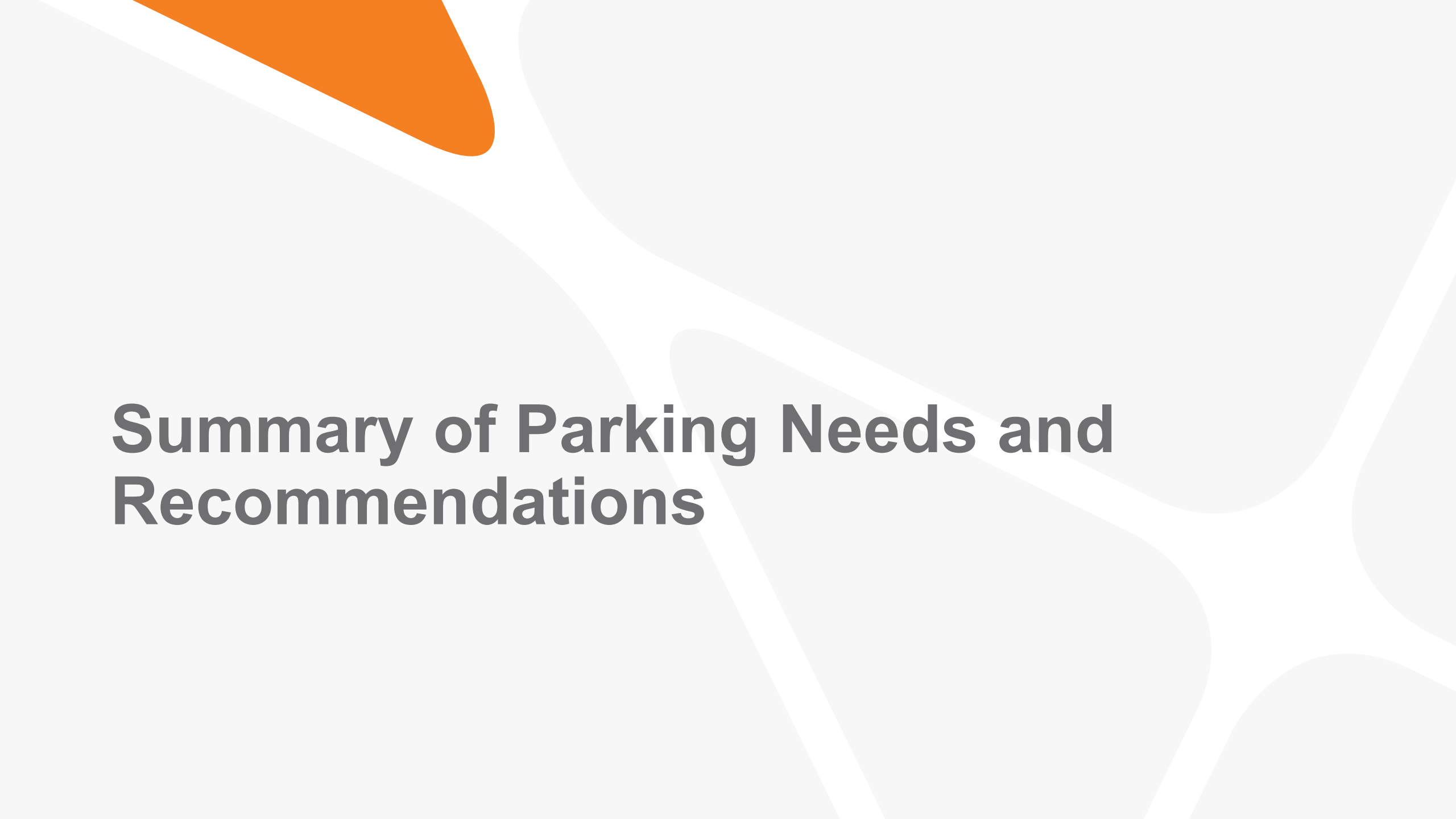
These 2-minute and 4-minute walksheds from each of the two potential parking locations show the parcels that are likely to utilize each garage based on their location.

If BOTH locations are built, MOST of the planned redeveloped parcels will have access to parking within a 2-minute walk

If ONE of the locations is built, ALL planned redeveloped parcels will be within a 4-minute walk of public parking

Proposed garages are well located to serve the public parking demands of all parcels within the entertainment district to some extent and could be a resource for access to show rooms as part of Market.

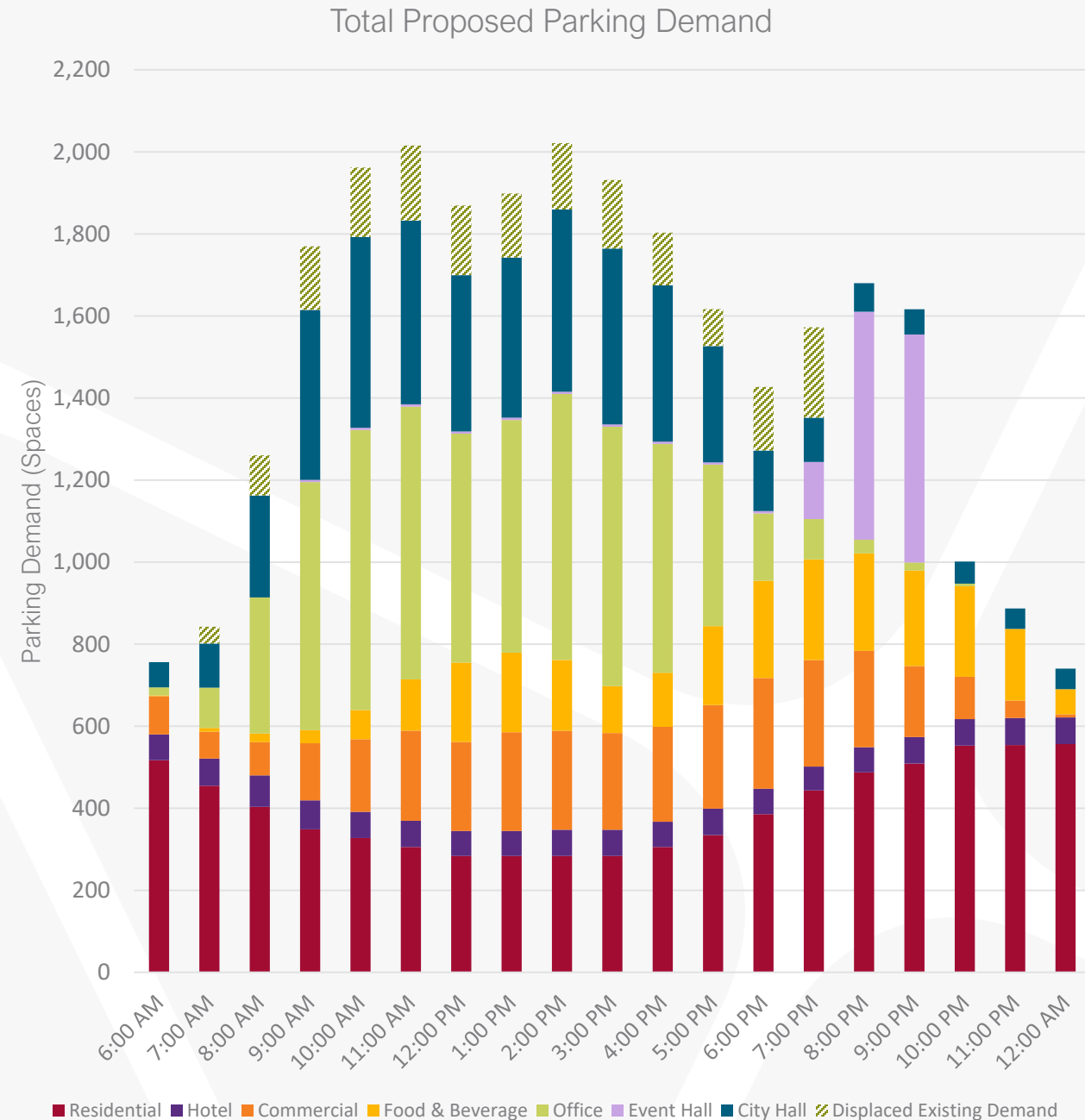




Summary of Parking Needs and Recommendations

Considerations for Building Parking

- Estimated cost to build 1,640 spaces
 - Assuming \$24,000 per space (Source: WGI 2022)
 - Total Cost = \$39.36 million
- If future residential and office developments self-park (build their own parking) instead of relying on City provided parking
 - Total of ~700 public spaces are needed
 - Reduced City's financial burden to \$16.8 million
- Redevelopment may happen sooner if City builds parking to satisfy entire anticipated demand (but this is costly)
- Recommend parking funded through user fees not bond referendums or City-wide taxes
 - Hourly parking
 - Monthly permits



Recommendations

Total Public Parking Spaces Needed

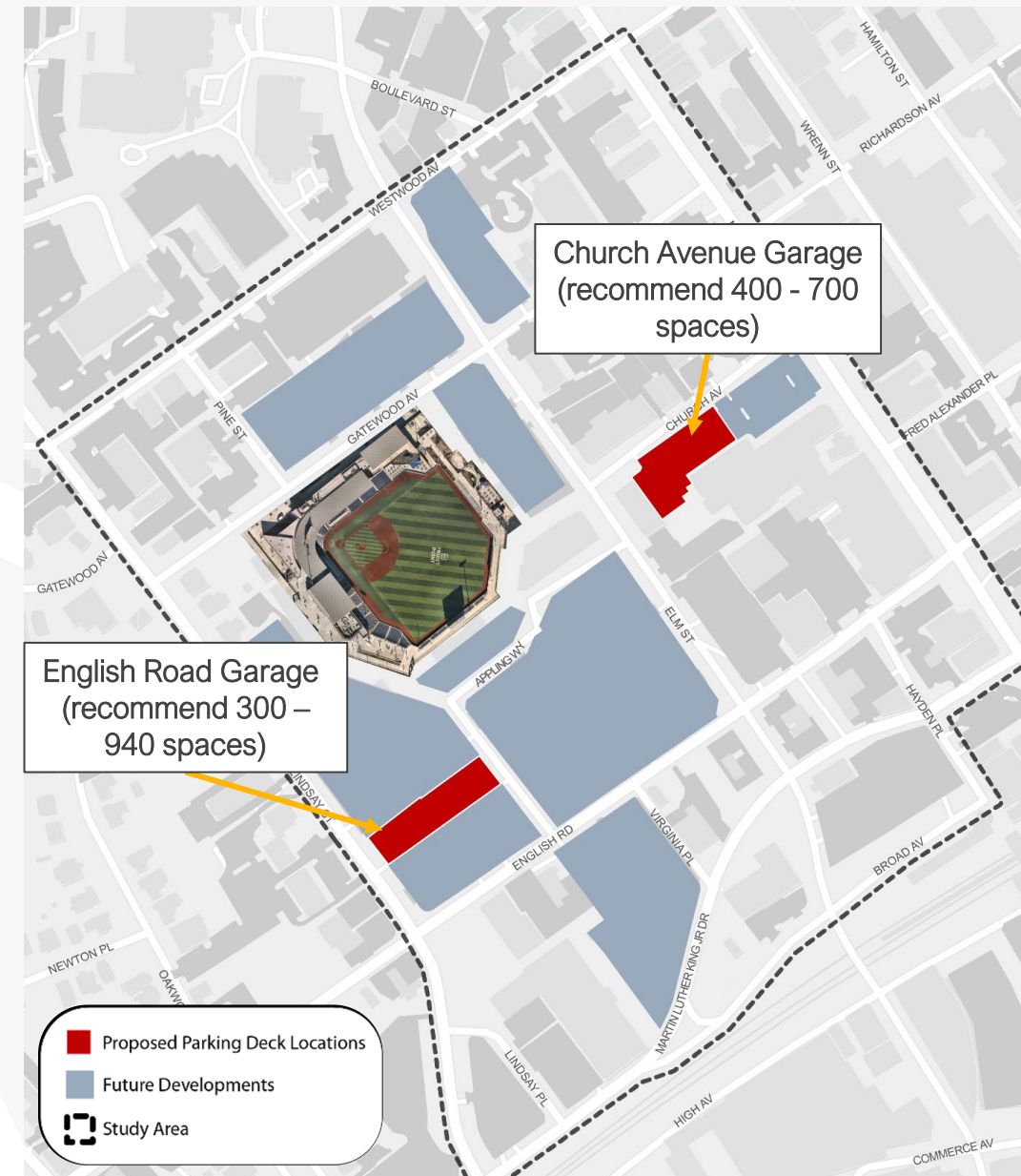
- Next 0-4 Years
 - Low-End (all office and residential demand will be self-parked) = No additional public spaces needed
 - High-End (assumes entire demand needs parking) = ~410 spaces
- Next 4-8 Years
 - Low End = ~700 spaces
 - High-End = ~1,640 spaces (1,230 more if 410 spaces built earlier)

Recommend Two New Garages

- Church Avenue Garage (within 0-4 years)
 - Low-End = 400 spaces (\$9.6 million estimated construction cost)
 - High-End = 700 spaces (\$16.8 million)
- English Road Garage (within 4-8 years)
 - Low-End = 300 spaces (\$7.2 million)
 - High-End = 940 spaces (\$22.56 million)
- Estimated \$1,600 per space per year in revenue to breakeven (based on 5% annual interest rate for a 30-year loan)

Special Events

- Average attendance Rockers demand can be accommodated even with loss of some parking through remaining private agreements
- For sold-out Rockers games (and other events), parking assumed to be built to support development is ample to accommodate parking needed for special events due to their evening and weekend peaking characteristics. The Plaza Garage (650 spaces) can also be utilized to relieve some of the event parking demands



Recommended Next Steps

Early Opportunities

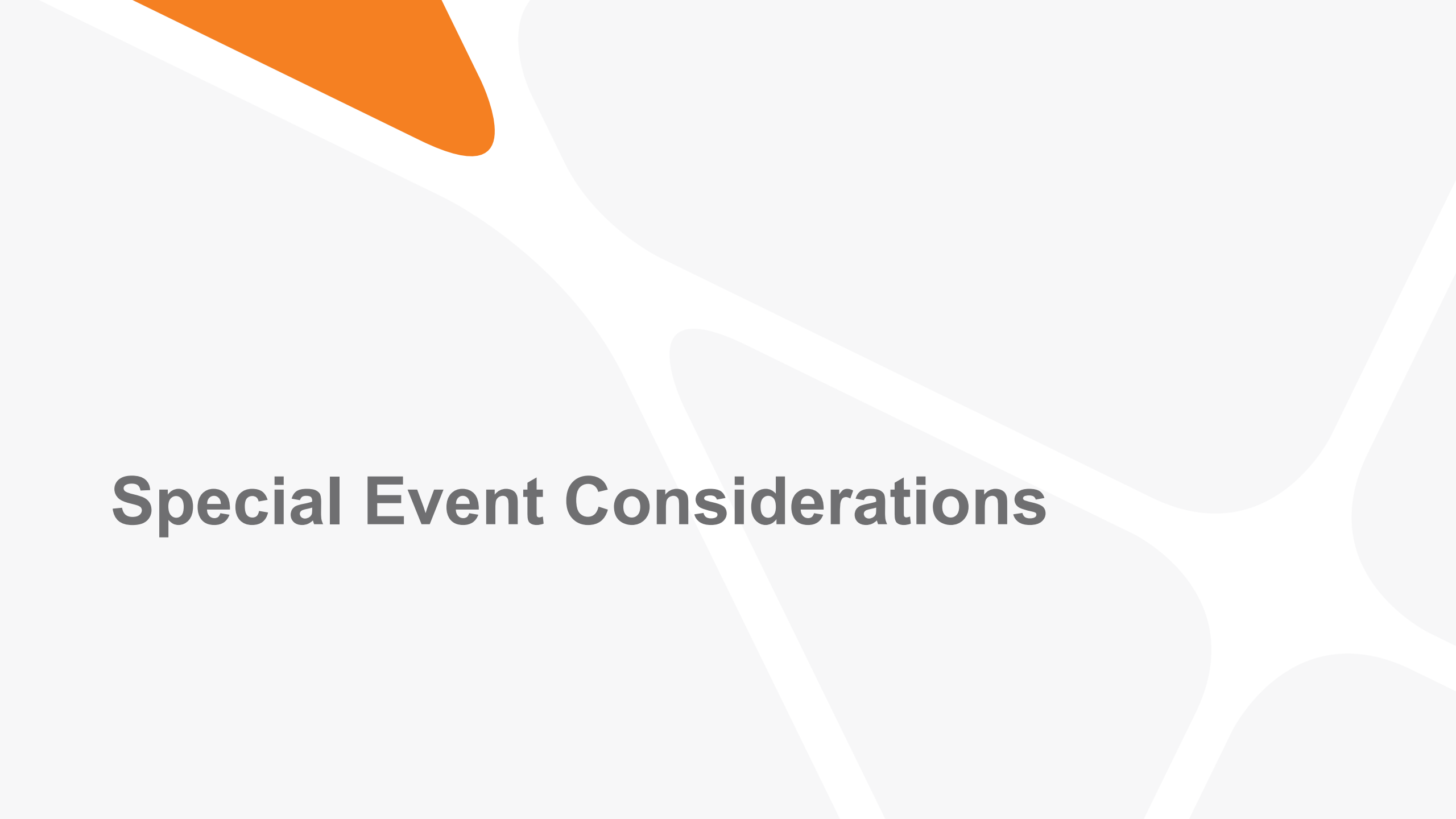
- Pave new English Ave surface lot
 - Coordinate assignment of parkers from adjacent developments
 - Reassess parking pricing
 - Review the need for gate controls and revenue collection
 - Evaluate event parking operational considerations
- Add on-street parking
 - Coordinate with Elm Street project
 - Consider time limitations and/or pricing at high-demand locations

Church Ave Parking Structure

- Conceptual design and programming
- Financial feasibility of garage, including lease rates required to charge private partners to break even
- Initiate discussions with private partners and draft development agreements

City-Wide Parking Study

- City-wide parking demand assessment
- High Point Market conditions evaluation
- Parking program financial review
- On-street and off-street pricing
- Modernization of revenue control systems and wayfinding
- Zoning code assessment and design-related requirements



Special Event Considerations

Special Event Parking Needs

- As previously mentioned, Truist Point Stadium is expected to host other special events besides Rockers baseball games.
- Carolina Core FC with MLS Next Pro soccer will have their inaugural season in 2024 at Truist Point
 - 20 games per year
 - Maximum of 4,000 – 5,000 fans
 - Includes on-field seating
- Given a sold-out Rockers game includes 4,024 attendees (comparable to the maximum capacity of soccer games shown above) there is no additional parking needed beyond what has previously been discussed for sold-out Rockers games
- If parking demand for soccer is greater than Rockers parking demand, the additional capacity of the Plaza Garage is expected to satisfy the demand





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CITY OF HIGH POINT

AGENDA ITEM



Title: **Zoning Map Amendment 23-10**
 SL Wendover LLC/Deep River Partners

From: Sushil Nepal, AICP
 Planning & Development Director

Meeting Date: May 15, 2023

Public Hearing: Yes

Advertising Date: May 3, 2023, and
 May 10, 2023

Attachments: A. Staff Report
 B. Zoning Ordinance

Advertised By: Planning & Development

PURPOSE:

A request by SL Wendover LLC/Deep River Partners to rezone an approximate 54.8 acres from a Planned Development - Mixed (PDM) District to a Planned Development - Periphery (PD-P) District. The site is located along the east side of NC 68, approximately 620 feet north of Piedmont Parkway, and at the northern terminus of Empire Street.

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their April 25, 2023 public hearing. All members of the Commission were present except for Mr. Morgan. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request, *with an amendment*, as outlined in the staff report.

Mr. Shannon noted that since the requested Planned Development District offers a lot of flexibility for a developer, in return staff expects much higher development standards. Thus, staff recommends approval, with the inclusion of a condition to restrict the location of parking lots along the NC 68 frontage of the site. To prevent from having a sea of parking along the frontage of this development, staff recommends parking lots be limited to the sides and rear of buildings for future lots that will front along NC 68.

Speaking on the request:

The applicant's representative, Ms. Judy Stalder, 3735 Admiral Drive, High Point, spoke in favor of the request. Ms. Stalder provided an overview of the proposal to amend the current Planned Development zoning of the site and highlighted the many higher development standards the applicant has provided in their Conditional Zoning Ordinance to promote a cohesive/unified planned development. Requirements for public street extensions, sidewalks along both sides of streets and the extension of an onsite pedestrian trail to Piedmont Parkway to eventually connect to the Bicentennial greenway are all part of the zoning conditions. Finally, Ms. Stalder noted that the two nonresidential tracts fronting along NC 68 are subject to the higher development standards of the Eastchester Gateway Corridor Overlay District. Thus, her client does not agree to the parking lot location condition recommended by staff.

There were no speakers in opposition to the request.

Planning & Zoning Commission Deliberation

After the public hearing was closed, the Commission had a lengthy deliberation that included questions to staff and the applicant. After its deliberation, the commission noted that it did not support the additional zoning condition, pertaining to parking, recommended by staff.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

Staff recommended ***approval with an condition*** as outlined in the attached staff report.

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended ***approval with conditions offered by the applicant*** (*without staff recommended parking condition*), by a vote of 8-0.

2. Consistency and Reasonableness Statements

The Planning and Zoning Commission voted 8-0 to approve the following statement:

That Zoning Map Amendment 23-10 is consistent with the City's adopted policy guidance because The zoning site is within an area with a mixture of land uses. As conditioned, with higher intensity residential uses and limited commercial uses, the requested PD-P District is supported by adopted policy guidance. Furthermore, the request is reasonable and in the public interest because a planned development district has already been established for this area. The proposed update would continue to facilitate a mixture of land uses as supported by adopted land use policy.

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-10
April 25, 2023**

Request	
Applicant: SL Wendover LLC and Deep River Partners	Owner: SL Wendover LLC
Zoning Proposal: Rezone approximately 54.8 acres to establish an updated Planned Development District and an updated master plan.	From: PDM Planned Development-Mixed District
	To: PD-P Planned Development - Periphery District
Notices: - Applicant held a Citizen Information Meeting (<i>Yes</i>) - As required by Section 2.3.6 (Notification) of the Development Ordinance, the Planning and Development Department provided published, mailed and posted notice of this public hearing.	

Site Information	
Location:	The site is located along the east side of NC 68, approximately 620 feet north of Piedmont Parkway, and at the northern terminus of Empire Street.
Tax Parcel Number:	Guilford County Tax Parcels 207802, 207812, 207813, 207814, 207815, 207816 and 207817
Site Acreage:	Approximately 54.8 acres
Current Land Use:	Undeveloped parcels and a single family dwelling.
Physical Characteristics:	The site has a moderate to severely sloping terrain with perennial streams running along its northern and eastern boundaries. The steeper terrains lie adjacent to the banks of these streams, along with 100 & 500-year floodplain areas. Also, a 50-foot wide Plantation Gas Pipeline easement bisects the southeastern portion of the site.
Water and Sewer Proximity:	City water lines lie adjacent to the site along Eastchester Drive and Empire Street. City sewer lines run along abutting stream corridors.
General Drainage and Watershed:	The site drains in a general easterly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for development with a total impervious surface area greater than 24% of the site.
Overlay Districts:	- City Lake General Watershed Area (GWA) - Airport Overlay District – Zone 4 - Eastchester Gateway Corridor Overlay District

Adjacent Property Zoning and Current Land Use			
North:	PDM	Planned Development-Mixed District	Stormwater control device and multifamily development
South:	CU-LI	Conditional Use Light Industrial District	Office and medical uses
East:	CU-LI	Conditional Use Light Industrial District	Bicentennial Greenway Office and light industrial uses

West:	CU-LI Conditional Use Light Industrial (<i>Guilford County</i>)	Single family dwelling and undeveloped parcels
	AG Agricultural District (<i>Guilford County</i>)	

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	Goal 1: Preserve and enhance High Point’s most important natural and cultural resources. <u>Obj. 1A</u>: Preserve and link open spaces where opportunities exist, and leverage them as community and economic assets. <u>Obj. 1B</u>: Preserve and link environmentally sensitive lands such as floodplains, wetlands and steep slopes. Goal 3: Create more mixed use areas, while reinforcing existing ones, to minimize traffic, maximize the utilization of infrastructure, and so people can live, work and play in one location. <u>Obj. 3B</u>: Establish new or redeveloped mixed use areas at key intersections where suitable land use and development patterns exist. <u>Obj. 3D</u>: Include high-density residential development as a component of existing and new mixed use areas for the purposes of utilizing land efficiently, pairing people with convenient goods and services, supporting the commercial uses, and minimizing traffic. <u>Obj. 3E</u>: Apply development standards to ensure that mixed use areas are human scaled, pedestrian friendly, and physically integrated through mixed use buildings and buildings that front onto streets rather than large parking lots that separate buildings and their uses. <u>Obj. 3F</u>: Encourage mixed use centers as an alternative to “strip commercial” corridors that would use land inefficiently, generate unnecessary traffic, and create traffic congestion and safety challenges because of frequent driveways and their associated turning movements. Goal 5: Balance the efficient movement of vehicles with the needs of pedestrians, alternative transit modes, and aesthetic quality. <u>Obj. 5B</u>: Focus particular attention on the appearance of key gateways into High Point to convey to visitors a positive first and last impression of the community. <u>Obj. 5E</u>: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access. <u>Obj. 5G</u>: As an alternative means of transportation, expand the greenway system and add bike lanes to key roads linking activity centers and important destinations.

Land Use Plan Map Classification:	The site has a Mixed-Use Development land use classification. This classification is intended to provide for the siting of a variety of land uses in close proximity to each other where this is desirable due to existing land use patterns, environmental constraints, the need to preserve open space, the opportunity to provide alternative modes of transit and other factors.
Land Use Plan Goals, Objectives & Policies:	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #3: Provide a wide range of housing opportunities for families of all income levels; Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj. #3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas; Obj. #8. Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations; Obj. #11. Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.
Relevant Area Plan:	<u>Eastchester Corridor Plan - Phase III</u> (adopted 1994) Relevant recommendations from this plan include preserving traffic capacity on NC68, for example, by encouraging shared access between multiple development parcels with frontage on NC68; maintaining the aesthetic quality of the corridor by applying appearance guidelines regarding building materials/design, signage, parking, lighting, and landscaping as zoning conditions when properties are annexed and rezoned; and limiting commercial development to well-separated clusters at major intersections.
Zoning History:	<u>Zoning Map Amendment 07-07</u>: In 2007 this 54-acre zoning site, along with 25 acres to the north (fronting along Regency Drive), were granted a Land Use Plan Amendment to establish this area as a mixed use district. A zoning map amendment was also submitted to support an integrated mixed-use development consisting of limited commercial, multifamily and light industrial uses under the former PDM District. <u>Zoning Map Amendment 12-13</u>: In 2012, this PDM District was amended to expand the limits of where multifamily development may be permitted.

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	NC 68	Major Thoroughfare	1,545 ft.
	Empire Street	Local Street	60 ft.
Vehicular Access:	Via an extension of Empire Street northward to NC 68 and a separate public street access to NC 68.		
Traffic Counts: (Average Daily Trips)	NC 68	26,500 AADT –(NCDOT 2021 -traffic counts)	

Estimated Trip Generation:	A mixed-use planned development is proposed with approximately 560 - 600 multifamily dwelling units, various industrial and limited commercial uses. At buildout, this development is anticipated to generate approximately 9,165 total daily trips (<i>during a 24-hour time period</i>), with approximately 917 trips in the AM peak hour, and approximately 1,008 trips in the PM peak hour.		
Traffic Impact Analysis (TIA):	Required		TIA Comments
	<u>Yes</u> X	<u>No</u>	Because the proposed development will generate more than 150 trips in the peak hours; a TIA was required to be submitted as part of the rezoning application. The TIA executive summary is attached as a supporting document at the end of the staff report.
Conditions:	See attached Planned Development Zoning Ordinance		

School District Comment				
Guilford County School District				
Local Schools:	Enrollment: 2022 – 2023 (20 th day of class)	Maximum Design Built Capacity: (2022 – 2023):	Mobile Classrooms:	Projected Additional Students:
Colfax Elementary	563	712	7	245 - 247
Southwest Middle	1,107	1,223	10	125 - 127
Southwest High School	1,676	1,506	11	112 - 114
School District Remarks: With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021 - 2022. Elementary built capacity assumes reduced K-3 class sizes per applicable core academic classroom as of the stated year. Middle and high school built capacity assumes 30 students per core academic classroom.				

Planned Development District Overview

A. Purpose and Intent of the Planned Development (PD) District

The Planned Development (PD) districts are established to allow development under unified control while utilizing more flexible standards and procedures than would otherwise result from a strict application of a general district and development. The PD districts are intended to encourage innovative land planning and site design concepts that will produce a high quality, unified project that will not negatively impact adjacent land. A few of the key concepts are:

- Promote quality design and reduce or diminish the inflexibility of design that sometimes results from the strict application of zoning and development standards designed primarily for individual lots.
- Allow greater freedom in providing a well-integrated mix of residential and non-residential uses in the same development including a mix of housing types, lots sizes, and densities.
- Provide for efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs.

B. Planned Development-Periphery (PD-P) District

The PD-P District was established to encourage the use of innovative and creative design to provide a mix of different residential, nonresidential, and institutional uses in close proximity to services, recreation uses, and open space resources on lands outside the Core City Area. All PD developments are subject to Section 3.7.3 of the Development Ordinance (Standards Applied to

All Planned Development Districts) and the specific standards of the respective PD District. Furthermore, all PD Districts must comply with Chapter 5 (Development Standards), Chapter 6 (Environmental Standards) and Chapter 7 (Subdivision and Infrastructure Standards).

Details of Proposal

The applicant is requesting zoning approval to change the current PDM zoning for this site, that was established under the former Development Ordinance, to the current PD-D District that is used for new planned developments. In 2007 the current zoning site, along with the abutting 25 acres to the north, was zoned for a mixed use planned development. The northern portion of this mixed-use development has been completed. The applicant proposes to revise the southern portion of this planned development to the updated PD-P District to support a mixture of Employment Center (EC) District light industrial uses, EC District commercial uses, some specific limited commercial uses and high-density residential uses. The applicants Planned Development Master Plan denotes the following breakdown of uses:

	Existing CU-PDM District	Proposed New PD-P District
<u>TRACTS A & B</u> (32.8 acres) eastern half of site	Light Industrial and Office uses.	High Density Residential. Multifamily and/or townhomes as permitted in the RM-26 District. <i>(development density of 26 units per acre, up to 850 dwelling units permitted).</i>
<u>TRACTS C & D</u> (12.8 acres) western half of site (NC 68 frontage)	Light Industrial and Office uses.	A mixture of EC District light industrial uses, EC District commercial/office uses and some specific limited commercial uses
<u>TRACT E</u> (7.14 acres)	Light Industrial and Office uses.	Stormwater control facility serving the entire development.
ROW Extension (2.7 acres)		

In conjunction with this request, the applicant has submitted conditions pertaining to allowable uses within each tract, development standards, parking, pedestrian access, vehicular access, and street improvements.

Staff Analysis

The zoning site is located along Eastchester Drive, which is an important thoroughfare in the city that serves as a major gateway corridor into High Point from I-40 and the Piedmont Triad International Airport (PTIA). Land development along the Eastchester Drive corridor has been primarily shaped by the Eastchester Drive Corridor Plan. Between 1986 to the late 1990s, the City adopted a series of corridor plans along Eastchester Drive that established policies and standards to enhance and protect the corridor as a major gateway and travel corridor into the city. These corridor plans/policies evolved into what is now known as the Eastchester Gateway Corridor Overlay District. This travel corridor and the land development along it provides first impressions to visitors entering the city from Interstate 40 and PTIA. Some of the goals and policy objectives of the Eastchester Corridor Plan are to:

- Minimize traffic congestion caused by haphazard commercial development;
- Prevent strip commercial development, which in turn will degrade the corridor's primary purpose of serving as a travel corridor and gateway to the City;
- Limit commercial uses to well separated clusters/nodes located at major intersections;

- Implement a deceleration lane policy to conserve the capacity of Eastchester Drive and require driveways for corner lots to be from side streets.

To manage traffic and to protect the gateway qualities of the corridor, the Eastchester Corridor Plan limits commercial development to well-separated clusters, or nodes, located at major intersections. Major commercial nodes were planned along the Eastchester Drive corridor at:

- 1) Southern corridor node: from N. Main Street, along the corridor, to N. Centennial Street/Lassiter Drive.
- 2) Mid-point corridor node: intersections of Hickswood Road/Skeet Club Road/Penny Road and W. Wendover Avenue.
- 3) Northern corridor node: intersections of Regency Drive/Gallimore Dairy Road.

Over the years, these three planned commercial nodes have been expanded to abutting lands to accommodate additional commercial development where traffic could be adequately managed in those major intersection areas. Such expansions were timed to only occur when abutting commercial nodes were almost fully developed. Premature expansion, that may spur land speculation or strip-development, has been suppressed and prevented by the denial of such zoning requests.

In 2007 and 2012, Land Use Policy for the zoning site and abutting lands to the north, at the commercial node, was amended to support mixed use development. This resulted in approximately 80 acres at this commercial node being designated for Mixed Use Development. The goal of this policy amendment was not to spur stand-alone commercial development along this segment of the corridor, but to encourage the pairing of high density housing to jobs and services for the purposes of utilizing land efficiently, pairing people with convenient goods and services, and to minimize traffic congestion. With strip commercial development to be avoided.

This application supports this land use policy by amending the current Planned Development to support expansion of high density residential development and employment uses as supported by the light industrial and limited commercial uses of the EC Zoning District.

The advisability of establishing a planned development district is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny a planned development district, the City Council shall weigh the relevance of and consider the following findings outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments.

Consistency with Adopted Policy Guidance

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

The zoning site is within an area with a mixture of land uses. As conditioned, with higher intensity residential uses and limited commercial uses, the requested PD-P District is supported by adopted policy guidance.

Reasonableness/Public Interest:

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

A planned development district has already been established for this area. The proposed update would continue to facilitate a mixture of land uses as supported by adopted land use policy.

Consistency with PD District Standards

- Whether the proposed PD district meets the standards of Section 3.7.3, Standards Applied to All Planned Development Districts.
- Whether the proposed PD district meets the standards of Section 3.7.6, PD-P District (Outside the Core City Area)

This proposal to establish a PD-P District meets the standards of the Development Ordinance.

Compatibility with Surrounding Areas

- Whether the proposed PD district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
 - Where there are issues of compatibility, the master plan map, statement of intent and the standards document shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
 - Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.
- ❖ By bringing the entire area in as one planned development, it significantly increases the potential to have a unified cohesive development, which will assist in establishing compatibility and harmony with the adjoining Piedmont Centre development.
 - ❖ Objective #3 of the land use plan speaks to providing opportunities for housing at appropriate locations convenient to employment, shopping and service areas.
 - ❖ As conditioned and depicted on the master plan, allowable uses within the various tracts are compatible with the surrounding area.
 - ❖ Amending the zoning conditions to require parking to the rear and sides of buildings fronting along NC 68 would address policies of the Community Growth Vision Statement and be more in character with adjacent development to the north, which have been developed with limited parking fronting this major corridor.

Mitigation of Impacts: *Whether the applicant's proposed PD district, including the proposed use(s), standards and PD master plan, will satisfactorily:*

Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.

- ❖ Higher development standards of the Eastchester Gateway Corridor Overlay District, which covers tracts C and D of the zoning site, will assist to mitigate any negative impacts to adjacent property owners.
- ❖ Conditions for the extension of Empire Street support the previously planned interconnectivity of the road network. It also addresses a key transportation concept of the Eastchester Corridor plan for parallel road networks along the NC 68 corridor.
- ❖ Conditions supporting road extension, road improvement and turn lanes along with access restrictions will assist to mitigate adverse impact to adjacent lands. The requested updated planned development does not add any new vehicular access points to NC 68.

Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees, and protect habitat.

- ❖ The site is within the City Lake General Watershed Area, and as such, development is required to meet the watershed standards of the Development Ordinance.

Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police, and fire.

- ❖ Conditions offered for pedestrian sidewalks and pedestrian trail extension to the Piedmont Parkway assists to expand the pedestrian network in this area and use of the current Bicentennial Greenway Trails pedestrian network in this area.
- ❖ The applicant has offered transportation related conditions pertaining to right-of-way dedication, roadway improvements and vehicular access and interconnectivity. These conditions in conjunction with the overall master planning of this development will mitigate traffic congestion; facilitate turning movements and traffic flow not only for this proposed development but also for the surrounding area.

Minimize or effectively mitigate any identified adverse effect on the use, enjoyment, or value of adjacent lands.

- ❖ Conditions offered by the applicant pertaining to the extension of Empire Street to NC 68 and location of access points from NC 68 will allow for dispersal of traffic in multiple directions. This may reduce the potential for traffic back-ups, and their negative impacts, on adjacent lands at the Piedmont Parkway/Empire Street intersection.

Supportive Changes in the Area

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

The establishment of a large mixed-use area in 2007, at this established commercial node, set policy for the proposed mixed-use development. Furthermore, objectives #3 and #8 of the Land Use Plan speak to providing opportunities for housing at appropriate locations convenient to employment centers and encouraging in-fill, mixed-use development and higher residential densities at appropriate locations.

Promotes a Preferred Development Patterns

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

- ❖ Amending the zoning condition to limit or restrict a sea of parking along the NC 68 frontage would be the preferred development pattern. As such, parking along the NC 68 frontage should be restricted to the rear and sides of buildings.
- ❖ The Community Growth Vision Statement, which is the “umbrella” policy document for all planning documents, along with the Land Use Plan, encourages the pairing of high-density housing to jobs and services for the purposes of utilizing land efficiently, pairing people with convenient goods and services, and to minimize traffic congestion. It is important to offer housing near these employment centers so as to allow people to live close to work and therefore reduce traffic and commute times and this area is one of the few within this area that can accommodate housing.

Recommendation

Staff Recommends Approval With Revisions:

If the flexibility of the proposed planned development district is to be granted, in return it should also promote higher development standards. The Planning and Development Department recommends

approval of the request, subject to the zoning conditions being modified to restrict parking to the sides and rear of buildings fronting along NC 68. Staff supports rezoning with the following amendment to conditions.

Part II. CONDITIONS:

C. Parking:

1. Tract A and B (Residential Tracts):

- a. Parking shall be based upon the development density of each individual parcel.
- b. Parking shall not be subject to the reduced off-street parking standard under the PD-P District.

2. Tracts C and D: Along the NC 68 frontage of the zoning site, off-street parking areas shall not be located between the Principal Building Line and the NC 68 right-of-way.

Required Action

Planning and Zoning Commission:

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

City Council:

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

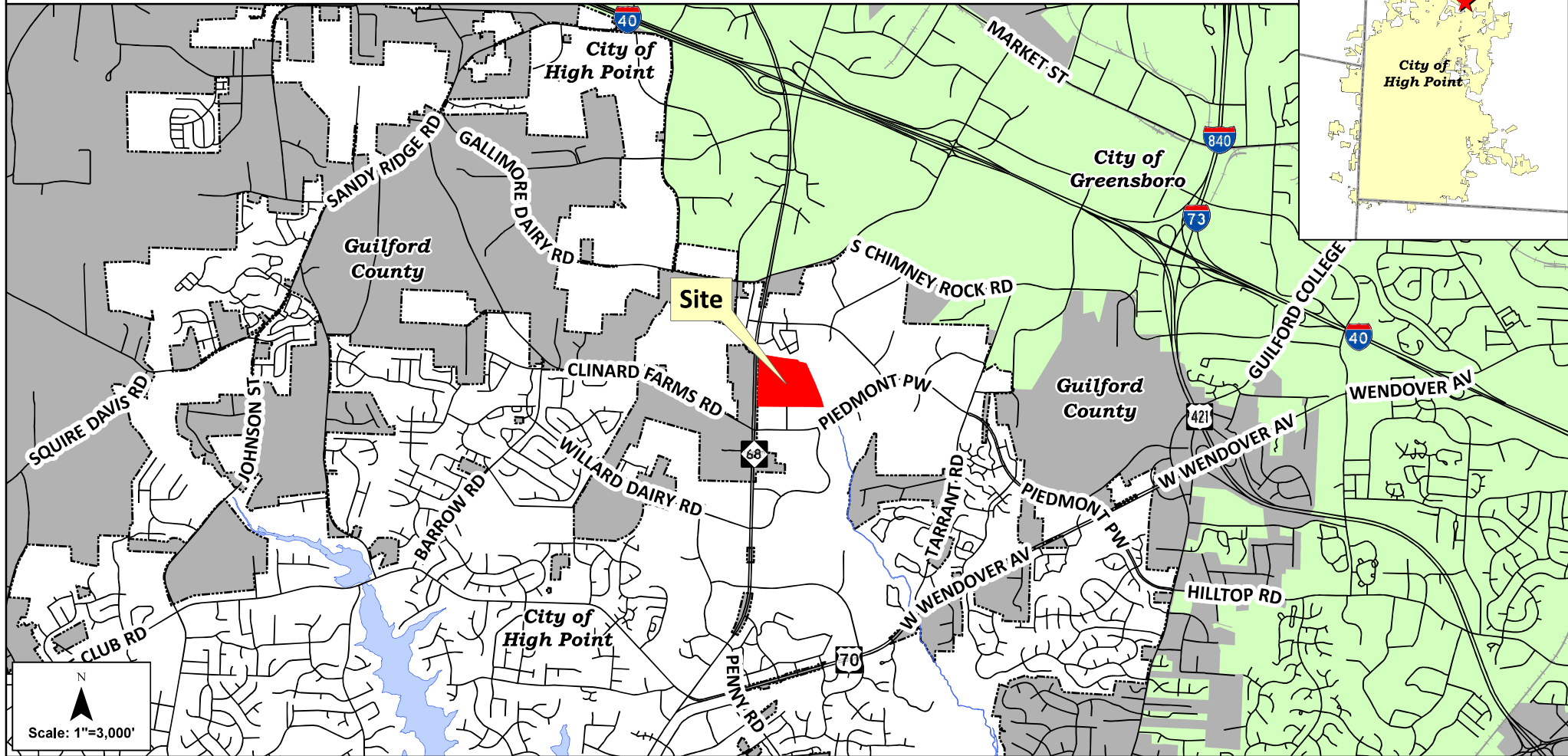
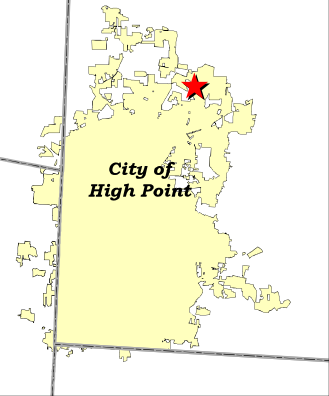
Report Preparation

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

LOCATION MAP

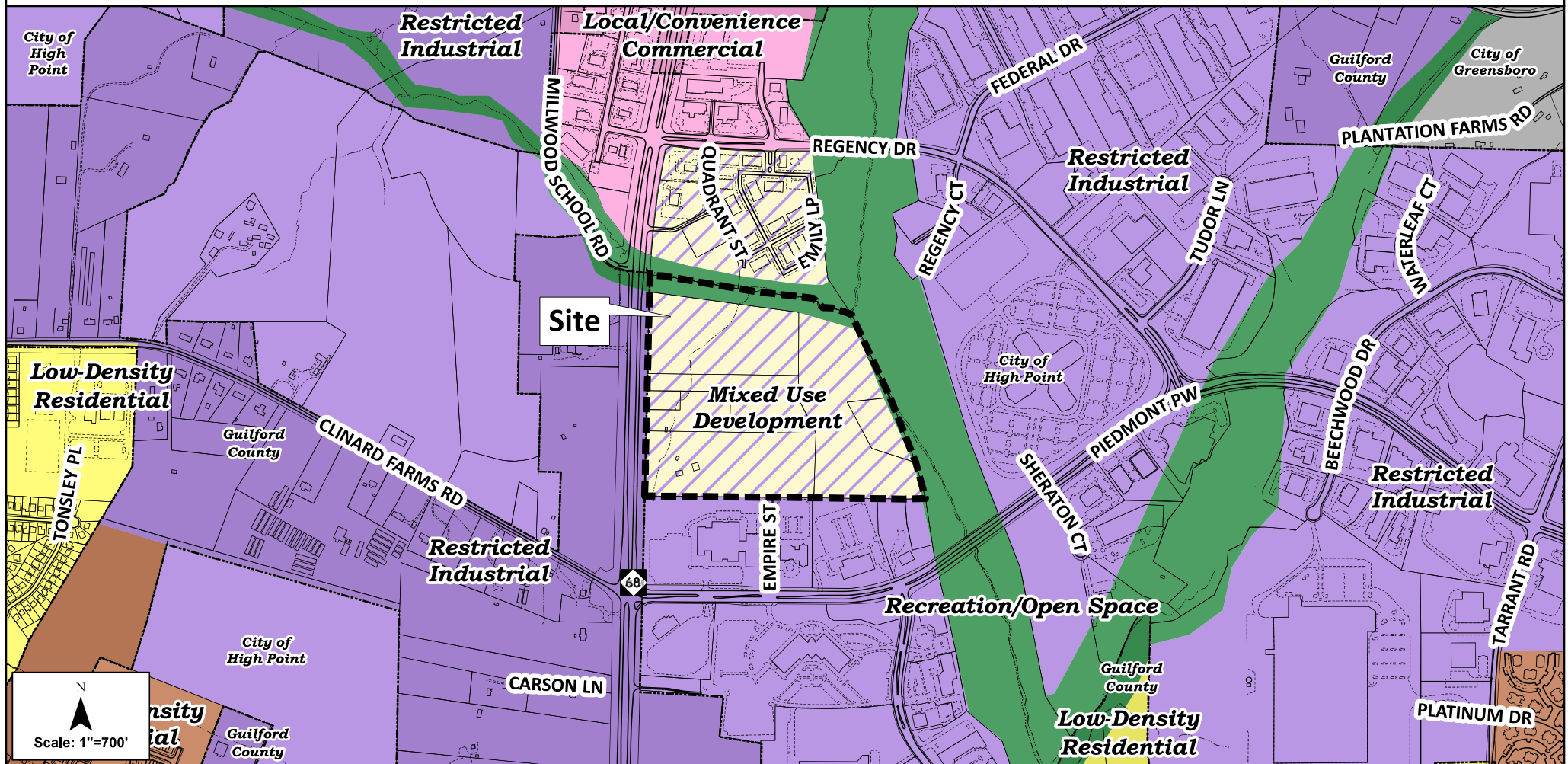
ZONING MAP AMENDMENT: ZA-23-10
Applicant: SL Wendover LLC/Deep River Partners

Vicinity Map



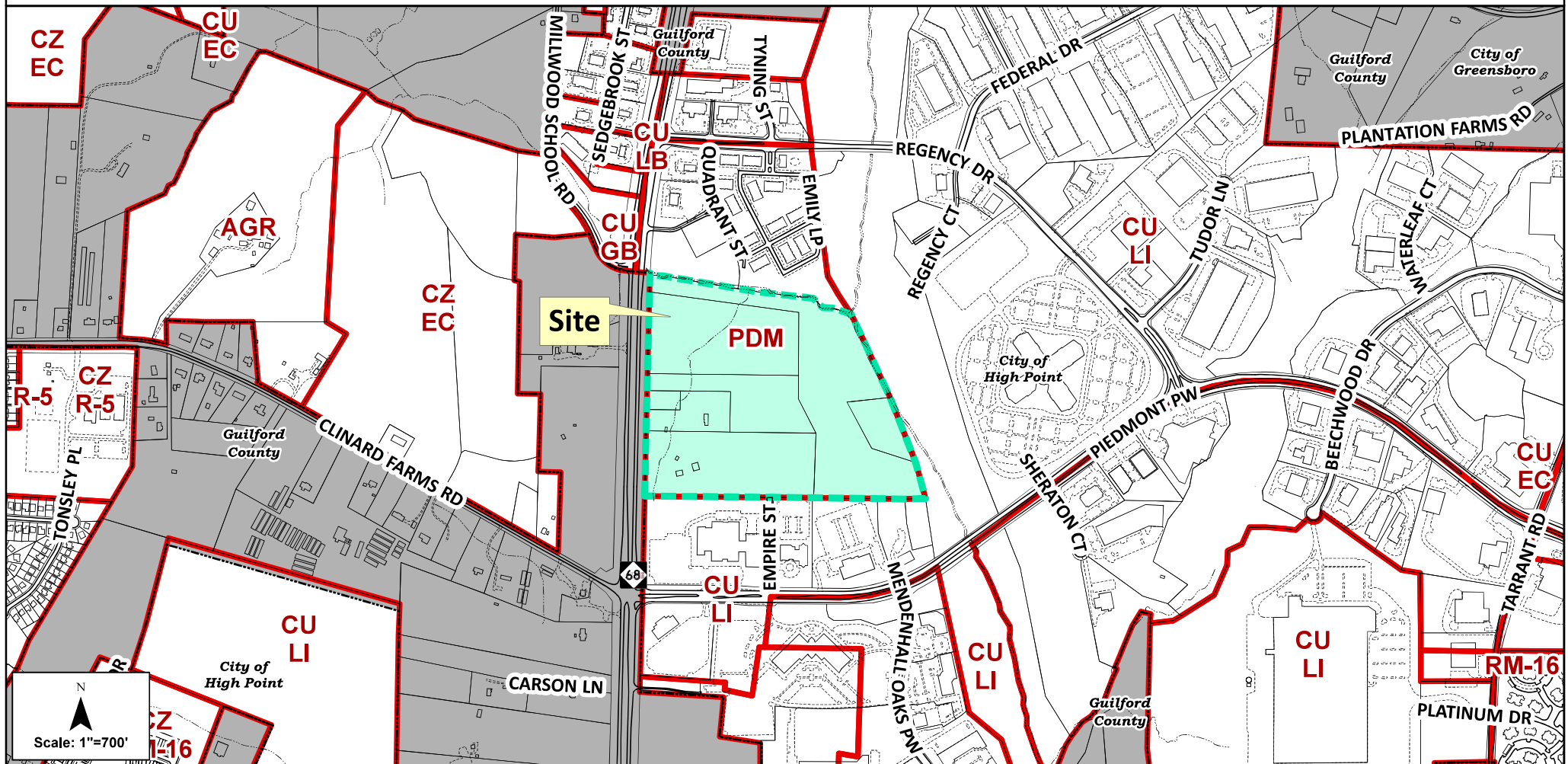
ZONING MAP AMENDMENT: ZA-23-10

LAND USE PLAN MAP



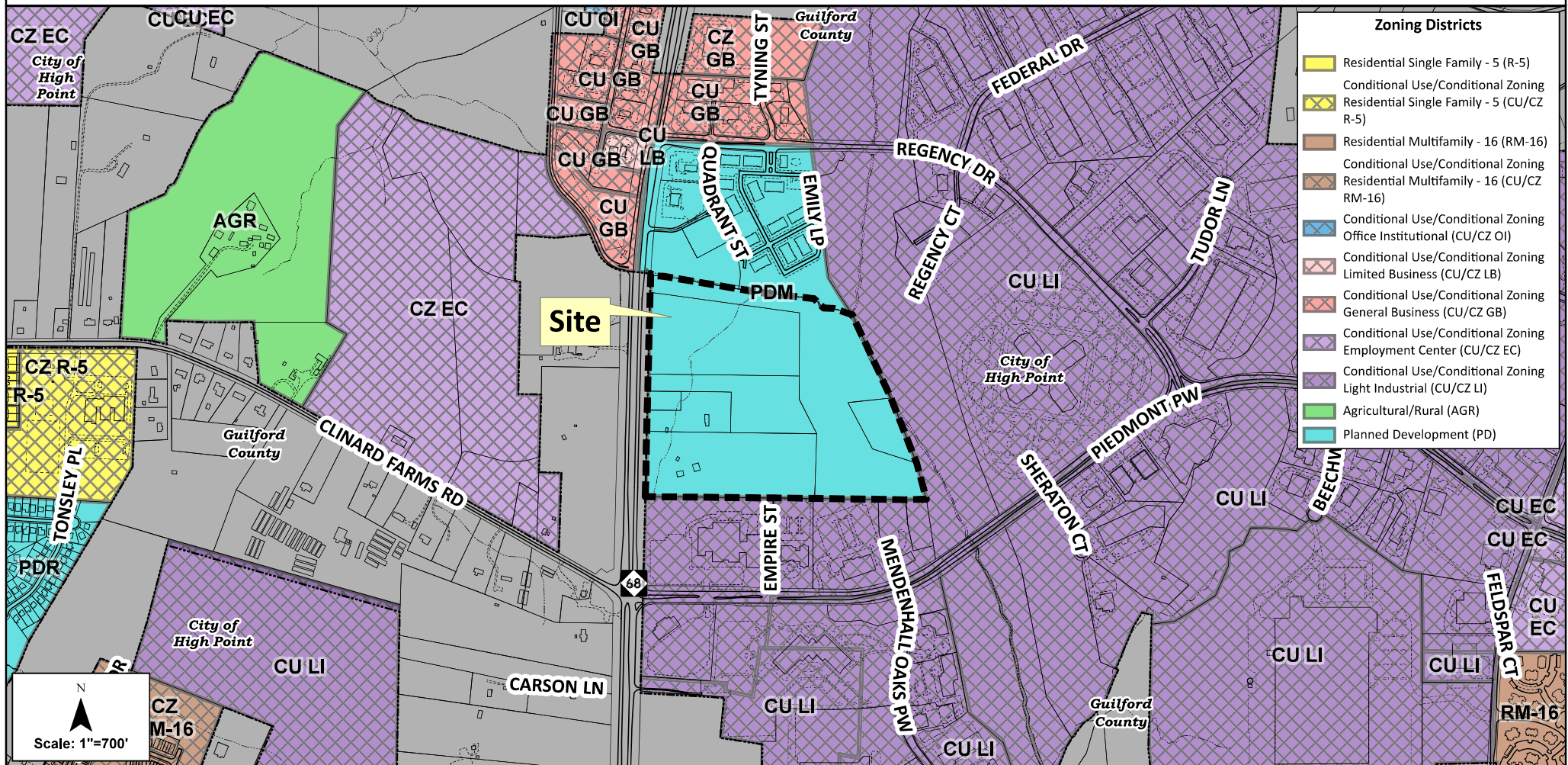
ZONING MAP AMENDMENT: ZA-23-10

ZONING MAP

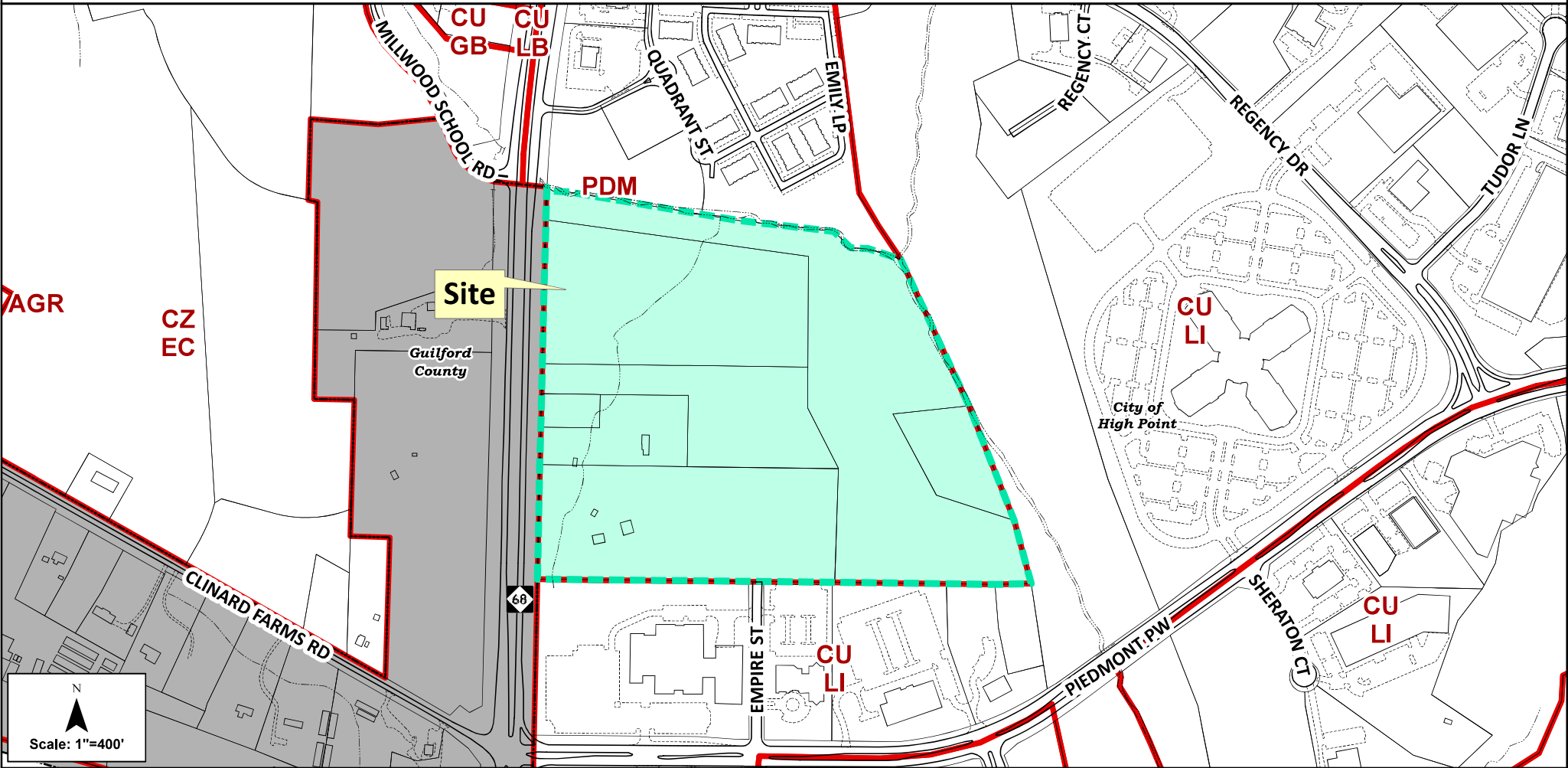


ZONING MAP AMENDMENT: ZA-23-10

COLOR-CODED ZONING MAP

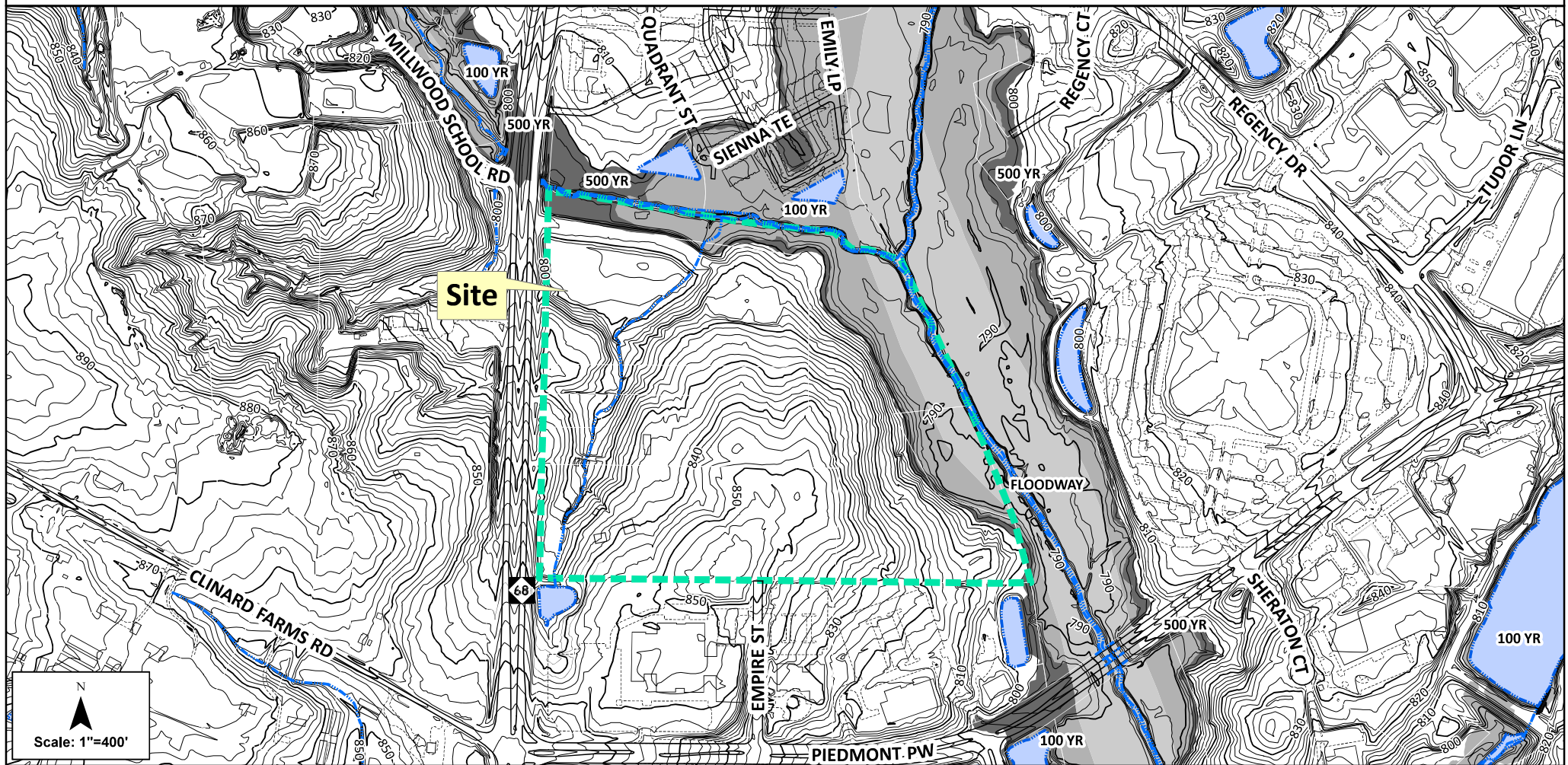


ZONING MAP AMENDMENT: ZA-23-10
ZONING MAP



ZONING MAP AMENDMENT: ZA-23-10

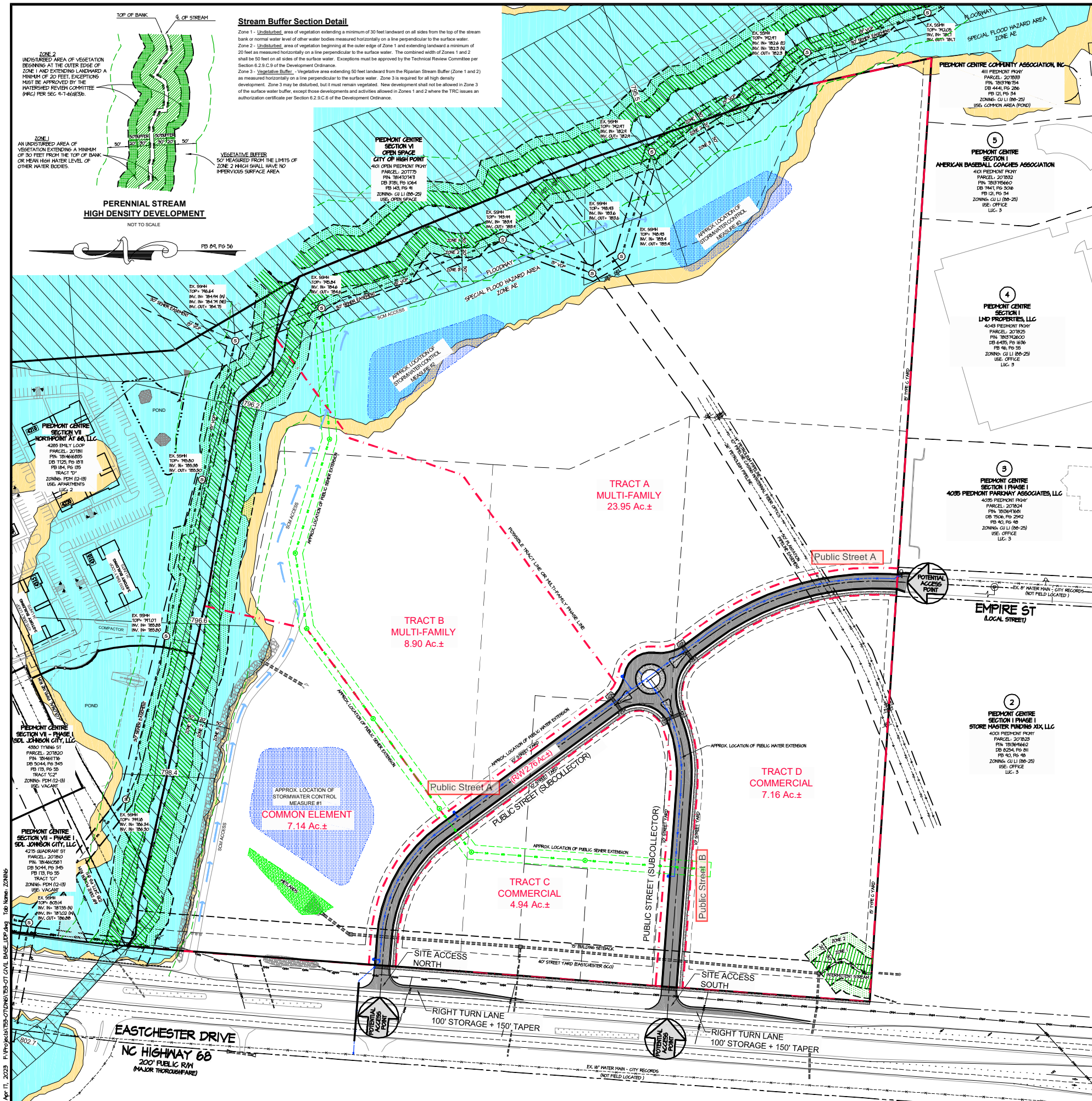
TOPOGRAPHY



ZONING MAP AMENDMENT: ZA-23-10

AERIAL PHOTOGRAPHY (FEB. 2022)





Stream Buffer Section Detail

Zone 1 - Undisturbed: area of vegetation extending a minimum of 30 feet landward on all sides from the top of the stream bank or normal water level and other water bodies measured horizontally on a line perpendicular to the surface water.

Zone 2 - Undisturbed: area of vegetation beginning at the outer edge of Zone 1 and extending landward a minimum of 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 60 ft on all sides of the surface water. Exceptions must be approved by the Technical Review Committee per Section 6.2.9.C.6 of the Development Ordinance.

Zone 3 - Vegetation: area of vegetation extending 50 feet landward from the Riparian Stream Buffer. Zone 1 and 2 shall be 80 feet wide on all sides of the surface water. Zone 3 is required for all high density developments. Zone 3 may be vegetated, but it must remain vegetated. New development shall not be allowed in Zone 3 of the surface water buffer, except those developments and activities allowed in Zones 1 and 2 where the TRC issues an authorization certificate per Section 6.2.9.C.6 of the Development Ordinance.

**PERENNIAL STREAM
HIGH DENSITY DEVELOPMENT**

NOT TO SCALE

PB 89, PG 1

GENERAL NOTES:

1. THIS IS NOT A SURVEY.
2. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED
3. THIS MAP IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

FLOOD NOTE

THE SUBJECT PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY FEMA. (REFERENCE: FLOOD INSURANCE RATE MAP, COMMUNITY MAP NUMBER 3710781400J, DATED JUNE 18, 2007).

SITE INFORMATION:

- PROPERTY INFORMATION :**
- | | |
|--|--|
| 2916 NC HIGHWAY 68 S
PARCEL: 2071813
PIN: 7814603145 | 3034 NC HIGHWAY 68 S
PARCEL: 2071813
PIN: 7814612093
DEED REFERENCE: DE 6747, PG 2316
PLAT REFERENCE: PG 175, PG 140 |
| 2924 NC HIGHWAY 68 S
PARCEL: 2071816
PIN: 7814602592 | 3046 NC HIGHWAY 68 S
PARCEL: 2078174
PIN: 7814617238
DEED REFERENCE: DE 6878, PG 170
PLAT REFERENCE: PG 170, PG 140 |
| 2928 NC HIGHWAY 68 S
PARCEL: 2071815
PIN: 7814608020 | 3044 RT NC HIGHWAY 68 S
PARCEL: 2078022
PIN: 7814701842
DEED REFERENCE: DE 6973, PG 743 |
| 3000 NC HIGHWAY 68 S
PARCEL: 2078162
PIN: 7814603258 | |
| DEED REFERENCE: DE 6747, PG 2316
PLAT REFERENCE: PG 170, PG 140 | |
2. COUNTY: GULFORD COUNTY
MUNICIPALITY: CITY OF HIGH POINT
3. TOTAL SITE ACREAGE: ±54.855 A.S.

TRACTS A & B

MULTI-FAMILY RESIDENTIAL

1. MAXIMUM DENSITY: NOT TO EXCEED 26 UNITS/ACRE
2. RESIDENTIAL MULTIFAMILY - 26 (RM-26) DIMENSIONAL STANDARDS.
MINIMUM STREET SETBACK: 20 FT.
MINIMUM PERIMETER SETBACK: 10 FT.
3. MAXIMUM BUILDING HEIGHT: 80 FT. (FOR EACH ADDITIONAL FOOT OF HEIGHT BEYOND 50 FEET UP TO 80 FEET, THE PERIMETER SETBACKS SHALL BE INCREASED BY 1 FOOT.)
4. OPEN SPACE: 435 SF/UNIT

TRACTS C & D

COMMERCIAL OUTPARCELS

1. ANY OF THE USES ALLOWED IN THE EC DISTRICT AND THE FOLLOWING 3 USES:
ANIMAL CARE, MAJOR
RESTAURANT, MAJOR (MAXIMUM OF 2)
SELF-STORAGE, INTERNAL ACCESS
2. EMPLOYMENT CENTER (EC) DIMENSIONAL STANDARDS.
MINIMUM LOT AREA: 40,000 SQ. FT.
MINIMUM LOT WIDTH: 150 FT.
MINIMUM STREET SETBACK: 15 FT.
MINIMUM PERIMETER SETBACK: 40 FT. (ADJACENT TO RESIDENTIAL DISTRICT)
20 FT. (ADJACENT TO NONRESIDENTIAL DISTRICT)
3. MAXIMUM BUILDING HEIGHT: 80 FT. (FOR EACH ADDITIONAL FOOT OF HEIGHT BEYOND 50 FEET UP TO 80 FEET, THE PERIMETER SETBACKS SHALL BE INCREASED BY 1 FOOT).
4. OPEN SPACE: 10 % OF GROSS FLOOR AREA

TRANSPORTATION:

PUBLIC STREET DESIGN STANDARDS :
1. THE PUBLIC STREETS SHALL MEET THE SUBCOLLECTOR STREET DESIGN STANDARD (56' R/W, 32' PAVEMENT WIDTH, 250' SIGHT DISTANCE, 300' MINIMUM CENTERLINE RADIUS)

EASTCHESTER DRIVE (NC HWY 68) :

NC 68 / SITE ACCESS NORTH INTERSECTION :

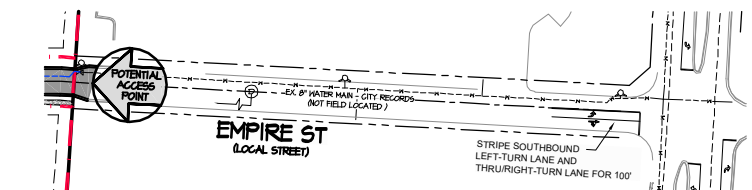
1. CONSTRUCT SITE ACCESS NORTH APPROACH WITH ONE EGRESS LANE AND ONE

2. CONSTRUCT 200' OF DECELERATION LENGTH, WHICH IS BEING ESTABLISHED BY A NORTHBOUND RIGHT-TURN LANE WITH 100' STORAGE AND 150' BAY TAPER.

NC 68 / SITE ACCESS SOUTH INTERSECTION :
1. CONSTRUCT SITE ACCESS SOUTH APPROACH WITH ONE EGRESS LANE AND ONE

2. CONSTRUCT 200' OF DECELERATION LENGTH, WHICH IS BEING ESTABLISHED BY A NORTHBOUND RIGHT-TURN LANE WITH 100' STORAGE AND 150' BAY TAPER.

SIDEWALKS:
SIDEWALKS ARE REQUIRED ALONG ALL NEW PUBLIC STREET FRONTAGES AND SHALL



PLANNED DEVELOPMENT MASTER PLAN CERTIFICATION:

THIS PLAN WAS NOT PREPARED IN ACCORDANCE WITH GS 47-30 SINCE IT IS FOR ILLUSTRATIVE AND NOT PURPOSES ONLY, ALL AREAS AND BOUNDARIES SHOWN ARE APPROXIMATE. THIS MAP SHALL NOT BE USED TO CONVEY OR DEFINE SPECIFIC PROPERTY LINES OR AREAS. THIS IS NOT A SUBDIVISION AS DEFINED BY

PLANNING DIRECTOR

CITY OF HIGH P

[illegible]

(IN FEET)

REVISIONS

CPI
ENGINEERING AND SURVEYING, INC.
LAND DEVELOPMENT CONSULTING
CORPORATE LICENSE NUMBER C-1375
4400 TYNING STREET
HIGH POINT, NORTH CAROLINA 27265
PHONE: (919) 412-8600 FAX: (919) 412-8700

PLANNED DEVELOPMENT MASTER PLAN

2916-3044 NC HIGHWAY 68 S

SITE ADDRESS:
801 BOILING SPRING RD

2416-3044 NC HIGHWAY 68
HIGH POINT, NC

SCALE 48

SCALE: 1" =

DATE: 4/17/

PROJECT: 75

AN ORDINANCE AMENDING “THE CITY OF HIGH POINT, NORTH CAROLINA DEVELOPMENT ORDINANCE,” PURSUANT TO SECTION 2.4.9, PLANNED DEVELOPMENT, OF THE DEVELOPMENT ORDINANCE.

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on April 25, 2023 and before the City Council of the City of High Point on May 15, 2023 regarding **Zoning Map Amendment Case 23-10 (ZA-23-10)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on April 15, 2023, for the Planning and Zoning Commission public hearing and on May 3, 2023 and May 10, 2023, for the City Council public hearing pursuant to Chapter 160A-364 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **May 15, 2023**.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Planned Development Periphery (PD-P) District**. The property is approximately 54.8 acres, located along the east side of NC 68, approximately 620 feet north of Piedmont Parkway, and at the northern terminus of Empire Street. The site is also known as Guilford County Tax Parcels 207802, 207812, 207813, 207814, 207815, 207816 and 207817.

SECTION 2

That the property herein described shall be perpetually bound by the following use(s) authorized and standards imposed in the Master Plan Map and Development Standards, unless subsequently changed or amended as provided for by the Development Ordinance

SECTION 3

That plans for any development on the property described herein shall be pursued in accordance with standards imposed in the PD-District, Master Plan Map and Development Standards, and shall be submitted to the City of High Point and other approval authorities for review in the same manner as other such plans that are required to be approved by the City of High Point.

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 15th day of May, 2023

By: _____

Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

Planned Unit Development Statement of Intent.

Applicant: SL Wendover LLC/Deep River Partners

Date: April 25, 2023

1. The applicant intends to develop a mixed use project on 54.855 acres, consisting of industrial, limited commercial, and multifamily uses. The project will consist of four tracts. Tracts A and B, will be developed with multifamily residential uses. Tracts C and D will be developed with multiple industrial and limited commercial uses. Tracts will be separated by a network of public streets constructed by the developer.
2. The intent of Tracts A and B is to establish a unified residential multifamily community with on-site amenities. The target market is employees in the Piedmont Center Business Park and other surrounding businesses, as well as retired adults.
3. Tracts C and D will consist of industrial and limited commercial businesses that provide support services for the Piedmont Center Business Park and the residents of Tracts A and B.
4. Tracts A and B may be developed with one or more multifamily type developments but will function as a unified residential community with amenities. The transportation network within these tracts will consist of private streets and drives. A sidewalk network will connect to public sidewalks and ultimately Tracts C and D. Access to the site will be from a new public street connecting NC Hwy 68 to the existing Empire Street right of way. Development of Tracts A and B shall not exceed a density of 26 residential units per acre.
5. Tracts C and D will be developed with commercial and light industrial uses as permitted in the Employment Center zoning district, as well as, up to two major restaurants, a pet daycare facility and internal access self-storage. Access to the tracts will be from a new public street connecting NC Hwy 68 to the existing Empire Street right of way, and second new public street connection to NC Hwy 68. Access to parcels fronting NC 68 shall be constructed on the internal streets a minimum of 100 feet from NC 68.
6. The project is designed to complement the surrounding area by providing housing and supporting services for businesses and residents.
7. Development and dimensional standards shall be based upon the RM-26 District standards for Tracts A and B the EC District standards for Tracts C and D.

Development Standards

Part I. USES:

A. Tracts A & B (Residential Tract):

1. **Permitted Uses:**

Any of the land uses as allowed in the Residential Multifamily 26 (RM-26) District shall be permitted, except as prohibited below in Condition A.2.

2. **Prohibited Uses:** The following land uses of the RM-26 District shall be prohibited.

a. **Residential Use Classification**

- i. Duplex dwellings
- ii. Single family detached dwelling
- iii. Triplex/quadplex

3. **Restricted Uses:** Within 250 feet of the NC 68 right-of-way, the following land uses shall be prohibited:

- a) Wireless telecommunication facility.

B. Tract C and D (Industrial / Commercial Tracts):

1. **Permitted Uses:**

- a. Any of the land uses as allowed in the Employment Center (EC) District shall be permitted, except as prohibited below.
- b. The Self-Storage-internal access use type shall be permitted.

2. **Prohibited Uses:** The following land uses of the EC District shall be prohibited.

- a. Any of the land uses within the Residential Use Classification

3. **Restricted Uses:**

- a. One (1) Restaurant, Major use type shall be permitted in Tract C.
- b. One (1) Restaurant, Major use type shall be permitted in Tract D.
- c. Animal Care, Major use, except outdoor kennels or boarding shall not be permitted.
- d. Microbrewery, microdistillery or microwinery
- e. Within 250 feet of the NC 68 right-of-way the wireless telecommunication facility use shall be prohibited:

C. Tract C (Common Element Tract): This tract shall be limited to uses allowed under the Common Element Recreational Uses Category, stormwater control facilities and passive recreational facilities associated with residential development in Tracts A and B.

Part II. CONDITIONS:

A. General Development Standards for the Zoning Site

1. The-entirety of Tract D shall be subject to the Gateway Corridor Overly (GCO) standards and the Eastchester Gateway Corridor Overly (GCO) District standards.
(NOTE: All of Tract C is already within the Eastchester Gateway Corridor Overly District)
2. Outdoor storage, outdoor display or outdoor retail sales activity shall be prohibited between the NC 68 right-of-way and the principal building line.

B. Development, Dimensional & Density Standards:

1. Tracts A and B (Residential Tract):
 - a. Development shall be subject to standards of the RM-26 District (Section 3.3.8) and standards of the Development Ordinance.
 - b. Density of a development shall be based upon the individual land area of a parcel.
2. Tract C and D (Industrial / Commercial Tract): Development shall be subject to standards of the EC District (Section 3.4.10) and standards of the Development Ordinance.

C. Parking:

1. Tract A and B (Residential Tracts):
 - a. Parking shall be based upon the development density of each individual parcel.
 - b. Parking shall not be subject to the reduced off-street parking standard under the PD-P District.

D. Pedestrian Access:

1. As part of development permit approval, sidewalks are to be installed along both sides of internal public streets (Public Streets A & B). Sidewalks shall be installed along one side of internal public streets when streets are developed. Sidewalks along the remaining side of internal public streets and along NC Hwy 68 South shall be installed in conjunction with development of individual sites.
2. As part of development permit approval for Tracts A and B, a pedestrian access plan shall be submitted and approved by the Technical Review Committee. This plan shall provide pedestrian connection between individual parcels within Tract A and B, and to required recreational/open space areas. Where sidewalks are not used to meet this requirement, a minimum of 5 foot wide asphalt or concrete trail shall be installed.

3. In conjunction with development of any portion of Tracts A and B, the property owners shall provide internal access and connection from the zoning site to Piedmont Parkway. This access and connection shall consist of the installation of a minimum of 5 foot wide asphalt or concrete trail from the zoning site to the Piedmont Parkway right-of-way.

E. Transportation

1. The location of access points and streets shall be in substantial compliance with the approved PD Master Plan Map.
2. The development of each tract shall contain provisions for coordinated vehicular access, interconnection and vehicular cross access between parcels.
3. Vehicular Access:
 - a. NC 68: The zoning site shall have a maximum of two (2) points of vehicular access to NC 68, one of which shall be the extension of Empire Street.
 - b. Accesses to the parcels fronting NC 68 shall be constructed on the internal site streets and be located a minimum of 100 feet from NC 68 right-of-way.
 - c. Tracts A and B: Direct driveway access to individual dwelling units shall not be permitted from Empire Street.
4. Improvements:
 - a. Empire Street:

As a part of development approval for any portion of the zoning site, the property owner shall extend Empire Street (as a public street - subcollector) from its current northern terminus to NC 68.
 - b. NC 68 (northern NC 68 access/intersection with Empire Street extension):
 - i. As a part of development approval, the property owner shall install one egress lane and one ingress lane to provide a right-in/right-out access.
 - ii. As a part of development approval, the property owner shall install a minimum of 200 feet deceleration length, which is being established by a northbound right-turn lane with a minimum 100 feet of storage and a minimum 150 foot bay taper.
 - c. NC 68 (southern NC 68 access/intersection with internal site street):
 - i. As a part of development approval, the property owner shall install one egress lane and one ingress lane to provide a right-in/right-out access.
 - ii. As a part of development approval, the property owner shall install a minimum of 200 feet deceleration length, which is being established by a northbound right-turn lane with a minimum 100 feet of storage and a minimum 150 foot bay taper.
 - d. Site Internal Street (Empire Street extension and unnamed street as depicted on PD Master Plan): The internal site streets are to be constructed to City of High Point sub collector street standards with 32 foot wide pavement width on a 56 foot wide

right-of-way.

5. Other Transportation Conditions The City of High Point Transportation Director and the North Carolina Department of Transportation (if applicable) shall approve the exact location and design of all access points and improvements.
- H) Signage: An overall Common Signage Plan shall be submitted and approved prior to approval of the first preliminary plan approval for the zoning site. The location of signage on the rezoning site shall conform to the approved Common Signage Plan.
- I) Relationship of Permit to Development Ordinance: The use and development of this site shall be subject to the uses and conditions within this Ordinance. The City of High Point Development Ordinance shall govern issues not addressed within this Ordinance.

Citizens Information Meeting Report Zoning Map Amendment 23-10

Submitted by: Judy Stalder, Development Consultant,
on behalf of SL Wendover LLC

Citizen Information Meeting Report
Hayworth PUD
2916, 2924, 2926, 3000, 3034 and 3044 NC Highway 68 South
Zoning Case ZA-23-10

A Citizen Information Meeting was held for property owners in the vicinity of 2916, 2924, 2926, 3000, 3034 and 3044 NC Highway 68 South. An informational letter dated March 29, 2023 was sent by US Mail to the 12 addresses supplied by the City of High Point Planning and Development Department to set a Zoom meeting for April 5, 2023. The mailing also included the *City of High Point Conditional Zoning Citizen Information Meetings* statement and a site map. A copy of the letter and list of addressees is attached. The letter provided the Zoom address, a general description of the property, the proposed zoning of Planned Unit Development and an explanation of what could be expected at the meeting.

Attendees: Only members of our development team were in attendance.

Presentation: None

Questions and Comments: None

THE STALDER GROUP LLC

PO Box 5581 High Point North Carolina 336.688.2204 jstalder@northstate.net

March 29, 2023

Dear Neighbor,

This letter is to notify you of a Citizen Information Meeting concerning a request to rezone property at 2916, 2924, 2926, 3000, 3034 and 3044 NC Highway 68 South. The meeting will be held on Thursday, April 6 at 4:00 pm via Zoom.

Join Zoom Meeting

<https://us02web.zoom.us/j/83870045016?pwd=S1hlT2JVRjJ4VGFBa1pJNWtEcElQT09>

Meeting ID: 838 7004 5016

Passcode: 881713

One tap mobile

+12678310333,,83870045016#,,,*881713# US (Philadelphia)

+13017158592,,83870045016#,,,*881713# US (Washington DC)

Please email me at jstalder@northstate.net if you would like for me to send you a direct link.

This property is currently zoned Planned Development-Mixed allowing a mix of commercial and industrial development. Deep River Partners is requesting a new Planned Development zoning district that will allow commercial and light industrial uses along the frontage of NC Highway 68. Those uses may include restaurants, a pet daycare facility and internal access self-storage. The rear of the property will be reserved for a mix of residential multifamily homes. The project is designed to complement the surrounding area by providing much needed employee housing and supporting services for businesses and residents.

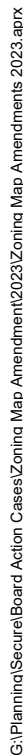
During the Zoom meeting representatives from Deep River Partners, CPT Engineering and I will be available to show you more detailed plans, answer questions and hear comments. If you are unable to attend or have questions prior to the meeting, you may contact me at 336.688.2204 or jstalder@northstate.net.

Thank you for your time regarding this request.

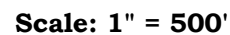
Sincerely,

Judy Stalder

Development Consultant



**From: Conditional Zoning Planned Unit Development -
Mixed (CZ PDM)**
**To: Conditional Zoning Planned Development -
Periphery (CZ PD-P)**



Existing Zoning Boundary
Subject Property Boundary

4035 PIEDMONT PARKWAY ASSOCIATES LLC
PO BOX 10373
GREENSBORO, NC 27404

AMERICAN BASEBALL COACHES ASSOCIATION
4101 PIEDMONT PKWY STE C
GREENSBORO, NC 27410

CITY OF HIGH POINT
PO BOX 230
HIGH POINT, NC 27261

COX, BILLY D ESTATE;COX, JOSEPH D;COX, JAMES
R
2737 CROQUET CIR
HIGH POINT, NC 27262

LMD PROPERTIES LLC
628 GREEN VALLEY RD STE 203
GREENSBORO, NC 27408

NORTHPOINT AT 68 LLC
201 N ELM ST STE 201
GREENSBORO, NC 27401

PIEDMONT CENTRE COMMUNITY ASSOCIATION INC
PO BOX 11001
HIGH POINT, NC 27265

REGENCY CENTER ASSOCIATION INC
1017 CANTERING RD
HIGH POINT, NC 27262

SARAHS FRIENDS
2933 NC HIGHWAY 68 S
HIGH POINT, NC 27265

SDL JOHNSON CITY LLC
PO BOX 49579
GREENSBORO, NC 27419

STORE MASTER FUNDING XIX LLC
PO BOX 13470
RICHMOND, VA 23225

STROUD LLC OF NC
510 BURNING TREE CIR
HIGH POINT, NC 27265

City of High Point
Citizen Information Meetings



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

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

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

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

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

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

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

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

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

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

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

Contact:

Planning & Development Department 336-883-3328

www.buildhighpoint.com

The applicant's traffic engineer submitted the following Executive Summary from their Traffic Impact Analysis (TIA).

In addition to this summary, the complete TIA has been submitted to the City of High Point Transportation Department for review.

TRAFFIC IMPACT ANALYSIS

For
Hayworth Property
High Point, North Carolina

Prepared For:
Deep River Partners, LTD
804 Green Valley Road, Suites 202 & 204
Greensboro, NC 27408

Prepared By:



One Glenwood Avenue
Suite 900
Raleigh, NC 27603
NC Licensure No. F-0270



4/5/2023

April 5, 2023
(Gannett Fleming Project No. 074297)

CONFIDENTIALITY STATEMENT: The information contained in the document is confidential in nature and not intended for public release prior to approval by the North Carolina Department of Transportation and City of High Point. This document contains trade secrets and proprietary methods and techniques.

I. Executive Summary

INTRODUCTION

Deep River Partners, LTD is proposing to develop a multi-use development often referred to as the Hayworth Property located at 2916-3044 NC 68S in High Point, NC. The proposed development is planned to consist of a mix of multifamily apartments, hotel, day care center, medical-dental office building, fast food with drive-thru, and a sit-down restaurant.

According to the **Site Plan** developed by CPT Engineering and Surveying, Inc, dated February 28, 2023, direct access to the proposed development is planned as follows:

- Two accesses on NC 68 between Regency Drive and Piedmont Parkway
- Access off Empire Street.

TRIP GENERATION

The amount of traffic generated by a new development is a function of the size and type of development. Trip generation for the proposed mixed-use development will generate approximately 9,165 total trips per day, 917 trips in the AM Peak Hour, and 1,008 trips in the PM Peak Hour when it is fully built out.

CAPACITY ANALYSIS

Capacity analyses were performed for 2023 Existing Conditions, 2028 Background Condition, and 2028 Future Buildout Condition for the following intersection:

- NC 68/Regency Drive (signalized)
- NC 68/Piedmont Parkway/Clinard Farms Road (signalized)
- Piedmont Parkway/Empire Street (unsignalized)
- Piedmont Parkway/Mendenhall Oaks Parkway (unsignalized)
- NC 68/Site Access North (unsignalized right-in/right-out)
- NC 68/Site Access South (unsignalized right-in/right-out)

RECOMMENDED IMPROVEMENTS

Based on the traffic impact analysis results, the project team recommends the following improvements to mitigate the impacts caused by the non-development related traffic growth and the traffic-related impacts caused by the Hayworth Property mixed-use development.

Improvements By Developer

NC 68/Site Access North Intersection

- Construct Site Access North approach with one egress lane and one ingress lane to provide a right-in/right-out access.
- Construct 200' of deceleration length, which is being established by a northbound right-turn lane with 100' storage and 150' bay taper.

NC 68/Site Access South Intersection

- Construct Site Access South approach with one egress lane and one ingress lane to provide a right-in/right-out access.
- Construct 200' of deceleration length, which is being established by a northbound right-turn lane with 100' storage and 150' bay taper.

Piedmont Parkway/Empire Street Intersection

- Stripe the southbound approach on Empire Street to include a left-turn lane and a shared thru/right-turn lane. The striping is recommended to extend a minimum of 100 feet.

Internal Site Streets

- The internal site streets are to be constructed to City of High Point subcollector street standards with 32' wide pavement width on a 56' right-of-way.
- Accesses to the parcels fronting NC 68 shall be constructed on the Internal Site Streets a minimum of 100' from NC 68.

Empire Street Connection

- Provide a public street connection to Empire Street.

Improvements by Others

- Construct TIP U-5974 – NC 68 Improvements from Hickwood Road to Gallimore Dairy Road (6 lane reduced conflict intersections or traditional intersections) as planned.

CONCLUSIONS

This Traffic Impact Analysis shows that the site traffic generated by the proposed Hayworth Property will add traffic to the study area roadways and intersections. NC 68 needs to be improved to accommodate the existing and future background traffic volumes. TIP project U-5974 is planned and programmed to address the existing and future capacity and operational needs.

Restricting the proposed site accesses on NC 68 to right-in/right-out only is an effective traffic control strategy to minimize impact from the Hayworth Property development. Northbound right-turn lanes are warranted at both planned accesses on NC 68.

Of note, the previously approved rezoning (Zoning Case 12-13) allowed a southbound left-over at Site Access North. The petitioner is willing to eliminate the previously approved southbound left-over at Site Access North.

With the recommended improvements in place, the proposed development will not negatively impact the health, safety, and welfare of the travelling public

Figure 1 - Project and Count Locations

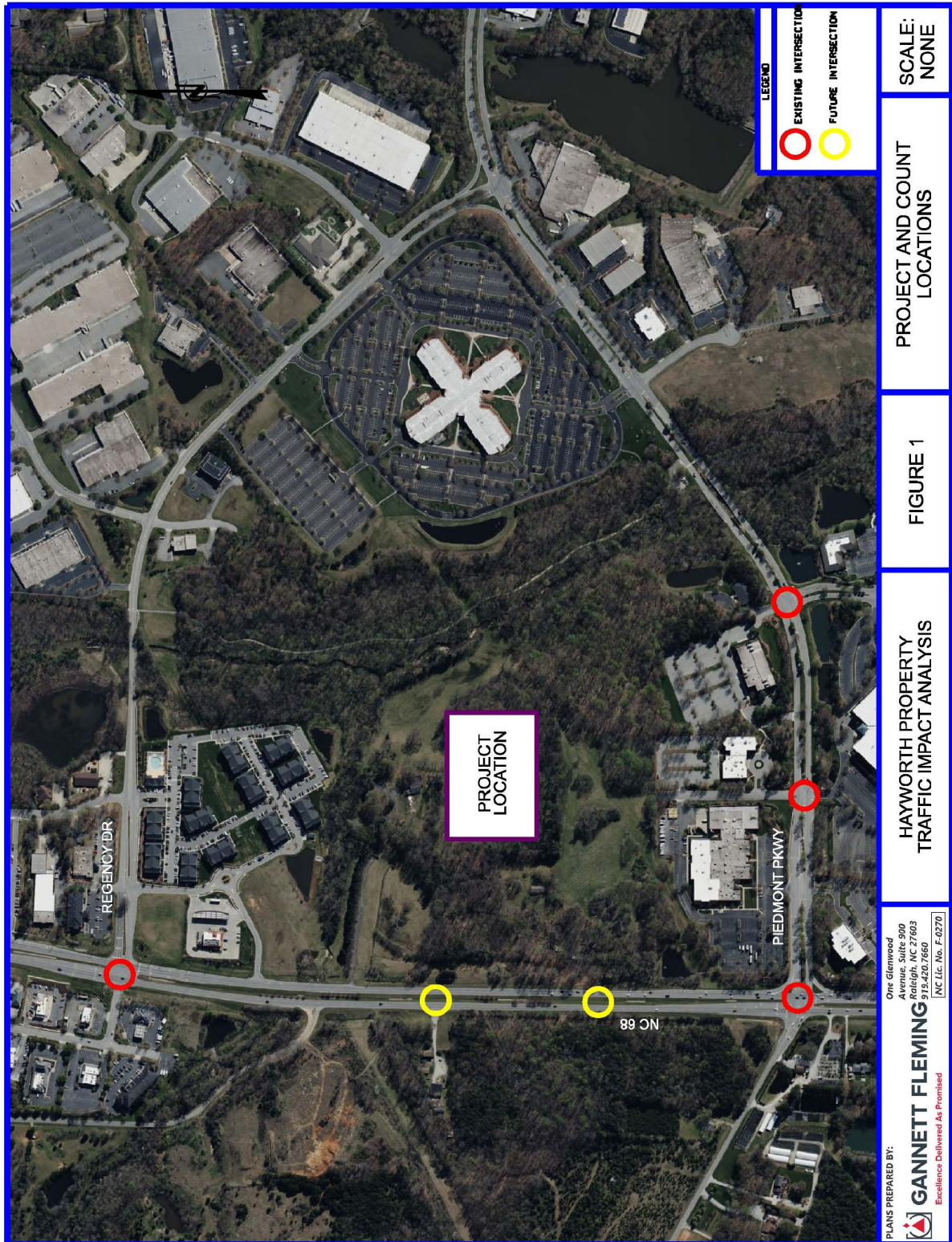
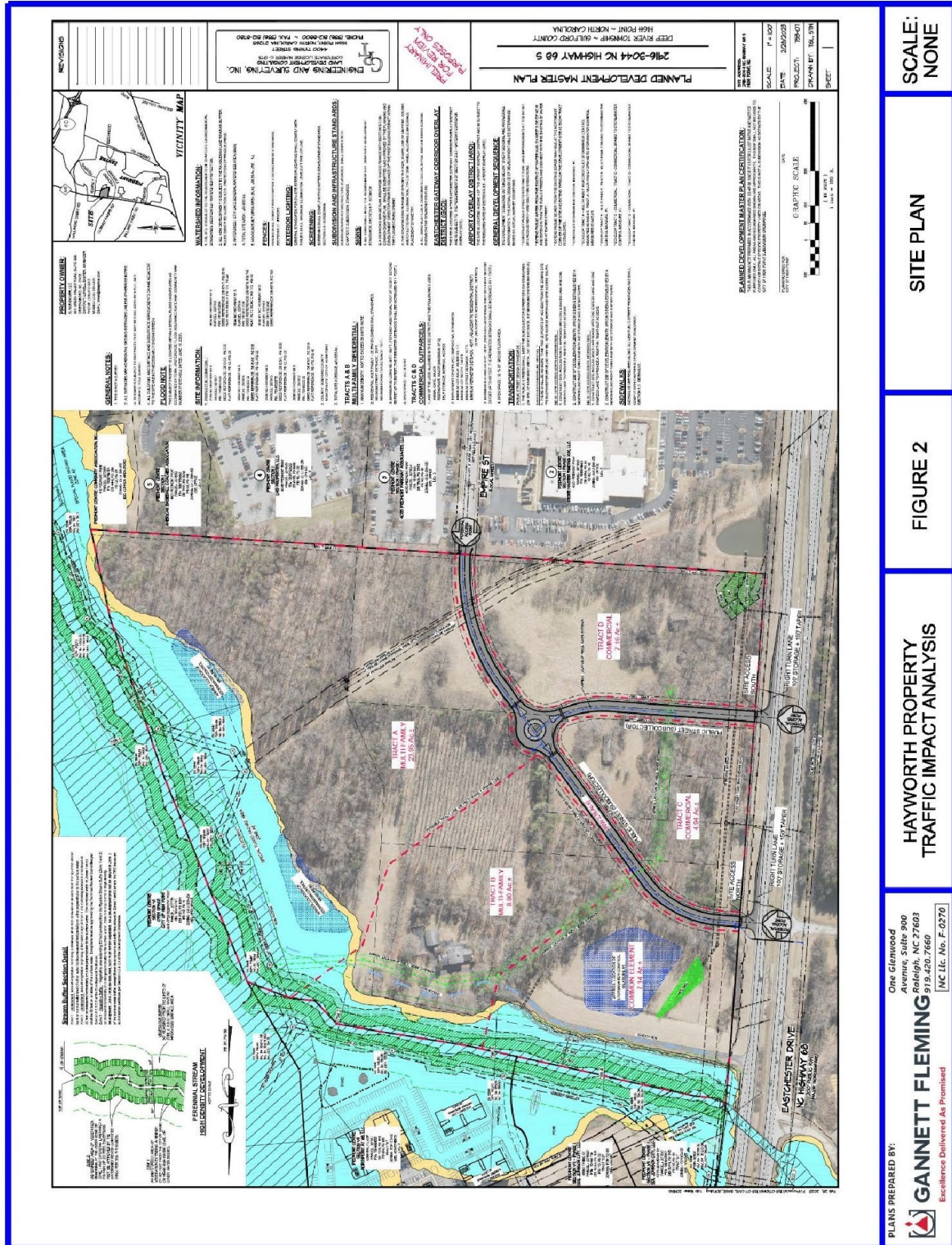


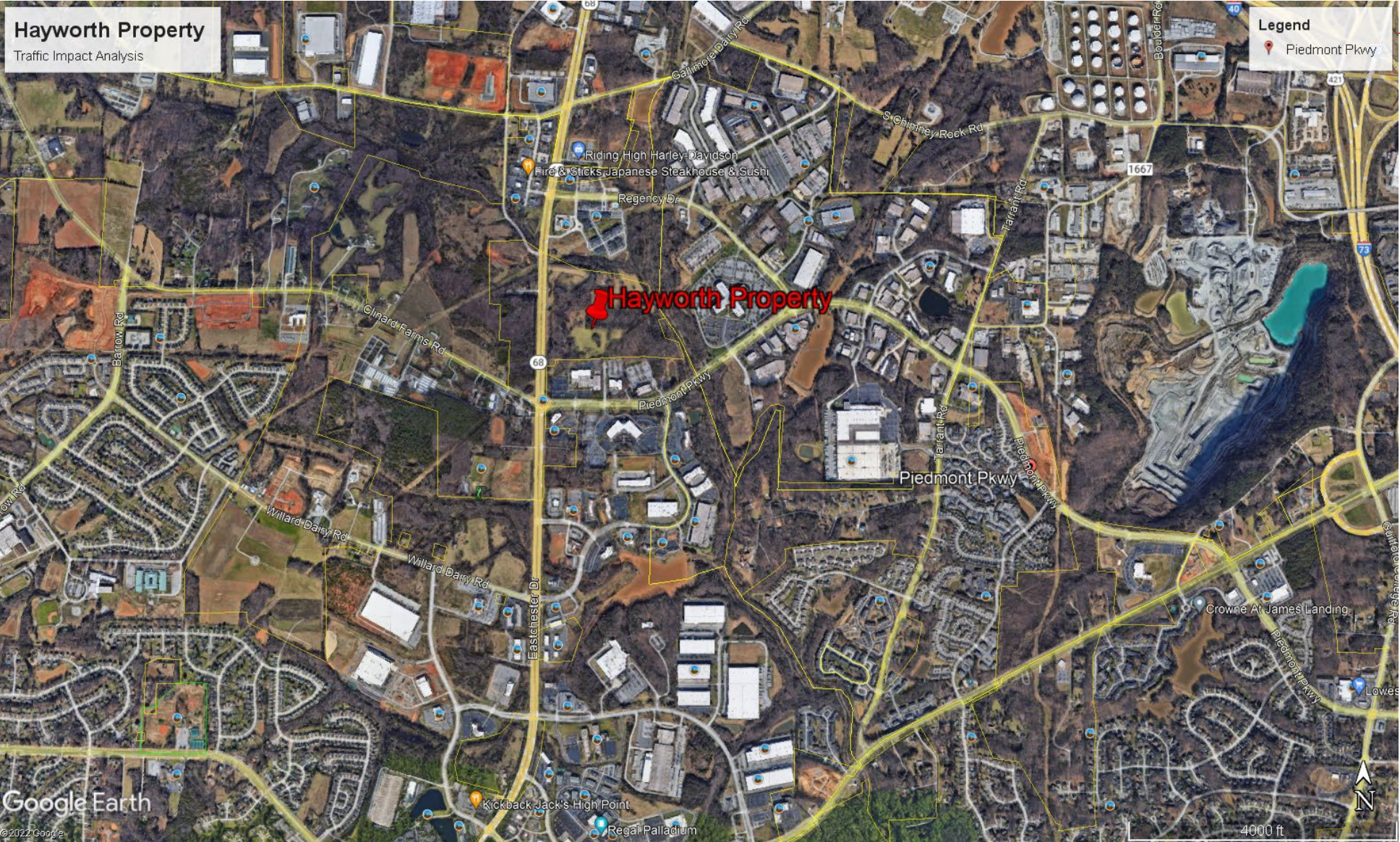
Figure 2 – Site Plan



Proposed Hayworth Property Memorandum of Assumptions Appendix



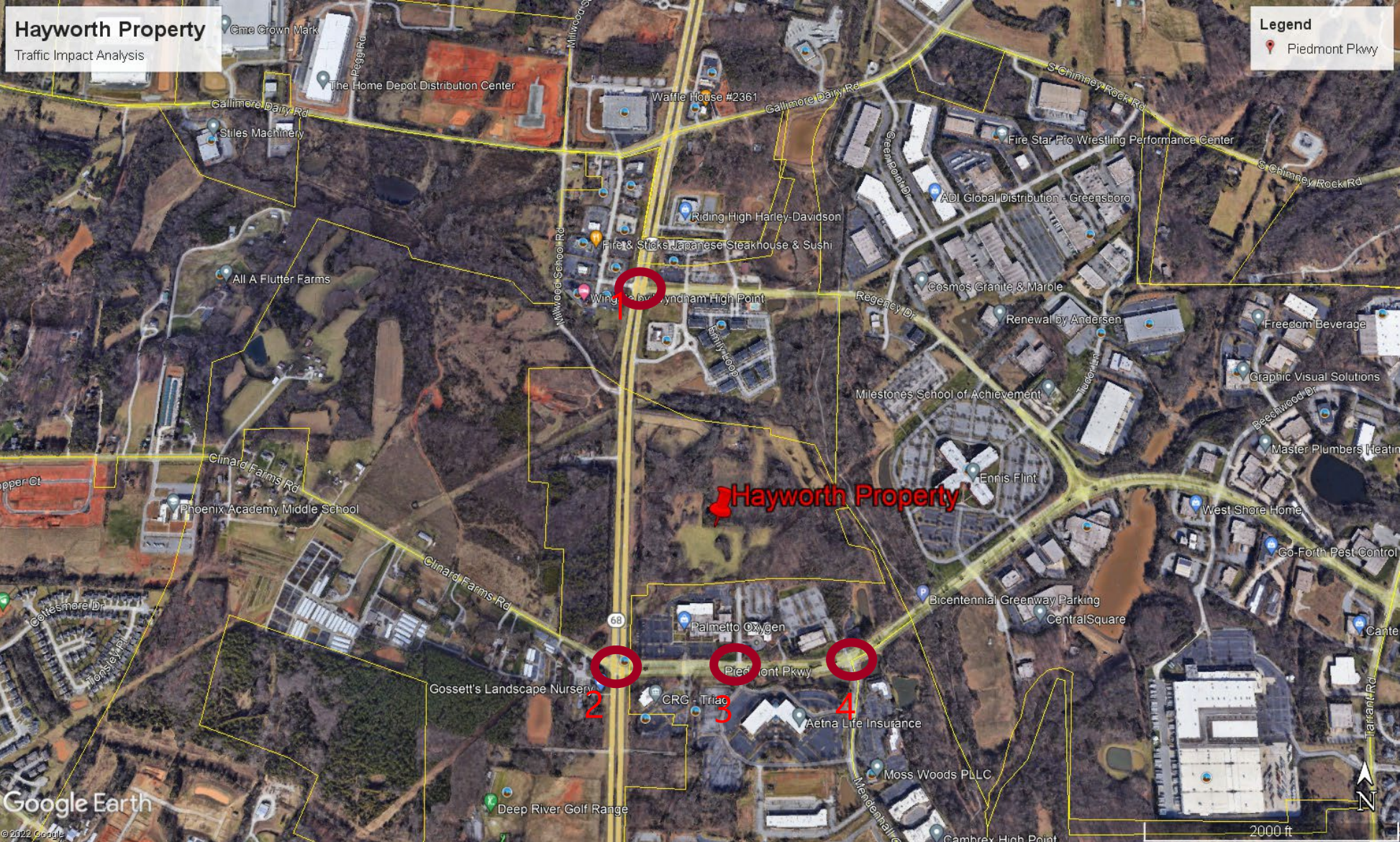
Vicinity Map



Study Area Intersections



Study Area Intersections – To Be Counted



Directions of Approach & Departure



Legend
Direction of
Approach and
Departure

CITY OF HIGH POINT

AGENDA ITEM



Title: Supplemental Agreement Amendment 2– Assistance with Air Permit Reporting Requirements and Compliance GEL Engineering of NC Inc.

From: Robby Stone – Public Services Director
Derrick Boone – Public Services Asst. Director

Meeting Date: May 15, 2023

Public Hearing: N/A

Advertising Date: N/A

Advertised By: On-Call

Attachments: Attachment A – Proposal – Amendment # 2

PURPOSE: This amendment modifies the original supplemental agreement entered on July 20, 2022 (PO Number 109917) with GEL Engineering of NC for on-call air permitting assistance at the Eastside Wastewater Treatment Plant. The purpose of amendment #2 is for GEL to assist the City with the quarterly compliance emissions testing of the Sorbent Polymer Composite (SPC) Adsorber as required by the EPA approved Alternate Monitoring Plan, dated March 23, 2023.

BACKGROUND: The City of High Point operates under a Title V air emissions permit at the Eastside WWTP. The air permit includes numerous reporting requirements and annual compliance emissions testing of the fluidized bed incinerator. The recently approved Alternate Monitoring Plan by the EPA requires quarterly emissions testing of the SPC Adsorber. Amendment #2 will cover the quarterly emissions test of the (SPC) Adsorber that is scheduled in June. The other three (3) required quarterly emissions testing events will occur in the FY 2023/2024 budget year.

BUDGET IMPACT: Funds for this are available in the current budget.

RECOMMENDATION / ACTION REQUESTED: The Public Services Department recommends approval of Amendment No. 2 to GEL Engineering of NC Inc. for \$ 15,700.

Supplemental Agreement – Amendment No. 2

Date: April 27, 2023

Amendment No. 2

Project No.: HIPT00223

Project Description:

On-Call Engineering Services – Air Permitting Assistance Eastside Wastewater Treatment Plant 2022-23 Air Permit No. 08074T15 – Supplemental Agreement

To: Derrick Boone

Original Agreement Amount (Contract and/or Purchase Order):	\$69,750
Previously Authorized Change Orders:	\$10,125
This Change Order:	<u>\$15,700</u>
Revised Agreement Amount:	\$95,575

This order covers the contract modification/amendment hereunder described:

Quarterly compliance emissions testing of the SPC Adsorber (CD-04) (3 events) as required the EPA-approved (March 23, 2023) Alternate Monitoring Plan. It is assumed that the 4th event will be performed during the annual compliance emissions test in September 2023.

The work covered by this change order shall be performed under the same Terms and Conditions as included in the original Agreement.

Change Order Approved: ☐ Yes ☐ No Date: _____

Client:

By: _____

Name/Title: _____

GEL Engineering, LLC

By: Keith D McCulloch

Name/Title: Keith D. McCulloch – Director/Principal

GEL Engineering of NC, Inc.

An affiliate of the GEL Group, Inc.

CITY OF HIGH POINT

AGENDA ITEM



Title: SW Guilford County Fire Hydrant Agreement

From: Thomas Reid, Fire Chief

Meeting Date: May 15, 2023

Public Hearing: No

Advertising Date / N/A-

Advertised By:

Attachments: None

PURPOSE:

The Fire Department seeks Council approval to enter into an agreement with Guilford County to fund the installation of Fire Hydrants in Southwest Guilford County.

BACKGROUND:

The funds provided through this Agreement will be used to install eleven (11) fire hydrants on to the existing water line that runs from the Randleman Lake to the City of High Point. These hydrant locations were strategically placed in an area of the Pinecroft-Sedgefield Fire District that currently has no pressurized water source. Currently, when there is a fire in this area that needs more water than carried on the fire apparatus, it must be drafted from the nearest pond. The addition of these fire hydrants will drastically improve the water supply operation in the event of a fire in this area.

Of the eleven (11) fire hydrants to be installed, six (6) will be installed on a 30" water main and five (5) will be installed on a 16" water main. In addition to the installation of the hydrants, total project costs include concrete blocking, seeding, traffic control, and hydrant extensions as needed.

BUDGET IMPACT:

The County is providing up to \$200,000 for this project. A budget amendment is attached.

RECOMMENDATION / ACTIONS REQUESTED:

1. High Point Fire Department requests Council's approval of the attached agreement with Guilford County and that the appropriate City official and/or employee be authorized to execute all necessary documents.
2. High Point Fire Department and Financial Services Department recommends and ask the City Council to approve the attached budget amendment.

Exhibit G: Fire Hydrant Location Map



0 0.5 1 2 Miles

ID	Address_Lo	Latitude	Longitude
1	Highway 62/Drake Rd	35.921041	-79.85766
2	Highway 62/Tomball Rd	35.91951	-79.865476
3	1072 NC Highway 62 W	35.922301	-79.876871
4	1110 NC Highway 62 W	35.922516	-79.878254
5	1148 NC Highway 62 W	35.925206	-79.885623
6	Highway 62/Groometown Rd. (5766 Groometown Rd)	35.928433	-79.892101

ID	Address_Lo	Latitude	Longitude
7	Hickory Creek Rd/Groometown Rd	35.946895	-79.88803
8	5991 Hickory Creek Rd	35.957544	-79.895427
9	Hickory Creek Rd/Kivett Dr	35.962714	-79.893002
10	Kivett Dr/Chipmunk Dr	35.962259	-79.896413
11	Kivett Dr/Vickrey Chapel Rd	35.962397	-79.89816
0		0	0

ORDINANCE AMENDING THE 2022-2023 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
TO APPROPRIATE FUNDS FROM GUILFORD COUNTY
FOR FIRE HYDRANTS IN SOUTHWEST GUILFORD COUNTY

Be it ordained by the City Council of the City of High Point, North Carolina, as follows:

Section 1. The proposed amendment appropriates \$200,000 in funds from Guilford County for the installation of fire hydrants in southwest Guilford County. The locations are in the area of the Pinecroft-Sedgefield Fire District that currently has no pressurized water. The addition of the fire hydrants will improve the water supply operation in the event of a fire in the area.

Section 2. The 2022-2023 Budget Ordinance of the City of High Point should be amended as follows:

(A) That the following Special Revenue Fund revenues be amended as follows:

Guilford County	\$200,000
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(B) That the following Special Revenue Fund expenditures be amended as follows:

Fire Hydrant Installation	\$200,000
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Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall be effective from and after its passage."

Adopted by High Point City Council, this the 15th day of May 2023

Mayor, Jay W. Wagner

ATTEST

Sandra Keeney,
City Clerk

GUILFORD COUNTY CONTRACT NO. [XXXXXX]

American Rescue Plan Act of 2021
Coronavirus State and Local Fiscal Recovery Funds
Agreement
Between
Guilford County, North Carolina
and
City of High Point, North Carolina

Article I. Overview.

Section 1.1. Parties. The parties to this agreement (“Agreement”) are Guilford County, North Carolina, a body politic and political subdivision of the State of North Carolina (“Guilford County”) and City of High Point, North Carolina, a North Carolina municipal corporation (“Awardee”).

Section 1.2. Definitions. The definitions in 2 CFR 200.1 are hereby incorporated into this Agreement.

Section 1.3. Source of Funding. This Agreement is funded by a portion of the \$104,339,752 allocated to Guilford County by the Coronavirus State Local Fiscal Recovery Fund created under section 603 of the American Rescue Plan Act of 2021 (“ARPA/CSLFRF”). More specifically, this project has been identified as Treasury Expenditure Category 6.1 Provision of Government Services.

Section 1.4. Purpose. The purpose of this Agreement is to establish the terms and conditions for an award allocated to the Awardee from Guilford County.

Section 1.5. Term. This Agreement shall govern the performance of the parties for the period June 1, 2023 (the “Effective Date”) through May 31, 2024 (“Expiration Date”), unless earlier terminated by either party in accordance with the terms of this Agreement (“Agreement Term”).

Article II. Scope of Funded Activities.

Section 2.1. Scope of Services. Awardee shall perform all activities described in the scope of activities, attached hereto as Exhibit B (Approved Activities).

Section 2.2. Budget. Awardee shall perform the Approved Activities in accordance with the program budget as approved by Guilford County and attached hereto as Exhibit C (Approved Budget).

Section 2.3. Prior Approval for Changes. Awardee may not transfer allocated funds among cost categories within a budgeted program account without the prior written approval of Guilford County; nor shall Awardee make any changes, directly or indirectly, to program design, Approved Activities, or Approved Budget without the prior written approval of Guilford County.

Article III. Compensation.

Section. 3.1. Payment of Funds. Guilford County agrees to reimburse Awardee for costs actually incurred and paid by Awardee in accordance with the Approved Budget and for the performance of the Approved Activities under this Agreement in an amount not to exceed two hundred thousand dollars (\$200,000.00) ("Total Agreement Funds"). The amount of Total Agreement Funds, however, is subject to adjustment by Guilford County if a change is made in the Approved Activities that affects this Agreement or if this Agreement is terminated prior to the expiration of the Agreement. Program funds shall not be expended prior to the Effective Date or following the earlier of the Expiration Date or the last day of the Agreement Term. Costs incurred shall only be as necessary and allowable to carry out the purposes and activities of the Approved Activities and may not exceed the maximum limits set in the Approved Budget. Expenses charged against the Total Agreement Funds shall be incurred in accordance with this Agreement.

Section. 3.2. Invoices. As full compensation for the Awardee's delivery of the goods and/or services, and subject to the terms of this Agreement, the County agrees to pay the amounts for the services as set out herein and in Exhibit B, which is attached hereto and incorporated herein by reference. Payment will be made by the County to Awardee within thirty (30) days of receipt of a correct invoice and proper documentation that services have been delivered and provided in accordance with the Agreement. Guilford County may disapprove the requested reimbursement claim. If the reimbursement claim is disapproved, Guilford County shall notify Awardee as to the disapproval. A decision by Guilford County to disapprove a reimbursement claim is final. There is no appeal process for Awardee. If Guilford County approves payment, then Guilford County will disburse the funds without further notice.

Section. 3.3. Guilford County's Obligations Contingent on Federal Funding and Awardee Compliance. The payment of funds to Awardee under the terms of this Agreement shall be contingent on the receipt and continued availability of such funds by Guilford County from the ARPA/CSLFRF and shall be subject to Awardee's continued eligibility to receive funds under the applicable provisions of state and federal laws. If the amount of funds that Guilford County receives from the ARPA/CSLFRF is reduced, or the amount of such funds that Guilford County has remaining is insufficient, Guilford County may reduce the amount of funds awarded under this Agreement or terminate this Agreement. Guilford County also may deny payment for Awardee's expenditures for Approved Activities where invoices or other reports are not submitted by the deadlines specified in this Agreement or for failure of Awardee to comply with the terms and conditions of this Agreement. Guilford County shall have no obligation to pay Awardee any amount in connection with this Agreement except from ARPA/CSLFRF funds.

Article IV. Financial Accountability and Grant Administration.

Section. 4.1. Financial Management. Awardee shall maintain a financial management system and financial records related to all transactions with funds received pursuant to this Agreement. Awardee must administer funds received pursuant to this Agreement in accordance with all applicable federal and state requirements, including those sections of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200, that apply to ARPA CSLFRF Revenue Replacement Funds. See ARPA/CSLFRF Assistance Listing (21.027); U.S. Department of Treasury CSLFRF Final Rule Frequently Asked Questions 13.15; and Section 5.3 of this agreement. Awardee shall adopt such additional financial management procedures as may from time-to-time be prescribed by Guilford County and/or required by applicable federal or state laws or regulations, or guidelines from U.S. Department of Treasury.

Awardee shall maintain detailed, itemized documentation and other necessary records of all expenses incurred pursuant to this Agreement.

Section. 4.2. Limitations on Expenditures. Guilford County shall only reimburse Awardee for documented expenditures incurred during the Agreement Term that are: (i) reasonable and necessary to carry out the scope of Approved Activities described in Exhibit B; (ii) documented by contracts or other evidence of liability consistent with the established Guilford County and Awardee procedures; and (iii) incurred in accordance with all applicable requirements for the expenditure of funds payable under this Agreement. Guilford County may not reimburse or otherwise compensate Awardee for any expenditures incurred or services provided prior to the Effective Date or following the earlier of the expiration or termination of this Agreement.

Section. 4.3. Indirect Cost Rate. The indirect cost rate, if any, indicated in Exhibit C (Approved Budget) shall apply to this Agreement.

Section. 4.4. Financial and Other Reports. Awardee shall submit to Guilford County such reports and back-up data as may be required by the Federal Government or Guilford County, including such reports which enable Guilford County to submit its own reports to the U.S. Department of Treasury, in accordance with the following schedule, which may be amended from time to time:

<u>REPORT</u>	<u>DEADLINE</u>
Project and Expenditure Reports (Quarterly)	July 31, 2023 October 31, 2023 January 31, 2024 April 30, 2024
Recovery Plan (Annually)	July 31, 2023 July 31, 2024

This provision shall survive the expiration or termination of this Agreement with respect to any reports which the Awardee is required to submit to Guilford County following the expiration or termination of this Agreement.

Section. 4.5. Improper Payments. Any item of expenditure by Awardee under the terms of this Agreement which is found by auditors, investigators, or other authorized representatives of Guilford County, the US Department of Treasury, the NC Department of State Treasurer, or other federal or state instrumentality to be improper, unallowable, in violation of federal or state law, or the terms of this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of Awardee, shall become Awardee's liability, and shall be paid solely by Awardee, or, if already expended, repaid as directed to Guilford County or the US Department of Treasury, immediately upon notification of such, from funds other than those provided by Guilford County under this Agreement or any other agreements between Guilford County and Awardee. This provision shall survive the expiration or termination of this Agreement.

Section. 4.6. Audits and Access to Records. Awardee certifies compliance with applicable provisions of 2 CFR 200.501-200.521, and continued compliance with these provisions during the term of this section. If Awardee is not required to have a Single Audit as defined by 200.501, US Department of Treasury requirements, or the Single Audit Act, then Awardee shall have a financial

audit performed yearly by an independent Certified Public Accountant. Awardee shall provide notice of the completion of any required audits and will provide access to such audits and other financial information related to the Agreement upon request. Awardee certifies that it will provide Guilford County with notice of any adverse findings which impact this Agreement. This obligation extends for one year beyond the expiration or termination of this Agreement.

Section. 4.7. Closeout. Final payment request(s) under this Agreement must be received by Guilford County no later than thirty (30) days after the earlier of the Expiration Date or the last day of the Agreement Term. Guilford County will not accept a payment request submitted after this date without prior authorization from Guilford County. In consideration of the execution of this Agreement by Guilford County, Awardee agrees that acceptance of final payment from Guilford County will constitute an agreement by Awardee to release and forever discharge Guilford County, its agents, employees, officers, representatives, affiliates, successors and assigns from any and all claims, demands, damages, liabilities, actions, causes of action or suits of any nature whatsoever, which Awardee has at the time of acceptance of final payment or may thereafter have, arising out of, in connection with or in any way relating to any and all injuries and damages of any kind as a result of or in any way relating to this Agreement. The Awardee's obligations to Guilford County under this Agreement shall not terminate until all closeout requirements are completed to the satisfaction of Guilford County. Such requirements shall include submitting final reports to Guilford County and providing any closeout-related information requested by Guilford County by the deadlines specified by Guilford County. This provision shall survive the expiration or termination of this Agreement. By law, Guilford County must expend all ARPA/CSLFRF funds by December 31, 2026. Accordingly, and without extending any earlier deadlines contained in this Section or in this Agreement, Guilford County shall have no obligation to make any payment not made on or before December 31, 2026, and no liability for not making any such payment, regardless of cause.

Article V. Compliance with Grant Agreement and Applicable Laws.

Section. 5.1. General Compliance. Awardee shall perform all Approved Activities funded by this Agreement in accordance with this Agreement, the award agreement between Guilford County and the US Department of Treasury, and all applicable federal, state and local requirements, including all applicable statutes, rules, regulations, executive orders, directives or other requirements. Such requirements may be different from Awardee's current policies and practices. Guilford County may assist Awardee in complying with all applicable requirements. However, Awardee remains responsible for ensuring its compliance with all applicable requirements.

Section. 5.2. Expenditure Authority. This Agreement is subject to the laws, regulations, and guidance documents authorizing and implementing the ARPA/CSLFRF grant, including, but not limited to, the following:

Authorizing Statute. Section 603 of the *Social Security Act* (42 U.S.C. 803), as added by section 9901(a) of the *American Rescue Plan Act of 2021* (Pub. L. No. 117-2); N.C.G.S. §153A-233; §153A-307; and §153A-278.

Implementing Regulations. Subpart A of 31 CFR Part 35 (Coronavirus State and Local Fiscal Recovery Funds), as adopted in the *Coronavirus State and Local Fiscal Recovery Funds* interim final rule (86 FR 26786, applicable May 17, 2021 through March 31, 2022) and final

rule (87 FR 4338, applicable January 27, 2022 through the end of the ARPA/CSLFRF award term), and other subsequent regulations implementing Section 603 of the Social Security Act (42 U.S.C. 803).

Guidance Documents. Applicable guidance documents issued from time-to-time by the US Department of Treasury, including the currently applicable version of the *Compliance and Reporting Guidance: State and Local Fiscal Recovery Funds*.¹

This Agreement is also subject to all applicable laws of the State of North Carolina.

Section. 5.3. Federal Grant Administration Requirements. Without limiting the foregoing, Awardee shall comply with those sections of the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, 2 CFR Part 200 (UG), as adopted by the Department of Treasury at 2 CFR Part 1000 and as set forth in the Assistance Listing for ARPA/CSLFRF (21.027), that apply to ARPA CSLFRF Revenue Replacement Funds. See US Department of Treasury CSLFRF Final Rule Frequently Asked Questions 13.15. These requirements dictate how Awardee must administer the award and how Guilford County must oversee Awardee.

Applicable UG provisions include:

Subpart A, Acronyms and Definitions

Subpart B, General provisions

Subpart C, Pre-Federal Award Requirements and Contents of Federal Awards (except 2 CFR 200.204, .205, .210, and .213)

Subpart D, Post Federal; Award Requirements (except 2 CFR 200.301, .304-.327, .330-.333, and .339-345)

Subpart E, Cost Principles (except 2 CFR 200.400(d), (f), and (g), .401-.402, .403(b), (e), and (f), .404(a)-(d), and .405-.476)

Subpart F, Audit Requirements

2 CFR Part 25 (Universal Identifier & System for Award Management)

2 CFR Part 170 (Reporting Subaward and Executive Compensation Information)

2 CFR Part 180 (OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Non-procurement))

2 CFR Part 200, Appendix XII (Recipient Integrity and Performance Matters)

Awardee shall document compliance with UG requirements, including adoption and implementation of all required policies and procedures, within thirty (30) days of the execution of this Agreement and during all subsequent reviews during the term of the Agreement. Guilford County may provide sample policies or other assistance to Awardee in meeting these compliance requirements. Regardless of Guilford County's assistance, it is the Awardee's responsibility to properly comply with all UG requirements as described above. Failure to do so may result in termination of the Agreement by Guilford County.

Section. 5.4. Federal Restrictions on Lobbying. Awardee shall comply with the restrictions on lobbying in 31 CFR Part 21. Pursuant to this regulation, Awardee may not use any federal funds

¹ <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>.

to pay any person to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered federal actions: the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement. Awardee shall certify in writing that Awardee has not made, and will not make, any payment prohibited by these requirements using the form provided in Exhibit D (Lobbying Certifications).

Section. 5.5. Equal Opportunity & Other Requirements. Awardee shall comply with the requirements in this section.

Civil Rights Laws. Awardee shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d *et seq.*) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance.

Fair Housing Laws. Awardee shall comply with the Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 *et seq.*), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability.

Disability Protections. Awardee shall comply with section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.

Age Discrimination. Awardee shall comply with the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 *et seq.*), and Treasury's implementing regulations at 31 CFR Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

Americans with Disabilities Act. Awardee shall comply with Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 *et seq.*), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

Section. 5.6. Federal Funding Accountability and Transparency Act of 2006. Awardee shall provide Guilford County with all information requested by Guilford County to enable Guilford County to comply with the reporting requirements of the *Federal Funding Accountability and Transparency Act of 2006* (31 U.S.C. 6101 note). (See 2 CFR Part 170, Reporting Subaward and Executive Compensation Information.)

Section. 5.7. Licenses, Certifications, Permits, Accreditation. Awardee shall obtain and keep current any license, certification, permit, or accreditation required by federal, state, or local law and shall submit to Guilford County proof of any licensure, certification, permit or accreditation upon request.

Section. 5.8. Publications. Any publications produced with funds from this Agreement shall display the following language: "This project [is being] [was] supported, in whole or in part, by

federal award number SLFRP2097 awarded to Guilford County, North Carolina by the U.S. Department of the Treasury.”

Section 5.9. Program for Enhancement of Contractor Employee Protections. Awardee is hereby notified that they are required to: inform its employees working on any federal award that they are subject to the whistleblower rights and remedies of the program; inform its employees in writing of employee whistleblower protections under 41 U.S.C §4712 in the predominant native language of the workforce; and include such requirements in any agreement made with a subcontractor or subgrantee.

Section 5.10. Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment. Pursuant to 2 CFR 200.216, Awardee shall not obligate or expend funds received under this award to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115-232, section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

Section 5.11. Use of Name. Neither party to this Agreement shall use the other party’s name, trademarks, or other logos in any publicity, advertising, or news release without the prior written approval of an authorized representative of that party. The parties agree that each party may use factual information regarding the existence and purpose of the relationship that is the subject of this Agreement for legitimate business purposes, to satisfy any reporting and funding obligations, or as required by applicable law or regulation without written permission from the other party. In any such statement, the relationship of the parties shall be accurately and appropriately described.

Section 5.12. Statement of Assurances. Awardee certifies compliance with SF 424B (Statement of Assurances – Non-Construction) and SF424D (Statement of Assurances – Construction).

Section 5.13. Stevens Amendments Requirements. Awardee shall identify that federal assistance funds were used to fund Approved Activities under this Agreement in any publicity and /or signage relating to the funded project or program.

Section. 5.14. Increasing Seat Belt Use. Pursuant to Executive Order 13043, 62 FR 19217 (April 18, 1997), Awardee should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally-owned vehicles.

Section 5.15. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (October 6, 2009), Awardee should encourage its employees, Awardees, and contractors to adopt and enforce policies that ban text messaging while driving, and Awardee should establish workplace safety policies to decrease accidents caused by distracted drivers.

Article VI. Cooperation in Monitoring and Evaluation.

Section. 6.1. Guilford County Responsibilities. Guilford County shall monitor, evaluate, and provide guidance and direction to Awardee in the conduct of Approved Activities performed under this Agreement. Guilford County must determine whether Awardee has spent funds in accordance with applicable laws, regulations, including the federal audit requirements and agreements and may monitor the activities of Awardee to ensure that Awardee has met such requirements. Guilford County may require Awardee to take corrective action if deficiencies are found.

Section. 6.2. Awardee Responsibilities.

- (a) **Cooperation with Guilford County Oversight.** Awardee shall permit Guilford County to carry out monitoring and evaluation activities, including any performance measurement system required by applicable law, regulation, funding sources guidelines or by the terms and conditions of the applicable grant award, and Awardee agrees to ensure, to the greatest extent possible, the cooperation of its agents, employees and board members in such monitoring and evaluation efforts. This provision shall survive the expiration or termination of this Agreement.
- (b) **Cooperation with Audits.** Awardee shall cooperate fully with any reviews or audits of the activities under this Agreement by authorized representatives of Guilford County, the North Carolina State Auditor, the US Department of Treasury, and the US Government Accountability Office. Awardee agrees to ensure to the extent possible the cooperation of its agents, employees, and board members in any such reviews and audits. This provision shall survive the expiration or termination of this Agreement.

Section 6.3. Interventions. If Guilford County determines that Awardee is not in compliance with this Agreement, Guilford County may initiate an intervention. The degree of Awardee's performance or compliance deficiency will determine the degree of intervention.

If Guilford County determines that an intervention is warranted, it shall provide written notice to Awardee of the intervention, ordinarily within thirty (30) days of the completion of a report review, desk review, onsite review, audit review, or procedures engagement review or as soon as possible after Guilford County otherwise learns of a compliance or performance deficiency related to the execution of this Agreement. This ordinary time frame shall not limit or prevent Guilford County from acting outside of it. The written notice shall notify Awardee of the following related to the intervention:

- (1) The nature of the additional requirements;
- (2) The reason why the additional requirements are being imposed;
- (3) The nature of the action needed to remove the additional requirement, if applicable;
- (4) The time allowed for completing the actions if applicable; and
- (5) The method for requesting reconsideration of the additional requirements imposed.

Interventions will remain in place until the underlying performance or compliance deficiency is addressed to the sole satisfaction of Guilford County. Guilford County is not limited to the forgoing actions or sequences and may at any time take any lawful actions or remedies.

Section 6.4. Records Retention and Access. Awardee shall maintain all records, books, papers and other documents related to its performance of Approved Activities under this Agreement (including without limitation personnel, property, financial and medical records) through at least December 31, 2031, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving this Agreement. Awardee shall make all records, books, papers and other documents that relate to this Agreement available at all reasonable times for inspection, review and audit by the authorized representatives of Guilford County, the North Carolina State Auditor, the US Department of Treasury, the US Government Accountability Office, and any other authorized state or federal oversight office.

Section 6.5. Key Personnel. Awardee shall identify all personnel who will be involved in performing Approved Activities and otherwise administering the Agreement, including at least one project manager and one fiscal officer (Key Personnel). Awardee shall notify Guilford County of any changes to these personnel within thirty (30) days of the change. Key personnel names, titles, and contact information are listed in Exhibit F (Key Personnel).

Article VII. Breach and Termination.

Section. 7.1. Termination for Cause. Guilford County may terminate this Agreement for cause after three (3) days written notice. Cause may include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform on time, or failure to comply with any of the requirements of this Agreement, and shall be determined in Guilford County's sole discretion.

Section. 7.3. Termination by Mutual Agreement. Guilford County and Awardee may agree to terminate this Agreement for their mutual convenience through a written amendment to this Agreement. The amendment will state the effective date of the termination and the procedures for proper closeout of the Agreement.

Section. 7.4. Termination Procedures. If this Agreement is terminated, Awardee may not incur new obligations for the terminated portion of the Agreement after Awardee has received the notification of termination. Awardee must cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. Awardee shall not be relieved of liability to Guilford County because of any breach of Agreement by Awardee. Guilford County may withhold payments to Awardee for the purpose of set-off until the exact amount of damages due Guilford County from Awardee is determined.

Section 7.5. Breach. Without limiting Guilford County's rights to terminate this Agreement, if, through any cause, Awardee shall fail to fulfill its obligations under this Agreement in a timely and/or proper manner ("breach"), either in whole or in part, and such breach has continued for a period of more than thirty (30) days after Guilford County has notified Awardee of such breach, Guilford County shall have all legal, equitable, and administrative rights available under applicable law. Without limiting other remedies, in the event of breach, Guilford County may: Withhold any payment due Awardee for the purpose of setoff until such time as the exact amount of damages due Guilford County from such breach can be reasonably determined (at which time that amount

shall be deducted from any payment(s) otherwise due to Awardee) and/or procure the contracted for services or goods from other sources and hold Awardee responsible for any excess cost occasioned thereby. The filing of a petition for bankruptcy by Awardee shall constitute an act of breach under this Agreement. This section shall not limit any other rights or remedies provided to Guilford County under this Agreement or available to Guilford County under applicable law.

Article VIII. General Conditions.

Section. 8.1. Indemnification. To the extent permitted by law, Awardee agrees to indemnify and hold harmless Guilford County, and any of its officers, agents and employees, and the Federal Government from any claims of third parties arising out of any act or omission of Awardee in connection with the performance of this Agreement (including, without limitation, attorney's fees and other costs of defense with respect to such claims).

Section. 8.2. Insurance. Awardee must maintain insurance policies with at least the following limits:

<u>Coverage</u>	<u>Minimum Limits</u>
a) Workers' Compensation	\$500,000 bodily injury per each accident, \$500,000 bodily injury per disease per employee, \$500,000 bodily injury per disease policy limit
b) General Liability	\$1,000,000 per occurrence/\$3,000,000 aggregate
c) Automobile Liability	\$2,000,000 per occurrence

Guilford County may require higher limits if warranted by the nature of this Agreement and the type of activities to be provided. The insurer must provide Guilford County with a Certificate of Insurance reflecting the coverages required in this Section. All Certificates of Insurance shall reflect thirty (30) days written notice by the insurer in the event of cancellation, reduction, or other modification of coverage. In addition to this notice requirement, Awardee must provide Guilford County prompt written notice of cancellation, reduction, or material modification of coverage of insurance. Without limiting any liability it may otherwise have, if Awardee fails to provide such notice, the Awardee assumes sole responsibility for all losses incurred by Guilford County for which insurance would have provided coverage. The insurance policies must remain in effect during the term of this Agreement.

Awardee shall name Guilford County as an additional insured except as to workers compensation insurance and it is required that coverage be placed with an "A" rated insurance company acceptable to Guilford County. If Awardee fails at any time to maintain and keep in force the required insurance, Guilford County may cancel and terminate the Agreement without notice.

Subject to Guilford County's approval (which shall not be unreasonably withheld), as an alternative to the insurance requirements of this section, Awardee may maintain a program of self-insurance that meets or exceeds these requirements. If this alternative is used, Awardee will provide satisfactory documentation of its self-insurance program to Guilford County upon request.

Section. 8.3. Venue and Jurisdiction. Guilford County and Awardee agree that they executed and performed this Agreement in Guilford County, North Carolina. This Agreement will be governed by and construed in accordance with the laws of North Carolina. The exclusive forum and venue for all actions arising out of this Agreement is the appropriate division of the North Carolina General Court of Justice in Guilford County. Such actions may not be commenced in, nor removed to, federal court unless required by law.

Section. 8.4. Nonwaiver. No action or failure to act by Guilford County constitutes a waiver of any of its rights or remedies that arise out of this Agreement, nor shall such action or failure to act constitute approval of or acquiescence in a breach of this Agreement, except as specifically agreed in writing.

Section. 8.5. Limitation of Guilford County Authority. Nothing contained in this Agreement may be deemed or construed to in any way stop, limit, or impair Guilford County from exercising or performing any regulatory, policing, legislative, governmental, or other powers or functions.

Section. 8.6. Severability. If any provision of this Agreement is determined to be unenforceable in a judicial proceeding, the remainder of this Agreement will remain in full force and effect to the extent permitted by law.

Section. 8.7. Assignment. Awardee may not assign or delegate any of its rights or duties that arise out of this Agreement without Guilford County's prior written consent. Unless Guilford County otherwise agrees in writing, Awardee and all assigns are subject to all Guilford County's defenses and are liable for all Awardee's duties that arise from this Agreement and all Guilford County's claims that arise from this Agreement.

Section. 8.8. Integration. This Agreement contains the entire agreement between the parties pertaining to the subject matter of this Agreement. With respect to that subject matter, there are no promises, agreements, conditions, inducements, warranties, or understandings, written or oral, expressed, or implied, between the parties, other than as set forth or referenced in this Agreement.

Section. 8.9. Notices. All notices and other communications required or permitted by this Agreement must be in writing and must be given either by personal delivery, approved carrier, email, or mail, addressed as follows:

(a) If to Guilford County:
Guilford County Government
Michael Halford
ATTN: Pandemic Recovery Office
301 W. Market St.
Greensboro, NC 27401

(b) If to the Awardee:
City of High Point
ATTN: City Manager's Office
211 S. Hamilton St.
High Point, NC 27261

Section 8.10. No Third-Party Beneficiaries/No Waiver of Immunity.

Awardee and Guilford County acknowledge and agree that there are no intended beneficiaries of this Agreement other than Awardee and Guilford County and that this Agreement does not, and shall not be interpreted to, create rights in any other parties (other than the rights on the part of other governmental units, such as the US Department of Treasury, that are explicitly set forth herein or required by law). Awardee and Guilford County further acknowledge and agree that they reserve all rights, defenses, and immunities that they may have with respect to claims by third-parties that relate in any way to this Agreement or to any act or omission with respect to goods or services related in any way to this Agreement.

Section 8.11. Independent Contractor.

Awardee shall act as an independent contractor for all purposes. Nothing in this Agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between Guilford County and either Awardee or any agent of Awardee. Awardee is an independent contractor and not an employee, agent, joint venturer, or partner of Guilford County.

Section 8.12 Interlocal Agreement.

In addition to all other applicable laws, regulations, and guidance, this Agreement shall be governed by N.C.G.S. Chapter 160A, Art. 20, Part 1, which authorizes interlocal cooperation and provides that units of local government may enter into interlocal agreements. The purpose of this Agreement is for the Approved Activities, which are determined to be in the best interest of the public safety and welfare of each unit of government's citizens. In addition to its execution, this Agreement's effectiveness requires approval by Awardee's and Guilford County's governing boards, recorded and spread upon each board's minutes. Awardee shall employ or contract for the services of all personnel needed to carry out the Approved Activities. Unless provided to the contrary by more specific provision elsewhere in this Agreement, Guilford County's reimbursements to Awardee under this Agreement shall not cause Guilford County to acquire ownership in any property acquired by Awardee with the reimbursed funds and ownership of such property shall remain with Awardee.

GUILFORD COUNTY

Michael Halford
Guilford County Manager

Date

Robin B. Keller
Guilford County Clerk to Board

Date

[Awardee and successor]

ATTEST:

Greg Ferguson
Deputy City Manager

Date

Sandra Keeney
City Clerk

Date

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

John Barfield

Date

Guilford County Interim Finance Director

DRAFT

Exhibit A: Intentionally Omitted

DRAFT

Exhibit B: Approved Activities

Funding Purpose

The funds provided through this Agreement will be used to install eleven (11) fire hydrants on to the existing water line that runs from the Randleman Lake to the City of High Point. These hydrant locations were strategically placed in an area of the Pinecroft Sedgefield Fire District that currently has no pressurized water source, please see the map attached hereto as Exhibit G and incorporated by reference. Currently, when there is a fire in this area that needs more water than carried on the fire apparatus, it must be drafted from the nearest pond. The addition of these fire hydrants will drastically improve the water supply operation in the event of a fire in this area.

Of the eleven (11) fire hydrants to be installed, six (6) will be installed on a 30" water main and five (5) will be installed on a 16" water main. In addition to the installation of the hydrants, total project costs include concrete blocking, seeding, traffic control, and hydrant extensions as needed.

Billing Process

This is a cost-reimbursable agreement. Invoices will be submitted to the County by the City of High Point. Subject to and without limiting the other terms of this Agreement, including Article III. Compensation, payment from the County to the City of High Point will be made within thirty (30) days of receipt of accurate and complete invoices including the following:

- Time period the invoice covers
- Service/activity supported by funding
- Brief description of the project progress during the specified time period
- Proper documentation that goods and/or services have been delivered and provided in accordance with this Agreement

Exhibit C: Approved Budget

Consult Guilford County's Allowable Costs and Cost Principles Policy and the ARPA/CSLFRF Final Rule for specific directives and limitations on cost items.

REVENUES		Total Revenue
Guilford County Coronavirus State and Local Fiscal Recovery Funds Awarded	\$	200,000
Budget Cost Categories		Total Expenditures
1. Personnel (Salary and Wages)	\$	
2. Fringe Benefits	\$	
3. Travel	\$	
4. Equipment	\$	
5. Supplies	\$	
6. Contractual Services and Subawards	\$	
7. Consultant (Professional Service)	\$	
8. Construction	\$	200,000
9. Occupancy (Rent and Utilities)	\$	
10. Research and Development (R&D)	\$	
11. Telecommunications	\$	
12. Training and Education	\$	
13. Direct Administrative Costs	\$	
14. Miscellaneous Costs	\$	
15. Total Costs Federal Grant Funds	\$	200,000
<u>MUST EQUAL REVENUE TOTALS ABOVE</u>		

Exhibit D: Lobbying Certification

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Awardee's Authorized Official

Name and Title of Awardee's Authorized Official

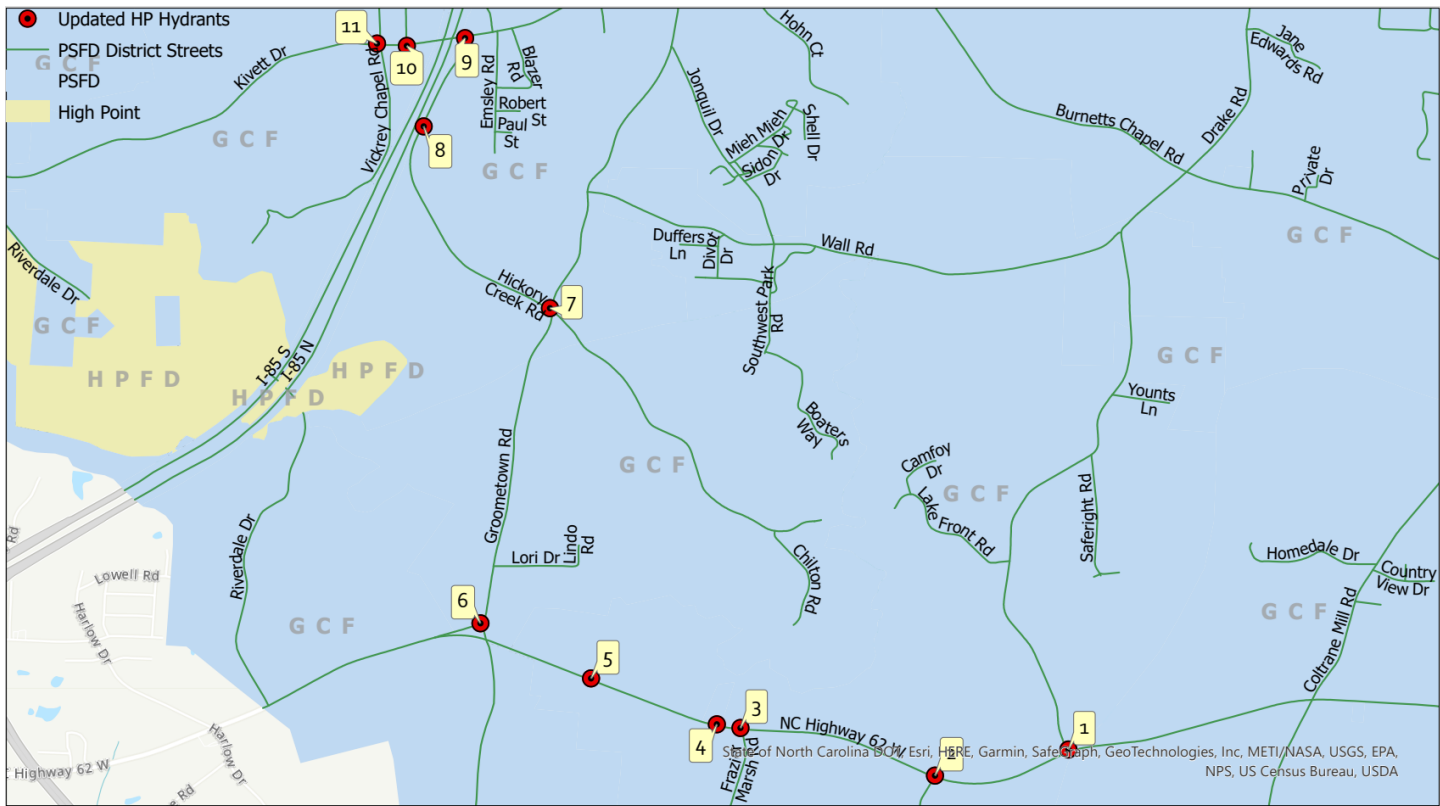
Date

Exhibit E: Intentionally Omitted

Exhibit F: Key Personnel

Guilford County INFORMATION	
Administrative Address:	301 W. Market Street Greensboro, NC 27401
Invoice Address:	301 W. Market Street Greensboro, NC 27401
Project Manager Name:	Abby Gostling
Project Manager Title:	Program and Fiscal Recovery Manager
Project Manager Email:	Agostling@guilfordcountync.gov
Project Manager Phone:	336-641-6987
Fiscal Officer Name:	John Barfield
Fiscal Officer Title:	Finance Director
Fiscal Officer Email:	Jbarfield@guilfordcountync.gov
Fiscal Officer Telephone:	336-641-4574
AWARDEE INFORMATION	
Administrative Address:	
Invoice Address:	
Project Manager Name:	
Project Manager Title:	
Project Manager Email:	
Project Manager Telephone:	
Fiscal Officer Name:	
Fiscal Officer Title:	
Fiscal Officer Email:	
Fiscal Officer Telephone:	

Exhibit G: Fire Hydrant Location Map



ID	Address_Lo	Latitude	Longitude
1	Highway 62/Drake Rd	35.921041	-79.85766
2	Highway 62/Tomball Rd	35.91951	-79.865476
3	1072 NC Highway 62 W	35.922301	-79.876871
4	1110 NC Highway 62 W	35.922516	-79.878254
5	1148 NC Highway 62 W	35.925206	-79.885623
6	Highway 62/Groometown Rd. (5766 Groometown Rd)	35.928433	-79.892101

ID	Address_Lo	Latitude	Longitude
7	Hickory Creek Rd/Groometown Rd	35.946895	-79.88803
8	5991 Hickory Creek Rd	35.957544	-79.895427
9	Hickory Creek Rd/Kivett Dr	35.962714	-79.893002
10	Kivett Dr/Chipmunk Dr	35.962259	-79.896413
11	Kivett Dr/Vickrey Chapel Rd	35.962397	-79.89816
0		0	0

CITY OF HIGH POINT

AGENDA ITEM



Title: Ordinance to Demolish – 717 Cliffside Avenue

From: Thanena Wilson, Director
Community Development & Housing

Meeting Date: May 2, 2023

Public Hearing: N/A

Advertising Date:
Advertised By: N/A

Attachments: A. Staff report
B. Ordinance to Demolish
C. Photos
D. Maps

PURPOSE:

A request by Community Development and Housing – Local Codes Section to adopt an ordinance ordering the inspector to demolish the dwelling at 717 Cliffside Avenue.

BACKGROUND:

After a Complaint and Notice of Hearing was issued and a hearing held, an Order to Repair or Demolish was issued on 9/8/2022. No action occurred by the compliance date of 10/10/2022. The necessary repairs to the dwelling exceed its current tax value and the demolition is warranted.

BUDGET IMPACT:

There are sufficient funds in the FY22-23 budget for the demolition and asbestos testing of the structure(s), and for the asbestos removal if present.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends the adoption of the requested Ordinance to Demolish this single family dwelling and all outbuildings on the property.

PENDING ACTION:

The Ordinance to Demolish becomes effective from the date of adoption. If there is no action by the property owner by the effective date of the Ordinance, then asbestos testing and the demolition bid process will begin and the structure will be removed by the City. After City demolition, the property owner is billed for the cost. If the bill is unpaid, the City places a lien on the property.

**COMMUNITY DEVELOPMENT AND HOUSING
CODE ENFORCEMENT
HOUSING ENFORCEMENT DIVISION**

**ORDINANCE
REQUEST:**

Ordinance to Demolish

**PROPERTY
ADDRESS:**

717 Cliffside Ave.

OWNER:

Adebayo Oshiyemi

**REASON FOR
INSPECTION:**

Inspector observed condition of the property

**FIRST
INSPECTION:
8/10/2022**

Summary of Major Violations

1. Repair or replace roof sheathing & covering
2. Repair or replace floor joists in living room
3. Repair or replace rotten rafters
4. Repair or replace loose, rotten or missing siding
5. Repair or replace ceiling material kitchen & living room

**HEARING
RESULTS:
9/7/2022**

No one appeared for the Hearing. It was determined there are several violations of the Minimum Housing Code. There are multiple violations of the minimum housing code in the house that make it unsafe. In its present state, necessary repairs to the dwelling exceed 65% of the value of the structure.

**ORDER(S)
ISSUED:
9/8/2022**

Order to Repair or Demolish
Date of Compliance 10/10/2022

APPEALS:

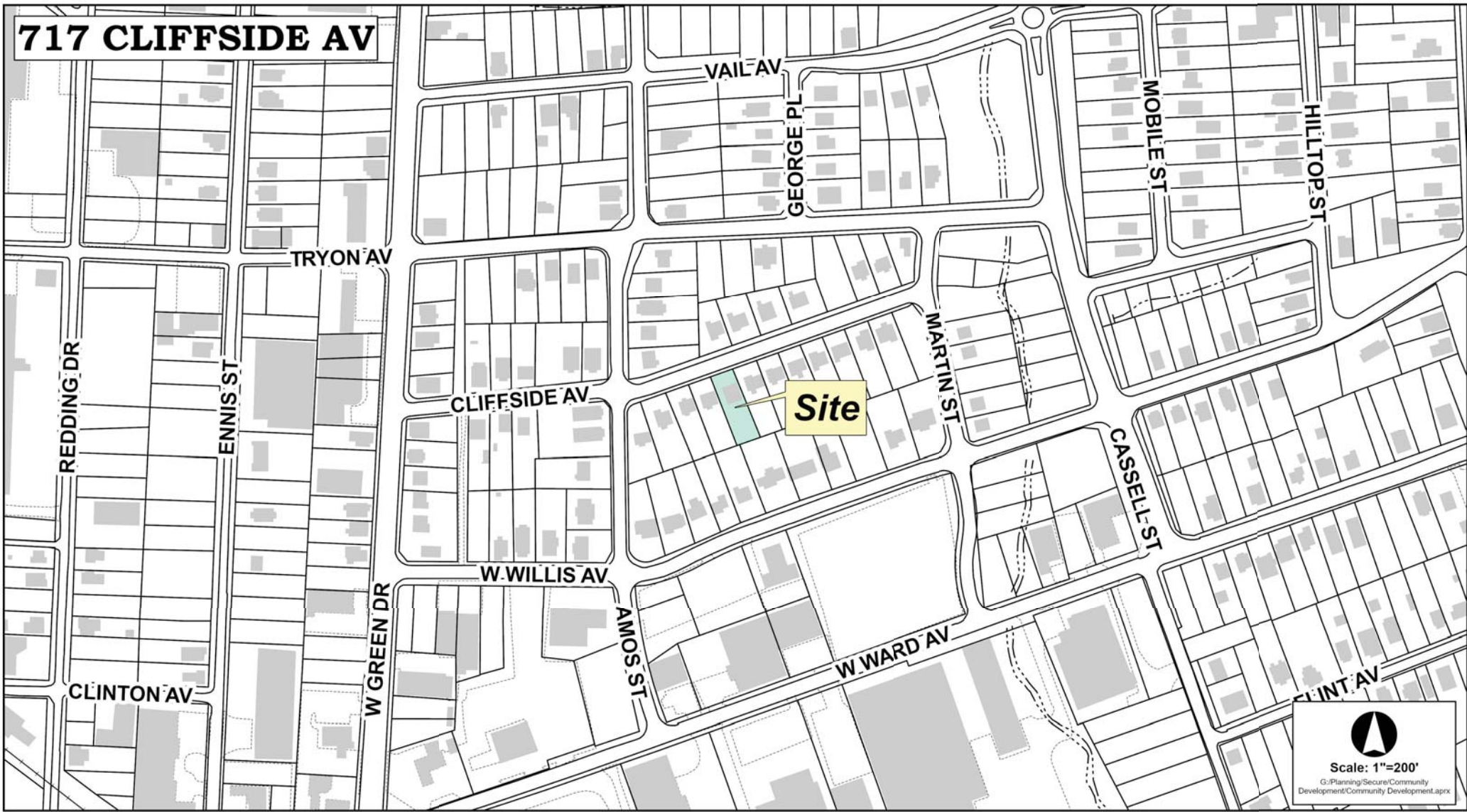
None

**OWNER
ACTIONS:**

None

ADDITIONAL:

Guilford County Property taxes are delinquent in the amount of \$1,734.75 for 2022.



ORDINANCE

AN ORDINANCE REQUIRING THE BUILDING INSPECTOR OF THE CITY OF HIGH POINT TO DEMOLISH CERTAIN PROPERTY PURSUANT TO ARTICLE 19 OF THE GENERAL STATUTES OF NORTH CAROLINA; AND, TITLE 9, CHAPTER 11, ARTICLE E, OF THE MINIMUM HOUSING CODE OF THE CITY OF HIGH POINT.

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

SECTION 1: That the City Council of the City of High Point finds as a fact that the following described property has been ordered to be demolished, and it further finds as a fact that the owner has been ordered to demolish said building at his expense and said Owner has failed to comply with said order.

SECTION 2: That the Inspector of the City of High Point is hereby authorized and directed to proceed with the demolition of the following described building in accordance with code of Ordinances: and, Article 12 of Chapter 160D of the General Statutes of North Carolina.

PROPERTY LOCATION

OWNER (S)

717 Cliffside Ave.

Adebayo Oshiyemi
717 Cliffside Ave.
High Point, NC 27260

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 4: That this ordinance shall become effective from and after its passage as by Law provided.

Adopted by City Council,
This the 15th day of May, 2023

Sandra Keeney, City Clerk



10 Apr 2023



10 Apr 2023



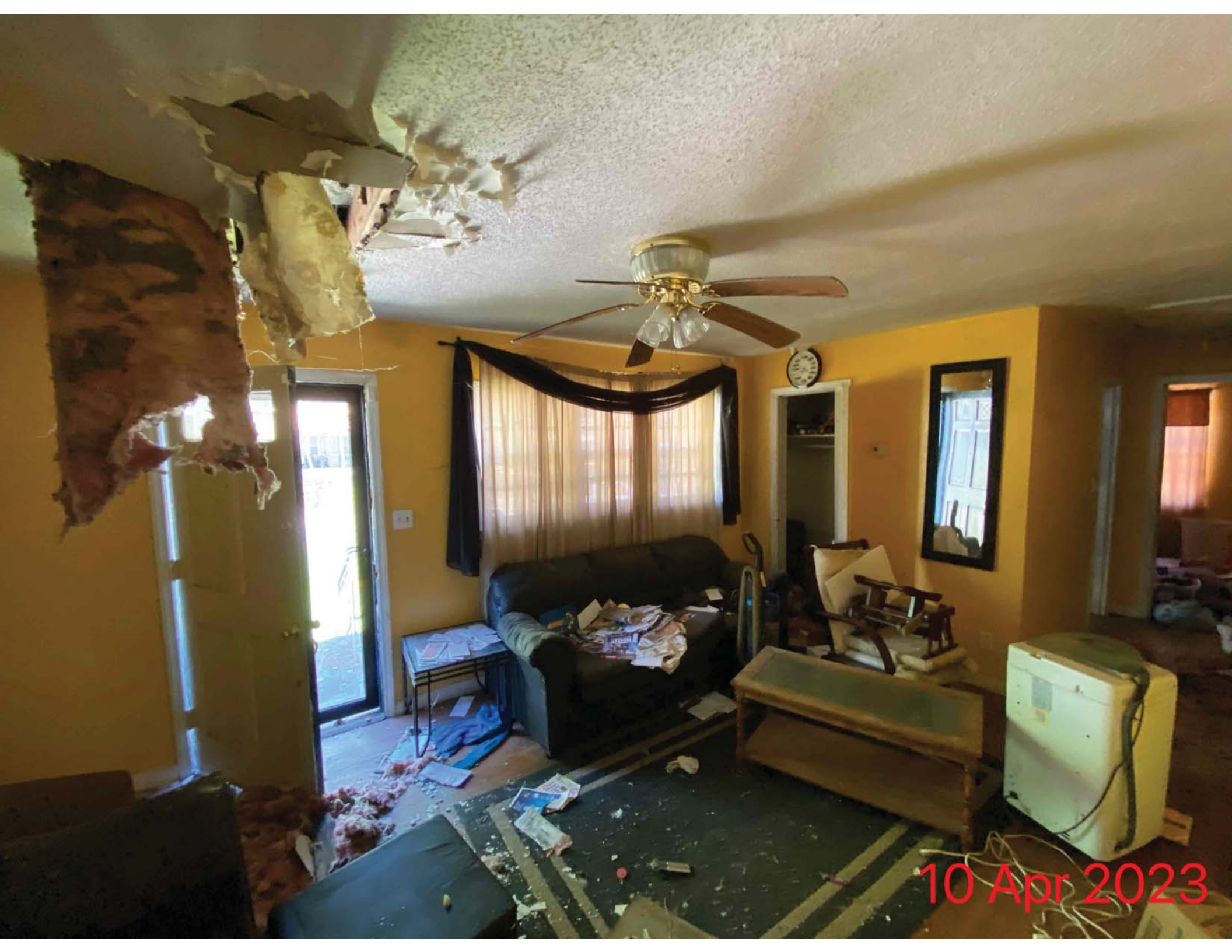
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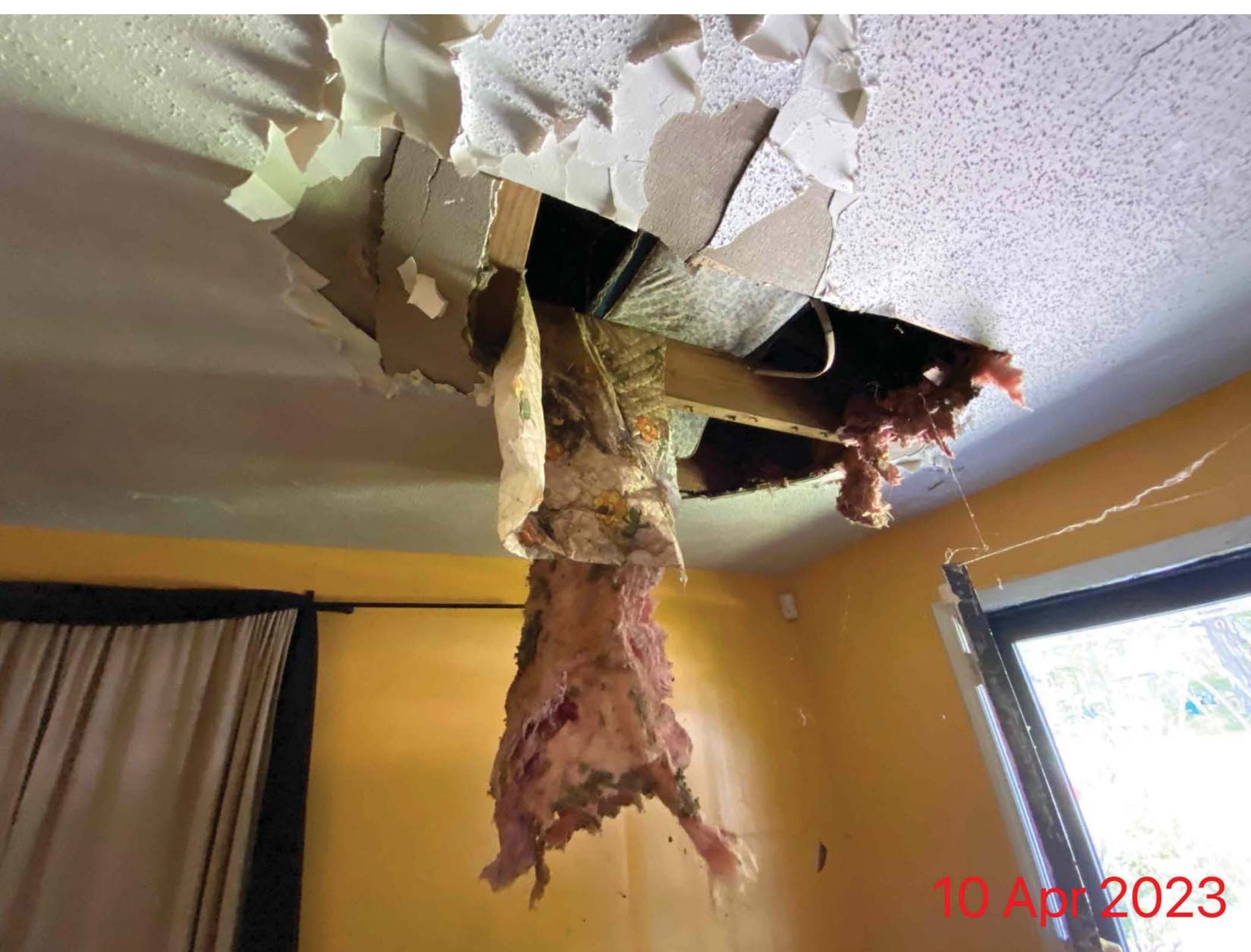
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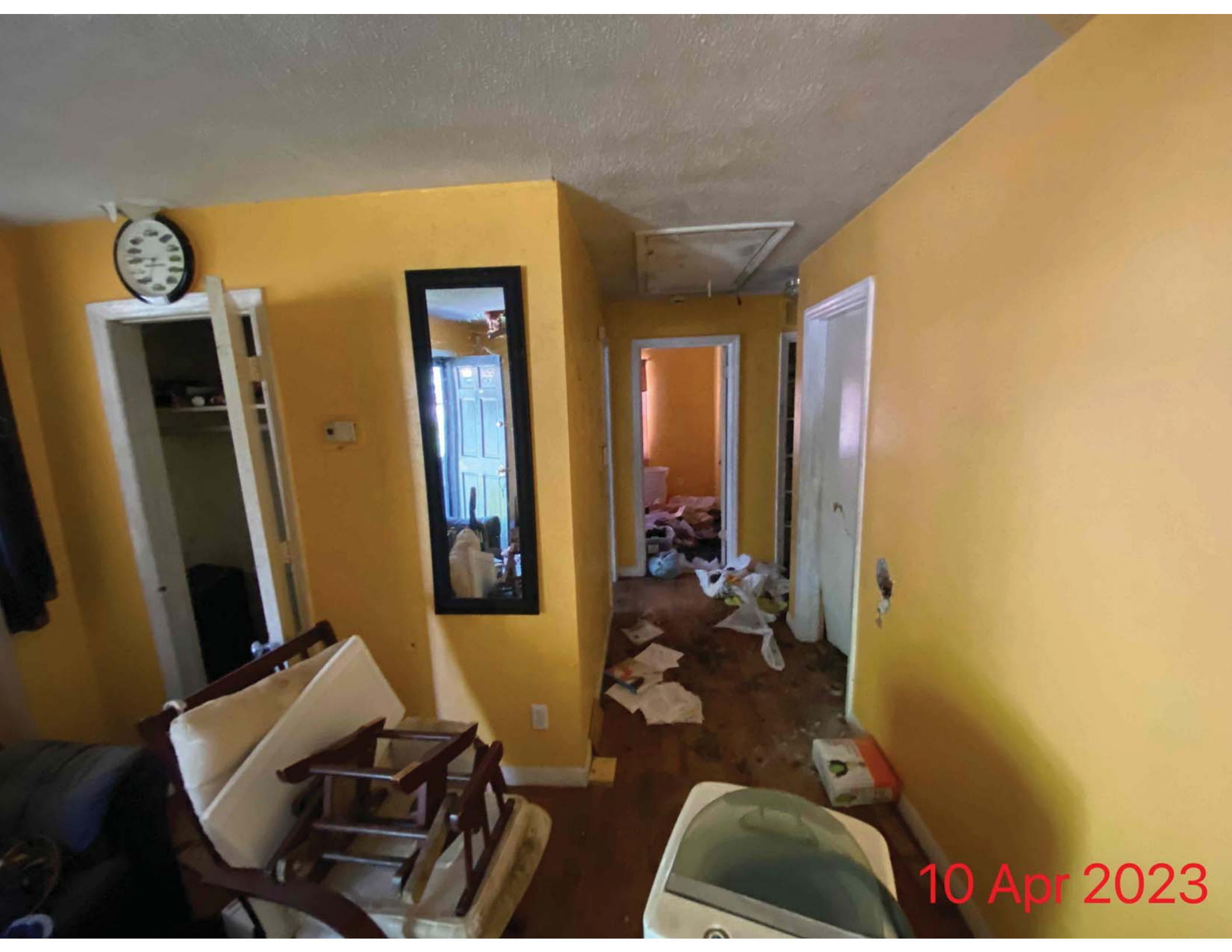
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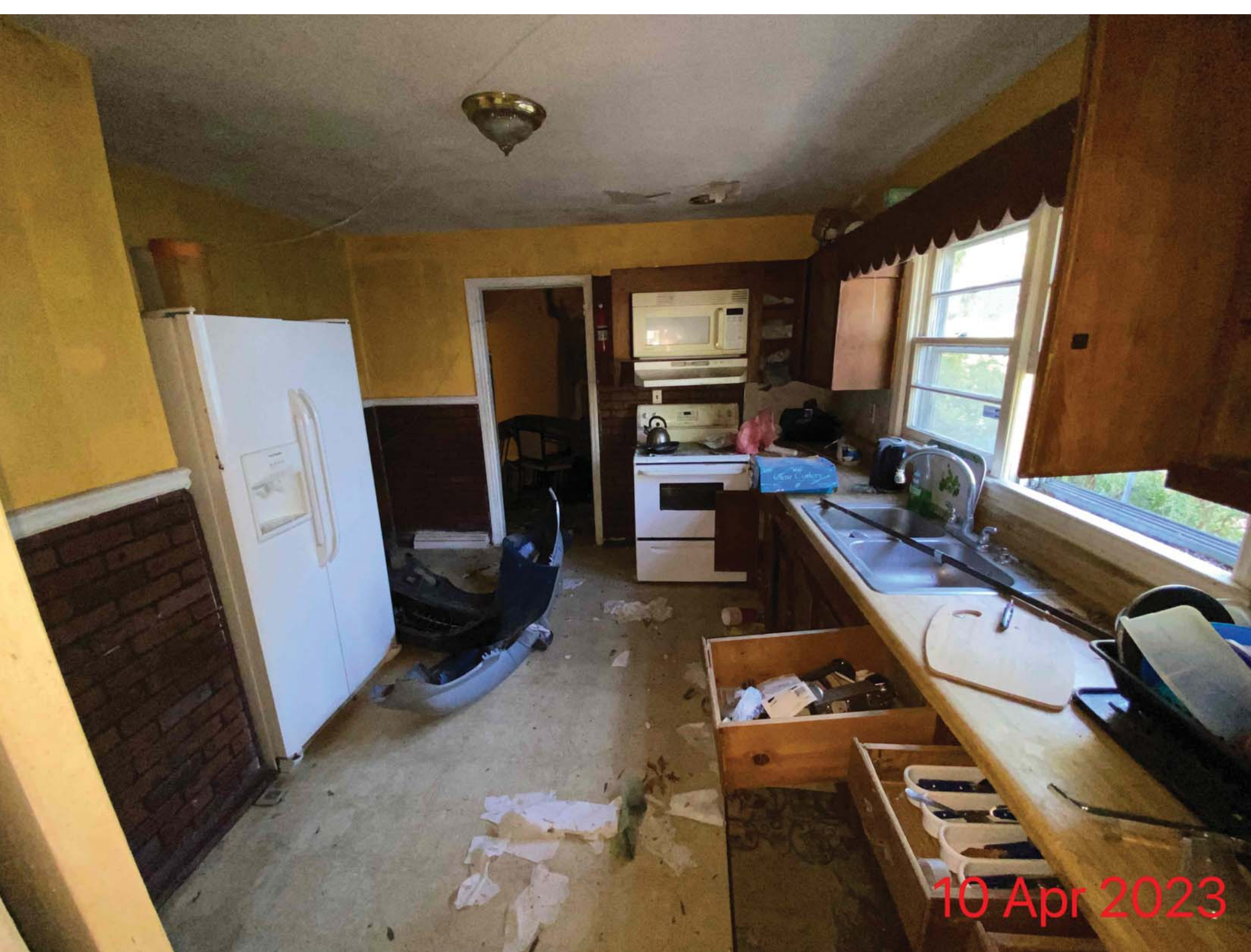
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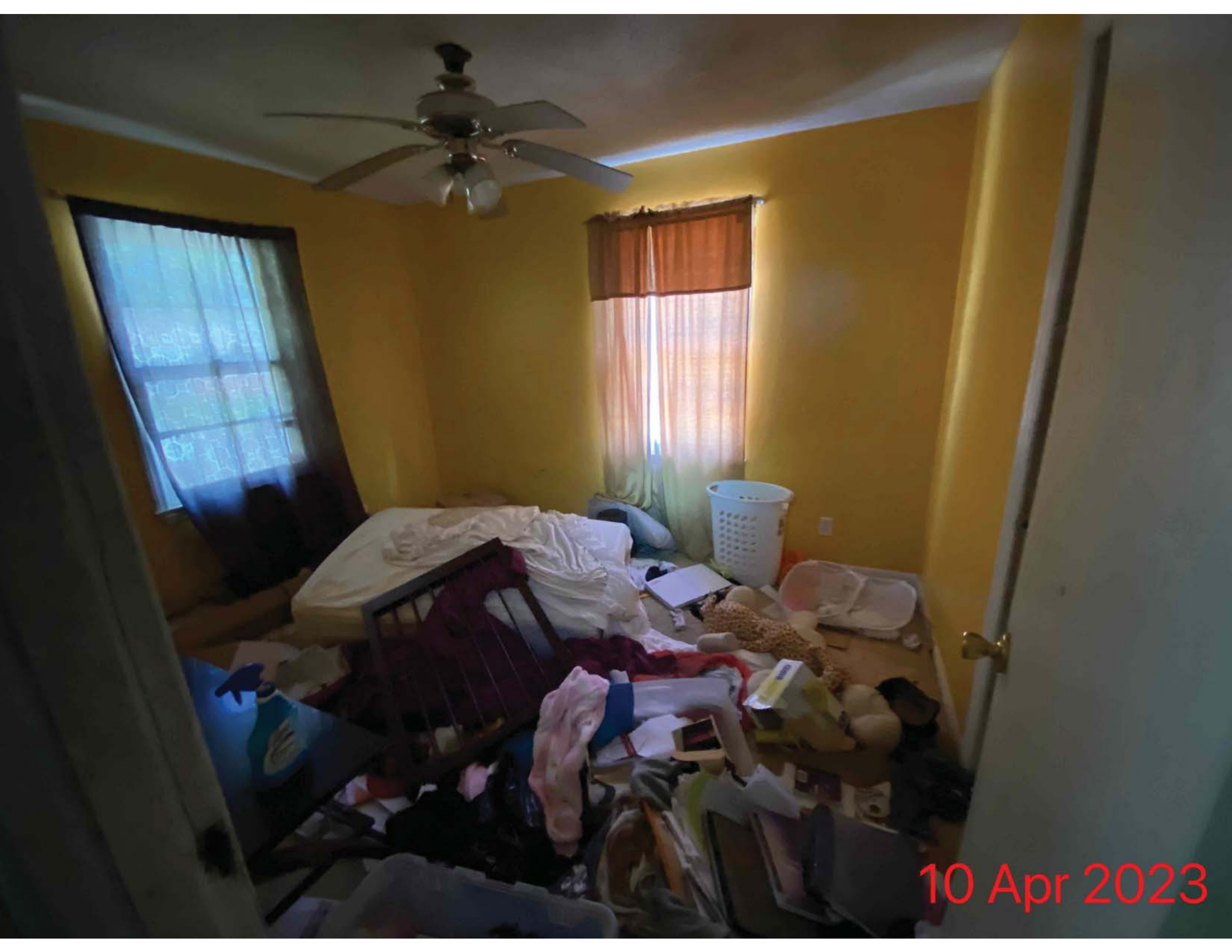


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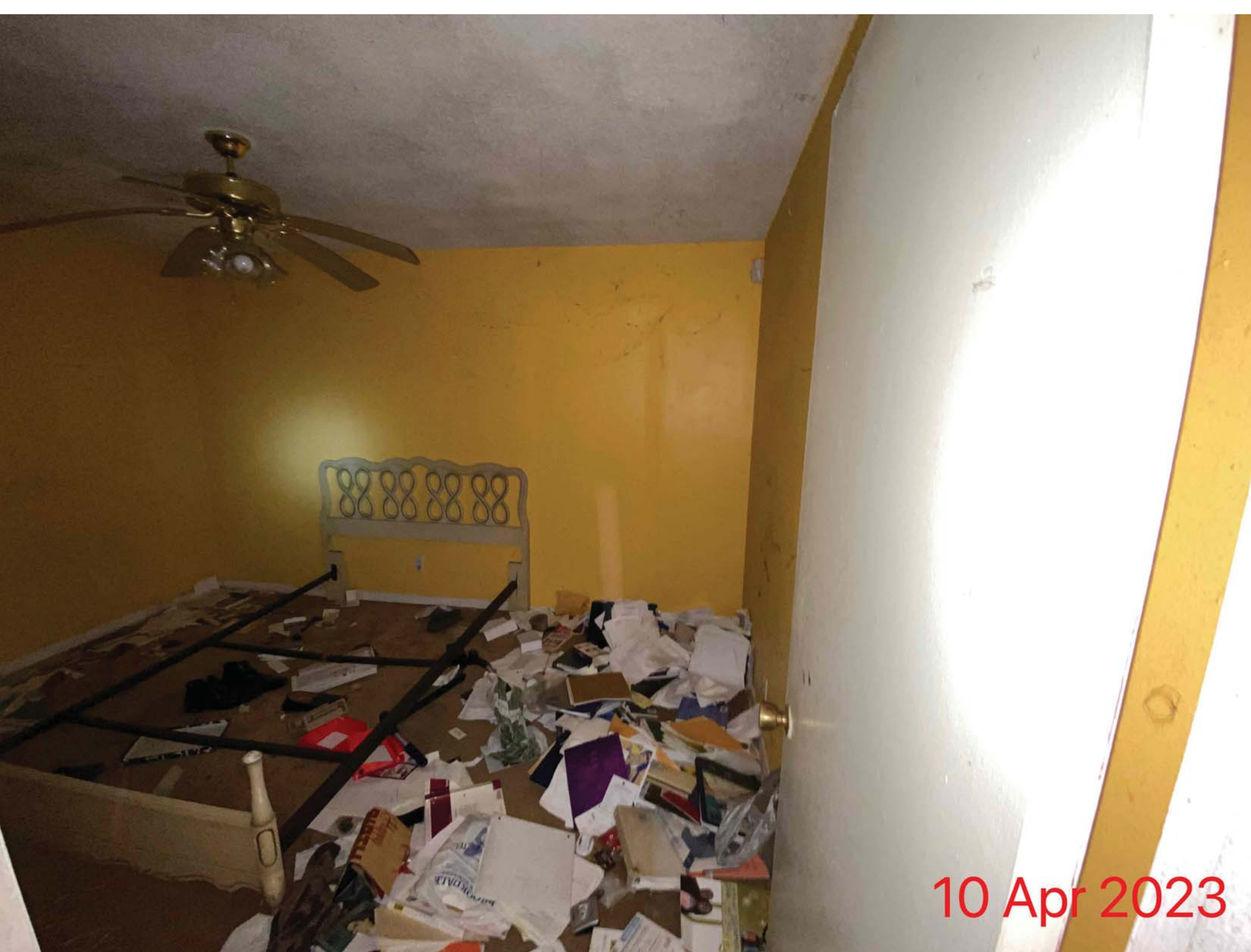


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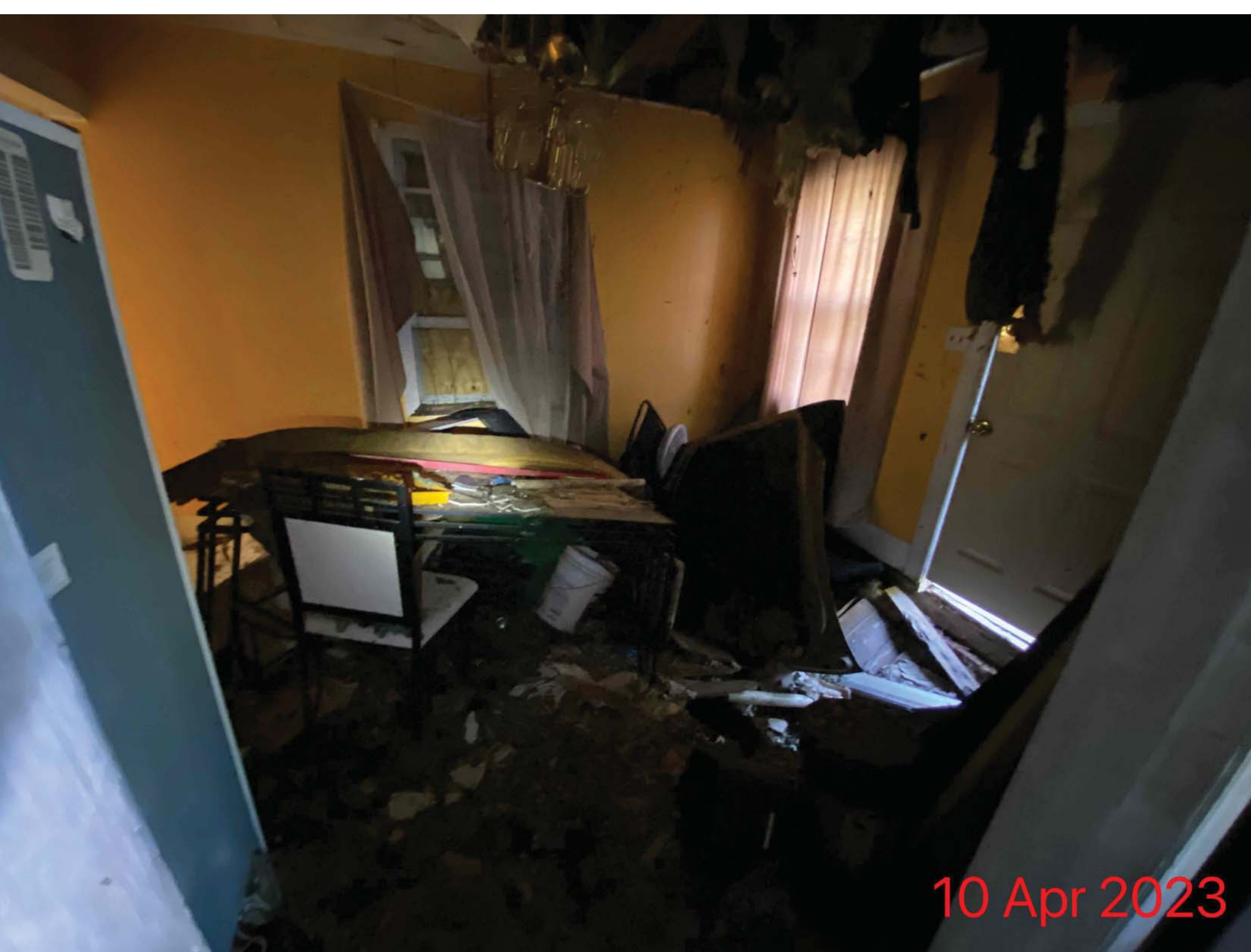




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10 Apr 2023



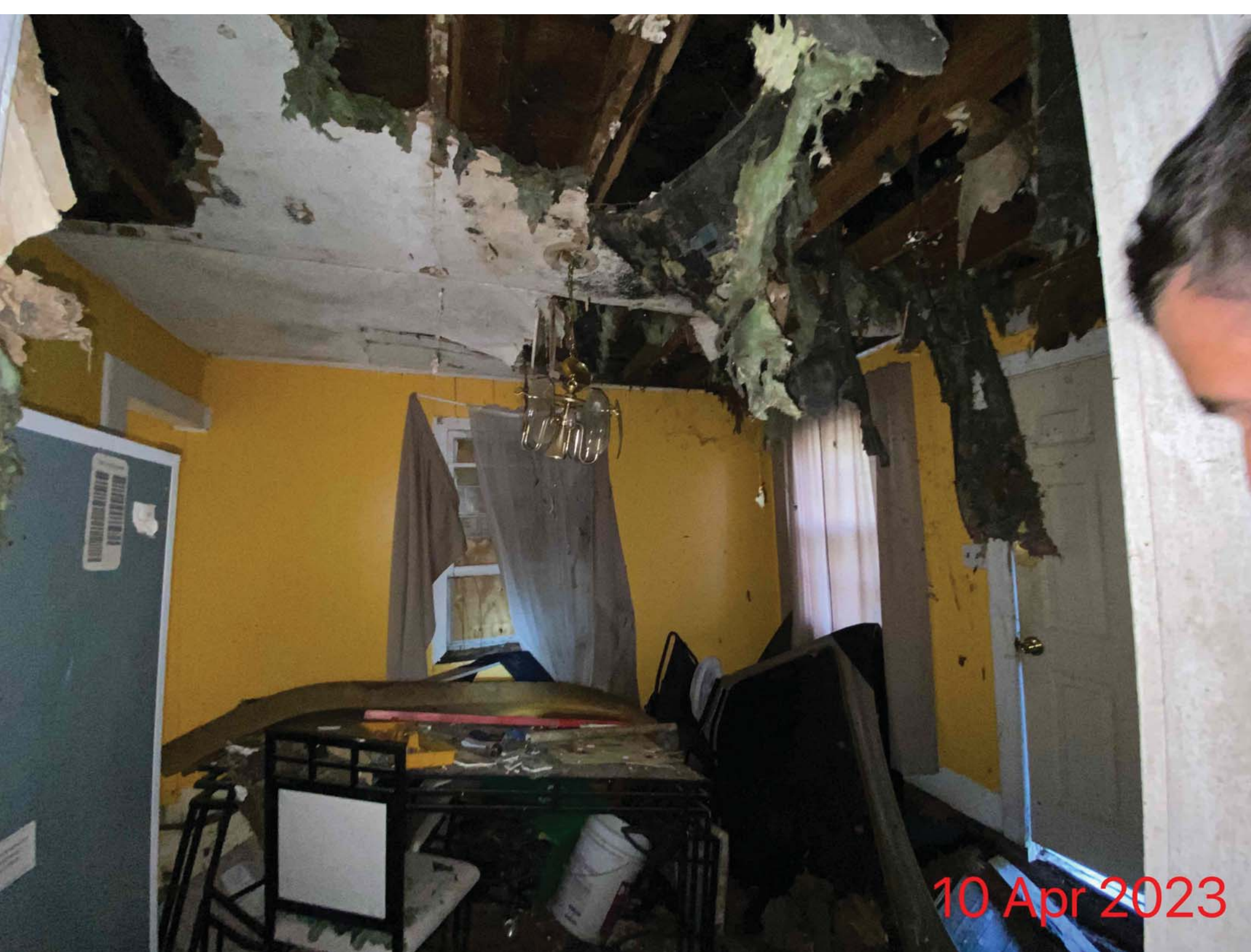
10 Apr 2023



10 Apr 2023



10 Apr 2023



10 Apr 2023

CITY OF HIGH POINT

AGENDA ITEM



Title: 2023 Annual Action Plan Presentation

From: Thanena S. Wilson, Director
Community Development & Housing

Public Hearing: May 15, 2023

Attachments: None

Meeting Date: May 2, 2023

Advertising Date: April 30, 2023

Advertised By: High Point Enterprise

PURPOSE:

The Annual Action Plan (AAP) outlines the strategic plan for addressing community needs identified in the 5-year Consolidated Plan, with an emphasis on low to moderate income and special needs populations. The AAP details the projects and programs that will be undertaken during the program year using funding received through the Community Development Block Grant (CDBG) and HOME Investment Partnership Act programs.

BACKGROUND:

The AAP is required by the U.S. Department of Housing and Urban Development (HUD) for the receipt of entitlement funding. On an annual basis the City of High Point receives CDBG and HOME funds to carry out specific activities within the City. The draft AAP has been made available for a 30-day public review and comment period that began April 13, 2023 and will end on May 12, 2023. A public hearing is scheduled to be held before City Council on May 15, 2023.

BUDGET IMPACT

For FY2023, the City will receive \$817,693 in CDBG funding, and \$541,533 in HOME funds.

RECOMMENDATION/ACTION REQUESTED:

The Community Development and Housing Department requests a recommendation to City Council for approval.

RESOLUTION AUTHORIZING THE SALE OF
RETIRED K-9 JINX

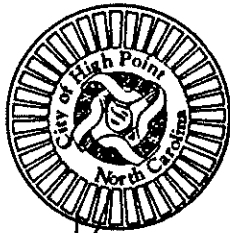
WHEREAS, the City Council for the City of High Point finds that Police K-9 Jinx can no longer perform as required for his job and has received a recommendation from the High Point Police Department K-9 Supervisor that Jinx be retired; and

WHEREAS, N.C.G.S. 160A-266(d) permits the City Council to authorize the disposition of personal property that is without value; and

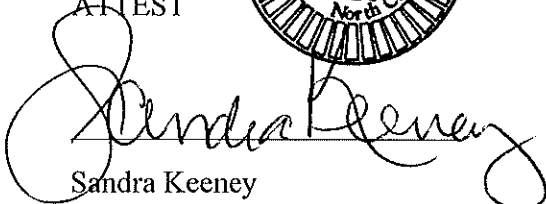
WHEREAS, Officer Terence Garrison has agreed to purchase retired K-9 Jinx from the City of High Point in the amount of \$1.00 and upon accepting custody of the dog will assume all liability and responsibility for the care of the animal for the remainder of its life.

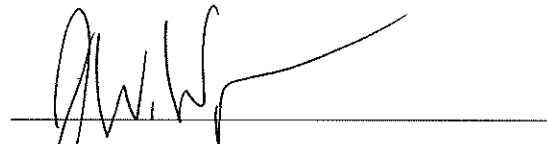
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of High Point authorizes the purchase of K-9 Jinx by Officer Terence Garrison for \$1.00 effective May 15, 2023.

Adopted: May 15, 2023



ATTEST


Sandra Keeney
City Clerk


Jay Wagner, Mayor

Community Development & Housing

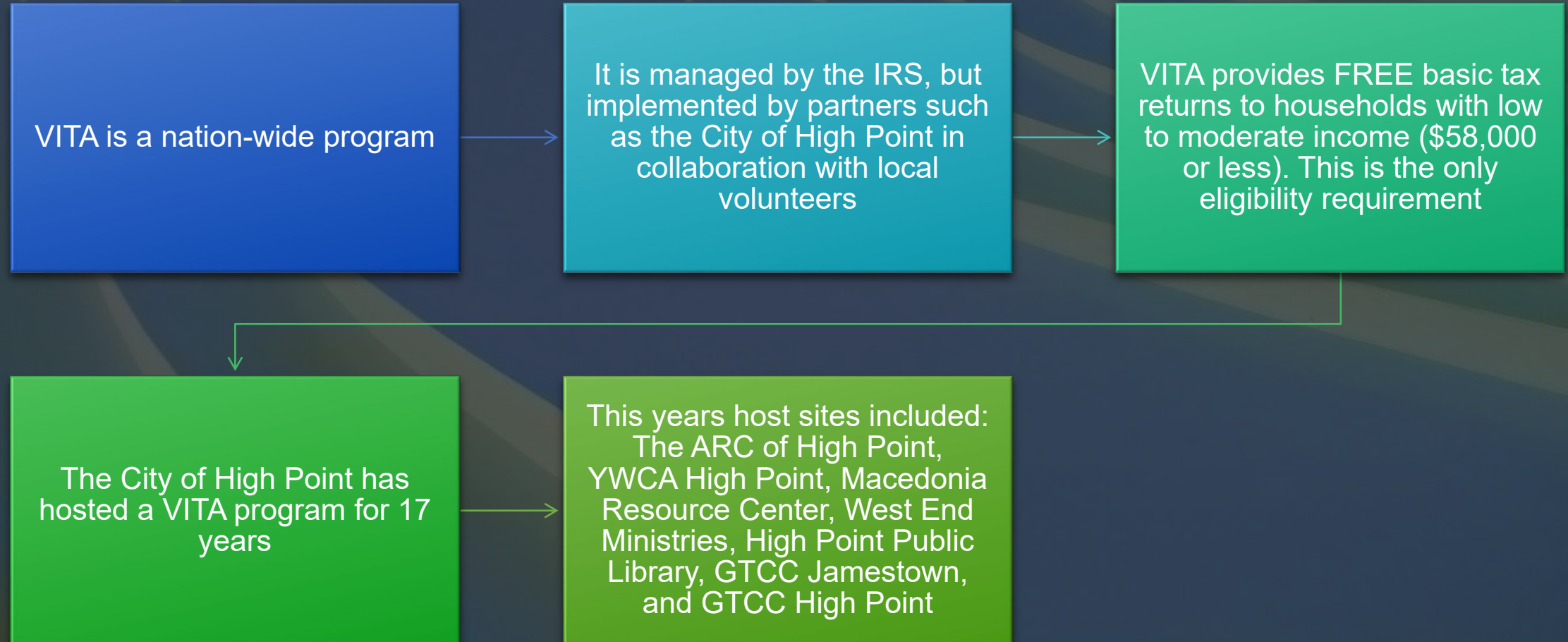
Volunteer Income Tax Assistance (VITA)

2022 TAX SEASON

AGENDA

- **Introduction to VITA**
- **VITA Model**
- **Tax Season Results**
- **Cost Benefits**
- **Return on Investment**
- **Program Totals**
- **VITA In Action**

INTRODUCTION



VITA Model

- 2 sites “drop-off” 6 sites “in-person”
- All returns required an intake/interview
- Returns are reviewed with the taxpayer prior to filing
- Sites open 6 days a week Monday-Saturday from January 23-April 18
- Operated on an \$8,450 budget for personnel, supplies, and miscellaneous expenses
- Six out of eight VITA sites are in the core city. The two outside its boundaries are the ARC of High Point on E. Bellevue and GTCC Jamestown
- Site flow included a greeter managing the intake process ➡ intake/interviewer to ensure correct information is used for the return ➡ a tax preparer to complete the return ➡ a quality reviewer for a second set of eyes on all returns



Tax Season Results

- Total Volunteers:
 - **8** greeters
 - **2** schedulers
 - **21** tax preparers
 - **8** Site Supervisors
- Total Volunteer Hours: **1913**
- Total Tax Preparation Hours: **1432.5**
- VITA Hours of Operation: **431**
- Federal and State Tax Returns: **941**
- Total Federal Refunds Issued: **\$717,953**
- Average Taxpayer AGI: **\$26,255**
- Primary or Secondary Taxpayer Age 60+: **695**
- Taxpayer retention: **461**
- Rural Taxpayers: **128**
- Individuals with disabilities: **71**
- IRS audit with no findings

Cost Benefits

\$250 Average cost of a tax return

\$1020 Average taxpayer refund

941 returns filed

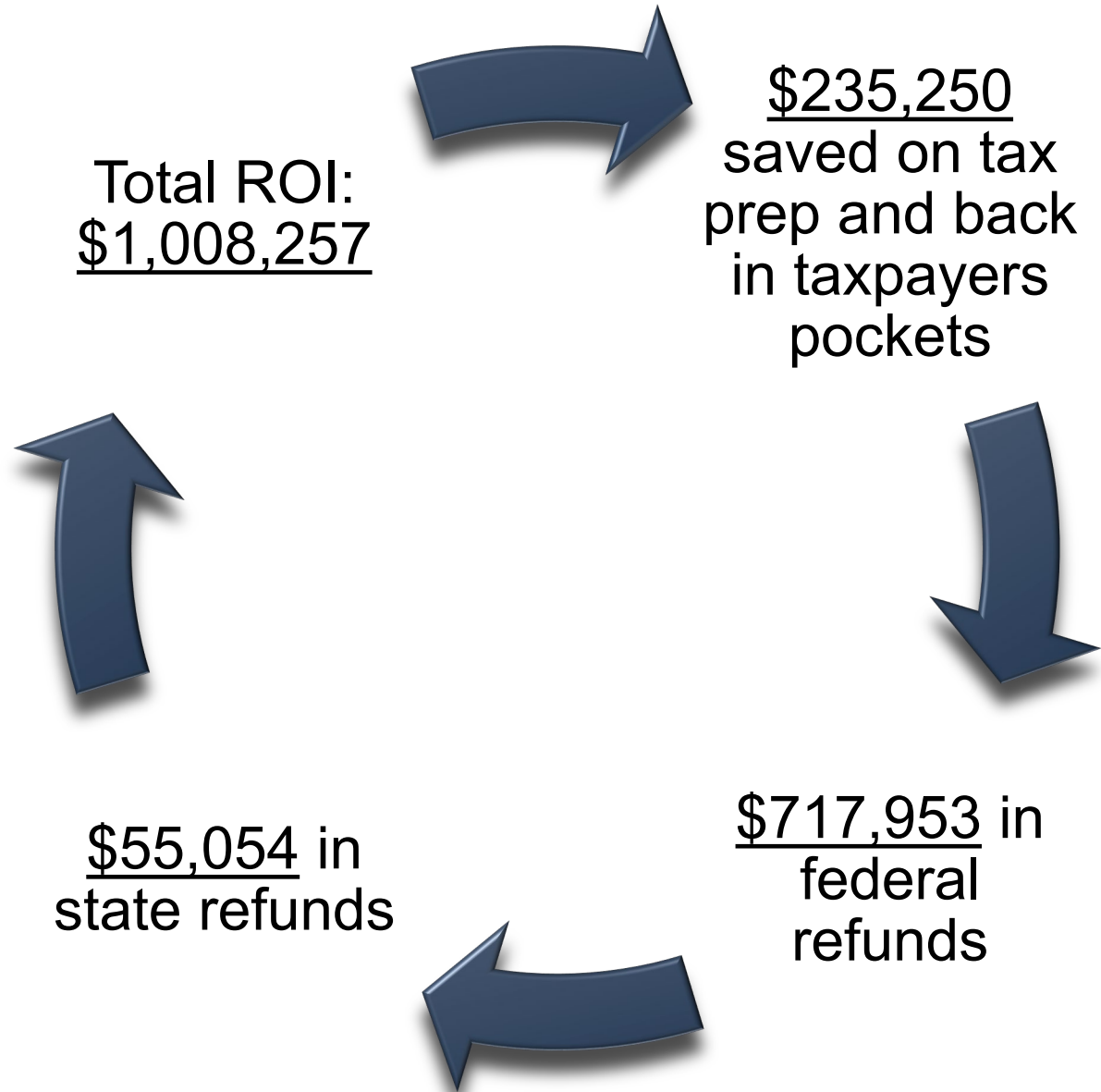
$941 \text{ tax returns} \times \$250 = \$235,250$

\$235,250 back in taxpayer's pockets

$941 \text{ tax returns} \times \$1020 = \$959,820$

Up to \$959,820 back into the local economy

Return On Investment



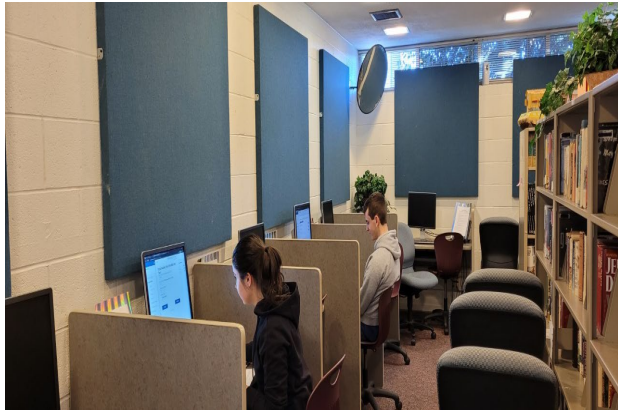
Volunteer Income Tax Assistance

TY 2006-2021 Cumulative Data	Returns	Federals Refunds	EITC	Average AGI
	8947	\$ 10,901,636.00	\$4,255,429.00	\$ 17,495.00
TY 2022-2023 Program Totals	Returns	Federal Refunds	EITC	Average AGI
	941	\$ 717,661.00	\$ 245,160.00	\$ 26,422.51

Program Totals

VITA IN ACTION

Volunteers @ CNDD



Volunteers @ GTCC Jamestown



Volunteers @ GTCC High Point



Thank You

Megan Scales

Community Resource Specialist

Community Development & Housing
City of High Point

megan.scales@highpointnc.gov / 336-883-3042



CITY OF HIGH POINT

AGENDA ITEM



Title: Request to Retire and Sell K-9 Jinx

From: J. Travis Stroud, Chief of Police

Public Hearing: N/A

Attachments: Photo
Resolution

Meeting Date: May 15, 2023

Advertising Date /
Advertised By: N/A

PURPOSE:

The Police Department is requesting consideration for approval to retire (declare surplus) Police K-9 Jinx.

BACKGROUND:

The High Point Police Department purchased Canine Jinx from Houston K-9 Academy of Houston, TX, in July 2019 for \$10,000.00. Jinx was purchased to maintain the appropriate level of the K-9 Unit's working animals. K-9 Jinx served as a dual-purpose patrol canine from July 2019 until April 2023. At his age, it would be difficult to transfer him to a new handler to continue his work life and the Department wishes to retire him.

BUDGET IMPACT:

Officer Terence Garrison has agreed to purchase retired K-9 Jinx from the City of High Point in the amount of \$1.00 and upon accepting custody of the dog will assume all liability and responsibility for the care of the animal for the remainder of its life.

Due to Jinx's pending retirement, the Department has purchased a replacement K-9 for \$13,500 in FY 23 with General Budget Funds identified within the Support Services Division's budget.

RECOMMENDATION / ACTION REQUESTED:

The Police Department requests that K-9 Jinx be declared surplus property and for City Council to authorize the purchase of K-9 Jinx by Officer Terence Garrison.



RESOLUTION AUTHORIZING THE SALE OF
RETIRED K-9 JINX

WHEREAS, the City Council for the City of High Point finds that Police K-9 Jinx can no longer perform as required for his job and has received a recommendation from the High Point Police Department K-9 Supervisor that Jinx be retired; and

WHEREAS, N.C.G.S. 160A-266(d) permits the City Council to authorize the disposition of personal property that is without value; and

WHEREAS, Officer Terence Garrison has agreed to purchase retired K-9 Jinx from the City of High Point in the amount of \$1.00 and upon accepting custody of the dog will assume all liability and responsibility for the care of the animal for the remainder of its life.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of High Point authorizes the purchase of K-9 Jinx by Officer Terence Garrison for \$1.00 effective May 15, 2023.

Adopted: _____

Jay Wagner, Mayor

ATTEST

Sandra Keeney
City Clerk

**HIGH POINT CITY COUNCIL
SPECIAL MEETING
May 1, 2023 – 4:00 P.M.
Council Chambers – Municipal Building
211 S. Hamilton Street**

CALL TO ORDER, ROLL CALL

Mayor Wagner called the meeting to order at 4:02 p.m.

Present: Mayor Jay W. Wagner; Mayor Pro Tempore S. Wesley Hudson, Ward 4; Council Member Britt W. Moore, At Large Council Member; Council Member Tyrone E. Johnson At Large (arrived at 4:42 p.m.); Cyril A. Jefferson, Ward 1; Council Member Christopher Williams, Ward 2 (arrived at 4:28 p.m.); Council Member Monica Peters, Ward 3 (Arrived at 4:08 p.m.); Council Member Victor A. Jones, Ward 5; and Council Member Michael A. Holmes, Ward 6 (arrived at 4:04 p.m.)

PRESENTATION OF ITEMS

2023-203 Presentation-Proposed City of High Point FY 2023-2024 Budget

Staff will be giving a presentation regarding the Proposed City of High Point FY 2023-2024 Budget.

Tasha Logan Ford, City Manager stated the proposed fiscal year 2023-2024 budget allows the city to meet operational goals, maintain the current tax rate, and continue some capital projects associated in downtown such as parking and 300 Oak and as well as move forward with the senior center project. She noted that the pace of some projects could be impacted based on discussions with Davenport & Company, LLC, the city's financial advisor.

Council Member Holmes arrived at 4:04 p.m.

Mrs. Logan Ford explained the city has plans to close on the property associated with the construction of a new city hall in the fall of this year and noted this budget does not consider the initial debt the city would need to take on to support that project. She explained the budget includes employee pay increases and there might be some additional changes needed as the budget process progresses. She introduced Stephen Hawryluk.

Stephen Hawryluk, Budget, and Performance Manager stated the proposed fiscal year 2023-2024 is balanced in accordance with North Carolina General Statutes and an official copy has been filed with the City Clerk's Office. He noted additional copies can be found at the library and will be placed on the City's website.

Mr. Hawryluk stated there were some challenges with this budget, noting employee salaries, employee retention, as well as inflation. He stated the total budget is \$478.8 million with the general fund consisting of \$142.1 million which is the largest fund, electric is the next largest with \$135.3 million and noted that \$90 million of the electric fund is to purchase wholesale power. He provided information regarding revenues which included the following:

- *Fund Balance - Proposed Budget \$14,125,091*
- *Property Taxes - Proposed Budget \$83,146,149*
- *Sales & Use Taxes - Proposed Budget \$41,479,080*
- *Intergovernmental Revenues - Proposed Budget \$28,138,684*
- *Licenses & Permits - Proposed Budget \$6,657,675*
- *Charges for Service - Proposed Budget \$257,188,657*
- *Miscellaneous - Proposed Budget \$11,747,747*
- *Reimbursements/Transfers - \$36,054,504*

Total proposed revenues of \$178,537,587

Council Member Peters arrived at 4:08 p.m.

He explained that the tax rate will remain at 61.75 cents per \$100 of valuation, there will be no increase to electric rates, there is a proposed 4% increase in water/sewer rates, and proposed fee schedule changes in the following areas:

- *Parks and Recreation fees*
- *Customer Service fees*
- *Parking fees*
- *Solid Waste fees*
- *Stormwater fees*

He stated the City of High Point is in four counties but noted that Guilford County's valuation is about 94% of the tax base and that is projected to increase about 1.8%. He stated there is growth regarding the Sales and Use Tax and year-end projections are 10% above FY 2021-22 which is about a \$2.73 million increase and noted occupancy tax increased to \$696,000. He reviewed other revenues such as Intergovernmental revenues which included NCDOT Capital Grants, Transit Capital Grants, and Stormwater Federal Capital Grants. He reviewed Charges for Services such as water/sewer and central services as well as fund balance which includes electric and solid waste post-closure revenues.

Mr. Hawryluk then explained expenditures noting personnel service is about 33% of the total budget. Other expenditures include operating, capital outlay, debt service, reimbursements, contingency, and interfund transfers with a total expected expenditures of \$478,537,587. Personnel salary changes are \$1.37million due to the classification and compensation study of 1/3 of city positions which includes police. Other proposed salary changes are an average 3% mid-year merit pay adjustment for employees, increase employer contribution to the Local Government Employees' Retirement System, increase cost for worker's compensation and increase employer costs to city health plan (no increase for employee contributions). He noted some goals of the City are to transition from fully insured to self-insured, implement full-service employee health clinic, and the creation of a paid six-week parental leave/family caregiver policy. New positions being added to the budget include an Assistant Recreation Supervisor for Parks and Recreation, Utility Locator and a Power Line Technician for Electric. Reclassifications include

Budget and Performance to Budget and Performance Director, Information Technology to Telecommunicator, Police to Firearms and Tool Mark Examiner, Library to Library Outreach Coordinator, and Transportation to Assistant Transportation Director. The new position as well as reclassifications will cost \$453,709.

He reviewed operating cost, capital and capital overlay and provided information regarding the general fund. He explained Enterprise Funds, and the Capital Improvement Plan.

Council Member Williams arrived at 4:28 p.m.

A discussion ensued regarding city vacancies and being creative when competing with private entities for employees.

Upon conclusion, Mr. Hawryluk introduced the Budget Staff: Roslyn McNeill, Budget Analyst and Donald Scales, Budget Analyst. He provided the next steps regarding Budget Work Sessions and conducting the public hearing. Next steps include meetings on:

- *Wednesday, May 10, 2023, 3-5 pm -Budget Work Session*
- *Monday, May 15, 2023, 5:30 pm -Public Hearing at City Council meeting*
- *Thursday, May 18, 2023, 3-5 pm -Budget Work Session*
- *Wednesday, May 24, 2023, 3-5 pm -Budget Work Session (if necessary)*

2023-204

Closed Session-Attorney Client Privilege, Economic Development, and Personnel

Council is requested to go into Closed Session Pursuant to N.C. General Statute §143-318.11(a)(3) for Attorney-Client Privilege; into Closed Session Pursuant to N.C. General Statute §143-318.11(a)(4) for Economic Development; and into Closed Session Pursuant to N.C. General Statute §143-318.11(a)(6) for Personnel.

Council Member Moore made a motion, seconded by Council Member Jones, to enter to closed session Pursuant to N.C. General Statute §143-318.11(a)(3) for Attorney-Client Privilege, for Economic Development Pursuant to N.C. General Statute §143-318.11(a)(4), and into Closed Session Pursuant to N.C. General Statute §143-318.11(a)(6) for Personnel.

Motion carried with the following vote:

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

Absent: Council Member Tyrone E. Johnson

Closed Session began at 4:31 p.m.

The Special Meeting and Closed Session was recessed at 5:33 p.m. to conduct the Regular Meeting scheduled for 5:30 p.m.

At 7:35 p.m. The Special Meeting and Closed Session reconvened.

A motion was made by Council Member Jones, seconded by Council Member Williams to end Closed Session.

Closed Session ended at 7:55 p.m.

Motion carried with the following vote:

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

Mayor Wagner stated no formal action would be taken because of the Closed Session.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 7:55 p.m.

Respectfully Submitted,

Jay W. Wagner, Mayor

Attest:

Sandra Keeney
City Clerk

**RESOLUTION IN SUPPORT OF THE STATE OF NORTH CAROLINA BUILDING REUSE
GRANT FOR SELS USA LLC OF HIGH POINT EXPANSION IN HIGH POINT, NC**

WHEREAS, the State of North Carolina ("State") is considering approval of a Building Reuse Grant ("Grant") in the amount of \$100,000 for SELS USA LLC. ("Company"), which will be received by the City and passed on to the Company along with a City of High Point 5% match, upon performance; and

WHEREAS, the High Point City Council supports the State of North Carolina funding a Building Reuse Grant for the Company which is an assembler and installer of innovative, efficient, off-grid energy solutions.; and

WHEREAS, the funding will allow the company to reactivate vacant buildings located at 1710 and 1720 King St, High Point and create 13 jobs paying above the Guilford County average wages; and

WHEREAS, the State requires that a resolution of support be adopted by the High Point City Council proclaiming its support for the Company and the funding; and

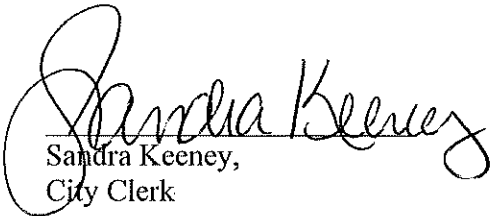
WHEREAS, the City believes that it is in the best interests of the citizens of High Point to encourage and support economic development within the City through the recruitment of new industries to the City and the expansion of existing industries in the City.

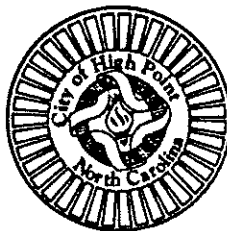
NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

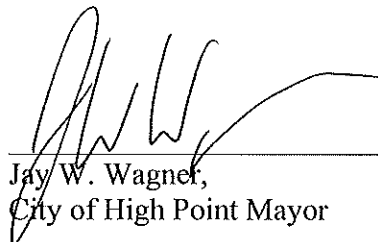
1. The High Point City Council hereby adopts this Resolution of Support for the State of North Carolina to provide a Building Reuse grant to SELS USA LLC for its expansion project in High Point, NC.
2. The Mayor and the City Clerk are hereby authorized to sign all necessary documents on behalf of the City.
3. This resolution shall become effective upon adoption.

This 15th day of May 2023.

ATTEST


Sandra Keeney,
City Clerk




Jay W. Wagner,
City of High Point Mayor

CITY OF HIGH POINT

AGENDA ITEM



Title: Public Hearing for Dive Bar
From: Sandy Dunbeck, Director
High Point Economic Development
Public hearing: Yes
Attachments: Legal Notice

Meeting Date: May 15, 2023

Advertising Date: May 4, 2023

Advertised by: HPE

PURPOSE:

The High Point City Council is asked to consider a request from Dive Bar, to authorize performance-based incentives for a retail project at 312 N. Elm St. in the amount of \$124,798 over a four-year period.

PROJECT & BACKGROUND:

The Dive Bar is a barcade concept that will include pool tables, arcade games, pinball, darts, skeeball, basketball, and more. They exist to bring North Carolina back to the days of simple fun and affordability. Their model is built to serve everyone, as they pride themselves on being family friendly before 8PM and welcome to all. They currently operate locations in Hickory and Mooresville, NC.

The company would create 19 new positions

The company anticipates new real and personal property investment of \$650,000.

The company would lease 4,794 square feet of retail space for seven years with two options to renew for 5 and then 3 years at 312 N. Elm St. across from Truist Point.

BUDGET IMPACT:

The source of those monies would be the City's Economic Development Incentive Fund, which is funded by general and electric revenues.

RECOMMENDATION / ACTION REQUESTED:

The High Point Economic Development staff recommends that City Council authorize performance-based incentives for the project in the amount of \$124,798 and authorize the City Manager to execute a performance agreement with the company containing benchmarks for the company to achieve and a schedule for the payment of such financial incentives.

Pursuant to N.C. General Statute 158-7.1, notice is hereby given that a public hearing will be held by the High Point City Council on Monday, May 15, 2023, at 5:30 p.m. in the Council Chambers, High Point Municipal Building, 211 S. Hamilton Street, High Point, NC, for the purpose of receiving public input on a funding request from a company considering locating at 312 N. Elm St. in High Point, NC. The company proposes leasing 4,794 square feet of space. High Point City Council will consider rental assistance incentives of up to \$124,798 over a four-year period for the project. The source of local funding would be the High Point Economic Development Incentive Fund, which is funded by general and electric revenues. The City would be authorized to provide this financial assistance pursuant to an incentive performance agreement containing benchmarks and a schedule for the payment of such financial assistance. For further information, please call 336-883-3116.

May 4, 2023

CITY OF HIGH POINT

AGENDA ITEM



Title: **Resolution of Intent for a Voluntary Noncontiguous Annexation**
Annexation 23-02 (*Stack Family, LLC and Ronaldo Perdu*)

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: May 15, 2023

Public Hearing: No

Advertising Date: Not applicable

Attachments: A. Resolution of Intent (AN-23-02)
B. Map of proposed annexation site

Advertised By: Not applicable

PURPOSE:

Approval of a Resolution of Intent to establish a public hearing date of June 20, 2023, to consider a voluntary non-contiguous annexation petition for approximately 30.39 acres. The site is located at the southwest corner of S. Bunker Hill Road and Boylston Road. The proposed annexation site is addressed as 8871 & 8869 Boylston Road and 721 S. Bunker Hill Road and also known as Guilford County Tax Parcel 168991, 169142 and 169021.

BACKGROUND:

Resolution of Intent for Annexation 23-02 is enclosed.

BUDGET IMPACT:

There is no budget impact associated with the adoption of this resolution.

RECOMMENDATION / ACTION REQUESTED:

Staff requests City Council set a public hearing date of Tuesday, June 20, 2023 for this request.

PUBLISH ONCE: Wednesday, May 31, 2023

**RESOLUTION TO ESTABLISH A
PUBLIC HEARING DATE FOR
VOLUNTARY NON-CONTIGUOUS ANNEXATION
(AN-23-02)**

WHEREAS, the City Council has been petitioned to annex the property of Stack Family, LLC and Ronaldo Perdu. The proposed annexation site is approximately 30.39-acres and located at the southwest corner of S. Bunker Hill Road and Boylston Road. The proposed annexation site is addressed as 8871 & 8869 Boylston Road and 721 S. Bunker Hill Road, and also known as Guilford County Tax Parcel 168991, 169142 and 169021.

WHEREAS, the City Clerk is in receipt of said petition and has determined its sufficiency in accordance with G.S. 160A-58.2;

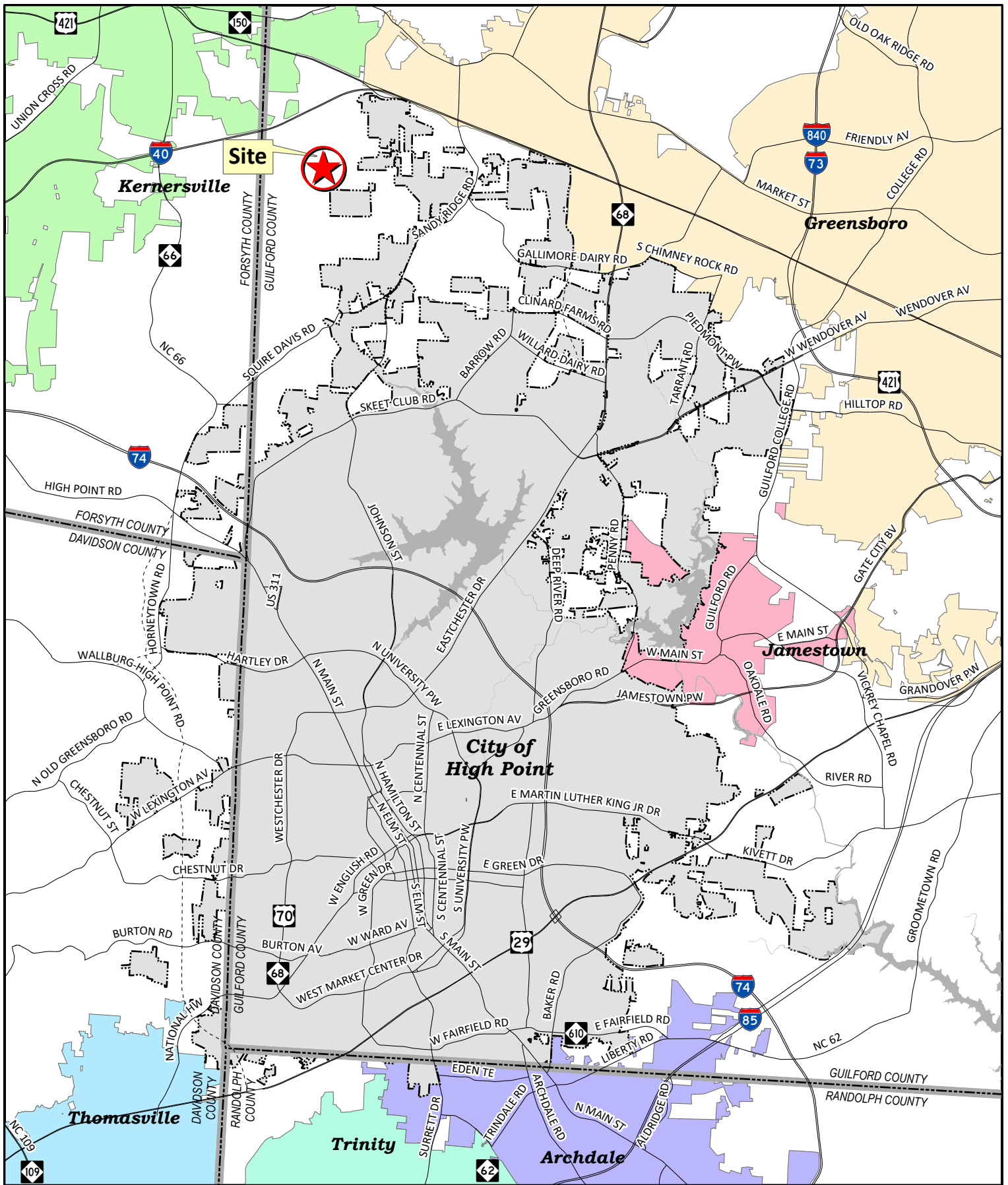
NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL establishes Tuesday, June 20, 2023, at 5:30 p.m., in the Council Chambers in the Municipal Building at 211 South Hamilton Street, High Point, North Carolina, as the date for the public hearing regarding the requested annexation.

Any interested party will be permitted to be heard at the public hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need special accommodations, please call (336) 883-3124 or 711 for the Telecommunications Relay Service.

Following the public hearing, the City Council shall have authority to adopt an ordinance annexing the territory described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately. Further information pertaining to this request is available at the Planning and Development Department in Room 316 of the Municipal Office Building, 211 South Hamilton Street, High Point, North Carolina, (336) 883-3328.

By order of the City Council,
This the 15th day of May, 2023

Sandra R. Keeney, City Clerk



ANNEXATION REQUEST: AN-23-02

S. Bunker Hill Road

Applicant: Stack Family, LLC and Ronaldo Perdu
Area: 30.39 acres (approximate)

**Planning & Development
 Department**

City of High Point

N

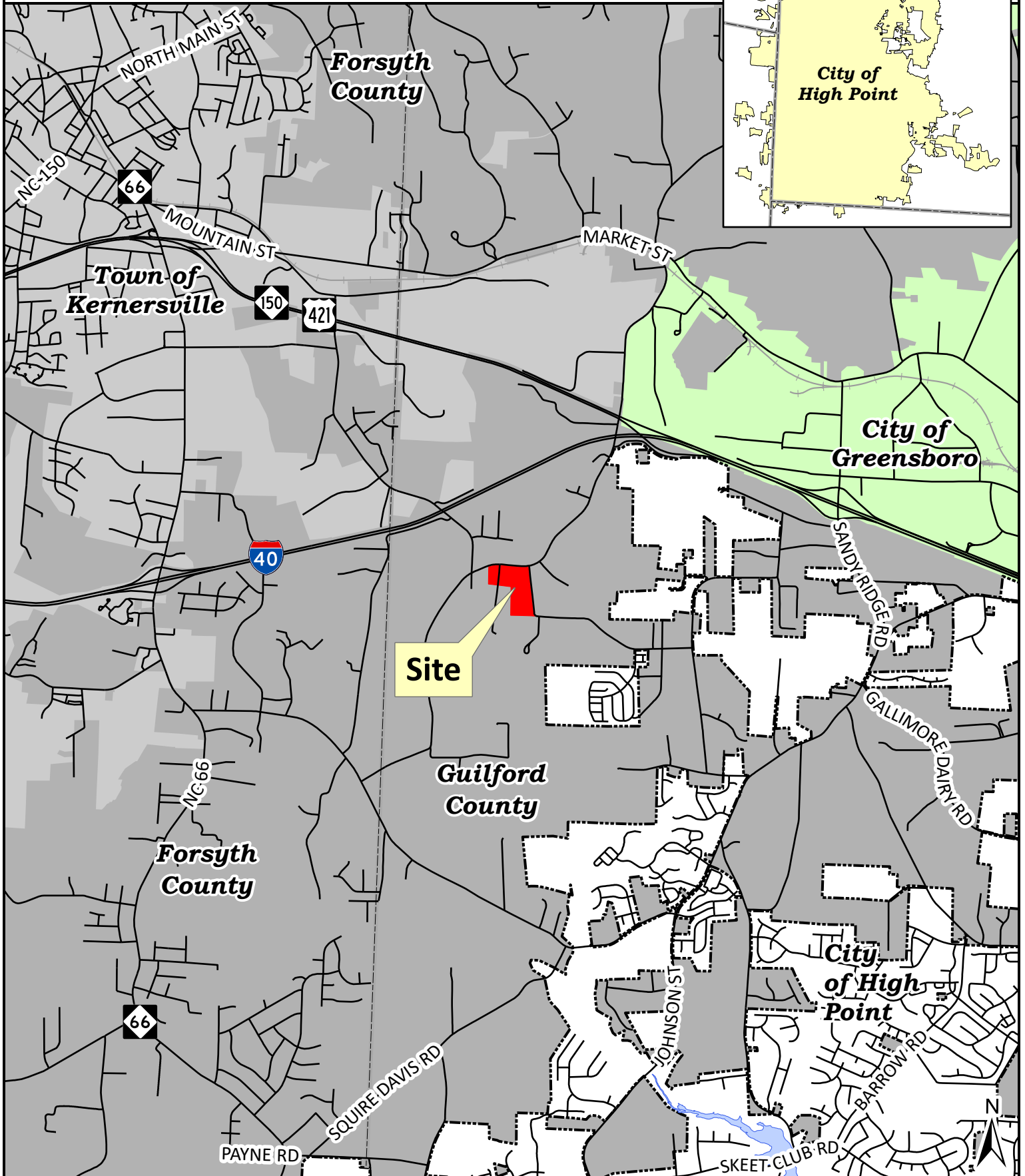


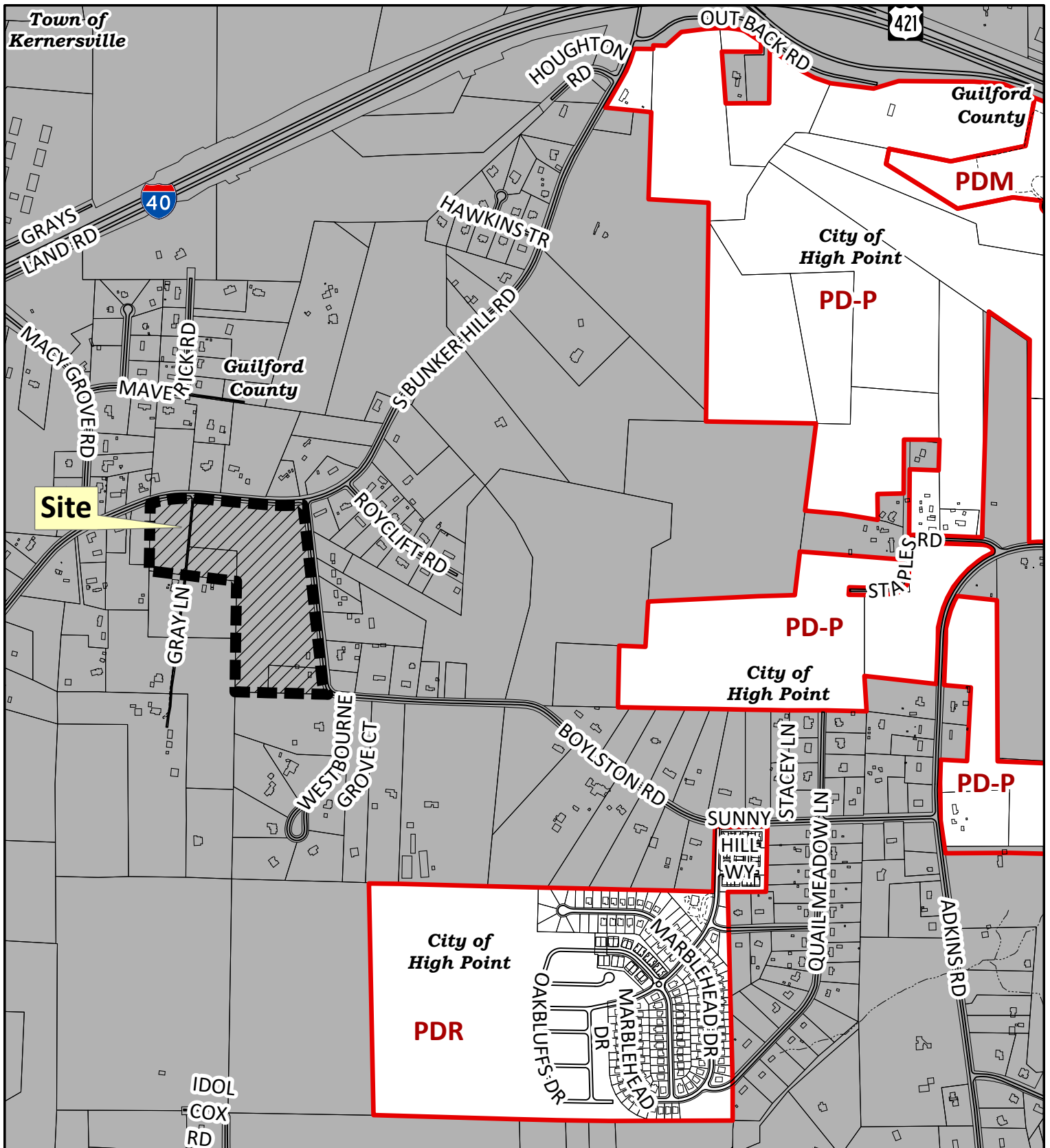
Scale: 1" = 8,500'

LOCATION MAP

ANNEXATION REQUEST: AN-23-02 - S. Bunker Hill Road

Applicant: Stack Family, LLC and Ronaldo Perdu





ANNEXATION REQUEST: AN-23-02 **S. Bunker Hill Road**

Applicant: Stack Family, LLC and Ronaldo Perdu
Area: 30.39 acres (approximate)



Planning & Development Department



Scale: 1" = 1,000'

Existing Zoning Boundary
Subject Property Boundary



CITY OF HIGH POINT

AGENDA ITEM



Title: Ultra Forensic Technology BrassTrax System- Sole Source Purchase

From: J. Travis Stroud, Chief of Police

Meeting Date: May 15, 2023

Public Hearing: N/A

**Advertising Date /
Advertised By:** N/A

Attachments: Image
Gun-Related Crime Stats
Quote (Option 2.2 noted on page 4 of 17)
Sole Source Letter

PURPOSE:

The City Council is asked to award procurement via Sole Source to Forensic Technology, Inc. for a BrassTrax System.

BACKGROUND:

The High Point Police Department is seeking to adopt technology in the form of new-and-improved tools to aid officers in solving violent gun crimes. Access to this System will also be extended to neighboring law enforcement agencies.

Since 2019, the City of High Point has experienced increased violent firearms-related crime. In 2018 and 2019, the Department was consistently one of the top agencies submitting a high volume of shell casings to the North Carolina State Crime Lab (NCSCCL) for entry into the National Integrated Ballistic Information Network (NIBIN). NIBIN links crimes quickly, generate investigative leads that would otherwise not have been detected, shares intelligence across jurisdictional boundaries, and gives prosecutors admissible evidence to corroborate witness testimony. NIBIN is the only national network that allows for the capture and comparison of ballistic evidence to aid in solving and preventing violent crimes involving firearms. However, turnaround times for the State's dispensation of evidence are extensive (weeks to months). Having the equipment directly accessible will eliminate wait times.

The Department will use the apportioned funds of the 2019 Justice Assistance Grant (JAG) Award to procure a BrassTraxHD3D Cartridge Case Acquisition Station with a triage scope. The station captures highly detailed images of fired cartridge cases, including firing pin impressions on the primer, breech face, extractor, and injector markings. A warranty for the system's 2nd year of useful life and additional training for two staff members will also be obtained to support the System.

Forensic Technology, Inc. of Largo, Florida, is the sole source vendor of BrassTrax System and the leading provider for Law Enforcement agencies in partnership with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

BUDGET IMPACT:

Funds have been identified from the 2019 JAG Federal Award of \$120,030 and General Budget Funds of \$5,017, totaling \$125,047. Funds will be requested during the FY 2024-25 budget process to sustain the annual reoccurring fees, approximated at \$50,000.

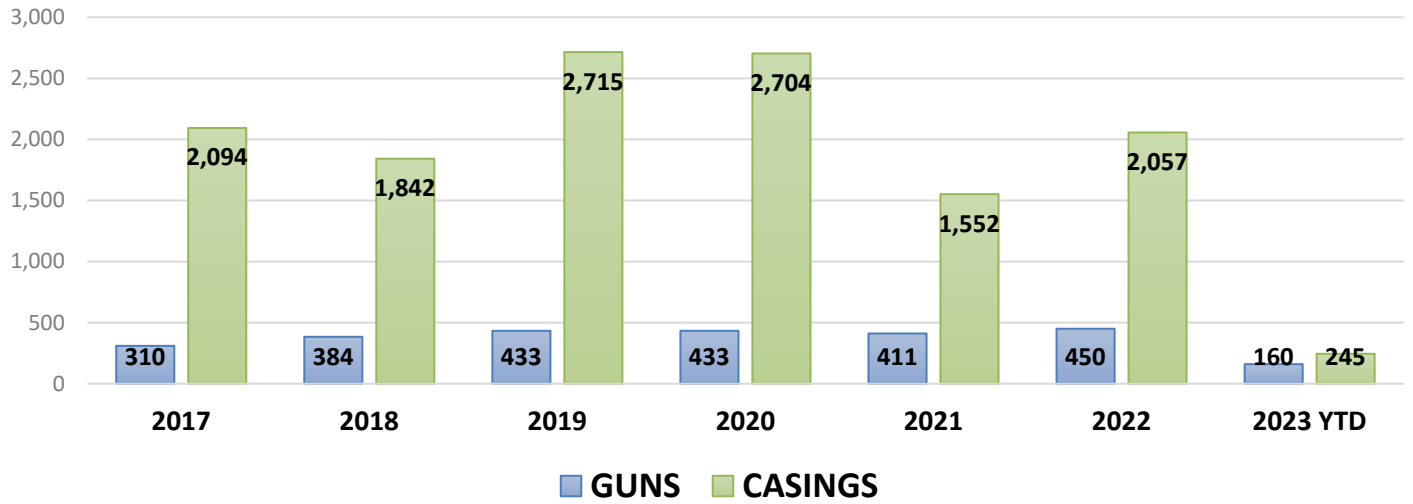
RECOMMENDATION / ACTION REQUESTED:

The Police Department requests Council approval to procure a BrassTraxHD3D Cartridge Case Acquisition Station with triage scope using the sole source bid recommendation from Forensic Technology, Inc. and authorization for the appropriate City Officials to negotiate terms and execute a contract.



HIGH POINT POLICE DEPT
GUNS & CASINGS BY YEAR: 2017-2023 YTD

2017-2022 % CHG: GUNS +45% / CASINGS -2%



Financial Services

Purchasing Division



Requisition #

**CITY OF HIGH POINT
SOLE SOURCE JUSTIFICATION FORM**
(For Items Costing \$10,000.00 or More)
Statutory Reference N.C.G.S. 143-129(e)6

Vendor:

Item(s):

Justification:

Only Forensic Technology, the exclusive manufacturer of IBIS and Quantum 3D Microscope (Q3M), can provide their proprietary products IBIS BRASSTRAX, IBIS BULLETTRAX, IBIS MATCHPOINT, IBIS Data Concentrator, IBIS Correlation Engine, and Q3M, as well as maintenance, upgrades and services, including data migration, moving and training services thereto.

Estimated expenditure for the above item(s):

Accounting Unit and Account(s):

**CHECK ALL ENTRIES BELOW THAT APPLY TO THE PROPOSED PURCHASE.
ATTACH A MEMO CONTAINING JUSTIFICATION AND SUPPORT DOCUMENTATION.**

1. ☐ Performance or price competition for a product are not available.
2. ☒ A needed product is available from only one source of supply.
3. ☐ Standardization or compatibility is the overriding consideration.
4. ☐ The parts/equipment are required from this source to permit standardization.
5. ☐ None of the above applies. A detailed explanation and justification for this sole source request is contained in attached memo and support documentation.

The undersigned requests that competitive procurement be waived and that the vendor identified as the supplier of the material or service described in this sole source justification be authorized as a sole source for the material or service.

Department Head/Authorized Personnel Digitally signed by J. Travis Stroud
Date: 2023.05.08 08:27:37 -04'00'

Department/Division Date

APPROVAL PROCESS

Purchasing Manager

Financial Services Director

City Council (\$30,000 – Up)

ULTRA

February 15, 2023

High Point Police Department
1730 Westchester Drive
High Point, North Carolina, 27262
United States

Ultra Electronics Forensic Technology Inc.

800 Hymus Blvd, 4th floor
St-Laurent, Quebec
H4S 0B5
Canada

Tel +1 514 489 4247
Fax +1 514 485 9336
Sans Frais/TollFree +1 888 984 4247
www.ultra-forensictechnology.com

Subject: Sole Source Letter

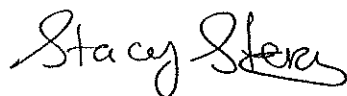
To whom it may concern:

The Integrated Ballistic Identification System (IBIS®) uses technology that encompasses several patents protected in the United States and throughout the world. As such, manufacturing and servicing these products require access to proprietary and commercially sensitive information that is only accessible to employees of **Ultra Electronics Forensic Technology Inc.** and its affiliate company **Forensic Technology Inc.** (hereinafter collectively referred to as **Forensic Technology**).

Consequently, only Forensic Technology, the exclusive manufacturer of IBIS and Quantum 3D Microscope™ (Q3M), can provide their proprietary products IBIS BRASSTRAX, IBIS BULLETTRAX, IBIS MATCHPOINT, IBIS Data Concentrator, IBIS Correlation Engine, and Q3M, as well as maintenance, upgrades and services, including data migration, moving and training services pertaining thereto.

Furthermore, IBIS, currently in use in the United States under the ATF NIBIN program, is the only technology that has undergone extensive testing and complies with the security standards needed for integration into NIBIN. Other ballistic identification technologies are not compatible with NIBIN.

Sincerely yours,



Stacy Stern
Vice President Sales and Marketing

ABOUT ULTRA ELECTRONICS FORENSIC TECHNOLOGY



Forensic Technology is a leading provider of forensic investigation and analysis tools used by law enforcement agencies around the world to keep their societies safe.

We created **IBIS®** (the Integrated Ballistic Identification System) in 1991 and are pioneers in automated ballistics identification. IBIS helps forensic experts provide detectives with timely information about guns, crimes, and suspects. It does so by suggesting possible matches between pairs of fired bullets and cartridge cases. It finds the proverbial "needle in the haystack" and it does so at speeds well beyond human capabilities. In 2011 we added forensic document examination to our portfolio of solutions through our purchase of Swiss-based Projectina AG, a manufacturer of optical and opto-electronic systems.

Forensic Technology is a customer-driven organization that partners with hundreds of public safety agencies in over 130 countries. We provide cost-effective crime-fighting solutions a solid corporate infrastructure that governments can call upon for forensic investigation and analysis.

With vast experience in scalable, sustainable, networked solutions, our engineering, forensic, and law-enforcement professionals provide worldwide 24/7-customer support and dedicated training facilities. Our products are powerful tools that can be used for independent examination. But when networked, they become powerful systems that facilitate data analysis and intelligence sharing among agencies and across jurisdictional boundaries.

In 2014, we joined Ultra Electronics, a successful international defense, security, transport, and energy company. Ultra has a long and consistent record of innovating and engineering solutions that satisfy customer requirements (www.ultra-electronics.com).

Forensic Technology helps law-enforcement agencies around the world achieve higher levels of performance in the fight against crime. We continue to innovate so the world can be a safer place.

For more information, please visit www.ultra-forensictechnology.com.

ULTRA.

Follow us    
www.ultra-forensictechnology.com

DOJ 2640.2F



INFORMATION TECHNOLOGY SECURITY

Approval Date: November 26, 2008

Approved By: LEE J. LOFTHUS
Assistant Attorney General for Administration

Distribution: BUR/H-1; OBD/H-1; SPL-23

Initiated By: Department Chief Information Officer

FOREWORD

1. **PURPOSE.** This order establishes uniform policy, responsibilities and authorities for protection of Information Technology (IT) systems that store, process or transmit Department of Justice (Department) information.
2. **SCOPE.** The provisions of this order apply to all Department Components, personnel and IT systems used to process, store or transmit Department information. They apply to contractors and other users of IT systems supporting the operations and assets of the Department, including any non-Department organizations and their representatives who are granted access to Department IT resources, such as other Federal agencies. This policy applies to IT systems processing National Security Information and unclassified information.
3. **CANCELLATION.** Department Order 2640.2E is cancelled.
4. **AUTHORITIES.** The Department Chief Information Officer (CIO) is responsible for providing policy, guidance, implementation and oversight for IT systems.
5. **REPERCUSSIONS FOR COMPONENT NON-COMPLIANCE.** The Department CIO may take appropriate action if a Component, contractor or other non-Department organization or their representatives are found to be non-compliant with Department IT security policy. The Department Chief Information Security Officer (CISO), and Department Security Officer (DSO) shall be notified in cases of such non-compliance in order to take appropriate action.

6. **REFERENCES.** References to various regulations and laws applicable to the responsibilities of IT security are located in APPENDIX 1. Future updates to referenced documents will be considered applicable to this order.
7. **DEFINITION OF TERMS.** Terms shall have the meaning defined by National Institute of Standards and Technology Interagency Reports (NISTIRs), Federal Information Processing Standards (FIPS) and Special Publications (SP). Unless otherwise stated, all terms used in NIST publications are also consistent with the definitions contained in the Committee on National Security Systems Instruction No. 4009, National Information Assurance Glossary.

/s/LEE J. LOFTHUS
Assistant Attorney General
for Administration

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CHAPTER 1. INFORMATION TECHNOLOGY SECURITY POLICY

1. Component Information Technology Security Programs.

Each Component shall establish and maintain an IT security program, in compliance with the Department's overall IT security program, to ensure the confidentiality, integrity and availability of the Component's computer systems, networks and data, in accordance with all Federal and Department policies, standards, procedures and guidance.

2. Required Use of DOJ IT Systems

DOJ information used for official business may only be processed, stored, or transmitted on IT systems meeting the requirements of this order.

This restriction does not apply to DOJ information disseminated to other Federal, State, Local or Tribal agencies, or to information released to the public or as part of a court proceeding, or to information whose release is required to accomplish a non-DOJ function (e.g., information released to a hospital so it can provide health care services to a prisoner).

3. Management Security Policy

- a. **Risk Assessment.** In accordance with DOJ IT Security Standard - Risk Assessment (RA) Control Family, Components shall periodically assess the risk to Departmental operations (including mission, function, image or reputation) and assets, individuals, other organizations, and the Nation resulting from the operation of Department IT systems and the associated processing, storage, or transmission of Department information.
- b. **Planning.** In accordance with DOJ IT Security Standard – Planning (PL) Control Family, Components shall develop, document, periodically update and implement security plans for Department IT systems that describe the security controls in place or planned for the IT systems and the rules of behavior for individuals accessing the IT systems.
- c. **System and Services Acquisition.** In accordance with DOJ IT Security Standard – System and Services Acquisition (SA) Control Family, Components shall:
 - (1) Allocate sufficient resources to adequately protect Department IT systems.
 - (2) Employ systems development life cycle processes that incorporate IT security considerations.
 - (3) Ensure new acquisitions include available Commonly Accepted Security Configurations.

- (4) Perform acquisition risk assessments, and develop and adopt effective supply chain risk mitigation for IT acquisitions.
- (5) Employ software usage and installation restrictions to ensure software installed on Component IT systems is in compliance with applicable copyright laws and licensing agreements.
- (6) Ensure third-party providers are contractually required to comply with this policy to employ adequate security measures to protect information, applications and/or services outsourced from the Department.

d. **Certification, Accreditation and Security Assessments.** In accordance with DOJ IT Security Standard – Certification, Accreditation and Security Assessments (CA) Control Family, Components shall:

- (1) Periodically assess the security controls in Component IT systems to determine if the controls are effective in their application.
- (2) Develop, monitor and implement plans of action and milestones (POA&M) designed to correct deficiencies and reduce or eliminate vulnerabilities in Component IT systems.
- (3) Authorize the operation of Component IT systems and any associated IT system interconnections prior to operational use, and notify the Component CIO.
- (4) Monitor IT system security controls on an ongoing basis to ensure the continued effectiveness of the controls.

4. **Operational Security Policy**

a. **Personnel Security.** In accordance with DOJ IT Security Standard – Personnel Security (PS) Control Family, Components shall:

- (1) Ensure individuals occupying positions of responsibility within the Component (including third-party service providers) are trustworthy and meet established security criteria for those positions.
- (2) Ensure Non-United States (U.S.) citizens are not authorized to access or assist in the development, operation, management or maintenance of Component IT systems, unless a waiver has been granted by the Component Head, with the concurrence of the Department Chief Information Officer (CIO) and Department Security Officer (DSO).
- (3) Ensure Component information and IT systems are protected during and after personnel actions such as terminations and transfers.

- (4) Employ formal sanctions for personnel failing to comply with Department security policy and procedures.
- b. **Physical and Environmental Protection.** In accordance with DOJ IT Security Standard – Physical and Environmental Protection (PE) Control Family, Components shall:
 - (1) Limit physical access to IT systems, equipment and the respective operating environments to authorized individuals and monitor and log all such accesses.
 - (2) Protect the physical plant and support infrastructure for IT systems.
 - (3) Provide supporting utilities for IT systems.
 - (4) Protect IT systems against environmental hazards.
 - (5) Provide appropriate environmental controls in facilities containing information systems.
- c. **Contingency Planning.** In accordance with DOJ IT Security Standard – Contingency Planning (CP) Control Family, Components shall establish, maintain and effectively implement plans for emergency response, backup operations and post-disaster recovery for Component IT systems to ensure the availability of critical IT resources and continuity of operations in emergency situations.
- d. **Configuration Management.** In accordance with DOJ IT Security Standard – Configuration Management (CM) Control Family, Components shall:
 - (1) Establish and maintain baseline configurations and inventories of Component IT systems (including hardware, software, firmware and documentation) throughout the respective system development life cycle.
 - (2) Establish a configuration change control process to ensure proposed changes are evaluated, tested, properly approved and documented before being put into production.
 - (3) Establish and enforce security settings consistent with the information system operational requirements and Department commonly accepted security configurations (e.g., Federal Desktop Core Configuration) and validate those controls through Department approved tools.
- e. **Maintenance.** In accordance with DOJ IT Security Standard – Maintenance (MA) Control Family, Components shall:
 - (1) Perform periodic and timely maintenance on Component IT systems.

- (2) Provide effective controls on the tools, techniques, mechanisms and personnel used to conduct on-site and remote IT system maintenance.

f. **System and Information Integrity.** In accordance with DOJ IT Security Standard – System and Information Integrity (SI) Control Family, Components shall:

- (1) Identify, report and correct information and information system flaws in a timely manner.
- (2) Provide protection from malicious code at appropriate locations within Component IT systems.
- (3) Monitor IT system security alerts and advisories and take appropriate actions in response.

g. **Media Protection.** In accordance with DOJ IT Security Standard – Media Protection (MP) Control Family, Components shall:

- (1) Protect IT system media, both paper and digital.
- (2) Encrypt sensitive and classified information transported outside of the agency's secured, physical perimeter in digital format (including information transported on removable media such as USB drives, CDs, DVDs and on portable/mobile devices such as laptop computers and/or personal digital assistants) using FIPS 140-2 validated or NSA approved encryption, as appropriate.
- (3) Limit access to information on IT system media to authorized users.
- (4) Sanitize or destroy IT system media before disposal or release for reuse.
- (5) Stipulate in contracts for equipment maintenance warranty that equipment to be removed from the Component's physically protected offices shall be sanitized before removal.

h. **Incident Response.** In accordance with DOJ IT Security Standard – Incident Response (IR) Control Family, Components shall:

- (1) Establish an operational incident handling capability for Component IT systems that includes adequate preparation, detection, analysis, containment, recovery and user response activities in coordination with the Department of Justice Computer Emergency Response Team (DOJCERT).
- (2) Track, document and report incidents to appropriate Department officials and/or authorities.

- (3) Provide Department forensics and law enforcement personnel access to media and devices required for investigation, when appropriate.
 - (4) Assist with digital forensics on electronic devices and/or associated media.
 - (5) Maintain a chain of custody to record the handling and transfer of media and devices to support investigations and forensics.
- i. **Awareness and Training.** In accordance with DOJ IT Security Standard – Awareness and Training (AT) Control Family, Components shall:
- (1) Ensure managers and users of Component and Department IT systems are aware of the security risks associated with their activities and of the applicable laws, Executive Orders, directives, policy, standards, instructions, regulations, or procedures related to the security of Component and Department IT systems and data, including digital and paper.
 - (2) Ensure Component personnel are adequately trained to carry out their assigned IT security-related duties and responsibilities.

5. Technical Security Policy

- a. **Identification and Authentication.** In accordance with DOJ IT Security Standard – Identification and Authentication (IA) Control Family, Component IT systems shall:
- (1) Identify IT system users, processes acting on behalf of users, or devices and authenticate (or verify) the identities of those users, processes, or devices, as a prerequisite to allowing access to Component IT systems.
 - (2) Allow remote access only with two-factor authentication where one factor is provided by a device separate from the computer gaining access. (See Chapter 2, paragraph 13)
- b. **Access Control.** In accordance with DOJ IT Security Standard – Access Control (AC) Control Family, Component IT systems shall:
- (1) Limit IT system access to authorized users, processes acting on behalf of authorized users, or devices (including other IT systems) and to the types of transactions and functions authorized users are permitted to exercise.
 - (2) Restrict remote access to Government or contractor owned systems. Remote access from personally owned and “public computers” is prohibited. (See Chapter 2, paragraph 13)

- (3) Prohibit automatic forwarding of email received in a Component or Department email system to or through a non-Department email system, unless the Authorizing Official grants a waiver.

c. **Audit and Accountability.** In accordance with DOJ IT Security Standard – Audit and Accountability (AU) Control Family, Component IT systems shall:

- (1) Create, protect and retain IT system audit records to the extent needed to enable security monitoring, analysis, investigation and reporting of unlawful, unauthorized or inappropriate IT system activity.
- (2) Ensure the actions of individual IT system users can be uniquely traced to those users so they can be held accountable for their actions.
- (3) Provide direct, real-time or near real-time electronic data feeds of all relevant security monitoring and auditing data (e.g., Firewall event logs, Intrusion Detection or Prevention system alerts and logs, network and desktop antivirus event logs, content scanning and filtering system logs, DHCP, DNS, etc.) to the Department Security Operations Center (SOC) systems unless the Department CIO grants a waiver based upon assessed risk, mitigating controls and operation requirements.

d. **System and Communications Protection.** In accordance with DOJ IT Security Standard – System and Communications Protection (SC) Control Family:

- (1) All connections to external networks supporting external access and/or remote access to Department or Component IT systems shall be obtained through a Trusted Internet Connection Access Provider (TICAP), unless the Department CIO grants a waiver based upon assessed risk, mitigation controls and operational requirements.
- (2) The Department shall maintain and publish a list of known malicious resources and sites. Components shall implement blocking of these resources and sites at boundary protection devices. Exceptions to allow access to resources and/or sites on this list must be approved by the Component CIO and reported to the Department's Security Operations Center.
- (3) Components shall monitor, control and protect Component communications (e.g., information transmitted or received by Component IT systems) at the external boundaries and key internal boundaries of the IT systems.
- (4) Component systems shall utilize approved cryptographic mechanisms or protected distribution systems to protect the confidentiality and integrity of information transmitted beyond the secured physical perimeter.
- (5) Remote access computers shall use an encrypted VPN to connect to Component information systems.

(6) Components shall employ architectural designs, software development techniques and systems engineering principles that promote effective IT security within Component IT systems.

(7) Components shall be prohibited from deploying systems, technologies, or services (e.g., encapsulation, tunneling, encryption) inconsistent with department security enterprise architecture requirements (e.g., Firewalls, Intrusion Detection Systems, Antivirus systems, content scanning and filtering systems), unless the Department CIO grants a waiver based upon assessed risk, mitigating controls, and operational requirements, prior to operational use.

6. National Security Systems and Sensitive Compartmented Information (SCI) IT Systems

Security policy for systems processing collateral (i.e., non-SCI) national security information is established by the Committee on National Security Systems (CNSS). Security policy for systems processing Sensitive Compartmented Information (SCI) is established by Director of National Intelligence (DNI) in Intelligence Community Directive (ICD) 503, Intelligence Community Information Technology Systems Security Risk Management, Certification and Accreditation. The Department Security Officer (DSO) is responsible for obtaining accreditation of IT systems processing SCI.

Components shall conform to DOJ Security Program Operating Manual (SPOM), ICD 503 and CNSS policies to manage the security of their National Security Systems. Components shall use NIST SP 800-59, "Guideline for Identifying an Information System as a National Security System," to identify National Security Systems.

7. Classified Laptop and Mobile Computing Devices

The Department Security Officer (DSO) and Department Chief Information Officer (CIO) shall approve, in writing, the processing of classified information on laptops and mobile computing devices. Requests for approval shall be submitted through the Chief Information Security Officer who will obtain the approvals. DOJ IT Security Standard – Classified Laptop and Standalone Computers Security Policy outlines the requirements for laptop computers that process or store classified information, including requirements for standalone computers that process or store classified information.

8. Use of DOJ IT Resources Outside US Territory.

The Department Security Officer (DSO) and Department Chief Information Officer (CIO) shall approve, in writing, the transportation or use of DOJ computers outside of US Territory. Components may approve the use of Department telephones, including BlackBerry smartphones and similar devices, outside US Territory. Components shall:

- a. Limit data taken outside US Territory to that which is needed to accomplish the purpose of the travel.
- b. Prevent remote access to DOJ IT systems from outside US Territory, with the exception of systems specifically accredited for such access and email via smartphones or personal digital assistants (PDAs).
- c. Inspect computers, smartphones, PDAs and media that have been transported outside US Territory for compromise prior to any physical connection to a Component or Department system. If the Component can not conduct such an inspection, it shall reimage the computer or sanitize the media.

9. Facsimile

- a. All classified and sensitive facsimile transmissions shall be preceded by a cover sheet containing the following information:
 - (1) The classification or sensitivity of the information.
 - (2) The name, office and voice/fax telephone numbers for the recipient(s) and sender.
 - (3) A warning banner with instructions to the recipient if the facsimile was received in error.
- b. Classified information shall be encrypted for transmission with National Security Agency (NSA)-approved encryption.

CHAPTER 2. ISSUE-SPECIFIC SECURITY POLICIES

Whereas program policy is intended to address the broad organization wide computer security program, the issue-specific policies in this chapter focus on areas of current relevance and concern to the Department.

10. Sensitive and Personally Identifiable Information (PII)

The term “personally identifiable information” refers to information that can be used to distinguish or trace individuals’ identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc. Loss or disclosure of sensitive information not only has a serious negative impact on our law enforcement and other critical functions, but also diminishes the public trust in our operations. There is inherent risk in carrying such data on mobile computers and devices. The purpose of this policy is to compensate for the lack of

physical security controls when information is removed from or accessed from outside the agency location. Components shall:

- a. Reduce the volume of collected and retained PII to the minimum necessary.
- b. Limit access to only those individuals who must have such access.
- c. Categorize sensitive PII and information systems processing such information as moderate or high impact.
- d. Not remove sensitive PII from Component controlled IT systems or facilities unless required (e.g., court filings, debt collection activities).
- e. Log all computer-readable data extracts from databases holding sensitive information and ensure each extract including sensitive data has been erased within 90 days or its use is still required. All DOJ information is considered sensitive information unless designated as non-sensitive by the Component head.
- f. Notify the DOJ Computer Emergency Readiness Team (DOJCERT) of all incidents involving known loss of sensitive data and PII as an Unauthorized Access incident (Category 1) within one hour of discovery. Loss of any data storage devices, such as laptops, flash drives, disks and tapes, should be reported as an Incident under Investigation (Category 6) within the same one hour time frame. DOJCERT will notify the US-CERT and the Department CIO.
- g. Ensure all contracts involving the processing and storage of PII comply with Department policies on remote access and security incident reporting.

11. External Information Systems

External information systems are information systems or components of information systems that are outside of the accreditation boundary established by the Component and for which the Component typically has no direct control over the application of required security controls or the assessment of security control effectiveness. External access includes interconnections between Department IT systems and non-Department IT systems, and between Component IT systems internal to the Department, where there is direct connection of two or more IT systems for the purpose of sharing data and other information resources. External access also includes connections to the Internet.

External access presents both security concerns and resource management issues. The goal of this policy is to ensure Components can effectively, efficiently and safely exchange data with other government and private sector systems, and can utilize resources available on the Internet to accomplish their missions.

Components shall:

- a. Obtain all connections to external networks that support external access and/or remote access through a Trusted Internet Connection Access Provider (TICAP), unless the Department CIO grants a waiver based upon assessed risk, mitigation controls and operational requirements.
- b. Be prohibited from deploying systems, technologies, or services (e.g., encapsulation, tunneling, encryption, etc) inconsistent with department security architecture requirements (e.g., Firewalls, Intrusion Detection or Prevention Systems, Antivirus systems, content scanning and filtering systems, etc.), unless the Department CIO grants a waiver based upon assessed risk, mitigating controls, and operational requirements, prior to operational use.

12. Protection of Mobile Computers/Devices and Removable Media

Information physically transported outside of the Department's secured physical perimeter is more vulnerable to compromise. The intent of this policy is to compensate for the protections no longer offered by the physical security controls when information is removed from the Component location.

Information on mobile computers/devices (e.g., notebook computers, personal digital assistants) and removable media shall be encrypted using FIPS 140-2 validated or NSA approved encryption mechanism, based on the classification of information processed on the device; unless the data is determined to be non-sensitive, in writing, by the Component Head or principal deputy. Mobile computers shall utilize anti-viral software and a host-based firewall mechanism. Components shall ensure all security related updates are installed on mobile computers/devices. Information should be deleted from mobile computers/devices when no longer needed.

13. Remote Access to DOJ Systems

Remote access is any access to a Component's nonpublic information system by a user (or an information system) communicating through an external, non-Department-controlled network (e.g., the Internet) using a Component controlled computer. Remote access presents additional security concerns since the Component has no direct control over the application of required security controls or the assessment of security control effectiveness of the connecting network. The goal of this policy is to ensure Components can safely utilize remote access to better accomplish their missions.

- a. Remote access systems shall be restricted to Government owned or contractor owned systems. Remote access from personally owned or "public computers" is prohibited.
 - (1) Remote computers shall employ anti-viral software, firewalls and encryption of stored data using FIPS 140-2 validated or NSA approved encryption.

- (2) Remote computers shall have all current and applicable Operating System (OS) and application security updates in place.
- (3) Components shall utilize a configuration management system for remote access computers to ensure the remote access computer has the Component approved security software in place, the OS is fully patched, antivirus software is installed and up-to-date and a personal firewall is enabled.
- (4) Remote access computers shall use two-factor authentication where one factor is provided by a device separate from the computer gaining access.
- (5) Remote access computers shall use an encrypted VPN to connect to Department information systems.
- (6) Remote access computers shall not be connected to any other network when connected to a Department IT system.
- (7) Remote access login sessions shall be restricted to a single operating system and a single network interface card when connected to a Department IT system.

14. Contractors

The Components and Department may utilize contractors to develop, operate and/or maintain IT systems on their behalf. Contractors may be granted access to Component and Department IT systems and information in order to perform work specified under the contract. Access may be from Component or Department owned computers or from contractor owned computers. Contractors may process Component and Department information on contractor owned equipment, either within or outside DOJ space. In all these situations, the contractors and their sub-contractors, their personnel and their IT systems and devices shall fall under the provisions of this order, and the contract shall identify IT security requirements.

All connections to external networks supporting access to DOJ hosted resources (e.g., Government owned web sites, applications, email systems) shall be obtained through a Trusted Internet Connection Access Provider (TICAP), unless the Department CIO grants a waiver based upon assessed risk, mitigation controls and operational requirements.

When the contract requires or allows contractor IT systems to be used, whether to access Component or Department IT systems and/or information or to process or store Component or Department information, the contract shall require the contractor IT systems be certified, accredited and operated pursuant to a valid Authority to Operate (ATO). The ATO shall be issued by a Component Authorizing Official based on this policy. If the contractor utilizes its own internal C&A process it must submit the C&A package to the Component Authorizing Official. If the Component Authorizing Official determines the C&A process

meets the Department standards, he or she may issue an ATO based on the package. Contractors using individual devices under the contract shall provide the Contracting Officer's Technical Representative (COTR) an inventory of such devices and shall operate such devices pursuant to this policy, including all incident response requirements. Contractors and contractor systems shall be subject to the same FISMA data calls as other DOJ systems.

Upon termination of contract work, all DOJ information shall be removed from contractor owned IT equipment. Certification of data removal shall be performed by the contract's project manager and a letter confirming certification shall be delivered to the Contracting Officer within 15 days of the termination of the contract.

CHAPTER 3. DETERMINING SECURITY CONTROL REQUIREMENTS

15. Applicability

The standard security control requirements in this Chapter are applicable to all DOJ IT systems. DOJ IT systems that process National Security Information (NSI) must meet any additional requirements specified by the Committee on National Security Systems (CNSS). DOJ IT systems that process Sensitive Compartmented Information (SCI) must meet any additional requirements specified by the Director of National Intelligence (DNI). If there is a conflict in requirements for systems processing NSI or SCI, the CNSS or DNI requirements shall govern. Components shall use NIST SP 800-59, "Guideline for Identifying an Information System as a National Security System," to identify National Security Systems.

16. Categorize information types and information systems

- a. Components shall categorize all Department IT systems as low-impact, moderate-impact, or high-impact, in accordance with Federal Information Processing Standards (FIPS) 199 and 200, or applicable standards for national security systems, as partially implemented in the Department-approved Cyber Security Assessment and Management (CSAM) Toolkit. This process establishes security categories for information types and information systems. The security categories are based on the potential impact on a Component should certain events occur that jeopardize the information and information systems needed by the Component to accomplish its assigned mission, protect its assets, fulfill its legal responsibilities, maintain its day-to-day functions and protect individuals. The impact value for a system shall be the highest value (i.e., high water mark) from those determined for each type of information resident on the system.
- b. The Component's risk assessment (threat and vulnerability information) and mission criticality indicators are given manual consideration regarding any required adjustments in the categorization results. Rationale for deviations from the recommended security categorizations must be documented in the System Security Plan. Designated senior-level

officials within the Component shall review and approve the security categorizations. Documented results of this approval are captured in the System Security Plan.

17. Select, tailor and supplement initial baseline security controls

- a. The Department has developed IT Security Standards based on the security control families outlined in Federal and National standards, supplemented with additional Department standards. The Department's IT Security Standards outline, in specific detail, the requirements for achieving the high-level goals within this Order. The DOJ IT Security Standards represent minimum DOJ IT security control requirements, supplement this Order and are required for use in accordance with the terms and conditions expressed in the Standards. The requirements in the Standards are implemented in CSAM.
- b. Subsequent to the security categorization process, Components shall select an appropriate set of security controls and assurance requirements for their information systems that satisfy the minimum security requirements set forth in these standards and are tailored (enhanced or limited) based on the results of a risk assessment and local conditions, including Component- or system-specific security requirements, specific threat information, cost-benefit analyses, or special circumstances.
- c. The information system authorizing official shall determine if the control set in the information system security plan is appropriate for securing the information system to an acceptable level of operational risk to the Component. Components shall document the authorizing official's approval of the initial set of tailored security controls in the System Security Plan, including the Component's rationales for any refinements or adjustments to the baseline set of controls.

18. Implement security controls

Components shall then implement the security controls in the information system in accordance with the System Security Plan. Authorizing officials are better positioned to make mission risk determinations based on the known vulnerabilities remaining in the information system after the implementation of an agreed-upon set of security controls.

19. Assess and Authorize the implemented controls

Components shall assess the security controls using appropriate methods and procedures (e.g., CSAM) to determine the extent to which the controls are implemented correctly, operating as intended and producing the desired outcome with respect to meeting the security requirements for the system. The system authorizing official shall authorize the information system operation based upon a determination of the risk to Departmental operations and assets, individuals, other organizations, and the Nation resulting from the operation of the information system and the decision that this risk is acceptable.

20. Monitor

- a. Components shall monitor the information system on a continuous basis for changes to the information system or its operational environment, the information system security plan boundaries, or other conditions (e.g., threat and risk factors), conducting security impact analyses of the associated changes, updating the information System Security Plan (and other relevant information system documentation as appropriate) and report changes to the security status of the system to appropriate officials on a regular basis.
- b. Significant changes to the system require reaccreditation by the information system's Authorizing Official. Examples of changes to an information system that should be reviewed for possible reaccreditation include:
 - (1) installation of a new or upgraded operating system, middleware component, or application;
 - (2) modifications to system ports, protocols, or services;
 - (3) installation of a new or upgraded hardware platform or firmware component; or
 - (4) modifications to cryptographic modules or services;
 - (5) additional connections to information systems outside the accreditation boundary;
 - (6) functional changes or enhancements to the system that affect its mission criticality, information types, user base, or classification of data supported by the information system.
- c. Changes in laws, directives, policies, or regulations, while not always directly related to the information system, can also potentially affect the security of the system and trigger a reaccreditation action.
- d. Reauthorization should be avoided in situations where the continuous monitoring process provides the necessary and sufficient information to authorizing officials to manage the potential risk arising from the information system changes.

CHAPTER 4. ROLES AND RESPONSIBILITIES

21. Department Chief Information Officer

Per the Clinger Cohen Act of 1996, the Chief Information Officer (CIO), who also serves as Deputy Assistant Attorney General, Information Resources Management (DAAG/IRM), advises and assists the Attorney General, the Deputy Attorney General, the Assistant Attorney General for Administration and other senior staff in order to ensure the Department

plans, acquires, manages and uses Information Technology (IT) in a manner that enhances mission accomplishment; improves work processes and reduces paperwork; provides sufficient protection for the privacy of personal information; promotes citizen-centered electronic government; and is consistent with all applicable Federal laws and directives. The Department CIO, in addition to the responsibilities outlined in Department Order 2880.1B, Information Resources Management Program, shall be responsible for:

- a. Ensuring the Department's IT security program is established and implemented in compliance with Federal laws and regulations.
- b. Issuing IT security policy, standards and guidelines to address IT security planning, management and implementation.
- c. Developing and/or managing enterprise IT control techniques and technologies while considering Department Component infrastructure and resources and developing and/or managing enterprise security management tools.
- d. Reviewing and evaluating the implementation of Department Component program and system security controls in accordance with Department's IT security policy, standards and guidelines.
- e. Developing and maintaining the Department's IT Security Program Management Plan (PMP) in accordance with Federal laws and regulations.
- f. Developing, implementing and managing a Department-wide Plan of Action and Milestone (POAM) process to correct IT security weaknesses.
- g. Requiring Components and program officials to implement Department policy, standards and guidance in the absence of an approved waiver (where applicable), or justification for the use of compensating controls, including a formal assessment and acceptance of risk.
- h. Ensuring senior agency officials provide IT security protections commensurate with the risk and magnitude of harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of:
 - (1) Information collected or maintained by or on behalf of the Department.
 - (2) IT systems used or operated by an agency, or by a contractor of an agency, or other organization on behalf of an agency.
- i. Enforcing Department IT security policy, including levying sanctions on Components for non-compliance.

- j. Developing and maintaining a central repository of information on new and emerging technologies. Coordinating and approving any evaluations of new and emerging technologies by Components.
- k. Coordinating with the Department Security Officer (DSO) on Sensitive Compartmented Information (SCI) IT systems.
- l. Ensuring all Department personnel with access to Department networks and all individuals at contractor facilities working on Department systems, information, or providing services, receive annual IT security awareness training.
- m. Ensuring IT security management processes are integrated with the Department and/or Component strategic and operational planning processes.
- n. Concurring with or disapproving waiver requests relating to non-United States (U.S.) citizens accessing or assisting in the development, operation, management, or maintenance of Department IT systems.
- o. Approving and monitoring waivers to IT security requirements (other than waivers relating to non-U.S. citizens accessing or assisting the development, operation, management, or maintenance of Department IT systems).
- p. Approving encryption technologies that are not FIPS 140-2 validated in those situations where FIPS-validated products are not available.
- q. Appointing a Chief Information Security Officer (CISO) to carry out the Department-wide IT security program as required by the Federal Information Security Management Act (FISMA).
- r. Establishing an IT Security Governance Committee (ITSGC) to be chaired by the Department CIO and consisting of the Deputy Department CIOs and selected Component CIOs. The ITSGC shall be the focal point for providing strategic direction on Department level initiatives.
- s. Establishing an IT Security Council (ITSC) with supporting project teams composed of lead-Component IT security personnel.
- t. Reporting to the Attorney General and Office of Management and Budget (OMB) on the status of the Department's IT Security Program.

22. Chief Information Security Officer

The Chief Information Security Officer (CISO) chairs the Department's ITSC and serves as the principal security leader for the Department to implement the requirements of FISMA. The CISO also serves as the Department CIO's liaison to Federal agencies for all matters

relating implementation of IT security and the Department's IT Security Program. The Department CISO shall be responsible for:

- a. Developing standards and guidelines for conducting risk assessments to assess risk and determine needs.
- b. Implementing Department-wide policy and procedures for related controls to cost-effectively reduce risks to an acceptable level.
- c. Monitoring, evaluating and periodically testing IT security controls and techniques to ensure they are effectively implemented.
- d. Developing and maintaining a Department-wide IT security program.
- e. Providing leadership for the ITSC to execute Department-wide management and implementation of the Department's IT security program.
- f. Identifying and developing common security controls and managing the implementation and assessment of common security controls.
- g. Ensuring and promoting a comprehensive IT security training program for both privileged and general users.
- h. Assessing waiver requests for Department's IT Security Standards on behalf of the Department Chief Information Officer (CIO).
- i. Preparing the annual and quarterly Federal Information Security Management Act (FISMA) reports for the Department CIO.
- j. Ensuring compliance with monthly reporting on the effectiveness of Component IT security programs, including progress of remedial actions.
- k. Identifying IT security management and reporting tools through the IT Security Council (ITSC) for use throughout the Department.
- l. Assisting senior Department Component IT security officials in their responsibilities through the ITSC.

23. Department Security Officer

The Department Security Officer (DSO) conducts security compliance reviews to assess the overall effectiveness of security program implementation across the Department, including IT security. The DSO ensures all IT security reviews that require system testing are coordinated with the Department CIO and all IT security-related findings are reported to the Department CIO. The DSO shall be responsible for:

- a. Providing advice to the Department CIO on security program areas affecting IT.
- b. Providing advice and recommendations to the Department CIO on waiver requests.
- c. Concurring with or disapproving requests for waivers relating to non-United States (U.S.) citizens accessing or assisting in the development, operation, management, or maintenance of Department IT systems.
- d. Ensuring the development and implementation of Department-wide policy and procedures to govern: TEMPEST; Technical Surveillance Countermeasures (TSCM); Personnel Security; Physical and Environmental Security; Storage and Marking; Media Disposal; Media Reuse; Communications Security (COMSEC) materials; facsimile security; copier security; and those aspects of the DSO's responsibilities for Personnel Security; Document Security; Physical Security; COMSEC; and Emergency Planning described in Department Order 2600.2C.

24. Component Heads or Their Designee(s)

The Component Head or his/her designee(s) shall establish and maintain a Component-wide IT security program to secure the Component's IT systems, networks and data in accordance with Department policy, procedures and guidance. The Component Head or designee(s) work with the Department Chief Information Security Officer (CISO) through the IT Security Governance Committee and IT Security Council to carry out the following responsibilities at the Component level:

- a. Implementing Department policy, standards and guidelines.
- b. Implementing the Department's IT Security Program Management Plan at Component and system level, and reporting results in accordance with Office of the CIO (OCIO) guidelines.
- c. Ensuring the completion of monitoring, testing and evaluation of the effectiveness of IT security policy, procedures, practices and security controls to be performed with a frequency depending on risk, as directed by ITSS.
- d. Ensuring the completion of periodic assessments of risk, including the magnitude of harm that could result from unauthorized access, use, disclosure, disruption, modification, or destruction of information and IT systems that support the operations and assets of the Department.
- e. Developing, implementing, managing and prioritizing corrective plans of actions and milestones to correct known weaknesses in IT security using the department-wide POAM process.

- f. Reporting quarterly in accordance with guidance issued by Justice Management Division (JMD) or the Department CIO, on the status of their IT security programs to the Department CIO and CISO.
- g. Integrating security in the Capital Planning Investment Control (CPIC) process.
- h. Assigning roles and responsibilities within the Component (e.g., Component ITSC member, Component CIO, Authorizing Official, Certification Agent, Information System Owner, Information Owner, User Representative, Information System Security Officer).
- i. Coordinating with the OCIO any evaluations of new technologies that could impact Department or enterprise services.
- j. Participating with other Components and the OCIO in evaluating and selecting IT security tools for use within the Department and obtaining Department CIO approval for non-enterprise IT security solutions.
- k. Establishing procedures to ensure software installed on Component IT systems is in compliance with applicable copyright laws and is incorporated into the IT system's life cycle management process.
- l. Approving, with the concurrence of the Department CIO and Department Security Officer (DSO), waivers relating to non-United States (U.S.) citizens accessing or assisting in the development, operation, management, or maintenance of Department IT systems, and monitoring those waivers.
- m. Ensuring all Component personnel with access to Department networks and all individuals at contractor facilities working on Department systems, information, or providing services, receive annual IT security awareness training.

CHAPTER 5. AGENCY-WIDE PROGRAM IMPLEMENTATION

25. Core Program

- a. The Department shall develop and manage an agency-wide IT Security Program, executed through the Department's IT Security Program Management Plan (PMP), consistent with the laws and regulations affecting IT security. The Department's IT security management approach shall employ a collaborative and coordinated effort to maximize available resources and protect Department IT systems and operations.
- b. The Department Chief Information Officer (CIO) shall establish security governance through the use of appropriate committees to provide a systematic forum to assist in the accomplishment of established Department IT security objectives.

26. IT Security Management Strategy

The IT security management strategy used by the Department shall be based on the risk management concepts found in Office of Management and Budget (OMB) Circular A-130, Appendix III, "Security of Federal Automated Information Systems," the Federal Information Security Management Act (FISMA), and other Federal guidance. The risk management principles in the proceeding sections provide the framework for the Department's IT security management strategy. An important factor in effectively implementing these principles is linking them in a cycle that ensures IT security policy addresses current risks on an ongoing basis.

a. Central Focal Point

The Information Technology Security Staff (ITSS) shall serve as the central focal point for IT security in the Department. The ITSS shall provide Department-wide management and implementation of the Department IT security program. The ITSS and the Components shall provide a collaborative team to manage the accomplishment of priorities for achieving business objectives and complying with FISMA; Homeland Security Presidential Directives; Presidential Decision Directives/ Presidential Directives; Executive Orders; Office of Management and Budget (OMB); National Institute of Standards and Technology (NIST); Committee on National Security Systems (CNSS); Director of National Intelligence (DNI) Directives; and Department IT security requirements.

b. Follow a Department-wide common Security Strategy

The Department shall follow a common Security Strategy that defines the common security goals for all Components. These goals shall outline the Department's security posture both internally and externally while taking into account the respective business needs and missions of each Component. The Department's common Security Strategy will be strengthened by the adoption of a common IT Security Architecture developed to ensure information systems remain secure throughout their entire lifecycle. The security needs and requirements shall be identified early on in the process and be funded appropriately.

c. New and emerging technologies

Information technology is a dynamic field with new and emerging technologies constantly being identified that could assist the Department to better accomplish its constantly evolving mission. The OCIO shall provide a central repository of information on these technologies. Components shall coordinate with this office prior to undertaking any evaluation of new or emerging technologies. This office shall maintain all evaluations and make them available to Components to leverage work already performed and to avoid duplication of effort.

d. Implement Policy and Procedures

- (1) The Department's IT Security policy shall clearly address the Department's IT security needs and serve as the foundation for the Department's IT security program. Policy shall represent the primary mechanism for senior management to communicate its IT security requirements to the Components. Policy shall be adjusted (as required) and shall be related to the risk of the Department or Components not being able to perform their functions.
- (2) The Department's IT Security Standards shall provide detailed procedures for implementing Department policy and shall be practical to implement. The IT Security Standards shall outline specific requirements for accomplishing the Department's security goals. The Department's IT Security Standards are divided into the following three general security control classes: (i) Management; (ii) Operational; and (iii) Technical.

e. Promote Awareness

All users of Department IT systems shall be continually educated on risks and related policy as they are more likely to support and comply with the policy if they understand the purpose behind the policy and their associated responsibilities.

f. Manage Risk and Determine Needs

- (1) Senior management views IT security as an "enabler." Based on a thorough examination of the risks, Department and Component Senior management shall assume risks and take responsibility for the operation of systems based on risks identified in assessments balanced by the impact the IT system has on Department operations. Additionally, the risk management process shall be continually evaluated to ensure it addresses the current threats to Department IT systems.
- (2) The Department's risk management methodology shall present a formal, structured approach for developing risk assessments for IT systems that are part of a major application or general support system. This methodology shall provide a uniform standard for evaluating IT security risks to IT systems operating within the Department. The primary focus of this methodology shall be on the IT system's mission, not IT assets. Since risk management is an essential management function, Department IT system owners and IT security managers shall use this methodology when assessing risks and prioritizing resources for certifying and accrediting Department IT systems.

g. Monitor and Evaluate

The Department's IT security program shall include continually monitoring and assessing IT security policy and IT security controls to ensure they remain appropriate and effective. Monitoring control effectiveness and compliance with policy shall be

incorporated within the cycle of managing the Department's IT security program, and shall be performed through the use of automated software tools when possible.

APPENDIX 1. REFERENCES

The following references are applicable to the Department IT security policy. Unless otherwise stated, all references to publications (e.g., NIST Federal Information Processing Standards, NIST Special Publications) are to the most recent version of the referenced publication.

1. Congressional Mandates

- a. Clinger Cohen Act of 1996, (Pub. L. 104-106, 110 Stat. 186); and (Pub. L. 104-208, 110 Stat. 3009).
- b. Computer Fraud and Abuse Act of 1986, 18 U.S.C. § 1030.
- c. Computer Security Act of 1987, 15 U.S.C. § 272, 278h, 278g-3, 278g-4.
- d. Electronic Communications Privacy Act of 1986, 18 U.S.C. § 2511.
- e. E-Government Act of 2002, PL 107-347, 44 U.S.C. Ch 35.
- f. Federal Information Security Management Act of 2002 (FISMA), Pub. L. 107-347, 116 Stat. 2899.
- g. Federal Managers Financial Integrity Act of 1982 (FMFIA), Pub. L. 97-255, 96 Stat. 814.
- h. Freedom of Information Act (FOIA), 5 U.S.C. § 552.
- i. Paperwork Reduction Act of 1995 (PRA), Pub. L. 104-13, 109 Stat. 163; 44 U.S.C. 3501-3520.
- j. Privacy Act of 1974, 5 U.S.C. § 552a.

2. Federal/Departmental Regulations/Guidance

- a. 28 C.F.R. 45.4, Personal Use of Government Property.
- b. 36 C.F.R. 1194, Electronic and Information Technology Accessibility Standards (65 FR 80500).
- c. 41 C.F.R. 101-35, Telecommunications Management Policy.
- d. Committee on National Security Systems Instruction (CNSSI) No. 7000, TEMPEST Countermeasures for Facilities.
- e. CNSS Policy (CNSSP) No. 6, National Policy on Certification and Accreditation of National Security Telecommunications and Information Systems
- f. CNSSI No. 4009 National Information Assurance Glossary.
- g. CNSSI No. 4016, National Information Assurance Training Standard For Risk Analysts
- h. CNSS NSS Instruction 1199, Security Categorization for National Security Systems and Information (ODNI/CIO Draft).
- i. CNSS NSS Instruction 1218 (ODNI/CIO Draft), Guide for Developing Security Plans for National Security Information Systems.
- j. CNSS NSS Instruction 1230 (ODNI/CIO Draft), Risk Management Guide for National Security Information Technology Systems, provides guidance on the assessment and mitigation of risk as part of an overall risk management process.
- k. CNSS NSS Instruction 1237 (Draft), Guide for the Security Certification and Accreditation of National Security Information Systems, provides guidance on the security authorization of NSSs.

- l. CNSS NSS Instruction No. 1253 (ODNI/CIO Draft), Security Control Catalog for National 9 Security Systems.
- m. CNSS NSS Instruction 1253A (Draft), Guide for Assessing the Security Controls in National Security Information Systems, provides guidance for determining the effectiveness of security controls.
- n. CNSS NSS Instruction 1260 (Draft), Security Categorization of National Security Information and Information Systems.
- o. DCID 6/5, Policy for Protection of Certain Non-SCI Sources and Methods Information (SAMI).
- p. DCID 6/9, Manual for Physical Security Standards for Sensitive Compartmented Information Facilities (SCIFs).
- q. Department of Justice (DOJ) Order 2600.2C, Security Programs and Responsibilities.
- r. DOJ Security Program Operating Manual (SPOM).
- s. DOJ Order 2610.2A, Employment Security Regulations. Government Paperwork Elimination Act, 44 USC 3504.
- t. DOJ Order 2880.1B, Information Resources Management.
- u. DOJ Order 2740.1, Use and Monitoring of DOJ Computers and Computer Systems.
- v. Federal Information Processing Standard (FIPS) Publication 140-2, Security Requirements for Cryptographic Modules.
- w. FIPS Publication 199, Standards for Security Categorization of Federal Information Systems.
- x. FIPS Publication 200, Minimum Security Requirements for Federal Information and Information Systems.
- y. FIPS Publication 201-1, Personal Identity Verification (PIV) of Federal Employees and Contractors.
- z. Federal Continuity Directive 1 (FCD 1), Federal Executive Branch National Continuity Program and Requirements.
- aa. Intelligence Community Directive Number 503, Intelligence Community Information Technology Systems Security, Risk Management, Certification and Accreditation.
- bb. National Institute of Standards and Technology (NIST) Special Publication (SP) 800-12, An Introduction to Computer Security: The NIST Handbook.
- cc. NIST SP 800-14, Generally Accepted Principles and Practices for Security Information Technology Systems.
- dd. NIST SP 800-16, Information Technology Security Training Requirements.
- ee. NIST SP 800-18, Guide for Developing Security Plans for Information Technology Systems
- ff. NIST SP 800-27, Engineering Principles for Information Technology Security.
- gg. NIST SP 800-28, Guidelines on Active Content and Mobile Code.
- hh. NIST SP 800-30, Risk Management Guide for Information Technology Systems.
- ii. NIST SP 800-34, Contingency Planning Guide for Information Technology Systems.
- jj. NIST SP 800-35, Guide to Information Technology Security Services.
- kk. NIST SP 800-36, Guide to Selecting Information Technology Security Products.
- ll. NIST SP 800-37, Guide for the Security Certification and Accreditation for Federal Information Systems.
- mm. NIST SP 800-39, Managing Risk from Information Systems.

- nn. NIST SP 800-40, Creating a Patch and Vulnerability Management Program.
- oo. NIST SP 800-41, Guidelines on Firewalls and Firewall Policy.
- pp. NIST SP 800-44, Guidelines on Securing Public Web Servers.
- qq. NIST SP 800-45, Guidelines on Electronic Mail Security
- rr. NIST SP 800-46, Security for Telecommuting and Broadband Communications.
- ss. NIST SP 800-47, Security Guide for Interconnecting Information Technology Systems.
- tt. NIST SP 800-48, Guide to Securing Legacy IEEE 802.11 Wireless Networks.
- uu. NIST SP 800-50, Building an Information Technology Security Awareness and Training Program.
- vv. NIST SP 800-52, Guidelines for the Selection and Use of Transport Layer Security (TLS) Implementations.
- ww. NIST SP 800-53, Recommended Security Controls for Information Systems.
- xx. NIST SP 800-53A, Guide for Assessing the Security Controls in Federal Information Systems.
- yy. NIST SP 800-54, Border Gateway Protocol Security.
- zz. NIST SP 800-55, Security Metrics Guide for Information Technology Systems.
- aaa. NIST SP 800-59, Guideline for Identifying an Information System as a National Security System.
- bbb. NIST SP 800-60 (Vol. I and II), Guide for Mapping Type of Information and Information Systems to Security Categories.
- ccc. NIST SP 800-61, Computer Security Incident Handling Guide
- ddd. NIST SP 800-63, Electronic Authentication Guideline.
- eee. NIST SP 800-64, Security Considerations in the Information System Development Life Cycle.
- fff. NIST SP 800-68, Guidance for Securing Microsoft Windows XP Systems for IT Professionals: A NIST Security Configuration Checklist.
- ggg. NIST SP 800-70, Security Configuration Checklists Program for IT Products – Guidance for Checklists Users and Developers.
- hhh. NIST SP 800-76, Biometric Data Specification for Personal Identity Verification.
- iii. NIST SP 800-77, Guide to IPsec VPNs.
- jjj. NIST SP 800-81, Secure Domain Name System (DNS) Deployment Guide.
- kkk. NIST SP 800-83, Guide to Malware Incident Prevention and Handling.
- lll. NIST SP 800-84, Guide to Test, Training, and Exercise Programs for IT Plans and Capabilities.
- mmm. NIST SP 800-88, Guidelines for Media Sanitization.
- nnn. NIST SP 800-92, Guide to Computer Security Log Management.
- ooo. NIST SP 800-94, Guide to Intrusion Detection and Prevention Systems (IDPS).
- ppp. NIST SP 800-95, Guide to Secure Web Services.
- qqq. NIST SP 800-97, Establishing Wireless Robust Security Networks: A Guide to IEEE 802.11i.
- rrr. NIST SP 800-100, Information Security Handbook: A Guide for Managers.
- sss. NIST SP 800-111, Guide to Storage Encryption Technologies for End User Devices.
- ttt. NIST SP 800-113, Guide to SSL VPNs.
- uuu. NIST SP 800-114, User's Guide to Security External Devices for Telework and Remote Access.

- vvv. NIST SP 800-115, Technical Guide to Information Security Testing and Assessment.
- www. NIST SP 800-121, Guide to Bluetooth Security.
- xxx. NIST SP 800-123, Guide to General Server Security.
- yyy. NIST SP 800-124, Guidelines on Cell Phone and PDA Security.
- zzz. National Security Agency (NSA)/ Central Security Service (CSS) Policy 9-12, NSA/CSS Storage Device Declassification.
- aaaa. National Security Telecommunications and Information Systems Security Instruction (NSTISSI) 1000, National Information Assurance C&A Process (NIACAP).
- bbbb. National Security Telecommunications and Information Systems Security Policy (NSTISSP) No. 11, National Policy Governing the Acquisition of Information Assurance (IA) and IA-Enabled Information Technology (IT) Products.
- cccc. National Security Telecommunications and Information Systems Security Advisory Memorandum (NSTISSAM) TEMPEST/2-95, RED/BLACK Installation Guidance.

3. Presidential and Office of Management and Budget Guidance

- a. Executive Order 12958, Classified National Security Information, as amended.
- b. EO 12968, Access to Classified Information.
- c. EO 13231, Critical Infrastructure Protection in the Information Age.
- d. EO 13388, Further Strengthening the Sharing of Terrorism Information to Protect Americans.
- e. General Accounting Office (GAO) Federal Information System Control Audit Manual (FISCAM).
- f. International Standard 15408, Common Criteria for Information Technology Security Evaluation.
- g. Homeland Security Presidential Directive (HSPD) 7, Critical Infrastructure Identification, Prioritization, and Protection,
- h. HSPD-12, Policy for a Common Identification Standard for Federal Employees and Contractors.
- i. Memorandum for The Heads of Executive Departments and Agencies, Designation and Sharing of Controlled Unclassified Information (CUI).
- j. National Security Directive 42, National Policy for the Security of National Security and Telecommunications and Information Systems.
- k. National Security Presidential Directive (NSPD 51) / Homeland Security Presidential Directive (HSPD-20), National Continuity Policy.
- l. Office of Management and Budget (OMB) Circular A-127, Financial Management Systems.
- m. OMB Circular A-130, Management of Federal Information Resources (with Appendices and periodic revisions).
- n. OMB Memorandum 99-18, Privacy Policy on Federal Web Sites.
- o. OMB Memorandum 00-13, Privacy Policies and Data Collection on Federal Web Sites.
- p. OMB Memorandum 01-05, Guidance on Inter-Agency Sharing of Personal Data - Protecting Personal Privacy.
- q. OMB Memorandum 04-04, E-Authentication Guidance for Federal Agencies.
- r. OMB Memorandum 04-26, Personal Use Policies and "File Sharing" Technology.

- s. OMB Memorandum 05-02, Financial Management Systems.
- t. OMB Memorandum 06-15, Safeguarding Personally Identifiable Information.
- u. OMB Memorandum 06-16, Protection of Sensitive Agency Information.
- v. OMB Memorandum 06-19, Reporting Incidents Involving Personally Identifiable Information and Incorporating the Cost for Security in Agency Information Technology Investments.
- w. OMB Memorandum 07-11, Implementation of Commonly Accepted Security Configurations for Windows Operating Systems.
- x. OMB Memorandum 07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information.
- y. OMB Memorandum 07-18, Ensuring New Acquisitions Include Common Security Configurations.
- z. OMB Memorandum 07-24, Updated Principles for Risk Analysis.
- aa. OMB Memorandum 08-05, Implementation of Trusted Internet Connections (TIC).
- bb. OMB Memorandum 08-16, Guidance for Trusted Internet Connection Statement of Capability Form (SOC).
- cc. OMB Memorandum 08-22, Guidance on the Federal Desktop Core Configuration (FDCC).
- dd. OMB Memorandum 08-23, Securing the Federal Government's Domain Name System Infrastructure.
- ee. OMB Memorandum 08-27, Guidance for Trusted Internet Connection (TIC) Compliance.
- ff. OMB Memorandum 09-02, Information Technology Management Structure and Governance Framework.



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- 8.3 **TITLES AND SUBTITLES.** The titles and subtitles used in this Agreement are used for convenience only and do not constitute a part of this Agreement.
- 8.4 **SEVERABILITY.** If any provision of this Agreement is held to be illegal or unenforceable, that provision shall be limited or eliminated to the minimum extent necessary so that this Agreement shall otherwise remain in full force and effect and enforceable.
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- 8.6 **ENTIRE AGREEMENT.** This Agreement, together with any additional conditions in the contract under which the Products were procured, is the sole agreement between you and Ultra Electronics Forensic Technology Inc. with respect to the subject matter hereof. This Agreement supersedes all prior agreements or discussions between you and Ultra Electronics Forensic Technology Inc. with respect to the Software.
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**RESOLUTION OF THE HIGH POINT CITY COUNCIL
APPROVING CONVEYANCE
OF REAL PROPERTY
TO A NONPROFIT CORPORATION**

WHEREAS, the City of High Point owns a tract of land recorded in Plat Book 202, Pages 148-149, recorded in the Guilford County Register of deeds, which contains the following property: 506 Rolling Green Drive, High Point, NC (“Property”); and

WHEREAS, North Carolina General Statute § 160A-457 authorizes a city’s acquisition and disposition of property for redevelopment as part of a community development program, or independently thereof, and without the necessity of compliance with the Urban Redevelopment Law; and

WHEREAS, North Carolina General Statute § 160A-20.1 authorizes a city to appropriate money to private organizations to carry out any public purpose that a city is authorized by law to engage in; and

WHEREAS, North Carolina General Statute § 160A-279 authorizes a city to convey real property by private sale to a nonprofit corporation which carries out a public purpose, in lieu of or in addition to the appropriation of funds; and

WHEREAS, the City of High Point has executed a contract with Community Housing Solutions of Guilford, Inc. to construct affordable housing in the City of High Point by conveying the above-described Property to Community Housing Solutions of Guilford, Inc.

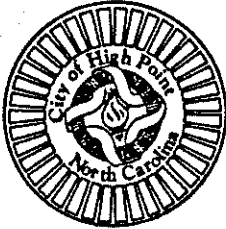
THEREFORE, THE CITY COUNCIL FOR THE CITY OF HIGH POINT RESOLVES THAT:

1. The Mayor of the City of High Point is authorized to execute all documents necessary to convey title to the Property located at 506 Rolling Green Drive in the City of High Point, and more particularly described in Plat Book 202, Pages 148-149 of the Guilford County Registry.

2. The consideration of the conveyance is Community Housing Solutions of Guilford, Inc.’s agreement to use this property only for the “public” purpose of furthering the mission of the City of High Point in providing owner-occupied housing. If for any reason the property ceases to be used for a “public” purpose, the property shall revert to the City of High Point. A statement to this effect shall be placed in the deed of conveyance.

3. The City Clerk shall publish a notice summarizing the contents of this resolution and the conveyance of the property may be consummated at any time after 10 days of publication of the notice.

ADOPTED this the 15th day of May 2023.



CITY OF HIGH POINT

By: _____

Jay W. Wagner, Mayor

Attested to:

Sandra R. Keeney, City Clerk

CITY OF HIGH POINT

AGENDA ITEM



Title: Zoning Map Amendment 23-08
Diversified Estate Holdings, LLC

From: Sushil Nepal, AICP
Planning & Development Director

Meeting Date: May 15, 2023

Public Hearing: Yes

Advertising Date: May 3, 2023, and May 10, 2023

Attachments: A. Staff Report
B. Zoning Ordinance

Advertised By:
Planning & Development

PURPOSE:

A request by Diversified Estate Holdings, LLC to rezone approximately 9.6 acres from a Conditional Use Agricultural (CU-AGR) District to a Conditional Zoning Residential Multifamily - 16 (CZ RM-16) District. The site is located west of the intersection of Penny Road and East Fork Road (*1711 and 1701 Penny Road*).

BACKGROUND:

The Planning and Zoning Commission reviewed this request at their March 28, 2023 public hearings. Mr. Herbert Shannon, Senior Planner, presented the case. Staff **recommended denial** of the request due to concerns as to the lack of compatibility with adopted land use policy and intensity of development next to less intensive residential uses. The Planning and Zoning Commission continued this request to their April 25, 2023 public hearing so that the applicant could address the list of concerns outlined in the staff report, including.

- Compatibility and development intensity next to lower intensity uses.
- Submittal of a binding Conditional Zoning Plan that would lock in the intensity of development.
- Access and transportation related improvements.
- Perimeter buffering/landscaping standards

At the April 25, 2023 public hearing, the applicant proposed additional landscaping and fencing conditions for the Commissions consideration. As these conditions did not address key issues outlined in the staff report, primarily development intensity and vehicular access, staff maintained its **recommendation of denial**.

Speaking in favor of the request:

The applicant's representative, Ms. Judy Stalder, 3735 Admiral Drive, High Point, and the applicant, Mr. Scott Wallace, 3708 Alliance Drive, Greensboro, with Keystone Group, Inc./Diversified Estate Holdings, LLC, spoke in favor of the request. The speakers outlined their proposal to develop this site for a multifamily project with approximately 145 dwelling units. Ms. Stalder provided a handout to commissioners detailing the obstacles that the developer is trying to overcome to develop multifamily housing units on the site and some proposed changes to their Conditional Zoning Ordinance. She also highlighted the high demand for new apartments/housing. In conclusion, she noted that this particular site is limited to two areas where vertical development is possible (northeastern and southwestern portion of the site) and they are working with the owner of that adjacent property, Benjamin Briggs, to mitigate his concerns about development.

Speaking in opposition to the request:

The following people spoke in opposition to the request:

- Mr. Arthur Patterson & Ms. Lisa Walker, 3973 Sorrell Court, High Point
- Mr. Wayne Matlosz, 2917 Eagle Pointe Drive, High Point
- Ms. Diana Engel, 3971 Sorrell Court, High Point
- Ms. Janice Doherty, 3971 Cobblestone Bend Drive, High Point
- Mr. Benjamin Briggs, 1753 Penny Road, High Point
- Ms. Wanda McCorquodale, 3616 Rock Meadow Circle, High Point
- Mr. B.J. Fortson, 3618 Rock Meadow Circle, High Point

These speakers expressed the following concerns:

- Development intensity/density: The proposed multifamily development, at 16 units per acre, is inconsistent with the low-to-medium-density development around the site. They argued that a 145-unit multifamily development, with 4-story buildings towering over abutting single story residential dwelling, is not compatible with abutting lands.
- Traffic: This proposed multifamily development, in conjunction with previously approved multifamily development under construction to the north, will increase traffic in an area where traffic is already a problem, and the existing roads are not built to handle it.
- Stormwater Control & Flooding: The zoning site topography is higher than the residential development to the south. Concern development will cause flooding problems for surrounding residents.
- Environmental Impact: The removal of more trees will increase soil erosion and decrease habitat to animals in the area.
- Overcrowded schools: The proposed development will add to the existing overcrowding issues at Florence Elementary, Southwest Middle and Southwest High schools.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

A. Staff Recommendation

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

B. Planning and Zoning Commission Action

1. The Planning and Zoning Commission recommended **denial** of this request, as recommended by staff, by a vote of 8-0.
2. Consistency and Reasonableness Statements
The Planning and Zoning Commission voted 8-0 to forward to City Council the following statement of denial:

That Zoning Map Amendment 23-08 is **not consistent** with the City's adopted policy guidance. As conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.. Furthermore, as conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Herbert Shannon, AICP, Senior Planner
DATE: April 25, 2023
SUBJECT: Zoning Map Amendment Case 23-08 (1711 & 1701 Penny Road)

At your March 28, 2023 public hearing, the Planning & Zoning Commission reviewed the above referenced case pertaining to an approximate 9.7-acre parcel located west of the intersection of Penny Road and East Fork Road. The applicant is requesting rezoning to a CZ RM-16 District to allow a multifamily development. Under the proposed RM-16 District, up to 155-dwelling units would be permitted on this 9.7-acre parcel.

The zoning site is situated at the transition point where higher intensity land use changes to lower intensity land use. Development options, with respect to building placement, is limited due to the fact that most of the parcel is encumbered by a 150-foot wide Duke Power easement, limiting development to roughly 40% of the parcel. Proposed multifamily structures can only be placed at the northeastern and southwestern portions of the site.

Staff recommended denial of the case due to concerns as to the compatibility of development and due to the proposed intensity of development. The applicant is proposing to construct 3 and 4-story multifamily structures, with up to 56-units per building in close proximity to lower intensity single story residential development.

The Planning and Zoning Commission continued this request to their April public hearing so that the applicant could address the list of concerns and additional zoning conditions noted by staff in our March 28, 2023 staff report. Since the March P&Z Commission public hearing, the applicant has offered conditions that:

- Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a minimum 25-foot building setback shall be required for any building that exceeds 50 feet in height.
- Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a type C planting yard of greater than 50% evergreen will be established.
- Along the southern property boundary, a 6-foot screening fence will be erected adjacent to any building that exceeds 50 feet in height. The fence shall extend a minimum of 10 feet beyond the side walls of the building.

As outlined in the conclusion of the staff report, there were several proposed conditions to address compatibility and development intensity, including a proposal for the submittal of a binding Conditional Zoning Plan that would lock in the location, size, height, and intensity of development next to lower intensity uses. There were also several conditions pertaining to access and transportation related improvements. As these issues have not been fully addressed, the Planning and Development Department maintains its recommendation of denied.

If the P&Z Commission desires to support this case, staff would strongly encourage you to take the following recommendations into consideration:

- 1) Limit the development intensity for the southern half of the site (approx. 4.8 acres) to the CZ RM-5 District and require pitched-roof buildings; and
- 2) That all transportation recommendations list in the staff report also be part of your approval.

Development Ordinance Standards

RM-5 vs. RM16 Comparison table for 1711 Penny Road.

RM-5 District (south half of site – approx. 4.8 acres)	RM-16 District (north half of site – approx. 4.9 acres)
5 du/ac (approx. 24 dwelling units)	16 du/ac (approx. 78 dwelling units)
20 foot perimeter setback	15 foot perimeter setback
Maximum building height 50 feet	No maximum building height, higher setbacks for buildings over 50 feet.
Maximum building length 200 feet	Maximum building length 300 feet
Add condition to require pitched-roof buildings.	

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

**STAFF REPORT
ZONING MAP AMENDMENT ZA-23-08
March 28, 2023**

Request	
Applicant: Diversified Estate Holdings, LLC	Owners: Diversified Estate Holdings, LLC
Zoning Proposal: To rezone approximately 9.6 acres	From: CU-AGR Conditional Use Agricultural District
	To: CZ RM-16 Conditional Zoning Residential Multifamily - 16
Notices: • Applicant held a Citizen Information Meeting (Yes) • As required by Section 2.3.6 (Notification) of the Development Ordinance, the Planning and Development Department provided published, mailed and posted notice of this public hearing	

Site Information	
Location:	The site is located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road).
Tax Parcel Number:	Guilford County Tax Parcel 187199
Site Acreage:	Approximately 9.7 acres
Current Land Use:	There are vacant greenhouse structures near the Penny Road frontage of the site and two telecommunication towers at the rear of the site.
Physical Characteristics:	The site has a flat to gently sloping terrain with no significant natural features. A 150-foot wide Duke Power easement and two electrical transmission towers run through the middle of the site.
Water and Sewer Proximity:	A 12-inch City water line and a 24-inch City sewer line both lie adjacent to the site along Penny Road.
General Drainage and Watershed:	The site drains in a westerly direction and development is subject to the City Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for development with a total impervious surface area greater than 24% of the site.
Overlay Districts:	City Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	R-3 CZ RM-16	Residential Single Family – 3 District Conditional Zoning Residential Multifamily - 16 District	Single family dwelling and undeveloped parcel
South:	RM-5	Residential Multifamily-5 District	Twinhome and townhome dwellings
East:	RS-40	Residential Single Family – 40 District	Single family dwelling
West:	PDR	Planned Development – Residential	Twinhome dwellings

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement:	Goal 1: Preserve and enhance High Point's most important natural and cultural resources. <u>Obj. 1D</u>: Preserve and revitalize key historic landmarks and unique areas in High Point. Goal 5: Balance the efficient movement of vehicles with the needs of pedestrians, alternative transit modes, and aesthetic quality. <u>Obj. 5D</u>: Develop new streets and retrofit existing streets in accordance with design standards intended to balance efficient vehicular flow with other planning objectives, such as creating pedestrian-friendly environments. <u>Obj. 5E</u>: Require that street systems connect with one another whenever possible to move all modes of traffic efficiently, to avoid congestion along key corridors, to improve traffic and pedestrian safety, and to enhance emergency management access.
Land Use Plan Map Classification:	The site has both a Low-Density Residential and a Medium-Density Residential land use designation. • The Low-Density Residential land use classification includes primarily single family detached dwellings at a gross density of five dwelling units per acre. • The Medium-Density Residential classification supports a variety of attached dwellings, generally including higher density townhouses and less land-intensive multi-family housing such as garden apartments. Development densities shall range from 8 - 16 units per gross acre.
Land Use Plan Goals, Objectives & Policies:	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #3: Provide a wide range of housing opportunities for families of all income levels. Goal #4: Ensure that all required public services and facilities are sequenced to meet demands of development. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj.#5. Maintain an appropriate balance between the size, location and density of new development and the availability and demands upon the public services and facilities required to serve that development. Obj. #8. Stimulate more efficient use of the City's land resources by encouraging in-fill, mixed-use, cluster development and higher residential densities at appropriate locations. Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.
Relevant Area Plan:	Not applicable
Zoning History:	<u>Zoning Map Amendment 94-43 and 97-28</u> : Abutting lands to the south and west are part of the Eagle Glen and Hickwood Forest subdivisions which were granted zoning approvals in the 1990s. These lands were granted lower

	intensity RM-5 and PUD zoning. The abutting Eagle Glenn twinhome/townhome development is limited to 4.5 units per acre, while the abutting twinhome and single family portions of the Hickwood Forest subdivision are restricted to 5 and 3.5 units per acre. <u>Zoning Map Amendment 18-09:</u> Abutting land to the north was annexed and granted a CZ-RM-16 District zoning in 2018.
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Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Penny Road		Minor Throughfare	330 ft.
Vehicular Access:	Penny Road			
Traffic Counts: (Average Daily Trips)	Penny Road		10,500 AADT (2021 NCDOT Traffic Counts)	
Estimated Trip Generation:	A 145-unit multifamily development is proposed, which is anticipated to generate approximately 789 daily trips during a 24-hour time period) with approximately 46 AM peak-hour trips (6am – pam) and approximately 35 PM peak-hour trips (4pm – 7pm).			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	A TIA is not required. This analysis is only required for developments that generate more than 150 trips within the AM or PM peak hours.	
Conditions:	<u>Access:</u> a) If more than 50 dwelling units are approved, two physical access connections shall be required. One of the required access points shall aligned with Penny Rd/East Fork Rd. Right and left turn lanes with appropriate storage and taper shall be provided on Penny Rd. b) Developer shall be responsible for signal modifications at the site access at Penny Rd / East Fork Rd.			

School District Comment				
Guilford County School District				
Local Schools:	Enrollment: 2022 – 2023 (20 th day of class)	Maximum Design Built Capacity: (2022 – 2023):	Mobile Classrooms:	Projected Additional Students:
Florence Elementary	618	761	11	40 - 42
<u>School Choice Zone</u>				
Willborn Middle	424	690	0	20 - 22
Southwest Middle	1,107	1,223	10	
<u>School Choice Zone</u>				
Andrews High	725	1,254	0	18 - 22
Southwest High	1,676	1,506	11	
<u>School District Remarks:</u> With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021 – 2022. Elementary built capacity assumes reduced K-3 class sizes per applicable core academic classroom as of the stated year. Middle and high school built capacity assumes 30 students per core academic classroom.				

Details of Proposal

The applicant is requesting rezoning of this 9.7-acre parcel to a CZ RM-16 District to develop a multifamily project. Based upon review of a non-binding concept plan submitted by the applicant, a 145-unit multifamily development is proposed. In conjunction with this request is a Conditional Zoning Ordinance in which the applicant has offered conditions pertaining to building setback, landscaping, pedestrian access and vehicular access.

Staff Analysis

The zoning site is situated at the transition point where higher intensity development, associated with the commercial node at the W. Wendover Avenue and Penny Road intersection, transitions to lower intensity land uses. The adopted land use plan supports Medium Density land uses (8 to 16 dwelling units per acre) along the northeastern portion of the site while the remaining center and southern two-thirds of the site is classified as Low-Density Residential which supports single family or other lower intensity residential development up to 5 units per acre.

Development options, as to building placement, for this site is limited due to the fact most of the parcel is encumbered by a 150-foot wide Duke Power easement that runs through the entire length of the parcel. There are also two wireless telecommunications towers on the western portion of the parcel. These previously established encumbrances limit the developable area to roughly 40% of the parcel. Structures are limited to a triangular area at the northeastern portion of the site (approximately 2.7 acres) and a triangular area to the southwestern portion of the site (approximately 1.5 acres). Below are issues that need to be further addressed concerning any current or future development proposal for this site.

Compatibility of development at this transitional point of land use intensity:

As a transitional parcel, care must be taken to ensure development is of the appropriate intensity, bulk, height, and massing to establish compatibility with adjacent land uses. Such care has been taken with surrounding zoning approvals to provide for higher building setbacks (up to 100 feet), and higher perimeter landscaping standards, where higher intensity multifamily development abuts lower intensity development. The importance of compatibility becomes further emphasized as the northeastern portion of the site abuts a Guilford County Landmark Property (Florence Female Academy Dormitory) and the southern boundary of the site abuts a single story twinhome townhome subdivision, Eagle Glen, that is developed at a density of 4.5 units per acre. To address these concerns, conditions should address density, building setback, building height, building bulk and mass, and higher landscaping standards.

Intensity of Development

The applicant proposes rezoning to support development up to 16 units per acre. A conceptual drawing of potential development depicts the northeastern portion of the site being developed with two multifamily structures (89 units in 3 and 4 story buildings) next to the historic parcel. The plan also depicts a third building consisting of a 56-unit, 4-story multifamily building, with a length of approximately 250 feet, being placed at the southwestern portion of the site next to the single story Eagle Glenn development. Development of this intensity, especially along the southern boundary of the site, is not supported by adopted policy guidance documents and sufficient conditions have not been offered to ensure development will be compatible with abutting low intensity uses.

Section 2.4.6.C of the Development Ordinance states that the advisability of a conditional zoning is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to approve or deny a conditional zoning, the City Council shall weigh the relevance of and consider the following issues outlined below. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these ordinance considerations.

Consistency with Adopted Policy Guidance

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

As conditioned, the Land Use Plan and other adopted policy guidance documents do not support the establishment of multifamily uses, at the intensity proposed by the applicant, at this location.

Reasonableness/Public Interest:

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

As conditioned, it would not be in the public interest to establish the intensity of residential development, as allowed by the RM-16 District, upon this entire parcel without additional detail regarding the transition of intensity, or buffering.

Compatibility with Surrounding Areas

- Whether the proposed conditional zoning district will result in a development that is compatible with the character of surrounding existing or proposed development and land uses.
 - Where there are issues of compatibility, the proposed conditional zoning district shall provide for appropriate transition areas that address incompatibility through increased buffering, landscaping, fencing, building height, mass and scale or other means designed to promote a complimentary character of development.
 - Determination of complimentary character may be based on densities/intensities, use types, lot sizes and dimensions, building height, mass and scale, exterior lighting, siting of service areas, or other aspects that may be identified by the City Council.
- ❖ As conditioned, the requested CZ-RM-16 District will not result in a development that is compatible with the abutting lower intensity land uses to the south. There is not sufficient buffering and perimeter landscaping to ensure compatibility with abutting land uses, or appropriate transition between more and less intensive land uses as encouraged by Objective 9 of the Land Use Plan.
 - ❖ Building massing, building height and intensity of development, as proposed under this CZ RM-16 District request, is not compatible with abutting lands to the south. As conditioned the request does not promote an urban growth pattern that occurs in a compatible or orderly fashion.

Mitigation of Impacts

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

Mitigation #1	Minimize or effectively mitigate any identified adverse impact on adjacent and nearby land, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.
	❖ At the proposed density of 16 units per acre, 2 to 3 vehicular access points are required. As conditioned, there is no assurance that one of these access points will be to Penny Road. ❖ Due to the physical impediments related to this site, a binding Conditional Zoning Plan should be required to ensure building placement, bulk, height and massing will be compatible and not adversely impact the abutting lower intensity residential development to the south.
Mitigation #2	Minimize or effectively mitigate any identified adverse environmental impact on water and air resources, minimize land disturbance, preserve trees and protects habitat.
	The site is within the City Lake General Watershed Area (GWA), and as such, development is required to meet the watershed standards of the Development Ordinance.
Mitigation #3	Minimize or effectively mitigate any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire.
	❖ The site is within an area currently served by City of High Point utilities and municipal services. ❖ Connectivity to pending development to the north is encourage. However, at the density allowed by the proposed RM-16 District, access should also be required to Penny Road. As encouraged by Goal #5 of the Community Growth Vision Statement and Goal #4 of the Land Use Plan, vehicular connectivity to both the north and to Penny Road will assist to avoid congestion at a single access point, improve traffic safety, enhance emergency management access and ensure services are sequenced to meet demands of development.
Mitigation #4	Minimize or effectively mitigate any identified adverse effect on the use, enjoyment or value of adjacent lands.
	Based on the allowable development density of the RM-16 District, the request lacks sufficient development conditions to address transition of development intensity along the southern half of the zoning site as to building height, massing, setback and development intensity.

Supportive Changes in the Area

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

There has been no change in land use policy in this area to support the intensity of development allowed by the RM-16 District upon the southern half of the site.

Promotes a Preferred Development Pattern

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

Key policies of the land use plan and community vision statement as to unique historic landmarks, balance of vehicular flow and street connectivity, and transition of development intensity are not fully

addressed. Furthermore, conditions offered do not promote policies for preferred development pattern between higher and lower intensity developments.

Recommendation

Staff Recommends Denial

As currently submitted the request is not in line with adopted policy guidance documents. Staff is not in opposition to some form of multifamily development at this location, but suggests the request be withdrawn and the applicant take a more detailed look at incorporating the following zoning conditions as part of a future request:

1. Include a Conditional Zoning Plan.
2. RM-16 District zoning for the northern portion of the site and RM-5 District zoning, or its development standards, for the southern half of the site.
3. Multifamily Dwelling Use Type Development Standards:
 - a) Within forty (40) feet of the southern property line of the zoning site:
 - i. Maximum building height shall be fifty (50) feet (not to exceed two stories).
 - ii. Maximum building length shall be two hundred (200) linear feet (*a RM-5 District standard*)
 - iii. Increase building setback from 15 feet to 25 feet.
 - b) Within forty (40) feet of Guilford County Tax Parcel 196594 (*a Guilford County Historic Landmark Property - 1753 Penny Road*):
 - i. Maximum building length shall be two hundred (200) linear feet.
 - ii. Increase building setback from 15 feet to 25 feet.
4. Landscaping, Buffers and Screening.
 - a) Southern boundary of the site: If a multistory multifamily structure is to be developed within 40 feet of the southern boundary of the zoning site, a minimum 25-foot-wide Type B planting yard shall be installed and maintained.
 - b) Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 - (*a Guilford County Historic Landmark Property*)): A minimum 25-foot wide Type B planting yard shall be installed next to Tax Parcel 196594.
 - c) Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard, planted to the Type C rate, shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.
 - d) In the event easement(s) exist or will be established in the above noted planting yards, the planting yard shall be reestablished outside the easement area.
5. Transportation Conditions.
 - a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, a minimum of two physical vehicular access connections shall be required to be installed to an existing improved public/private street or existing improved access drive corridor. One of the required access points shall be from Penny Road, this access point shall align with the Penny Road/East Fork Road intersection.

b) Penny Road Access Point and Improvements:

- i. As part of development permit approval, the access point from the Penny Road/East Fork Road intersection shall provide right and left turn lanes with appropriate storage and tapers on Penny Road.
- ii. As part of development permit approval, the property owner shall be responsible for the design and installation of traffic signal modifications at the Penny Road / East Fork Road intersection access point. The property owner shall also be responsible for realignment of travel lane configuration at this intersection as may be required by the City of High Point Transportation Department and NCDOT.

- c) Other Transportation Conditions: The City of High Point Transportation Director and the North Carolina Department of Transportation (if applicable) shall approve the exact location and design of all access points and improvements.

Required Action

Planning and Zoning Commission:

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

City Council:

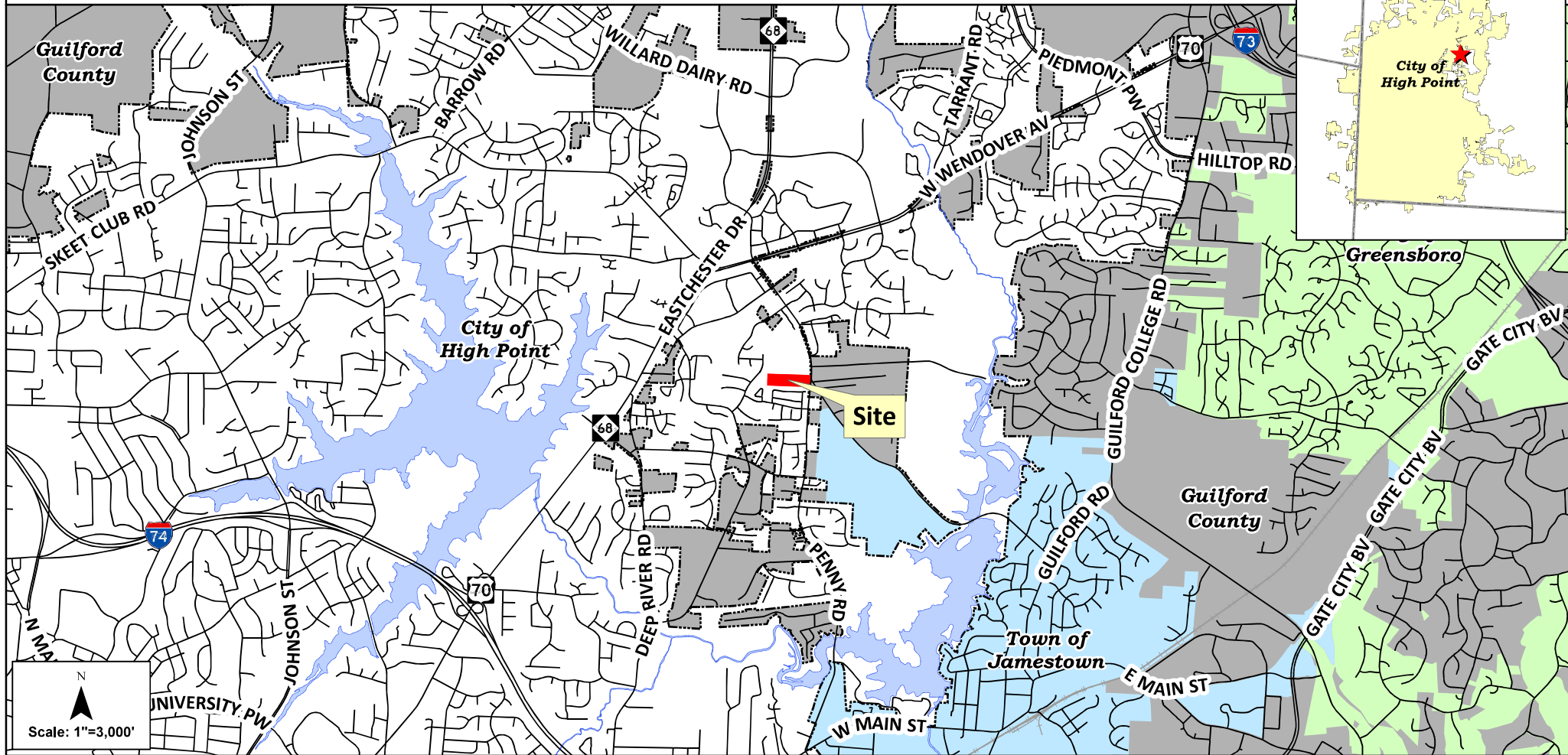
The NC General Statutes require that the City Council also place in the official record a statement of consistency with the City's adopted plans and explain why the action taken is considered to be reasonable and in the public interest when rendering its decision in this case. This may be accomplished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

Report Preparation

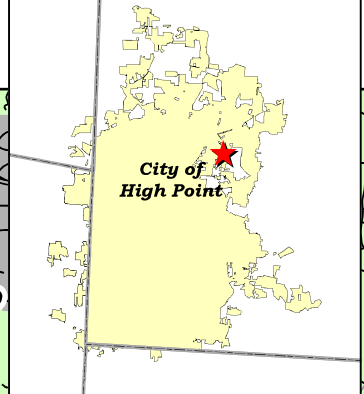
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Christopher Andrews AICP, Development Administrator, and Sushil Nepal AICP, Planning and Development Director.

LOCATION MAP

ZONING MAP AMENDMENT: ZA-23-08
Applicant: Diversified Estate Holdings LLC

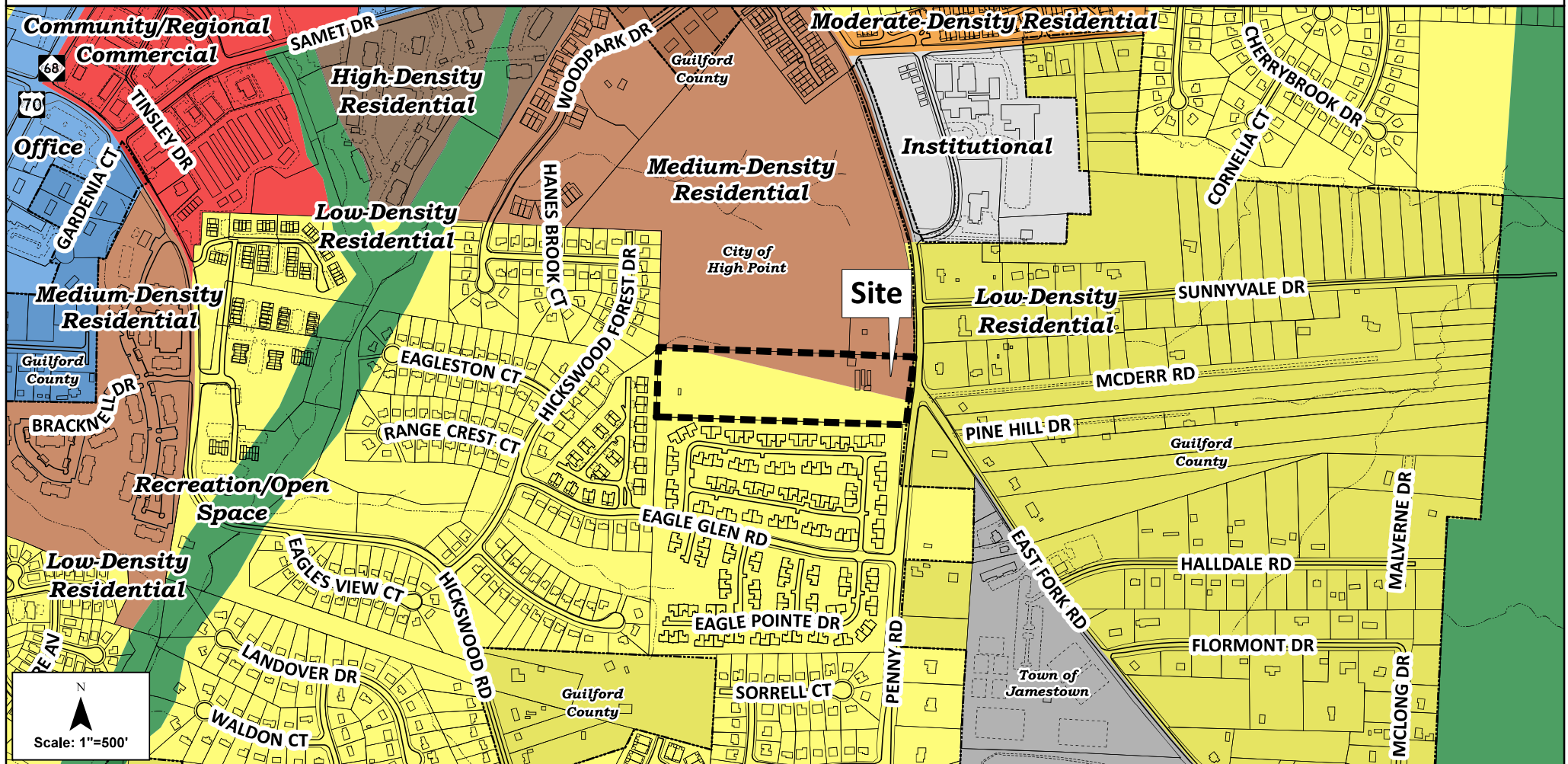


Vicinity Map



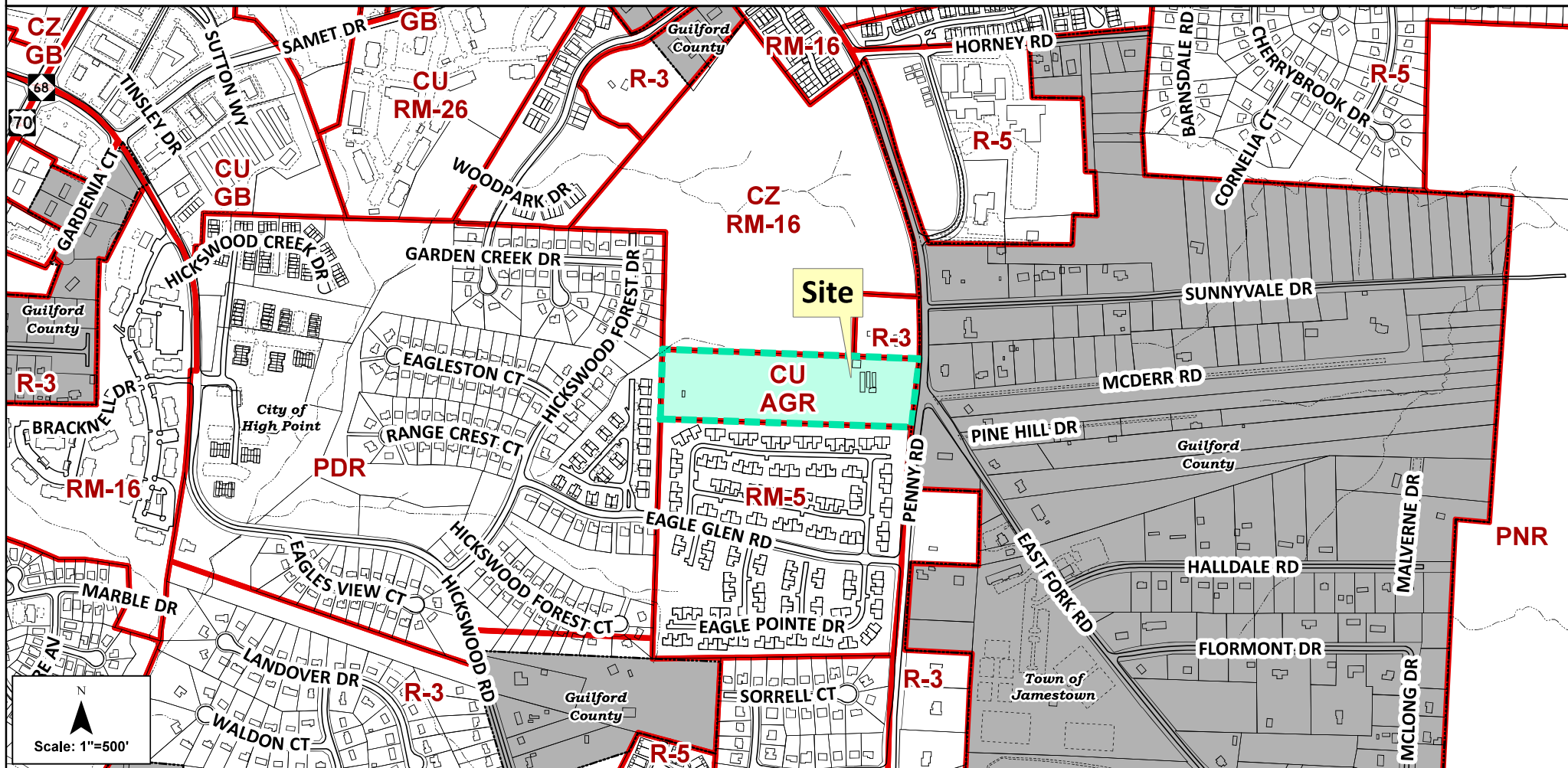
ZONING MAP AMENDMENT: ZA-23-08

LAND USE PLAN MAP



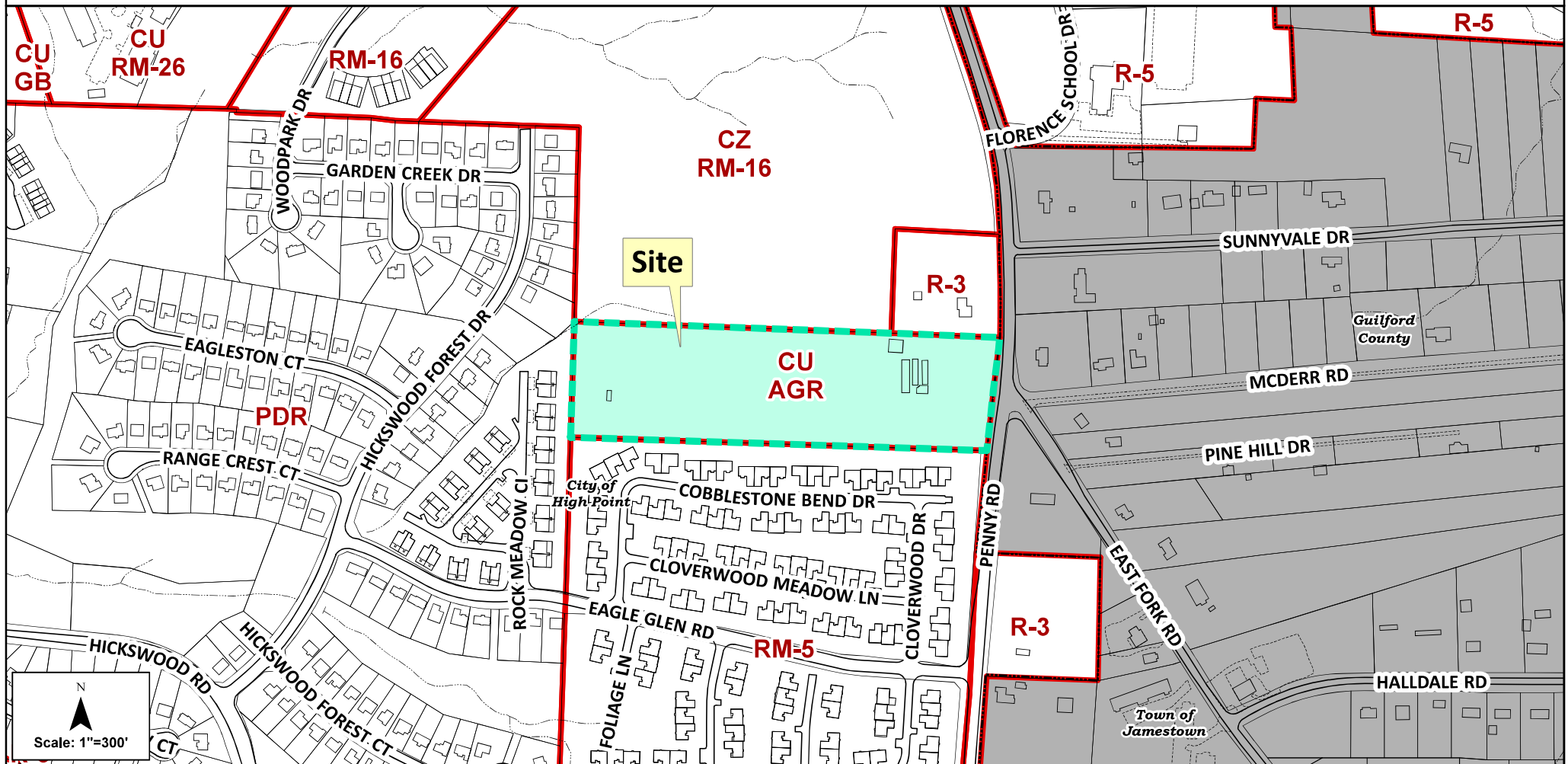
ZONING MAP AMENDMENT: ZA-23-08

ZONING MAP

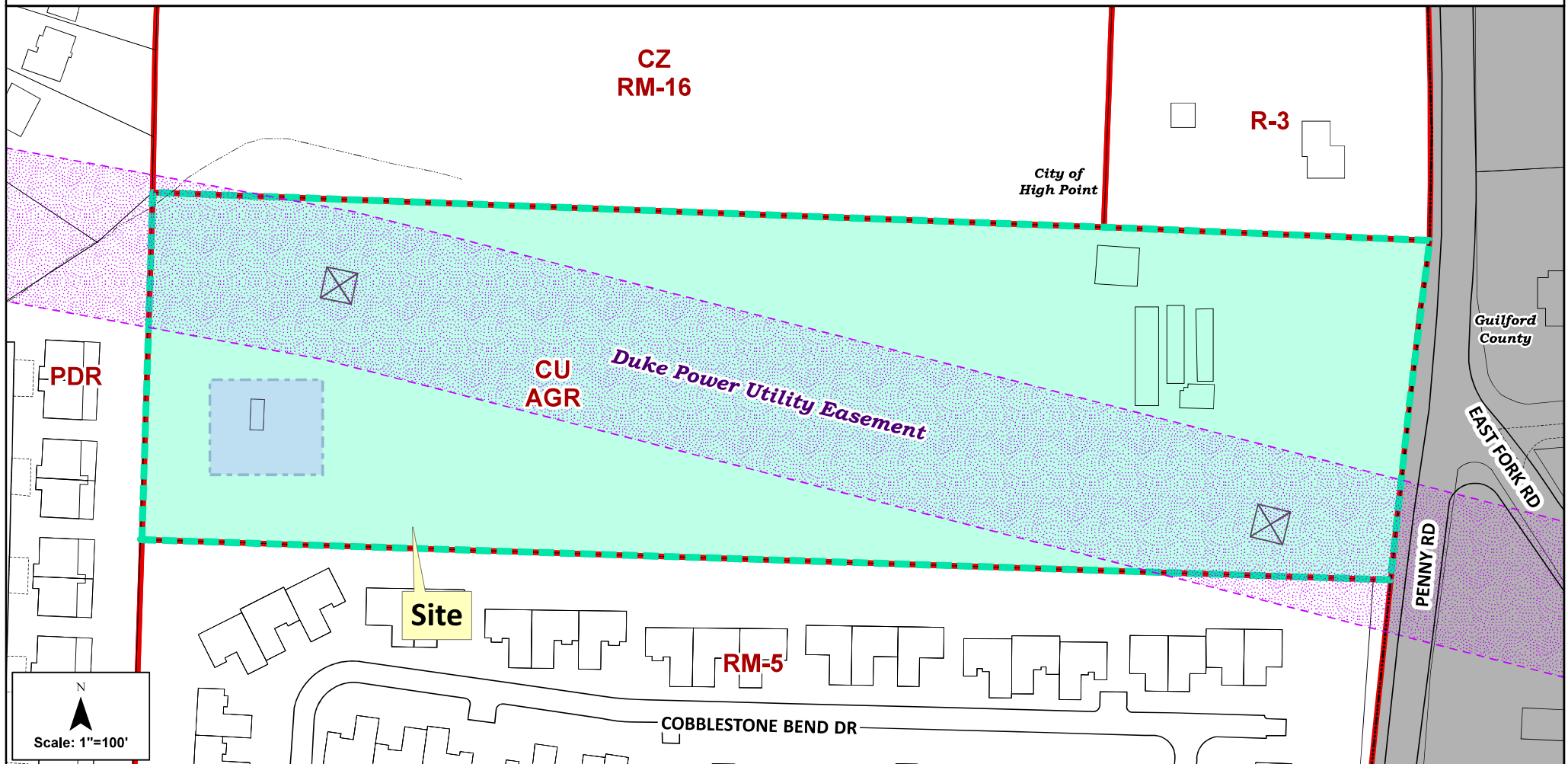


ZONING MAP AMENDMENT: ZA-23-08

ZONING MAP

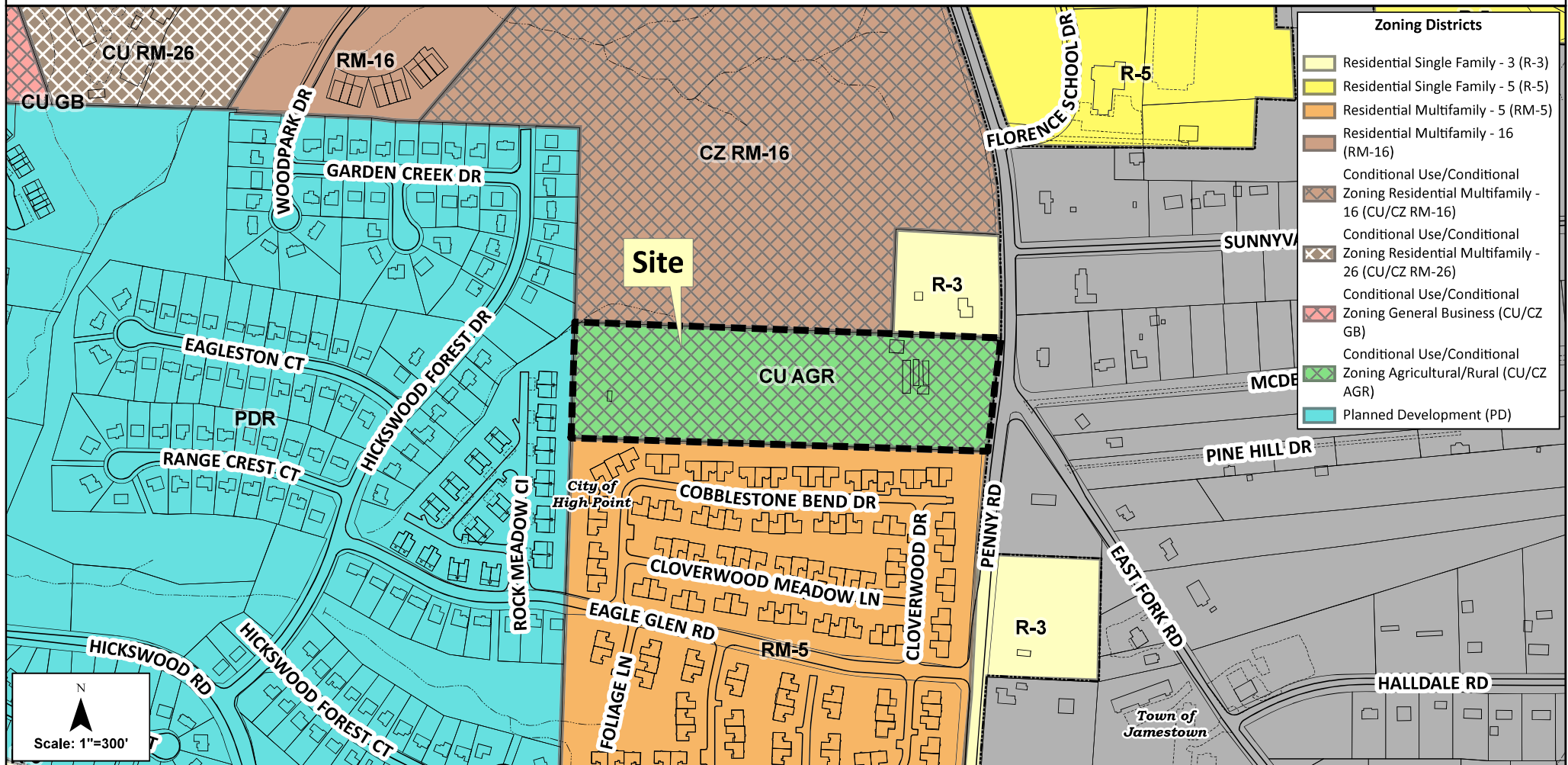


ZONING MAP AMENDMENT: EXHIBIT MAP



ZONING MAP AMENDMENT: ZA-23-08

COLOR-CODED ZONING MAP



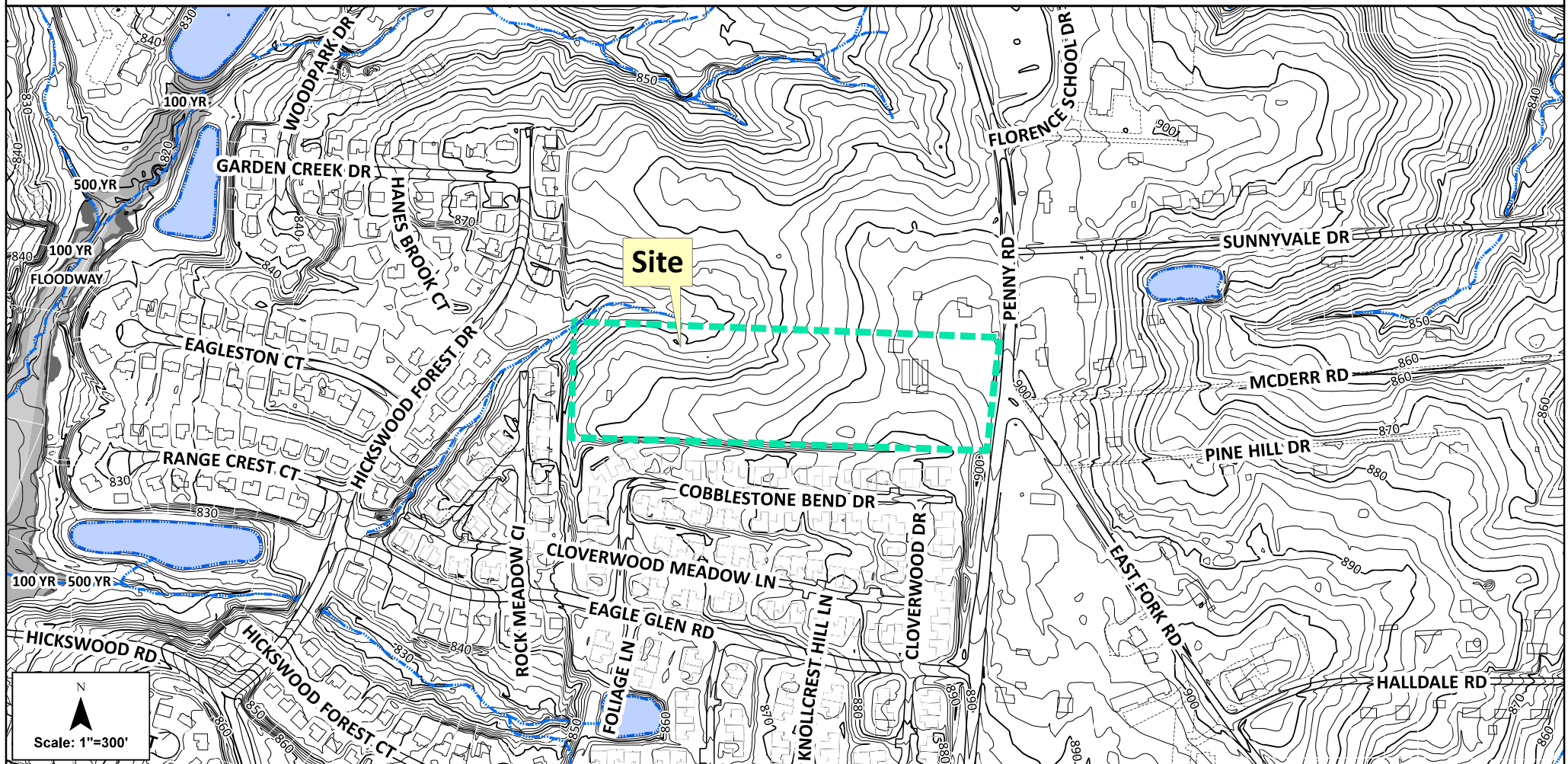
ZONING MAP AMENDMENT: ZA-23-08

AERIAL PHOTOGRAPHY (FEB. 2022)



ZONING MAP AMENDMENT: ZA-23-08

TOPOGRAPHY



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

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

WHEREAS, public hearings were held before the Planning and Zoning Commission of the City of High Point on March 28, 2023 and before the City Council of the City of High Point on April 17, 2023 regarding **Zoning Map Amendment Case 23-08 (ZA-23-08)** a proposed amendment to the Official Zoning Map of the “City of High Point Development Ordinance”;

WHEREAS, notice of the public hearings were published in the High Point Enterprise on March 18, 2022, for the Planning and Zoning Commission public hearing and on April 5, 2023 and April 12, 2023, for the City Council public hearing pursuant to Chapter 160D-602 of the General Statutes of North Carolina; and

WHEREAS, the proposed amendment was adopted by the City Council of the City of High Point on **May 15, 2023**.

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

SECTION 1

That the Official Zoning Map of the City of High Point be amended to establish the following described area as a: **Conditional Zoning Residential Multifamily - 16 District (CZ RM-16) District**. The property is approximately 9.7 acres, located west of the intersection of Penny Road and East Fork Road (1711 and 1701 Penny Road). The property is also known as Guilford County Tax Parcel 187199.

SECTION 2

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

Part I. **USES:** Any uses allowed in the Residential Multifamily – 16 (RM-16) District shall be permitted, subject to the standards of the Development Ordinance and the specific conditions listed in this ordinance.

Part II. CONDITIONS:

A. Development and Dimensional Requirements.

1. Multifamily Dwelling Use Type Development Standards:

- a) Adjacent to the southern property line of the zoning site, the following development standards shall apply to all multifamily structures:
 - i. A minimum 25-foot building setback shall be required for any building that exceeds 50 feet in height.

- b) ~~Within fifteen (15) feet of Guilford County Tax Parcel 196594 (a Guilford County Historic Landmark Property – 1753 Penny Road), the following development standards shall apply to all multifamily structures: TBD after meeting with owner of parcel.~~

Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a minimum 25 foot building setback shall be required for any building that exceeds 50 feet in height.

B. Landscaping, Buffers and Screening.

- 1. ~~Northeastern boundary of the site (abutting Guilford County Tax Parcel 196594 – (a Guilford County Historic Landmark Property):~~ **Adjacent to tax parcel 196594 (1753 Penny Road) on the northern property boundary of the zoning site, a type C planting yard of greater than 50% evergreen will be established.** In the event the R-3 zoning of tax parcel 196594 is changed to a multifamily or non-single family zoning district and the Guilford County Landmark historic designation is removed, this higher landscaping standards shall not apply.
- 2. Penny Road Street Planting Yard: A minimum 10 foot wide Street Yard shall be installed along the Penny Road frontage of the site. This Streetyard planting area shall be established within a common area and shall be exclusive of any utility easements, except for perpendicular crossings by utilities, roadways (public and private streets) and vehicular access driveway.
- 3. **Along the southern property boundary, a 6 foot screening fence will be erected adjacent to any building that exceeds 50 feet in height. The fence shall extend a minimum of 10 feet beyond the side walls of the building.**

- C. Pedestrian Access: As a part of development permit approval, the property owner shall install a minimum five (5) foot wide concrete or asphalt pedestrian

connection from the internal pedestrian circulation area(s), within the zoning site to the perimeter sidewalk along Penny Road.

D. Transportation Conditions.

1. Access:

- a) Location and number of vehicular access points: If more than 50 dwelling units are permitted, as part of development permit approval, two physical vehicular access connections shall be required be installed to an public/private street or existing improved access drive corridor. If one of the required access points is from Penny Road, this access point shall align with the Penny Road/East Fork Road intersection.
- b) If one of the access points is to Penny Road:
 - i. As part of development permit approval, the access point from the Penny Road/East Fork Road intersection shall provide right and left turn lanes with appropriate storage and tapers on Penny Road.
 - ii. As part of development permit approval, the property owner shall be responsible for the design and installation of traffic signal modifications at the Penny Road / East Fork Road intersection access point.

SECTION 3

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

SECTION 4

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

SECTION 5

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

SECTION 6.

This ordinance shall become effective upon the date of adoption.

Adopted by the City Council
City of High Point, North Carolina
The 15th day of May, 2022

By: _____
Jay W. Wagner, Mayor

ATTEST:

Sandra R. Keeney, City Clerk

Citizens Information Meeting Report

Zoning Map Amendment 23-08

Submitted by: Mrs. Judy Stalder, Development Consultant, on
behalf of Diversified Estate Holdings, LLC

Citizen Information Meeting Report
1711 Penny Road
Zoning Case ZA-23-08

A Citizen Information Meeting was held for property owners in the vicinity of 1711 Penny Road. An informational letter dated February 27, 2023, was sent by US Mail to the 87 addresses supplied by the City of High Point Planning and Development Department. The letter invited property owners to a meeting on March 7 at 6:30 pm at Keystone at James Landing, 5500 Freedom Lane, Jamestown NC. The mailing also included the *City of High Point Conditional Zoning Citizen Information Meetings* statement and an illustrative site plan. A copy of the letter and list of addressees is attached. The letter provided a general description of the property, the proposed zoning of RM-16 for apartments and an explanation of what could be expected at the meeting. The meeting was hosted by Scott Wallace and Judy Stalder

Attendees:

Antwaniece Williams, 1702 Penny Road, High Point NC

Presentation

Because there was only one attendee, the meeting was in the form of an informal conversation. The developer explained that Keystone has a chance to acquire this property and wants to rezone it to match the zoning of the adjacent property. An illustrative site plan was shared showing the maximum development potential of the property.

Questions and Comments

How many apartments will you build? *We are not sure at this time, but we think the maximum number that can be accommodated on the property is 144.*

Is there any other way to arrange the buildings? *Because of the transmission line easement, there are only a couple of buildable areas on this property.*

Would you consider single family homes? *The transmission line easement and communications towers make this property difficult to develop as single family.*

Have you contacted Florence Elementary School? *The school system is notified by the City when a development is proposed.*

When will construction start? *Construction is 4-5 years in the future.*

What will happen at the intersection? *The access road for this development will be aligned with the Penny Road/East Fork Road intersection and turn lanes may be required on Penny Road. Either the signal will be modified to accommodate the access road, or a roundabout will be installed in lieu of the signal.*

Will there be any landscaping along Penny Road? *Yes. The Development Ordinance requires at a minimum a street planting yard that includes 2 canopy trees and 17 shrubs for every 100 feet of frontage.*

When are the public hearings? *The Planning and Zoning Commission hearing is on Tuesday, March 28 at 6:00 pm. The date and time for the City Council hearing will be announced at the P&Z meeting.*

Will this be like Keystone at James Landing or low income? *Development will be typical Keystone quality. There will be a clubhouse and pool with amenities similar to James Landing.*

Ms. Williams acknowledged the need for more housing.

THE STALDER GROUP LLC PO BOX 5581 HIGH POINT NC 27262
(336) 688-2204 jstalder@northstate.net

February 27, 2023

Dear Neighbor,

This letter is to notify you of a Citizen Information Meeting to present rezoning plans for property at 1711 Penny Road. The meeting will be held on Tuesday, March 7 at 6:30 pm at the Keystone at James Landing Clubhouse, 5500 Freedom Lane, Jamestown NC 27282. Please refer to the enclosed statement from the High Point Planning and Development Department concerning Citizen Information Meetings.

The property consists of approximately 9.62 acres. Keystone Group Inc. has applied to rezone the property to Conditional Zoning Residential Multifamily-16. The zoning will allow multifamily apartments similar to our project at James Landing.

At the Citizen Information Meeting you will be able to learn more about our plans and to ask any questions you may have. A preliminary site plan will be presented for illustrative purposes.

Scott Wallace from Keystone and I will be available at this meeting. If you are unable to attend or you have questions prior to the meeting, you may contact me at 336.688.2204 or jstalder@northstate.net.

The High Point Planning and Zoning Commission has scheduled a public hearing on the request for Tuesday, March 28 at 6:00 pm at 211 South Hamilton Street.

Sincerely,

Judy Stalder
Development Consultant

3461 ROCK MEADOW CIRCLE LLC
2307 ALDERBROOK DR
HIGH POINT, NC 27265

ALEXANDER, KIMBERLY A
2942 SHADY VIEW DR
HIGH POINT, NC 27265

AMH 2015-1 BORROWER LLC
23975 PARK SORRENTO STE 300
CALABASAS, CA 91302

ANKOMAH, GLORIA;ANKOMAH, PAUL
3968 COBBLESTONE BEND DR
HIGH POINT, NC 27265

BARNHART, ERIC
3628 ROCK MEADOW CIR
HIGH POINT, NC 27265

BASHAM, JOHN DAVID;BASHAM, RHODA C
3639 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

BEST, EDITA L
3636 ROCK MEADOW CIR
HIGH POINT, NC 27265

BRANDON, LESLIE K
3620 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

BRAZEAU, DAVID
3956 COBBLESTONE BEND DR
HIGH POINT, NC 27265

BRIGGS, BENJAMIN
1753 PENNY RD
HIGH POINT, NC 27260

BULMER, GAIL T;BULMER, NANCY R
2984 CLOVERWOOD DR
HIGH POINT, NC 27265

BURROUGHS, GENEVA B
3614 ROCK MEADOW CIR
HIGH POINT, NC 27265

CALDABAUGH, CONSTANCE E
3624 ROCK MEADOW CIR
HIGH POINT, NC 27265

CALIS, SOFIA
3905 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

CASTANO, CARMELA
3957 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COCHRAN, TERESA G
3931 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COLLIER, HASSAN;SANTIAGO- COLLIER, MIGDALIA
3965 COBBLESTONE BEND DR
HIGH POINT, NC 27265

COOPER, ANNETTE CLARK
7226 E FORK RD
HIGH POINT, NC 27265

CRAVEN, LOIS O
3952 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DABBS, THERESA TATE
4007 WALDENBROOK CT
GREENSBORO, NC 27407

DANIEL URIAH CREGAR JR LIVING TRUST;CREGAR,
DANIEL URIAH JR TRUSTEE
3961 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DAVIS, MOSES EARL;DAVIS, DEBORAH W
3951 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DOHERTY, EDWARD A;DOHERTY, JANICE L
3971 COBBLESTONE BEND DR
HIGH POINT, NC 27265

DOYLE, DAMON A;DOYLE, HEATHER M
3654 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

EAGLE GLEN HOMEOWNERS ASSOCIATION INC
222 S SWING RD STE 6
GREENSBORO, NC 27409

FARRINGTON, ROSS ADRIAN JR
2981 CLOVERWOOD DR
HIGH POINT, NC 27265

FLOWERS, GAIL J/T R/S;HAYES, VIVIAN F J/T R/S
7546 MCDERR RD
HIGH POINT, NC 27265

FORTSON, BILLIE J JR;FORTSON, RITA H
3618 ROCK MEADOW CIR
HIGH POINT, NC 27265

GIBSON, MARY LEE
1411 BERGAMOT LOOP UNIT F
HIGH POINT, NC 27260

GODETTE, MAE C
4800 TOOLEY DR
CHESTER, VA 23831

HAGA, TONY M
3630 ROCK MEADOW CIR
HIGH POINT, NC 27265

HARRIS, ALVIS WESLEY L/T;HARRIS, LOUELLA M
L/T;HARRIS, ALVIS WESLEY JR;HARRIS, EDWARD
BUHL;HARRIS, JOHN DELAND
3909 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

HARRISON, MATTHEW T;HARRISON, REBEKAH
HAYNES
3648 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

HICKSWOOD HOA INC
PO BOX 24961
WINSTON SALEM, NC 27114

HINNANT, JOSEPH JAMES
3640 ROCK MEADOW CIR
HIGH POINT, NC 27265

HIRAKAWA, HIROKO
3981 COBBLESTONE BEND DR
HIGH POINT, NC 27265

HOLBROOK, DAVID SCOTT;HOLBROOK, JESSICA
RAE
3642 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

HOLMES, PATRICIA
3970 COBBLESTONE BEND DR
HIGH POINT, NC 27265

HUDLER, BILLY D
3652 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

JONES, WILLIAM C;JONES, MARGARET S
3643 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

KEMP, MARIE ANN
3935 COBBLESTONE BEND DR
HIGH POINT, NC 27265

KEYSTONE AT PENNY ROAD LLC
3708 ALLIANCE DR
GREENSBORO, NC 27408

KIMBALL, JOAN D
3974 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEDBETTER, ROBERT M
3939 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEE, CAROL ROBBINS
3954 COBBLESTONE BEND DR
HIGH POINT, NC 27265

LEWIS, MICHELLE E
3975 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MANRING, JONATHAN DOUGLAS
3964 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MCCORQUODALE, WANDA KAY
3616 ROCK MEADOW CIR
HIGH POINT, NC 27265

MCINTOSH, LINDA S
3610 ROCK MEADOW CIR
HIGH POINT, NC 27265

MCKEATHEN, GEORGE K;MCKEATHEN, LILLIE T
2986 CLOVERWOOD DR
HIGH POINT, NC 27265

MCNIEL, SANDRA L
3608 ROCK MEADOW CIR
HIGH POINT, NC 27265

MEBANE, RHONDA COLE
3302 REHOBETH CHURCH RD APT C
GREENSBORO, NC 27406

MERRITT, NANCY LEONARD
3977 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MILLER, LINDA;OWENS, DELACY
3634 ROCK MEADOW CIR
HIGH POINT, NC 27265

MILLOWAY, GARRY A;MILLOWAY, VALLIE S
3950 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MOORE, BRENDA C
3960 COBBLESTONE BEND DR
HIGH POINT, NC 27265

MORGAN, SALLIE JO
2982 CLOVERWOOD DR
HIGH POINT, NC 27265

MULLIN, FLORENCE M
3919 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

MULLIN, FLORENCE M;MULLIN, JOHN S
3919 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

NIFONG, REID F JR;ROBERTSON, WILLIAM A
3953 COBBLESTONE BEND DR
HIGH POINT, NC 27265

NIFONG, REID FRANKLIN
3948 COBBLESTONE BEND DR
HIGH POINT, NC 27265

OSCAR JACKSON COLE SR TRUST;COLE, OSCAR
JACKSON JR TRUSTEE
1725 JUNIPER ST NW
WASHINGTON, DC 20012

PASCENTE, JOHN MICHAEL
3650 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

PEARCE, GRAHAM T
3946 COBBLESTONE BEND DR
HIGH POINT, NC 27265

PEELER, DAVID C
3643 ROCK MEADOW CIR
HIGH POINT, NC 27265

RAQUENO, MARVIN ORLANDO LIZAMA;SALMERON,
MARIA CANDELARIA CRUZ
7224 E FORK RD
HIGH POINT, NC 27265

RIDGEVIEW HOA INC
1171 W 4TH ST
WINSTON SALEM, NC 27101

RUFE, EDWARD JR;RUFE, SARAH
3628 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

SANDERS, JANICE C
3979 COBBLESTONE BEND DR
HIGH POINT, NC 27265

SCROFANI, JOANNE
3963 FOUNTAIN VILLAGE LN
HIGH POINT, NC 27265

SHOTWELL, DAVID
7549 SUNNYVALE DR
HIGH POINT, NC 27265

SIMMONS, ZALLO;SIMMONS, PENNY D
3632 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

SMITH, DEBORA LAWSON
7214 E FORK RD
HIGH POINT, NC 27265

STANLEY, DANNY E;STANLEY, FAY A
3943 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TALTON, RONALD K
3937 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TAYLOR, ERIC L;TAYLOR, KALA CONELIA
3642 ROCK MEADOW CIR
HIGH POINT, NC 27265

THAPA, SANJAY;THAPA, AZITA
3647 HICKSWOOD FOREST DR
HIGH POINT, NC 27265

THOMAS, DONNA YVETTE
3976 COBBLESTONE BEND DR
HIGH POINT, NC 27265

THOMAS, LARRY L;THOMAS, KAYE P
3941 COBBLESTONE BEND DR
HIGH POINT, NC 27265

THOMAS, MELODY L
3933 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TROTTER, PAT R
3945 COBBLESTONE BEND DR
HIGH POINT, NC 27265

TYSINGER, LINDA KENNEDY;TYSINGER, CURTIS
WILLIAM
3907 CLOVERWOOD MEADOW LN
HIGH POINT, NC 27265

VANHOOK, CAROL W
3973 COBBLESTONE BEND DR
HIGH POINT, NC 27265

VASQUEZ, NESTOR;VASQUEZ, DIVA
781 SPRING ROSE CT APT 105
CASSELBERRY, FL 32707

WESTMORELAND, FANNIE R
3983 COBBLESTONE BEND DR
HIGH POINT, NC 27265

WILLIAMS, ANTWANIECE
1702 PENNY RD
HIGH POINT, NC 27265

WISSMILLER PROPERTIES LLC
4028 WINDSTREAM CT
JAMESTOWN, NC 27282

City of High Point
Citizen Information Meetings



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

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

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

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

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

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

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

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

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

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

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

Contact:

Planning & Development Department 336-883-3328

www.buildhighpoint.com

CITY OF HIGH POINT

AGENDA ITEM



Title: 2022 Volunteer Income Tax Assistance (VITA) Volunteer Recognition

From: Thanena S. Wilson, Director
Community Development & Housing

Meeting Date: May 15, 2023

Public Hearing: N/A

Advertising Date: N/A

Advertised By: N/A

Attachments: None

PURPOSE:

The Community & Neighborhood Development Division will recognize volunteers and provide an update on the results of the VITA 2022 tax season.

BACKGROUND:

VITA provides free assistance on basic tax returns for low to moderate income households. This is the City's 17th year hosting a VITA program. There were eight VITA sites open from January 23rd - April 18th operating six days per week. The High Point VITA Coalition served 941 clients between e-file and paper returns. The High Point VITA Coalition saved 941 taxpayers the average fee of \$250 for a tax return totaling \$235,250. Federal refunds issued totaled \$717,953 and state refunds were \$55,054. Earned income tax credits totaled \$280,160.

BUDGET IMPACT

There is no additional budget impact to the City. There are sufficient funds in the FY2022-2023 budget to cover program expenses.

RECOMMENDATION/ACTION REQUESTED:

This update is for information purposes only. No recommendations or actions required at this time.

RESOLUTION NO. _____

A RESOLUTION of High Point, NC City Council
designating City of High Point as a BEE CITY USA® affiliate.

WHEREAS, the mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides; and

WHEREAS, thanks to the more than 3,600 species of native bees in the United States, along with introduced honey bees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and

WHEREAS, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and

WHEREAS, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and

WHEREAS, ideal pollinator-friendly habitat (A) is comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season to provide diverse and abundant nectar and pollen, since many wild pollinators prefer or depend on the native plants with which they co-adapted; (B) is free to nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat; (C) comprises undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering; and (D) provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by: identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural, mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and

WHEREAS, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability; and

WHEREAS, City of High Point should be certified a *BEE CITY USA* community because we have recognized the need for education surrounding the importance of native bees and have begun taking action to assist in the protection and regrowth of their habit in our community.

NOW, THEREFORE, in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, City of High Point chooses to support and encourage healthy pollinator habitat creation and enhancement, resolving as follows:

1. The City of High Point, Public Services Department is hereby designated as the BEE CITY USA sponsor.
2. The High Point Beautification Coordinator of Public Services is designated as the BEE CITY USA Liaison.
3. Facilitation of City of High Point's BEE CITY USA program is assigned to the Keep High Point Beautiful Committee.
4. The Keep High Point Beautiful Committee is authorized to and shall:

- a. **Celebration:** Host at least one educational event or pollinator habitat planting or restoration each year to showcase City of High Point's commitment to raising awareness of pollinator conservation and expanding pollinator health and habitat.
- b. **Publicity & Information:** Install and maintain at least one authorized BEE CITY USA street sign in a prominent location, and create and maintain a webpage on the City of High Point website which includes, at minimum a copy of this resolution and links to the national BEE CITY USA website; contact information for your BEE CITY USA Liaison and Committee; reports of the pollinator-friendly activities the community has accomplished the previous year(s); and your recommended native plant species list and integrated pest management plan (explained below).
- c. **Habitat:** Develop and implement a program to create or expand pollinator-friendly habitat on public and private land, which includes, but is not limited to, Identifying and inventorying High Point's real property that can be enhanced with pollinator-friendly plantings; creating a recommended locally native plant list to include wildflowers, grasses, vines, shrubs, and trees and a list of local suppliers for those species; and, tracking (by square footage and/or acreage) annual area of pollinator habitat created or enhanced.
- d. **Pollinator-Friendly Pest Management:** Create and adopt an integrated pest management (IPM) plan designed to prevent pest problems, reduce pesticide use, and expand the use of non-chemical pest management methods.
- e. **Policy & Plans:** Establish, through the City of High Point, a policy in the Bee City High Point Plan of City of High Point's Comprehensive Plan to acknowledge and commit to the BEE CITY USA designation and review the Bee City High Point Plan and other relevant documents to consider improvements to pest management policies and practices as they relate to pollinator conservation, identify appropriate locations for pollinator-friendly plantings, and consider other appropriate measures.
- f. **Renewal:** After completing the first calendar year as a BEE CITY USA affiliate, each February, apply for renewal of City of High Point's BEE CITY USA designation following the format provided by BEE CITY USA, including a report of the previous year's BEE CITY USA activities, and paying the renewal fee based on City of High Point's population.

ADOPTED by the City of High Point City Council of the High Point, NC, this ____ day of _____, 20__.

Seal

Jay W. Wagner, Mayor

Sandra Keeney, City Clerk