

City of High Point

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



Minutes

Monday, February 18, 2013

4:45 PM

Council Chambers

City Council

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

ROLL CALL, PRAYER, AND PLEDGE OF ALLEGIANCE

Upon call of the roll, the following Council Members were present. Council Member Wagner offered the invocation; the Pledge of Allegiance followed.

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

PRESENTATIONS**High Point Police Department- National Night Out Award**

Major Eddie McCluney presented a two-time All-Star award (2011 and 2012) to Cedrow Neighborhood Association for National Night Out. [applause] William Strickland, representing the Cedrow Neighborhood Association, was present to accept the award on the neighborhood association's behalf. He thanked the High Point Police Department, the City of High Point, Council, staff, Community Development Department for their assistance and outstanding support for their neighborhood association. [applause]

Mayor Sims reported that she has attended all the Night Out festivities since inception of the program and noted it really has been wonderful to see the great turnout in this community.

Check Presented to Guilford County Board of Education and School System

Mayor Sims asked Mo Green, Superintendent of the Guilford County Schools, Angelo Kidd, Area Superintendent, Guilford County School Board Members Ed Price, Carlvena Foster and Rebecca Buffington, and local businessman, David Miller, to come forward for presentation of the \$20,000 check. She explained that several communities across the state were partnered with various Nascar drivers and that the City of High Point happened to be partnered with a Nascar driver, Kasey Kahne for the Coca-Cola 600 Race that was held in Charlotte and because Kasey Kahne won the race, the City of High Point received a check for \$20,000 to be used for schools in the Guilford County School System. She expressed appreciation to Superintendent Green and School Board Members for what they do for the children. School Board Member Carlvena Foster mentioned they have a committee that will be meeting on Wednesday to start deciding how to spend the money because they want to make sure every school in High Point benefits from the check.

American Red Cross- "Salute to Heroes Program"

Bud Frediani, representing the American Red Cross, was present to promote the "Salute to Heroes" event scheduled for Friday, March 8th at High Point University's Hayworth Center. He noted there would be 15 awards presented with 3 winners from High Point and issued a personal invitation to the Mayor

and City Council to attend the event.

REGULAR MEETING ITEMS

FINANCE ITEMS

[130048](#)

Contract - Bid No. 25 - City Lake Park Boat Dock Renovations

Award of contract for Bid No 25 to replace the boat docks at the City Lake Park. Purchasing and the Parks and Recreation Department recommends that contract be awarded to Southern Constructors, Inc. in the amount of \$447,500.00 which is the lowest responsible, responsive bidder meeting specifications.

Attachments: [Bid No. 25 - City Lake Boat Dock Renovations](#)

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Approved contract with Southern Constructors, Inc. in the amount of \$447,500.00 which is the lowest responsible, responsive bidder meeting specifications.

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

[130049](#)

Contract - Bid No. 64 (extension) - Aluminum Sulfate for the Waste Water Treatment Plants

Award of an extension to the contract for Bid No 64 for the purchase of Aluminum Sulfate for the Ward WWTP, Eastside WWTP and the Westside WWTP. Purchasing and the Public Services Department recommends that contract be awarded to General Chemical in the amount of \$586,190.00 which is the lowest responsible, responsive bidder meeting specifications.

Attachments: [Bid No. 64 \(Extension\) - Aluminum Sulfate](#)

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Approved contract with General Chemical in the amount of \$586,190.00 which is the lowest responsible, responsive bidder meeting specifications.

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

[130050](#)

Contract - Bid No. 21 (extension) - Liquid Sodium Hypochlorite - Ward Water Treatment Plant

Award of an extension to the contract for Bid No 21 for the purchase of Liquid Sodium Hypochlorite for use at the Frank L. Ward Water Treatment Plant. Purchasing and the Public Services Department recommends that contract be awarded to Univar USA, Inc. in the amount of \$143,400.00 which is the lowest responsible, responsive bidder meeting specifications.

Attachments: [Bid NO. 21 - \(Extension\) - Liquid Sodium Hypochlorite](#)

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Approved contract with Univar USA, Inc. in the amount of \$143,400.00 which is the lowest responsible, responsive bidder meeting specifications.

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

[130051](#)

Contract - Bid No. 65 (extension) - Sodium Hydroxide -Water and Waste Water Treatment Plants

Award of an extension to the contract for Bid No 65 for the purchase of Sodium Hydroxide for the Ward WTP, Eastside WWTP and the Westside WWTP. Purchasing and the Public Services Department recommends that contract be awarded to Brenntag Southeast in the amount of \$201,152.48 which is the lowest responsible, responsive bidder meeting specifications.

Attachments: [Bid No. 65 - \(Extension\) - Sodium Hydroxide](#)

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Approved contract with Brenntag Southeast in the amount of \$201,152.48 which is the lowest responsible, responsive bidder meeting specifications.

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

[130052](#)

Resolution - Donation of Surplus Equipment to Piedmont North Carolina Firefighters Association, Inc.

Consideration of a resolution authorizing the donation of surplus City equipment (fire hose) to the North Carolina Firefighters Association, Inc.

Attachments: [Resolution - Donation of Use Fire Hose](#)

**Resolution No. 1284/13-07
Introduced 2/18/2013; Adopted 2/18/2013
Resolution Book, Volume XVIII, Page 7**

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Adopted resolution authorizing the donation of surplus City equipment (fire hose) to the North Carolina Firefighters Association, Inc.

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

[130053](#)

Resolution - Conveyance of Property - Habitat for Humanity of High Point

Council is requested to adopt a resolution authorizing the execution of all documents necessary to convey property located at 1613 Graves Avenue to Habitat for Humanity of High Point.

Attachments: [Resolution Conveyance of Property - Graves Avenue -Habitat for Humanity](#)
[Resolution Conveyance of Property - Graves Avenue -Habitat for Humanity -](#)

Resolution No. 1285/13-08
Introduced 2/18/2013; Adopted 2/18/2013
Resolution Book, Volume XVIII, Page 8

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Adopted resolution authorizing the execution of all documents necessary to convey property located at 1613 Graves Avenue to Habitat for Humanity of High Point, Archdale and Trinity.

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

[130054](#)

Municipal Agreement - NCDOT - S. Main/GTCC Pedestrian Crosswalk

Council is requested to authorize staff to execute a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) providing for the funding for the S. Main Street/GTCC pedestrian crosswalk & refuge island.

Attachments: [Municipal Agreement - S. Main-GTCC Crosswalk](#)

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Authorized staff to execute a Supplemental Agreement with the North Carolina Department of Transportation (NCDOT) providing for the funding for the S. Main Street/GTCC pedestrian crosswalk and refuge island.

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

[130055](#)

Budget Ordinance Amendment - S. Main/GTCC Pedestrian Crosswalk

Council is requested to adopt a budget ordinance amendment amending the 2012-2013 Budget Ordinance to appropriate funds in the amount of \$25,000.00 for the construction of the S. Main Street/GTCC pedestrian crosswalk & refuge island.

Attachments: [Budget Ordinance - S Main-GTCC Crosswalk](#)

Ordinance No. 6976/13-08
Introduced 2/18/2013; Adopted 2/18/2013
Ordinance Book, Volume XVIII, Page 8

This matter was discussed during a Committee of the Whole Finance meeting held at 4:00 p.m. prior to this meeting.

Adopted ordinance amending the 2012-2013 Budget Ordinance appropriating funds in the amount of \$25,000.00 for the construction of the S. Main Street/GTCC pedestrian crosswalk and refuge island.

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

PUBLIC SAFETY ITEMS

[130056](#)

Ordinance - 48 Hour Notice - Vacate/Close Dwelling - 509 Denny Street

Adoption of an ordinance ordering the Inspector to effectuate a 48 hour order to Vacate and Close a dwelling located at 509 Denny Street belonging to SHJ Capital, LLC.

Attachments: [Ordinance - Vacate - 48 hr Order - 509 Denny St](#)
[Staff memo repairs made to 509 Denny Street.pdf](#)

Mayor Sims reported that staff has submitted information that the necessary repairs have been made and no further action is needed at this time. Structure is now in compliance.

Removed from the agenda.

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this housing case be removed from the agenda. The motion **PASSED** by a 9-0 unanimous vote.

PUBLIC COMMENT PERIOD - 5:15 P.M.

[130057](#)

Public Comment - Municipal Elections - Primary

At the City Council Retreat held Saturday, February 9, 2013, the Council established Monday, February 18, 2013, at 5:15 as the date and time to receive public comments on the implementation of a primary associated with High Point Municipal Elections.

Attachments: [Public Comment - Municipal Election](#)

Mayor Sims asked if there was anyone present who would like to address Council during the Public Comment Period.

Cynthia Davis, 413 Evergreen Avenue, addressed Council in support of a primary in the even-numbered years and believed there is much more voter participation in the even-numbered years. She also expressed support for 2-year terms.

Mayor Sims asked if there were any additional comments. There being none, the Public Comment Period was declared closed.

Note: Mayor Sims recessed the meeting at 5:24 p.m. and Council reconvened at 5:30 p.m. for the public hearings.

acknowledge public comment period was held

PUBLIC HEARINGS - 5:30 P.M.

FINANCE ITEMS

130058

Public Hearing - Resolution - Exchange of Property - Housing Authority

Monday, February 18, 2013, at 5:30 p.m. is the date advertised to receive public comments on the adoption of a resolution authorizing an exchange of property between the City of High Point and the High Point Housing Authority.

Attachments: [Resolution Exchange of Property with Housing Authority \(Wise Sharon and V](#)
[Resolution Exchange of Property with Housing Authority \(Wise Sharon and V](#)

Resolution No. 1286/13-09

Introduced 2/18/2013; Adopted 2/18/2013

Resolution Book, Volume XVIII, Page 9

The public hearing for this matter was held as duly advertised on Monday, February 18, 2013 at 5:30 p.m.

Randy McCaslin, Assistant City Manager, explained this is a result of action that has already been taken, but needs to be done with a properly advertised public hearing.

Mayor Sims opened the floor for public comment. There being no one present to offer comment, the public hearing was declared closed.

Adopted resolution authorizing the exchange of property between the City of High Point (508 Wise Street, 907 Sharon Street, and 904 Sharon Street) and the High Point Housing Authority (706, 710, 714-716 Vail Avenue) as identified in the resolution.

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

130060

Public Hearing - HUD Section 108 Loan Application

Monday, February 18, 2013 at 5:30 p.m. is the date and time established to receive public comments on an amendment to the City of High Point's HUD Section 108 loan application to reflect changes in its intended use.

Attachments: [HUD Section 8 Amendment](#)

The first public hearing on this matter was held as duly advertised on Monday, February 18, 2013 at 5:30 p.m. The Second public hearing is scheduled for Monday, April 1, 2013 at 5:30 p.m.

Mike McNair, Director of Community Development & Housing explained that the City was approved for a HUD Section 108 loan in the amount of \$3.907 million on May 3, 2010 which was initially established to fund the small business loan pool, but because it did not take off after the first year, the partners declined to renew it. He noted the purpose of this amendment is to add uses (CDBG eligible uses) to that application and the uses in this particular case would be for public improvements (i.e. water/sewer infrastructure, site acquisition, etc...). He further explained the public hearings are required because this is considered a substantial amendment to the 2012-2013 Annual Action Plan with a second and final public hearing on the amendment scheduled for Monday, April 1, 2013 at 5:30 p.m. (allowing for a 30-day comment period on the amendment) A draft of the amendment is available for public inspection and comment in the Community Development & Housing Department.

Mr. McNair pointed out if the amendment is not approved, these funds expire September 30, 2015 and the city would lose access to the money if it is not used. Council Member Smothers pointed out the proposed use for these funds would be for public improvements supporting multi-family development. Mr. McNair agreed and asked Council to keep in mind that this is not a grant, but rather a loan that would have to be paid back and explained this is not a one-shot deal--the Council could choose to go with other uses later on. Council Member Ewing asked if the city has held a public hearing to expand what potential uses could possibly maximize these dollars for economic development or additional growth beyond what it is currently being used for and also asked about the possibility of negotiating the rates for the loan. Mr. McNair noted a public hearing was held at the time of the initial application and the city chose to partner with the financial institutions in an effort to limit their exposure. He explained as it stands now, the loan pool is the only use that was approved because it was the only one asked for.

Council Member Mendenhall asked if this could provide 100% financing for a project and Mr. McNair replied that it would not, that there would be a mixture of funding involved. He explained this amendment would not eliminate the initial use, it would be adding an additional use to make more options available. Council Member Davis inquired about the possibility of default on a loan and Mr. McNair explained that even though the city is liable for the money, there has never been a default of the tax credit in North Carolina since it started in 1986.

Due to the number of questions expressed about how these funds might be applied and what projects would be eligible, Council Member Smothers asked if it might be possible to have a briefing where staff could show Council a project and how this might be applied to clear up some of the confusion as to where the public money goes.

Following the discussion by Council, Mayor Sims opened the floor for public

comments regarding this matter. There being none, she noted the second public comment period is scheduled for April 1st.

PLANNING & DEVELOPMENT ITEMS

130061

Amendment to Zoning Case 11-03 - High Point University

A request by High Point University to amend Conditional Zoning Case 11-03 (CZ11-03) to:

- a. Add approximately 6.5 acres and rezone the additional land area from the Residential Single Family-7 (RS-7) District and Conditional Use Public & Institutional (CU-PI) District to a Conditional Zoning Public & Institutional (CZ-PI) District. The land area to be added to CZ11-03 consists of the property lying at the southwest corner of E. Farriss Avenue and Panther Drive (900, 902, 904, 906 E. Farriss Avenue, and 965 Panther Drive and a portion of 921 Panther Drive).
- b. Amend conditions of Conditional Zoning Ordinance CZ11-03 pertaining to permitted uses, development and dimensional requirements, development standards for Tract B, landscaping/buffer/screening, and vehicular access.

Attachments: [Amendment - Zoning Case 11-03 - HPU](#)

Ordinance No. 6977/13-09

Introduced 2/18/2013; Adopted 2/13/2013

Ordinance Book, Volume XVIII, Page 9

The public hearing for this matter was held on Monday, February 18, 2013 at 5:30 p.m.

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

Mayor Sims inquired about the access to this area off Farriss and Mr. Shannon explained that the Zoning Ordinance does not permit any new access points; the only one is Fifth Street and there would be no new curb cuts in the area.

Following the presentation of the staff report, Mayor Sims opened the public hearing and asked if there was anyone present who would like to speak regarding this matter.

Ron Guerra, Director of Construction and Renovation/Development for High Point University, 833 Montlieu Avenue, spoke in favor and asked for Council's approval of the request. He asked if there were any questions from Council.

There being none, Mayor Sims asked if there was anyone else present who would like to comment. There being no further comments, the public hearing was declared closed.

Adopted ordinance amending Conditional Zoning Case 11-03 (CZ 11-03) based on consistency with the City's adopted plans and finds that this action is reasonable and in the public interest because: 1) The area proposed to be added to CZ11-03 is designated Institutional in the adopted Land Use Plan and is consistent with the growth area policy of the University Area Plan; 2) The fact that this permanent edge of campus, as defined by the University Area Plan, along the south side of E. Farris Avenue is separated by a park from the residential neighborhood on the north side of this roadway will help ensure development is compatible with the adjacent residential neighborhood

A motion was made by Mayor Pro Tem Moore, seconded by Council Member Mendenhall, that this Amendment for Conditional Zoning Case 11-03 be adopted. The motion PASSED by a 9-0 unanimous vote.

[130062](#)

Ordinance - Text Amendment 13-01 - Riedco Inc.

A request by Riedco Inc. to amend Section 9-4-3(a)(2)c.1 of the Development Ordinance to remove the 5-acre minimum size requirement for the PDL District.

Attachments: [Ordinance - Text Amendment 13-01 - Riedco, Inc.](#)

Ordinance No. 78/13-10

Introduced 2/18/2013; Adopted 2/18/2013

Ordinance Book, Volume XVIII, Page 10

The joint public hearing for this matter and related matter **130063 Rezoning Case 13-01 Riedco, Inc.** was held on Monday, February 18, 2013 at 5:30 p.m.

_____ Transcript: Public Hearing- February 18,
2013_____

Bob Robbins: Good evening. This is a text amendment with sort of a sole purpose in mind which is to remove the five acre minimum requirement for a planned unit development limited within the Core City area. The applicant is Riedco, Inc. They have proposed a development on a parcel of land about .64 acres in size along West Lexington Avenue. The PDL zoning is desired so that they can do some multi-family residential or have a multi-family residential option for that parcel. Since they are seeking a PDL on that parcel, the rezoning cannot be approved unless Council approves the text amendment to either eliminate that requirement or to reduce it down to something less than .64 acres.

Council Member Smothers: Maybe this is not the appropriate time to ask the question, but I think it's interesting the way you phrased that....either to eliminate it or reduce it to the size that fits the request, which in a different world long ago would be the same thing as saying spot zoning. So we're just kind of whatever. So does staff have a recommendation?

Bob Robbins: We are recommending that the minimum be eliminated or removed entirely.

Council Member Smothers: It's kind of hard to decide how far below .6.

Bob Robbins: .6 you can go....the fact is there's little correlation between that minimum lot size and the development because developers can certainly accumulate numerous parcels so the size has little to do with it. We do feel, though, however that this text amendment does support goals and objectives of the Core City plan, certainly to encourage mixed use development within the Core City area. We also think that it....sorry I lost my place....ummm, we also note that the 5 acre minimum area is not to be reduced on PDLs outside the Core City area. That minimum would still remain for, if you will, the suburban areas of the city and the maximum which is twenty acres would remain for both cases. It would not be allowed to be any larger than twenty acres within the Core City and also outside the Core City.

Council Member Moore: Bob, do you know from a historical perspective why the five acre to twenty was set? Based on the economy of the time or plans in place or when it was set? Some history behind that?

Bob Robbins: It's kind of akin to an entry requirement you might say. We have....there's about four or five zoning districts within the city where these kind of minimum acreage requirements were installed. Shopping Center is one. PUD Districts are another. The TN District is another. And, the idea I think was, again, to sort of give a jumping off point saying well you need to be a little larger than this in order to be a viable project in this particular zoning district. But what's changed has been, you know, at that time, it was kind of a one size fits all and we don't really see that any more. We do believe that we need to look at where these are occurring and try to accommodate them where possible-especially within the Core City area. So we feel that the minimums are just outmoded for what we're dealing with today. I might point out, too, that the rewrite of the Development Ordinance....the Development Ordinance update project is heading in that direction. We don't know yet what the final draft will be, of course, but the thought is with PUDs is to have one version of that that deals with the suburban development more or less and one version that we can apply within the Core City which would be a little bit different and that's really, again, trying to tailor our ordinances to where they are....the application actually is.

Mayor Sims: So if I understood this correctly, this will be included in our ordinance rewrite for those specific areas. Is that correct?

Lee Burnette: As Bob mentioned, the Ordinance rewrite is considering a different PUD in the Core City, and one for the suburban area outside the Core City. So the intent at this point is to work in that direction. We haven't seen that yet from the consultants so I can't say specifically what they are proposing, but as Bob mentioned, most jurisdictions are reducing or meeting requirements because in cases, size is not vertical, it's horizontal. Also just to note, this as Bob mentioned is an entrance...it's not a finite situation. In order for a development to be considered right now has to have that five acre requirement. In the future if the requirement is moved, they will still

be considered less than a five acre requirement, but still Council has to give that consideration and has to adopt it. So just because they use that requirement of less than one acre doesn't mean that they're approved.

Council Member Mendenhall: Say that again, Mr. Burnette.

Lee Burnette:requirements less than one acre doesn't mean that they're approved. In other words, this is just an entrance requirement for consideration by the Council. If the district's requirement is eliminated, you still have those same factors/requirements anyway that has to be given consideration by Council.

Council Member Mendenhall: So you don't feel this is setting a precedent that other developers could come in and say why is this just in the Core City and why is it not outside the Core City?

Lee Burnette: I think if you look at development in most other cities, they have standards that fit their urban setting, their suburban setting as well as their rural setting if they have a rural area. That's what this is....it's sort of going in that direction and that's what the ordinance rewrite is taking into consideration is the different settings that are in High Point. So by setting a precedent, you're basically allowing other similar scenarios to be considered by Council.

Council Member Mendenhall: So we are not necessarily saying that the Core City in High Point is the only urban development area possible?

Lee Burnette: It's not the only.....it depends on what you define as urban, but from the standpoint of what the ordinance has and is considering....our ordinance right now is a very suburban ordinance. You have very large setbacks. You just had High Point University seek a reduction in setback from a district that's primarily suburban in setting and that's one reason why the ordinance is being rewritten is to give a better setting for urban in terms of setbacks, lot sizes, that type of thing. Many of the parts of High Point were built at a much reduced building setback than some of the ordinance requirements are today.

Council Member Mendenhall: Well I guess that's my concern because in High Point I see some areas that I consider outside the Core City, but still where this could be applicable and yet, we're limiting this right now to the Core City, correct?

Lee Burnette: Well, yes, but it is still again just an entrance. In many cases when you are in a suburban setting or an area even just outside the Core City, someone being able to put together five acres for a development is not uncommon. But when you get into a setting like the Core City where putting five acres together for a development may be very difficult to do because of the availability of land in order to do it.

Council Member Mendenhall: So if someone, a developer, were able to put together two acres and it was not located in the Core City, they could come and ask for

permission to be excluded from the five acres?

Lee Burnette: What you're having here is not permission to be excluded, it's a text amendment, it's a change in the ordinance, so it's applicable to all. So, yes, anyone can submit-anybody that owns property or that resides in the city can submit a text amendment.

Council Member Ewing: Lee, you said that....it's just kind of a check, when you get to the door if they are under five acres, have we turned anyone away in the recent past because they were below five acres?

Lee Burnette: Not that I'm aware of. No, but this is also the first PUD application that we've had in the Core City as well.

Bob Robbins: Just one more note and that is P & Z did review the text amendment on January 29th at their meeting. They did approve or recommend approval of it by a 6-1 vote. Any other questions?

Beth Koonce: Good evening Madam Mayor and members of Council. My name is Beth Koonce and I'm an attorney with the law firm of Roberson, Hayworth and Reese here in High Point. My address is 300 N. Main Street and I'm here tonight representing Mr. David Riedlinger and Riedco in this request for a text amendment and the rezoning case that follows it. I understand the concerns that you might have about expanding the use of a planned unit development into smaller lot sizes, but I do want to point out that even though it's pretty clear that we need approval of this text amendment to be able to go forward with our rezoning case, I do think a planned unit development is a good tool to be used in city planning and particularly in the core city area. But you've got the issue in the Core City of the fact that you don't have large acreage tracts in the Core City. As a matter of fact, I can't off the top of my head think of one five-acre tract that you would have in the Core City. So what you're talking about is being able to, with this text amendment, be able to use this planned unit development tool on smaller sites and that's all we're asking for. I think it would be appropriate to do that in the Core City area. It would give you all a bit more control over the design and planning of some of those smaller sites. I'll be glad to answer any questions that you might have.

Mayor Sims: Thank you, Ms. Koonce. Is there anyone here to speak in opposition to this text amendment?

Council Member Smothers: I wonder, Madam Mayor, in the past we have considered both the zoning and the text amendment somewhat together-not to confuse it, but it might do well to go ahead and have the presentation.

Mayor Sims: There was some, I guess, unreadiness expressed I think with others regarding the text amendment, so I wasn't sure whether we needed to tie both of those together.

Council Member Mendenhall: Well, the concern I had when the staff made the presentation was the fact that it only is applicable in the Core City when there are other urban areas that might need this same kind of waiver and I guess the response was that every time we're going to have one, they'll come back with a text amendment which seems kind of ludicrous to me. Although I realize it's difficult other than the fact that the Core City is a defined area, it's difficult to decide what is urban and what is suburban. That is in the eye of the beholder I imagine, but I just think that we're making a lot of exceptions for the Core City that might be applicable in other areas too. I realize it's hard to define that, so I guess I am ambivalent at best.

Council Member Wagner: Madam Mayor if I could speak to that. I think one of the issues as far as the difference between the Core and the areas that are outside the core is the density of development inside the Core City area. Many of the lots are very, very small-especially to the east side of Main Street. There are some lots over there, in fact, that are so small that there have been text amendments in the past to allow things to occur on those lots because none of the zoning classifications that we had even applied to them if I remember correctly, at least from my time on P & Z. I mean some of them are....you're talking about a 1/10 acre lots sometimes and that's....you've got about 50 lots to get to five acres in a 1/10 of an acre lot, which is virtually impossible to get to a five-acre minimum with the number of lots and number of different owners you'd have to deal with for a developer to do that. I think it's just a realization of that simple fact and also the fact that no one has ever come in and asked to do one in the Core because of the five-acre minimum it shows it's not working. As to whether to apply it outside, you know, I don't have any opposition to applying outside, but I think it's more of a reflection of what reality is in terms of the size of the lots and what the market is trying to do in the Core as opposed to outside. Typically you're going to find outside the Core, developers are coming in and doing bigger developments anyway.

Council Member Smothers: I can understand that rationale, Mr. Wagner. I think the thing that you boil it all down to is a kind of basic real estate issue which is location, location, location. It depends on where it is and certainly if it's on a primary thoroughfare, there would be concerns, perhaps, that would be not present if it were on a less traveled street. But you're certainly correct if you're talking about going in with what has been a pattern of residential lots that some are probably not even 50-feet in width. But, here again, it's....I think I can see it in the context in looking at the case, but to have just it wide open, there's a little bit of unease just because of some of the transportation problems we have now with traffic movement in the Core City.

Mayor Sims: You're saying that you feel that it should be adopted in light of the rezoning case that follows? Is that what I'm hearing?

Council Member Smothers: Well, the whole thing is ahead of the rewrite on the ordinance. We're saying we're going to have one, but it's not ready yet and we don't really know what's going to be in it, but hey until that comes along, we've got this. And we've got a Core City Plan that's going to be detailed in April pertaining to specific focal areas. We don't know really what that's going to be either, but you know we can

guess and think maybe this might fit in too. So, maybe it's a timing issue as much as anything else that generates some of the questions that later on would have been answered.

Mayor Sims: Based on the way this text amendment is written or the approved amendment to this, it's going to end up being wide open anyway. So....but at this point I guess we can go ahead and hear the rezoning case and then do both of them together.

Council Member Wagner: Could I say one more thing about this and I'll try to keep it short. Also, you know, I think we need to look at the fact like Lee said, this is really just a gatekeeper function. It still requires each individual development to come before us for approval. If people are bringing us stuff that doesn't fit and it's stuff that we don't want, we just don't approve it. All this does is gets people in the door.

Council Member Smothers: That's a good point.

Council Member Mendenhall: Well I would hope if it's approved that staff would, and I'm assuming that they would, would also work with others as the possibility for this kind of thing to take place in other areas. I just have a problem when we say well we're going to do it here because this is the primary place. I can understand why it needs to be there, there's no question about that. I just have a concern when it could be applicable other places and we're going to say, well if they come forward that's fine, but sometimes people don't know that they can come forward and do this. I just hope that we would always work with everybody to make sure that it could happen in other places if it was appropriate.

Mayor Sims: Well you have two council members that are part of the ordinance rewrite sitting at the other end of this dais and you have staff here, so I think they heard you loud and clear. I think you all heard Ms. Mendenhall, so I'm assuming they will consider that as they move forward. And also Ms. Davis sitting in the back is also a part of that committee as well. I think they heard you, so as we move forward with that rewrite, hopefully you all will take that under consideration as you start to make those things happen.

Herb, if you will go ahead and present the rezoning case.

Council Member Smothers: I'm going to support the text amendment because as I understand it, every request to do that will come back to a City Council. That is why I will support that.

Council Member Mendenhall: I'm going to support it, but it's a reluctant support because as I said, I think that it's....I wish it were more all-encompassing and I realize that would mean that somebody would have to make a decision about what's urban and what's suburban. As long as everything else is coming back to us, I can support it.

[end of transcript]

Adopted ordinance amending Section 9-4-3(a)(2)c.1 of the Development Ordinance to remove the 5-acre minimum size requirement for the PDL District.

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

130063

Ordinance - Rezoning Case 13-01 - Riedco Inc.

A request by Riedco Inc. to rezone approximately 0.64 acres from the Conditional Use Limited Office (CU-LO) District and Residential Single Family-9 (RS-9) District to a Planned Unit Development-Limited (PDL) District. The site is lying along the south side of W. Lexington Avenue approximately 175 feet west of Long Street.

Attachments: [Ordinance - Rezoning Case 13-01 Riedco, Inc.](#)
[Amendments to CZO 13-01 \(Riedco, Inc.\).pdf](#)

Ordinance No. 1679/13-11

Introduced 2/18/2013; Adopted 2/18/2013

Ordinance Book, Volume XVIII, page 11

*The joint public hearing for this matter and related matter **130062 Text Amendment 13-02 Riedco, Inc.** was held on Monday, February 18th at 5:30 p.m.*

Herb Shannon: Yes, this is the staff presentation for Rezoning Case 13-01. It's a request by Riedco, Inc. to rezone two parcels from the Residential Single Family-9 District to a Conditional Use Limited Office District to a Planned Unit Development Limited District. The total area is approximately .6 acres. Just to note to everyone where we're at. To the east you have Main Street. This is the intersection of Main Street and Lexington. The other site is lying along the south side of Lexington between Long and Rotary in that area that's cross-hatched in red is the rezoning site that is being reviewed this evening. As you can see from the overhead projection, surrounding zoning to the north, east and west is a combination of Conditional Use Limited Office and Limited Office and to the south is an existing single-family neighborhood that has a Residential Single Family-9 zoning designation. The Land Use Map designates this area or this segment of W. Lexington Avenue for office use. Bob, if you can go to the next slide please. The composite of zoning and land use plan amendment....you may have to slide that up some. Yes. The area to the east that you see highlighted in pink has a land use designation of Local Convenience Commercial and that's part of the Main Street corridor that stops at Long Street. From Long Street to Rotary, that area you see highlighted in blue has a Land Use Map designation of Office and this classification is intended to accommodate professional, personal and business service uses.

As for the zoning history in this area, the various office zonings which surround the zoning site were established in the late 80s and early 1990s. This is a request for a PUD District. The PUD which is known as a Planned Unit Development District are termed as floating districts and that means they may be applied anywhere within the city. There are three specific types of PUD Districts. In this case, the applicant is requesting a Planned Unit Development Limited District which is intended to accommodate all the land uses permitted in the residential zoning districts, office or commercial districts. PUD is an optional form of land development and prevents multiple housing types of land uses that are governed by a master plan. The main advantage of a PUD is flexibility which is offered and allows the applicant to set specific design standards to meet a specific development proposal. Under this proposal, the applicant has noted two specific uses in their Conditional Zoning Ordinance. One, the site to be developed with any uses allowed in the Limited Office District. Two, to permit a six-unit multi-family residential development. Under this PUD zoning, the applicant has customized a proposal that fits with this specific area. In this case, they have included not only the written conditions, but also a PUD master plan and elevation plans and those are included in your packet. Any significant deviation from that master plan would require additional public hearing review and approval by City Council. Bob, if you can go to the next slide please.

This is in your packet, this is the PUD master plan that the applicant has noted if the site is developed with multi-family use where they are noting two structures with a one-way drive circulation. On page five of your packet is a staff analysis. There is quite a bit of information there. We have the PUD findings and zoning findings. Three key points staff and I would like to point out:

- 1. That the PUD District would encourage innovative arrangement of building;*
- 2. The request will not substantially injure or damage the use of adjacent property owners; and*
- 3. Finally the consistency of adopted plans.*

In regards to the innovative arrangement of building, the applicant has offered under this PUD plan, a Build To zone and that's this area that's shaded along the frontage. That notes that the building must be pulled up into that Build To zone. This pushes the development away from the abutting residential structures to the rear. This also provides opportunity of having some additional open space area where a courtyard area is being proposed in the middle of this site and provides opportunity for wider buffering area toward the rear of the site where it abuts the residential neighborhood.

As to the request that it will not substantially injure or damage value of adjacent property owners, this portion of the W. Lexington Avenue corridor has Office land use map designation. Over the past 30 years, it has slowly transitioned to an office area and offers a buffer from the Main Street area toward the residential uses to the west. So this is an established office area, so allowing Limited Office uses would be compatible with adopted plans and adjacent uses.

As for the multi-family option, the applicant is proposing....they have proposed several conditions to mitigate any potential impacts to abutting property owners. They have the Build To zone which pulls development towards W. Lexington Avenue and away from the residential neighborhood. They've offered to limit the site to a maximum of six dwelling units. They've offered a significantly higher rear yard setback where that rear yard setback is 85 feet and they've offered a higher planting yard standard toward the rear of the property and all the plantings in that area will consist of evergreen species. And, finally, they have offered a building height limit which matches the current zoning standards in the abutting Residential and Office zoning.

Finally, in regards to consistency with adopted plans, as I previously noted, this area is designated for office land use and this portion of Lexington is designated as a major thoroughfare. Bob, if you'll go back one slide. I would also note the Main Street District is about 175 feet just west of the site. You have commercial uses up to Long, then office. This is that Main Street corridor. The Core City Plan, the Community Growth Vision Statement and Land Use Plan all support a mixture of uses and higher density in-fill along major corridors in close proximity to our commercial corridors. This proposal for either option of office or multi-family is addressing those policies encouraged by those various plans. In conclusion, subject to approval of Text Amendment Case 13-01 which you previously heard. The Planning & Development Department recommends approval of the request to rezone this area to a Planned Unit Development Limited District. The conditions offered by the applicant addresses the goals and objectives of the various plans and the request, as conditioned, will be compatible with the surrounding area in conformance with adopted plans. On your dais, I want to point out, the applicant has offered some additional conditions. Those were submitted in writing in the required timeframe in which they have offered to dedicate right-of-way requested by the Transportation Department and in conjunction with that, they have proposed to amend that Build To zone to be between five and twenty feet. Staff has reviewed those amendments and have no objections to the amendments proposed by the applicant. The Planning & Zoning Commission reviewed this request at their January 29th public hearing and recommended approval

by a vote of 7-0. The commission did request that prior to the City Council public hearing, the applicant meet with the Transportation Department and also, if possible, see if there were any stormwater control options that can be provided.

Based upon this amendment, they have met with the Transportation Department and addressed their concerns and they can address their efforts to address stormwater control as the Planning & Zoning Commission recommended. That is a brief summary of the request. Are there any questions at this time?

Council Member Mendenhall: The minimum 34-feet of right-of-way, does that allow for the initial planning of construction as close to Lexington as possible? This right-of-way will not interfere with that?

Herb Shannon: I will let Transportation address that as far as any construction or improvements, but the way they have proposed it, they would allow the development as they proposed in their master plan, in their PUD Master Plan as far as the building being outside of any future construction. So you wouldn't.....I think that I'm hearing you correctly, there would be no building in that area where you have the right-of-way dedication.

Council Member Mendenhall: And the elevation of 50-feet, is that the top of the buildings?

Herb Shannon: That would be to the ridge. I believe the applicant can note that in their presentation, but they are proposing a pitch roof. That 50-foot height is measured from that top ridge of the pitch roof.

Council Member Mendenhall: Okay....I heard it one time or read that there's going to be a garden area on the top. Has that been done away with?

Herb Shannon: I believe the applicant can go over that design proposal with you.

Council Member Smothers: But, now the drawings that we have submitted to us show how it could fit in that area. They are not part of the conditional, whatever we've got-conditional zoning ordinance. All we have are the specifics that relate to setbacks, side yards, buffers, blah blah blah blah.

Herb Shannon: Correct, the specific conditions that govern development of this site is the Conditional Zoning Ordinance and the PUD Master Plan. Those various perspectives.....and you do have the elevation drawings, but the various perspectives that were included were from their neighborhood

meeting report and that is what they had presented to surrounding property owners when they had that neighborhood meeting.

Council Member Smothers: Right, but they project it's what it could look like. But this is not what it necessarily will look like.

Herb Shannon: That's right.

Council Member Smothers: Okay, I just want to make sure we understand that.

Mayor Sims: Are there any other questions for Mr. Shannon?

Council Member Davis: I have a couple. Herb, P & Z approved it with a vote of 7-0, but they had asked that prior to coming to Council that they meet with the Transportation Department to see if a solution could be reached in regards to right-of-way and stormwater control options. Has that been done?

Herb Shannon: In regards to the transportation issue, they have offered that condition that the Transportation Department recommended. I will let the applicant go over their efforts to attempt to address stormwater issues.

Mayor Sims: Any other questions? Can we hear from the applicant?

Herb Shannon: I just want to clarify in case I misspoke earlier, the elevation plans are part of the PUD Master Plan.

Council Member Smothers: Right, I was just talking about the building itself. The little rendering we had.

Herb Shannon: I believe the renderings was part of that neighborhood meeting. This is the PUD Master Plan, this is the elevations and this is part of their PUD Master Plan and those are binding. I believe these are the items that you were referring to, the renderings that were part of their neighborhood meeting. Is that correct?

Council Member Smothers: To me, they look just about like those other ones, but they've got trees.

Herb Shannon: But that first elevation, that is part of their binding.....

Council Member Smothers: The elevation, yeah, but I'm talking about balconies and stuff and whatever. They're not bound by that.

Herb Shannon: No.

Council Member Smothers: We're talking about 50 feet up in the air from the pitch roof down.

Herb Shannon: Yes.

Mayor Sims: Okay, now we're ready.

Beth Koonce: Good evening Council. Beth Koonce, 300 N. Main Street, representing David Riedlinger and Riedco. I'd like to start our presentation tonight by letting Peter Freeman, who is the architect on this project go over the plan with you and he will be talking about what we've done as far as revamping our stormwater plan for the site since the Planning & Zoning Meeting.

Peter Freeman: Honorable Mayor, City Council. Thank you very much. My name is Peter Freeman, Freeman Kennett Architects at 1102 N. Main Street. We're very excited to have this opportunity to present six new condominiums in Uptowne High Point. I do want to take just a second and acknowledge David Riedlinger of Riedco, who is here, who is an experienced High Point developer and has quite a track record of building quality projects throughout the city. In fact, David's kind of ahead of his time in that David designed the Time Square project at W. Lexington and Main and that's been a model project. In fact, it's used in much of the discussion for what should happen in Uptowne as the right way to develop along the Main Street corridor. What kind of makes that an interesting project is that the building is in the front and the parking is in the back and it's dressed up and it's been a very successful retail development. Next slide please.

Currently the development patterns and Planning & Zoning regulations have advanced buildings getting pushed away from the street-kind of the strip center approach to the urban core and our new urbanism approach places the building closer to the street edge and encourages a more community oriented pedestrian friendly and bike friendly type neighborhood. Combined with mixed use housing retail, commercial and office and designed in a consistent urban form, the result can lead to strong economic viability for the urban neighborhood and an increase in property values. The potential viability, however, hinges on having good design and having choices in housing. This is our vision for the Uptowne area and specifically our vision for this project. Our proposal includes combining the two parcels at 205 and 207 W. Lexington into a single 28,000 square foot site to provide a mixed use component to the neighborhood. We're providing a new choice in housing as an in-fill to the existing offices, retail and commercial currently located in the area. 205 W. Lexington is currently zoned RS-9 and 207 is

currently zoned Conditional Use Limited Office. Our request is for a Limited Land Unit Development to allow a more urban type residential development as outlined and adopted by the Core City Plan for this area. The two lots to the east extending to the Main Street intersection are currently in the Main Street Overlay District. The Main Street District is specifically intended to encourage mixed use development, pedestrian-friendly urban design and to promote residential integration into this area.

The Land Use Plan currently in effect calls for Conditional Use Limited Office, but mixed use and downtown housing considerations are being discussed in zoning circles including in the UPDATE High Point initiative. We believe that our proposal provides thoughtful and a well-needed transition between the mixed use that's part of the Main Street District and the existing commercial development that's now in the Limited Office and the transition down to the single family beyond Rotary Drive to the west. The cross section of our proposed residential development is at the top and at the bottom what we are showing is what is currently allowed with no zoning change whatsoever. Currently in Limited Office, a developer is allowed to build an office building that's 50-feet high, only 20 feet off the rear property line, so someone living on Hillcrest Drive now could potentially have a 50-foot high office building 20 feet off the property line. In my opinion, that lack of transition by a commercial structure would overwhelm and deteriorate the architectural quality of one of High Point's most significant streets and neighborhood. It's also true, however, that developing property today is a little tougher than it has been and the deterioration of property values and increasing costs of construction means that in this case, the developer has to maximize the site in order for it to make economic sense. In our two building proposal, three levels of condominiums over an enclosed parking area, we are suggesting an 85-foot setback from Hillcrest....the property line of the folks on Hillcrest. We're also suggesting a 30-foot planting yard with mature canopy and understory evergreens than is required now. This is in response to neighbor requests and because of that we're going to provide 100% evergreens. Additionally, we're proposing an 8-foot opaque fence along the back property line also requested by the neighbors to help buffer the property. We've included a courtyard transition area with enhanced landscaping and also additional measures to reduce the velocity of storm drainage beyond what is currently required which nothing is currently required in the Limited Office District. On the street side, we're encouraging a pedestrian and socially friendly façade with operable windows, Juliet balconies and the Build To zone of 5 to 20 feet. After some constructive discussion with the Transportation Department, we believe that we can, in fact, accommodate the 34-foot right-of-way request by Transportation.

If you look at the site plan just a minute, we have some various setbacks.

From the rear, we have the 30-foot planting yard and we have the 85-foot building setback. With this plan, we're also looking at additional environmentally savvy ways to reduce run-off velocity to reduce site heat gain and to provide a highly desirable living environment at a significant price point. We're using grass block pavers for overflow parking in the rear which will help reduce the amount of impervious area and heat gain. We also intend to develop an environmentally friendly bio swell within the 30-foot planting yard. It will include native plant materials that will assist with run-off. The dry swell has been designed actually to handle 100% of the daily run-off for a 10-year storm, or in essence a 1-inch storm in a 24-hour period. And those calculations are included.

In regards to trash removal, we are proposing to use mobile toters for the three units and provide screened storage for those rather than having a dumpster and a truck coming at all hours of the day and night. On the street side, the Transportation Department is requesting a 34-foot setback and we've agreed to that. But in light of agreeing to the 34-foot setback, we want to go on record as very much opposing using that right-of-way for providing additional lanes of traffic on W. Lexington. The reason why we are in support of the 34-foot setback is in order to accommodate a more ideal street situation which would promote pedestrian friendly neighborhood. And with that we would have enough room to accommodate on-street parking and a bike lane sometime in the future. We really believe that adding additional lanes of traffic when we're trying to create an area to be able to walk and ride bikes would absolutely destroy any concept of creating a more traditional neighborhood and a more pedestrian friendly walkable neighborhood. It's hard enough to walk across the street there now and additional lanes would make it as dangerous as it is on Main Street.

In regards to the exterior appearance, we're proposing the use of materials and detailing that are consistent with a residential scaled project including things like lap, board and batten siding. We're offering balconies and outdoor living spaces for each unit with a roof garden that's dedicated to the top floor only.

Council Member Smothers: Excuse me, Mr. Freeman. This is for illustration. This is not bound in the conditional use permit.

Peter Freeman: That's correct.

Council Member Smothers: Okay, just as long as we have....everybody understands that.

Peter Freeman: Thank you. We've designed outdoor spaces including the courtyard and wrought iron pipe railings and gates. The idea is to provide a

living unit that would be attractive not only to the young professional, but to the empty nester and to anyone in between. Architecturally, we're interested in providing a well-designed residential building in keeping with the quality residential examples that once lined this area of Main Street. We anticipate providing a new model for urban living within a new, but traditionally designed neighborhood. Thank you.

Mayor Sims: Any questions for Mr. Freeman?

Council Member Moore: I just want to make sure on one thing.....the 34-foot setback you feel like in your plans doesn't affect the 85-foot buffer. Do you feel like you've been able to work that together?

Peter Freeman: Yes we have.

Council Member Moore: But you're just on record for what your wishes were about the traffic in the front.

Peter Freeman: Yes, it is tight. We've gotten this thing and are trying to accommodate and be good neighbors and accommodate not only the city, but the request of the Hillcrest folks and we have been able to accommodate that.

Council Member Smothers: And one further question about the storm drainage. You talked about the bio cell that would handle an inch of stormwater over a 24-hour period. That is not bound in the permit either.

Peter Freeman: That's correct. It's not. My run-off calculations came up to the eleventh hour. We've been working hard.

Council Member Smothers: I realize that one of the residents asked for that.

Peter Freeman: Right and we want to make sure and accommodate that and think it is the right thing to do given the type of development we have.

Council Member Smothers: But of course of it develops as an office, that wouldn't be the case anyway.

Peter Freeman: No, it obviously could be developed and actually would have no stormwater run-off requirements what-so-ever.

Council Member Wagner: Mr. Freeman, also at the Planning & Zoning meeting which I attended, you also stated that the rock retaining wall that's in the front would be removed and most of that lot was going to be graded to make the drainage go toward Lexington. Is that still part of the plan?

Peter Freeman: There is a.....the storm sewer infrastructure in Lexington Avenue is limited and what we needed to do from that meeting was to come up with a different type of concept to be able to accommodate some of the run-off there. Now up about 18-feet from the front of the existing sidewalk, the property actually does slope towards W. Lexington and there is a retaining wall. That retaining wall will still probably come down, but we're trying to...instead of re-grade towards W. Lexington which does not have the capacity, we're trying to...we've decided to go towards the bio swell.

Council Member Wagner: Basically hold it on-site and let it filter in on-site?

Peter Freeman: That's right.

Council Member Smothers: Now I presume the homeowners association would be responsible for the maintenance of these bio cells because they...

Peter Freeman: It's a bio swell, Ms. Smothers. It's not a cell. It's a swell.

Council Member Smothers: How about giving me the difference between a swell and a cell.

Peter Freeman: Well I can tell you what a swell is.

Council Member Smothers: I know from High Point University, cells.....so give me swells.

Peter Freeman: I think those are more underground structures if I'm not mistaken and what we're proposing is a little more simple. What we're proposing is this is a cross section right there and basically what it has, it has native ornamental grasses that will slow that flow down. It gives the water a chance to come and accumulate and through the use of.....

Council Member Smothers: But they can stay wet.

Peter Freeman: Yeah. This one is not a wet pond.

Council Member Smothers: Not planned to be wet.

Peter Freeman: That's correct. It will be wet after a 10-year storm.

Council Member Mendenhall: I noticed you asked or indicated a desire that the city not do an additional lane even though you were granting some right-of-way. I'd like to ask Mr. McDonald....along Lexington from this property eastward to Main, what kind of right-of-way do you currently have

with those other...on the other properties?

Mark McDonald: The right-of-way at the intersection of Main Street is probably somewhere in the order of 80 feet. I'm not sure exactly and there are other properties along Lexington where it varies anywhere from 25 feet to 40 feet from the centerline.

Council Member Mendenhall: From the centerline, I understand that. I guess I'm asking because I think it should be clear that we can't guarantee that there will never be the need for another lane, so I wanted to know if the city had enough right-of-way if in fact, that was ever deemed necessary.

Mark McDonald: All we can do at this point is make an educated guess what we think we might need in the future.

Council Member Mendenhall: I understand, but we also can't guarantee that there won't be.

Mark McDonald: That's correct.

Council Member Mendenhall: That's my point.

Council Member Smothers: Following up on Ms. Mendenhall's question, I know Dr. Gentry built a new building as did Dr. Nunn. Were they required to donate additional right-of-way?

Mark McDonald: I believe they were, yes.

Council Member Smothers: So this is consistent with new construction that has gone on down toward Rotary?

Mark McDonald: Yes, we have of right-of-way dedication along this part.

Mayor Sims: Any other questions for Mr. Freeman? Is there anyone else who wants to speak?

Beth Koonce: I'd just like to emphasize for you all just a few points, some Peter's already made, but I want to make sure that things are clear in our discussions with the neighbors, they did raise some concerns. One Peter has already talked about. We had some concerns about the noise and the smell of the dumpster. We're not using those. Everybody will have their own mobile toter and it will be in a screened area stored close to Lexington Avenue. We did agree to increase the height of our privacy fence from 5-feet to 8-feet at the request of a resident. As far as the stormwater, we heard that from two residents. While I know that they do have a problem

back there, they do lie below grade from our site. That's just a fact. Our site is too small to be falling under the requirements of the stormwater control management practices. So we also are not sure how much of the run off from our site actually contributes to the issue that they're having back there. Now, with all that being said, we want to be a good neighbor. We know they've got a problem. We want to see what we can do to fix it and that's where the idea of the swell came from. Originally we thought we might be able to take care of a majority of the problem by piping the downspouts and gutters, regarding the site. We subsequently found out when we were taking another look at this at the request of the Planning & Zoning, that that was not going to be an option that we would be able to do. So we came up with the idea of the swell and as Peter told you, we expect that that will control 100% of the run-off. Now when we say control, we don't mean that there won't ever be any run-off. What we mean is that we're going to slow it down and hopefully by slowing it down, a good bit of the water will stay on our own site, percolate on through and that the velocity of what does run off will be substantially reduced and that will result in a better result for the folks on Hillcrest.

The height requirement, we are asking for 50-feet, but as Peter pointed out in the Conditional Use Limited Office zoning that we have on one of our parcels already, we do have a 50-foot height limitation there now under the current zoning. In addition, the residences on Hillcrest, on that residential area, has a 50-foot height limit. So we're not asking for anything that the other properties in the surrounding areas aren't allowed to do now. We are trying to mitigate that height issue by offering the 85-foot setback from the rear. We'll have the planting yard with the evergreens as we pointed out and there will be the 8-foot privacy fence. Now, 8-feet is not necessarily going to help you a lot on a 50-foot building, but keep in mind that under the current zoning, we could put a 50-foot building within a setback of 20-feet from the rear property line and they wouldn't have the benefit of the screening and they wouldn't have the benefit of the swell that we're going to be able to put in.

In closing, I'm just going to say this. The city and Uptowne High Point group have put a great deal of effort into our Core City Plan and I like the emphasis on the mixed use development because I have seen that used in other downtown areas in other cities and it has worked to revitalize those downtowns. So I think that's a good move for High Point. I think David's project is going to give our Core City Plan a real boost because it's a new construction project. It's a return of residential use to our downtown area and I think that's a good thing. If you have any questions, David, Peter and I will be happy to try to answer them for you.

Council Member Smothers: I have a question Ms. Koonce and I realize that

you all probably went to mobile toters out of some of your site restrictions on the ability for a large vehicle to get in there to haul it out. But I am also thinking about 12 mobile toters in a line on a two-lane street that is a thoroughfare with all of them fairly close together and how long it will take for a garbage truck to pick those up and block traffic at a time of day that's pretty heavy if they come at a time of day that they come to my house. So I don't know if you all have, you know, options beyond that or not. And I realize that the site is a part of the issue, but they're going to have garbage.

Beth Koonce: You know I'm not sure that there's anything that we can do to address that. Thankfully it would only happen once a week.

Council Member Smothers: And I don't know whether.....since the staff.....this doesn't go to TRC, so I wondered if Public Services had a chance to comment on that.

Peter Freeman: Again, it becomes a matter of having the larger dumpster on site versus having....basically we have three units per residential site. If you had a duplex you would have four rather than six per residential site. So we really didn't feel like we were increasing the quantity much more than what it would be and felt it would be a much more pleasant situation than having a dumpster that would potentially be in that back area that we're seeing as the buffer.

Council Member Smothers: Well, granted it's certainly more aesthetically pleasing for the folks that live behind it, but I'm not sure how the traffic on W. Lexington going toward the intersection is going to feel about it though in the morning.

Mayor Sims: Is there no way to get....since we're using some of those smaller trucks to get them into that facility without them necessarily doing it from the street?

Peter Freeman: As far as the vehicular circulation on-site, there's room to do that. There certainly is.

Strib Boynton: Pat, has Chris looked at this?

Pat Pate: Not to my knowledge.

Strib Boynton: I'm talking about Public Services that operates garbage collection. They're the ones that are going to be on the street picking up a dozen or so of those every week.

Peter Freeman: Herb, did he see that during the....

Herb Shannon: This did go to TRC for a courtesy review and the toter issue was noted as an issue of concern by Public Services.

Council Member Smothers: Did they even know that's what they were going to use?

Herb Shannon: That issue was raised.

Mayor Sims: Thank you. Is there anyone else to speak in favor of this request?

Jim Morgan: Madam Mayor and Members of the Council. I'm Jim Morgan. I live at 416 Hillcrest. Back in 1947, my mom and dad bought a house at 416 which is right down the street and I lived there until I was a senior in high school. My first job after contracting for mowing yards was with Glendale Dairy which is now where Mayberry's is located. After I got out of law school, I bought on Canterling Road, but in 1976 I bought on Hillcrest and that property backs up to my Lexington Avenue property and I love that community. I love that area and, of course, I think most of you know that I love High Point. There are several things that impressed me about this project. I think, first of all, it does fit wit

A motion was made by Mayor Sims, seconded by Council Member Davis, that the ordinance be adopted. The motion carried by the following 6-3 vote:

- Aye:** 6 - Mayor Sims, Mayor Pro Tem Moore, Council Member Davis, Council Member Douglas, Council Member Golden, and Council Member Wagner
- Nay:** 3 - Council Member Ewing, Council Member Mendenhall, and Council Member Smothers

Pending Items

120246

Ordinance - Text Amendment Case 12-02 - The City Project, Inc.

A request by The City Project, Inc. to amend Section 9-2-2 *Definitions*, Table 4-7-1 *Permitted Use Schedule*, and Table 5-6-1 *Off-Street Parking Requirements*, with respect to Video Sweepstakes Establishments.

Attachments: [TA12-02 Staff Report \(01-29-13\)](#)

[Text Amendment 12-02 - The City Project - Sweepstakes](#)

[Adopted Ordinance TA12-02](#)

Note: This matter has been pending since September 17, 2012.

APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

130064

Approval of the following Minutes:

High Point City Council Facility Tour (Cultural & P & R) held on Saturday, February

2nd @ 8:30 a.m.

Committee of the Whole Briefing (Customer Service Survey Results) and Finance Meeting held Monday, February 4th @ 3:00 p.m.

High Point City Council Regular Meeting held Monday, February 4th @ 4:45 p.m.

Attachments: [February 2 2013 Facilities Tour \(Parks & Cultural Facilities\)](#)
 [February 4 2013 Committee of the Whole Briefing & Finance Meeting](#)
 [February 4 2013 High Point City Council](#)

Approved the minutes of the preceding minutes.

A motion was made by Council Member Ewing, seconded by Mayor Pro Tem Moore, that the following minutes be approved. The motion **PASSED** by an unanimous vote.

BOARDS AND COMMISSIONS APPOINTMENTS AND VACANCY REPORT

[120229](#)

Boards and Commissions - Vacancies

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

Attachments: [term expirations 2013 \(April 15 2013 agenda\).pdf](#)

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

ADJOURNMENT

There being no further business to come before Council, the meeting adjourned at 7:40 p.m. upon motion duly made and seconded.

Respectfully Submitted,

Bernita Sims, Mayor

Attest:

Lisa B. Vierling, MMC
City Clerk