

City of High Point

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

Meeting Agenda

Tuesday, September 6, 2011

4:45:00 PM

Council Chambers

Committee of the Whole

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

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE**PRESENTATION OF ITEMS****FINANCE COMMITTEE - Council Member Alexander, Chair**

Committee Members - Whitley, Smothers, Corey

110173 Contract - Piggyback Bid - Southern Pines - Sewer Jet Vacuum Truck

Approval of contract awarding a Piggyback Bid with the Town of Southern Pines for the purchase of a sewer jet vacuum combination truck. Purchasing and Fleet Services recommend that contract be awarded to Rodders & Jet Supply Co., in the amount of \$291,280.00.

110174 Contract - Bid No. 51 - Knuckleboom Loader

Approval of contract awarding Bid No. 51 for the purchase of a Knuckleboom Loader for use by the Public Services Department. Purchasing and Fleet Services recommend that contract be awarded to Amick Equipment Company in the amount of \$118,655.00 which is the lowest responsible and responsive bidder meeting specifications.

110180 Budget Ordinance Amendment - The City Project

Council is requested to adopt a budget ordinance amending the 2011-2012 Budget Ordinance to appropriate funds in the amount of \$19,404 for the City Project.

**PUBLIC SAFETY COMMITTEE & COMMUNITY DEVELOPMENT COMMITTEE -
Council Member Sims, Chair**

Committee Members - Alexander, Douglas, Corey

110175 Ordinance - Vacate/Close Dwelling - 205 Whittier Avenue

Approval of an ordinance ordering the inspector to effectuate the vacating and closing of a dwelling located at 205 Whittier Avenue belonging to Evelyn G. Summer.

**PLANNING, ECONOMIC DEVELOPMENT & INFORMATION TECHNOLOGY
COMMITTEE - Council Member Whitley, Chair**

Committee Members - Sims, Henley, Moore

Pending Items

110038**Part 150 Assessment Report**

Consideration of a report from the Planning and Development Department that assesses the PTIA Part 150 Airport Noise Compatibility Study including a recommendation to amend the Airport Overlay District.

3/21/2011 Committee of the Whole referred

Planning , Economic Dev.
& Information
Technology Committee

110176**Ordinance - Rezoning Case 11-08 (Tract B) - Yean Leong Chu - Westchester Drive**

A request by Yean Leong Chu to rezone approximately property from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (119 and 123 Westchester Drive).

MISCELLANEOUS**110177****Appointment - Planning and Zoning Commission**

Mayor Pro Tem Alexander is recommending the appointment of Marie Stone to the Planning & Zoning Commission as his At-Large appointment. Appointment will be effective immediately and will expire 7/1/2014.

110178**Appointment - Theatre Advisory Board**

As liaison to the Theatre Advisory Board, Mayor Pro Tem Alexander, is recommending the appointment of Joyce Allen-Crawford to the Theatre Advisory Board. Appointment will be effective immediately and will expire 6/1/2014.

110179**Reappointment- Guilford County Historic Preservation Commission**

Consideration of reappointment of Abigaile Pittman to the Guilford County Historic Preservation Commission. Appointment will be effective immediately and will expire 4/1/2015.

110181**Reappointments- Historic Preservation Commission**

Council Member Whitley has recommended the reappointment of Diane Peace (Ward 5) to the Historic Preservation Commission. Council Member Pugh has recommended the reappointment of Shane Brown (Ward 3) to the Historic Preservation Commission. Council Member Douglas has recommended the reappointment of Julius Clark (Ward 2) to the Historic Preservation Commission. All reappointments will be effective 10/17/2011 and will expire 7/1/2014.

PUBLIC COMMENT PERIOD - 5:15 P.M.

PUBLIC HEARINGS ON ITEMS

No Public Hearings Schedule For This Meeting

ADJOURNMENT

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 26, 2011, a public hearing was held before the Planning and Zoning Commission regarding the requests described below. All members of the Commission were present except Carson Lomax, John McKenzie and Martha Shepherd.

Butch Baur & Yean Leong Chu

Zoning Case 11-08

A request by Butch Baur and Yean Leong Chu to rezone approximately 1.06 acres from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (115, 119 & 123 Westchester Drive).

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

Speaking in favor of the request was the applicant Mr. Butch Bauer of 5986 Financial Drive, Norcross, Georgia. He provided an overview of the development proposal and concluded by noting that representatives from the Tokyo Express restaurant and the consulting engineering firm are available in the audience if the Commission members have any questions.

No one spoke in opposition and the public hearing was closed.

Commissioner Cynthia Davis questioned if sufficient parking is being provided and if a turn lane would be required so that vehicles turning into the site would not back-up traffic during peak travel times.

Mr. Shannon replied that the Driveway Ordinance contains standards as to when a turn lane is required to be installed based on the specific land use and the size of a structure. Based on the preliminary layout the applicant has discussed with the Transportation Department, the proposed uses and size of buildings would not trigger the requirements for a turn lane. If another use is proposed upon the site that triggers the requirement for a turn lane then it would be addressed at that time. As for on-site parking, it was noted that parking requirements of the Development Ordinance will be met.

The Planning & Zoning Commission recommended **approval** of Zoning Case 11-08, by a vote of 5-0. Commission member Cynthia Davis noted for the record that City Council may wish to consider the traffic impact upon Westchester Drive.

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

**STAFF REPORT
ZONING CASE 11-08
July 26, 2011**

Request	
Applicant: Butch Baur on behalf of Waffle House Inc. Yean Leong Chu on behalf of Wang & Chung, LLC.	Owner(s): Wilburn & Frances Thornton, Westchester Baptist Church, Inc. of High Point Wang & Chung, LLC.
Zoning Proposal: To rezone 1.06 acres.	From: RS-7 Residential Single Family-7 District CU-GB Conditional Use General Business District
	To: CZ-GB Conditional Zoning General Business District.

Site Information	
Location:	Lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (115, 119 & 123 Westchester Drive).
Tax Parcel Numbers:	0188706, 0188701(portion), 0188705 and 0188704
Site Acreage:	1.06 acres
Current Land Use:	Single family dwelling, church, vacant parcel and restaurant.
Physical Characteristics:	The site has a relatively flat terrain with no distinguishing features.
Water and Sewer Proximity:	An 8-inch City water line and an 8-inch City sewer line are adjacent to the site within the Westchester Drive road right-of-way.
General Drainage and Watershed:	The site drains in a general southwestern direction and development is subject to the Yadkin Pee-Dee General Watershed. Based upon the size of the development site and its development intensity, the watershed regulations may require stormwater controls to be provided.
Overlay District(s):	None

Adjacent Property Zoning and Current Land Use			
North:	CU-GB	Conditional Use General Business District	Various commercial/retail uses <i>(auto repair facility, carwash, nursery)</i>
South:	RS-7	Residential Single Family-7 District	Church
East:	CU-GB	Conditional Use General Business District	Vacant commercial building <i>(former Jiffy Lube auto repair facility)</i>
West:	CU-GB	Conditional Use General Business District	Commercial/retail use <i>(Sherwin Williams Paint Store)</i>

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	Parcels fronting along Westchester Drive have a Community/Regional Commercial designation. The zoning site includes a 27 ft. x 90 ft. portion of land lying to the rear of these frontage parcels which has an Office designation. • <u>Community/Regional Commercial</u>: This classification includes a wider range of retail or service uses intended to serve the entire community and nearby regional customers. • <u>Office</u>: This classification includes professional, personal and business service uses.
Land Use Plan Goals, Objectives & Policies:	<u>Goal #5</u> : Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.
Relevant Area Plan:	None
Community Growth Vision Statement	None
Zoning History:	The zoning site is within an area that has transitioned from single family residential to commercial over the past 30 years. The two block area lying west of N. Main Street, bounded by W. Parris Avenue to the north, Idol Street to the west and the row of lots on the south side of Westchester Drive which includes the subject property was primarily a residential area consisting of single family detached dwellings upon deep narrow lots in the early 1980s. During the late 1980s and throughout the 1990s there were numerous rezoning applications approved by City Councils of that time to permit various commercial uses. Today this is primarily a commercial area consisting of CU-GB District zoning with various office, professional and commercial retail uses.

Transportation Information			
Adjacent Streets:	Name		Approx. Frontage
	Westchester Drive		Major Thoroughfare
Vehicular Access:	This rezoning site can have two access points to Westchester Drive. One consisting of an existing driveway upon the western most parcel and the second upon the eastern most parcel.		
Traffic Counts: (Average Daily Trips)	Westchester Drive		26,000 Average Daily Trips (2009, 24-hour traffic count)
Estimated Trip Generation:	The proposed new restaurant use will generate approximately 286 trips/day, 25 trips (entering & exiting) each in the AM peak hour and in the PM Peak hour. The existing drive-thru restaurant generates approximately 318 trips/day, 29 trips (entering & exiting) each in the AM peak hour and in the PM Peak hour.		
Traffic Impact Analysis:	Required		Comments
	<u>Yes</u>	<u>No</u> X	None
Pedestrian Access:	There are no pedestrian facilities planned for this area.		

School District Comment

Not applicable to this zoning case.

Details of Proposal

The zoning site consists of three parcels and a small portion of an abutting larger parcel which are intended to be used by two separate parties for commercial uses. The two applications have been combined, and conditions in the Conditional Zoning Ordinance have been arranged in such a manner that each party has separate development standards so that if one party desires to move faster with development than the other, it would not negatively impact either owner. The proposed conditional zoning ordinance labels the eastern portion of the site as Tract A and the western portion of the site as Tract B.

The eastern portion of the zoning site (Tract A) is proposed to be developed by Mr. Butch Baur for a restaurant use; it consists of the parcel at 115 Westchester Drive and a 27 foot by 90 foot area lying to the south. The property has a RS-7 District zoning with an existing one-story single-family dwelling.

The western portion of the site (Tract B), 119 and 123 Westchester Drive, is proposed for rezoning by the current property owner Wang & Chung, LLC. The 123 Westchester Drive portion currently has a CU-GB District zoning and a restaurant with a drive-thru window (*aka Tokyo Express Restaurant*). The 119 Westchester Drive lot is undeveloped with a RS-7 District zoning. It has been used for overflow parking for the adjacent Tokyo Express Restaurant in violation of City's zoning regulations. The RS-7 District does not permit parking for commercial uses, so staff recommended the applicant seek rezoning and include both 119 and 123 Westchester Drive in order to include all the Tokyo Express property under the same zoning.

Staff Analysis

Section 9-3-13 of the Development Ordinance states that the Planning & Zoning Commission and the City Council shall be guided by the purposes and intent of the Ordinance, and shall give consideration to the following in the review and discussion of any Conditional Zoning application. 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 Plans:

The proposed Conditional Zoning District is appropriate for its proposed location, and is consistent with the purposes, goals, objectives and policies of relevant comprehensive, land use or area plans

Staff Comments:

The land use plan designates this segment of Westchester Drive, from N. Main Street westward to Idol Street as Community/Regional Commercial which is intended for a wide range of retail or service uses that serve the entire community and nearby regional customers.

Reasonableness/Public Interest:

An approval of the proposed Conditional Zoning District is considered reasonable and in the public interest.

Staff Comments:

Staff finds the request to be reasonable based upon the following:

- ❖ The zoning site is located along an established commercial corridor where it is flanked by existing commercial zoning and uses. The request converts the last residentially zoned parcels along that segment of Westchester Drive lying between N. Main Street and Idol Street. The request does not extend commercial zoning; rather it fills in a gap within the existing commercial corridor. This addresses the intent of Goal #5 of the Land Use Plan pertaining to promoting an urban growth pattern that occurs in an orderly fashion.
- ❖ The intersection of N. Main Street and Westchester/Eastchester Drive is where two high volume commercial corridors intersect. The zoning site is less than 500 feet from this intersection and it is surrounded by existing commercial uses to the north, east and west.

Review Factors:

The applicant's proposed Conditional Zoning District, including the proposed use(s), written conditions and Conditional Zoning Plan, satisfactorily meets or addresses the following:

<u>Factor #1</u>	Produces a development that is compatible with surrounding development character and land uses;
	<u>Staff Comments:</u> The site is lying in an established commercial corridor and abuts existing commercial zoning and uses on three sides.
<u>Factor #2</u>	Minimizes or effectively mitigates any identified adverse impact on adjacent and nearby property, such as that caused by traffic, parking, noise, lighting, trash, loading areas, etc.;
	<u>Staff Comments:</u> To mitigate potential negative impact of having multiple driveway access within close proximity to each other, the applicants have offered conditions to limit the zoning site to two points of vehicular access, one to Tract A and one to Tract B.
<u>Factor #3</u>	Minimizes or effectively mitigates any identified adverse environmental impact on water and air resources, minimizes land disturbance, preserves trees and protects habitat;
	<u>Staff Comments:</u> Staff has not identified any environmental impacts based upon the proposed district.
<u>Factor #4</u>	Minimizes or effectively mitigates any identified adverse impact on municipal facilities and services, such as streets, potable water and wastewater facilities, parks, police and fire; and;
	<u>Staff Comments:</u> The site is within an area currently served by City of High Point utilities and services; the proposed district has no known impacts on municipal services.

<u>Factor #5</u>	Minimizes or effectively mitigates any identified adverse effect on the use, enjoyment or value of adjacent properties.
	<u>Staff Comments:</u> ❖ The abutting lots to the east and west of the zoning site are zoned and developed with commercial uses; the requested rezoning to a CZ-GB District will not negatively impact adjacent property owners. ❖ There is a church lying to the south of the zoning site. Because the church parcel is over 10 acres in area and its building is over 350 feet to the south of the zoning site, this request will not negatively impact that property.

Changes in the Area:

There have been changes in the type or nature of development in the area of the proposed Conditional Zoning District that support the application.

Staff Comments:

Over the past 30 years this segment of Westchester Drive has transformed from an area that had single family dwellings as the primary land use to a corridor with commercial and service related uses. This is supported by the fact that the zoning site is the last remaining RS-7 zoned parcel fronting along this segment of Westchester Drive, between N. Main Street and Idol Street.

Development Patterns:

The proposed Conditional Zoning District would result in development that promotes a logical, preferred and orderly development pattern.

Staff Comments:

- ❖ Prior City Council zoning actions in this area established policy that multiple lots be combined to insure sufficient lot size for commercial development, and to restrict vehicular access along this major street. This zoning request consists of small individual parcels; the applicants have offered conditions to combine lots and restrict access along this major thoroughfare.
- ❖ Where commercial zoning abuts residential zoning, greater building setbacks and wider landscape yards are required. The requested commercial zoning will eliminate the required side-yard building setbacks and significantly reduce required landscape yards where the two applicants share a common property line.

Recommendation

Staff Recommends Approval:

As addressed in the Staff Analysis section of this report, the requested CZ-GB District is generally consistent with the Community/Regional Commercial designation upon the City's Land Use Map, is in harmony with the goals of the Land Use Plan and is located within an established commercial area where it is surrounded by existing commercial zoning and uses. The Planning & Development Department recommends approval of the request to rezone this 1.09 acre area to the CZ-GB District. As conditioned, the requested CZ-GB District will be compatible with the surrounding area and in conformance with adopted plans.

Required Action

Planning and Zoning Commission:

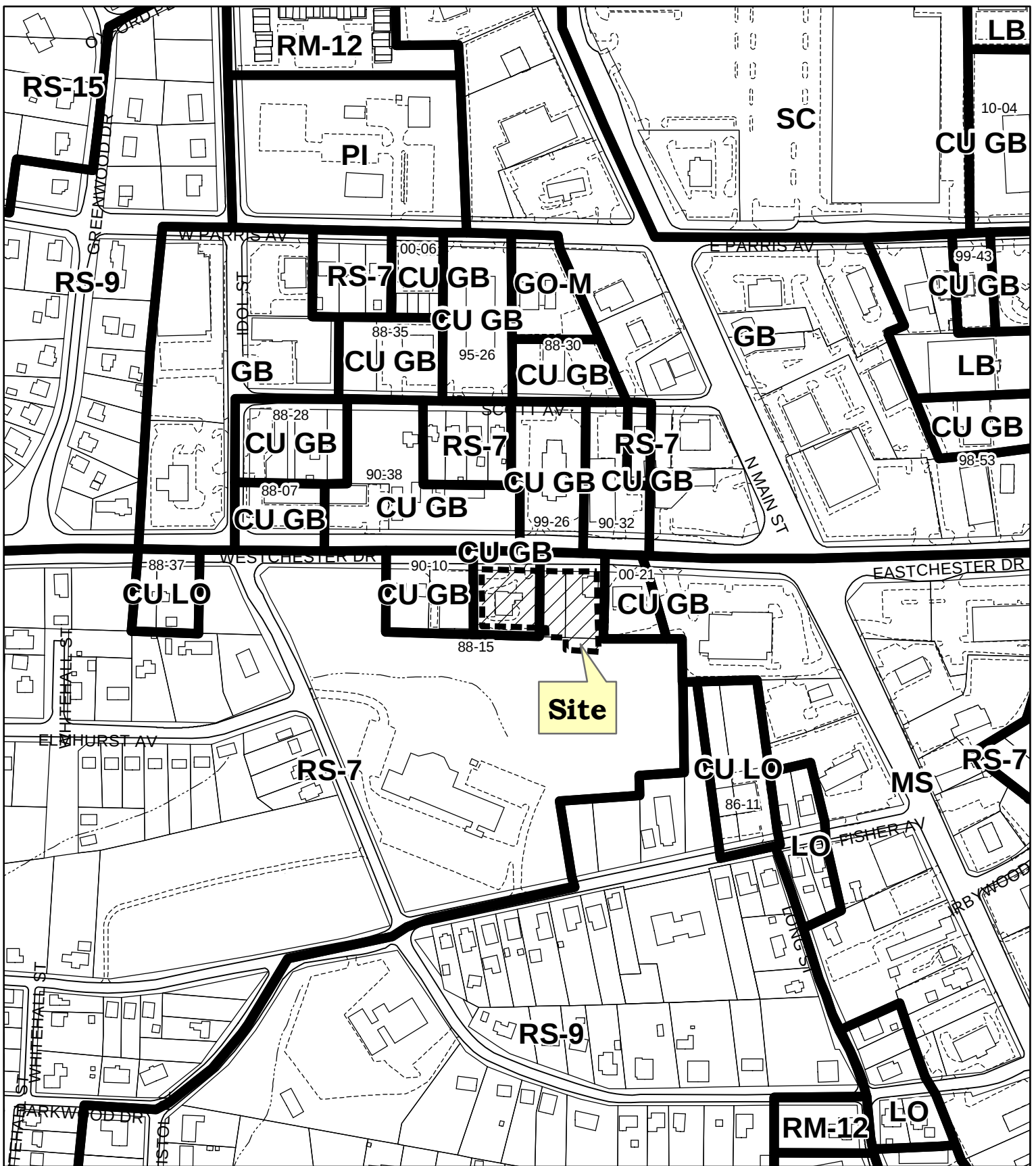
Upon making its recommendation, the NC General Statutes require that the Planning and Zoning Commission must place in the official record a statement of consistency with the City's adopted plans. This may be accomplished by adopting the statements in the Staff Analysis section of this report or by adopting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

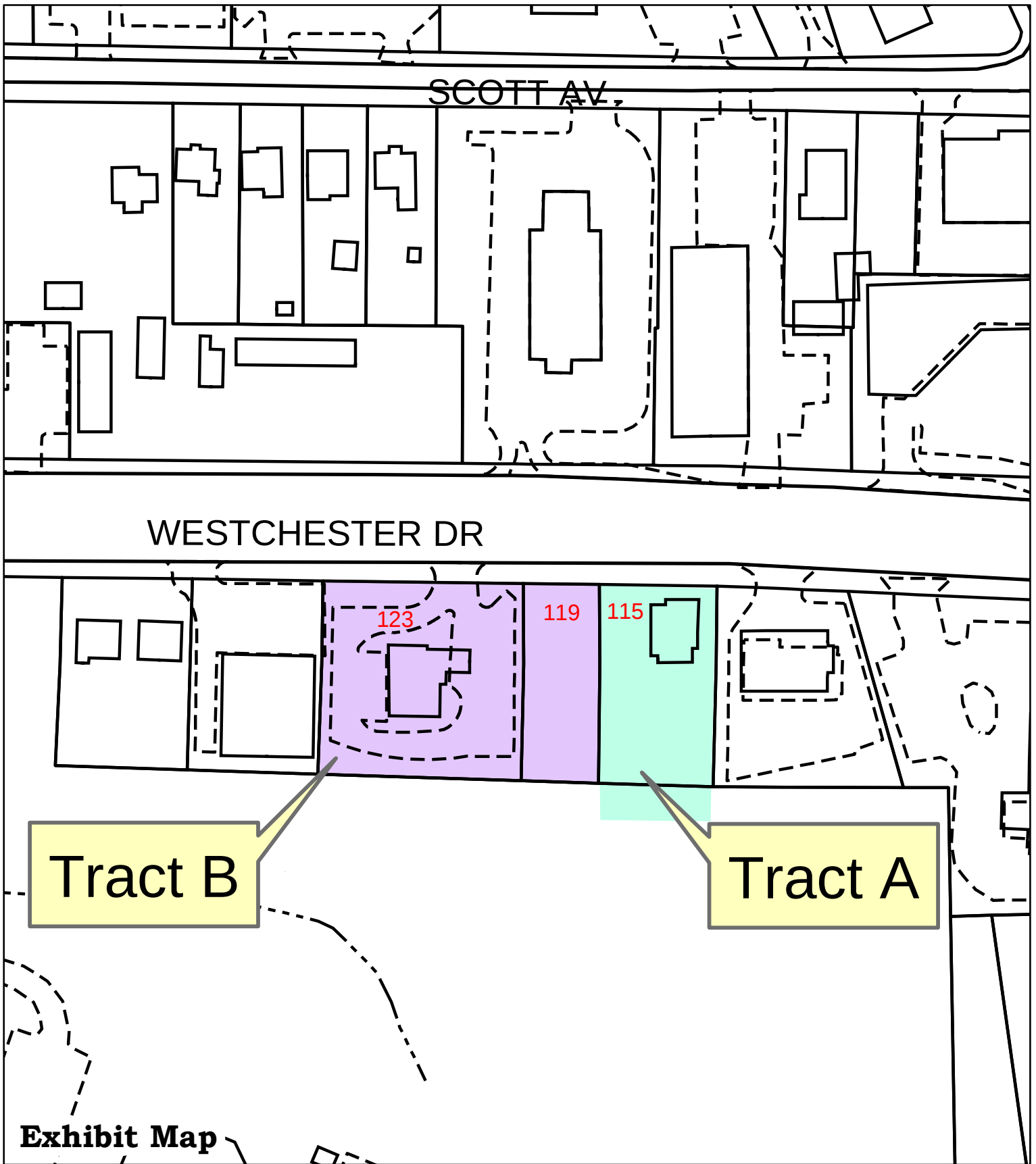
City Council:

Upon rendering its decision in this case, the NC General Statutes require that the High Point City Council also must place in the official record a statement of consistency with the City's adopted plans, and must explain why the action taken to be reasonable and in the public interest. 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 Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.





ZONING CASE 11-08

From: Residential Single Family-7
To: Conditional Zoning General Business

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

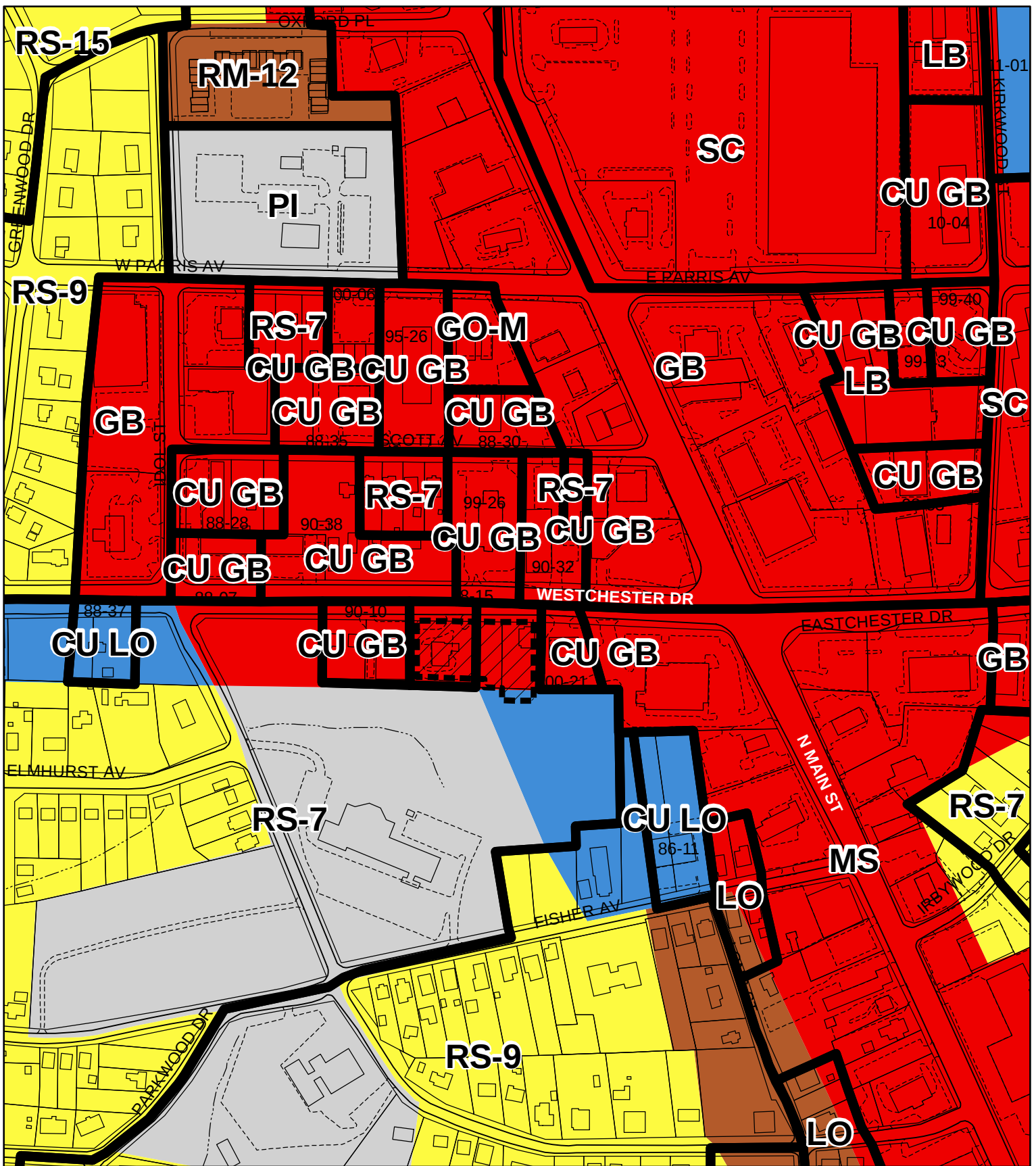
Planning & Development
Department

City of High Point

Date: July 14, 2011



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ZONING CASE 11-08

Land Use Plan

 Low-Density Residential	 Community/Regional Commercial
 Medium-Density Residential	 Institutional
 Office	 Recreation/Open Space

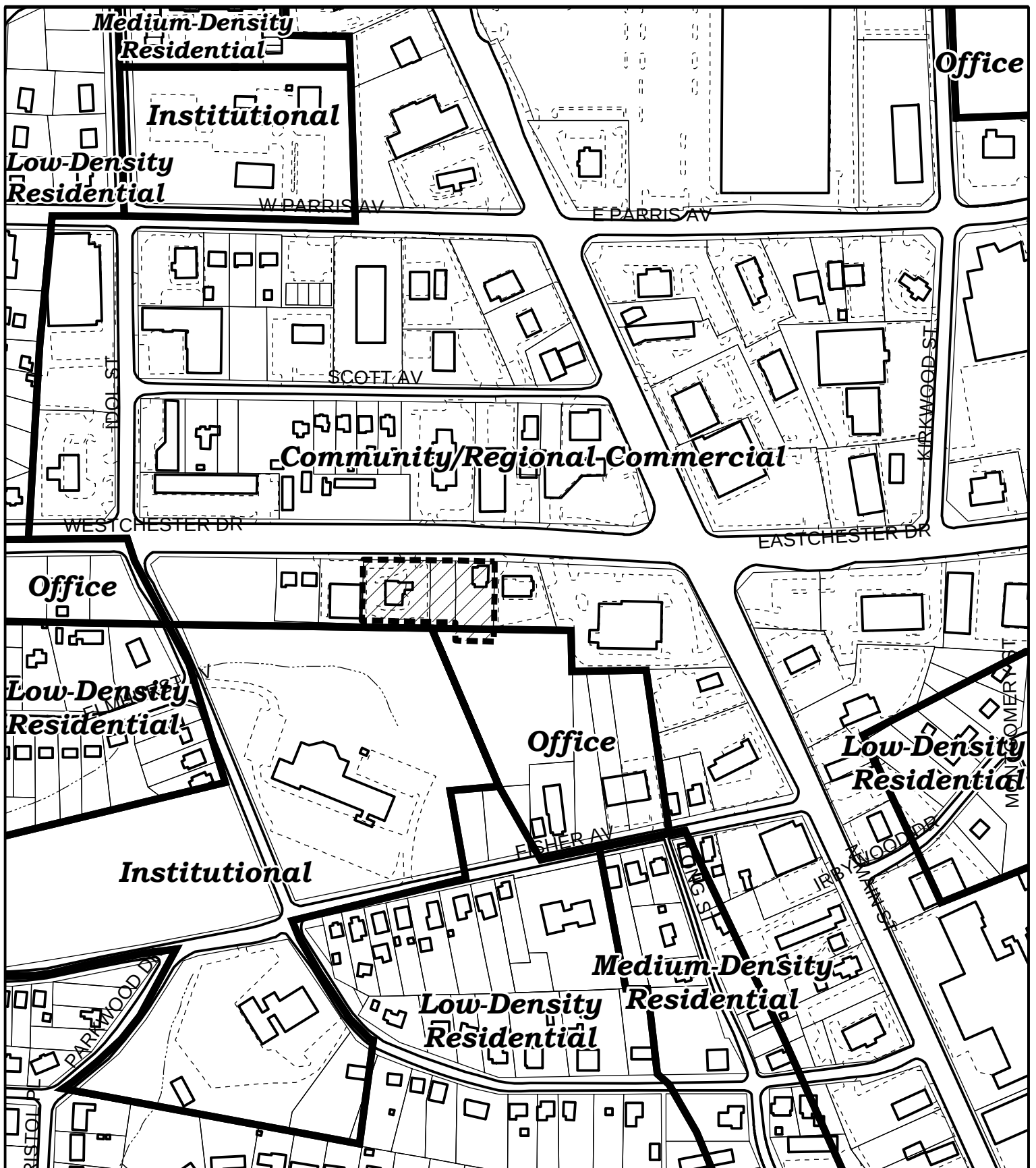
Planning & Development
Department

City of High Point

Date: July 18, 2011



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ZONING CASE 11-08

Land Use Plan

Existing Land Use Plan
Subject Property Boundary



Planning & Development
Department

City of High Point

Date: July 15, 2011



Scale: 1"=300'

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ZONING CASE 11-08

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: July 15, 2011



Scale: 1"=300'

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ZONING CASE 11-08



**PROPOSED USES AND CONDITIONS FOR A CONDITIONAL ZONING DISTRICT
CITY OF HIGH POINT, NORTH CAROLINA**

**Zoning Case 11-08
Conditional Zoning General Business (CZ-GB) District**

June 27, 2011
(Submitted)

The property owner requests a Conditional Zoning District upon the property described in this document and offers the following conditions be placed upon the property. If adopted by the City Council, then these conditions contained herein will be incorporated into the Conditional Zoning District's ordinance of adoption. These conditions are not valid unless signed and affirmed by the property owner or representative with an approved power of attorney. The City Council and the property owner or authorized representative must agree upon revisions or additional conditions prior to the approval of this Conditional Zoning District.

I. USES: Any of the land uses allowed in the General Business (GB) District shall be permitted subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

II. CONDITIONS

A. Prohibited Uses: The following uses shall be prohibited:

1. Business, Professional & Personal Services Category
Boat Repairs, SIC Code 3730
Tattoo Parlors, SIC Code 7299
2. Retail Trade Category
Bars, SIC Code 5813
Bars (capacity > 100 persons), SIC Code 5813
Building Supply Sales (with storage yard), SIC Code 5211
3. Other Uses Category
Sexually Oriented Businesses

B. Development Standards:

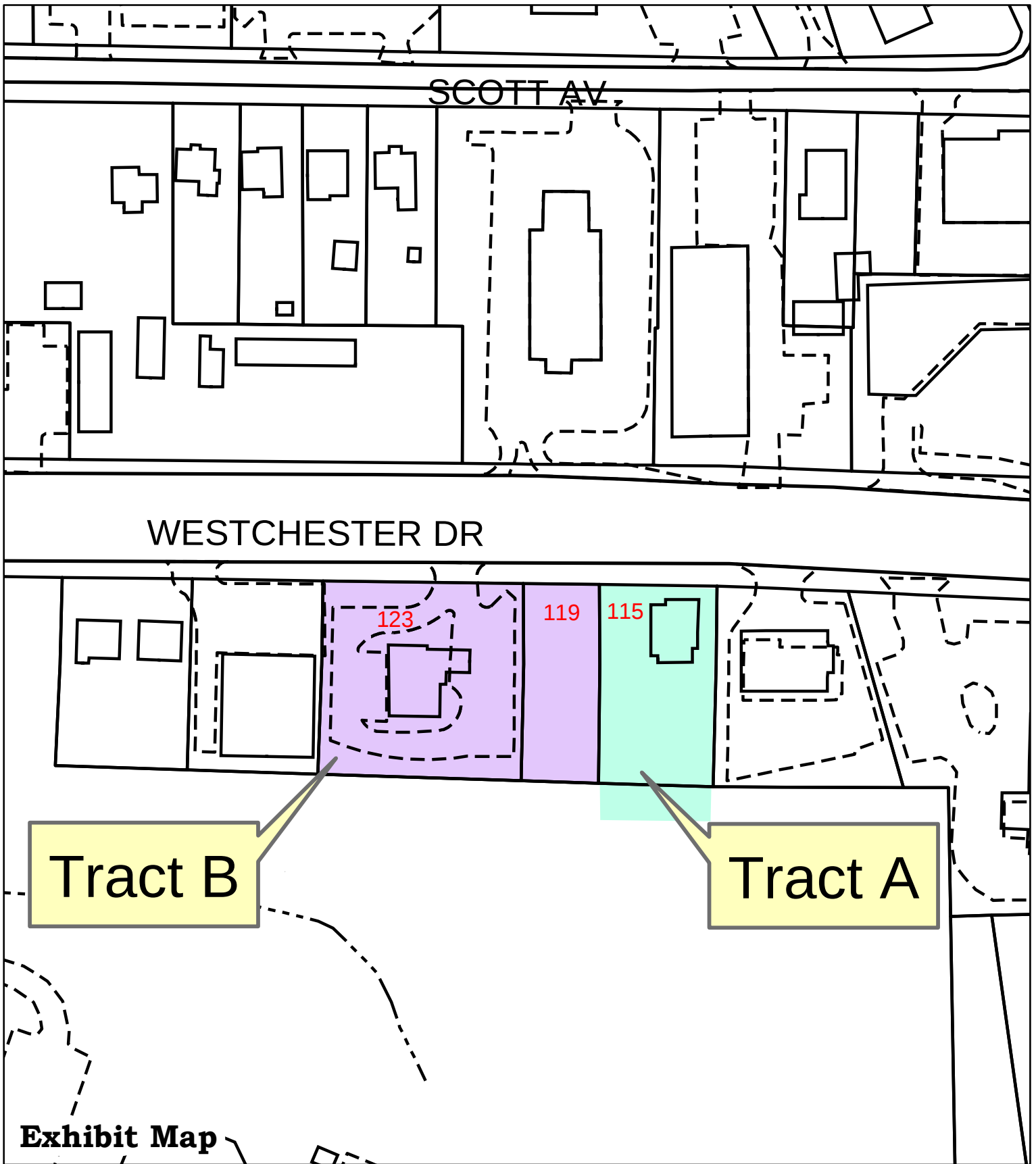
1. Tract A: The western portion of this zoning site, Guilford County tax parcel 0188704 (123 Westchester Drive) and parcel 0188705 (119 Westchester Drive), shall be known as Tract "A" (See attached Exhibit #1) and subject to the following development standards.
 - a. Lot Combination - Tax parcels associated with Tract A shall be required to be combined to form one lot. No new land development or subdivision shall be permitted upon this tract until the lot combination is completed.
 - b. Vehicle Access - Only one point of vehicular access shall be permitted to Tract A. Any existing access drive to parcel 188705 shall be required to be removed.

- c. Parking - The unpermitted parking upon parcel 0188705 shall be removed or the property owner shall submit a site plan to the Planning & Development Department for review and approval.
2. Tract B: The eastern portion of this zoning site, Guilford County tax parcel 0188706 (115 Westchester Drive) and a portion of tax parcel 0188701 (an approximately 27 foot by 90 foot area lying south of tax parcel 0188706), shall be known as Tract "B" (See attached Exhibit #1) and subject to the following development standards.
 - a. Lot Combination – The tax parcels associated with Tract B shall be required to be combined to form one lot. No new land development or subdivision shall be permitted upon this tract until the lot combination is completed.
 - b. Vehicle Access – Only one point of vehicular access shall be permitted to Tract B.

DESCRIPTION OF PROPERTY: Approximately 1.06 acres lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street. The site consist of three parcels and a portion of a fourth parcel and is also known as Guilford County tax parcel 0188704 (123 Westchester Drive), parcel 0188705 (119 Westchester Drive), parcel 188701 (115 Westchester Drive) and a portion of Guilford County tax parcel 0188701.

That portion of Guilford County tax parcel 0188701 is defined as follows:

Commencing at an existing concrete monument, said monument being the northeast corner of Westchester Baptist Church (Plat Book 58 Page 83); thence along the northern property line of Westchester Baptist Church North 89°31'55" West 144.62 feet to an existing iron pipe and point of beginning; said beginning point being the southeast corner of Wilburn Thornton and Frances W. Thornton (Deed Book 5942 Page 1021); Thence South 0°08'57" West 27.00 feet to a point; Thence North 89°31'55" West 90.00 feet to a point; Thence North 0°08'57" East 27.00 feet to an existing iron pipe, said iron pipe being the southwest corner of Wilburn Thornton and Frances W. Thornton (Deed Book 5942 Page 1021); Thence South 89°31'55" East 90.00 feet to the point of beginning, containing 2430 square feet more or less.



ZONING CASE 11-08

From: Residential Single Family-7
To: Conditional Zoning General Business

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: July 14, 2011



Scale: 1"=100'
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July 05, 2011

To: Lee Burnette, AICP., Director of Planning and Development
From: Mark McDonald, P.E., Transportation Director 
Subject: **Rezoning Case #11-08, Butch Baur. Property located on the south side of Westchester Drive, approximately 465 feet west of the intersection of Westchester Drive and N. Main Street.**

My staff and I have reviewed the rezoning request and have the following comments:

A traffic impact analysis was not required for this development. To require a traffic study the proposed development must be expected to produce at least one hundred and fifty (150) trips in the AM or PM peak hour. In order to mitigate the development's impact on the surrounding roadway network the following improvements will be required:

Access

Two points of access shall be allowed to Westchester Drive. One access point is the existing access point on Guilford County Tax Parcel 0188704. This access point shall be shared with the adjoining property to the east, known as Guilford County Tax Parcel 0188705. The second access point will be located on Guilford County Tax Parcel 0188706.

The City of High Point Transportation Director and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

If you have any questions or would like to further discuss this case, please advise.

Citizens Information Meeting Report

Zoning Case 11-08

Submitted by: Butch Baur on behalf of
Waffle House Inc.



May 27, 2011

Herbert K. Shannon Jr., AICP
Department of Planning and Development
City of High Point
P. O. Box 230
High Point, N.C. 27261

Re: Citizen Information Meeting
Rezoning of 115 Westchester Drive (subject property)

Dear Mr. Shannon:

Our meeting was held on May 24, 2011 at 7:00 p.m. in the Fellowship Hall of Westchester Baptist Church. There were 3 property owners in attendance as follows:

Frankie Thornton owner of subject property
Wilburn Thornton owner of subject property
Eric Peacock senior pastor of Westchester Baptist Church

The handwritten sign-in sheet is attached as Attachment 1.

Also in attendance was Butch Baur the applicant and representing Waffle House Inc.

A notification letter dated and mailed May 12, 2011 was sent to 17 parties as supplied by the High Point Planning Department. The list of parties with addresses to which notice was mailed is attached as Attachment 2. The notification letter is attached as Attachment 3 and included the required statement provided by the High Point Planning and Development Department.

Full size site plans and surveys were available for review and reduced size copies were available for anyone to take home. Color renderings of the proposed building and aerial pictures were available for review.

I discussed the layout of our site plan.

Frankie Thornton's questions revolved around the positioning of our building which I explained is designed to make our building visible to the focal point at N. Main Street.

Eric Peacock's questions revolved around the proposed fencing or landscaping on the back side adjoining the church's property. We agreed to allow a church committee to approve our proposed fencing or landscaping.

I waited until 7:30 p.m. for other parties to join us then adjourned the meeting.

Submitted by:

A handwritten signature in black ink, appearing to read "Butch Baur". The signature is fluid and cursive, with the first name "Butch" and last name "Baur" clearly distinguishable.

Butch Baur
Waffle House Inc.
5986 Financial Drive
Norcross, GA 30071

ATTACHMENT 2

AYSCUE, CAROLYN M
117 SCOTT AVE
HIGH POINT NC 27262

DONALD AND KAY SILVER LLC
PO BOX 6251
HIGH POINT NC 27262

HOOGLAND, CHARLES R OF CHARLES R
HOOG UST
1022 E ADAMS ST
SPRINGFIELD IL 62703

PREVATT, INEZ M
121 SCOTT AVE
HIGH POINT NC 27262

PRICE, RICHARD W ; PRICE, SAMANTHA C
822 QUAKER LN
HIGH POINT NC 27262

ROBBINS PROPERTIES LLC
120 WESTCHESTER DR
HIGH POINT NC 27262

ROBBINS, JERRY W ; ROBBINS, PHYLLIS C
921 SHAMROCK RD
HIGH POINT NC 27265

ROME PIZZA CORPORATION
2100 N MAIN ST STE 112
HIGH POINT NC 27262

SEAZONA PROPERTIES LTD
823 DONALD ROSS RD
JUNO BEACH FL 33408

SHERWIN-WILLIAMS DEV CORP
P O BOX 6027
CLEVELAND OH 44101

THOMPSON HOLDINGS LLC
P O BOX 8379
GREENSBORO NC 27419

THORNTON, WILBURN ; THORNTON,
FRANCES W
32 WILSHIRE DR
ASHEVILLE NC 28806

WANG & CHU LLC
123 WESTCHESTER DR
HIGH POINT NC 27262

WEIN NORTH CAROLINA LLC
PO BOX 901
DEERFIELD IL 60015

WESTCHESTER BAPTIST CHURCH
135 WESTCHESTER DR
HIGH POINT NC 27262

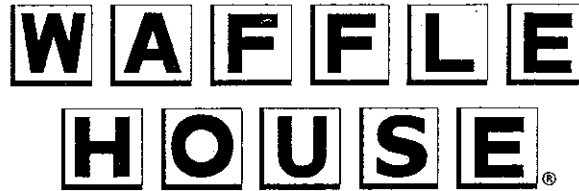
WESTCHESTER BAPTIST CHURCH
PO BOX 5188
HIGH POINT NC 27262

YOUNG, RUTHIEBELLE S ; YOUNG,
MICHAEL L
105 SCOTT AVE
HIGH POINT NC 27262

Westchester Baptist Church
5-24-11 at 7:00 p.m.

PLEASE SIGN

ATTACHMENT 3



"GOOD FOOD FAST"®

P.O. Box 6450 • Norcross, Georgia 30091-6450

(770) 729-5700

May 12, 2011

Dear Neighbor:

The purpose of this letter is to notify you of a citizen information meeting being held concerning a request for rezoning the .30 acre parcel at 115 Westchester Drive. The meeting will be held at the Westchester Baptist Church located at 135 Westchester Drive, High Point, N.C. on Tuesday, May 24, 2011 at 7 pm.

My company has contracted to purchase this parcel of land and has applied to rezone it from RS-7 to CZ-GB to allow us to build and operate a Waffle House restaurant. A preliminary site plan has been prepared for study and illustrative purposes and will be presented at this meeting. The plan is for a 1785 square foot building with walk in cooler and dumpster area. Access will be from Westchester Drive.

At the citizens information meeting you will be able to meet with me and learn more about our plans and approach to development and of course ask any questions you may have about it. I hope to demonstrate to your satisfaction that my company has a successful history of being sound and responsible operators. Our goal is to create an inviting and successful dining experience that is open to serving everyone in the community.

Enclosed is a required statement provided by the High Point Planning & Development Department outlining the purpose of the citizens' information meeting and the zoning process.

It would be appreciated if you would call or email to let me know whether you will attend preferably with the names of individuals attending so I can make sure the meeting arrangements are appropriate. Thank you for your attention to this matter,

Sincerely,

Butch Baur
Vice President-Real Estate Representative
Waffle House Inc.
butchbaur@wafflehouse.com
(W) 770-326-7068



**City of High Point
Conditional Zoning District
Citizen Information Meetings**

Anyone planning to file a zoning application for a conditional zoning district from the City of High Point is required to hold a citizen information meeting prior to filing the application. This requirement applies only to an application for a conditional zoning district or an application to amend a previously approved conditional zoning district. Conditional zoning is a type of zoning where property owners can impose specific conditions or restrictions on the development and use of their property, and where the conditions are enforceable by the City regardless of the property's future ownership.

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 planning to file an application, otherwise known as the applicant, the opportunity to inform citizens about the 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 zoning 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 written description of the development proposal and any other available information that would help citizens to better understand it. After the zoning application is filed with the City's

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

Planning & Development Department, the applicant submits to the City a written report of the citizen information meeting(s). At a minimum, this report records the property owners notified; date, time and location of the meeting(s); the written description of the development proposal; and any comments, ideas or suggestions from citizens that were 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 zoning site. This notice provides information on the conditional zoning district request; 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 zoning 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 zoning site.

No condition can be included in a conditional zoning district that specifies ownership status, race, religion or characteristics of the development's occupants, the minimum size of a dwelling, the minimum value of buildings or improvements, or ones that otherwise excludes specific races, religions or classes of people.

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

Contact:

Planning & Development Department
336-883-3328
www.highpointnc.gov/plan/

High Point City Council

Application for Appointment To Boards and Commissions

All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.

Name: Joyce Allen-Crawford **Date Submitted:** Aug. 22, 2011

Street Address: pob 696
High Point NC 27261

Email: jallencraw@gmail.com

Employer: HP CVB

Business Address: 300 S Main St HP 27260

Phone home: 336-883-4993 **work:** 336-884-5255 **fax:** 336-884-4352



Do you live inside the corporate limits of High Point? **Yes**

If not, do you live within High Point's extraterritorial zoning jurisdiction? **Yes**

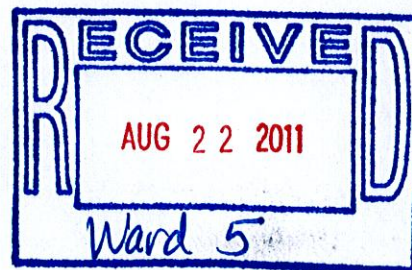
Please select (in order of preference) the boards and commissions on which you would be willing to serve.

1. **Theatre Advisory Committee**
2. **2nd Selection**
3. **3rd Selection**

Have you participated in the City Government 101 Course? **No**

Please list any work, volunteer, and/or educational experience that you would like us to consider in the review of your application.

CVB/Visitor Center Mgr, Exec Board Member of Friends of John Coltrane, Interior Designer, Arts Council Board Member



Application for Appointment To Boards and Commissions

Please TYPE or PRINT the information requested on this application. You may attach additional pages and / or your resume if you wish. All appointments to City boards and commissions are made by the Mayor and City Council and are not limited to those persons who fill out applications.

Name Marie Stone

Street Address 4130 Coachmans Court

City, State, Zip High Point, NC 27262

Employer N/A

Business Address _____

Phone: home 885-4516 Work _____ fax _____

Email drstone@northstate.com

Do you live inside the corporate limits of High Point? yes If not, do you live within High Point's extraterritorial zoning jurisdiction? _____

Please list (in order of preference) the boards and commissions on which you would be willing to serve.

1. planning & Zoning Commission
2. _____
3. _____

Please list any work, volunteer, and/or educational experience that you would like us to consider in the review of your application. Please feel free to attach a resume or biographical information.

Served as member, co-chair and chair of BOA 2000-2008
Presently serving as Pennfield HOA president

Have you participated in the City Government 101 Course? no Year _____

Have you participated in Leadership High Point? no Year _____

----- RETURN TO: -----

City Clerk, City of High Point, P. O. Box 230, High Point, NC 27261 • 211 S. Hamilton Street
Phone: 336-883-3536 • Fax: 336-822-7067

Applications will be retained and active for a two-year period



August 31, 2011

MEMORANDUM

TO: Strib Boynton
City Manager

FROM: Louanne C. Hedrick
Budget & Evaluation Officer

SUBJECT: Agenda Item for City Council

The City Project has been collecting donations and contributions to support the various projects that are ongoing. Wendy Fuscoe has requested City Council approve a budget amendment to recognize these revenues for appropriation.

In the prior fiscal year, \$3,950 in donations was collected, and through August of the current budget year, \$14,954 has been received. Attached is a budget amendment in the amount of \$19,404 for these revenues to be added to the City Project budget.

Randy McCaslin or Wendy Fuscoe will be available if you have any questions.

cc: Pat Pate
Randy McCaslin
Jeff Moore
Wendy Fuscoe

Attachments: Budget Amendment
Memo – Wendy Fuscoe



Memorandum

TO: Randy McCaslin, Assistant City Manager

FROM: Wendy Fuscoe, Executive Director, The City Project

SUBJECT: Budget Appropriations

DATE: August 25, 2011

The City Project has been trying to raise funds to complement the support provided by the City. From the funds we were able to raise in the last couple of years, \$3,950 went unspent, and I would like to request that those funds be appropriated from the prior year to this current fiscal year's budget. In addition, we have received \$14,955 through August of the current fiscal year. I am requesting a budget amendment be approved for a total of \$18,905 in order for the funds to be spent on the City Project.

The last couple of fiscal years, we have been able to raise \$19,554 to support several projects which includes the Uptowne Market, preparing architectural renderings, and putting street furniture in Uptowne. This support came from private citizens, foundations, and the CVB.

"AN ORDINANCE AMENDING THE 2011-2012 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
FOR THE CITY PROJECT

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

Section 1. The City Project has received donations and contributions totaling \$15,454 in fiscal year 2011-12, and \$3,950 from the prior fiscal year. These funds will be used for ongoing and future City Project work in the core city.

Section 2. This amendment appropriates these funds in the current fiscal year:

(A) That the General Fund of the City of High Point, is hereby amended as follows:

General Fund – Appropriated Fund Balance	\$ 3,950
General Fund – Donations & Contributions (101541)	<u>15,454</u>
	\$19,404

(B) That the following General Fund – City Project expenditure budget be amended as follows:

City Project (101541/521199)	\$ 19,404
------------------------------	-----------

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 this 6th day of September, 2011

**DEPARTMENT OF PLANNING AND DEVELOPMENT
INSPECTION SERVICES DIVISION
HOUSING ENFORCEMENT**

ORDINANCE

REQUEST: Ordinance to Vacate

PROPERTY

ADDRESS: 205 Whittier Avenue

OWNER: Evelyn G. Summer

FIRST

INSPECTION: Number of Violations: Major 3 Minor 10
6-2-2011 1) windows inoperable throughout house – painted shut
2) no operable smoke detectors
3) frayed casing on neutral wiring at outside service

HEARING

RESULTS:

6-15-2011 An agent representing the property owner appeared for the hearing. The agent indicated that it is the intent of the owner to repair. During the hearing the following findings of fact were established. There are numerous violations of the Minimum Housing Code. The dwelling was occupied by one adult and two children at the time of the inspection and is still occupied. The ordinance is requested to allow the inspector to vacate, close and placard the dwelling in accordance with State statutes.

ORDER(S)

ISSUED: Order to Repair 6-15-2011 with a compliance date of 7-15-2011
6-15-2011

APPEALS: No appeals to date.

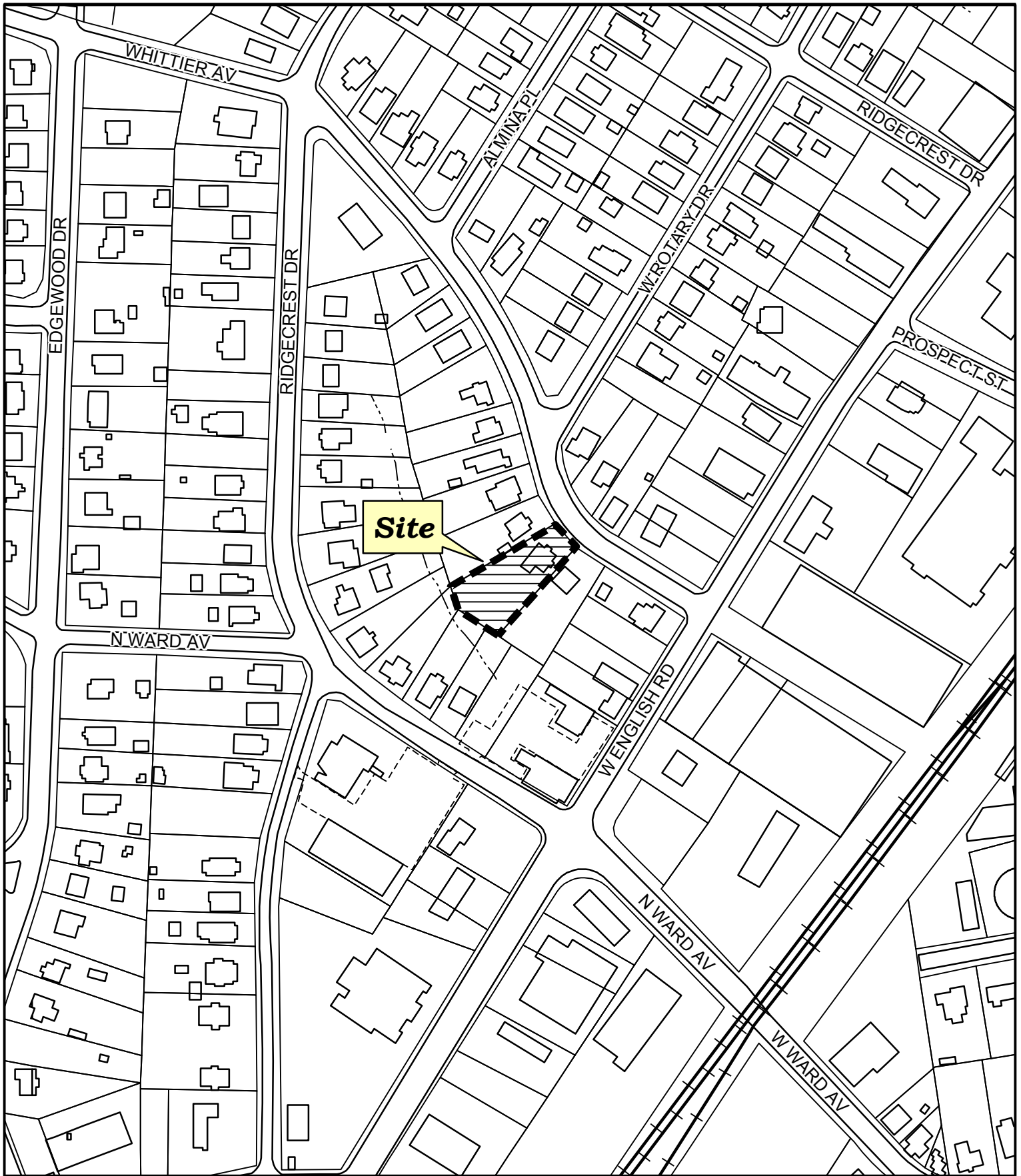
OWNER

ACTIONS: The owner has not obtained any permits. The owner has stated that they have attempted to make repairs but the tenant has refused access.

EXTENSIONS: None requested by owner.

CURRENT

STATUS: Conditions still exist. Dwelling is occupied.
8-10-2011



205 Whittier Avenue

Ordinance to Vacate/Close



Location of subject property

Department of Planning
and Development

City of High Point

Date: August 30, 2011



Scale: 1"=200'
y:/ba-pz/Inspection/vacate



205 Whittier Avenue



MEMORANDUM

September 13, 2011

To: Honorable Mayor and City Council

From: Herbert Shannon Jr, AICP
Senior Planner

Subject: Update on Zoning Case 11-08
(Westchester Drive - Tokyo Express)

At your August 15, 2011 meeting, Zoning Case 11-08 was heard. This case consisted of a request to rezone approximately 1.06 acres from the Residential Single Family-7 (RS-7) District and Conditional Use General Business (CU-GB) District to a Conditional Zoning General Business (CZ-GB) District. The site is lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street (115, 119 & 123 Westchester Drive).

This zoning proposal consisted of two separate developments, Tract "A" (Tokyo Express) and Tract "B" (proposed Waffle House). At the above noted public hearing, the zoning request for Tract B was approved and the Tract A portion of the request was placed in the Planning, Economic Development & Information Technology Committee as a concern was voiced by members that the overflow parking area would be a graveled lot rather than a paved area. The property owner was out of town and unable to attend the meeting and his representative wanted time to speak to his client regarding this concern.

Since the August 15, 2011 meeting, the property owner has reviewed this issue and has offered a condition in their application to require all parking upon Tract A of Zoning Case 11-08 to be paved. Attached is a revised Conditional Zoning application with the new condition.

cc: G. Lee Burnette, Planning & Development Director

Attachment

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA
Fax: 336.883.3056 www.highpointnc.gov/plan Permit Fax: 336.883.8518 TDD 336.883.8517

**PROPOSED USES AND CONDITIONS FOR A CONDITIONAL ZONING DISTRICT
CITY OF HIGH POINT, NORTH CAROLINA**

**Zoning Case 11-08
Conditional Zoning General Business (CZ-GB) District**

June 27, 2011
(Submitted)

The property owner requests a Conditional Zoning District upon the property described in this document and offers the following conditions be placed upon the property. If adopted by the City Council, then these conditions contained herein will be incorporated into the Conditional Zoning District's ordinance of adoption. These conditions are not valid unless signed and affirmed by the property owner or representative with an approved power of attorney. The City Council and the property owner or authorized representative must agree upon revisions or additional conditions prior to the approval of this Conditional Zoning District.

I. USES: Any of the land uses allowed in the General Business (GB) District shall be permitted subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions of this ordinance.

II. CONDITIONS

A. Prohibited Uses: The following uses shall be prohibited:

1. Business, Professional & Personal Services Category
Boat Repairs, SIC Code 3730
Tattoo Parlors, SIC Code 7299
2. Retail Trade Category
Bars, SIC Code 5813
Bars (capacity > 100 persons), SIC Code 5813
Building Supply Sales (with storage yard), SIC Code 5211
3. Other Uses Category
Sexually Oriented Businesses

B. Development Standards:

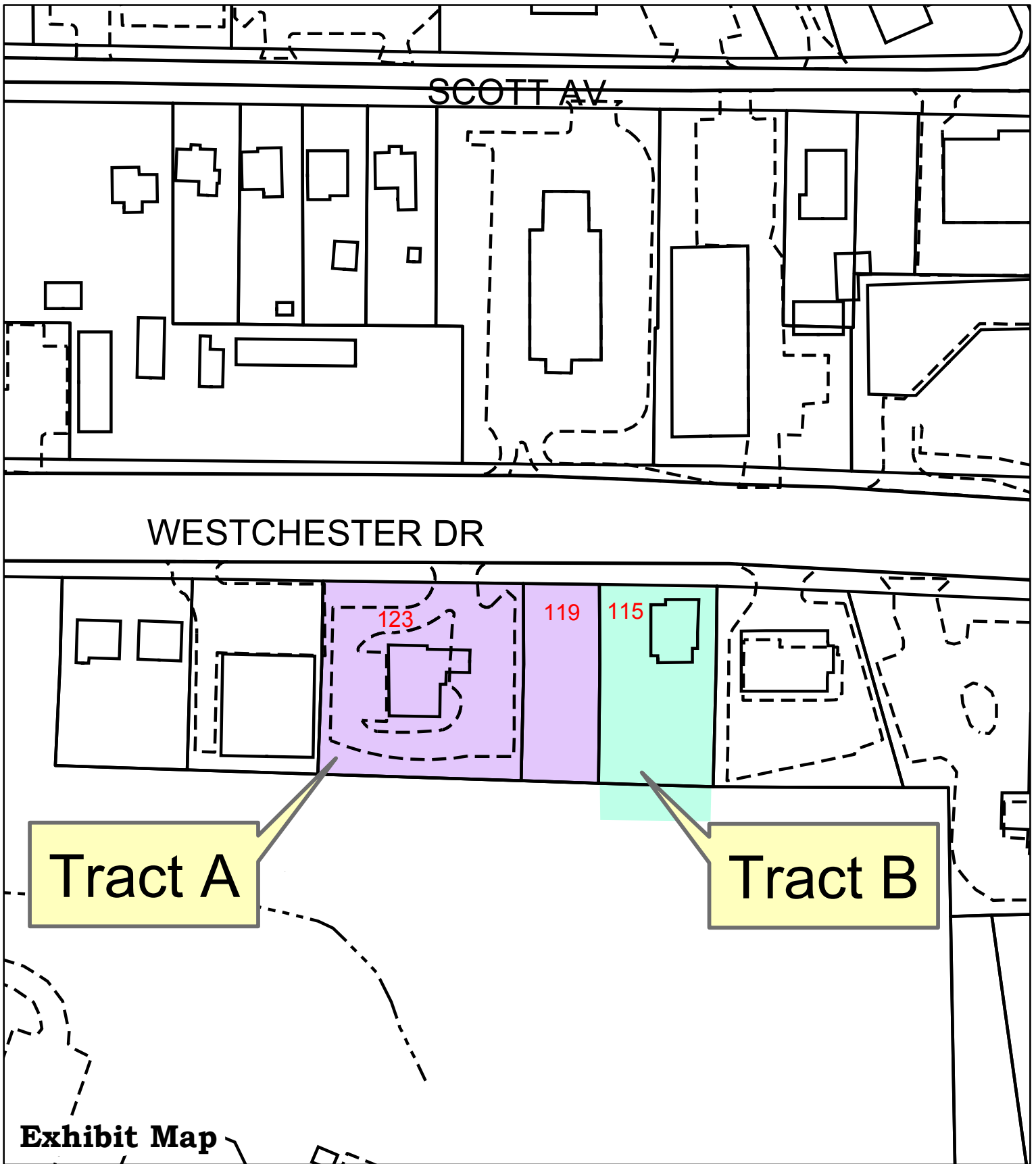
1. Tract A: The western portion of this zoning site, Guilford County tax parcel 0188704 (123 Westchester Drive) and parcel 0188705 (119 Westchester Drive), shall be known as Tract "A" (See attached Exhibit #1) and subject to the following development standards.
 - a. Lot Combination - Tax parcels associated with Tract A shall be required to be combined to form one lot. No new land development or subdivision shall be permitted upon this tract until the lot combination is completed.
 - b. Vehicle Access - Only one point of vehicular access shall be permitted to Tract A. Any existing access drive to parcel 188705 shall be required to be removed.

- c. Parking -
 - 1) The unpermitted parking upon parcel 0188705 shall be removed or the property owner shall submit a site plan to the Planning & Development Department for review and approval.
 - 2) **All parking upon this tract shall be paved with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights.**
2. Tract B: The eastern portion of this zoning site, Guilford County tax parcel 0188706 (115 Westchester Drive) and a portion of tax parcel 0188701 (an approximately 27 foot by 90 foot area lying south of tax parcel 0188706), shall be known as Tract "B" (See attached Exhibit #1) and subject to the following development standards.
 - a. Lot Combination – The tax parcels associated with Tract B shall be required to be combined to form one lot. No new land development or subdivision shall be permitted upon this tract until the lot combination is completed.
 - b. Vehicle Access – Only one point of vehicular access shall be permitted to Tract B.
 - c. Dimensional Standards: The Dimensional Standards of Table 4-11-5 shall be reduced to permit a zero foot building setback along the western property line this tract regardless of the zoning of the abutting parcel (i.e. allows zero foot building setback along the common. property line of Guilford County Tax Parcels 0188706 and 0188705.

DESCRIPTION OF PROPERTY: Approximately 1.06 acres lying along the south side of Westchester Drive, approximately 465 feet west of N. Main Street. The site consist of three parcels and a portion of a fourth parcel and is also known as Guilford County tax parcel 0188704 (123 Westchester Drive), parcel 0188705 (119 Westchester Drive), parcel 188701 (115 Westchester Drive) and a portion of Guilford County tax parcel 0188701.

That portion of Guilford County tax parcel 0188701 is defined as follows:

Commencing at an existing concrete monument, said monument being the northeast corner of Westchester Baptist Church (Plat Book 58 Page 83); thence along the northern property line of Westchester Baptist Church North 89°31'55" West 144.62 feet to an existing iron pipe and point of beginning; said beginning point being the southeast corner of Wilburn Thornton and Frances W. Thornton (Deed Book 5942 Page 1021); Thence South 0°08'57" West 27.00 feet to a point; Thence North 89°31'55" West 90.00 feet to a point; Thence North 0°08'57" East 27.00 feet to an existing iron pipe, said iron pipe being the southwest corner of Wilburn Thornton and Frances W. Thornton (Deed Book 5942 Page 1021); Thence South 89°31'55" East 90.00 feet to the point of beginning, containing 2430 square feet more or less.



ZONING CASE 11-08

From: Residential Single Family-7
To: Conditional Zoning General Business

Existing Zoning Boundary —————
Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

Date: August 11, 2011



Scale: 1"=100'
y:/ba-pz/2011/pz/z11-08.mxd

BID INFORMATION AND RECOMMENDATION**BID #:** "Piggyback" Town of Southern Pines**DATE OPENED:** 03/01/2011**DESCRIPTION:** (1) Sewer Jet Vacuum Combination Truck**BID PACKAGES DISTRIBUTED:** N/A**DEPARTMENT:** Fleet Services**SOURCE OF FUNDS:** 501271-532401**BUDGETED AMOUNT:** \$291,280.**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 EA	Sewer Jet Vacuum Combination Truck	\$291,280.00	\$291,280.00

PURPOSE: This is replacing a similar model sewer jet /vacuum being used by the water sewer department with over 115,000 city miles. These trucks are used daily for jetting and vacuuming sanitary sewers, storm sewers, and catch basins. This truck has a self contained water supply for use with the high pressure cleaner for breaking blockages and removing the materials therein.

COMMENTS: The vendor has agreed to extend the same price and terms set forth in its contract with the Town of Southern Pines. A demonstration of this system was recently performed at our location and the department agreed that it will meet their needs.

Pursuant to the N.C. General Statute 143-129 (g), the City of High Point can award the contract without a separate bidding procedure to any contractor that has contracted to furnish the item with any agency or political subdivision that has entered into the contract following a public, formal bid process "substantially similar" to the one contained in G.S. 143-129.

VENDOR NAME	AMOUNT
Rodders & Jet Supply Company P O Box 2577 Sumter, SC 29151	\$291,280.00

The **PURCHASING DEPARTMENT** and the **FLEET SERVICES DEPARTMENT** recommend that the purchase of (1) **SEWER JET VACUUM TRUCK** be awarded to **RODDERS & JET SUPPLY CO.**, for the total amount of **\$291,280.00**.

DATE OF RECOMMENDATION: August 26, 2011


Strib Boynton, CITY MANAGER

Fleet Services Department

Gary L. Smith
DIRECTOR



DATE: August 24, 2011
TO: Randy McCaslin, Assistant City Manager
FROM: Gary L. Smith, Director of Fleet Services
SUBJECT: Agenda Item – Truck Mounted Jet Vacuum

Gary L. Smith

I respectfully request that the following be included for consideration on the council agenda scheduled for September 6, 2011:

Acceptance of the offer to purchase a Sewer Jet Vacuum Combination truck from Rodders & Jet Supply Company at a cost of \$291,280. The vendor has agreed to extend the same price and terms set forth in its contract with the Town of Southern Pines. The Town of Southern Pines received three quotes for this item and recommended the lowest most responsive bidder. A demonstration of this system was recently performed at our location and the department agreed that it will meet their needs. Expected delivery is 240 days.

This is replacing a similar model sewer jet /vacuum being used by the water sewer department with over 115,025+ city miles. This does not include the additional hours of engine idling time at the job site. The truck the department is currently using has experienced numerous mechanical issues over the past year and has reached the end of its useful life. This truck is used daily for jetting and vacuuming sanitary sewers, storm sewers, and catch basins. It also has a self contained water supply for use with the high pressure cleaner for breaking blockages and removing the materials therein. The department has two of these trucks, but does not have a spare. This type of truck is not readily available through local rental companies.

Funding for this equipment will come from the following account:

501271-532401

pc: Jeff Moore, Finance
pc: Patty Sykes, Purchasing
pc: Tracey Adams, Purchasing

