

City of High Point

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



Meeting Agenda

Tuesday, September 2, 2008

4:45:00 PM

Council Chambers

Committee of the Whole

*Rebecca R. Smothers, Mayor
M. Christopher Whitley, Mayor Pro Tem
Latimer B. Alexander, IV, William S. Bencini,
John Faircloth, Michael D. Pugh, Bernita Sims,
Lisa M. Stahlmann, Ronald B. Wilkins*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE**PRESENTATION OF ITEMS****FINANCE COMMITTEE - Council Member Whitley, Chair****Committee Members: Bencini, Faircloth and Pugh****(all were present)***Committee Members - Bencini, Faircloth, Pugh***080242****Bid No. 05 - Deep River Sewer System Improvements - Segment 6**

Approval of contract for award of Bid No. 05 for the Deep River System Improvements - Segment 6. Purchasing and Public Services recommend that contract be awarded to Prillaman & Pace in the amount of \$1,394,160.00 which is the lowest responsible and responsive bidder meeting specifications.

9/2/2008 Committee of the Whole approved

080243**Contract Extension Approval - Triangle Grading and Paving - Intersection Improvements**

Approval of a contract extension in the amount of \$475,000 to the Triangle Grading and Paving Contract (ENG-2006-05) for additional roadway work to make improvements at the intersection of Gordon Street and Cedrow Drive.

9/2/2008 Committee of the Whole approved

PUBLIC SAFETY COMMITTEE - Council Member Alexander, Chair**Committee Members: Faircloth, Stahlmann, Pugh and Wilkins****(all were present)**

There were no matters appearing on tonight's Agenda for consideration by the Public Safety Committee.

*Committee Members - Faircloth, Stahlmann, Pugh, Wilkins***Pending Items****070340****Ordinance - Demolition of Dwelling - 1008 Tipton Street - Gentry**

Adoption of ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 1008 Tipton Street belonging to Charles D. and Marsha W. Gentry.

12/17/2007 Committee of the Whole continued

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair**Committee Members: Alexander and Pugh****(all were present)***Committee Members - Alexander, Pugh***080248****Revisions to the City's Solid Waste Ordinance**

Consideration and approval for revisions to the City of High Point's Solid Waste Collection and Disposal Ordinance.

9/2/2008**Committee of the Whole****deferred****Public Services****Committee***Committee Members - Alexander, Sims, Whitley, Wilkins***080247****Resolution - Interstate 85 Bridges over the Yadkin River**

Council is requested to adopt a resolution regarding the Interstate 85 Bridges over the Yadkin River as recommended by the High Point Metropolitan Planning Organization.

9/2/2008**Committee of the Whole****adopted****PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair****Committee Members: Faircloth, Sims, Stahlmann and Whitley****(all members were present)***Committee Members - Faircloth, Sims, Stahlmann, Whitley***080244****Resolution of Intent - Annexation 08-05 - Martian, Dameron & Johnson - W. Wendover Avenue**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, September 15, 2008 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 5.23 acres, by John & Denise Martin; Dual & Thelma Dameron; and Wesley and Cynthia Johnson. The site consists of portions of a triangular shaped block bounded by W. Wendover Avenue to the south, Piedmont Parkway to the east and Hickory Grove Road to the north.

9/2/2008**Committee of the Whole****adopted**

080200**Rezoning Case 07-26 - City of High Point - Pegg Road**

Consideration of a request for the City Council to initiate a zoning application for an approximately 32 acre parcel lying at the northwestern corner of Pegg Road and Gallimore Dairy Road. The request is for Council to rezone this parcel from its current Conditional Use Light Industrial (CU-LI) District to the Agricultural (AG) District, pursuant to Section 9-3-13(a)(7) of the Development Ordinance, due to applicant's failure to accept conditions of the approved Conditional Use Permit 07-26.

7/21/2008 **Committee of the Whole** **continued**

8/4/2008 **Committee of the Whole** **continued**

9/2/2008 **Committee of the Whole** **approved**

080250**Resolution of Intent - Street Abandonment 08-14 - HPU**

Adoption of a Resolution of Intent establishing Monday, October 6, 2008 at 5:30 pm. to consider street abandonment 08-14 to close a portion of an improved 50 foot right of way known as Fifth Street between Montlieu and Woodrow Avenues, an improved 55 foot right of way known as O.A. Kirkman Way, and an improved 40 foot right of way known as West College Drive between O.A. Kirkman Way and east Farriss Avenue as submitted by High Point University.

9/2/2008 **Committee of the Whole** **adopted**

Pending Items**PUBLIC HEARINGS ON ITEMS - 5:30 p.m.****Planning & Development Committee - Council Member Bencini, Chair****080217****Resolution - Land Use Plan Amendment 08-03 - High Point University - Guyer Street**

A request by High Point University to amend the City of High Point Land Use Map to change the classification for approximately 1.4 acres from Low Density Residential to the Institutional land use designation. The site consists of five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive (1407 thru 1415 Guyer Street). In addition, the request includes consideration by the Planning & Development Department for additional parcels lying along the west side of Guyer Street to be changed to the Institutional land use designation.

8/4/2008 **Committee of the Whole** **continued**

9/2/2008 **Committee of the Whole** **approved**

080218**Ordinance - Rezoning Case 08-13 - High Point University - Guyer Street****a. Conditional Use Public & Institutional (CU-PI) District.**

A request by High Point University to rezone approximately 1.4 acres from the Residential Single Family-9 (RS-9) District to a Conditional Use Public & Institutional (CU-PI) District. The site consists of five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive (1407 thru 1415 Guyer Street).

b. Major Amendment to Conditional Use Permit 07-25

A request by the High Point University to amend the permit to add approximately 1.4 acres and to revise conditions of the permit pertaining to permitted uses, landscaping & fencing and vehicular access.

8/4/2008 Committee of the Whole continued

9/2/2008 Committee of the Whole adopted

080246**Resolution - Street Abandonment 08-11- Unimproved Right of Way- CHP**

A request by the Technical Review Committee to abandon an improved 50 foot wide right of way lying east of Manley Street and opposite of Clish Place.

9/2/2008 Committee of the Whole adopted

080245**Resolution - Street Abandonment 08-12- Unimproved Ardale Drive - CHP**

A request by the Technical Review Committee to abandon a portion of an unimproved 70 foot wide right of way, known as Ardale Drive that is lying west of the intersection of Greenview Terrace and Ardale Drive.

9/2/2008 Committee of the Whole adopted

ADJOURNMENT

A RESOLUTION AMENDING THE LAND USE PLAN FOR THE HIGH POINT PLANNING AREA

WHEREAS, the City Council of the City of High Point adopted the Land Use Plan for the High Point Planning Area on April 6, 2000, and

WHEREAS, changing circumstances may warrant that from time to time a particular land use designation be changed from one classification to another; and

WHEREAS, a public hearing was held before the City Council of the City of High Point on August 4, 2008 and September 2, 2008 regarding a proposed amendment to said Land Use Plan for the High Point Planning Area,

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

SECTION 1. That the Land Use Plan for the High Point Planning Area be amended by redesignating approximately 31.36 acres lying along both sides of N. College Drive between its intersections with E. Lexington Avenue and N. Centennial St. as well as some properties on the west side of Guyer St. south of Chatham Dr. from Low-, Moderate- and High Density Residential to Institutional.

SECTION 2. Should any section or provision of this resolution be declared invalid, such decision shall not affect the validity of remaining portions of this resolution.

SECTION 3. This resolution shall become effective immediately upon adoption.

Adopted by City Council
this 2nd day of September, 2008


Lisa Vierling, City Clerk



The complete file for this Land Use Plan Map Amendment may be inspected at the City of High Point Department of Planning and Development, Municipal Office Building, 211 South Hamilton Street, High Point, North Carolina.

Engineering Services Department

B. Keith Pugh, P.E.

DIRECTOR



Date: August 26, 2008

To: Pat Pate, Assistant City Manager

From: Keith Pugh, Engineering Services *BKP*

Re: Council Contract Extension Approval – Adding Intersection Improvements for Gordon and Cedrow to the Barrow Road Improvements Contract – City Contract ENG-2006-05

City Council is being asked to approve a contract extension with Triangle Grading and Paving for additional roadway work to make improvements at the intersection of Gordon Street and Cedrow Drive. These improvements were identified in the 2004 voter approved bond issue. This work is being added at the City's request. A drawing of the additional work is attached for Council's information.

The intersection improvements will add a west bound left turn lane on Cedrow Drive, widen the south bound approach along Gordon Street for a left turn lane, improve the intersection radii and improve the intersection storm drainage. After comparing contract line item prices for our most recent roadway work, we've decided to add this work to Triangle's Barrow Road Contract. Right of way for this project is clear, utility relocation work is underway. The estimated cost to complete this additional work is \$475,000.

Engineering Services and Transportation recommend that the City Council approve change order #3 in the amount of \$475,000. The original contract amount was \$5,399,095.07. Change Orders #1 and #2 have increased the contract to \$5,580,895.07. Approval of Change Order #3 will bring the entire contract amount to \$6,055,895.07. The contract completion date will be extended to November 15, 2008 due to this change order. Funding is available through the 2004 G.O. Bonds.

411610-533701-411001007105-40201 - Intersection Improvements \$475,000

/bkp

Cc: Mr. Jeff Moore, Finance
Mr. Bob Martin, Purchasing Division
Mr. Mark McDonald, Transportation
Mrs. Lou Hedrick, Budget
Mr. Leon Adams, Adams and Clark Enterprises, Inc.



Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



MEMORANDUM

DATE: Oct 15, 2008
TO: Pat Pate, Assistant City Manager
W. Chris Thompson, PE, Director of Public Services
FROM: Richard D. McMillan, P.E., Asst. Director of Public Services
SUBJECT: Agenda Item – Revisions to the City's Solid Waste Ordinance

A handwritten signature in blue ink that reads "Richard D. McMillan".

I respectfully request that the following be included for consideration on the next City Council Agenda:

Consideration and approval for revisions to the City of High Point's Solid Waste Collection and Disposal Ordinance. This is the first of several proposed revisions being brought before City Council for consideration and approval.

During the past year, Public Services staff has been meeting with the City Council's Public Services Committee in discussions concerning solid waste issues and ways to improve the service provided citizens of High Point.

The primarily sections addressed in this revision of the Ordinance concern garbage service, yard waste, loose limbs, and bulky item collection. Other sections will follow. A copy of the proposed changes are attached and highlighted. If you have any questions, please contact me.

pc: Leonard Barham, Environmental Services Superintendent
File

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



MEMORANDUM

DATE: 15 OCT 08

TO: Pat Pate, Assistant City Manager
Chris Thompson, P.E., Director of Public Services

FROM: Richard McMillan, P.E., Asst Director of Public Services

SUBJECT: Revised Solid Waste Ordinance – Summary of Revisions

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In an effort to consolidate the City's Solid Waste Ordinance, below is a summary of the current Solid Waste Ordinance and the proposed changes or revisions.

Current Solid Waste Ordinance	Proposed Solid Waste Ordinance
<u>Section 6-2-1 Definitions</u>	<u>Added or Revised Definitions:</u> • Ashes (revised) • Bulky Item (added) • Business (added) • Collection (added) • Garbage (revised) • Land clearing debris (revised) • Loose leaves (added) • Loose tree limbs (added) • Material recovery facility (revised) • Multi-family residential unit (added) • Nonresidential unit (added) • Physical disability (added) • Recyclable material (added) • Rental trash trailer program (added) • Yard waste (added)

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



Section 6-2-5 Preparation of solid waste for collection

¶ a)... allows loose bags, containers or bundles not exceeding 50 pounds or four (4) feet in length.

No person, firm, or corporation shall be entitled to service more than two (2) rollout carts per pickup.

¶ b) Yard waste to be separated and not mixed. Tree limbs and brush shall be in four (4) foot lengths not exceeding 50 lbs. Grass clippings, leaves, etc shall be boxed or bagged in a clear plastic bag.

Loose tree limbs – section did not exist. Did not collect prior to ice storm, late 90's.

¶ c) Loose Leaves – section did not exist.

¶ a) All bags to be placed in rollout carts. Suggesting that all garbage be bagged for sanitary (insects, flies/maggots, rodents, & other critters) and litter spillage reasons. City Manager may authorize city crews to collect additional bagged solid waste on certain occasions during the year (such as Christmas) for a set time period, such as two weeks after the holiday.

Maximum is two (2) carts per household for garbage service.

¶ b) Slight revision and clarification – same requirements – boxed, bagged, or bundled, clear bags, 4 feet and 50 pound max.

¶ States that City will not collect loose tree limbs. Any tree trimming or removal at multi-family units or commercial, business, or other entity (other than property owner) shall be responsible for the complete removal of material.

City Manager may authorize city crews to collect loose limbs for a set time in the event of a storm.

¶ c) Details where to place loose leaves and when they are collected. Not mixed with other debris.

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



Section 6-2-5 Preparation of solid waste for collection (continued)

¶ e) Bulky Items – white goods, appliances, furniture, box springs and other debris **shall not** be placed at the curb, but rather these materials will be removed only on a call in basis.

¶ f) Recyclable materials – section did not exist.

¶ g) Hazardous materials – section did not exist.

¶ e) Bulky Item service is intended for the **occasional** disposal of larger items such as mattresses, furniture, carpet, etc, from a property owner or tenant. The service is not intended as a cleanout or disposal for removing large quantities from a property. Bulky item service does not apply to any business.

Due to State rules, no tires will be collected by City crews – tires are to be taken to the county's tire facility.

¶ f) Encourages participation, describes the collection of materials, acceptable materials, and not mixing with garbage or other materials.

¶ g) Describes materials included (TVs, computers, batteries, chemicals, etc.) and states they are not acceptable in the recycle or landfill. Encourage items to be taken to the county's household hazardous waste facility or other local stores for recycling (ie: computers and etc to Goodwill).

Plastic bags (#2 LDPE) are to be returned to the stores where they were obtained for recycling.

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



Sec 6-2-6 Availability and extent of service

¶ a) Rollout carts will be serviced twice weekly during daylight hours; and service once weekly during the rest of the year.

The CBD area will serviced four (4) times weekly all year.

Backdoor service is available with doctor's certification.

Max of two (2) rollout carts.

¶ d) Anyone (*except for single family dwellings*) that generates more garbage than can be serviced by two (2) rollout carts, shall furnish a bulk container, provided such service can be installed and served.

¶ e) Anyone using private bulk service shall acquire a permit from the public works director.

¶ a) Rollout carts will be serviced one time per week. Service includes garbage, yard waste, recycles, and bulky item.

The City reserves the right to alter, delay or suspend the collection of one or all services temporarily in the case of storms, ice/snow, extreme heat/cold, etc.

CBD not addressed in this round of revisions.

¶ b) Backdoor service for doctor certified residents (upon superintendent's approval) for garbage and recycling only. City has the right to periodically verify status. City may continue or discontinue backdoor service.

Max of two (2) rollout carts for garbage service.

¶ d) Anyone (*except for single family dwellings*) that generates more garbage than can be serviced by two (2) rollout carts, shall provide a bulk container. Solid waste collection for this container shall be by private contractor.

¶ e) Deleted requirement.

Sec 6-2-7 Purchase of Rollout Carts

Rollout carts shall be purchased from the city.

Rollout carts for garbage, yard waste, and recycling shall be purchased from the city. All carts shall carry a ten-year (10 year) warranty against defects for materials and workmanship.

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



Sec 6-2-8 Interfering with collection practices

No one shall interfere or tamper with solid waste collection or containers unless by permission of the environmental services superintendent, nor shall place hazardous waste in a collection receptacle.

Sec 6-2-8 Interfering with collection practices

No one shall interfere or meddle with containers or in any way pilfer, scavenge, scatter or place junk in any alley or street that deters the normal solid waste collection, unless by permission of environmental services superintendent.

This applies to garbage, bulky items, yard waste, and recyclables.

Sec 6-2-9 Littering

Littering is prohibited. Litter shall be prepared and placed for collection as specified in this chapter.

Sec 6-2-9 Littering

It is a violation for anyone to intentionally or recklessly throw, scatter, spill, place, or otherwise dispose of garbage, litter, debris, trash, or other materials

- a) On any property or private property not owned by that person;
- b) In a manner that it may be carried or deposited by the elements on any street, sidewalk, alley, storm drain, or other public or private properties or place; or
- c) In any stream, creek, waterway, or body of water.

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



<u>Sec 6-2-10 Medical waste</u> Paragraph added...	<u>Sec 6-2-10 Medical waste</u> Paragraph added: Sharps, as defined above, shall not be placed in the rollout carts, recyclable containers, or other containers for regular solid waste collection for the safety of employees. All sharps items should be placed in an approved sharps containers (no bottles or milk jugs) as defined above, but not placed in the regular solid waste stream. Residential customers may call the City's Customer Service Division (336-883-3111) to schedule a pickup of the sharps containers <u>free of charge</u> . If a customer is found to repeatedly place sharps in the regular solid waste collection, the director of public services may discontinue solid waste service to the property and/or impose violation fines.
<u>Sec 6-2-12 Dumping solid waste, ect on open lots prohibited; exception for landfilling</u> ... Owner of a property may conduct fill operations by obtaining a permit from the director of public works...	<u>Sec 6-2-12 Dumping solid waste, etc. on open lots prohibited; exception for landfilling</u> ... Owner of a property may conduct fill operations by obtaining the appropriate permits and conduct operations in accordance with all local, state, federal rules, laws, and conditions...
<u>Sec 6-2-13 Replacement of rollout carts</u> Replacement of rollout carts shall be the responsibility of the householder.	<u>Sec 6-2-13 Replacement of rollout carts</u> Replacement of rollout carts shall be the responsibility of the property owner, resident, or tenant.

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



Sec 6-2-14 Removal of small dead animals

Small dead animals will be picked up at the curb, not placed in or adjacent to solid waste container.

Owners of large dead animals shall be responsible for their removal and disposal.

Dead animal collection from vets not discussed.

Sec 6-2-14 Removal of small dead animals

The City provides for the removal of small dead animals (less than 100 pounds). Service provided five (5) days per week. Animal to be placed in a plastic bag in the rollout cart on the regular collection day or customer may call customer service (883-3111) to schedule a pick up.

Dead animals weighing over 100 pounds shall be removed and disposed of by the owner. Animals include dogs, cats, birds, and other similar pets/animals. It does not include livestock, horses, pigs, goats, or similar.

City will collect dead animals in street.

The city will provide dead animal collection to veterinarian's offices for a fee as set by the public services director. Collect a maximum of ten (10) animals, none exceeding 100 pounds, during a requested pickup.

Vet staff is responsible to bring the animals out to the truck. Vets billed for service. Vets to call customer service (883-3111) to schedule service.

Public Services Department

Richard D. McMillan, P.E.
ASSISTANT DIRECTOR



<u>Sec 6-2-15 Rental Trash Trailer Program</u> Entire section added...	<u>Sec 6-2-15 Rental Trash Trailer Program</u> The rental trash trailer program provides residents, homeowners, and tenants with a means to remove larger quantities of bulky item materials or yard waste from the property to the landfill or compost facility for a fee. Upon request of a trailer and payment of fee (fee as set by the director of public services), the city will deliver a trailer to the property for a given time. Disposal and accepted material rules posted on the trailer must be followed. Failure to follow rules for the trailer will result in additional fees/fines, additional disposal costs, and/or refusal to accept materials.
<u>Sec 6-2-18 Penalty for Violation</u> Paragraph added...	<u>Sec 6-2-18 Penalty for Violation</u> Items found in violation of this ordinance will be tagged as such to notify the property owner, resident, or tenant of the issue(s). If the violation is not corrected, the city will take action to remedy the violation. The property owner, resident, or tenant may be fined as described below and will be charged the actual costs of cleanup and disposal.

City of High Point

Public Works **Services**

CHAPTER 2 Solid Waste Collection and Disposal

Editor's note: This chapter is derived from an ordinance of the city council adopted June 18, 1981, which amended chapter 10 of the 1958 Code so as to rewrite the provisions thereof. Ordinance No. 91-57, adopted July 18, 1991, amended ch. 2 to read as herein set out. Formerly, ch. 2, §§6-2-1--6-2-18, pertained to garbage and refuse collection and disposal and derived from the 1982 Code; § 1 of Ord. No. 83-36, adopted June 2, 1983; and § 1 of Ord. No. 84-25, adopted April 5, 1984.

Sec. 6-2-1 Definitions.

- a) For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
- b) The following definitions shall apply in the interpretation and the enforcement of this chapter:
 - (1) *Ashes* means ~~that~~ refuse from the **burning of wood, coal, paper, and/or other combustible material** ~~fires~~ which has been wetted and cooled to the touch prior to collection.
 - (2) *Blood and body fluids* means liquid blood, serum, plasma, other blood products, emulsified human tissue, spinal fluids, and pleural and peritoneal fluids. Dialysates are not blood or body fluids under this definition.
 - (3) *Bulk containers* means a metal container made of watertight construction with sliding doors opening on two (2) sides and hinged top, and constructed so that it can be emptied mechanically by specially equipped trucks. Containers shall be kept covered at all times. Hereinafter upon effective date of this section, all new bulk containers shall meet these specifications.
 - (4) *Bulky Item* means the occasional items that are inappropriate or too large for compacting in the garbage truck such as white goods, stoves, refrigerators, water heaters, gas grills, wheelbarrows, bicycles, lawn mowers, sofas, box springs, carpet/padding, and other furniture and appliances. Bulky item collection is not intended to remove the entire contents of a property or house. No tires will be accepted.
 - (5) *Business* means a corporation, industry, company, retail, landlord, and/or other entity engaged in a for-profit endeavor.
 - (6) *Central Business District* means that section of the city bounded by Russell Street on the south, Elm Street on the west to Church, thence north along Main Street to Montlieu on the north and Hamilton Street on the east.
 - (7) *City* means the City of High Point.
 - (8) *Collection* means the act of removing solid waste from a point of generation to an approved disposal site. Collection shall be at the curb for garbage, yard waste, recyclables and bulky items.

- (9) *Commercial establishment* means any retail, wholesale, institutional, religious, hotels, governmental or other nonresidential establishment at which solid waste may be generated.
- (10) *Commercial waste* means solid waste generated from institutions and commercial concerns such as hotels, stores, etc.
- (11) *Construction or demolition* when used in connection with "waste" or "debris" means solid waste resulting solely from construction, remodeling, repair, or demolition operations on pavement, buildings, or other structures, but does not include inert debris, land-clearing debris, or yard debris.
- (12) *Detachable container* means a unit varying in capacity between 20 cubic yards and 40 cubic yards which is used for collecting, storing, and transporting building materials, commercial waste, industrial waste, hazardous refuse, refuse, or yard trash. The unit may or may not use an auxiliary stationary packing mechanism for compaction of materials into the container and may be of the open or enclosed variety. The distinguishing feature of the detachable container is that it is picked up by a specially equipped truck and becomes an integral part of the truck for transporting the waste materials to the disposal site.
- (13) *Flow control area* is a designated geographic area within which the collection, transportation, storage, and disposal of all solid waste generated within said area shall be accomplished in accordance with a solid waste management plan.
- (14) *Garbage* means all putrescible waste, that is solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses, including animal offal and carcasses and recognizable industrial byproducts, but excluding sewage and human waste. **Offal, carcasses, and pet feces shall be securely bagged for collection.**
- (15) *Generating facility* means any facility where medical waste first becomes a waste, including but not limited to any medical or dental facility, funeral home, laboratory, veterinary hospital, and blood bank.
- (16) *Group housing* means apartments, condominiums, group developments.
- (17) *Hazardous waste* means a solid waste, or combinations of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:
 - a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (18) *Inert debris* means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.
- (19) *Land clearing debris* means solid waste **(stumps, tree trunks, roots, dirt, large limbs, etc.)** which is generated solely from land clearing activities.
- (20) *Lead acid batteries* means any battery containing lead, acid, or both.

- (21) *Litter* includes, but is not limited to, garbage refuse, waste material or any other discarded, used, or unconsumed substance which is not handled as specified herein.
- (22) *Loose leaves* means tree/plant foliage that has fallen from trees/plants and has been placed along the street in rows or piles, not in bags, for collection.
- (23) *Loose tree limbs* means large, heavy yard and/or tree trimmings or cuttings resulting from heavy pruning, tree or shrub removal, or plant breakage. These limbs have not been trimmed or cut to proper size, length, or bundled for collection.
- (24) *Material recovery facility* is a state permitted solid waste management facility that receives recyclables within the designated flow control area ~~all solid waste within the designated flow control area currently destined for the landfill. The facility removes all recyclable material from the waste stream and bales the remaining non-recyclable residual solid waste.~~ The facility also processes removed recyclables for sale to recycling markets.
- (25) *Medical waste* means any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this article, radioactive waste, household waste as defined in 40 Code of Federal Regulations, section 261.4(b)(1) in effect on July 1, 1989, or those substances excluded from the definition of solid waste in this section.
- (26) *Microbiological waste* means cultures and stocks of infectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.
- (27) *Multi-Family residential unit* means any apartment, group of apartments or condominiums used for residential dwelling places.
- (28) *Nonresidential unit* means any retail, manufacturing, wholesale, institutional, religious, nonprofit organization, governmental or other unit not primarily used for residential purposes.
- (29) *Oil* means any oil new or used which has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.
- (30) *Pathological waste* means human tissue, organs and body parts, and the carcasses and body parts of all animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.
- (31) *Person* means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- (32) *Physical disability* means a medical condition, verified by a registered physician, that makes an individual either physically unable to bring a rollout cart to the curbside for collection and/or that makes undertaking such an act clearly and seriously threatening to that person's health.

- (33) *Recycling* means any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.
- (34) *Recyclable material* means those materials which are capable of being recycled can be marketed at a value greater than the costs associated with processing and shipping that material to a buyer, and which would otherwise be processed or disposed of as solid waste. Examples of recyclable materials are as follows: newspaper and accompanying inserts, magazines, chip board, corrugated cardboard, mixed and office paper (excluding sanitary products), telephone books, plastic bottles (#1 PET), plastic containers (#2 HDPE), steel cans, aluminum cans, glass containers, and yard waste (leaves, brush, grass clippings) and other materials determined to be recyclable by the Public Services Director.
- (35) *Rental trash trailer program* means city service to provide a large trailer rental for residential property owners, customers, and tenants for a larger quantity of bulky items to be disposed. Service is for a fee.
- (36) *Refuse* means all non-putrescible waste.
- (37) *Regulated medical waste* means blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste, and pathological waste that have not been treated.
- (38) *Rollout cart* means a wheeled solid waste, yard waste, and/or recyclable receptacle compatible with city garbage collection equipment, and approved by the department of public works **services**.
- (39) *Scrap tire* means a tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.
- (40) *Sharps* means and includes needles, syringes with attached needles, capillary tubes, slides and cove slips, and scalpel blades.
- (41) *Sharps container* means a container manufactured and approved for the disposal of sharps. The container must be rigid, leak-proof when in the upright position, puncture-resistant, and shall be labeled with a water resistant universal biohazard symbol.
- (42) *Single-family attached housing* is a project of one (1) or more residential structures, each containing two (2) or more attached single-family residences.
- (43) *Single-family dwelling* means any dwelling place occupied by one (1) family.
- (44) *Sludge* means any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, waste supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.
- (45) *Small dead animals* means cats, dogs, small household pets, and other small animals of similar size weighing less than 100 pounds. Definition does not include livestock (cows, pigs, goats, horse).
- (46) *Solid waste* means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment, and disposal systems; and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally

discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

- a. Fecal waste from fowls and animals other than humans.
 - b. Solid or dissolved material in:
 1. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
 2. Irrigation return flows; and
 3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
 - c. Oils and other liquid hydrocarbons controlled under article 21A of chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
 - d. Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. Par. 2011).
 - e. Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290). However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this article.
- (47) *Special wastes* means solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, and medical wastes.
- (48) *Tipping fee* means the charge per ton approved by the city council for processing and disposal of solid waste as well as the capital and operation and maintenance costs associated with the materials recovery facility.
- (49) *Tire* means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).
- (50) *White goods* include inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
- (51) *Yard waste* means solid waste consisting solely of vegetative matter which includes, but is not limited to, tree limbs, grass clippings, weeds, bush clippings, leaves, brush, and etc. resulting from regular maintenance of yards, gardens, and landscaping maintenance activities. Yard waste does not include entire trees, large tree trunks, stumps, or clearing activities. It also does not include any material generated by commercial tree companies.

Sec. 6-2-2 Responsibility for solid waste removal.

Responsibility for administration of residential solid waste removal shall lie with the public works **services** department. Bulk containers, roll-off containers, or detachable containers shall be removed by private contractors. Persons desiring to collect bulk containers, roll-off containers, or detachable containers shall secure a permit from the public works **services** department.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-3 Containers required for solid waste removal.

All householders and business proprietors shall provide the necessary receptacles as indicated by this chapter for solid waste subject to removal by the environmental services division of the public works **services** department or private contractors.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-4 Solid waste containers; size, type, etc.

- a) Rollout carts constructed so that they can be emptied by the lifting devices mounted on city trucks are required and shall be of a type and size approved by the department of public works **services**.
- b) Bulk containers are authorized per the specifications as set forth by the director of public works **services**. Distributors of bulk containers who wish to sell or lease such containers in the city are subject to approval by the director of public works **services** and must have on file in the public works **services** department a service and maintenance agreement for such containers.
- c) Twenty-to-40-yard detachable containers are authorized through private contractors. Such contractor must be approved by the director of public works **services**. ~~and must have a service and maintenance agreement on file with the public works department.~~

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-5 Preparation of solid waste for collection.

Solid waste **materials are collected** ~~collection~~ **once per week beginning** ~~begins~~ at 7:00 a.m. (with the exception of that area designated as the Central Business District, which must be placed at the curb by 5:00 a.m., the day of collection). Rollout carts, **recycling containers, and yard waste** which are not out when the truck passes, will not be collected until the next regularly scheduled pickup date. Rollout carts shall be removed from the curb the date they are serviced. **Contractors, businesses, landlords, retail, etc. are responsible for the removal and disposal of their generated solid waste.**

- a) All solid waste shall be placed in approved rollout carts. **No loose bags of garbage shall be placed at the street and will not be collected. All bags must be contained in the approved rollout carts. It is recommended that all garbage be contained in bags as to prevent spillage during servicing. The City Manager may authorize city crews to collect additional bagged solid waste on certain occasions during the year (such as Christmas) for a set time period, such as two weeks after the holiday. The maximum number of rollout carts allowed for garbage service for any one household is two (2) carts.** ~~or placed next to said containers in throw-away receptacles or tied bundles not~~

~~exceeding 50 pounds each or four (4) foot lengths. All receptacles placed at the curb next to the approved rollout containers shall be picked up and discarded.~~

- ~~b) No yard or special wastes are to be placed at the curb with the rollout containers. The environmental services superintendent shall determine that area considered to be the curb as it relates to solid waste collection pickup point.~~

- b) Yard waste shall be placed at the curb in a city approved yard waste rollout cart, boxed, bagged in clear plastic bags, or secured in bundles weighing no more than 50 pounds and not exceeding a length of four feet. Yard waste may not be mixed with any other types of solid waste. ~~separately from the rollout containers for collection by the city. Tree limbs and brush shall be bundled and not exceed four (4) feet in length and 50 pounds. Grass clippings, leaves, etc. shall be boxed or bagged in clear plastic bags of a type approved by the director of public works. Stumps will not be collected from the curb. Yard waste shall not be mixed with any other types of waste.~~

Loose tree limbs (LTLs) not conforming to yard waste requirements shall not be collected by the city. It is not the intent of the city to collect large portions of trees, entire tree(s), or lot clearing debris. Any tree trimming or removal performed at a multi-family residential unit or condominiums, or by a commercial company, business, landscaping company, or entities other than the property owner shall be responsible for the complete removal and disposal of all materials.

In the event of a storm (ice, tornado, server thunderstorm, etc.), the City Manager may authorize the collection of loose tree limbs for a set time period (ie: four (4) weeks) for crews to remove all limbs placed at the curb as a result of storm cleanup.

- c) Loose leaves may be placed at the edge of the road (not in the road, ditchline or curblane) for loose leaf collection during the late fall and early winter each year (approx. November through January). Collection schedules will be advertised and published. No other yard waste shall be included or mixed with loose leaves (no sticks, brush, or bagged leaves/grass).
- d) Bulky items shall be placed at the curb free from overhead wires, trees and tree limbs, mailboxes, utility poles, vehicles, or other endangerments that would impede collection. This service is intended for the occasional disposal of a mattress, appliance, furniture items, carpet, or other like items from a property owner or tenant. The bulky item service is not intended as a cleanout/disposal for removing all items from a property. Bulky items service does not apply to any business. No tires will be collected by the city. Tires shall be disposed at the county tire facility.
- e) The city provides for the collection of recyclable materials and strongly encourages all residents to participate. Recyclable materials should be placed in a city-approved container. Acceptable materials are defined above and in city literature. Materials do not require sorting. Only recyclable materials should be placed in the containers. Mixing garbage, yard waste or other materials with recyclables will result in a notice of violation and no collection.
- f) Materials such as computers, monitors, TVs, batteries, chemicals, oils and other hazardous materials are not accepted as recyclable or solid waste and should not be placed in any container and will not be collected. These items may be recycled at the county's household hazardous waste recycling facility or other approved sites. Plastic bags (#2 LDPE) should be returned to retail stores for recycling and should not be included in weekly recycling collection.

- (3) ~~Special waste including large bulky items such as white goods, stoves, refrigerators, water heaters, other appliances, sofas, box springs, other furniture, tires (five (5) maximum), other debris, etc., shall not be placed at the curb. These wastes will be removed by the city strictly on a call in basis.~~
- (4) ~~Upon payment of the applicable fee, the city will schedule an appointment to deliver a vehicle for removal of such large amounts of waste as described in subsections (2) or (3) above that they cannot be handled through regular collection procedures. After the vehicle is loaded by the property owner, the city will return to remove the vehicle.~~

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-6 Availability and extent of service.

- a) Rollout carts shall be serviced once per week with the exception of the Central Business District (CBD), which shall be serviced four (4) times per week. This service includes garbage, recyclables, bulky item, and yard waste. No customer shall have more than two (2) rollout carts for garbage service. The city reserves the right to suspend, delay, or alter the time of collection of one or all services temporarily should snow, ice, storms, flooding, extreme heat/cold or other conditions make it unsafe for the public or employees during collection operations. ~~Rollout containers shall be serviced twice weekly during daylight savings time and once weekly throughout the rest of the year, with the exception of the area designated as the Central Business District, which shall be serviced four (4) times per week all year. Backdoor service is available on a once-per-week basis, subject to the approval of the environmental services superintendent, who may require a doctor's certificate for those persons who are unable to roll their rollout containers to the curb. No person, firm or corporation shall be entitled to service on more than two (2) rollout containers per pickup.~~
- b) As a courtesy, backdoor service is available for garbage and recycling on a once per week basis, provided that prior approval has been granted by the environmental service superintendent, upon verification of a valid medical reason by a medical doctor for those persons who are physically unable to place their rollout cart to the curb. The city also reserves the right to periodically verify the need to continue backdoor service to residents who have been approved to receive the service. The city reserves the right to continue or discontinue backdoor service. The director of public services or his designee shall have the authority to determine the proper location for rollout carts for disabled residents.
- c) Single-family attached housing (townhomes) shall be serviced as subsection (a) above, provided the city shall be held harmless against any and all claims for pavement damage resulting from rollout container cart service, and provided the drives are designed for proper movement of solid waste collection vehicles. ~~The city reserves the right to suspend collection service temporarily should snow and ice make it unsafe to provide same.~~ Developers, at their option, may request bulk container service.
- d) All locations, except for single-family dwellings, which generate more solid waste than can be serviced by two (2) rollout container carts once weekly, shall be required to furnish a bulk container of the type approved by the director of public works services, provided that such container can be installed and serviced. Solid waste collection service for this container shall be by private contractor.

- e) ~~All persons using bulk container services shall utilize a private contractor who has acquired a permit from the director of public works for the authority to provide said service.~~

(Ord. No. 91-57, 7-18-91; Ord. No. 92-20, § 1, 3-5-92)

Sec. 6-2-7 Purchase of roll-out carts.

Rollout carts for garbage, yard waste, and recycles shall be purchased from the city. All carts will carry a 10-year warranty against defects for materials and workmanship.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-8 Interfering with collection practices.

No person or persons shall interfere, meddle with refuse containers or in any way pilfer, scavenge, scatter the contents of, or place junk in any alley or street within the city limits or otherwise deter the normal solid waste collection process by tampering with solid waste containers unless by permission of the environmental services superintendent or his representative, nor shall any person place any hazardous waste in any collection receptacle. This applies to garbage, bulky items and recyclables.

~~No person or persons shall interfere or otherwise deter the normal solid waste collection process by tampering with solid waste containers or their contents unless by permission of the environmental services superintendent or his representative, nor shall any person place any hazardous waste in any collection receptacle.~~

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-9 Littering.

Littering is prohibited. ~~Litter shall be prepared and placed for collection as specified in this chapter.~~ It shall be a violation of this chapter for any person to intentionally or recklessly throw, scatter, spill, sweep, or deposit or otherwise dispose of garbage, litter, debris, trash, or other materials

- a) On any property or private property not owned by him/her;
- b) In a manner that it may be carried or deposited by the elements on any street, sidewalk, alley, storm drain, or other public or private property or place; or
- c) In any stream, creek, waterway, or body of water.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-10 Medical waste.

No medical waste shall be deposited or permitted to be deposited in the waste stream within the flow control area. The director of public works services shall terminate solid waste collection services to any commercial establishment at which a violation of this section occurs. Such termination is not a penalty, but shall nevertheless be in addition to and not in lieu of the imposition of civil or criminal penalties for violation of this chapter.

Sharps as defined above shall not be placed in the rollout carts, recyclable containers, or other containers for regular solid waste collection. All sharps items should be placed in an approved sharps container as defined above, but not placed in the regular solid waste stream. Residential customers may call the City's Customer Service Division (336-883-3111) to schedule a pickup of the sharps containers free of charge. If a customer is found to repeatedly place sharps in the regular solid waste collection, the director of public services may discontinue solid waste service to the property and/or impose violation fines.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-11 Responsibility to place solid waste for collection.

It shall be the responsibility of each householder or storekeeper to place their solid waste for collection at the proper time and in the proper manner as provided for in this chapter.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-12 Dumping solid waste, etc., on open lots prohibited; exception for landfilling.

No solid waste, yard waste, special waste, or other offensive material shall be dumped, thrown, or allowed to remain on any lot or space within the city limits. ~~;- provided, -~~ However, the owner of any lot or parcel of land desiring to conduct a fill operation shall apply ~~to the director of public works for a~~ for the appropriate permits, and any fill operation shall be conducted in accordance with all local, state, and federal rules, laws, and conditions ~~the conditions~~ contained in the permit.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-13 Replacement of rollout carts.

Replacement of rollout carts shall be the responsibility of the property owner, resident, or tenant ~~householder~~. The environmental services superintendent shall have the authority to discontinue service when a container becomes unserviceable and advise the householder of same.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-14 Removal of small dead animals.

The city provides for the removal of small dead animals (less than 100 pounds). This service is provided five days per week during normal business hours. Small dead animals shall be placed in a plastic bag and put in the rollout cart on the normal schedule collection day or scheduled through Customer Service (336-883-3111). Dead animals weighing 100 or more shall be removed and disposed of by the owner. The collection of small animals includes dogs, cats, birds, and other similar pets/animals. It does not include livestock, horses, pigs, goats, or similar animals.

Dead animals already in the street or on the edge of the street, when the owner is not identified, will be scheduled for collection by the city upon notification of their existence.

The city will provide dead animal collection to local veterinarians offices for a fee as set by the director of public services. Veterinarian offices shall call the City's Customer Service Division (336-883-3111) to schedule a pickup of dead animals. The city will collect up to ten (10) animals, none exceeding 100 pounds, during a requested pickup. The veterinarian office is required to bring the dead animals to the truck. Veterinarian Offices will be billed for the service per the established fee.

~~(a) Small dead animals shall be picked up at the curb on a call basis, and shall not be placed in or adjacent to any solid waste container.~~

~~(b) Owners of large dead animals shall be responsible for their removal and disposal.~~

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-15 Rental Trash Trailer Program.

The rental trash trailer program provides residents, homeowners, and tenants with a means to remove larger quantities of bulky item materials or yard waste from the property to the landfill or compost facility for a fee. Upon request of a trailer and payment of fee (fee as set by the director of public services), the city will deliver a trailer to the property for a given time. Disposal and accepted material rules posted on the trailer must be followed. Failure to follow rules for the trailer will result in additional fees/fines, additional disposal costs, and/or refusal to accept materials.

Sec. 6-2-16 Ownership of all waste collected by public or private collectors.

All solid waste collected in the city by public or authorized private collectors and all solid waste collected in the flow control area shall be delivered to the city landfill, compost facility, or material recovery facility site unless otherwise specifically authorized by the director of public works services.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-17 Flow control area.

(a) All solid waste generated within the flow control area that is placed in the waste stream for disposal shall be collected, transported, stored, and disposed of by the city at permitted solid waste management facilities of the city in accordance with the solid waste management plan adopted by the DEHNR. The director of public works services shall maintain a current map of the flow control area which shall be available for public inspection.

(b) The director of public works services with the approval of the city manager is authorized to grant exceptions to the requirements of subsection (a) of this section in order to effectuate the intent of the solid waste management plan or to enhance or protect the operation of solid waste management facilities, so long as such exceptions are with the approval of DEHNR.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-18 Penalty for violation.

Items found in violation of this ordinance will be tagged as such to notify the property owner, resident, or tenant of the issue(s). If the violation is not corrected, the city will take action to remedy the violation. The property owner, resident, or tenant may be fined as described below and will be charged the actual costs of cleanup and disposal.

Violation of any provision of this chapter shall constitute a misdemeanor; shall also or alternatively subject the offender to a civil penalty in the amount of \$500.00; and shall also be subject to appropriate equitable remedies including but not being limited to injunctive relief. Each days' continuing violation shall constitute a separate offenses.

(Ord. No. 91-57, 7-18-91)

Sec. 6-2-1918 Administration and enforcement.

The administration and enforcement of the provisions of this chapter shall be the responsibility of the public works **services** department.

(Ord. No. 91-57, 7-18-91)

BID INFORMATION AND RECOMMENDATION**BID #** 05-082108**DATE OPENED:** August 20, 2008**DESCRIPTION:** Deep River Sewer System Improvements-Segment 6**BID PACKAGES DISTRIBUTED:** 15**DEPARTMENT:** Public Services**SOURCE OF FUNDS:** 421779-533601-421001000805-40201**BUDGETED AMOUNT:** \$2,750,000.**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 lot	Deep River Sewer System Improvements-Segment 6	\$1,394.160.00	\$1,394.160.00

PURPOSE: This project is the last part of the Deep River Outfall replacement CIP. The city has already replaced Segments 1, 2, 3 and 4. Deep River Segment 5 is under construction now.

COMMENTS:**BID TABULATION**

CONTRACTOR	BASE BID AMOUNT	ALTERNATE BID AMOUNT
Prillaman & Pace PO Drawer 4667 Martinsville, VA 24115	\$1,572,985.00	\$1,394,160.00
Jimmy R. Lynch & Sons, Inc. 307 S. Academy Street Pilot Mountain, NC 27041	\$1,616,829.38	\$1,405,251.33
L & J, Inc. 220 Stonebridge Dr., Suite 405 Columbia, SC 29210	\$1,584,318.00	\$1,474,896.60
Paul Howard Construction Co. PO Box 35227 Greensboro, NC 27425	No Bid	\$1,519,570.00
Billings & Garrett PO Box 58340 Raleigh, NC 27658	\$1,757,720.00	\$1,626,452.00
Dellinger, Inc. P O Box 929 Monroe, NC 28111	\$1,936,695.00	\$2,022,430.00
RF Shinn Contractor, Inc. 9025 Highway 601, South Midland, NC 28107	\$1,573,121.00	\$2,389,671.00
B.R.S., Inc. 208 N. Hwy 49 Richfield, NC 28137	\$2,019,254.00	No Bid

The **PURCHASING DEPARTMENT AND PUBLIC SERVICES DEPARTMENT** recommend that the contract for **DEEP RIVER SEWER SYSTEM IMPROVEMENTS-SEG 6** be awarded to **PRILLAMAN & PACE**, the lowest responsible and responsive bidder meeting specifications, in the amount of **\$1,394,160.00**

DATE OF RECOMMENDATION: August 25, 2008

Strib Boynton, CITY MANAGER

MEMORANDUM

Date: August 25, 2008

To: Pat Pate, Assistant City Manager

From: Terry Houk, Assistant Director of Public Services (T.H.)

Re: Agenda Item

I respectfully request that the following be included for consideration on the next Council Agenda:

Acceptance of alternate low bid submitted by Prillaman and Pace, Inc. for Deep River Outfall – Segment 6 Sewer System Improvements

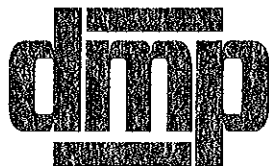
This project is the last part of the Deep River Outfall replacement CIP. The city has already replaced Segments 1, 2, 3 and 4. Deep River Segment 5 is under construction now. The low bidder is an experienced contractor and is capable of performing the work for this project.

Public Services is recommending the bid be accepted for:

Deep River Outfall – Segment 6	
Sewer System Improvements	\$1,394,160.00

Funding for this project will come from 421779-533601-421001000805-402101.

Cc: Chris Thompson
Jeff Moore
Bob Martin
Patty Sykes
File



DAVIS-MARTIN-POWELL & ASSOCIATES, INC.

ENGINEERING • LAND PLANNING • SURVEYING

6415 Old Plank Road, High Point, NC 27265

(336) 886-4821 • Fax (336) 886-4458 • www.dmp-inc.com

August 22, 2008

Re: City of High Point, N.C.
Deep River Outfall Segment 6
Sewer System Improvements
Bid No. 05-082108
DMP Project 80040(AL)

Mr. Chris Thompson, PE
Director of Public Services
City of High Point
PO Box 230
High Point, NC 27261

Dear Chris:

On August 21, 2008 the bids on the above referenced project were received by the Purchasing Department of the City of High Point. The Proposal included both a Base Bid and an Alternate Bid. The Base Bid includes conventional excavation, pipe installation and backfill methods. The Alternate bid utilizes pipe bursting trenchless technology to minimize street disturbances where possible. A total of eight bids were submitted, and since the lowest bid is an Alternate, we have summarized the lowest three Alternate Bids below. A detailed bid tabulation of all bids received is also attached.

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate</u>
Prillaman & Pace, Inc. Martinsville, VA	\$1,572,985.00	\$1,394,160.00
Jimmy R. Lynch Pilot Mountain, NC	\$1,616,829.38	\$1,405,251.33
L-J Inc. Columbia, SC	\$1,584,318.00	\$1,474,896.60

The low Alternate bidder on this project, Prillaman & Pace, Inc. of Martinsville, VA, submitted an Alternate Bid of \$1,394,160 which is well within the estimate of construction cost prepared by our firm. The Alternate Bid will result in a cost savings of \$178,725 and the Alternate Bid will also result in less roadway disturbances and less inconveniences to the traveling public. Prillaman & Pace is a well qualified firm who has successfully completed several projects for our clients during the last 20 years.

Based upon the information presented above, DMP recommends the City of High Point City Council consider awarding this contract to Prillaman & Pace, Inc., in the total amount of their unit price Alternate bid of \$1,394,160.

We have asked the contractor to submit other low bidder related MBE/DBE documents for review by the Purchasing Manager before the project is considered by City Council.

The overall Project Budget is summarized as follows and easement acquisition costs are included in the contingency item. Since Engineering Services were initially contracted for both Segment 5 and Segment 6, we have shown allocations for each. The Design budget has been adjusted by \$5,000 for additional Engineering cost associated with separating the segments into two projects with separate

plans, specifications, and bidding assistance efforts for each project. The easement mapping and surveying budget has also been adjusted by \$10,000 to reflect the actual cost incurred during the easement acquisition process.

<u>Item</u>	<u>Segment 5</u>	<u>Segment 6</u>	
Construction Cost	\$4,640,438	\$1,394,160	(Alt. Bid)
Engineering Planning	\$14,000	\$6,000	
Engineering Design	\$154,000	\$71,000	
Construction Technical Services	\$100,000	\$40,000	
Easement Mapping & Surveys	\$42,000	\$8,000	
Construction Contingencies, Easements, etc.	<u>\$449,562</u>	<u>\$140,840</u>	
Recommended Project Budget	\$5,400,000	\$1,660,000	

Upon City Council's approval, we will prepare the Construction Contracts and schedule a pre-construction conference. We will also return the original bid documents to Purchasing. We greatly appreciate the opportunity to provide this design service for the City and look forward to the project's construction which will complete rehabilitation of the 6 segments of the Deep River Outfall system.

If you have any questions or need additional information, please call.

Very truly yours,

DAVIS-MARTIN-POWELL & ASSOCIATES, INC.



Charles E Powell, PE

RM/dd
C: Mr. Terry Houk
Mr. Greg Hall
Mr. Bob Martin
Mr. Fred Baggett
Mr. Robert Davis
File

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 29, 2008, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

High Point University

Land Use Plan Amendment Case 08-03

A request by High Point University to amend the City of High Point Land Use Map to change the classification for approximately 1.4 acres from Low Density Residential to the Institutional land use designation. The site consists of five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive (1407 thru 1415 Guyer Street). In addition, the request includes consideration by the Planning & Development Department for additional parcels lying along the west side of Guyer Street to be changed to the Institutional land use designation.

&

High Point University

Zoning Case 08-13

a. Conditional Use Public & Institutional (CU-PI) District.

A request by High Point University to rezone approximately 1.4 acres from the Residential Single Family-9 (RS-9) District to a Conditional Use Public & Institutional (CU-PI) District. The site consists of five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive (1407 thru 1415 Guyer Street).

b. Major Amendment to Conditional Use Permit 07-25

A request by the High Point University to amend the permit to add approximately 1.4 acres and to revise conditions of the permit pertaining to permitted uses, landscaping & fencing and vehicular access.

Ms. Galanti presented the Land Use Plan Amendment case and Mr. Shannon presented the rezoning application. Ms. Galanti outlined staff's recommendation of approval for LUPA08-03, with revisions, as outlined in the staff report. Mr. Shannon outlined staff's recommendation that the zoning request be postponed in order to encourage the University to meet with an abutting property owner.

Speaking in favor of this request were:

- Mr. Gart Evans, representing High Point University
- Mr. Don Scarborough, representing High Point University
- Ms. Abigail Pittman, 210 Louise Avenue in High Point
- Mr. Marsh Morgan, 810 McNair Ct in High Point (local realtor and owner of 1419 Guyer St)
- Ms. Janet Brown, 801 W. Ray Street in High Point (local realtor for High Point University)

Mr. Evans and Mr. Scarborough provided an overview of the proposal and outlined the positive economic impact the University has had upon the City. The other speakers noted how the University has consistently offered above market prices for property they have purchased during its recent expansion.

Speaking in opposition were:

- Mr. Larry Chason of 1417 Guyer Street of High Point, neighbor
- David Smith of 1602 Guyer Street of High Point, neighbor

Diane Hensley of 1422 Guyer Street of High Point, neighbor
Mr. David Smith of 1602 Guyer Street of High Point, neighbor

These speakers in opposition noted the following issues of concern:

- Previous University development (adjacent student dormitory facility) has negatively impacted them and this new zoning proposal will increase the negative impact upon their quality of life and their property values.
- The University has not been a good neighbor to the adjacent single family property owners.
- Objections to the encroachment of the University into this 40 year old single family neighborhood.
- Expressed concerns with “tactics used by the University to squeeze out property owners that do not wish to sell their property”.
- The 8 foot high white vinyl fence being installed by the University in this area is unattractive. Speakers questioned why the more attractive brick fencing that is being installed upon other portions of the campus couldn’t also be installed at this location.

After the public comment portion of the hearing was closed the commission had a lengthy discussion. The Commission questioned the applicant and abutting property owner as to their desire to postpone the request and discuss. Mr. Gart Evans stated that the University wanted to proceed forward without a continuance. Mr. Larry Chason indicated his unwillingness to talk with the University.

The Planning & Zoning Commission recommended **approval** of Land Use Plan Amendment Case 08-03 by a vote of 6-1.

The Planning & Zoning Commission recommended **approval** of Zoning Case 08-13 and Major Amendment to Conditional Use Permit 07-25 by a vote of 6-1.

Mr. White stated his vote in opposition was based upon concerns he had with the intrusion of this institutional use into this long established residential neighborhood.

A protest petition has been filed with the Planning and Development Department opposing this request. This petition has been determined to be valid, as defined by NCGS 160A-385 and the Development Ordinance, and requires a favorable vote of 3/4’s of all City Council members (7 members) to approve this rezoning request.

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

**STAFF REPORT
LAND USE PLAN AMENDMENT CASE 08-03
July 29, 2008**

Applicant: High Point University	Owner: High Point University
Proposal: To redesignate approximately 31.36 acres to reflect the existing institutional use and to provide an additional area for parking.	From: Low Density Residential, Moderate Density Residential and Medium Density Residential
	To: Institutional

Site Information	
Location	The site lies along both sides of N. College Drive between its intersections with E. Lexington Avenue and N. Centennial Street. The site also includes properties on the west side of Guyer St. south of Chatham Dr.
Acreage	Approximately 31.36 acres
Current Land Use	Student housing, athletic facilities and single-family houses
Existing Zoning District(s)	Conditional Use Public and Institutional and Residential Single-family-9
Physical Characteristics	Slopes generally from south to north
Relevant Overlay District(s)	High Point City Lake General Watershed Area

Street Access & Street Classification		
Street Name	Classification	Approximate Frontage
N. College Dr.	Major Thoroughfare	2,000 ft.
E. Lexington Ave.	Major Thoroughfare	103 ft.
N. Centennial St.	Major and Minor Thoroughfare	225 ft.
Guyer St.	Local Street	1, 400 ft.

Surrounding Zoning and Current Use			
North	RS-9	Residential Single-family-9	Single-family residential
South	GO-M and PI	General Office-Moderate and Residential Single-family-7	Funeral home, church and single-family residential
East	RS-9	Residential Single-family-9 and Residential Multifamily-8	Single- and multifamily residential
West	RS-7 and CU GO-H	Residential Single-family-7 and Conditional Use General Office-Heavy	Single-family residential and senior citizen's home

Surrounding Land Use Designations	
North	Low Density Residential
South	Office, Institutional and Low Density Residential
East	Low Density Residential
West	Low Density Residential and Institutional

Purpose of Existing and Proposed Land Use Designations	
Existing Designation	Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre. Moderate-Density Residential: This classification includes a variety of detached or attached dwellings, generally including single family homes, cluster homes, duplexes and townhouses. Development densities shall range from five to eight dwelling units per gross acre. Medium-Density Residential: This classification includes a variety of attached dwellings, generally including higher density townhouses and less land-intensive multi-family housing such as garden apartments. Development densities shall range from eight to sixteen dwellings units per gross acre.
Proposed Designation	Institutional: Public, quasi-public and institutional uses on large tracts are included in this classification.

Land Use Plan Amendment History		
Case #	Date	Description
00-03	April 11, 2001	Land Use Plan Amendment case 00-03 came about as a result of rezoning case 99-48. The land use amendment included approximately 24 acres on the west side of W. College Drive, bounded on the west by Fifth Street, Fifth Court and the rear property lines of several lots fronting on W. College Dr.. This request was approved by Council and the Land Use Plan has not been amended for university expansion since that time.

Background

As stated above, April 2001 was the last time the Land Use Plan was amended for a High Point University expansion. The rezoning case that precipitated the 2001 land use amendment included about 10 lots on both sides of Barbee Avenue (now W. College Dr.) north of Montlieu Avenue. Council approved the rezoning request from RS-7 to CU PI for the lots on the east side Barbee Avenue because they conformed with the Land Use Plan, but they did not approve the rezoning on the west side because the Land Use Plan showed Low Density Residential. Upon request of City Council, University officials and City staff worked together after rezoning case 99-48 was approved to update the 1992 Campus Assessment Master Plan to reflect future growth intentions of the university. The result of this collaboration was Land Use Plan Amendment case 00-03 and the *High Point University Land Use Plan Implementation* policy. The land use amendment expanded the Institutional land use designation west of W. College Drive to Fifth Street, which is the current boundary of the Institutional land use designation. The policy document that was created, established a set of criteria on how rezonings and expansions of the university should occur.

Since 2001, the university has grown physically to the west, within the institutionally designated area, and most recently to the north (north of Lexington Avenue). This 2007 northern expansion for new dormitories goes beyond the area designated in 2001 as Institutional. While they are currently seeking a Land Use Plan Amendment for the dorms and an associated parking lot, this could indicate the need for staff and the University to update plans for any additional future growth of the university, so that the Land Use Plan can consider and reflect their future needs in a holistic approach.

Relevant City Plans

COMMUNITY GROWTH VISION STATEMENT

Goal 2: Improve High Point's older urban neighborhoods, while ensuring better future neighborhoods.

LAND USE PLAN

Land Use Goals and Objectives

Goal 2: Encourage Development That Enhances and Preserves Established Neighborhoods

Goal 3: Provide a Wide Range of Housing Opportunities for Families of All Income Levels

Objective 3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas

Objective 4. Protect the City's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment

Objective 9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses;

Staff Analysis

The Land Use Plan amendment proposed by the university consists of the area along North College Drive and a portion of the west side of Guyer Street. They are requesting a change from Medium Density residential along College Dr. and Low Density Residential along Guyer Street to Institutional for the entire area. Such an amendment would result in a small Institutional intrusion into the Low-Density Residential designation along Guyer Street. Staff reviewed the land uses along the west side of Guyer Street between East Lexington Avenue and just south of Chatham Drive and found that, if this proposal is approved, the majority of the residential of this section of Guyer will consist of institutional uses (the College and the Methodist Church). Therefore, staff recommends that all the lots that front on the west side of Guyer Street from Chatham Drive to E. Lexington Avenue should be included in the amendment to Institutional, if it is to be approved. This will result in one cohesive Institutional area that is separated from the Low Density Residential area by a collector street. The change in designation of the area along North College Drive to Institutional is appropriate to acknowledge the development of the new dormitories that are adjacent to the church which is already designated as Institutional.

The issue then becomes whether or not the encroachment of the Institutional designation onto Guyer Street is appropriate. This can be viewed as an intrusion into the single-family neighborhood. However, the residential land use fabric on the west side has been diminished by institutional uses. The church expanded and added a new building on Guyer Street and the university currently owns and is in the process of removing five single-family homes on the site of their current request. There are many relevant adopted City land use policies that speak to this case, which are listed in the Relevant City Plans section of this report. Many, if not all, of the policies discuss the concerns for the protection of existing neighborhoods, especially when they abut non-residential uses. This is a neighborhood of well-kept homes that provide a much needed supply of affordable housing stock.

Weighing the expansion of an institutional use into an existing neighborhood is never easy. Both entities need to be nurtured and protected, so it comes down to weighing the details of each case and then looking towards the policies for guidance. In this particular case, High Point University is growing and it needs to expand to remain competitive. As previously mentioned, this expansion will include the removal of five existing homes and the existing mature trees between the neighborhood and the university. When evaluating this case, the following factors need to be considered: the protection of the edge of this neighborhood and the possible precedent that this could set for the surrounding area; the intensity of the use; the visual impact on the neighborhood; and the level of need for the expansion.

It is important to protect the edges of neighborhoods so that they remain as a stable and desirable place to live. Part of what makes a neighborhood stable is a consistent pattern and rhythm of compatible development. Due to the fact that the pattern of use along the west side of Guyer is an inconsistent mix of residential and institutional uses and that Guyer Street carries a fairly significant amount of traffic, Guyer Street could be a logical new western edge to this neighborhood.

Visual impact on the neighborhood is also of concern. The property along Guyer Street generally slopes down from south to north and there are several large trees along the rear lot lines of the residential properties on the west side of Guyer Street. If the two lots to the north of the university proposal are not included it would be very difficult to screen their view. The lots on the east side of Guyer are also of concern. Currently their view of the new dormitories is screened from the existing

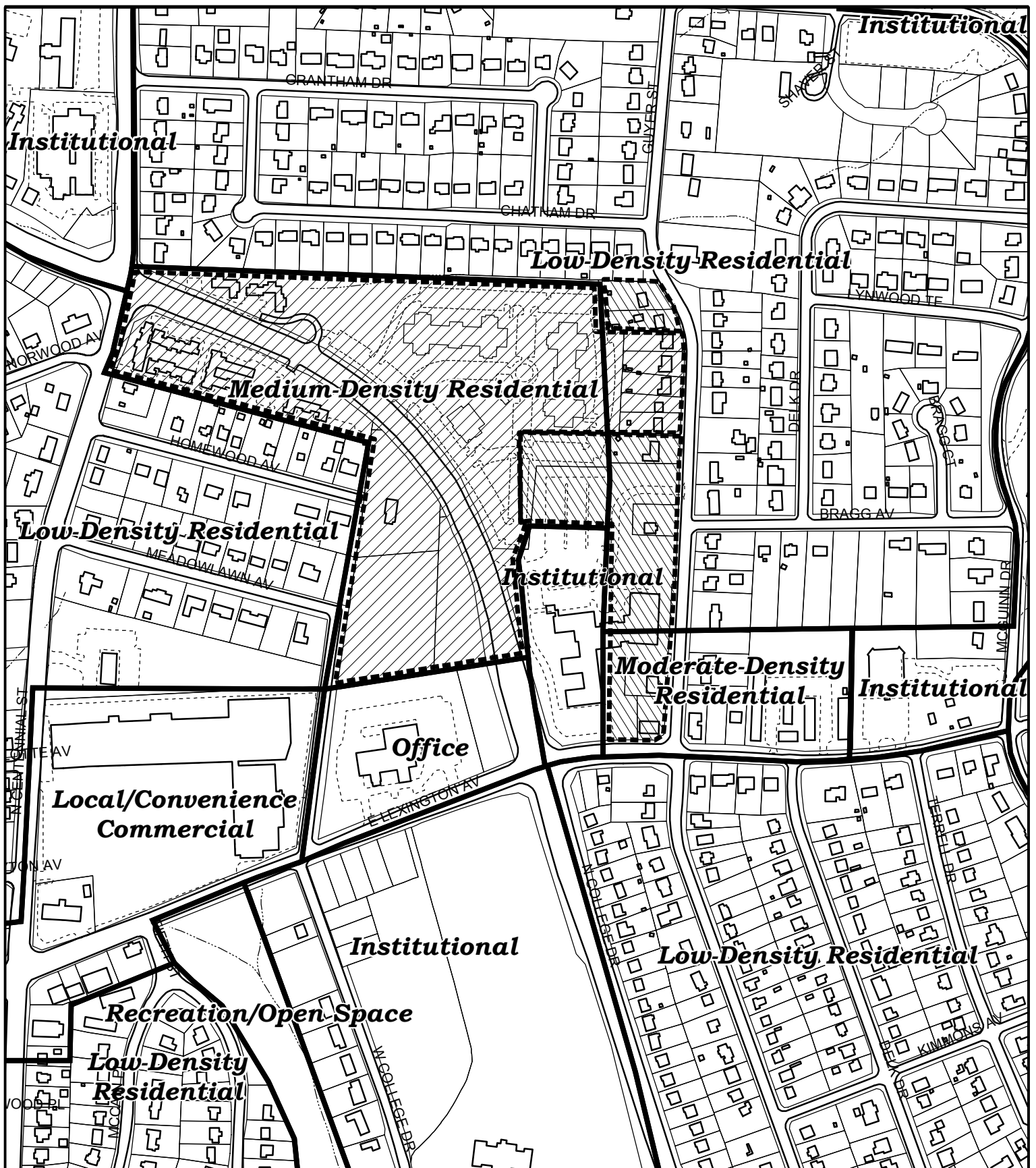
houses and mature trees on the west side of Guyer St. If this request is approved, the edge of the institutional uses will be brought to Guyer Street. Adequate protection for the houses on the east side needs to be ensured for the future viability of this neighborhood. When the church to the south was recently expanded elements of good design were demonstrated by respecting the building line of the adjacent residential structures and the placement the parking a lot away from Guyer Street. If this proposal is passed there is a concern that the houses on the east side of Guyer Street will have a direct view into the university property.

The hardest factor to evaluate is the level of need for the university to expand. This can likely only be answered through consideration of the following questions: can this need be filled in another way, will this need for additional space end here or will it continue, is this location best for the community if additional future expansions may be needed?

In this case, the benefit of the university expansion must be balanced against the impacts it might bring to the nearby residents. When looking at the existing land use policies and the existing land use pattern for guidance, the policies support the protection of existing neighborhoods. In this case however, due to the current inconsistent land use pattern along the west side of Guyer St. and the fact that Guyer St. functions as a collector street, a new logical boundary between the neighborhood and the institutional uses could be Guyer Street. Staff cautions that the treatment of this boundary is of paramount importance and that a strong buffer along Guyer Street will need to be put in place to ensure that the consistent and stable residential area on the east side of Guyer Street is protected and maintained.

Recommendation

The Planning and Development Department recommends approval of this requested Land Use Plan amendment from the Low Density Residential, Medium Density Residential, and Moderate-Density Residential designations to the Institutional designation as denoted by staff.



LAND USE PLAN AMENDMENT 08-03

Request: From: Low Denisty Residential,
Medium Denisty Residential and
Moderate Denisty Residential

To: Institutional

Existing Land Use Plan

Subject Property Boundary



Planning & Development
Department

City of High Point

Date: July 9, 2008



Scale: 1"=400'

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

**STAFF REPORT
ZONING CASE 08-13**

July 30, 2008

(Revised)

Applicant/Owner: High Point University	
Proposal: 1. Rezone 5 parcels (1.4 acres) along the west side of Guyer Street. 2. Amend Conditional Use Permit 07-25 (CUP 07-25) to add the 1.4 acres along Guyer Street into that permit. 3. Amend CUP07-25 to revised permitted uses, landscaping & fencing and access conditions.	From: RS-9 Residential Single Family-9 District To: CU-PI Conditional Use Public & Institutional District
Site Information	
Location	Five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive. The zoning site is addressed as 1407 thru 1415 Guyer Street and also known as Guilford County Tax Parcels 152-1-4, 8, 20, 86 & 87.
Site Acreage	Approximately 1.4 acres
Current Land Use	There are single family dwellings upon each of the parcels. However, several of the dwellings are in the process of being removed.
Physical Characteristics	The site has a moderately sloping terrain and drains from the south to the north.
Prox. to Water & Sewer	City water and sewer utilities are currently available in this area along N. College Drive and Guyer Street.
Stormwater/ Drainage	The site is subject to the City Lake General Watershed Area requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% or more of the site.
Overlay Districts	City Lake General Watershed Area

Site Access & Street Classification		
Street Name	Classification	Approximate Frontage
Guyer Street	Collector Street	330 ft.
Traffic Impact Analysis (TIA)	A TIA is not required due to the size of this site, requested zoning district and allowable uses.	

Surrounding Area Zoning and Current Use			
North	RS-9	Residential Single-Family-9 District	Single family dwelling
South	RS-9	Residential Single-Family-9 District	Single family dwelling
East	RS-9	Residential Single-Family-9 District	Single family dwellings
West	CU-PI	Conditional Use Public & Institutional District	High Point University student dormitories

School District Information
Not applicable to this zoning case.

Relevant Land Use Policies and Related Zoning History	
Land Use Map Designation	The site has a Low Density Residential land use designation. This classification is primarily intended for single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre. In conjunction with the zoning application, the applicant has also submitted a Land Use Plan Amendment application to change the designation of the zoning site and property they own to the west to an Institutional classification (See LUPA 08-03).
Relevant Land Use Plan Goals, Obj. & Policies	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #2: Encourage development that enhances and preserves established neighborhoods. Goal #3: Provide a wide range of housing opportunities for families of all income levels. Obj. #3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas. Obj.#4. Protect the City's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment. Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.
Relevant Area Plans	Core City Plan
Related Zoning History	Zoning Case 07-25 was approved in September 2007 for dormitory use for High Point University. This previous application rezoned approximately 17 acres along both sides of N. College Drive, between the intersections of E. Lexington Avenue and N. Centennial Street, from RS-9, RM-8 and GO-M Districts to a CU-PI District. A Major Amendment to Z07-25 was approved in January 2008 to revise the access requirement from W. College Drive.

Background Information:

High Point University is requesting to rezone this 1.4 acre area of land so that it may be added to their abutting student housing facility for parking. The application includes amendments to the approved conditional use permit (CUP07-25) that would do the following:

- Amend CUP 07-25 to add the 1.4 acre rezoning site (5 parcels along Guyer Street) into the permit, note it as Tract 3, and limit uses to a parking lot.
- Revise landscaping and fencing conditions of the permit to include standards for Tract 3 and to clarify fencing requirements along the northern boundary of Tract 1.
- Revise transportation access conditions to prohibit any access from the zoning site to Guyer Street.
- Add two sketch plan exhibits (Exhibits B & C) that establishes the site layout and lighting design for the parking lot (Tract 3).

During the public hearing for the abutting student dormitory site (Z07-25), the applicant stated their intent to save a substantial amount of the existing trees and vegetation next to homes along Chatham Drive and Guyer Street to protect and limit the impact to abutting homes. However, the rear of the site was filled which required a transitional slope area next to the single family homes along Guyer Street and Chatham Drive that resulted in a lesser amount of the vegetation and trees being preserved. It also created a situation where the development site and dormitory buildings were higher than the abutting homes.

It should also be recognized that this proposal is not the first instance of institutional uses in the Guyer Street neighborhood. A small church and associated parking lot is located to the north of the rezoning site on the east side of Guyer Street. Also, the abutting church south of the zoning site, at the corner E. Lexington Avenue and N. College Drive, expanded several years ago and removed several homes along the west side of Guyer Street. This expansion altered the historic single family pattern along the west side of Guyer Street. The church expansion did not require rezoning approval so specific impacts upon adjacent homes could not be addressed other than through the normal standards of the Development Ordinance.

Issues:

Major Issues

- ❖ Extension of institutional zoning into the neighborhood. This request will be extending institutional zoning into this neighborhood, which is designated as Low Density Residential. The applicant has proposed a land use plan amendment for this area (See LUPA Case 08-03) to address this issue.
- ❖ Impact upon adjacent single family residences
 - The home immediately to the south of the zoning site is at a higher elevation than the proposed parking lot, based upon the applicant's site plan and the location of the home, there is sufficient area to allow for proper landscaping.
 - The two homes to the north of the zoning site are at a lower elevation than the proposed parking lot site and the stormwater control device (bio retention) will be located between the home and the parking lot. This leaves little area for transitional grading and proper landscaping to be installed. In addition, the abutting home north

- of the zoning site is close to its side property line, which puts it closer to the parking lot.
- Due to filling upon the dormitory site and subsequent removal of vegetation, the 4-story buildings are more visible than initially expected. The removal of the houses and trees upon the zoning site for a parking lot will remove most, if not all, of the visual filter provided and will allow the dormitory buildings to become more visible to the Guyer Street property owners.
 - Lighting upon the dormitory site consists of fixtures upon 40-foot high light poles and similar height lighting is proposed for this parking lot.

Minor Issues

- ❖ None

ANALYSIS

This current proposal to expand the university campus westward into the abutting residential neighborhood raises concerns as to the impact upon adjacent single family homes along Guyer Street. Staff considered in its review of this request the mass, scale & height of the dormitory development; topography of the parking lot site as it related to adjacent single family homes; neighborhood compatibility & harmony; the visual impact on the residential neighborhood; and the sufficiency of the proposed buffering, setbacks & landscaping.

This zoning request is not the first situation where intuitional uses have encroached into this area. Previous institutional use expansion from the abutting church to the south has already altered the historic single family pattern along the west side of Guyer Street. Thus, the character of this portion of the residential neighborhood along the west side of Guyer Street has changed. The University purchased the property associated with this zoning request and is in the process of removing the homes. In total, six single-family homes will remain along the west side of Guyer Street.

Staff has been concerned with the impact this request will have upon the abutting single family homes. To the west, across Guyer Street, the single family homes will be facing directly at the parking lot, and with the removal of the homes and remaining trees, they will have an unobstructed view of the dormitory development. To mitigate the impact of the parking lot the applicant has offered in their conditional use permit and upon their sketch plan to have the parking lot setback the same distance as the homes that were removed (approx. 35 feet); have a higher landscaping planting rate within the 35 foot buffer area along Guyer Street; and to install an opaque fence behind the landscaping. To mitigate the direct view of the dormitory buildings all trees to be planted in the 35 foot wide buffer area and in the parking lot planting islands will be canopy trees, which have the ability to grow to heights above 40 feet. These canopy trees are proposed to be of a more mature status than required by the ordinance at the time of planting so they can mature quicker and increase their effectiveness as a visual filter. Finally, the lighting plan submitted by the University notes intensity of lighting upon adjacent parcels will be limited to 0 to 0.1 foot-candles of impact. These conditions, in total, properly mitigates impact upon homes across Guyer Street.

The impact upon the home to the south has also generally been mitigated through landscaping and fencing conditions, a wider planting yard at a higher planting rate is proposed with an opaque fencing being installed behind the landscaping. Also, that property, as well as the majority of the area where the landscaping will be installed, is approximately 8 feet above the final grade of the proposed parking lot. In conjunction with the limited spillover lighting noted on their lighting plan, these site conditions further mitigates the visual impact from vehicles in the proposed parking lot.

However, the ability to properly mitigate the impacts upon the two homes to the north is limited due to area and topography. These parcels are 5 – 10 feet lower then the proposed parking lot. The stormwater control device for the parking lot will abut the home immediately to the north, which limits the University's ability to properly landscape and buffer adjacent to these homes. In addition, the abutting single family home to the north is very close to the property line and is more exposed to parking lot and dormitory development. In total, these site limitations and conditions restricts the University's ability to properly mitigate the impacts upon these homes.

Staff informed High Point University, prior to submittal of this zoning request, of these concerns with the area to the north and advised them that these two parcels need to be included in this request. Staff understands that the University has recently initiated contact with the two property owners and has come to an agreement with the northern most owner, but has not been able to talk with the remaining property owner, which abuts the zoning site.

The inclusion of these two parcels will allow the University to properly mitigate the impacts by allowing for the buffering and stormwater control device to be more appropriately apart of the site design. Staff envisions the additional land area from these two parcels to the north to better form the other edge of the University's development in this area; provide for a wider perimeter landscaping edge to the north; provide more flexibility in designing the stormwater control device and remove the homes closest to the site. If these two homes remain, they will very likely never be included into the University's development. By not being apart of the development, given the site's topography and their location to homes along Chatham Drive, their reuse is extremely limited.

Findings:

Section 9-3-13 of the Development Ordinance requires that certain findings be made before a Zoning Map Amendment and Conditional Use Permit may be approved. 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 required findings.

That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety; staff finds

Compliance

- ❖ To eliminate potential traffic safety concerns and impact to the neighborhood, the applicant has offered to prohibit vehicular access from the zoning site to Guyer Street. All access to the site will be from N. College Drive.

That the development of the property in accordance with the proposed conditions will not substantially injure the value of the adjoining or abutting property; or that the development is a public necessity; staff finds

Compliance	❖ To limit impact upon the adjacent property owners, the applicant has offered conditions and restrictions as follows: ➤ The site is limited to parking lot use only. ➤ A minimum 35 foot wide Type B Planting Yard is to be provided along the Guyer Street frontage. This planting yard requires 8 trees and 25 shrubs every 100 linear feet. The sketch plan notes that the fence will be placed internally upon the site behind the landscaping. ➤ To attempt to filter the view of the dormitories that are located at a higher elevation, the applicant is proposing that all trees in the Guyer Street planting yard and within the parking lot consist of canopy trees. These are trees that normally grow to a mature height of 40 or more feet and are typically shade producing trees. ➤ A Type B Planting yard, with fence behind the landscaping material, will be provided next to abutting single dwellings lying north and south of the site. ➤ The lighting plan denotes that light fixtures upon the site will be pointed inward and that the intensity of the lighting will be no more than 0.1 foot-candle as measured from the property lines of adjacent parcels to the north, south and east.
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That the location and character of the development, in accordance with the proposed conditions, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of High Point and its environs; staff finds

Compliance	❖ If the corresponding Land Use Plan Amendment (LUPA 08-03) for Institutional Land Use designation is approved, as recommended by staff, the zoning request will be generally consistent with the City's Land Use Plan.
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Staff Recommends Approval

At the Planning & Zoning Commission public hearing on July 29, 2008, staff recommended the request be postponed in order to encourage the University to meet and discuss the matter with the two abutting property owners to the north (owners of 1417 & 1419 Guyer Street). The Commission asked the University representatives and the abutting property owner, Mr. Chason of 1417 Guyer Street, if a postponement would be helpful. Mr. Evans, of High Point University, noted that the University desires that the case proceed forward. He noted that the University has purchased 1419 Guyer Street, the northern most property, and has since early July attempted to meet with Mr. Chason to no avail. Mr. Chason noted at the public hearing that he believes the University is trying to squeeze him out and is not interested in selling his property.

Due to the fact these two stakeholders are not interested in postponing the case in order to meet, the Planning & Development Department has revised its recommendation. Subject to the approval of Land Use Plan Amendment 08-03, the Planning & Development Department offers a recommendation of approval of the request by High Point University to:

- Rezone 5 parcels (1.4 acres) along the west side of Guyer Street from a RS-9 to a CU-PI District;
- Revised Conditional Use Permit 07-25 (CUP 07-25) to add the 1.4 acres along Guyer Street into that permit.
- Revise conditions of CUP07-25 pertaining to permitted uses, landscaping & fencing and access.

This recommendation is made based on the staff's conclusion that subject to the approval of Land Use Plan Amendment 08-03, the zoning request is consistent with the City's Land Use Plan, and that based upon requirements of the Development Ordinance and conditions offered by the applicant within their conditional use permit, the rezoning of this property will generally be in harmony with the area.

Action by the Planning and Zoning Commission

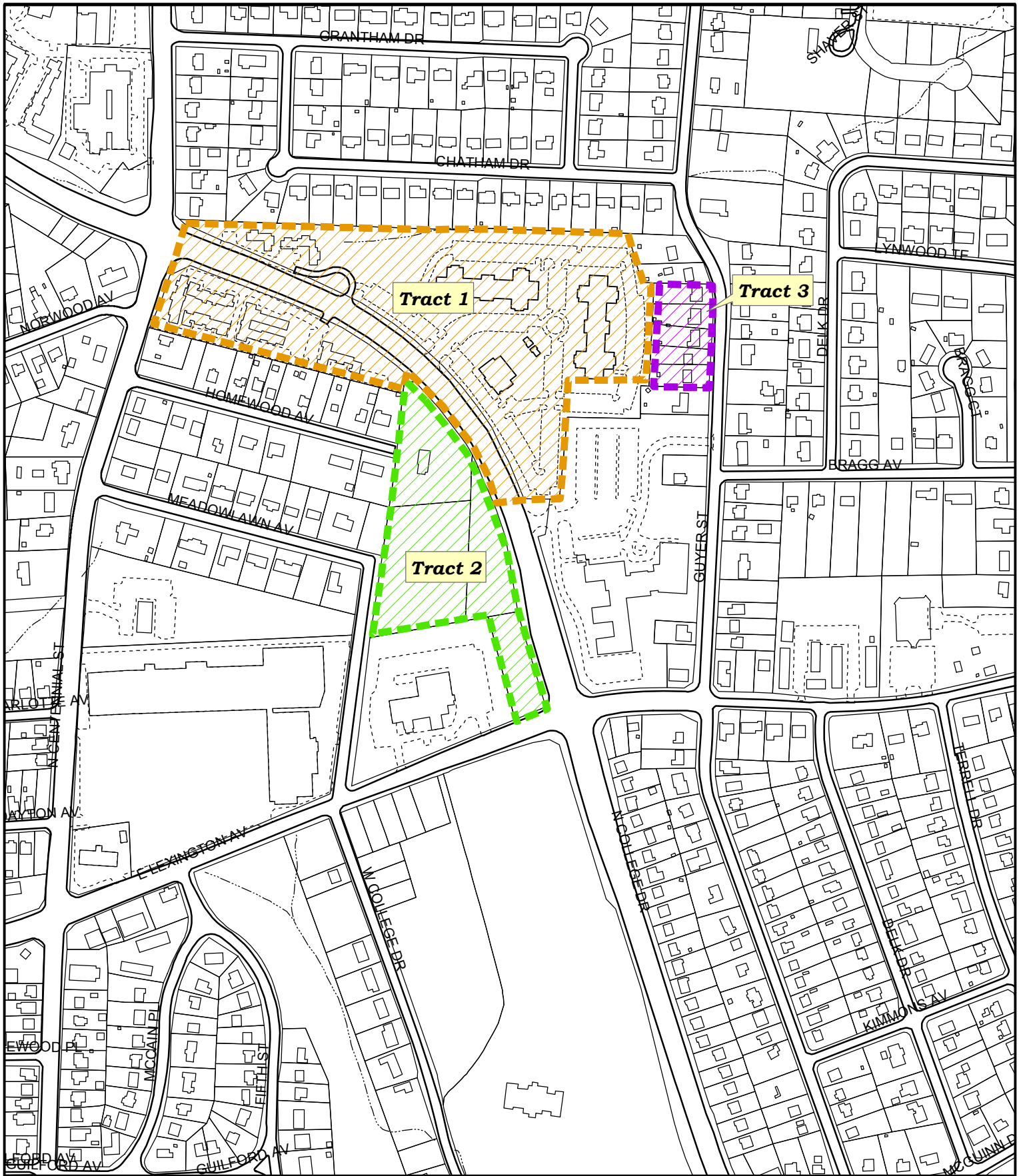
Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

Action by the City Council

- A. Upon rendering its decision in this case, City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.
- B. In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that subject to the approval of Land Use Plan Amendment 08-03, the approval of the applicant's request, is reasonable and in the public interest because: 1) It meets the required findings for a conditional use zoning district as written in this report; 2) This request for CU-PI zoning is not the first situation where intuitional uses have encroached into this area. Previous expansion from the abutting church to the south has already altered the historic single family pattern along the west side of Guyer Street and changed the character of this portion of the residential neighborhood along the west side of Guyer Street; 3) Conditions offered by the applicant for development of the site to adhere to a sketch plan and lighting plan have generally mitigated the impact of the parking lot upon adjacent property owners; 4) Conditions of the permit pertaining to the

setback of the parking lot from abutting uses; higher landscaping planting standards within the 35 foot buffer area along Guyer Street and along abutting properties to north the and south; and installation of an opaque fence behind the landscaping, all assist in mitigating impact to abutting property owners; and 5) Conditions offered by the applicant for all new trees in the buffer areas to be canopy trees and for these trees to be of a larger size then normally required at the time of planting will assist, over time, to filter the direct view of the dormitory buildings.

The City Council may adopt this statement, it may add to or change this statement, or, if the Council rejects the applicant's request it will need to formulate its own reasonableness / public interest statement.



MAJOR AMENDMENT CUP07-25

**Department of Planning
and Development**

City of High Point

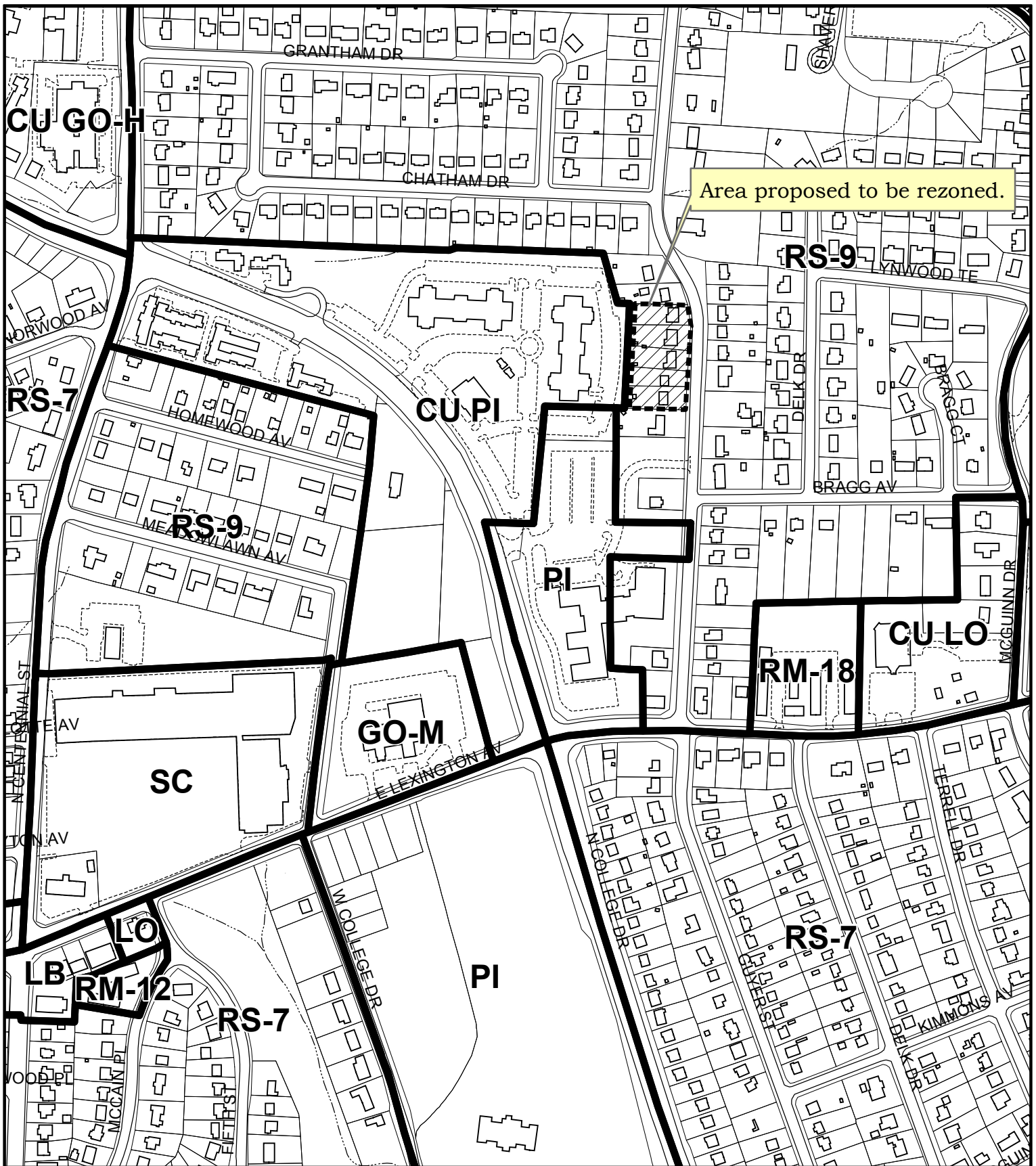
Date: July 15, 2008



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



REZONING CASE 08-13 and MAJOR AMENDMENT CUP07-25

**From: Residential Single Family-9
To: Conditional Use Public Institutional**

Existing Zoning Boundary _____
Subject Property Boundary - - - - -

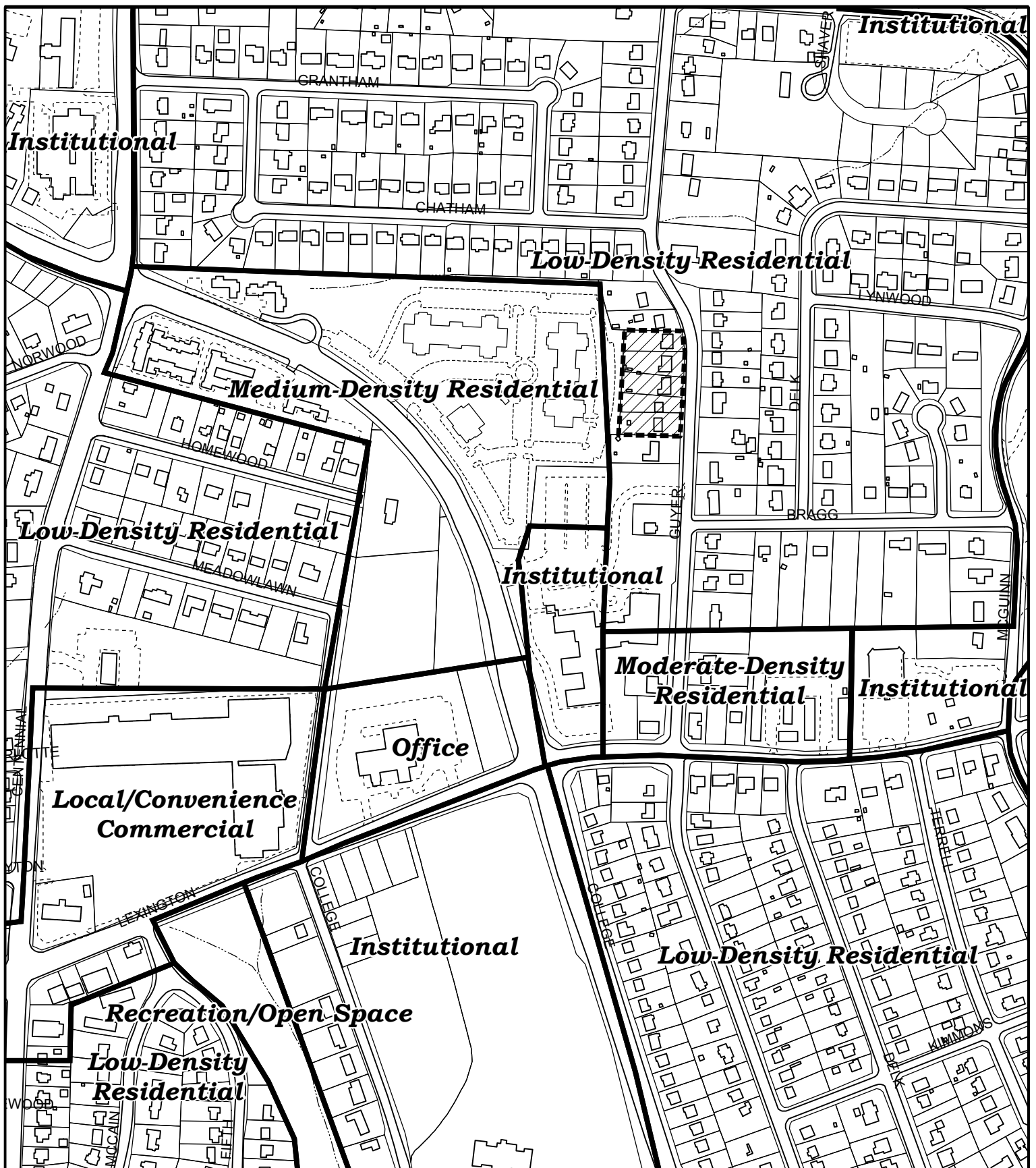
**Planning & Development
Department**

City of High Point

Date: July 15, 2008



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REZONING CASE 08-13 and MAJOR AMENDMENT CUP07-25

Land Use Plan

Existing Land Use Plan

Subject Property Boundary



**Planning & Development
Department**

City of High Point

Date: July 11, 2008



Scale: 1"=400'

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REZONING CASE 08-13 and MAJOR AMENDMENT CUP07-25

Topography

Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point

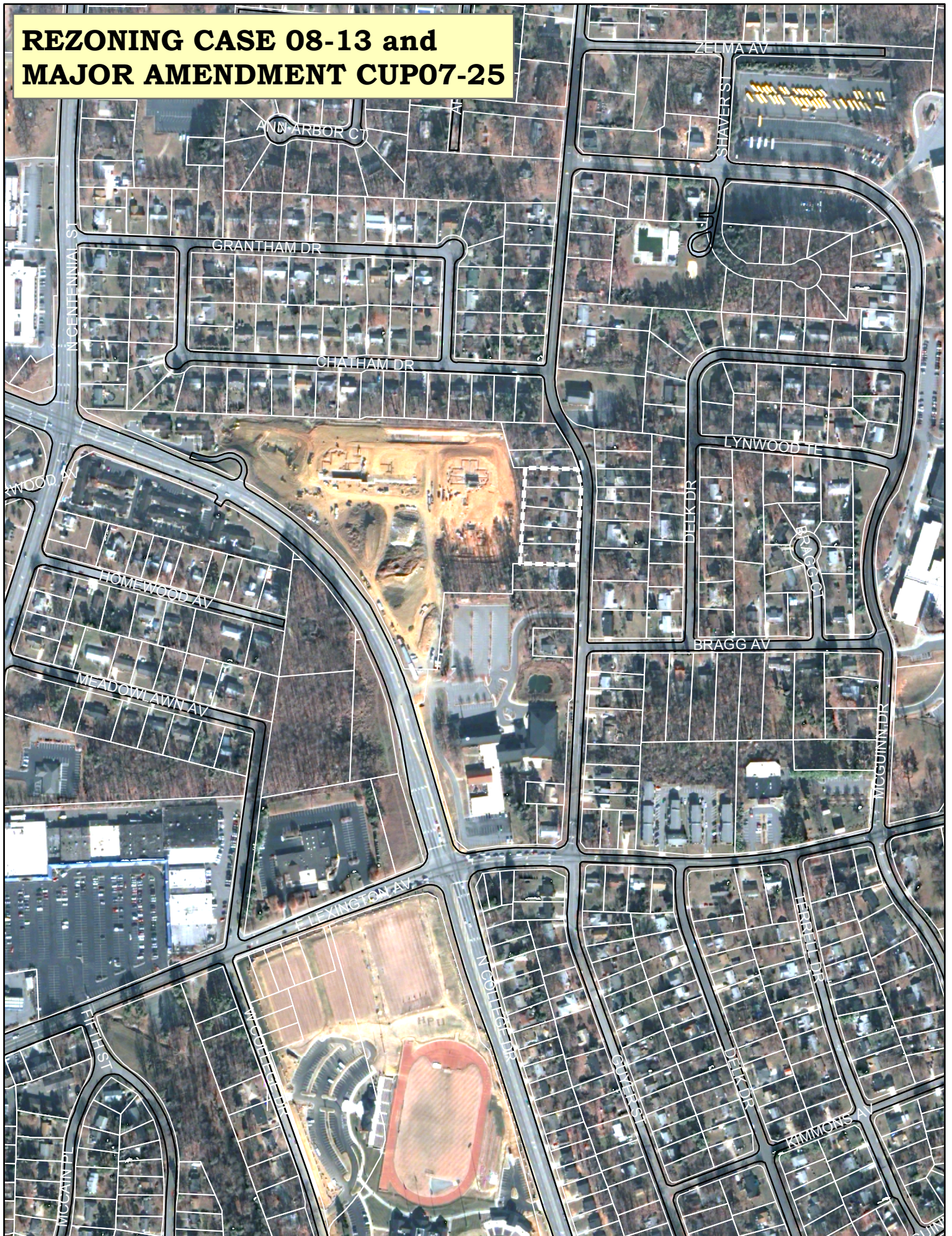
Date: July 11, 2008



Scale: 1"=400'

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**REZONING CASE 08-13 and
MAJOR AMENDMENT CUP07-25**



APPLICATION FOR A CONDITIONAL USE PERMIT

**CITY OF HIGH POINT, NORTH CAROLINA
(Conditional Use Public & Institutional District)**

September 17, 2007
(Adopted)

January 22, 2008
(Minor Amendment Adopted)

July 29, 2008
(Submitted)

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

The undersigned hereby respectfully request that the High Point City Council, pursuant to Title 9, Chapter 3 of the City Code, grant a Conditional Use Permit for the following use(s), subject to the following conditions:

I. USES: Any of the land uses allowed in the Public and Institutional (PI) District and their customary accessory uses shall be permitted, subject to the specific conditions of this Permit.

II. CONDITIONS:

A. Permitted Uses

1. Tract 1: Only Dormitories, Cafeteria and Accessory Uses & Structures customary to these uses shall be permitted.
2. Tact 2: Only Athletic Fields and Accessory Uses & Structures customary to this use shall be permitted.
3. **Tact 3: Only a parking lot shall be permitted. Development of the tract shall be in conformance with the attached Sketch Plan (Exhibit B - Site Plan and Exhibit C - Lighting Plan) as allowed by Section 9-3-13(a)(1) of the Development Ordinance.**

B. Lot Combination: All parcels within the rezoning site shall be combined into one lot prior to development or resubdivision.

C. Landscaping and fencing:

a. Tract 1:

- 1) Eastern boundary of tract (rear of parcels along Guyer Street):
Along the eastern boundary of Tract 1, the property owner shall install a minimum 20 foot wide Type B Planting Yard and a 5 foot high opaque fence. At least 50% of the required planting material (both trees and shrubs) shall consist of evergreen plant species).

- 2) Northern boundary of tract (area adjacent to the Pinewood Subdivision, Sections 1 and 2; aka rear of parcels along Chatlem Drive).

Along the northeastern boundary of Tract 1 (i.e. northern property line of Guilford County Tax Parcel 152-1-15 and 152-1-92), the property owner shall install a minimum 20 foot wide Type B Planting Yard and a 5 foot high opaque fence. At least 50% of the required planting material (both trees and shrubs) shall consist of evergreen plant species). **Where any parking lot is lying between the property line and building, the required fencing shall be installed within 5 feet of parking lot.**

- 3) Southwestern boundary of tract (area adjacent to the Lexington Height Subdivision; aka rear of parcels fronting along Homewood Avenue).

A 5 foot high opaque fence shall be provided along the northern boundary of the Lexington Height Subdivision.

b. Tract 2:

- 1) A minimum 20 foot wide Type B Planting Yard, with a 5 foot high opaque fence, shall be provided along the western boundary of Tract 2 (eastern boundary of the Lexington Height Subdivision).
- 2) A Type B Planting Yard, with a 5 foot high opaque fence, shall be provided along the southern boundary of Tract 2 (i.e. portion of zoning site abutting Guilford County Tax Parcel 152-1-9).
- 3)

c. Tract 3:

- 1) **A minimum 35 foot wide Type B Planting Yard, with a minimum 5 foot high opaque fence, shall be provided along the Guyer Street frontage of the tract consistent with Exhibit B. Fencing shall be install behind the planting yard. Required understory trees of the Type B planting rate shall be replaced with canopy trees. Required trees in this planting yard shall have a minimum caliper of 3 inches and minimum height of ten (10) feet at the time of planting. At least 50% of the trees within this planting yard shall consist of a mixture of evergreen planting species.**
- 2) **A Type B Planting Yard, with a minimum 5 foot high opaque fence, shall be provided along the northern and southern perimeter of Tract 3 consistent with Exhibit B. Fencing shall be install behind Type B Yard landscaping and at least 50% of the planting materials within this planting yard shall consist of a mixture of evergreen planting species.**

3) **Required canopy trees within parking lot planting islands shall have a minimum caliper of 3 inches and a minimum height of ten (10) feet at the time of planting.**

D. Prior to group development plan approval for the zoning site, the property owner shall pursue abandonment of all unimproved (i.e. non-paved) right-of-ways or alley right-of-ways upon/abutting the zoning site. These unimproved right-of-ways consist of an alley along the northern boundary of Tract 1, a right-of-way lying east of N. College Drive running in a north-south direction thru tract 1; and an alley along the southern boundary of tract 2.

E. Transportation

1. Access:

a. **No access (vehicular or pedestrian) shall be permitted from the zoning site to Guyer Street.**

b. Sketch Plan: Vehicular access to the zoning site shall be in conformance with the attached Sketch Plan (Exhibit A) as allowed by Section 9-3-13(a)(1) of the Development Ordinance. The sketch plan:

- 1). Graphically depicts vehicular access analysis documented in the December 11, 2007 Memorandum by the City of High Point Transportation Department for Minor Amendment to Rezoning Case 07-25 (Exhibit B);
- 2). Notes the general location of access points to the site (2 along the east side of N. College Drive and 2 along the west side of N. College Drive); and
- 3). Illustrations improvements (i.e. turn lanes, deceleration lanes, median improvements, etc) to achieve the access.

c. Prior to obtaining driveway permits, the property owners shall submit detailed engineering plans of access and improvements. Said plans shall require approval by the City of High Point Technical Review Committee. The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT shall approve all construction and improvements.

d. If necessary, the property owner shall dedicate an additional twelve (12) feet of right-of-way for the installation of turn lanes.

2. Pedestrian Circulation/Access: The property owners shall be required to submit a pedestrian/bicycle access plan, at a minimum, this plan shall:

- a. Provide sidewalk along both sides of N. College Drive from N. Centennial Street to E. Lexington Avenue.
- b. Demonstrate how pedestrian access will be provided between the main High Point University campus (area lying south of E. Lexington Avenue) and the proposed development.

Approval of this plan may include offsite improvements not limited to additional sidewalk and traffic signal modifications for the safety of the pedestrians. The pedestrian/bicycle access plan shall be required to be approved by the Technical Review Committee (TRC) and shall be required to be install prior to issuance of building permit for any new structure(s).

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

DESCRIPTION OF PROPERTY: Approximately 47 **18.4** acres, lying along both sides of N. College Drive, between the intersection of E. Lexington Avenue and N. Centennial Street. The site is also known as Guilford County Tax Parcel(s) 152-1-1, **4**, **7**, **8**, 13, 15, 16, 17, 18, **20**, 57, 58, **86, 87 & 92**.

An application has been duly filed requesting that the property involved in this application be rezoned from the Residential Single Family-9 (RS-9) District, Residential Multifamily-8 (RM-8) District and General Office Moderate-Intensity (GO-M) District to the Conditional Use Public and Institutional (CU-PI) District. It is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property described in this request will be perpetually bound by the use(s) authorized and the conditions imposed, unless subsequently changed or amended as provided for a Title 9, Chapter 3, of the City Code.

The City Council may add additional conditions to make the necessary findings of fact required for approval of a Conditional Use Permit.

It is further understood and acknowledged that plans for any development to be made pursuant to any such Conditional Use Permit so authorized shall be submitted to the Technical Review Committee and/or other such approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.

LINE SURVIVED _____
 LINE NOT SURVIVED _____
 POWER LINE _____ P _____ P _____
 SANITARY SEWER LINE _____ S _____ S _____
 WATER LINE _____ W _____ W _____
 EDGE OF GRAVEL _____
 STORM DRAIN PIPE _____
 FENCE LINE _____ X — X — X —
 CURB _____
 PARCEL LINE _____
 ECM = EXISTING CONCRETE MONUMENT
 EIP = EXISTING IRON PIPE
 EIS = EXISTING IRON STACK
 NIP = NEW IRON PIPE
 EIR = EXISTING IRON ROD
 CP = COMPUTED POINT
 CORNER FOUND ○
 CORNER SET ○

(46) = LOT NUMBER
 ○ = POWER POLE
 (S) = SANITARY SEWER MAN HOLE
 ☀ = LIGHT POLE
 ⚡ = FIRE HYDRANT
 ⚙ = STORM MANHOLE
 ☼ = CLEAN OUT
 ⌗ = WATER VALVE
 ⌘ = WATER METER
 ⌘ = GAS VALVE
 R/W = RIGHT OF WAY
 C/O = CLEAN OUT

The map shows a street grid with E. Lemington Ave. running diagonally from the bottom left to the top right. N. College Dr. runs diagonally from the top left to the bottom right, intersecting E. Lemington Ave. A shaded rectangular area labeled 'SITE' is located on N. College Dr. between Gutter St. and Brace Ave. A north arrow points towards the top right of the map.

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Distance
C1	68.20	252.14	S90°13'E	68.00

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL TAKE ALL MEASURES POSSIBLE TO PRESERVE EXISTING TREES.
2. CANOPY TREES SHALL MEASURE 3" IN CALIPER MEASURED 6 IN ABOVE GRADE AND 10' HIGH AT PLANTING.
3. AT LEAST 50% OF SHRUBS SHALL BE EVERGREEN AND VARY IN PLANT TYPE.

HIGH POINT UNIVERSITY
1407-1415 GUYER STREET
HIGH POINT TOWNSHIP - GUILFORD COUNTY
HIGH POINT, NORTH CAROLINA

REV	DATE	DESCRIPTION	BY	PROJECT	080017
1				DATE	7/11/08
2				DESIGNED	LSM
3				DRAWN	DRW
4				CHECKED	JJH
5				SCALE	1"=20'
6				SURVEYED	MM

DAVIS-MARTIN-POWELL & ASSOCIATES, INC

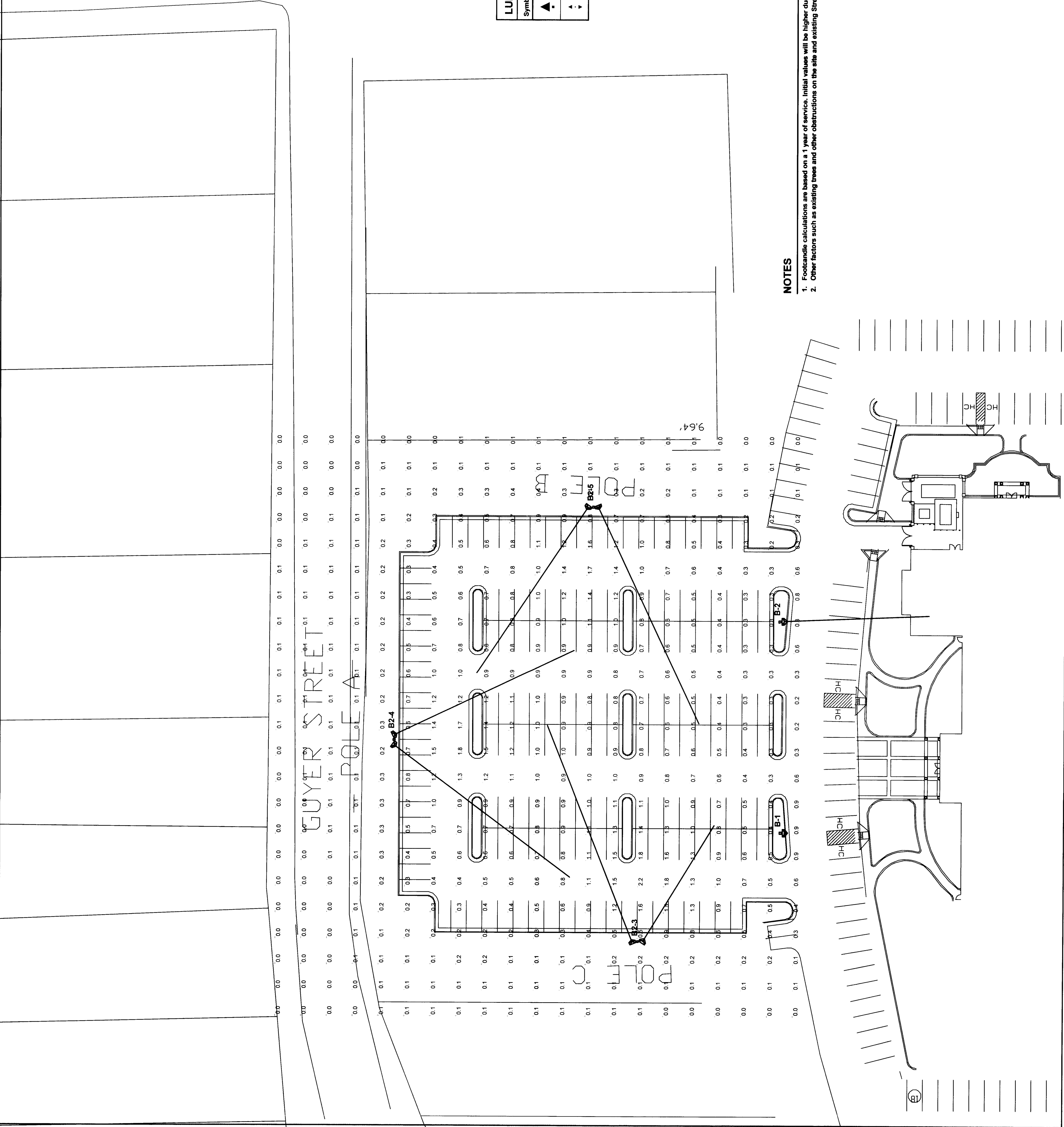
dmp

6415 OLD PLANK ROAD
HIGH POINT, NC 27265
(336) 886-4821
FAX (336) 886-4458
WWW.DMP-INC.COM

ENGINEERING
LAND PLANNING
SURVEYING

SHEET NO.

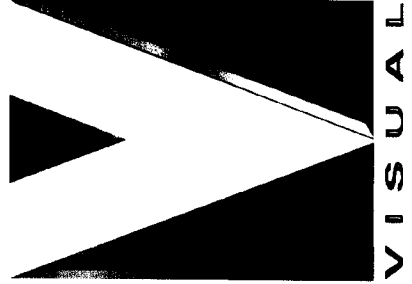
OF



NOTES

1. Footcandle calculations are based on a 1 year of service. Initial values will be higher due to the relatively cleanliness of the lens, newness of the ballasts.
2. Other factors such as existing trees and other obstructions on the site and existing Streetlighting along Guyer Street have not been accounted for therefore these calculations will vary.

HIGH POINT UNIVERSITY
UNIVERSITY APARTMENT PARKING
GUYER STREET
400W HPS FLOODLIGHTING



STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
GUYER STREET PARKING AND SPILLOVER		0.5 fc	2.2 fc	0.0 fc	N/A	N/A

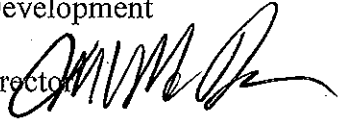
LUMINAIRE SCHEDULE						
Symbol	Label	Qty	Catalog Number	Description	Lamp	File
▲	B	2	GEF64S40S1A28X 6DE232	GE PF-400	HPS 200-400	GE7481 IES
▲	B2	3	GEF64S40S1A28X 6DE232	GE PF-400	HPS 200-400	GE7481 IES

Designer	CB
Date	Jul 11 2008
Scale	
Drawing No.	1"-30'
	1 of 1



July 2, 2008

To: Lee Burnette, Director of Planning and Development

From: Mark McDonald, P.E., Transportation Director 

Subject: **Major Amendment to Rezoning Case #07-25, High Point University. Property located on the west side of Guyer Street, approximately 350' south of the intersection of Guyer Street and Chatham Drive.**

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

No access shall be allowed to Guyer Street.

The City of High Point Transportation Director 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 08-13 and Major Amendment CUP07-25

Submitted by: High Point University

TO: Planning & Development Staff, City of High Point, NC

FROM: W. Gart Evans, High Point University



Date: July 7, 2008

RE: CITIZEN INFORMATION MEETING REPORT, GUYER STREET REZONING

Please find attached the Citizen Information Meeting Report from our meeting held at the University on July 3, 2008.

This report contains the following:

- Names & addresses of property owners who were notified via letter, USPS
- Copy of HPU letter & City of High Point's Meeting info sheet which was mailed
- Development proposal which was handed out at the meeting
- Map of proposed rezoning area
- Copy of "hand written" roster of meeting attendees
- Comments from citizens attending the meeting

Thank you for your assistance with this process. I believe that all information requested and required is included for your use and future public hearings. My contact number is 688-9766 and email is gevans@highpoint.edu if needed.



High Point University.

TO: Owners of property near High Point University
FROM: Gart Evans

Date: 27 June 2008

**RE: Citizen Information Meeting, Thursday, July 3, 2008 @ 6:30 pm
Room 202 Norton Hall (corner of W. College & O.A. Kirkman Way)**

High Point University is filing an application with the City of High Point for the rezoning (from RS-9 to CU PI) of 5 parcels of property adjoining property currently owned by the University. This would affect property located at 1407, 1409, 1411, 1413, and 1415 Guyer St. These lots connect to property already rezoned CU PI by the City of High Point.

A Citizen Information Meeting will be held on Thursday, July 3, 2008 at 6:30 pm in Rm. 202 Norton Hall for the purpose of allowing us to inform you about our developmental plan and zoning proposal. Parking will be available in the chapel circle located at the corner of W. College Dr. and O.A. Kirkman Way. We look forward to answering your questions and receiving your input. A copy of the City of High Point's Community Meeting Information sheet is enclosed for your use.

Please contact Gart Evans at 336-841-9026 or gevans@highpoint.edu with questions or comments.

Comments from Citizen Information Meeting, HIGH POINT UNIVERSITY

6:30 pm, Thursday, July 3, 2008

- Comments from Mr. Larry Chason, 1417 Guyer St.
"HPU does not respect neighbors. Construction on dorm complex (N. College) sometimes started at 6:00am and worked on Sundays. Destroyed our retirement. Cut down all the trees we were told would be kept. I will now have a settlement pond on one side of my house and a rental house on the other side."

Most of Mr. Chason's comments were centered around construction of VILLAGE Complex on property already zoned CU PI. Explained that a bio-cell was planned for "his" side of this parking area and it would NOT be a wet pond but would provide extra plantings and landscape buffer between the lot and his property. The fence could be placed inside or out at his request.

- How large will the parking lot be? *It is being planned for approximately 150 cars*
- What will the fence look like? *The fence will be approx. 5' - 8' tall and will be a decorative white (vinyl) opaque style with a heavy (B) landscape / planting yard in front of it.*
- Where will this drain? *Only run-off from THIS area will drain into bio-cell.*
- Can the University keep the vacant houses on Guyer secure until demolition? *Yes, our security dept. will keep an ongoing check on these houses.*
- What will we see from houses located across the street from this? *It is our hope that this area will have a minimum impact on the residential area surrounding it. A large (approx. 40 feet) landscape buffer of mixed evergreen and other shrubs and mixed size & type trees will run from Guyer St. to an opaque background fence. Lot will start at or near approximate location of the front of existing houses and lighting for this lot is being designed by City electrical staff so as to minimize impact on neighbors.*

Report of comments, suggestions and questions submitted by Gart Evans.

W. Gart Evans
7/2/08

HIGH POINT UNIVERSITY

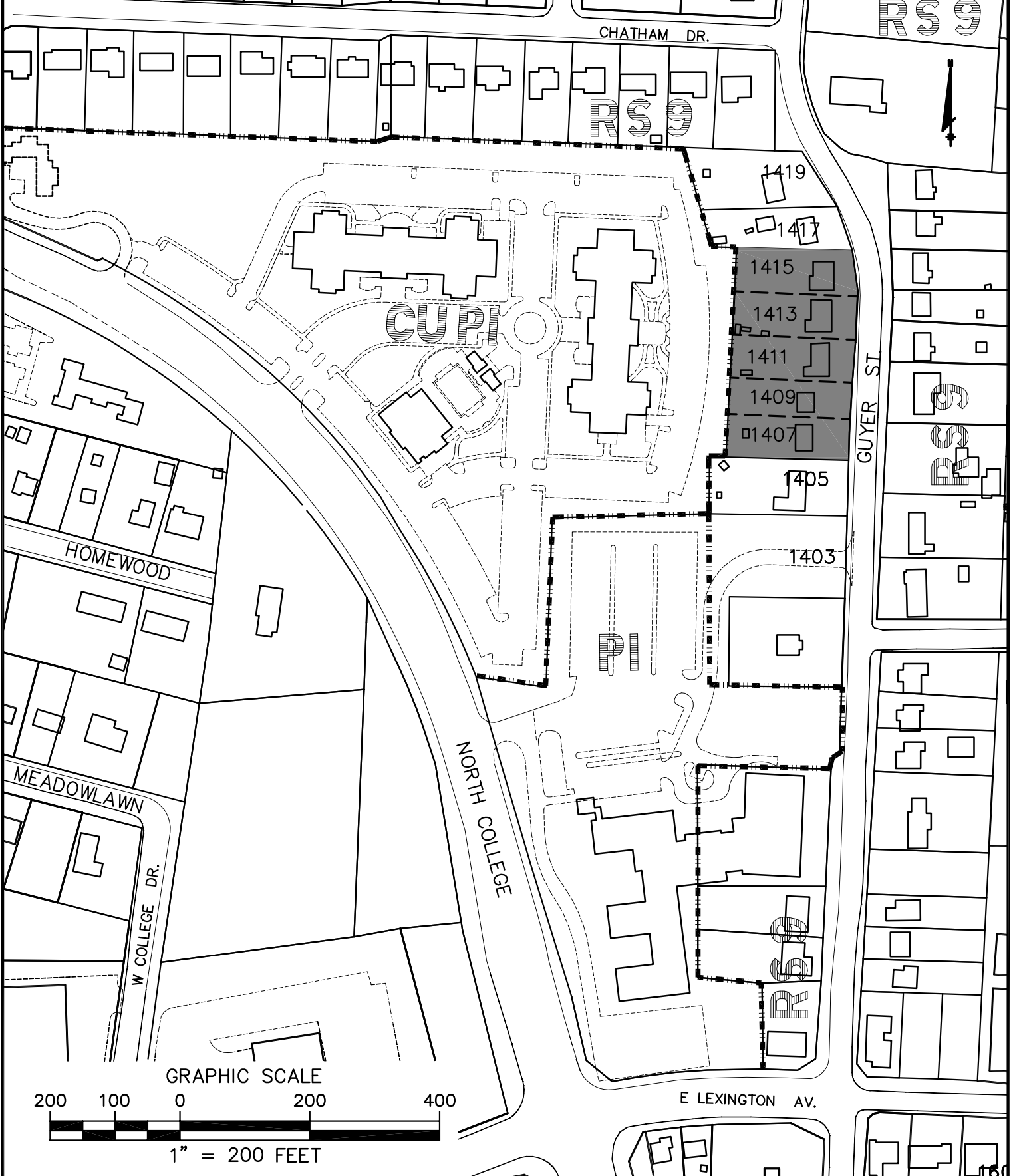
July 1, 2008

Development Proposal – Rezoning of 1407, 1409, 1411, 1413 & 1415 Guyer Street from RS-9 to CU PI

High Point University has filed an application with the City of High Point to rezone 5 parcels of property which currently adjoin property owned by the University and are already zoned CU PI.

Property at 1407, 1409, 1411, 1413 and 1415 Guyer Street will be developed into a parking lot to serve students living in the University Village residential complex. Entrance and egress will only be from N. College Dr. There will be NO driveway connection to Guyer St. No structure will be constructed on the property. A class B landscape buffer will surround 3 sides of the site backed by a 5' – 8' opaque decorative fence. As many large existing trees as possible will be preserved at the Guyer St. edge of the project. The set-back for the parking lot will be approximately 40 feet from the street with the front edge of the lot trying to coincide with the front edge of existing residences.

Contact Gart Evans at 841-9026 or gevans@highpoint.edu with questions or concerns.



DAVIS-MARTIN-POWELL & ASSOCIATES, INC



ENGINEERING - LAND PLANNING - SURVEYING

6415 OLD PLANK ROAD

HIGH POINT, NC 27265

(336) 886-4821 FAX (336) 886-4458

REZONING MAP
HIGH POINT UNIVERSITY
HIGH POINT TOWNSHIP, GUILFORD COUNTY
HIGH POINT, NORTH CAROLINA

JOB: 080017 DRAWN: RMM CHECK: JJH DATE: 6/9/08

HPV Community Meeting
Rm 202 Norton Hall
6:00 p.m., Thursday, July 3, 2008

Name

Address

Mrs + Mrs H. Leffelman 1502 Chatham Dr. N.P. W.C.

Larry + Tina Chason 1417 Guyer St HP N.C. 27265

STEVE & PEGGY Linker 1424 Guyer St. N.P. 27265

Tim J. Asbill 1412 Guyer St. High Point 27265

Jake + Nancy Jacobs - 1420 Guyer St. High Point 27265

Mr + Mrs Larry Quick 1609 Chatham Drive HP NC 27266

Mrs W. B. Cunningham H.P. 1426 Guyer

Publish four (4) consecutive weeks: September 12, 19, 26, & October 3, 2008

RESOLUTION OF INTENT TO CONSIDER A
STREET ABANDONMENT
(Case # SA08-14)

WHEREAS, the City Council has been requested to close a portion of an improved 50 foot right-of-way known as Fifth Street between Montlieu and Woodrow Avenues, an improved 55 foot right-of-way known as O. A. Kirkman Way, and an improved 40 foot right-of-way known as West College Drive between O. A. Kirkman Way and East Farriss Avenue, and

WHEREAS, G.S. 160A-299 requires the Council to first adopt a resolution declaring its intent to close the street and calling a public hearing on the question;

NOW, THEREFORE BE IT RESOLVED, THAT THE COUNCIL declares its intent to consider the abandonment of the street above described and sets Monday, October 6, 2008, at 5:30 p.m. as the date for said public hearing before the Council of the City of High Point, in the Council Chambers of the Municipal Building, High Point, on the closing of said street.

Persons wishing to be heard either for or against the said street closing are asked to be present for the hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or TDD# 336/883-8517.

Further information pertaining to this request is available at the Planning and Development Development in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3544 or FAX 336/883-3056.

By Order of the City Council
This the 2nd day of September, 2008.

Lisa B. Vierling, City Clerk

Petition Submitted By:
High Point University



STREET ABANDONMENT REQUEST SA08-14

Applicant: High Point University
Area: 3.56 acres (approximate)

-  Location of requested street abandonment
-  Previously abandoned right-of-ways

Department of Planning
and Development

City of High Point

Date: August 28, 2008



Scale: 1"=300'

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PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 29, 2008, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

City of High Point

Street Abandonment Case 08-11

A request by the Technical Review Committee to abandon an unimproved 50 foot wide right-of-way lying east of Manley Street and opposite of Clish Place.

Mr. Stewart presented this request and recommended approval of the case as outlined in the staff report.

No one spoke in favor or in opposition of this request.

The Planning & Zoning Commission recommended ***approval*** of Street Abandonment Case 08-11 by a vote of 8-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE SA08-11
July 29, 2008**

Applicant: Technical Review Committee	Request: Abandonment of the public interest in an unimproved 50 foot right-of-way lying east of Manley Street and opposite of Clish Place.
--	--

Street Classifications		
Street Name	Classification	R/W and Pavement Width
Clish Place	Local Street	Approx. 50 ft. R/W - 18 ft. paved
Manley Street	Local Street	Approx. 50 ft. R/W - 33 ft. paved

Adjacent Zoning and Current Use			
North	RS-7	Single family Residential	Single Family Dwellings
South	RS-7	Single family Residential	Single Family Dwellings
East	LI	Light Industrial	Vacant (311 Bypass)
West	RS-7	Single family Residential	Warehouse

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 50 foot wide by 150 foot long unimproved right-of-way containing approximately 7,500 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned so that the right-of-way may be conveyed to the abutting property owners.

If approved, this existing excess right-of-way, as platted in Plat Book 14 Page 1, will be equally divided between the properties to the north and south of the unimproved right-of-way. There are no public utilities in the right-of-way and no easements will be retained.

The TRC reviewed this request on April 16, 2008. An early notice was sent to abutting property owners on May 9, 2008, no responses in opposition have been received by the Planning & Development Department to date.

The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.



Looking east of Manley Street (Subject ROW in red)



STREET ABANDONMENT REQUEST 08-11

Applicant: Technical Review Committee

Area: 0.17 acres



Location of requested street closing

Planning & Development
Department

City of High Point

Date: May 1, 2008



Scale: 1"=300'

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PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 29, 2008, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

City of High Point

Street Abandonment Case 08-12

A request by the Technical Review Committee to abandon a portion of an unimproved 70 foot wide right-of-way, known as Ardale Drive, that is lying west of the intersection of Greenview Terrace and Ardale Drive.

Mr. Stewart presented this request and recommended approval of the case as outlined in the staff report.

No one spoke in favor or in opposition of this request.

The Planning & Zoning Commission recommended ***approval*** of Street Abandonment Case 08-12 by a vote of 8-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE SA08-12
July 29, 2008**

Applicant: Technical Review Committee	Request: Abandonment of the public interest in an unimproved 70 foot wide right-of-way, known as Ardale Drive, that is lying west of the intersection of Greenview Terrace and Ardale Drive.	
Street Classifications		
Street Name	Classification	R/W and Pavement Width
Ardale Drive	Local Street	Approx. 70 ft. R/W - 30 ft. curb & gutter

Adjacent Zoning and Current Use			
North	HI	Heavy Industrial	Single Family Dwellings
South	HI	Heavy Industrial	Office Building
East	PI	Public Institutional	Golf Course
West	HI	Heavy Industrial	Business 85 Off-Ramp

STAFF ANALYSIS

The area of the street right-of-way considered for abandonment is a 70 foot wide by 185 foot long unimproved right-of-way containing approximately 12,950 sq. ft. The Technical Review Committee (TRC) is requesting that the public interest in the right-of-way be abandoned so that the right-of-way may be conveyed to the abutting property owners.

If approved, this existing excess right-of-way, as platted in Plat Book 49 Page 42, will be equally divided between the properties to the north and south of the unimproved right-of-way. There are no public utilities in the right-of-way and no easements will be retained.

The TRC reviewed this request on April 16, 2008. An early notice was sent to abutting property owners on May 9, 2008, no responses in opposition have been received by the Planning & Development Department to date.

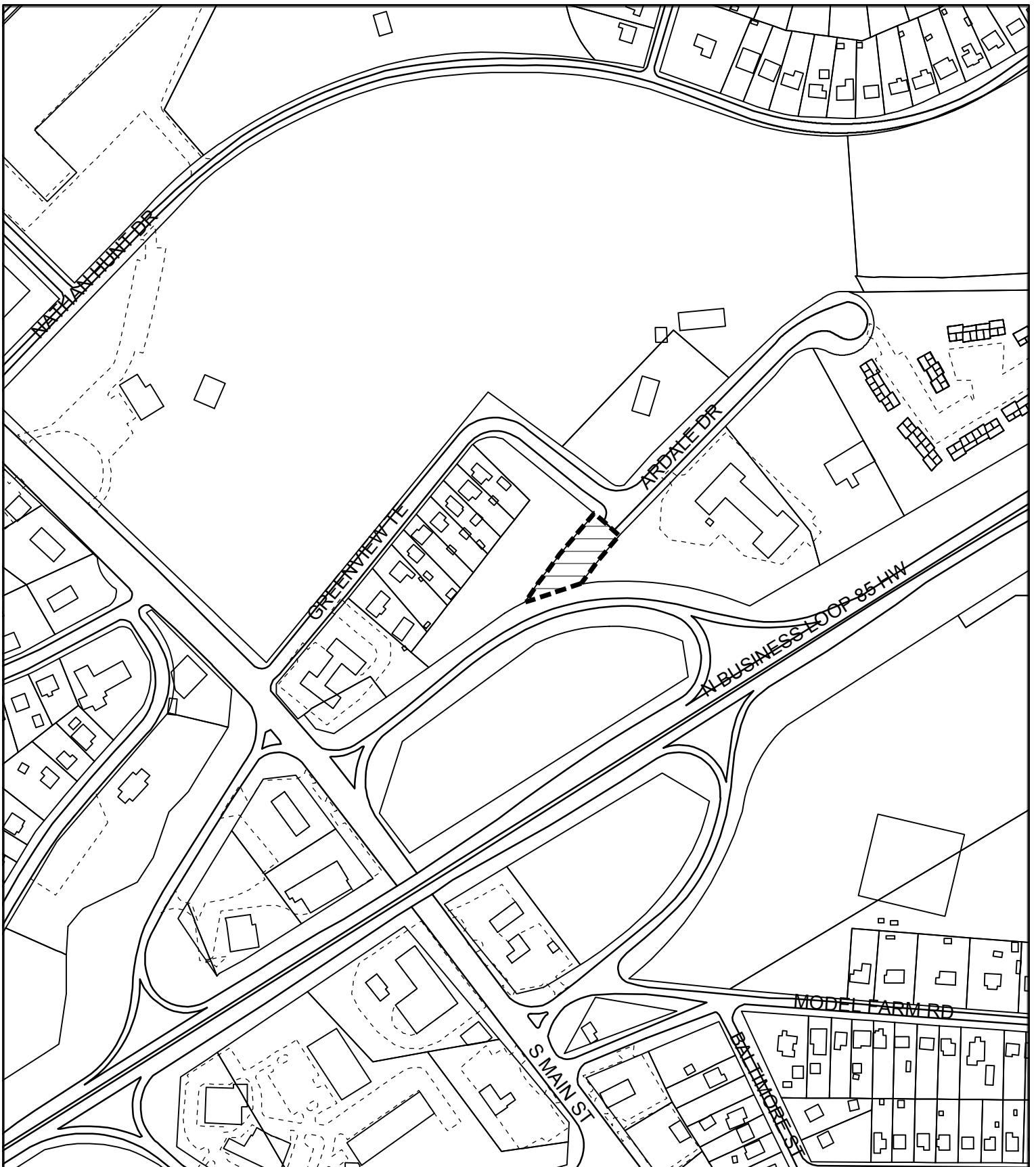
The abandonment of the public's interest and conveyance of the right-of-way to abutting property owners as regulated will not deny the abutting property owners reasonable access to their property.

STAFF RECOMMENDATION

The Planning and Development Department recommends approval of the requested street right-of-way abandonment based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.



Looking west of the intersection of Ardale Drive and Greenview Terrace
(Subject ROW in red)



STREET ABANDONMENT REQUEST 08-12

Applicant: Technical Review Committee

Area: 0.36 acres



Location of requested street closing

Planning & Development
Department

City of High Point

Date: May 1, 2008



Scale: 1"=300'

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July 17, 2008

To: Honorable Mayor & City Council
From: Fred Baggett, City Attorney *FB*
Lee Burnette, Planning & Development Director *LB*
Subject: Request for City Council to initiate rezoning

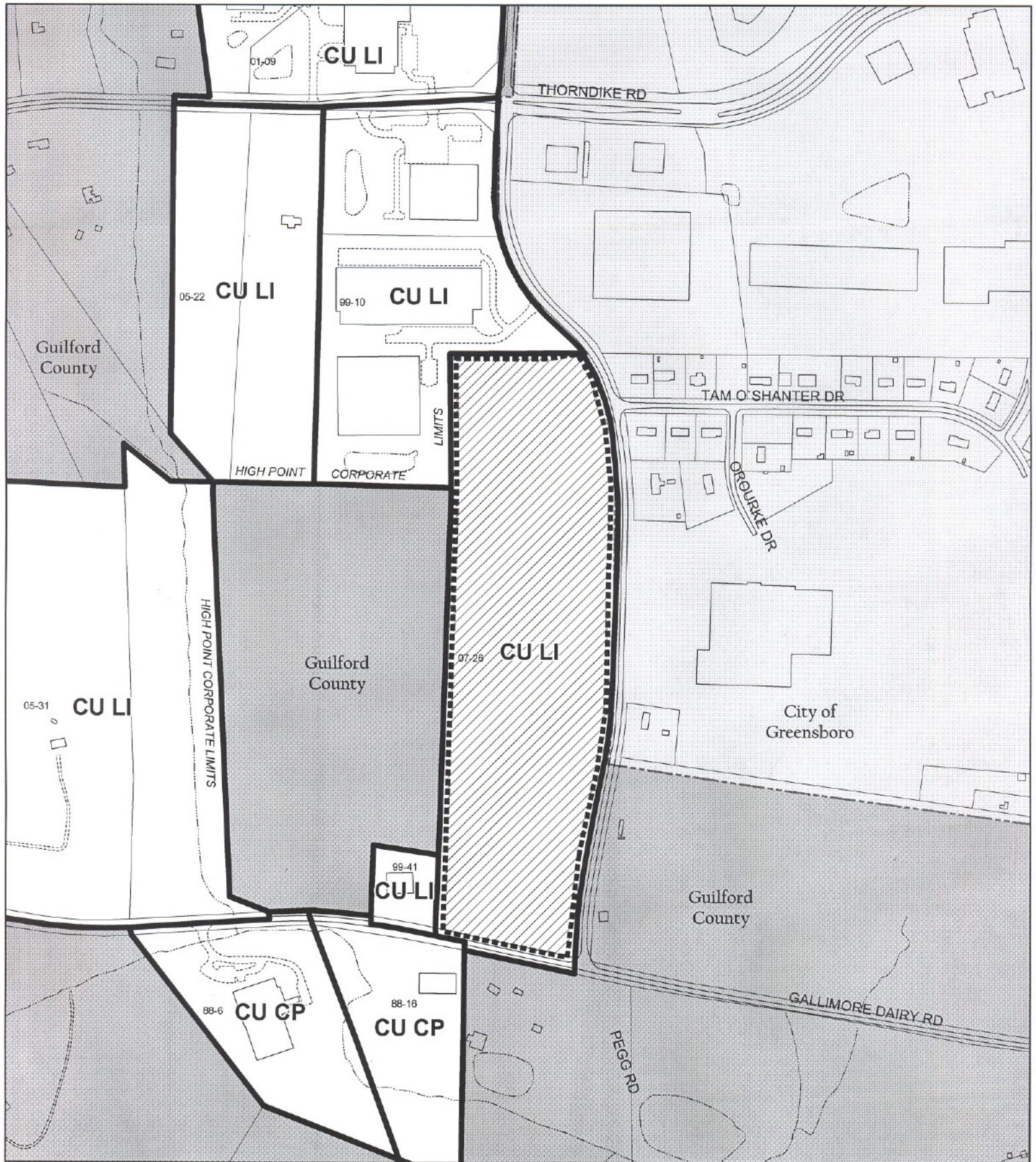
In September 2007, the City Council approved a request for annexation and original zoning for a 32-acre property at the northwestern corner of Pegg Rd. and Gallimore Dairy Rd. The property was within Guilford County's jurisdiction and zoned Agricultural (AG) and the request was for a Conditional Use Light Industrial (CU-LI) District. The applicant for the zoning request was Gary Anderson of Anderson Management & Development. Mr. Anderson was proposing to purchase the property from the owner and develop it. He obtained authorization from the property owner to submit the annexation and zoning requests.

During the City Council public hearing, Mr. Anderson submitted an amendment to the vehicular access conditions of the permit. City Council approved the annexation, zoning and conditional use permit (07-26) with the amendment offered by Mr. Anderson. Any amendment or change to a permit requires signature and acceptance by the property owner. Since this amendment was approved at the Council's meeting, staff forwarded a letter to Mr. Anderson stating the revised permit needed to be signed by the property owner in order for the permit to be valid.

Subsequently, Mr. Anderson declined to purchase the property. In addition, the property owner that signed the original application is now deceased. The current property owner has expressed their desire through their attorney that the zoning for the property revert to its previous AG zoning. They are basing this request upon the fact the property owner did not sign the amendment to the permit submitted by Mr. Anderson. Section 9-3-13 of the Development Ordinance states that if the applicant fails to accept any condition, the permit is null and void, and proceedings shall be instituted to rezone the property to its previous zoning classification.

Because the current property owner is unwilling to sign the permit, the permit is null and void. Development and use of the property cannot take place without either a valid permit or rezoning of the property. While not all unaccepted conditions should be addressed in this manner, staff advises that in this situation the most appropriate approach to remedy this unsigned permit matter is for the City Council to initiate zoning proceedings to rezone the property to the AG District. The property will remain in the city. Any future development, other than what is allowed in the AG District, would require the property owner requesting, and the City Council approving, a rezoning to another zoning district.

cc: Strib Boynton, City Manager
Randy McCaslin, Assistant City Manager
Lisa Vierling, City Clerk



REZONING CASE 07-26

**From: Conditional Use Light Industrial
To: Agricultural**

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

**Department of Planning
and Development**

City of High Point

Date: July 15, 2008



Scale: 1"=500'

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Resolution Regarding the Interstate 85 Bridges over the Yadkin River

WHEREAS, Interstate 85 (I-85) is a part of the Eisenhower Interstate Highway system and has national, regional, state, and local significance, and;

WHEREAS, the I-85 bridges over the Yadkin River were constructed in 1955 and have been in service for over fifty years and will reach the end of their "expected" life in 2010, and;

WHEREAS, the bridge cross sections do not meet current design standards and the capacity of the bridges is inadequate for current and foreseeable traffic demand and imposes high risks upon bridge users , and;

WHEREAS, failure of the bridge would severely impact interstate commerce along the eastern seaboard of the United States, and create disproportionate economic impacts on affected communities, and;

WHEREAS, funding the Yadkin River Bridges, currently estimated at \$400 million, through the 1989 Highway Trust Fund Equity formula is not a reasonable solution.

NOW THEREFORE BE IT RESOLVED that the High Point City Council recommends that the Yadkin River Bridge Replacement project and other similar bridge projects in the State be exempted from the 'equity formula';

BE IT FURTHER RESOLVED, that the High Point City Council supports the General Assembly in the preparation of a statewide transportation bond package for specific projects of statewide significance to present to the people of North Carolina in 2009; and

ADOPTED, this the 2nd day of September, 2008.


The Honorable Rebecca Smothers, Mayor

ATTEST:


Lisa B. Vierling, City Clerk



PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 29, 2008, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

High Point University

Land Use Plan Amendment Case 08-03

A request by High Point University to amend the City of High Point Land Use Map to change the classification for approximately 1.4 acres from Low Density Residential to the Institutional land use designation. The site consists of five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive (1407 thru 1415 Guyer Street). In addition, the request includes consideration by the Planning & Development Department for additional parcels lying along the west side of Guyer Street to be changed to the Institutional land use designation.

&

High Point University

Zoning Case 08-13

a. Conditional Use Public & Institutional (CU-PI) District.

A request by High Point University to rezone approximately 1.4 acres from the Residential Single Family-9 (RS-9) District to a Conditional Use Public & Institutional (CU-PI) District. The site consists of five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive (1407 thru 1415 Guyer Street).

b. Major Amendment to Conditional Use Permit 07-25

A request by the High Point University to amend the permit to add approximately 1.4 acres and to revise conditions of the permit pertaining to permitted uses, landscaping & fencing and vehicular access.

Ms. Galanti presented the Land Use Plan Amendment case and Mr. Shannon presented the rezoning application. Ms. Galanti outlined staff's recommendation of approval for LUPA08-03, with revisions, as outlined in the staff report. Mr. Shannon outlined staff's recommendation that the zoning request be postponed in order to encourage the University to meet with an abutting property owner.

Speaking in favor of this request were:

Mr. Gart Evans, representing High Point University
Mr. Don Scarborough, representing High Point University
Ms. Abigail Pittman, 210 Louise Avenue in High Point
Mr. Marsh Morgan, 810 McNair Ct in High Point (local realtor and owner of 1419 Guyer St)
Ms. Janet Brown, 801 W. Ray Street in High Point (local realtor for High Point University)

Mr. Evans and Mr. Scarborough provided an overview of the proposal and outlined the positive economic impact the University has had upon the City. The other speakers noted how the University has consistently offered above market prices for property they have purchased during its recent expansion.

Speaking in opposition were:

Mr. Larry Chason of 1417 Guyer Street of High Point, neighbor
David Smith of 1602 Guyer Street of High Point, neighbor

Diane Hensley of 1422 Guyer Street of High Point, neighbor
Mr. David Smith of 1602 Guyer Street of High Point, neighbor

These speakers in opposition noted the following issues of concern:

- Previous University development (adjacent student dormitory facility) has negatively impacted them and this new zoning proposal will increase the negative impact upon their quality of life and their property values.
- The University has not been a good neighbor to the adjacent single family property owners.
- Objections to the encroachment of the University into this 40 year old single family neighborhood.
- Expressed concerns with “tactics used by the University to squeeze out property owners that do not wish to sell their property”.
- The 8 foot high white vinyl fence being installed by the University in this area is unattractive. Speakers questioned why the more attractive brick fencing that is being installed upon other portions of the campus couldn’t also be installed at this location.

After the public comment portion of the hearing was closed the commission had a lengthy discussion. The Commission questioned the applicant and abutting property owner as to their desire to postpone the request and discuss. Mr. Gart Evans stated that the University wanted to proceed forward without a continuance. Mr. Larry Chason indicated his unwillingness to talk with the University.

The Planning & Zoning Commission recommended **approval** of Land Use Plan Amendment Case 08-03 by a vote of 6-1.

The Planning & Zoning Commission recommended **approval** of Zoning Case 08-13 and Major Amendment to Conditional Use Permit 07-25 by a vote of 6-1.

Mr. White stated his vote in opposition was based upon concerns he had with the intrusion of this institutional use into this long established residential neighborhood.

A protest petition has been filed with the Planning and Development Department opposing this request. This petition has been determined to be valid, as defined by NCGS 160A-385 and the Development Ordinance, and requires a favorable vote of 3/4’s of all City Council members (7 members) to approve this rezoning request.

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

**STAFF REPORT
LAND USE PLAN AMENDMENT CASE 08-03
July 29, 2008**

Applicant: High Point University	Owner: High Point University
Proposal: To redesignate approximately 31.36 acres to reflect the existing institutional use and to provide an additional area for parking.	From: Low Density Residential, Moderate Density Residential and Medium Density Residential
	To: Institutional

Site Information	
Location	The site lies along both sides of N. College Drive between its intersections with E. Lexington Avenue and N. Centennial Street. The site also includes properties on the west side of Guyer St. south of Chatham Dr.
Acreage	Approximately 31.36 acres
Current Land Use	Student housing, athletic facilities and single-family houses
Existing Zoning District(s)	Conditional Use Public and Institutional and Residential Single-family-9
Physical Characteristics	Slopes generally from south to north
Relevant Overlay District(s)	High Point City Lake General Watershed Area

Street Access & Street Classification		
Street Name	Classification	Approximate Frontage
N. College Dr.	Major Thoroughfare	2,000 ft.
E. Lexington Ave.	Major Thoroughfare	103 ft.
N. Centennial St.	Major and Minor Thoroughfare	225 ft.
Guyer St.	Local Street	1, 400 ft.

Surrounding Zoning and Current Use			
North	RS-9	Residential Single-family-9	Single-family residential
South	GO-M and PI	General Office-Moderate and Residential Single-family-7	Funeral home, church and single-family residential
East	RS-9	Residential Single-family-9 and Residential Multifamily-8	Single- and multifamily residential
West	RS-7 and CU GO-H	Residential Single-family-7 and Conditional Use General Office-Heavy	Single-family residential and senior citizen's home

Surrounding Land Use Designations	
North	Low Density Residential
South	Office, Institutional and Low Density Residential
East	Low Density Residential
West	Low Density Residential and Institutional

Purpose of Existing and Proposed Land Use Designations	
Existing Designation	Low-Density Residential: These areas include primarily single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre. Moderate-Density Residential: This classification includes a variety of detached or attached dwellings, generally including single family homes, cluster homes, duplexes and townhouses. Development densities shall range from five to eight dwelling units per gross acre. Medium-Density Residential: This classification includes a variety of attached dwellings, generally including higher density townhouses and less land-intensive multi-family housing such as garden apartments. Development densities shall range from eight to sixteen dwellings units per gross acre.
Proposed Designation	Institutional: Public, quasi-public and institutional uses on large tracts are included in this classification.

Land Use Plan Amendment History		
Case #	Date	Description
00-03	April 11, 2001	Land Use Plan Amendment case 00-03 came about as a result of rezoning case 99-48. The land use amendment included approximately 24 acres on the west side of W. College Drive, bounded on the west by Fifth Street, Fifth Court and the rear property lines of several lots fronting on W. College Dr.. This request was approved by Council and the Land Use Plan has not been amended for university expansion since that time.

Background

As stated above, April 2001 was the last time the Land Use Plan was amended for a High Point University expansion. The rezoning case that precipitated the 2001 land use amendment included about 10 lots on both sides of Barbee Avenue (now W. College Dr.) north of Montlieu Avenue. Council approved the rezoning request from RS-7 to CU PI for the lots on the east side Barbee Avenue because they conformed with the Land Use Plan, but they did not approve the rezoning on the west side because the Land Use Plan showed Low Density Residential. Upon request of City Council, University officials and City staff worked together after rezoning case 99-48 was approved to update the 1992 Campus Assessment Master Plan to reflect future growth intentions of the university. The result of this collaboration was Land Use Plan Amendment case 00-03 and the *High Point University Land Use Plan Implementation* policy. The land use amendment expanded the Institutional land use designation west of W. College Drive to Fifth Street, which is the current boundary of the Institutional land use designation. The policy document that was created, established a set of criteria on how rezonings and expansions of the university should occur.

Since 2001, the university has grown physically to the west, within the institutionally designated area, and most recently to the north (north of Lexington Avenue). This 2007 northern expansion for new dormitories goes beyond the area designated in 2001 as Institutional. While they are currently seeking a Land Use Plan Amendment for the dorms and an associated parking lot, this could indicate the need for staff and the University to update plans for any additional future growth of the university, so that the Land Use Plan can consider and reflect their future needs in a holistic approach.

Relevant City Plans

COMMUNITY GROWTH VISION STATEMENT

Goal 2: Improve High Point's older urban neighborhoods, while ensuring better future neighborhoods.

LAND USE PLAN

Land Use Goals and Objectives

Goal 2: Encourage Development That Enhances and Preserves Established Neighborhoods

Goal 3: Provide a Wide Range of Housing Opportunities for Families of All Income Levels

Objective 3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas

Objective 4. Protect the City's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment

Objective 9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses;

Staff Analysis

The Land Use Plan amendment proposed by the university consists of the area along North College Drive and a portion of the west side of Guyer Street. They are requesting a change from Medium Density residential along College Dr. and Low Density Residential along Guyer Street to Institutional for the entire area. Such an amendment would result in a small Institutional intrusion into the Low-Density Residential designation along Guyer Street. Staff reviewed the land uses along the west side of Guyer Street between East Lexington Avenue and just south of Chatham Drive and found that, if this proposal is approved, the majority of the residential of this section of Guyer will consist of institutional uses (the College and the Methodist Church). Therefore, staff recommends that all the lots that front on the west side of Guyer Street from Chatham Drive to E. Lexington Avenue should be included in the amendment to Institutional, if it is to be approved. This will result in one cohesive Institutional area that is separated from the Low Density Residential area by a collector street. The change in designation of the area along North College Drive to Institutional is appropriate to acknowledge the development of the new dormitories that are adjacent to the church which is already designated as Institutional.

The issue then becomes whether or not the encroachment of the Institutional designation onto Guyer Street is appropriate. This can be viewed as an intrusion into the single-family neighborhood. However, the residential land use fabric on the west side has been diminished by institutional uses. The church expanded and added a new building on Guyer Street and the university currently owns and is in the process of removing five single-family homes on the site of their current request. There are many relevant adopted City land use policies that speak to this case, which are listed in the Relevant City Plans section of this report. Many, if not all, of the policies discuss the concerns for the protection of existing neighborhoods, especially when they abut non-residential uses. This is a neighborhood of well-kept homes that provide a much needed supply of affordable housing stock.

Weighing the expansion of an institutional use into an existing neighborhood is never easy. Both entities need to be nurtured and protected, so it comes down to weighing the details of each case and then looking towards the policies for guidance. In this particular case, High Point University is growing and it needs to expand to remain competitive. As previously mentioned, this expansion will include the removal of five existing homes and the existing mature trees between the neighborhood and the university. When evaluating this case, the following factors need to be considered: the protection of the edge of this neighborhood and the possible precedent that this could set for the surrounding area; the intensity of the use; the visual impact on the neighborhood; and the level of need for the expansion.

It is important to protect the edges of neighborhoods so that they remain as a stable and desirable place to live. Part of what makes a neighborhood stable is a consistent pattern and rhythm of compatible development. Due to the fact that the pattern of use along the west side of Guyer is an inconsistent mix of residential and institutional uses and that Guyer Street carries a fairly significant amount of traffic, Guyer Street could be a logical new western edge to this neighborhood.

Visual impact on the neighborhood is also of concern. The property along Guyer Street generally slopes down from south to north and there are several large trees along the rear lot lines of the residential properties on the west side of Guyer Street. If the two lots to the north of the university proposal are not included it would be very difficult to screen their view. The lots on the east side of Guyer are also of concern. Currently their view of the new dormitories is screened from the existing

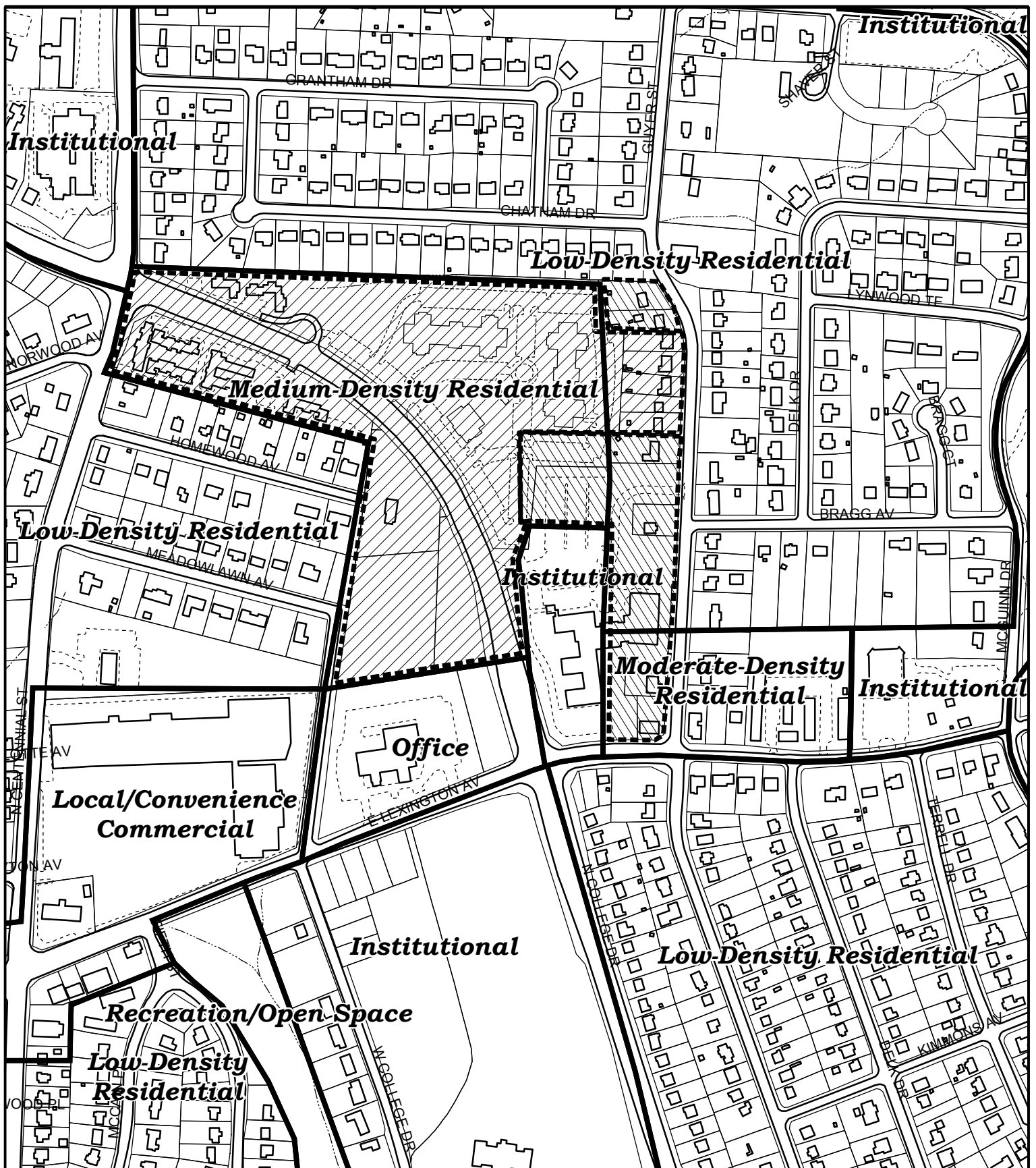
houses and mature trees on the west side of Guyer St. If this request is approved, the edge of the institutional uses will be brought to Guyer Street. Adequate protection for the houses on the east side needs to be ensured for the future viability of this neighborhood. When the church to the south was recently expanded elements of good design were demonstrated by respecting the building line of the adjacent residential structures and the placement the parking a lot away from Guyer Street. If this proposal is passed there is a concern that the houses on the east side of Guyer Street will have a direct view into the university property.

The hardest factor to evaluate is the level of need for the university to expand. This can likely only be answered through consideration of the following questions: can this need be filled in another way, will this need for additional space end here or will it continue, is this location best for the community if additional future expansions may be needed?

In this case, the benefit of the university expansion must be balanced against the impacts it might bring to the nearby residents. When looking at the existing land use policies and the existing land use pattern for guidance, the policies support the protection of existing neighborhoods. In this case however, due to the current inconsistent land use pattern along the west side of Guyer St. and the fact that Guyer St. functions as a collector street, a new logical boundary between the neighborhood and the institutional uses could be Guyer Street. Staff cautions that the treatment of this boundary is of paramount importance and that a strong buffer along Guyer Street will need to be put in place to ensure that the consistent and stable residential area on the east side of Guyer Street is protected and maintained.

Recommendation

The Planning and Development Department recommends approval of this requested Land Use Plan amendment from the Low Density Residential, Medium Density Residential, and Moderate-Density Residential designations to the Institutional designation as denoted by staff.



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

**STAFF REPORT
ZONING CASE 08-13**

July 30, 2008

(Revised)

Applicant/Owner: High Point University	
Proposal: 1. Rezone 5 parcels (1.4 acres) along the west side of Guyer Street. 2. Amend Conditional Use Permit 07-25 (CUP 07-25) to add the 1.4 acres along Guyer Street into that permit. 3. Amend CUP07-25 to revised permitted uses, landscaping & fencing and access conditions.	From: RS-9 Residential Single Family-9 District To: CU-PI Conditional Use Public & Institutional District
Site Information	
Location	Five parcels lying along the west side of Guyer Street, approximately 350 feet south of the intersection of Guyer Street and Chatham Drive. The zoning site is addressed as 1407 thru 1415 Guyer Street and also known as Guilford County Tax Parcels 152-1-4, 8, 20, 86 & 87.
Site Acreage	Approximately 1.4 acres
Current Land Use	There are single family dwellings upon each of the parcels. However, several of the dwellings are in the process of being removed.
Physical Characteristics	The site has a moderately sloping terrain and drains from the south to the north.
Prox. to Water & Sewer	City water and sewer utilities are currently available in this area along N. College Drive and Guyer Street.
Stormwater/ Drainage	The site is subject to the City Lake General Watershed Area requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% or more of the site.
Overlay Districts	City Lake General Watershed Area

Site Access & Street Classification		
Street Name	Classification	Approximate Frontage
Guyer Street	Collector Street	330 ft.
Traffic Impact Analysis (TIA)	A TIA is not required due to the size of this site, requested zoning district and allowable uses.	

Surrounding Area Zoning and Current Use			
North	RS-9	Residential Single-Family-9 District	Single family dwelling
South	RS-9	Residential Single-Family-9 District	Single family dwelling
East	RS-9	Residential Single-Family-9 District	Single family dwellings
West	CU-PI	Conditional Use Public & Institutional District	High Point University student dormitories

School District Information
Not applicable to this zoning case.

Relevant Land Use Policies and Related Zoning History	
Land Use Map Designation	The site has a Low Density Residential land use designation. This classification is primarily intended for single family detached dwellings on individual lots. Development densities in these areas shall not exceed five dwelling units per gross acre. In conjunction with the zoning application, the applicant has also submitted a Land Use Plan Amendment application to change the designation of the zoning site and property they own to the west to an Institutional classification (See LUPA 08-03).
Relevant Land Use Plan Goals, Obj. & Policies	The following goals and objectives of the Land Use Plan are relevant to this request: Goal #2: Encourage development that enhances and preserves established neighborhoods. Goal #3: Provide a wide range of housing opportunities for families of all income levels. Obj. #3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas. Obj.#4. Protect the City's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment. Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.
Relevant Area Plans	Core City Plan
Related Zoning History	Zoning Case 07-25 was approved in September 2007 for dormitory use for High Point University. This previous application rezoned approximately 17 acres along both sides of N. College Drive, between the intersections of E. Lexington Avenue and N. Centennial Street, from RS-9, RM-8 and GO-M Districts to a CU-PI District. A Major Amendment to Z07-25 was approved in January 2008 to revise the access requirement from W. College Drive.

Background Information:

High Point University is requesting to rezone this 1.4 acre area of land so that it may be added to their abutting student housing facility for parking. The application includes amendments to the approved conditional use permit (CUP07-25) that would do the following:

- Amend CUP 07-25 to add the 1.4 acre rezoning site (5 parcels along Guyer Street) into the permit, note it as Tract 3, and limit uses to a parking lot.
- Revise landscaping and fencing conditions of the permit to include standards for Tract 3 and to clarify fencing requirements along the northern boundary of Tract 1.
- Revise transportation access conditions to prohibit any access from the zoning site to Guyer Street.
- Add two sketch plan exhibits (Exhibits B & C) that establishes the site layout and lighting design for the parking lot (Tract 3).

During the public hearing for the abutting student dormitory site (Z07-25), the applicant stated their intent to save a substantial amount of the existing trees and vegetation next to homes along Chatham Drive and Guyer Street to protect and limit the impact to abutting homes. However, the rear of the site was filled which required a transitional slope area next to the single family homes along Guyer Street and Chatham Drive that resulted in a lesser amount of the vegetation and trees being preserved. It also created a situation where the development site and dormitory buildings were higher than the abutting homes.

It should also be recognized that this proposal is not the first instance of institutional uses in the Guyer Street neighborhood. A small church and associated parking lot is located to the north of the rezoning site on the east side of Guyer Street. Also, the abutting church south of the zoning site, at the corner E. Lexington Avenue and N. College Drive, expanded several years ago and removed several homes along the west side of Guyer Street. This expansion altered the historic single family pattern along the west side of Guyer Street. The church expansion did not require rezoning approval so specific impacts upon adjacent homes could not be addressed other than through the normal standards of the Development Ordinance.

Issues:

Major Issues

- ❖ Extension of institutional zoning into the neighborhood. This request will be extending institutional zoning into this neighborhood, which is designated as Low Density Residential. The applicant has proposed a land use plan amendment for this area (See LUPA Case 08-03) to address this issue.
- ❖ Impact upon adjacent single family residences
 - The home immediately to the south of the zoning site is at a higher elevation than the proposed parking lot, based upon the applicant's site plan and the location of the home, there is sufficient area to allow for proper landscaping.
 - The two homes to the north of the zoning site are at a lower elevation than the proposed parking lot site and the stormwater control device (bio retention) will be located between the home and the parking lot. This leaves little area for transitional grading and proper landscaping to be installed. In addition, the abutting home north

- of the zoning site is close to its side property line, which puts it closer to the parking lot.
- Due to filling upon the dormitory site and subsequent removal of vegetation, the 4-story buildings are more visible than initially expected. The removal of the houses and trees upon the zoning site for a parking lot will remove most, if not all, of the visual filter provided and will allow the dormitory buildings to become more visible to the Guyer Street property owners.
 - Lighting upon the dormitory site consists of fixtures upon 40-foot high light poles and similar height lighting is proposed for this parking lot.

Minor Issues

- ❖ None

ANALYSIS

This current proposal to expand the university campus westward into the abutting residential neighborhood raises concerns as to the impact upon adjacent single family homes along Guyer Street. Staff considered in its review of this request the mass, scale & height of the dormitory development; topography of the parking lot site as it related to adjacent single family homes; neighborhood compatibility & harmony; the visual impact on the residential neighborhood; and the sufficiency of the proposed buffering, setbacks & landscaping.

This zoning request is not the first situation where intuitional uses have encroached into this area. Previous institutional use expansion from the abutting church to the south has already altered the historic single family pattern along the west side of Guyer Street. Thus, the character of this portion of the residential neighborhood along the west side of Guyer Street has changed. The University purchased the property associated with this zoning request and is in the process of removing the homes. In total, six single-family homes will remain along the west side of Guyer Street.

Staff has been concerned with the impact this request will have upon the abutting single family homes. To the west, across Guyer Street, the single family homes will be facing directly at the parking lot, and with the removal of the homes and remaining trees, they will have an unobstructed view of the dormitory development. To mitigate the impact of the parking lot the applicant has offered in their conditional use permit and upon their sketch plan to have the parking lot setback the same distance as the homes that were removed (approx. 35 feet); have a higher landscaping planting rate within the 35 foot buffer area along Guyer Street; and to install an opaque fence behind the landscaping. To mitigate the direct view of the dormitory buildings all trees to be planted in the 35 foot wide buffer area and in the parking lot planting islands will be canopy trees, which have the ability to grow to heights above 40 feet. These canopy trees are proposed to be of a more mature status than required by the ordinance at the time of planting so they can mature quicker and increase their effectiveness as a visual filter. Finally, the lighting plan submitted by the University notes intensity of lighting upon adjacent parcels will be limited to 0 to 0.1 foot-candles of impact. These conditions, in total, properly mitigates impact upon homes across Guyer Street.

The impact upon the home to the south has also generally been mitigated through landscaping and fencing conditions, a wider planting yard at a higher planting rate is proposed with an opaque fencing being installed behind the landscaping. Also, that property, as well as the majority of the area where the landscaping will be installed, is approximately 8 feet above the final grade of the proposed parking lot. In conjunction with the limited spillover lighting noted on their lighting plan, these site conditions further mitigates the visual impact from vehicles in the proposed parking lot.

However, the ability to properly mitigate the impacts upon the two homes to the north is limited due to area and topography. These parcels are 5 – 10 feet lower then the proposed parking lot. The stormwater control device for the parking lot will abut the home immediately to the north, which limits the University's ability to properly landscape and buffer adjacent to these homes. In addition, the abutting single family home to the north is very close to the property line and is more exposed to parking lot and dormitory development. In total, these site limitations and conditions restricts the University's ability to properly mitigate the impacts upon these homes.

Staff informed High Point University, prior to submittal of this zoning request, of these concerns with the area to the north and advised them that these two parcels need to be included in this request. Staff understands that the University has recently initiated contact with the two property owners and has come to an agreement with the northern most owner, but has not been able to talk with the remaining property owner, which abuts the zoning site.

The inclusion of these two parcels will allow the University to properly mitigate the impacts by allowing for the buffering and stormwater control device to be more appropriately apart of the site design. Staff envisions the additional land area from these two parcels to the north to better form the other edge of the University's development in this area; provide for a wider perimeter landscaping edge to the north; provide more flexibility in designing the stormwater control device and remove the homes closest to the site. If these two homes remain, they will very likely never be included into the University's development. By not being apart of the development, given the site's topography and their location to homes along Chatham Drive, their reuse is extremely limited.

Findings:

Section 9-3-13 of the Development Ordinance requires that certain findings be made before a Zoning Map Amendment and Conditional Use Permit may be approved. 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 required findings.

That the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety; staff finds

Compliance

- ❖ To eliminate potential traffic safety concerns and impact to the neighborhood, the applicant has offered to prohibit vehicular access from the zoning site to Guyer Street. All access to the site will be from N. College Drive.

That the development of the property in accordance with the proposed conditions will not substantially injure the value of the adjoining or abutting property; or that the development is a public necessity; staff finds

Compliance	❖ To limit impact upon the adjacent property owners, the applicant has offered conditions and restrictions as follows: ➤ The site is limited to parking lot use only. ➤ A minimum 35 foot wide Type B Planting Yard is to be provided along the Guyer Street frontage. This planting yard requires 8 trees and 25 shrubs every 100 linear feet. The sketch plan notes that the fence will be placed internally upon the site behind the landscaping. ➤ To attempt to filter the view of the dormitories that are located at a higher elevation, the applicant is proposing that all trees in the Guyer Street planting yard and within the parking lot consist of canopy trees. These are trees that normally grow to a mature height of 40 or more feet and are typically shade producing trees. ➤ A Type B Planting yard, with fence behind the landscaping material, will be provided next to abutting single dwellings lying north and south of the site. ➤ The lighting plan denotes that light fixtures upon the site will be pointed inward and that the intensity of the lighting will be no more than 0.1 foot-candle as measured from the property lines of adjacent parcels to the north, south and east.
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That the location and character of the development, in accordance with the proposed conditions, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of High Point and its environs; staff finds

Compliance	❖ If the corresponding Land Use Plan Amendment (LUPA 08-03) for Institutional Land Use designation is approved, as recommended by staff, the zoning request will be generally consistent with the City's Land Use Plan.
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Staff Recommends Approval

At the Planning & Zoning Commission public hearing on July 29, 2008, staff recommended the request be postponed in order to encourage the University to meet and discuss the matter with the two abutting property owners to the north (owners of 1417 & 1419 Guyer Street). The Commission asked the University representatives and the abutting property owner, Mr. Chason of 1417 Guyer Street, if a postponement would be helpful. Mr. Evans, of High Point University, noted that the University desires that the case proceed forward. He noted that the University has purchased 1419 Guyer Street, the northern most property, and has since early July attempted to meet with Mr. Chason to no avail. Mr. Chason noted at the public hearing that he believes the University is trying to squeeze him out and is not interested in selling his property.

Due to the fact these two stakeholders are not interested in postponing the case in order to meet, the Planning & Development Department has revised its recommendation. Subject to the approval of Land Use Plan Amendment 08-03, the Planning & Development Department offers a recommendation of approval of the request by High Point University to:

- Rezone 5 parcels (1.4 acres) along the west side of Guyer Street from a RS-9 to a CU-PI District;
- Revised Conditional Use Permit 07-25 (CUP 07-25) to add the 1.4 acres along Guyer Street into that permit.
- Revise conditions of CUP07-25 pertaining to permitted uses, landscaping & fencing and access.

This recommendation is made based on the staff's conclusion that subject to the approval of Land Use Plan Amendment 08-03, the zoning request is consistent with the City's Land Use Plan, and that based upon requirements of the Development Ordinance and conditions offered by the applicant within their conditional use permit, the rezoning of this property will generally be in harmony with the area.

Action by the Planning and Zoning Commission

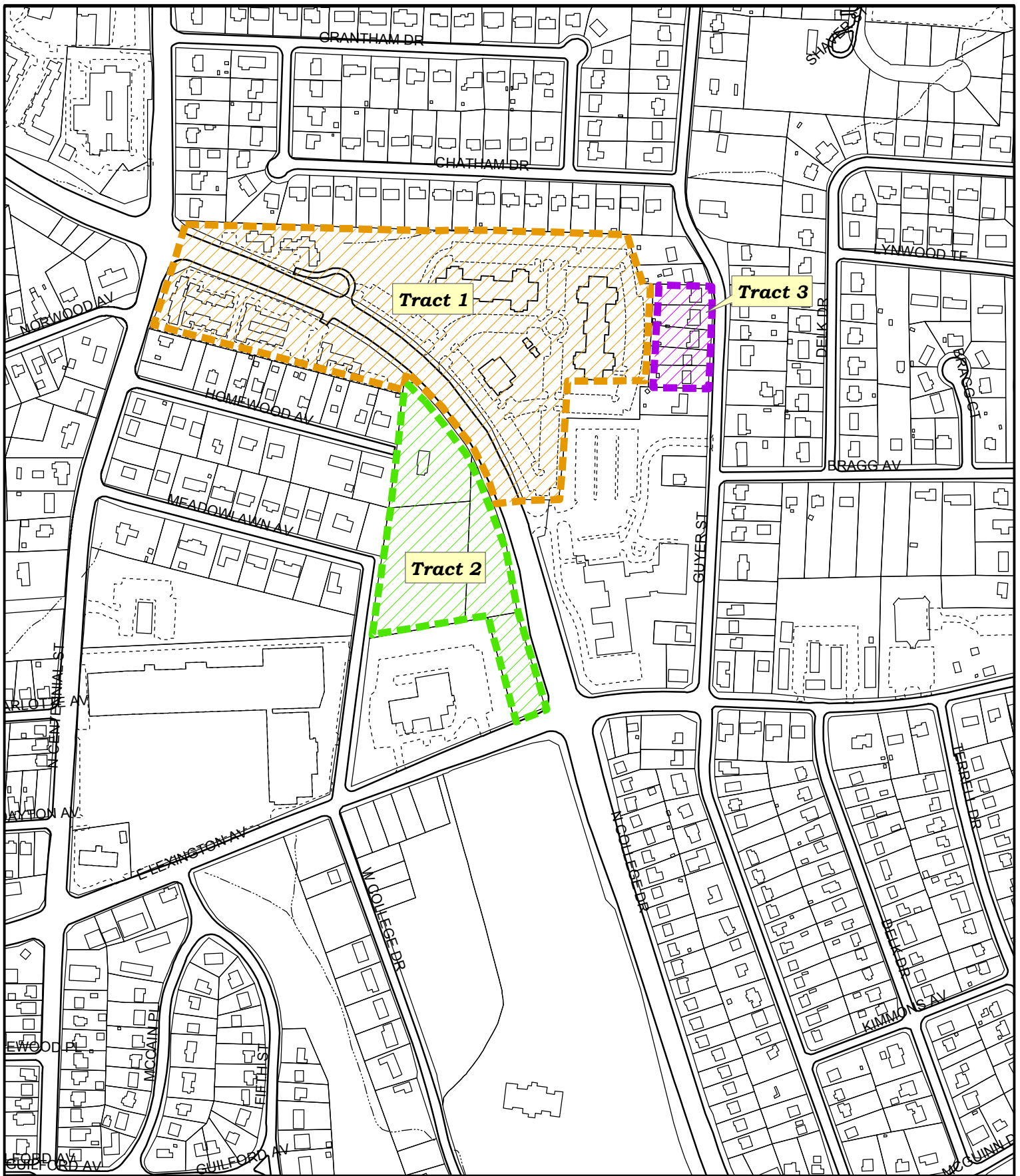
Upon making its recommendation, the Planning and Zoning Commission must place in the official record a statement of consistency with the City's Land Use Plan, and any other officially adopted plan that may be applicable. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's findings, by adoption of its own statement.

Action by the City Council

- A. Upon rendering its decision in this case, City Council also must place in the official record a statement of consistency with the City's Land Use Plan. This may be done by adopting the staff's findings as written in this report, by adopting the staff's findings with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's findings, by adoption of its own statement.
- B. In addition, the City Council must, prior to adopting or rejecting any zoning amendment, explain why it considers the action taken to be reasonable and in the public interest. In this case, staff suggests that subject to the approval of Land Use Plan Amendment 08-03, the approval of the applicant's request, is reasonable and in the public interest because: 1) It meets the required findings for a conditional use zoning district as written in this report; 2) This request for CU-PI zoning is not the first situation where intuitional uses have encroached into this area. Previous expansion from the abutting church to the south has already altered the historic single family pattern along the west side of Guyer Street and changed the character of this portion of the residential neighborhood along the west side of Guyer Street; 3) Conditions offered by the applicant for development of the site to adhere to a sketch plan and lighting plan have generally mitigated the impact of the parking lot upon adjacent property owners; 4) Conditions of the permit pertaining to the

setback of the parking lot from abutting uses; higher landscaping planting standards within the 35 foot buffer area along Guyer Street and along abutting properties to north the and south; and installation of an opaque fence behind the landscaping, all assist in mitigating impact to abutting property owners; and 5) Conditions offered by the applicant for all new trees in the buffer areas to be canopy trees and for these trees to be of a larger size then normally required at the time of planting will assist, over time, to filter the direct view of the dormitory buildings.

The City Council may adopt this statement, it may add to or change this statement, or, if the Council rejects the applicant's request it will need to formulate its own reasonableness / public interest statement.



MAJOR AMENDMENT CUP07-25

**Department of Planning
and Development**

City of High Point

Date: July 15, 2008

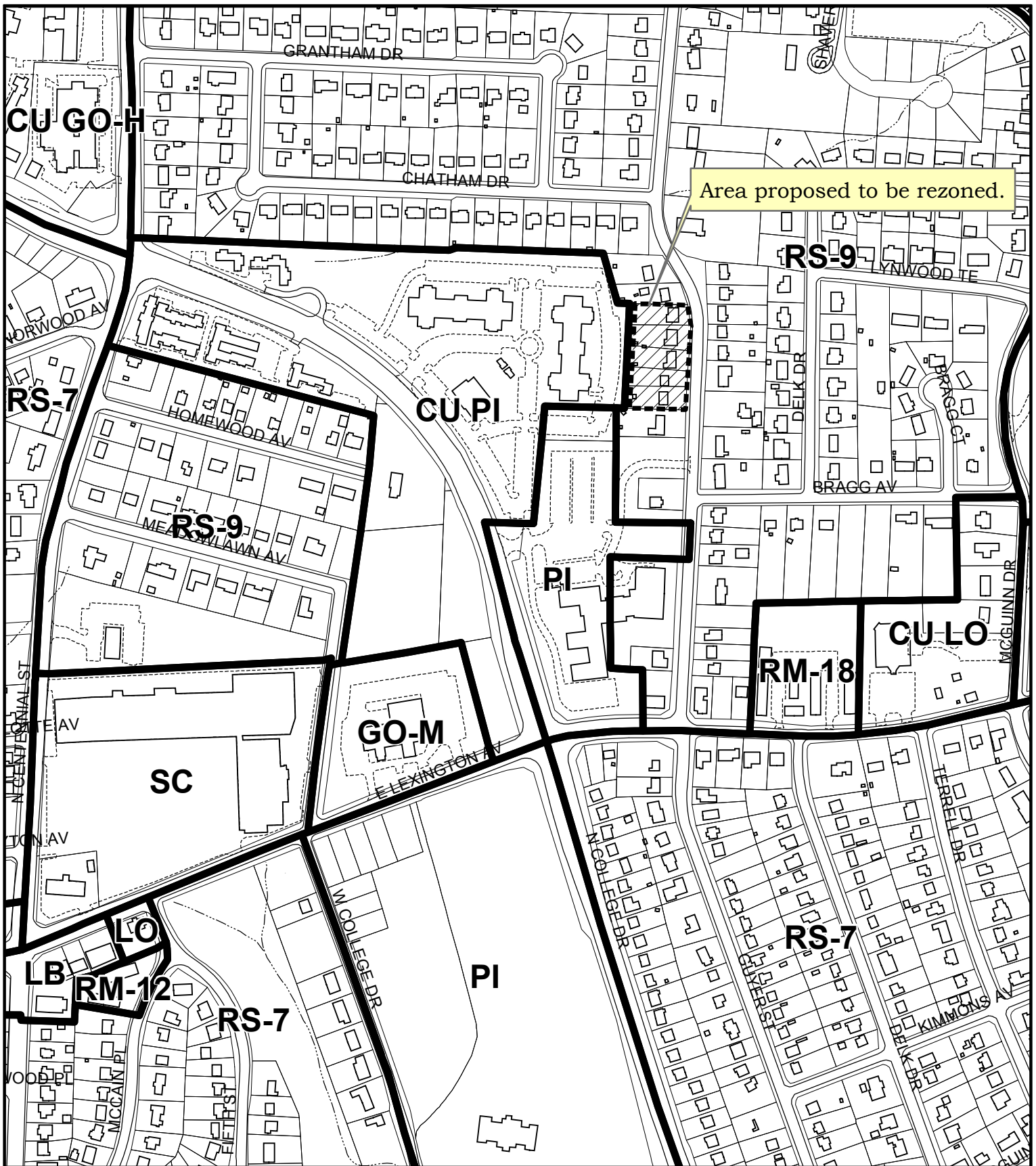


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Existing Zoning Boundary
Subject Property Boundary





REZONING CASE 08-13 and MAJOR AMENDMENT CUP07-25

From: Residential Single Family-9
To: Conditional Use Public Institutional

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

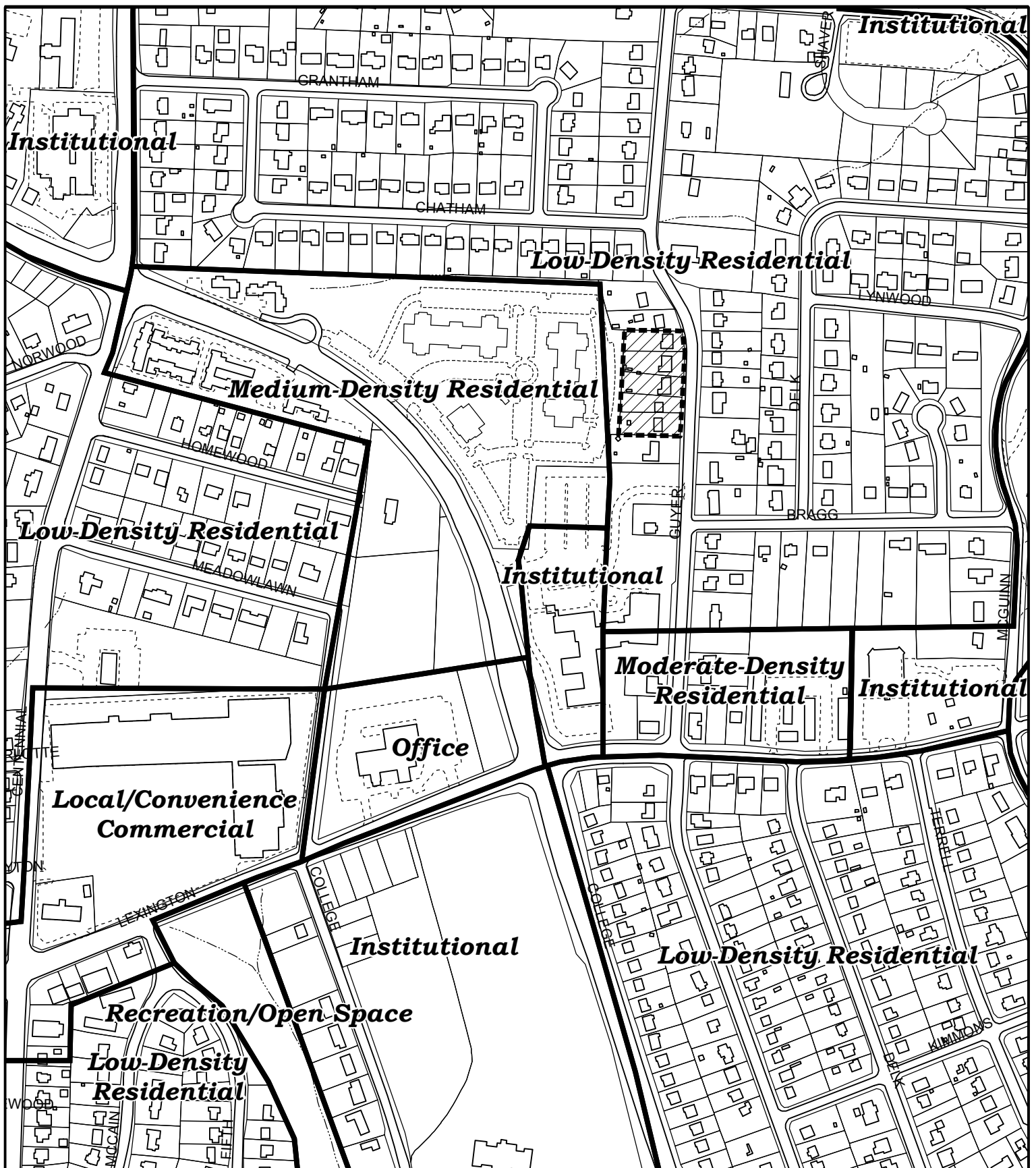
Planning & Development
Department

City of High Point

Date: July 15, 2008



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REZONING CASE 08-13 and MAJOR AMENDMENT CUP07-25

Land Use Plan

Existing Land Use Plan

Subject Property Boundary



**Planning & Development
Department**

City of High Point

Date: July 11, 2008



Scale: 1"=400'

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REZONING CASE 08-13 and MAJOR AMENDMENT CUP07-25

Topography

Subject Property Boundary - - - - -

**Planning & Development
Department**

City of High Point

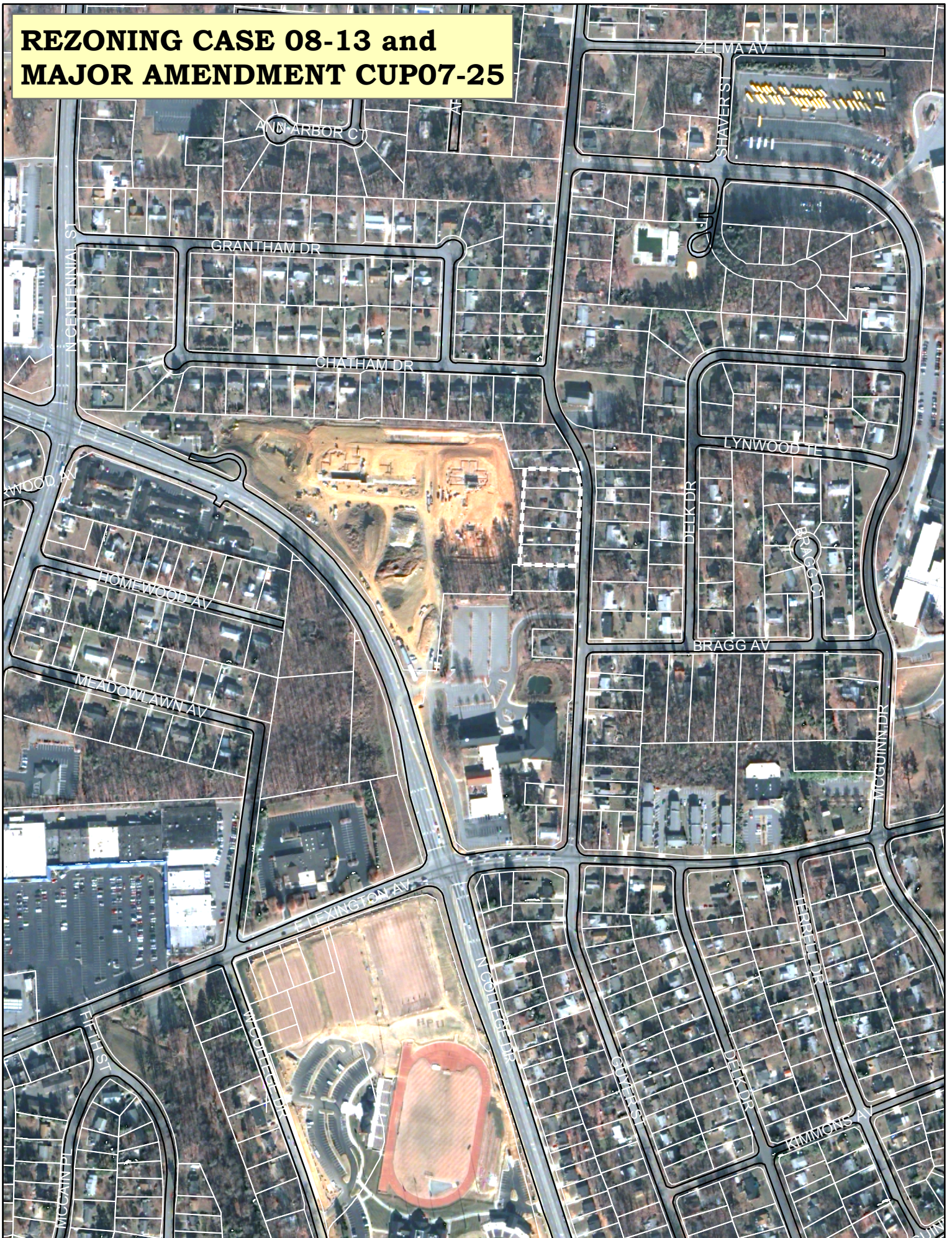
Date: July 11, 2008



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**REZONING CASE 08-13 and
MAJOR AMENDMENT CUP07-25**



APPLICATION FOR A CONDITIONAL USE PERMIT

**CITY OF HIGH POINT, NORTH CAROLINA
(Conditional Use Public & Institutional District)**

September 17, 2007
(Adopted)

January 22, 2008
(Minor Amendment Adopted)

July 29, 2008
(Submitted)

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

The undersigned hereby respectfully request that the High Point City Council, pursuant to Title 9, Chapter 3 of the City Code, grant a Conditional Use Permit for the following use(s), subject to the following conditions:

I. USES: Any of the land uses allowed in the Public and Institutional (PI) District and their customary accessory uses shall be permitted, subject to the specific conditions of this Permit.

II. CONDITIONS:

A. Permitted Uses

1. Tract 1: Only Dormitories, Cafeteria and Accessory Uses & Structures customary to these uses shall be permitted.
2. Tact 2: Only Athletic Fields and Accessory Uses & Structures customary to this use shall be permitted.
3. **Tact 3: Only a parking lot shall be permitted. Development of the tract shall be in conformance with the attached Sketch Plan (Exhibit B - Site Plan and Exhibit C - Lighting Plan) as allowed by Section 9-3-13(a)(1) of the Development Ordinance.**

B. Lot Combination: All parcels within the rezoning site shall be combined into one lot prior to development or resubdivision.

C. Landscaping and fencing:

a. Tract 1:

- 1) Eastern boundary of tract (rear of parcels along Guyer Street):
Along the eastern boundary of Tract 1, the property owner shall install a minimum 20 foot wide Type B Planting Yard and a 5 foot high opaque fence. At least 50% of the required planting material (both trees and shrubs) shall consist of evergreen plant species).

- 2) Northern boundary of tract (area adjacent to the Pinewood Subdivision, Sections 1 and 2; aka rear of parcels along Chatlem Drive).

Along the northeastern boundary of Tract 1 (i.e. northern property line of Guilford County Tax Parcel 152-1-15 and 152-1-92), the property owner shall install a minimum 20 foot wide Type B Planting Yard and a 5 foot high opaque fence. At least 50% of the required planting material (both trees and shrubs) shall consist of evergreen plant species). **Where any parking lot is lying between the property line and building, the required fencing shall be installed within 5 feet of parking lot.**

- 3) Southwestern boundary of tract (area adjacent to the Lexington Height Subdivision; aka rear of parcels fronting along Homewood Avenue).

A 5 foot high opaque fence shall be provided along the northern boundary of the Lexington Height Subdivision.

b. Tract 2:

- 1) A minimum 20 foot wide Type B Planting Yard, with a 5 foot high opaque fence, shall be provided along the western boundary of Tract 2 (eastern boundary of the Lexington Height Subdivision).
- 2) A Type B Planting Yard, with a 5 foot high opaque fence, shall be provided along the southern boundary of Tract 2 (i.e. portion of zoning site abutting Guilford County Tax Parcel 152-1-9).
- 3)

c. Tract 3:

- 1) **A minimum 35 foot wide Type B Planting Yard, with a minimum 5 foot high opaque fence, shall be provided along the Guyer Street frontage of the tract consistent with Exhibit B. Fencing shall be install behind the planting yard. Required understory trees of the Type B planting rate shall be replaced with canopy trees. Required trees in this planting yard shall have a minimum caliper of 3 inches and minimum height of ten (10) feet at the time of planting. At least 50% of the trees within this planting yard shall consist of a mixture of evergreen planting species.**
- 2) **A Type B Planting Yard, with a minimum 5 foot high opaque fence, shall be provided along the northern and southern perimeter of Tract 3 consistent with Exhibit B. Fencing shall be install behind Type B Yard landscaping and at least 50% of the planting materials within this planting yard shall consist of a mixture of evergreen planting species.**

3) **Required canopy trees within parking lot planting islands shall have a minimum caliper of 3 inches and a minimum height of ten (10) feet at the time of planting.**

D. Prior to group development plan approval for the zoning site, the property owner shall pursue abandonment of all unimproved (i.e. non-paved) right-of-ways or alley right-of-ways upon/abutting the zoning site. These unimproved right-of-ways consist of an alley along the northern boundary of Tract 1, a right-of-way lying east of N. College Drive running in a north-south direction thru tract 1; and an alley along the southern boundary of tract 2.

E. Transportation

1. Access:

a. **No access (vehicular or pedestrian) shall be permitted from the zoning site to Guyer Street.**

b. Sketch Plan: Vehicular access to the zoning site shall be in conformance with the attached Sketch Plan (Exhibit A) as allowed by Section 9-3-13(a)(1) of the Development Ordinance. The sketch plan:

- 1). Graphically depicts vehicular access analysis documented in the December 11, 2007 Memorandum by the City of High Point Transportation Department for Minor Amendment to Rezoning Case 07-25 (Exhibit B);
- 2). Notes the general location of access points to the site (2 along the east side of N. College Drive and 2 along the west side of N. College Drive); and
- 3). Illustrations improvements (i.e. turn lanes, deceleration lanes, median improvements, etc) to achieve the access.

c. Prior to obtaining driveway permits, the property owners shall submit detailed engineering plans of access and improvements. Said plans shall require approval by the City of High Point Technical Review Committee. The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT shall approve all construction and improvements.

d. If necessary, the property owner shall dedicate an additional twelve (12) feet of right-of-way for the installation of turn lanes.

2. Pedestrian Circulation/Access: The property owners shall be required to submit a pedestrian/bicycle access plan, at a minimum, this plan shall:

- a. Provide sidewalk along both sides of N. College Drive from N. Centennial Street to E. Lexington Avenue.
- b. Demonstrate how pedestrian access will be provided between the main High Point University campus (area lying south of E. Lexington Avenue) and the proposed development.

Approval of this plan may include offsite improvements not limited to additional sidewalk and traffic signal modifications for the safety of the pedestrians. The pedestrian/bicycle access plan shall be required to be approved by the Technical Review Committee (TRC) and shall be required to be install prior to issuance of building permit for any new structure(s).

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

DESCRIPTION OF PROPERTY: Approximately 47 **18.4** acres, lying along both sides of N. College Drive, between the intersection of E. Lexington Avenue and N. Centennial Street. The site is also known as Guilford County Tax Parcel(s) 152-1-1, **4**, **7**, **8**, 13, 15, 16, 17, 18, **20**, 57, 58, **86, 87 & 92**.

An application has been duly filed requesting that the property involved in this application be rezoned from the Residential Single Family-9 (RS-9) District, Residential Multifamily-8 (RM-8) District and General Office Moderate-Intensity (GO-M) District to the Conditional Use Public and Institutional (CU-PI) District. It is understood and acknowledged that if the property is rezoned as requested and the Conditional Use Permit authorized, the property described in this request will be perpetually bound by the use(s) authorized and the conditions imposed, unless subsequently changed or amended as provided for a Title 9, Chapter 3, of the City Code.

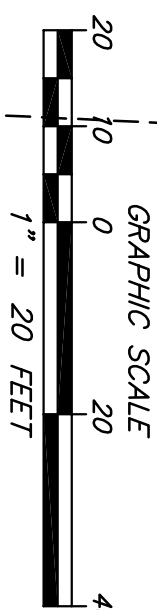
The City Council may add additional conditions to make the necessary findings of fact required for approval of a Conditional Use Permit.

It is further understood and acknowledged that plans for any development to be made pursuant to any such Conditional Use Permit so authorized shall be submitted to the Technical Review Committee and/or other such approval authorities for review in the same manner as other such plans now required to be approved by the City of High Point.

LINE SURVEYED
 LINE NOT SURVEYED
 POWER LINE
 SANITARY SEWER LINE
 WATER LINE
 EDGE OF GRAVEL
 STORM DRAIN PIPE
 FENCE LINE
 CURB
 PARCEL LINE
 ECA = EXISTING CONCRETE MONUMENT
 EIP = EXISTING IRON PIPE
 EIS = EXISTING IRON STAKE
 NIP = NEW IRON PIPE
 EIR = EXISTING IRON ROD
 CP = COMPUTED POINT
 CORNER FOUND
 CORNER SET

(46) = LOT NUMBER
 ○ = POWER POLE
 Ⓢ = SANITARY SEWER MAN HOLE
 ☼ = LIGHT POLE
 ⚙ = FIRE HYDRANT
 Ⓔ = STORM MANHOLE
 ☉ = CLEAN OUT
 ⊗ = WATER VALVE
 ⊗ = WATER METER
 ⚡ = GAS VALVE
 R/W = RIGHT OF WAY
 C/O = CLEAN OUT

PARCEL NO. 18-152-001-53
MARILYN M. GRAVES
DB. 5885 PG. 928
ZONED: RS-9



GUYER STREET
R/W VARIES
36.7' CURB-CURB

CONSTRUCTION NOTES:

1. CONTRACTOR SHALL TAKE ALL MEASURES POSSIBLE TO PRESERVE EXISTING TREES.
2. CANOPY TREES SHALL MEASURES 3" IN CALIPER MEASURED 6 IN ABOVE GRADE AND 10' HIGH AT PLANTING.
3. AT LEAST 50% OF SHRUBS SHALL BE EVERGREEN AND VARY IN PLANT TYPE.

Curve Table				
Curve #	Length	Radius	Chord Bearing	Chord Distance
C1	68.20	252.14	S90°13'E	68.00



SKETCH PLAN

HIGH POINT UNIVERSITY
1407-1415 GUYER STREET
HIGH POINT TOWNSHIP - GUILFORD COUNTY
HIGH POINT, NORTH CAROLINA

REV	DATE	DESCRIPTION	BY	PROJECT	080017
1				DATE	7/11/08
2				DESIGNED	LSM
3				DRAWN	DRW
4				CHECKED	JJH
5				SCALE	1"=20'
6				SURVEYED	MM

DAVIS-MARTIN-POWELL & ASSOCIATES, INC.

dmp

6415 OLD PLANK ROAD
HIGH POINT, NC 27265
(336) 886-4821
FAX (336) 886-4458
WWW.DMP-INC.COM

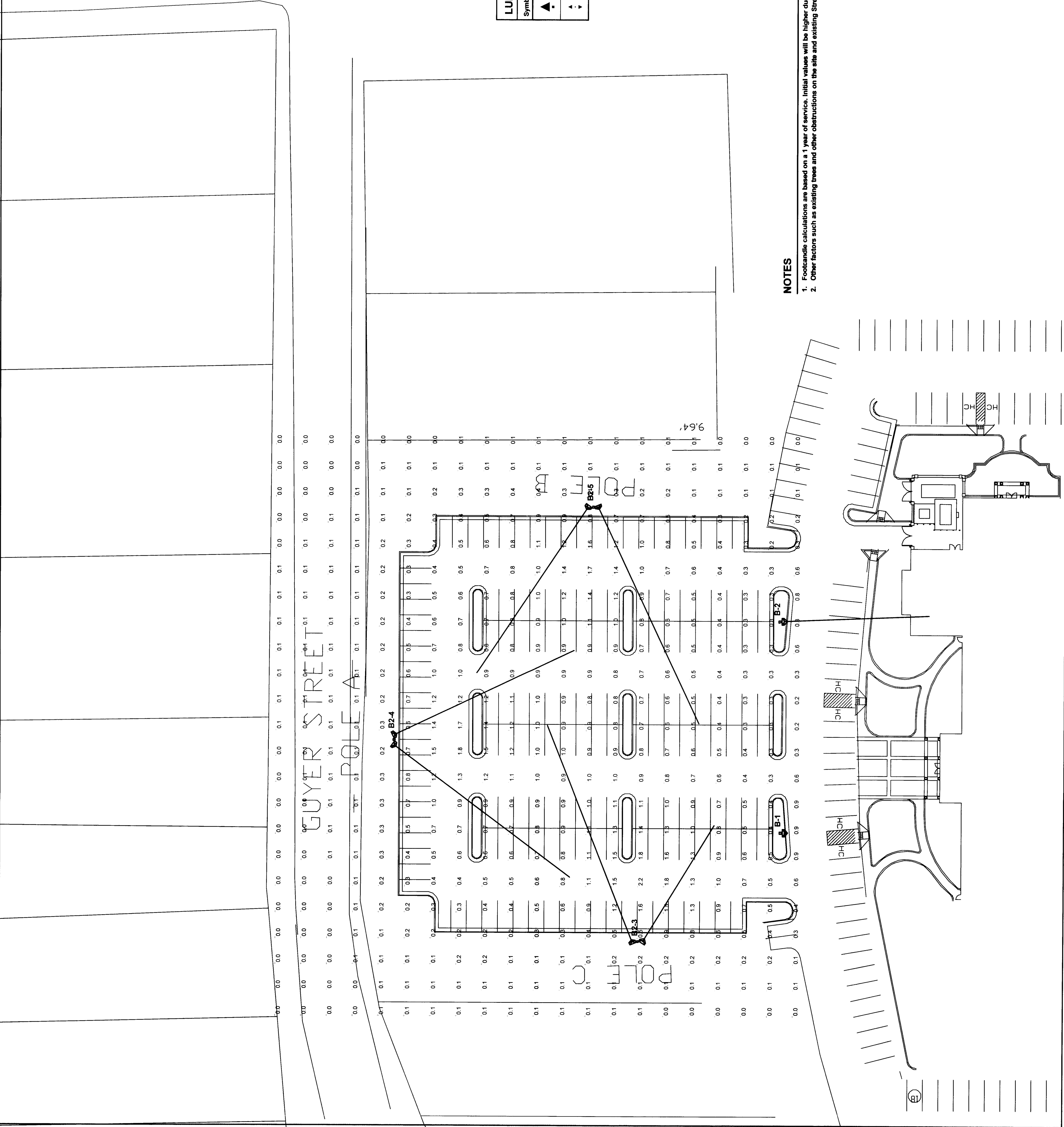
ENGINEERING
LAND PLANNING
SURVEYING

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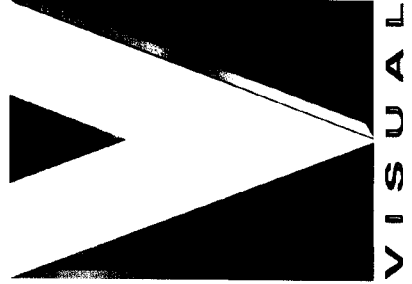
OF

SHEET NO



- NOTES**
- Footcandle calculations are based on a 1 year of service. Initial values will be higher due to the relatively cleanliness of the lens, newness of the ballasts.
 - Other factors such as existing trees and other obstructions on the site and existing Streetlighting along Guyer Street have not been accounted for therefore these calculations will vary.

HIGH POINT UNIVERSITY
UNIVERSITY APARTMENT PARKING
GUYER STREET
400W HPS FLOODLIGHTING



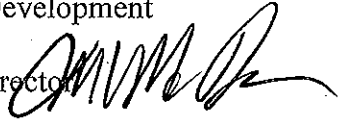
STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
GUYER STREET PARKING AND SPILLOVER		0.5 fc	2.2 fc	0.0 fc	N/A	N/A

LUMINAIRE SCHEDULE						
Symbol	Label	Qty	Catalog Number	Description	Lamp	File
▲	B	2	GEF64S40S1A2BX 6DE232	GE PF-400	HPS 200-400	GE7481 IES 28000
▲	B2	3	GEF64S40S1A2BX 6DE232	GE PF-400	HPS 200-400	GE7481 IES 28000

Designer	CB
Date	Jul 11 2008
Scale	
Drawing No.	1"=30'
1 of 1	



July 2, 2008

To: Lee Burnette, Director of Planning and Development
From: Mark McDonald, P.E., Transportation Director 
Subject: **Major Amendment to Rezoning Case #07-25, High Point University.
Property located on the west side of Guyer Street, approximately 350'
south of the intersection of Guyer Street and Chatham Drive.**

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

No access shall be allowed to Guyer Street.

The City of High Point Transportation Director 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 08-13 and Major Amendment CUP07-25

Submitted by: High Point University

TO: Planning & Development Staff, City of High Point, NC

FROM: W. Gart Evans, High Point University



Date: July 7, 2008

RE: CITIZEN INFORMATION MEETING REPORT, GUYER STREET REZONING

Please find attached the Citizen Information Meeting Report from our meeting held at the University on July 3, 2008.

This report contains the following:

- Names & addresses of property owners who were notified via letter, USPS
- Copy of HPU letter & City of High Point's Meeting info sheet which was mailed
- Development proposal which was handed out at the meeting
- Map of proposed rezoning area
- Copy of "hand written" roster of meeting attendees
- Comments from citizens attending the meeting

Thank you for your assistance with this process. I believe that all information requested and required is included for your use and future public hearings. My contact number is 688-9766 and email is gevans@highpoint.edu if needed.



High Point University.

TO: Owners of property near High Point University
FROM: Gart Evans

Date: 27 June 2008

**RE: Citizen Information Meeting, Thursday, July 3, 2008 @ 6:30 pm
Room 202 Norton Hall (corner of W. College & O.A. Kirkman Way)**

High Point University is filing an application with the City of High Point for the rezoning (from RS-9 to CU PI) of 5 parcels of property adjoining property currently owned by the University. This would affect property located at 1407, 1409, 1411, 1413, and 1415 Guyer St. These lots connect to property already rezoned CU PI by the City of High Point.

A Citizen Information Meeting will be held on Thursday, July 3, 2008 at 6:30 pm in Rm. 202 Norton Hall for the purpose of allowing us to inform you about our developmental plan and zoning proposal. Parking will be available in the chapel circle located at the corner of W. College Dr. and O.A. Kirkman Way. We look forward to answering your questions and receiving your input. A copy of the City of High Point's Community Meeting Information sheet is enclosed for your use.

Please contact Gart Evans at 336-841-9026 or gevans@highpoint.edu with questions or comments.

Comments from Citizen Information Meeting, HIGH POINT UNIVERSITY

6:30 pm, Thursday, July 3, 2008

- Comments from Mr. Larry Chason, 1417 Guyer St.
"HPU does not respect neighbors. Construction on dorm complex (N. College) sometimes started at 6:00am and worked on Sundays. Destroyed our retirement. Cut down all the trees we were told would be kept. I will now have a settlement pond on one side of my house and a rental house on the other side."

Most of Mr. Chason's comments were centered around construction of VILLAGE Complex on property already zoned CU PI. Explained that a bio-cell was planned for "his" side of this parking area and it would NOT be a wet pond but would provide extra plantings and landscape buffer between the lot and his property. The fence could be placed inside or out at his request.

- How large will the parking lot be? *It is being planned for approximately 150 cars*
- What will the fence look like? *The fence will be approx. 5' - 8' tall and will be a decorative white (vinyl) opaque style with a heavy (B) landscape / planting yard in front of it.*
- Where will this drain? *Only run-off from THIS area will drain into bio-cell.*
- Can the University keep the vacant houses on Guyer secure until demolition? *Yes, our security dept. will keep an ongoing check on these houses.*
- What will we see from houses located across the street from this? *It is our hope that this area will have a minimum impact on the residential area surrounding it. A large (approx. 40 feet) landscape buffer of mixed evergreen and other shrubs and mixed size & type trees will run from Guyer St. to an opaque background fence. Lot will start at or near approximate location of the front of existing houses and lighting for this lot is being designed by City electrical staff so as to minimize impact on neighbors.*

Report of comments, suggestions and questions submitted by Gart Evans.

W. Gart Evans
7/2/08

HIGH POINT UNIVERSITY

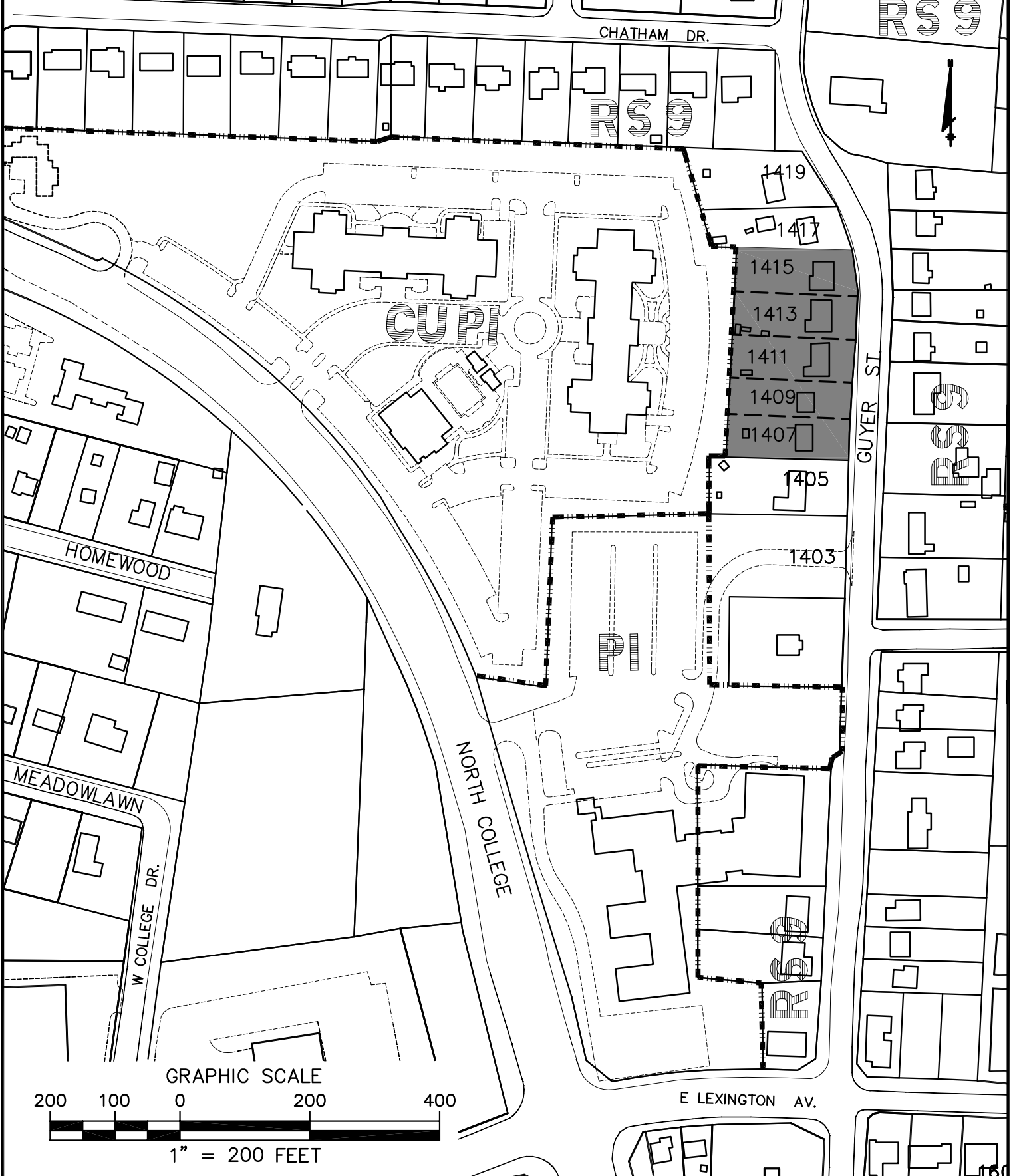
July 1, 2008

Development Proposal – Rezoning of 1407, 1409, 1411, 1413 & 1415 Guyer Street from RS-9 to CU PI

High Point University has filed an application with the City of High Point to rezone 5 parcels of property which currently adjoin property owned by the University and are already zoned CU PI.

Property at 1407, 1409, 1411, 1413 and 1415 Guyer Street will be developed into a parking lot to serve students living in the University Village residential complex. Entrance and egress will only be from N. College Dr. There will be NO driveway connection to Guyer St. No structure will be constructed on the property. A class B landscape buffer will surround 3 sides of the site backed by a 5' – 8' opaque decorative fence. As many large existing trees as possible will be preserved at the Guyer St. edge of the project. The set-back for the parking lot will be approximately 40 feet from the street with the front edge of the lot trying to coincide with the front edge of existing residences.

Contact Gart Evans at 841-9026 or gevans@highpoint.edu with questions or concerns.



DAVIS-MARTIN-POWELL & ASSOCIATES, INC



ENGINEERING - LAND PLANNING - SURVEYING

6415 OLD PLANK ROAD

HIGH POINT, NC 27265

(336) 886-4821 FAX (336) 886-4458

REZONING MAP
HIGH POINT UNIVERSITY
HIGH POINT TOWNSHIP, GUILFORD COUNTY
HIGH POINT, NORTH CAROLINA

JOB: 080017 DRAWN: RMM CHECK: JJH DATE: 6/9/08

HPV Community Meeting
Rm 202 Norton Hall
6:00 p.m., Thursday, July 3, 2008

Name

Address

Mrs + Mrs H. Leffelman 1502 Chatham Dr. N.P. N.C.

Larry + Tina Chason 1417 Guyer St HP N.C. 27265

STEVE & PEGGY Linker 1424 Guyer St. N.P. 27265

Tim J. Asbill 1412 Guyer St. High Point 27265

Jake + Nancy Jacobs - 1420 Guyer St. High Point 27265

Mr + Mrs Larry Quick 1609 Chatham Drive HP NC 27266

Mrs. W. B. Cunningham H.P. 1426 Guyer

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

ORDINANCE REQUEST: Ordinance to Demolish

PROPERTY ADDRESS: 1008 Tipton St

OWNER: Charles D. and Marsha W. Gentry

FIRST INSPECTION: Number of Violations: Unsafe 2 Minor 17
2-20-1998 7-20-2007

HEARING RESULTS: Dwelling substandard 8-10-2007

ORDER(S) ISSUED: Order to Repair or Demolish (90-day)
8-10-2007 compliance date of 11-20-2007

APPEALS: None

OWNER ACTIONS: Repair permit issued 9-17-2007
Electrical permit issued 11-20-2007

STATUS OF CLOSED DWELLINGS: 12-6-2007 Repairs in progress; not complete

COMPLIANCE DATE STATUS: Some repairs 11-12-2007

EXTENSIONS: none requested

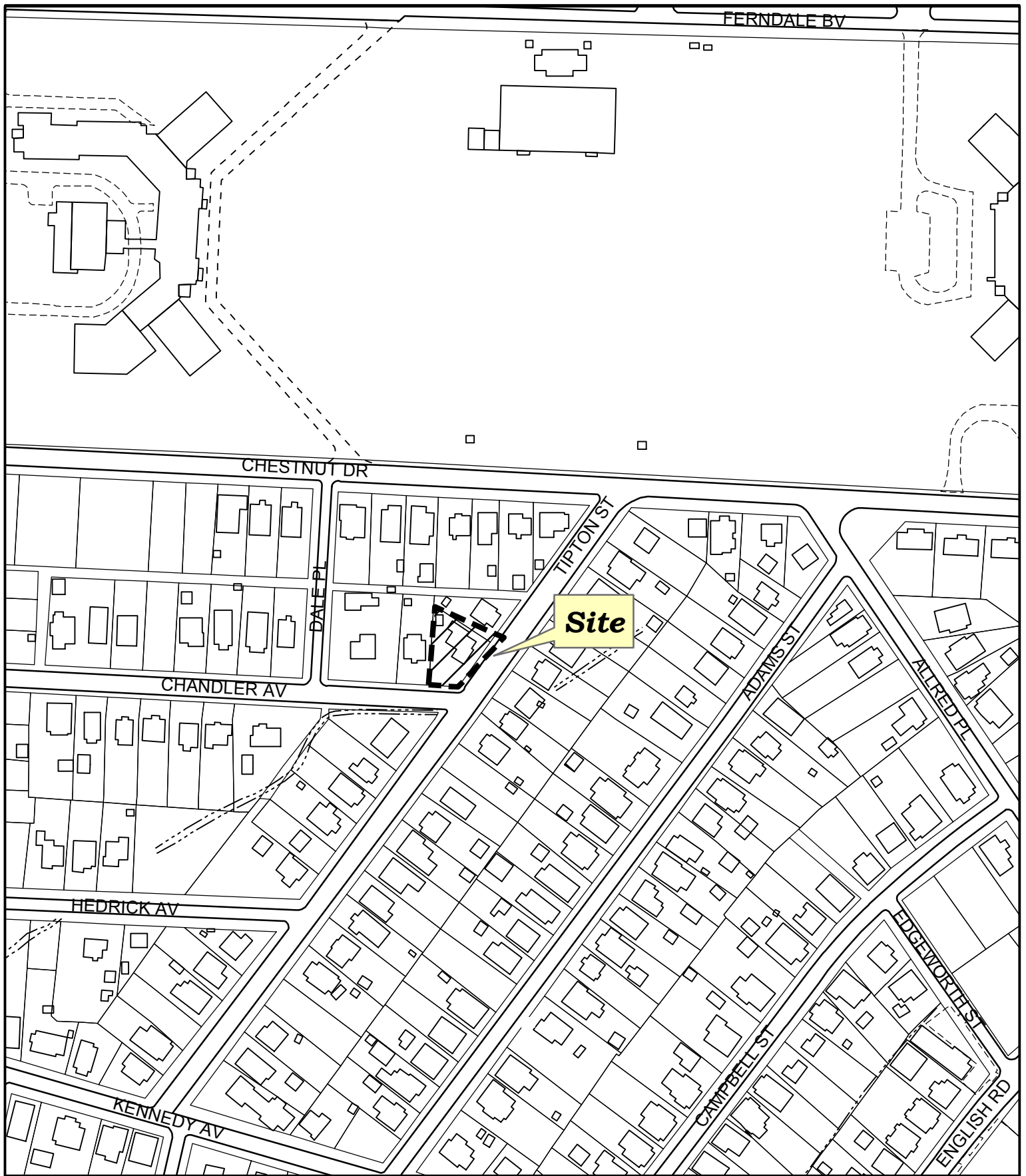
STAFF COMMENTS: Guilford County Tax \$13,400
Estimated Repairs \$27,950
order includes accessory outbuilding



1008 Tipton Street



1008 Tipton Street



1008 Tipton Street

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: December 7, 2007



Scale: 1"=200'

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ord-demo.mxd