

City of High Point

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

Meeting Agenda

Monday, August 16, 2010

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,
Mary Lou Blakeney, Foster Douglas, John Faircloth,
Michael D. Pugh, Bernita Sims*

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

Committee Members - Bencini, Douglas, Alexander

100239**Contract - Bid No. 03 - Chloramines Conversion System at the Ward Water Treatment Plant**

Approval of contract awarding Bid No.03 for the Chloramines Conversion System at the Ward Water Treatment Plant. Purchasing and Public Services recommends that contract be awarded to Turner Murphy Company in the amount of \$526,071.00 which is the lowest responsible and responsive bidder meeting specifications.

100241**Condemnation Proceedings - 2548 Ingleside Drive - Hartley Drive Extension Project**

Council is requested to authorize the City Attorney Office to proceed with the condemnation proceedings on property located at 2548 Ingleside Drive, High Point, NC belonging to Avalon subdivision Owners Association, Inc. This property is needed for the Hartley Drive Extension Project.

Pending Items**090050****Revised Economic Incentive Policy**

Council is requested to adopt a revised economic incentive policy redirecting incentive dollars to the Core City and south High Point.

3/5/2009

Committee of the Whole referred

Committee of the Whole

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair

Committee Members - Douglas, Pugh, Alexander

100245**Ordinance - Vacate/Close Structure - 1805 Waldo Street**

Adoption of an ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 1805 Waldo Street belonging to M. Abigale Pittman.

100246**Ordinance - Vacate/Close Structure- 214 Morgan Place**

Adoption of ordinance ordering the inspector to effectuate the vacating and closing of a structure located at 214 Morgan Place belonging to Frances L. Dorsett.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair

Committee Members - Blakeney, Faircloth, Whitley, Alexander

100242**Resolution - West Hartley Drive - Transfer of ROW and Maintenance Responsibility**

Council is requested to adopt a Resolution transferring the West Hartley Drive right of way and maintenance responsibility from North Main Street to Westover Drive at Shadow Valley Road (0.09 miles) from the North Carolina Department of Transportation maintenance system to the City of High Point.

PLANNING & DEVELOPMENT COMMITTEE - Council Member Bencini, Chair

Committee Members - Blakeney, Pugh, Sims, Faircloth

100243**Ordinance - City of High Point Code of Ordinances re Sidewalk Cafes**

Council is requested to adopt an new section 6-1-16 to the City of High Point Code of Ordinances to regulate sidewalk cafes.

100244**Ordinance - City of High Point Code of Ordinances re Beverages In Permitted Sidewalk Cafes**

Council is requested to adopt an ordinance amending Section 12-1-4 the City of High Point Code of Ordinances to allow consumption of alcoholic beverages in permitted sidewalk cafes.

100247**HUD Grant Resolution of Support**

Consideration of a Resolution Supporting a Sustainable Communities Regional Planning Grant Application to HUD for the Piedmont Triad Region by the Piedmont Authority for Regional Transportation.

Pending Items**100174****Appeal of Technical Review Committee (TRC) Decision**

Consideration of an appeal of the Technical Review Committee's decision to require dedication of right-of-way for a proposed subdivision located at the southeast corner of Greensboro Road and Enterprise Drive.

6/21/2010

Committee of the Whole

referred

Planning and
Development Committee

PUBLIC HEARINGS ON ITEMS - 5:30 p.m.**100248****West Wendover Land Development, LLC - Unified Development Plan Review - Zoning Case 03-23**

Unified Development Plan Review - Tract A (portion)

A request by West Wendover Land Development, LLC for Unified Development Plan approval for a portion of Tract "A" (approximately 4.4 acres). The site is lying along the north side of W. Wendover Avenue, east of the terminus of Brian Jordan Place).

100249**Ordinance - Rezoning Case 10-09 - Major Amendment to CUP 10-05 - Dunbar & Smith, Inc.****a. Conditional Use Limited Business (CU-LB) District**

A request by Dunbar & Smith, Inc. to rezone a 0.44 acre parcel from the Light Industrial (LI) District to a Conditional Use Limited Business (CU-LB) District. The site is lying along the north side of Wade Place, approximately 200 feet east of Brentwood Street (1805 Wade Place).

b. Major Amendment to Conditional Use Permit 10-05

A request by Dunbar & Smith, Inc. for approval of an amendment to add a 0.44 acre parcel to CUP10-05.

100250**Land Use Plan Amendment Case 10-03 - City of High Point**

A request by the City of High Point Planning & Development Department to amend the City of High Point's Land Use Map to change the classification for approximately 6 acres from the Low Density Residential and Institutional land use designations to the Moderate-Density Residential land use designation. The site is generally located between Washington Street and Brooks Avenue, and along the north side of Graves Avenue.

100251**Ordinance - Rezoning Case 10-10 - City of High Point - Washington Street**

A request by the City of High Point City Council to rezone approximately 20 acres from the Residential Multifamily-8 (RM-8) District, Residential Single Family-7 (RS-7) District and Light Industrial (LI) District to the Residential Single Family-5 (RS-5) District. The site is generally located north of Washington Street, east of N. College Drive, west of Murray Street and along both sides of Graves Avenue.

100252**Ordinance - Text Amendment 10-03 - City of High Point re A-Frame Signs**

A request by the City of High Point Planning & Development Department to amend the Development Ordinance to permit A-Frame signs within a portion of the Main Street (MS) District and Market Showrooms within the Central Business (CB) District.

100253**Ordinance - Text Amendment 10-05 - City of High Point**

A request by the City of High Point Planning & Development Department to amend the Development Ordinance to revise the Washington Mixed Use Center Overlay District and the Main Street District.

ADJOURNMENT



MEMORANDUM

Date: August 9, 2010

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 the low bid submitted by Turner Murphy Co. for Chloramines Conversion System

This project is to install a system to feed ammonia to form chloramines for disinfection at the Ward Water Treatment Plant. This system is required to meet future EPA Stage 2 disinfection by-product requirements. This conversion will also allow all members of the PTRWA to merge water distribution systems when required.

Public Services is recommending the bid be accepted for:

Chloramines Conversion System	\$526,071.00
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Funding for this project will come from: 421779-533701-421003023105-40201

Cc: Chris Thompson
Jeff Moore
Bob Martin
Patty Sykes
Wendell Pickett
File

BID INFORMATION AND RECOMMENDATION**BID #** 03-080410**DATE OPENED:** 8/4/2010**DESCRIPTION:** Chloramines Conversion System – Ward Water Treatment Plant**BID PACKAGES DISTRIBUTED:** 9**DEPARTMENT:** Public Services**SOURCE OF FUNDS:** 421779-533701-421003023105-40201**BUDGETED AMOUNT:** \$575,000.**RECOMMENDED AWARD**

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1 lot	Chloramines Conversion System-Ward WTP	\$526,071.00	\$526,071.00

PURPOSE: This project is to install a system to feed ammonia to form chloramines for disinfection at the Ward Water Treatment Plant. This system is required to meet future EPA Stage 2 disinfection by-product requirements. This conversion will also allow all members of the PTRWA to merge water distribution systems when required.

BID TABULATION

CONTRACTOR	BASE BID
Turner Murphy Co. PO Box 3490 Rock Hill, SC 29732	\$526,071.00
Dellinger, Inc. PO Box 929 Monroe, NC 28111-5019	\$535,088.00
Laughlin-Sutton Constr. Co. P O Box 13226 Greensboro, NC 27415	\$537,057.00
TA Loving Co. PO Drawer 919 Goldsboro, NC 27533	\$559,000.00
Seaside Environmental Const. 4904 Waters Edge Dr., Ste. 170- Raleigh, NC 27606	\$599,000.00
State Utility Contractors, Inc. P O Box 5019 Monroe, NC 28111	\$665,000.00

The **PURCHASING DIVISION AND PUBLIC SERVICES DEPARTMENT** recommend that the contract for **CHLORAMINES CONVERSION SYSTEM** be awarded to **TURNER MURPHY COMPANY** the lowest responsible and responsive bidder meeting specifications, in the amount of **\$526,071.00**

DATE OF RECOMMENDATION: August 10, 2010



Strib Boynton, CITY MANAGER

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 27, 2010, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Andrew Putnam.

City of High Point

Text Amendment Case 10-05

A request by the City of High Point Planning & Development Department to amend the Development Ordinance to revise the Washington Mixed Use Center Overlay District and the Main Street District.

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

No one spoke in favor or in opposition.

The Planning & Zoning Commission recommended ***approval*** of Text Amendment Case 10-05 by a vote of 6-1. The one dissenting vote was Ms. Davis. She felt that any change to a building's front façade should trigger compliance with the architectural standards and that the language in the Development Ordinance as it pertains to the location of dumpsters behind the building should be changed from 'encouraged to 'shall'.

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

**STAFF REPORT
TEXT AMENDMENT CASE 10-05
July 27, 2010**

Request	
Applicant: City of High Point Planning & Development Department	Affected Ordinance Sections: Section 9-4-2(d)(7), <i>MUC Mixed Use Center Overlay District</i> ;
Proposal: To amend the Development Ordinance to revise the Washington Mixed Use Center Overlay District and the Main Street District	Section 9-4-4(g)(2), <i>Washington Mixed Use Center Overlay District</i> ; Section 9-4-5(a)(2)b., <i>Existing Buildings</i> ; Section 9-4-5(a)(2)c., <i>Site compliance</i> ; Section 9-4-5(a)(3)a.7.iii., <i>Civic Space</i> ; Section 9-4-5(a)(3)c.4., <i>Bicycles</i> ; Section 9-4-5(a)(3)c.5., <i>Visual Screening of Parking</i> ; Section 9-4-5(a)(3)e., <i>Landscaping</i> ; Section 9-4-5(a)(3)f.1, <i>Fencing</i> ; Section 9-4-5(a)(3)m., <i>Group Developments</i> ; Section 9-4-5(a)(4), <i>Building Standards</i> ; Section 9-4-12(e)(3), <i>Permitted Projections</i> ; Section 9-4-12(e)(5), <i>Wall Sign Projections</i> ; Table 4-7-1, <i>Permitted Use Schedule</i> ; Section 9-5-2, <i>Development Standards For Individual Uses</i> .

Background

The Washington Mixed Use Center Overlay District and the Main Street District were interim zoning districts adopted in March 2008 after a temporary moratorium was enacted. The regulations are intended to create compact, pedestrian-oriented, mixed-use areas in accordance with the Core City Plan. The Washington Street Mixed Use Center Overlay, which is being re-named to reflect the change in the street name back to its historic designation as a street rather than a drive, supplements the existing Central Business (CB) zoning district regulations and can make the standards for development either more or less restrictive than the underlying or base zoning district. It only applies to the commercial area along Washington Street.

The Main Street District is a base zoning district that replaced the previous commercial zoning along the Main Street corridor within the Core City area and outside of the Central Business District. The Main Street District is divided into four subareas (A, B, C & D), all of which share the same fundamental concepts and have very similar requirements. However, each subarea has specific regulations regarding street setbacks, sign standards, landscape standards, and permitted uses. Subareas A & B are located north of downtown between Eastchester/Westchester Dr. and

Ray Ave., and subareas C & D are located south of downtown between Grimes Ave. and Business 85.

This text amendment is the result of a review of the district regulations to ensure intended results are occurring. The Washington Drive District Plan adopted in December 2008 included recommendations on how the Washington Street Mixed Use Center Overlay District should be improved, which formed the basis for many of these revisions. The Washington Street Mixed Use Center Overlay and the Main Street District have similar standards, because they were developed concurrently, therefore, many of the recommended changes are applicable to both. The review was also based on staff's experience in applying the regulations over the past two years.

Details of Proposal

A summary of the proposed changes is attached, including a brief description of each change, its origin, whether it applies to one or both districts, and a page reference for where it can be found in the Text Amendment. Most of the changes are relatively minor and deal with consistency of terms or revised graphics, and are intended to clarify the regulations and not to make major substantive revisions.

Some of the more extensive revisions involve the following changes to the Washington Street Mixed Use Center Overlay: increasing the minimum setback from the back of curb; limiting the width of side parking; reducing the maximum size of freestanding signs; and adding/changing development standards for communications towers, mixed developments, and parking as a principal use. While these revisions are relevant within the context of the Washington Street area, they do not necessarily work within the more eclectic context of the Main Street corridor.

Nonetheless, some revisions are applicable to both districts, including: clarifying regulations for the enlargement of existing buildings; adding a minimum and maximum height for screening of parking; allowing certain types of fences and walls only to the rear of buildings and not within a certain distance of a street; requiring that front entrances be "architecturally distinguishable;" reducing bay widths and façade articulation widths; and requiring 3-foot foundation heights for residential uses. The full text amendment is attached with deletions shown using strikethroughs, and additions shown in bold and underlined.

Analysis

The proposed changes incorporate many of the recommendations of the Washington Drive District Plan, some of which are applicable to the Main Street District. The changes are also based on a review of the effectiveness of the existing regulations by planning staff. Both the Washington Mixed Use Center Overlay District and the Main Street District were established to encourage mixed-use, compact, pedestrian-oriented development. The proposed revisions promote this goal further by enhancing the relationship between the street and the built environment to make it more accessible and visually appealing. A draft of the text amendment was provided to the members of the former Core City Development Ordinance Revision Committee, which previously met as a group in late 2007 to make recommendations regarding

the current regulations. They were asked to review the draft changes and provide any comments or feedback.

Recommendation

Staff recommends approval:

As redevelopment occurs, these districts, including the proposed revisions, can help improve the walkability, commercial viability and overall vibrancy of Washington Street and Main Street, which are important areas for the revitalization of the Core City. These revisions align the districts with adopted plans and improve upon the standards for development while clarifying several regulations so that they can be more consistently applied.

Required Action

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 conclusions outlined in staff's analysis as written in this report, by adopting staff's conclusions with additions or changes as agreed upon by the Commission, or, if the Commission is in disagreement with staff's conclusions, by adoption of its own statement.

City Council:

Upon rendering its decision in this case, the High Point 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 conclusions outlined in staff's analysis as written in this report, by adopting staff's conclusions with additions or changes as agreed upon by the Council, or, if the Council is in disagreement with staff's conclusions, by adoption of its own statement.

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 the approval of the request is reasonable and in the public interest because: 1) it helps further the goals and objectives of the Community Growth Vision Statement, the Land Use Plan, and the Core City Plan by encouraging the creation of mixed-use areas; 2) it incorporates recommendations of the Washington Drive District Plan; and 3) it addresses the effectiveness of the existing regulations. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Andy Piper, AICP, Senior Planner and reviewed by Heidi Galanti, AICP, Planning Services Administrator, Robert Robbins, AICP, Development Services Administrator, and Lee Burnette, AICP, Director.

Washington St. Mixed Use Overlay & Main St. District Proposed Text Amendment:

	<u>Proposed Change:</u>	<u>Description:</u>	<u>Origin:</u>	<u>District:</u>	<u>Pg. #</u>
1.	Change abbreviation from WMUC to WMX	Shortens it, and can be used for future mixed use districts	Identified by Planning Staff	WMX	1, 20-21, 23
2.	Change to Washington "Street" throughout text	Name has been officially changed	Identified by Planning Staff	WMX	1-4, 6, 8-9, 21
3.	Add "primary" in front of "fronting street"	For consistency throughout text in both districts	Identified by Planning Staff	Both	8-9, 12, 15-17, 20
4.	If expand existing building by more than 25% then must meet building standards and also maintain existing form and appearance. If there is a conflict, maintain existing form and appearance.	Clarifies how to enlarge and expand existing buildings to avoid incompatible façades. Provides list of features to consider when maintaining exterior appearance, which is consistent with historic district standards.	Identified by Planning Staff	WMX	2-3
5.	Change order of list under site compliance	Minor change to match how they appear in body of text	Identified by Planning Staff	Both	3, 14
6.	Reword "not located on Washington Street..."	Minor change to ensure consistency throughout text	Identified by Planning Staff	WMX	3-4, 9, 12
7.	Revise figure 4-4-1 and no building closer than 12 ft. from back of curb in WMX	Figure better reflects build-to-zone, including corner lots, and allows for streetscaping	Identified by Planning Staff	WMX	3-4
8.	Clarify that no parking in front of buildings and limit width of side parking to 42'	Limits visual impact of parking and revises graphic to better demonstrate regulations	Washington Dr. District Plan	WMX	4-5
9.	Require 3 to 4 ft. height for screening of parking	Adds a 3 ft. minimum and raises maximum to 4 ft. to ensure effective screen	Washington Dr. District Plan	Both	5, 15
10.	Reword encouragement of bicycle racks and move to end of subsection in WMX	Clarifies language and separates it from parking	Identified by Planning Staff	Both	4-5, 14
11.	Eliminate encouragement of foundation plantings, except along sides in MS	Such plantings are not often desirable between sidewalk and storefronts	Washington Dr. District Plan	Both	6, 15
12.	Limit solid part of fences, walls & hedges to 3 - 4 ft. height w/in certain # of ft. of streets & in civic space	Prevents properties from being "walled off" from the street, and matches height limit of screening of parking	Washington Dr. District Plan	Both	6, 14
13.	Allow chain link, etc. only to rear of building and not within certain distance of street. If no building, only along rear property line.	Adds more fence types & walls to those previously required to rear, and moves them away from streets. Clarifies what to do if no principal building.	Identified by Planning Staff	Both	7, 15-16

Washington St. Mixed Use Overlay & Main St. District Proposed Text Amendment:

	<u>Proposed Change:</u>	<u>Description:</u>	<u>Origin:</u>	<u>District:</u>	<u>Pg. #</u>
14.	Reduce max. size of free-standing signs to 40 sq. ft.	Previously allowed 75 sq. ft. max. would dominate street	Washington Dr. District Plan	WMX	7
15.	Simplify how to treat group developments, esp. when facing a side street	Apply same standards to every building in group development regardless of location	Identified by Planning Staff	Both	7-8, 16
16.	Change “should” in front entrance section to “shall”	Making them “architecturally distinguishable” easy to meet	Identified by Planning Staff	Both	8, 16
17.	Reword percent of façade section and add graphic	Minor change to clarify language and show example	Identified by Planning Staff	Both	8-9, 17
18.	Reduce width of façade articulation to the mid-point of new bay width	Keep articulation width an even multiple of bay width to maintain rhythm (see #19)	Identified by Planning Staff	Both	10, 18
19.	Reword vertical orientation section & make bays 30 ft.	Reduces bay width & clarifies language with examples	Washington Dr. District Plan	Both	10, 18
20.	Add minimum ground floor height for commercial use	Encouraging 14 ft. ground floors, but not requiring	Washington Dr. District Plan	WMX	10
21.	Under front façades, provide more examples	Clarifying what is “heavier” vs. “lighter” and adding a graphic	Identified by Planning Staff	Both	10-11, 18-19
22.	Width of clapboard siding not to exceed 6 inches	Consistent with existing character of the district	Washington Dr. District Plan	WMX	11
23.	Location of roof-mounted equipment on pitched roof	Opposite primary fronting street and behind peak of roof	Washington Dr. District Plan	Both	12, 20
24.	Require 3 ft. foundation height for residential uses, except temporary shelters	Ensures privacy, and exempts mixed developments with residential on ground floor	Washington Dr. District Plan	Both	12, 22
25.	Add/change development standards for: - Communications towers - Mixed Developments - Parking as principal use	- Communications towers required to be stealth - Mixed developments exempt from development standards - Parking as a principal use requires a SUP	Identified by Planning Staff	WMX	13, 21-23
26.	Expansions of 25% or less either meet standards or maintain appearance	Clarifies how to enlarge and expand existing buildings to avoid incompatible façades	Identified by Planning Staff	MS	13
27.	Allow canopies, awnings, marquees, and wall signs to project into ROW	Allowed in GB, the previous zoning for majority of MS. Already allowed in WMX (CB)	Identified by Planning Staff	MS	20
28.	Add notation [WMX] on the permitted use table where appropriate	Also need to add “Additional Standards or...” to beginning of footnote	Identified by Planning Staff	WMX	20-21

**TEXT AMENDMENT 10-05
PROPOSED AMENDMENTS TO THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE**

(Text Amendment to revise the Washington Street Mixed Use Center Overlay and Main Street Districts)

SECTION 1.

Section 9-4-2(d)(7), entitled *MUC Mixed Use Center Overlay District* shall be amended as follows (and the Table of Contents also amended to reflect the change in the heading):

(7) ~~MUC~~ **MX** MIXED USE CENTER OVERLAY DISTRICT

The ~~MUC~~ **MX**, Mixed Use Center Overlay District, establishes regulations to help create pedestrian-oriented mixed-use centers in urban areas of the core city. These regulations are specified in Section 9-4-4 (Overlay District Requirements).

SECTION 2.

Section 9-4-4(g)(2), entitled *Washington Mixed Use Center Overly District*, shall be amended as follows:

(2) Washington **Street** Mixed Use Center Overlay District

a. Applicability:

1. The Washington **Street** Mixed Use Center (~~WMUC~~ **WMX**) Overlay District establishes regulations that will create a pedestrian-oriented mixed-use center in accordance with the Core City Plan. It is solely intended for application to the Central Business (CB) District within the historic downtown section of the Washington ~~Drive~~ **Street** commercial area.
2. The requirements and standards of the Washington **Street** Mixed Use Center Overlay District supplements and replaces the underlying Central Business (CB) District requirements and standards, except as provided below.
 - i. Chapter 4 (Zoning) Article B (Dimensional Requirements) shall apply to the Washington **Street** Mixed Use Center Overlay District with the exception of Section 9-4-11(b)(4)b.1. (Yard Space Triangles) and Section 9-4-12(b) (Prevailing Street Setback). Section 9-4-13 (Accessory Use, Building and Structure Requirements) shall apply except as provided in Section 9-4-4 (g)(2)b.11. (Accessory

Buildings). Section 9-4-14 (Fences) shall apply except as provide in Section 9-4-4 (g)(2)b.5. (Fencing).

- ii. Chapter 5 (Zoning: Other Standards) shall apply to the Washington **Street** Mixed Use Center Overlay District except as follows. Article B (Off-Street Parking, Stacking, and Loading Areas) shall apply except as provided in Section 9-4-4 (g)(2)b.2. (Parking); Section 9-4-4 (g)(2)b.3. (Cross Access); and Section 9-4-4 (g)(2)b.8. (Loading Areas).
3. Any pre-existing building that does not comply with the requirements of Section 9-4-5 (a)(3)a. (Build-to zone) may be enlarged without complying with the build-to zone requirement.
4. Any **enlargement or expansion of an** pre-existing building ~~that does not conform to the building standards of this district may be enlarged or expanded and maintain the same façade appearance of the existing building provided that such an enlargement or expansion~~ does not exceed 25 percent of the gross floor area of the existing building as it existed on March 31, 2008 **shall maintain the same exterior form and appearance of the existing building.**

For any enlargement or expansion of a **an existing** building that increases the gross floor area **as it existed on March 31, 2008** ~~of an existing building~~ by more than 25 percent, ~~only the enlargement or expansion is required to~~ **shall** comply with the building standards of this district **and shall also maintain the same exterior form and appearance of the existing building. In instances where the exterior form and appearance of the existing building conflicts with the building standards of this district, maintaining the existing form and appearance shall take precedence.**

In maintaining the exterior form and appearance, the following features shall be considered:

- i. **General form and proportions of buildings and structures;**
- ii. **Exterior construction materials, including textures, patterns, and colors;**
- iii. **Roof shapes, forms, and materials;**
- iv. **Proportions, shapes, positioning and locations, patterns, and sizes of any elements of fenestration; and**

v. Architectural detailing, such as lintels, cornices, brick bond, type of foundation, and decorative features.

5. Site Compliance: If additions or expansions of buildings exceed 1,000 square feet of gross floor area (GFA), or the total of additions or expansions of buildings, parking areas, or open uses of land occur that individually or collectively exceed 3,000 square feet, then the site shall be brought into compliance with the following requirements of this Ordinance:

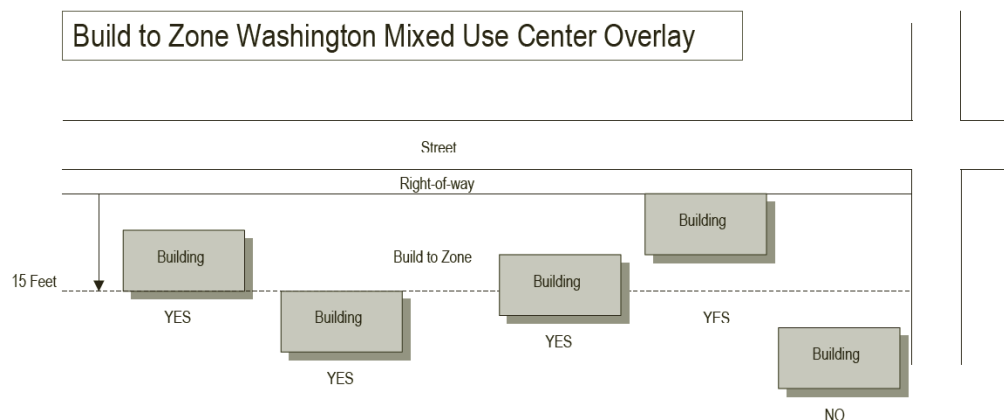
- i. Visual screening of parking
- ii. ~~Screening of ground level equipment and dumpsters~~ **Cross access**
- iii. ~~Signage~~ **Signs**
- iv. ~~Cross-access~~ **Screening of ground level equipment and dumpsters**

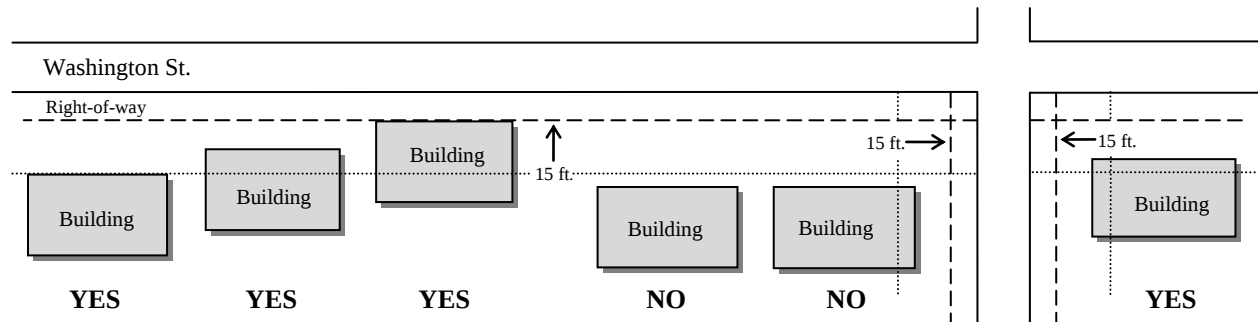
b. Site Standards:

1. Build-to zone: The front façade of a principal building shall be built within a build-to zone, which is an area located within fifteen (15) feet of the front property line or right-of-way line of Washington ~~Drive~~ **Street** (or the primary fronting street for those properties **not** located ~~off of~~ **on** Washington ~~Drive~~ **Street**) (see Figure 4-4-1).

Figure 4-4-1

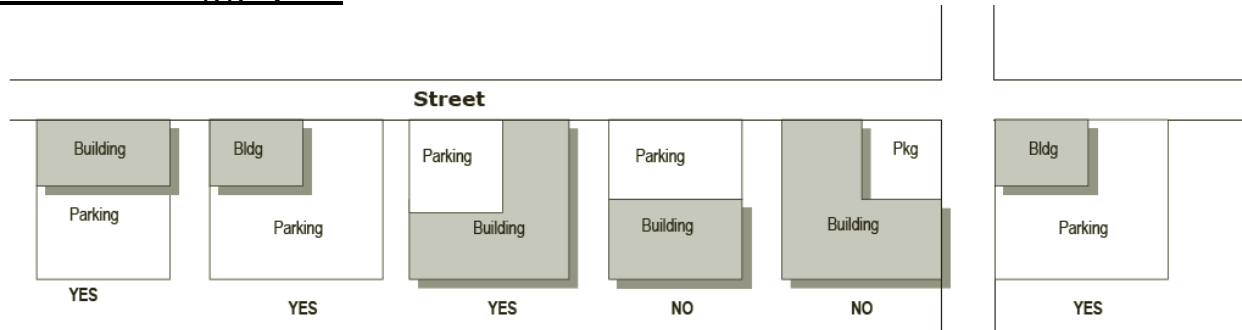
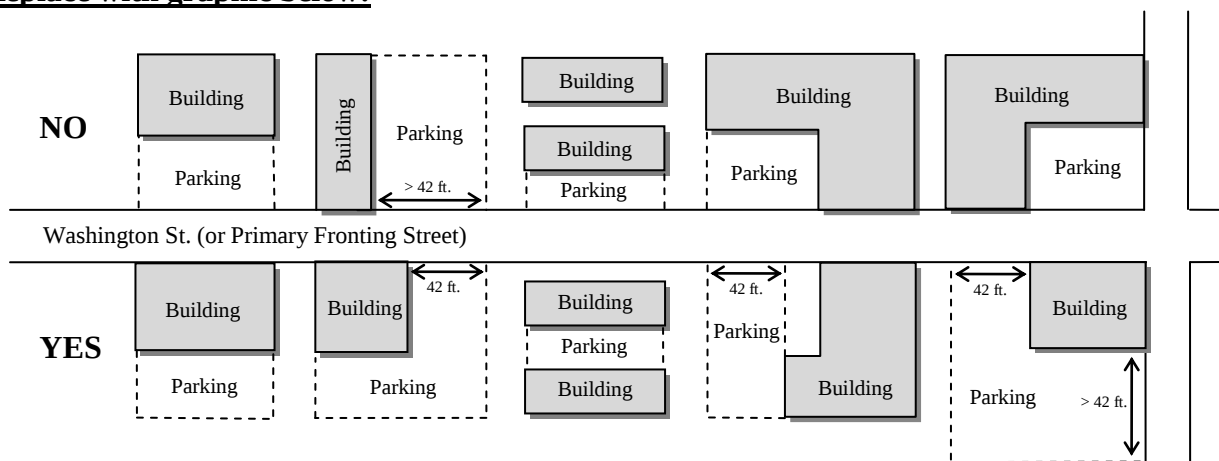
Remove existing graphic:



Replace with graphic below:

- i. On corner lots there is no build-to requirement along the side street except where Washington ~~Drive~~ **Street** is the side street, in which case the build-to zone shall apply to both the front and side.
 - ii. No building shall be located within ~~ten (10)~~ **twelve (12)** feet of the existing back of curb along any street right-of-way.
 - iii. Front building façades located within the build-to zone shall be generally parallel to the street right-of-way.
 - iv. For sites with more than one principal building located in a group development, see the standards of Section 9-4-4 (g)(2)b.10. (Group Developments).
2. Parking:
- i. Location: ~~All off street parking that is provided shall be located to the side or rear of buildings. No off-street parking may~~ **shall** be located between ~~that~~ **any** portion of the front building line that is closest to **a front facing façade of a building and** Washington ~~Drive~~ **Street** (or the primary fronting street for those properties ~~not~~ **on** Washington ~~Drive~~ **Street**) and the street itself. **Parking may be located behind the building, behind the building(s) closest to the street in group developments, or to the side of the building if limited to a maximum of 42 feet in width.** On corner lots parking shall not be located such that it fronts contiguously on two streets. ~~It is encouraged that bicycle parking or racks be provided, and that when provided, such parking areas should be in close proximity to the front door (see figure 4-4-2).~~

Figure 4-4-2

Remove existing graphic:**Replace with graphic below:**

- ii. Visual Screening: Unless already screened by a building, all off-street parking shall be screened from the street and sidewalk by a low walls, hedgerows, or combination thereof with openings to allow for pedestrian access. The height of any opaque wall used to meet this requirement shall not exceed 3 feet. Generally, vegetative screens should not exceed 4 feet in height **be a minimum of three (3) feet in height and a maximum of four (4) feet in height. Any hedge used to meet this requirement shall be a minimum height of eighteen inches (18") at planting and shall be maintained at a height between three (3) and four (4) feet at maturity.**
- iii. Bicycle parking or racks are encouraged, and when provided, should be in close proximity to the front door.

3. Cross access:
 - i. Cross access shall be provided for all new development located in the Washington **Street** Mixed Use Center Overlay District. Cross access is a service drive providing vehicular access between two or more contiguous sites so that motorists or pedestrians do not need to reenter a public street to gain access to an adjacent site. Where cross access is required a cross access drive aisle and a cross access easement shall be provided from the parking area to the property line of an adjacent non-residential or vacant property (if such property is also located in the Washington **Street** Mixed Use Center Overlay District).
 - ii. Cross access is not required if the Enforcement Officer determines that the properties adjacent to the subject property have one or more of the following conditions or barriers:
 - Properties do not have common frontage along the same street
 - Significant differences in topography
 - Significant natural features
 - Vehicular or other safety factors
 - Location of adjacent buildings
 - Incompatible land uses
 - Existing building or infrastructure obstructions
- ~~4. Landscaping: Foundation plantings are encouraged where feasible. The foundation planting strip should be a minimum of four (4) feet in depth and include shrubs or low ground cover plants. Large planter pots may also be used.~~
- ~~5.4. Fencing: Chain link and barbed wire fencing shall only be permitted behind the rear building line of the principal building.~~
 - i. **Any walls or opaque portion of fencing (except periodic support columns) located within fifteen (15) feet of a public street right-of-way shall be a minimum of three (3) feet in height and a maximum of four (4) feet in height. Any hedges within fifteen (15) feet of a public street right-of-way shall be a minimum height of eighteen inches (18") at planting and shall be maintained at a height between three (3) and four (4) feet at maturity.**

- ii. Chain-link, chain-link panel or slat weave, barbed wire fencing, and plain concrete block walls shall only be permitted behind the rear building line of the principal building and shall not be located within fifteen (15) feet of any public street right-of-way.
- iii. For any property that has a use without a principal building; chain link, chain-link panel or slat weave, barbed wire fencing and plain concrete block walls shall only be permitted along the rear property line.

6.5. Signs:

- i. Electronic changeable copy signs shall not be permitted.
- ii. If a freestanding sign is provided, it shall be limited to a monument type sign with a maximum height of 6 feet and maximum area of ~~1 square foot of signage for every linear foot of lot frontage up to a maximum of 75 square feet. No sign is required to be less than 50 square feet in area, regardless of lot width~~ **40 square feet.**

7.6. Drive-thrus: Drive-thru facilities and other facilities that allow people to remain in vehicles while receiving products or services are prohibited.

8.7. Loading Areas: Off-street loading areas may be provided, but shall be located behind the building.

9.8. Ground Level Equipment and Dumpsters:

- i. Mechanical, HVAC and other similar types of equipment that are placed at ground level shall be screened from public view and are encouraged to be located behind the rear building line of the principal building.
- ii. All dumpsters shall be fully screened and enclosed, and are encouraged to be located behind the rear building line of the principal building.

10.9. Group Developments: Additional principal buildings may be built on a site without meeting the build-to zone requirement if there is at least one principal building located on the site with a front façade that meets the build-to zone requirement, and if the linear distance of the façade within the build-to zone is equal to at least 50% of the lot width. ~~Furthermore, unless~~

~~fronting on a major thoroughfare, such an additional principal building may be built without meeting the front entrance requirement (Section 9-4-4(g)(2)c.1.) and the windows requirement (Section 9-4-4(g)(2)c.2.) of this district.~~

- ~~11.~~**10.** Accessory Buildings: All accessory buildings shall be located behind the rear building line of the principal building and are encouraged to be of similar design and materials as the principal building if visible from the public street.

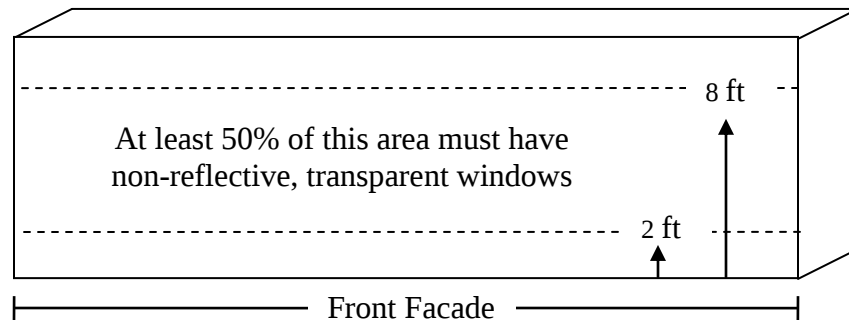
c. Building Standards:

1. Front Entrance:

- i. The primary entrance to a building shall be located on the front façade and be oriented to the street. The front façade is defined as the side that faces Washington ~~Drive~~ **Street**, or the ~~principal~~ **primary** fronting street for those properties not located on Washington ~~Drive~~ **Street**. For corner lots, the entrance may be located on the corner of the two front façades.
- ii. The entrance ~~should~~ **shall** be architecturally distinguishable from the rest of the façade. This may include, but is not limited to the use of transom windows or sidelights, **pediments**, or the recessing of the entrance from the façade. Additional entrances may be located on the side or rear of the building.
- iii. For sites with more than one principal building located in a group development, see the standards of Section 9-4-4(g)(2)(b)10. (Group Developments).

2. Windows:

- i. **Percent of Façade:** Any building wall facing Washington ~~Drive~~ **Street** (or the ~~principal~~ **primary** fronting street for those properties not located on Washington ~~Drive~~ **Street**) shall have non-reflective, transparent windows on at least 50 percent of the ~~ground floor façade measured along the length of the façade and within an area between 2 and 8 feet above average grade~~ **measured along the length of the ground floor façade**. Any other window, or portion of any window, on the ground floor façade that is outside this area shall not be counted toward the 50 percent requirement.

Figure 4-4-3 (add new graphic below)

- ii. Upper stories of a building wall facing Washington Dr. **Street** (or the principal **primary** fronting street **for those properties not located on Washington Street**) shall have non-reflective, transparent windows covering at least 20 percent of the area of each upper story façade. On corner lots, building walls that face a side street other than Washington Dr. **Street** shall have non-reflective, transparent windows on at least 20 percent of the area of the entire façade. Educational and Institutional Uses as listed in Table 4-7-1 (Permitted Use Schedule) shall have windows covering at least 20 percent of the entire front façade. The area of parapet walls shall not be included in the surface area calculations.
- iii. Residential buildings and expansions to locally or nationally designated historic buildings are exempt from Section 9-4-4 (g)(2)(c)2 (Windows). For sites with more than one principal building located in a group development, see the standards of Section 9-4-4 (g)(2)(b)10. (Group Developments).
- iv. **Transparency and Design:** For those windows used to meet the percent of façade requirements, mirrored or reflective glass, and tinted glass with a visual transmittance factor of less than 35 is not permitted. Churches are exempt from this transparency requirement. The use of recessed windows and visually prominent sills, lintels or other such forms of framing and trim are encouraged and may be counted toward the façade articulation requirements of this overlay district. Windows that are flush to the façade may be used but shall not be counted towards the façade articulation requirements unless accompanied by further architectural embellishments that enhance the façade appearance.

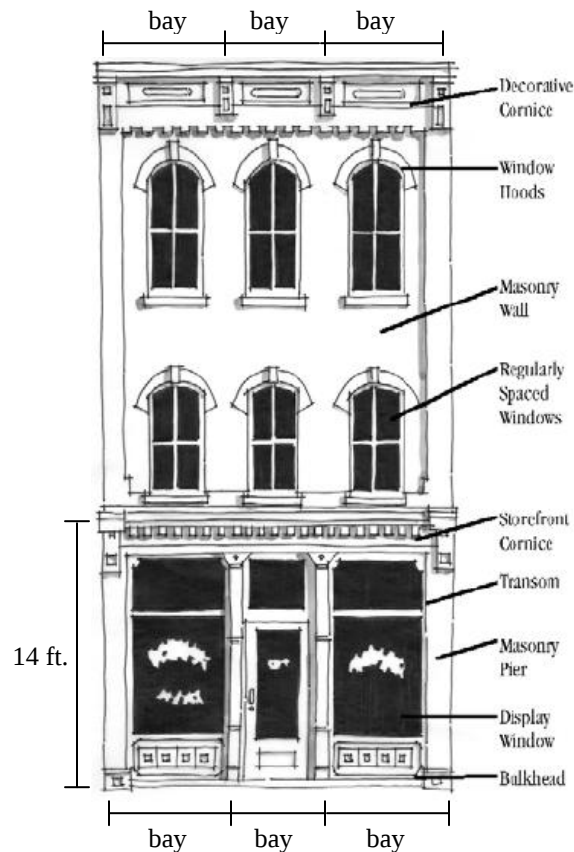
3. Walls:

- i. Façade articulation: Architectural relief shall be provided along all front or side building walls at least every ~~twenty (20)~~ **fifteen (15)** feet of horizontal distance, and may include, but is not limited to the use of pilasters, columns, recessed windows, pedestrian entrances, arcades, awnings, shutters, arches, canopies, false windows, medallions, or other features. Building walls located directly on an interior property line shall not be required to provide such articulation or architectural relief.
- ii. Vertical orientation: Façades facing a public street should achieve vertical orientation by using **regularly spaced** ~~features such as~~ vertically oriented windows and doors, ~~or features~~ **in conjunction with features** such as **(but not limited to) roof line/parapet variations, window hoods, material changes,** columns, ~~or pilasters,~~ **posts, awnings, canopies, stoops, or façade offsets of at least four (4) inches,** to create vertically oriented bays, **or divisions of space,** that are ~~approximately 40~~ **thirty (30)** feet ~~on-center~~ **wide** or less. The façade rhythm within a building façade should be maintained **by making each vertically oriented bay the same width.**

4. Height: The maximum building height shall be 50 feet.

5. Front Façades: Buildings are encouraged to have front façades that have a clear and distinct base (ground floor), middle, and top (often defined by the **a decorative** cornice). Features such as an increased ground floor height **of at least fourteen (14) feet for commercial uses (including** ~~ground floor with a transom window~~ ~~clerestory~~), the use of a **frieze,** ~~belt or string course~~ **or storefront cornice,** a **bulkhead or** kick plate, ~~frieze, or~~ **and** differentiated building materials or coloration are similarly encouraged. **Where a façade consists of multiple building materials,** ~~“Heavier” materials, such as stone and brick,~~ should be located below “lighter” materials, **such as wood and stucco.**

Figure 4-4-4 (add new graphic below)



Adapted from "Design-Based Codes" by
Craig S. Lewis, AICP, CNU
The Lawrence Group, March 2003.

6. Façade Materials: Materials such as brick, stone, or other similar masonry materials are encouraged as primary building materials. However, the use of plain concrete block is prohibited **on any façade. Clapboard style siding should have a maximum exposure width of six (6) inches to be consistent with the existing character of the district.**
7. Colors and Reflective Surfaces:
 - i. The use of high intensity colors, metallic colors, or fluorescent colors on any façade is prohibited. However, building trim and accent areas may feature such colors.
 - ii. The use of highly reflective surfaces, including reflective glass and reflective metal roofs is prohibited. This prohibition does not apply to solar panels and copper or painted metal roofs.

8. Roof Treatment: A parapet wall shall be used to screen flat roofs or a roof with a pitch of less than 3/12. Parapets, when provided, shall be placed on the front and side of the building.
9. Roof Mounted Equipment: Roof mounted mechanical equipment **and roof penetrations (except for chimneys)** shall be screened from view from **Washington Street (or the primary fronting street for those properties not located on Washington Street)** by a parapet wall. **On a flat roof, they shall be screened by a parapet wall. On a pitched roof, they shall be located on the side opposite Washington Street (or the primary fronting street for those properties not located on Washington Street) and behind the peak or ridge of the roof, so as to have the least visual impact.**
- 10. Foundation Heights: The first floor above grade for all permitted residential uses, except temporary shelters, shall have a finished floor elevation of at least three (3) feet above the adjacent public sidewalk or street, unless part of a mixed development with non-residential uses on the ground floor (see section 9-5-2).**

d. Uses:

1. The following uses, which would otherwise be allowed in CB, shall be prohibited:
 - i. Cemeteries/Mausoleums
 - ii. Nursing and Convalescent Homes
 - iii. Psychiatric Hospitals
 - iv. Specialty Hospitals
 - v. Automobile Repair Services, Minor
 - vi. Car Washes
 - vii. Laundry or Dry Cleaning Plants
 - viii. Convenience Stores (with gasoline pumps)
 - ix. Restaurants (with drive-thru)
 - x. Service Stations (Gasoline)
 - xi. Tire Sales
 - xii. Market Showrooms (Furniture, Apparel, etc.)
 - xiii. Heliports
 - xiv. Railroad Terminals or Yards
 - xv. Warehouses (general storage/enclosed) and Distribution Centers
2. Bars require the issuance of a Special Use Permit and shall meet the applicable development standards of Section 9-5-2.

3. Townhouse Dwellings **and Multifamily Dwellings (including Condominiums)** shall meet the development standards ~~for townhouse dwellings~~ contained in Section 9-5-2.
4. **Communications towers shall meet the development standard for Communication Towers contained in Section 9-5-2 requiring they be stealth.**
5. **Mixed developments are not required to meet the development standards for Mixed Developments contained in Section 9-5-2.**
6. **Automotive parking as a principal use requires issuance of a Special Use Permit and shall meet the applicable development standards for Parking, Automotive (as a principal use on the zone lot) contained in Section 9-5-2.**

SECTION 3.

Part 1.

Section 9-4-5(a)(2)b. (part of the Main Street District section), entitled *Existing Buildings*, shall be amended as follows:

2. Any **enlargement or expansion of an** pre-existing building that ~~does not conform to the building standards of this district may be enlarged or expanded and maintain the same façade appearance of the existing building provided that such an enlargement or expansion~~ does not exceed 25 percent of the gross floor area ~~of the existing building~~ as it existed on March 31, 2008 **shall either maintain the same façade appearance of the front and side building walls of the existing building or shall comply with the building standards of this district.** For any enlargement or expansion of a building that increases the gross floor area of an existing building by more than 25 percent, only the enlargement or expansion is required to comply with the building standards of this district.

Part 2.

Section 9-4-5(a)(2)c., entitled *Site compliance*, shall be amended as follows:

- c. Site compliance: If additions or expansions of buildings exceed 1,000 square feet of gross floor area (GFA), or the total of additions or expansions of buildings, parking areas, or open uses of land occur that individually or collectively exceed 3,000 square feet, then the site shall be brought into compliance with the following requirements of this Ordinance:
 1. Sidewalks shall be installed along public streets that abut a property

2. Visual screening of parking
3. ~~Landscaping~~ Cross access
4. ~~Screening of ground level equipment and dumpsters~~ Landscaping
5. ~~Signage~~ Screening of ground level equipment and dumpsters
6. ~~Cross-access~~ Signs

Part 3.

Section 9-4-5(a)(3)a.7.iii., entitled *Civic Space*, shall be amended as follows:

- iii. Civic Space:
Those buildings located outside the build-to zone shall provide a civic space in the area between the front of the principal building and Main Street (or other primary fronting street). This area shall not be used for parking or loading, and shall have landscaping that covers a minimum of 10% of the area of the civic space. A decorative fence or wall, a hedgerow, or a combination thereof shall be provided along Main Street (or other primary fronting street) within the build-to zone so as to provide a boundary between the public street space and the civic space that may be seen over or through by pedestrians on the adjacent sidewalk. Any opaque portion of fencing or walls, ~~solid wall or hedgerow~~ used to establish this boundary shall be ~~less than three (3) feet in height~~ a minimum of three (3) feet in height and a maximum of four (4) feet in height. A transparent fence, such as (but not limited to) a split rail fence or wrought iron fence (or the transparent portion of a fence with an opaque base) may have a height of up to eight (8) feet. Any hedge used to establish this boundary shall be a minimum height of eighteen inches (18") at planting and shall be maintained at a height between three (3) and four (4) feet at maturity.

Part 4.

Section 9-4-5(a)(3)c.4., entitled *Bicycles*, shall be amended as follows:

4. ~~Bicycles: It is encouraged that bicycle parking or racks be provided, and that when provided such parking areas should be in close proximity to the front door. Bicycle racks may be located in front of the front building line.~~ Bicycle parking or racks are encouraged, and when provided, should be in close proximity to the front door.

Part 5.

Section 9-4-5(a)(3)c.5., entitled *Visual Screening of Parking*, shall be amended as follows:

5. Visual Screening of Parking: Any off-street parking area that is located within 25-feet of a street right-of-way shall be screened from the street and sidewalk by a low walls, hedgerows, or combination thereof with openings to allow for pedestrian access. The height of any opaque wall used to meet this requirement

~~shall not exceed 3 feet. Generally, vegetative screens should not exceed 4 feet in height~~ **be a minimum of three (3) feet in height and a maximum of four (4) feet in height. Any hedge used to meet this requirement shall be a minimum height of eighteen inches (18") at planting and shall be maintained at a height between three (3) and four (4) feet at maturity.**

Part 6.

Section 9-4-5(a)(3)e., entitled *Landscaping*, shall be amended as follows:

e. Landscaping:

1. Street yards: Street yards shall not be required along the Main Street frontage of a property (or along the primary fronting street for properties located off of Main Street) for properties located in sub-area B and C. For those properties located in sub-areas A and D a Type D Yard as specified in Table 5-11-2 (Planting Yard Rate Chart) shall be required along the Main Street frontage (or along the ~~principal~~ **primary** fronting street for those properties located off of Main Street). A Type D Yard shall be provided along all other street frontages.
2. Interior yards: Interior planting yards shall be a Type D Yard. No landscaping shall be required adjacent to a public alley.
3. Foundations Plantings: ~~Foundation plantings shall be provided along all side facades where such a façade is located greater than ten (10) feet from an interior property line. The foundation planting strip shall be a minimum of four (4) feet in depth and shall be planted with shrubs or low ground cover plants. Foundation plantings are encouraged where feasible along front or corner side façades of a building.~~ **Foundation planting strips are encouraged in order to create some spacing between parking areas and side building walls, to enhance aesthetics, and to reduce the total impervious area of a site. They should be provided along the sides of buildings that are located more than 10 feet from an interior property line. When provided, the planting strip should be at least 4 feet in depth and planted with understory trees, shrubs, flowers or ground cover, and should use natural mulch and not left barren or covered with decorative stone.**

Part 7.

Section 9-4-5(a)(3)f.1, entitled *Fencing*, shall be amended as follows:

(f) Fencing:

1. Chain link, chain-link panel, slat weave, and barbed wire fencing, and plain concrete block walls shall only be permitted behind the rear building line of the principal building and shall not be located within 40 feet of the public right-of-way of a street. For any property that has a use without a principal building; chain link, chain-link panel, slat weave and barbed wire fencing, as well as plain concrete block walls shall only be permitted along the rear property line.

Part 8.

Section 9-4-5(a)(3)m., entitled *Group Developments*, shall be amended as follows:

- m. Group Developments: Additional principal buildings may be built on a site without meeting the build-to zone requirement if there is at least one principal building located on the site with a front façade that meets the build-to zone requirement, and if the linear distance of the façade within the build-to zone is equal to at least 50% of the lot width. ~~Furthermore, unless fronting on a major thoroughfare, such an additional principal building may be built without meeting the front entrance requirement (Section 9-4-5(a)(4)a.) and the windows requirement (Section 9-4-5(a)(4)b.) of this district.~~

Part 9.

Section 9-4-5(a)(4), entitled *Building Standards*, shall be amended as follows:

(1) Building Standards:

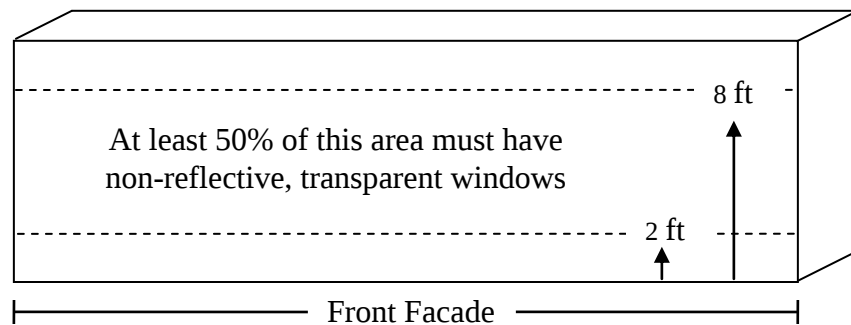
a. Front Entrance:

1. The primary entrance to a building shall be located on the front façade and be oriented to the street. The front façade is defined as the side that faces Main Street, or the ~~principal~~ **primary** fronting street for those properties not located on Main Street. For corner lots, the entrance may be located on the corner of the two front façades.
2. The entrance ~~should~~ **shall** be architecturally distinguishable from the rest of the façade. This may include, but is not limited to the use of transom windows or sidelights, **pediments**, or the recessing of the entrance from the façade. Additional entrances may be located on the side or rear of the building. For sites with more than one principal building located in a group development, see the standards of Section 9-4-5 (a)(3)m. (Group Developments).

b. Windows:

1. Percent of Façade: Any building wall facing Main St. (or the ~~principal~~ **primary** fronting street for those properties not located on Main Street) shall have non-reflective, transparent windows on at least 50 percent of the ground floor façade ~~measured along the length of the façade and~~ within an area between 2 and 8 feet above average grade **measured along the length of the façade.** Any other window, or portion of any window, on the ground floor façade that is outside this area shall not be counted toward the 50 percent requirement.

Figure 4-5-4 (add new graphic below)



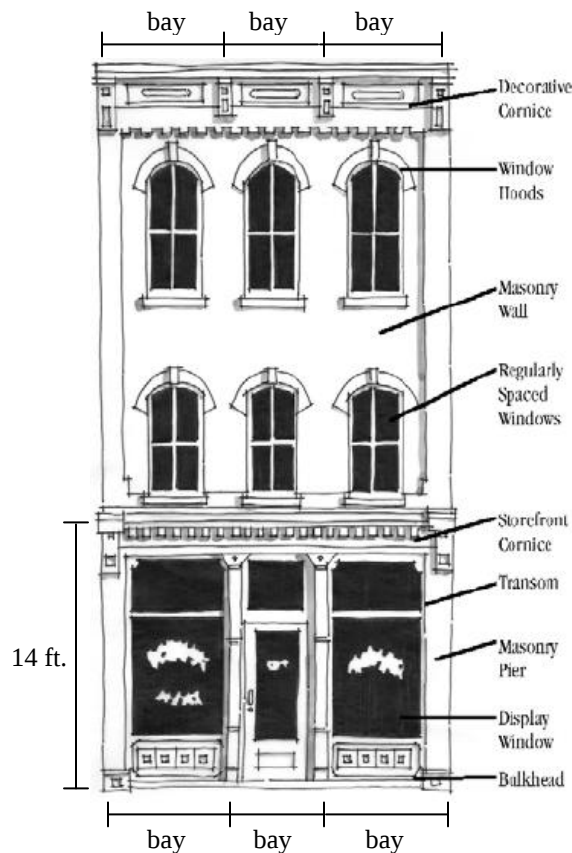
2. Upper stories of a building wall facing Main St. (or the ~~principal~~ **primary** fronting street) shall have non-reflective, transparent windows covering at least 20 percent of the area of each upper story façade. On corner lots, building walls that face a side street other than Main St. shall have non-reflective, transparent windows on at least 20 percent of the area of the entire façade. Educational and Institutional Uses as listed in Table 4-7-1 (Permitted Use Schedule) shall have windows covering at least 20 percent of the entire front façade. The area of parapet walls shall not be included in the surface area calculations.
3. Residential buildings and expansions to locally or nationally designated historic buildings are exempt from Section 9-4-5(a)(4)b. (Windows). For sites with more than one principal building located in a group development, see the standards of Section 9-4-5 (a)(3)m. (Group Developments).
4. Transparency and Design: For those windows used to meet the percent of façade requirements, mirrored or reflective glass, and tinted glass with a visual transmittance factor of less than 35 is not permitted. Churches are exempt from this transparency requirement. The use of recessed windows and visually prominent sills, lintels or other such forms of framing and trim are encouraged and may be counted toward the façade

articulation requirements of this district. Windows that are flush to the façade may be used but shall not be counted towards the façade articulation requirements unless accompanied by further architectural embellishments that enhance the façade appearance.

c. Walls:

1. Façade articulation: Architectural relief shall be provided along all front or side building walls at least every ~~twenty (20)~~ **fifteen (15)** feet of horizontal distance, and may include, but is not limited to pilasters, columns, recessed windows, pedestrian entrances, arcades, awnings, shutters, arches, canopies, false windows, medallions, or other features. Building walls located directly on an interior property line shall not be required to provide such articulation or architectural relief.
2. Vertical orientation: Façades facing a public street should achieve vertical orientation by using ~~features such as~~ **regularly spaced** vertically oriented windows and doors, ~~or features in conjunction with features~~ such as **(but not limited to) roof line/parapet variations, window hoods, material changes, columns, pilasters, posts, awnings, canopies, stoops, or façade offsets of at least four (4) inches,** ~~or pilasters to create vertically oriented bays, or divisions of space,~~ that are ~~approximately 40~~ **thirty (30)** feet ~~on-center~~ **wide** or less. The façade rhythm within a building façade should be maintained **by making each vertically oriented bay the same width.**

- d. Height: The maximum building height in sub-areas A, B and D shall be 50 feet. The maximum building height in sub-area C shall be 80 feet.
- e. Front Façades: Buildings are encouraged to have front façades that have a clear and distinct base (ground floor), middle, and top (often defined by the **a decorative** cornice). Features such as an increased ground floor height (~~ground floor with a clerestory~~ **including a transom window**), the use of a belt **frieze** or string course, a **bulkhead or** kick plate, ~~frieze~~, or differentiated building materials or coloration are similarly encouraged. **Where a façade consists of multiple building materials,** “~~H~~heavier” materials, **such as brick and stone,** should be located below “lighter” materials, **such as wood, stucco, or vinyl siding.**

Figure 4-5-5 (add new graphic below)

Adapted from "Design-Based Codes" by
 Craig S. Lewis, AICP, CNU
 The Lawrence Group, March 2003.

- f. **Façade Materials:** Materials such as brick, stone, or other similar masonry materials are encouraged as primary building materials. The use of plain concrete block shall only be permitted on buildings housing an educational or institutional use as listed in Table 4-7-1 (Permitted Use Schedule), provided that such block is painted or otherwise pigmented and is used in conjunction with other façade materials.
- g. **Colors and Reflective Surfaces:** The use of high intensity colors, metallic colors, or fluorescent colors on any façade is prohibited. However, building trim and accent areas may feature such colors. The use of highly reflective surfaces, including reflective glass and reflective metal roofs is prohibited. This prohibition does not apply to solar panels and copper or painted metal roofs.
- h. **Roof Treatment:** A parapet wall shall be used to screen flat roofs or a roof with a pitch of less than 3/12. Parapets, when provided, shall be placed on the front and side of the building.

- i. Roof Mounted Equipment: Roof mounted mechanical equipment **and roof penetrations (except for chimneys)** shall be screened from view from the **primary** fronting street ~~by a parapet wall.~~ **On a flat roof, they shall be screened by a parapet wall. On a pitched roof, they shall be located on the side opposite the primary fronting street and behind the peak or ridge of the roof, so as to have the least visual impact.**
- j. Service or Vehicular Bays: Service or vehicular bays and their doors cannot be located so as to face Main Street (or the primary fronting street for properties located off of Main Street) if such a door is located within 50-feet of the street right-of-way. Fire Stations and Ambulance Services are exempt from this requirement.

Part 10.

Section 9-4-12(e)(3), entitled *Permitted Projections*, shall add MS to the allowable districts as follows:

- (3) **Permitted Projections**: Canopies, awnings, marquees, or similar covers attached to a building in the CB, GB, **MS**, and TN Districts may project into the street right-of-way provided that:

{the remainder of this section shall remain unchanged}

Part 11.

Section 9-4-12(e)(5), entitled *Wall Sign Projections*, shall be amended as follows:

- (5) **Wall Sign Projections**: Wall signs in the CB, **MS**, and TN Districts may project into the street right-of-way.

SECTION 4.

Part 1

Amend Table 4-7-1, entitled PERMITTED USE SCHEDULE to change the **[WD]** notation to **[WMX]**, and add the notation **[WMX]** in the Use Types column next to the following uses:

Congregate Care Facilities
Family Care Homes
Group Care Facilities
Multifamily Dwellings (including Condominiums)
Shelters for the Homeless
Single Family Detached Dwellings
Townhouse Dwellings

Two Family Dwellings (Twin Homes or Duplexes)
Communications Towers (exceeding height limits of zoning district)
Communications Towers (not exceeding height limits of zoning district)
Bars
Bars (capacity > 100 persons)
Automotive Parking
Mixed Developments

The footnote of Table 4-7-1 shall be amended as follows:

“~~WD WMX~~”= **Additional Standards or** Prohibited Use in the Washington **Street** Mixed Use Center Overlay District ~~[WMUC]~~ see Section 9-4-4(g)

Part 2

Amend Table 4-7-1, entitled PERMITTED USE SCHEDULE to change the “P” to a “D” in the MS column for Multifamily Dwellings (including Condominiums).

SECTION 5.

Section 9-5-2, entitled DEVELOPMENT STANDARDS FOR INDIVIDUAL USES, shall be amended as follows (*the remainder of each standard shall remain unchanged*):

(w) BARS

- (1) Where Required: GB, HB, CB, SC, MS, ~~WMUC~~ **WMX** and TN Districts.

(x) BARS (CAPACITY > 100 PERSONS)

- (1) Where Required: GB, HB, CB, SC, TN, MS, ~~WMUC~~ **WMX** and LI Districts.

(mm) COMMUNICATION TOWERS

- (2) General Requirements:

a. Type of Tower Permitted:

1. ~~Scenic Corridor~~ Overlay Districts: Only stealth communication towers (or accessory communication towers not exceeding the height limit of the zoning district in which they are located) shall be permitted in a Scenic Corridor Overlay District **or the Washington Street Mixed Use Center Overlay District**. Any tower proposed in a GO-H District within a Scenic Corridor Overlay District shall be regulated as if it were to be located within a GO-M District.

(www) MIXED DEVELOPMENTS

- (1) Where Required: CB, GB, HB, NB, SC, MS and CP Districts.
- (2) Residential Use Location:
 - a. In single-story structures, residential use(s) shall be located entirely to the rear of permitted nonresidential office or commercial use(s)
 - b. In multi-story structures, no residential use(s) shall be located on the ground floor.
- (3) Percentage of Mix:
 - a. In single-story structures, no more than fifty percent (50%) of the gross floor area shall be devoted to the permitted residential use.
- (4) Dimensional Requirements: **In NB, any mixed use** ~~Any~~ building shall conform to the nonresidential dimensional requirements of the district ~~in~~ ~~which it is located.~~
- (5) **In the WMX Overlay District: Mixed developments are exempt from the above development standards.**

Add Section 9-5-2(zzz), entitled MULTIFAMILY DWELLINGS (INCLUDING CONDOMINIUMS). *Re-letter all subsequent subsections as required.*

(zzz) MULTIFAMILY DWELLINGS (INCLUDING CONDOMINIUMS)

- (1) **Where Required: MS and WMX**
- (2) **Elevation of Finished Floor: The finished floor elevation of the first floor above grade shall be at least three (3) feet above the elevation of the adjacent public sidewalk or street, unless part of a mixed development with non-residential uses on the ground floor in the WMX Overlay District.**

Add the following (being subsection 8) to Section 9-5-2(bbbb), entitled PARKING, AUTOMOTIVE (AS A PRINCIPAL USE ON THE ZONE LOT):

(bbbb) PARKING, AUTOMOTIVE (AS A PRINCIPAL USE ON THE ZONE LOT)

- (8) **In the WMX Overlay District: Applicants that desire to establish parking as a principal use within the district, shall be required to obtain a Special Use Permit. The application for such Special Use Permit shall contain an explanation of the need for the proposed parking and an analysis of the potential for shared use. The Special Use Permit, if**

granted, shall contain provisions determined necessary to minimize the overall impact on the character of the district, such as the size and location of the parking area, shared use, screening, lighting, and landscaping.

(kkkkk) TOWNHOUSE DWELLINGS

- (1) Where Required: MS and ~~WMUC~~ **WMX** Districts

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 27, 2010, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Andrew Putnam.

City of High Point

Text Amendment Case 10-03

A request by the City of High Point Planning & Development Department to amend the Development Ordinance to permit A-Frame signs within a portion of the Main Street (MS) District and for Market Showrooms within the Central Business (CB) District.

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

No one spoke in favor or in opposition.

The Planning & Zoning Commission, after debating the merits of the proposal, recommended ***approval*** of Text Amendment Case 10-03 by a vote of 5-2. The dissenting votes were Ms. Davis and Mr. White. Ms. Davis recommended that the proposed amendment be changed so as to benefit all businesses in the city and not just those areas specified in the text amendment. Mr. White noted that the proposed text amendment is currently too complex and restrictive for business owners.

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

**STAFF REPORT
TEXT AMENDMENT CASE 10-03
July 27, 2010**

Request	
Applicant: City of High Point Planning & Development Department	Affected Ordinance Sections: Section 9-2-1, entitled <i>Definition Index</i> , Section 9-2-2(k), entitled <i>Signs</i> , Section 9-5-16(b), entitled <i>Prohibited Signs</i> , Table 5-16-1, entitled <i>Specifications For Signs Not Requiring A Permit</i>
Proposal: A request from City of High Point Planning & Development Department to amend Section 9-4-14(f) of the Development Ordinance pertaining to A-Frame signs	

Background

The City Project, Inc. advocated the use of A-Frame signs in the Uptowne area of Main Street as an effective way to advertise to pedestrians. However such signs are not permitted by the Development Ordinance. Several of the merchants in this area of Main Street bought such signs and began using them. The City Project, Inc. and Uptowne merchant representatives have requested that City Council change the sign regulations to allow for such signs; based upon that request staff began researching this amendment.

Details of Proposal

The proposed amendment defines A-Frame signs as a portable sign that is displayed for a temporary time, and further notes that such signs are also known as menu board or sandwich board signs. The Ordinance currently prohibits all portable signs that are legible from the public right-of-way, which would include these signs (although the signs would be primarily seen and read by pedestrians, they would still fall within this classification). Therefore this prohibition would be amended to exclude A-Frame signs. Furthermore, the Ordinance would be amended to include A-Frame signs, allowing the signs in sub-area B of the Main Street zoning district (the Uptowne area) for any non-residential use, and in the Central Business district for Market Showroom uses.

The maximum permissible size of the sign would be 3-feet by 2-feet (6 square feet) per side, and there would be a three foot height limit. The signs could be placed on-site, or they could be placed on the public sidewalk if the sign owner provides both proof of insurance and satisfactory indemnification of the City regarding liability for injury to people or property. If placed in a street right-of-way the sign could not be placed directly adjacent to the cartway, but must be located such that it allows a minimum of five feet of clear passage on the sidewalk between the sign and the curb.

The signs would not be permitted to be tied to or otherwise affixed to any permanent feature such as telephone poles, sign poles, or vending boxes, and they could not be lit or have windblown devices (such as balloons) affixed to them.

Analysis

A-Frame signs are generally intended to convey their message to pedestrians, not to vehicular traffic. The Uptowne and central business areas encourage a pedestrian environment and are therefore appropriate for consideration of these signs. A-Frame signs are fairly small and are intended to be placed in front of a building on a sidewalk. Such signs allow businesses to change the copy on the sign as often as desired, for example a restaurant can display lunch specials and then change the copy in the afternoon to display dinner specials.

The signs would be allowed in the Central Business zoning district only for market showroom uses, and are intended to provide a way for showrooms that are periodically open to the public to announce the days and times. These signs would be required to be removed during the furniture market so as to reduce sidewalk obstructions and prevent safety hazards on a public sidewalk during busy market periods.

In instances where multiple commercial tenants share a single entrance on the front of the building this amendment would allow only one sign, which the tenants would have to share. This is proposed so as to prevent an instance where multiple signs would be clustered around a single building entrance.

While the Core City plan does not provide any direct recommendation on signage, it does promote features that could easily be incorporated into or would enhance pedestrian environments. Therefore this amendment is likely in keeping with the concepts and ideals of the plan.

Recommendation

Staff recommends approval.

This amendment would allow A-Frame signs as desired by The City Project Inc., as it would enable sign owners located within areas that have a high level of pedestrian activity to provide marketing information to pedestrian traffic. The Uptowne and central business areas have high levels of pedestrian activity, therefore A-Frame signs would be most appropriate in these areas.

Required Action

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. After review, staff suggests in this case, that there is insufficient direction from the Land Use Plan or other adopted policies with regard to pedestrian scale signage, and therefore it may be stated that the amendment is not inconsistent therewith.

City Council:

Upon rendering its decision in this case, the High Point City Council also must place in the official record a statement of consistency with the City's Land Use Plan and other adopted policies. 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. After review, staff suggests in this case, that there is insufficient direction from the Land Use Plan or other adopted policies with regard to pedestrian scale signage, and therefore it may be stated that the amendment is not inconsistent therewith.

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 the approval of the applicant's request may be deemed reasonable and in the public interest because: 1) it would allow certain uses located in pedestrian oriented areas to advertise effectively to pedestrians; and 2) the signs would not be visually obtrusive to motorists, being small and unlit. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Doug Loveland, AICP and reviewed by Mark Schroeder, AICP, Robert Robbins, AICP (Development Services Administrator), and G. Lee Burnette, AICP (Planning and Development Department Director).

TEXT AMENDMENT 10-03

PROPOSED AMENDMENT TO THE CITY OF HIGH POINT

DEVELOPMENT ORDINANCE

(This text amendment defines and regulates A-Frame signs.)

SECTION 1.

Part 1.

Section 9-2-1, entitled *Definition Index*, shall be amended to add A-Frame Sign.

Part 2.

Section 9-2-2(k), entitled *Signs*, shall be amended to add the following (which shall be incorporated alphabetically):

A-Frame Sign: Any sign not permanently attached to the ground or other permanent structure, that is displayed for a limited period of time, and is constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top; each angular face held at an appropriate distance by a supporting member. Also known as a menu board or sandwich board sign.

SECTION 2.

Section 9-5-16(b), entitled *Prohibited Signs*, shall be amended as follows:

- (4) Portable sign legible from the public right-of-way, except with a Temporary Event Permit issued under Section 9-3-3(f), **or as permitted in Table 5-16-1 for A-Frame signs.**

SECTION 3.

Part 1.

Table 5-16-1, entitled *Specifications For Signs Not Requiring A Permit*, shall be amended to add the following sign type and footnotes:

Type	# Permitted	Area (sq ft)	Setback (ft)	Height (ft)	Illum. (b)
<u>A-Frame/MS</u>	<u>1/building entrance</u>	<u>6</u>	<u>R/W(f)</u>	<u>3</u>	<u>none</u>

<u>District (subarea B) (d)</u>					
<u>A- Frame/CB District (e)</u>	<u>1/ building entrance (market showrooms only)</u>	<u>6</u>	<u>R/W(f)</u>	<u>3</u>	<u>none</u>

(d) Display: Signs shall be displayed only during operational hours of the use and shall be removed each day at the close of business. Only one sign is permitted per building entrance that fronts on the primary street, not to exceed one sign per non-residential use. Windblown devices, including but not limited to balloons and streamers, may not be attached or otherwise made part of the signs.

(e) Signs are not permitted for use during the officially designated Market period, but may be displayed during other operational hours of the market showroom. Signs shall be removed each day at the close of business. Only one sign is permitted per building entrance that fronts on the primary street, not to exceed one sign per market showroom. Windblown devices, including but not limited to balloons and streamers, may not be attached or otherwise made part of the signs.

(f) Signs may be placed on the public sidewalk portion of the public street right-of-way provided that the sign owner provides insurance and satisfactory indemnification of the City against liability for injury to persons or property from the sign. Furthermore, such signs shall not interfere with safe sight-distances for motorists on the adjacent roadways, shall not interfere with or obstruct pedestrian or vehicular traffic, and shall allow a minimum of five (5) feet of clear passage on the sidewalk between the street and the sign. Signs shall not be anchored to the sidewalk or affixed to poles, vending boxes or other structures or appurtenances.

**AN ORDINANCE TO ALLOW CONSUMPTION OF ALCOHOLIC
BEVERAGES IN PERMITTED SIDEWALK CAFES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT,
NORTH CAROLINA THAT:**

Section 1. Section 12-1-4 of the Code of ordinances is amended to read:

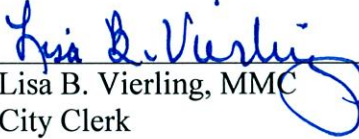
***“Sec. 12-1-4 Public consumption of beer, wine, ale or any alcoholic
beverage.***

*(a) It shall be unlawful for any person to consume any beer, wine, ale or
any alcoholic beverages (as defined under Chapter 18B of the General
Statutes of North Carolina,) in or on any public street, right-of-way,
sidewalk, alley or other public place within the city or on any city-owned
property which is located inside or outside the High Point corporate
limits.*

*(b) Subsection (a) shall not apply within a building on city-owned
property or park, or at permitted sidewalk cafes, where appropriate ABC
permits have been obtained as required by law for the consumption of
beer, wine, ale or any alcoholic beverages for the period of time permitted
thereunder.”*

Section 2. This ordinance is effective upon adoption.

Adopted by the High Point City Council this the 16th day of August, 2010


Lisa B. Vierling, MMC
City Clerk



PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 27, 2010, a public hearing was held before the Planning and Zoning Commission regarding the requests described below. All members of the Commission were present except Mr. Andrew Putnam.

City of High Point

Land Use Plan Amendment Case 10-03

A request by the City of High Point Planning & Development Department to amend the City of High Point's Land Use Map to change the classification for approximately 6 acres from the Low Density Residential and Institutional land use designations to the Moderate-Density Residential land use designation. The site is generally located between Washington Street and Brooks Avenue, and along the north side of Graves Avenue.

AND

City of High Point

Zoning Case 10-10

A request by the City of High Point City Council to rezone approximately 20 acres from the Residential Single Family-7 (RS-7) District, Residential Multifamily-8 (RM-8) District and Light Industrial (LI) District to the Residential Single Family-5 (RS-5) District. The site is generally located north of Washington Street, east of N. College Drive, west of Murray Street and along both sides of Graves Avenue.

Mr. Morris presented the Land Use Plan Amendment request and Mr. Shannon presented the zoning request. Staff recommended approval of both cases as outlined in the staff reports.

The members had questions pertaining to density of development, overall development goals for this area, how staff notified the community of the request, and how many people from the neighborhood have contacted staff pertaining to the request.

Mr. Michael McNair, Director of Community Development & Housing (CD&H) and Ms. Susan Woods, Executive Director Habitat for Humanity of High Point/Archdale/Trinity, Inc. were available to address the member's questions. They provided a detail overview of the proposed redevelopment of this neighborhood and how CD&H and Habitat for Humanity work together to provide affordable decent housing to low income families. This neighborhood was platted in the 1920s; Mr. Burnette noted that the majority of the lots are non-conforming in regard to lot size and that the requested RS-5 District will eliminate this issue and would allow the existing lots to be used for redevelopment of this neighborhood for single family homes.

Mr. Shannon noted that although a neighborhood meeting was not required, staff held a community drop-in meeting one week prior to the Planning & Zoning Commission hearing, from 4pm to 7pm at Washington Terrace Park, to address questions from the community. Approximately 150 notices were mailed, seven people attended the drop-in meeting and staff received approximately 30 phone calls. He noted that to date everyone has been supportive of the request and of CD&H targeting the neighborhood for redevelopment for single family homes.

No one spoke in favor or in opposition.

The Planning & Zoning Commission recommended **approval** of Land Use Plan Amendment Case 10-03 and Zoning Case 10-10 by a vote of 7-0.

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

**COMBINED STAFF REPORT
ZONING CASE 10-10 AND LAND USE PLAN AMENDMENT CASE 10-03
July 27, 2010**

Requests	
Applicant: City of High Point City Council (Zoning) Planning & Development Department (LUPA)	Owner(s): Numerous property owners
LUPA Proposal: To change the land use designation on approximately 6 acres	From: Low-Density Residential and Institutional
	To: Moderate-Density Residential
Zoning Proposal: To rezone approximately 20 acres	Fro RS-7 Residential Single Family -7 RM-8 Residential Multifamily-8 LI Light Industrial
	To: RS-5 Residential Single Family-5

Site Information		
Location:	The zoning area consists of portions of the Washington Terrace Neighborhood (<i>Recorded Map of Washington Terrace Plat-Book 6, Map 181</i>) generally bounded by Graves Avenue to the north, Murray Street to the east, N. Hoskins Street/Brooks Avenue to the south and N. College Drive to the west.	
Tax Parcel Numbers:	LUPA Request	Zoning Request
	0193219 thru 0193228 0193230 thru, 0193234 0190834 thru 0190848, 0190953 thru 0190955, 0190992 thru 0190994	Same
Site Acreage:	LUPA Request	Zoning Request
	Approximately 6 acres.	Approximately 20 acres.
Current Land Use:	LUPA Request	Zoning Request
	Single-family detached dwellings, duplexes (twin homes), three churches and vacant lots.	Same
Physical Characteristics:	This is an existing developed residential neighborhood. The majority of the structures were constructed in the 1940's and 1950's.	
Water and Sewer Proximity:	City utility lines are within the public streets throughout this neighborhood. There are 2 & 6 inch water lines and 8 & 12 inch sewer lines that lie within the public streets.	
General Drainage and Watershed:	This neighborhood drains in a general northern direction toward the intersection of N. Hoskins Street and Graves Avenue. Redevelopment on existing lots is exempt from watershed regulations. New development is subject to the City Lake General	

	Watershed Area requirements. Engineered storm water treatment measures are required for multi-family development with a total impervious surface area greater than 24% of the site, and for single family developments with a gross density of 2 units per acre or more.
Overlay District(s):	City Lake General Watershed Area (GWA)

Transportation Information				
Adjacent Streets:	Name		Classification	
	College Drive		Major Thoroughfare	
	Approx. Frontage			
	1,050 feet			
Vehicular Access:	Access to this neighborhood is provided by three public streets from N. College Drive and from the Washington/Gordon Street intersection.			
Traffic Counts: (Average Daily Trips)	College Drive		12,000 (2008, NCDOT ADT count)	
Estimated Trip Generation:	The total trips for this site are estimated to be 1,050 trips/day.			
Traffic Impact Analysis:	Required		Comment	
	☐ Yes	☒ No X	None	
Pedestrian Access:	There are existing sidewalks along N. College Drive, Washington Street, Gordon Street and along a portion of N. Hoskins Street, between Murray Street and Washington/Gordon Street intersection.			

School District Comment
The proposal to rezone from multifamily to a single family district will not increase future development intensity; therefore, comments were not requested from the school district.

Adjacent Property Zoning and Current Land Use			
North:	RS-7	Residential Single Family-7 District	Single family dwellings
South:	RM-18	Residential Multifamily-18 District	Undeveloped parcels, fish market fronting N. Hoskins Street and a church
	LI	Light Industrial District	
	CU-NB	Conditional Use Neighborhood	
	RS-7	Business District Residential Single Family-7 District	
East:	RS-7	Residential Single Family-7 District	Washington Terrace Park
West:	RS-7	Residential Single Family-7 District	Single family dwellings, multifamily complex and doctors office
	NB	Neighborhood Business District	
	RM-18	Residential Multifamily-18 District	

Adjacent Land Use Designations	
North:	Low-Density Residential
South:	Institutional
East:	Recreation/Open Space
West:	Low-Density Residential, Medium-Density Residential and Local Convenience/Commercial

Relevant Land Use Policies and Related Zoning & LUPA History	
Community Growth Vision Statement:	Goal #2: Improve High Point's older urban neighborhoods, while ensuring better future neighborhoods. Obj. #2B: Stabilize older neighborhoods by offering a range of new housing types, cost ranges, and both rental and purchase options, with an emphasis on affordable housing and neighborhood character. Obj. #2H: Redirect a portion of High Point's future residential growth to the Core City to revitalize the area.
Land Use Plan Goals, Objectives and Policies:	Goal #2: Encourage development that enhances and preserves established neighborhoods. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area. Obj. #3. Provide opportunities for an adequate supply of affordable housing at appropriate locations convenient to employment, shopping and service areas. Obj. #4. Protect the City's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment.
Relevant Area Plan: <i>Core City Plan</i>	The following relevant goals were derived from the text of the plan. • Allow for a range of housing types including moderate and high densities at appropriate locations. • Provide for new infill housing, especially where targeted to specific areas as a way to strengthen neighborhoods. • Protect and enhance the qualities of the Core City's neighborhoods and make them positive places to reside. The plan also recommends that areas with higher density land use classifications in the Core City be examined with a view toward reducing residential densities as a way to preserve existing densities and development patterns.
Zoning History:	There have been no recent zoning requests in this area. The last case was in 1998 to rezone the parcel at the northwest corner of Washington Street and N. Hoskins Street from LI District to a CU-NB District for a commercial use (Zoning Case 98-16).
LUPA History:	The area proposed for this Land Use Plan amendment has no relevant past amendment history. However, the Core City Plan recommends that this and several other neighborhoods in the central city be examined to determine whether the existing land use classifications are appropriate and protective of the patterns of development on the ground, and if those patterns are still desirable.

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. Institutional: Public, quasi-public and institutional uses on large tracts are included in this classification.
Proposed Designation:	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.

Details of Proposals

Land Use Plan Amendment Request:

The six-acre area that is the subject of this requested Land Use Plan amendment is part of a larger 20-acre area included in the accompanying rezoning request. The two amendment areas form the northern and southern sections of the total area. The northern section is proposed to be re-classified from Low-Density Residential to Moderate-Density Residential, while the southern section is proposed for re-classification from Institutional to Moderate-Density Residential.

Zoning Request:

The Community Development and Housing Department (CD&H) Department has targeted this section of the Washington Terrace neighborhood for redevelopment. The majority of this neighborhood, approximately 56%, consists of single family detached dwellings. The remaining land area consists of duplexes or twin homes (28%), undeveloped lots (14%) and churches (3%). One of the primary goals of the CD&H Department is to provide opportunities to citizens in need of decent, safe and affordable housing and help foster community pride by assisting with and initiating various neighborhood improvement activities that will help improve the quality of life for low to moderate-income residents of High Point. Rather than scattering its efforts, the CD&H Department has been focusing its redevelopment projects, in conjunction with Habitat for Humanity, upon entire neighborhoods. The Core City area has been its main area of focus. Previous rezoning approvals were granted to facilitate neighborhood redevelopment in the Macedonia Neighborhood and Southside Neighborhood.

As CD&H began work in the Washington Terrace neighborhood two issues were raised that spurred this request; 1) approximately 60% of the lots are non-conforming in regards to lot size (less than 7,000 sq. ft.), making redevelopment challenging, and 2) this is primarily a single family neighborhood but it is zoned to permit multifamily uses, such as an apartment complex. Concerns were noted that the character of this neighborhood and any redevelopment efforts may be impacted by multifamily uses being constructed within an established single family neighborhood. Therefore, to assist in its redevelopment efforts CD&H requested that City Council rezone a 20 acre portion of the Washington Terrace neighborhood to the RS-5 District.

The requested RS-5 District is intended for single family detached dwellings in the Core City and permits smaller lots sizes that are more conducive to an urban setting. The proposed RS-5 District will remove the above noted issues as the district permits minimum 5,000 square feet lots, which would replicate the density of development that now exists in this neighborhood and will preserve the single family character of the neighborhood by not permitting multifamily uses.

The zoning request will not impact existing single family dwellings and churches as these uses are permitted in the proposed RS-5 District. Likewise, new single family dwellings can be developed. As for existing duplexes (two-family dwelling), they can remain and continue to be used. However, no new duplexes, townhome or multifamily dwellings are permitted in the RS-5 District. Many of the duplexes in this neighborhood are already non-conforming in regards to lot size or setback standards and could not be built under its current RM-8 District zoning standards. As a nonconforming use existing duplexes would be limited in their ability to expand or to be reestablished based upon the city Development Ordinance requirements for nonconforming uses.

Analysis of Land Use Plan Amendment Request

There are three relevant adopted city plan documents that speak to this case. These, along with their pertinent goals, objectives, and policies are stated in this report. Many of these goals, objectives and policies express or represent concerns for the protection of existing neighborhoods, especially older neighborhoods. The intent is that these neighborhoods should be preserved and revitalized if needed. The requested *Land Use Plan* amendment is consistent with the aforementioned plan goals, objectives, and policies and is in line with a proposed implementation step of the *Core City Plan*, which calls for *Land Use Plan* reclassification and eventual rezoning of several areas now classified and zoned for multi-family use, of which this is one because single-family residential patterns predominate in these neighborhoods. The proposed action here would repeat what was done in the Southside Neighborhood in 2008.

This implementation step from the *Core City Plan* addresses a concern that several existing single-family lots could be purchased and combined for the purpose of constructing multi-family housing in an inappropriate location and to the detriment of the surrounding neighborhood. Amending the Low-Density and Institutionally classified residential properties to the Moderate-Density Residential land use classification allows for their rezoning along with the remainder of the rezoning proposal. Densities in the Moderate-Density Residential Classification are from five to eight dwelling units per acre, which is in conformity with the requested zoning district, Residential Single Family-5 (RS-5). Densities can reach seven dwelling units per acre in this district.

Zoning Request - Identified Issues

Major Issues:

❖ None

Minor Issues:

❖ None

Recommendations

Land Use Plan Amendment Request:

Staff recommends approval because the request meets High Point's adopted goals for neighborhood preservation and revitalization. Approval will also further the City's interest to provide opportunities for affordable housing for its residents.

Zoning Request:

Staff recommends approval. The proposed RS-5 District is the most appropriate zoning category to meet the City's redevelopment goals and match the current small lot single family character of this neighborhood. The request is consistent with the surrounding zoning and development in this area, and in compliance with the goals and objectives of the Land Use Plan. The Planning and Development Department recommends approval of the request to rezone approximately 20 acres of the Washington Terrace neighborhood to a Residential Single Family-5 (RS-5) District.

Zoning Request - Required Action**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.

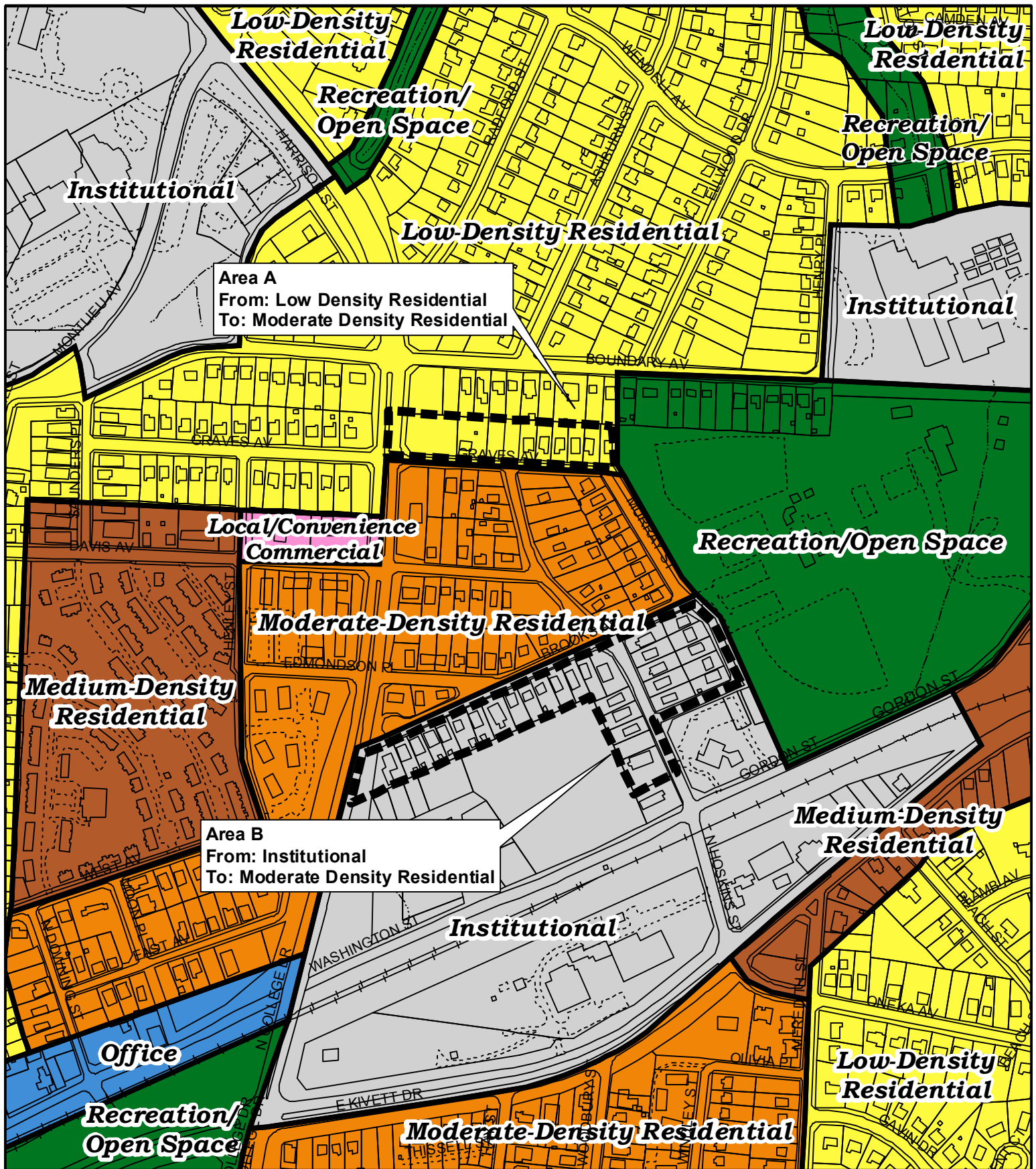
City Council:

Upon rendering its decision in this case, the High Point 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.

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 the approval of the applicant's request is reasonable and in the public interest because: 1) The requested RS-5 District is consistent with the City's Land Use Plan goals objective and policies, 2) the request is consistent with goals, objective and recommendations of the Core City; and 3) the allowable uses of the requested RS-5 District is in harmony with the current development pattern of this neighborhood. The City Council may adopt this statement, it may add to or change this statement, or, if the Council is in disagreement with the above statement it will need to formulate its own reasonableness / public interest statement.

Report Preparation

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and Gregg Morris, AICP; and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



LAND USE PLAN AMENDMENT 10-03

Request: From: Area A - Low Density Residential
To: Area A - Moderate Density Residential
From: Area B - Institutional
To: Area B - Moderate Density Residential

Existing Land Use Plan

Subject Property Boundary



Planning & Development
Department

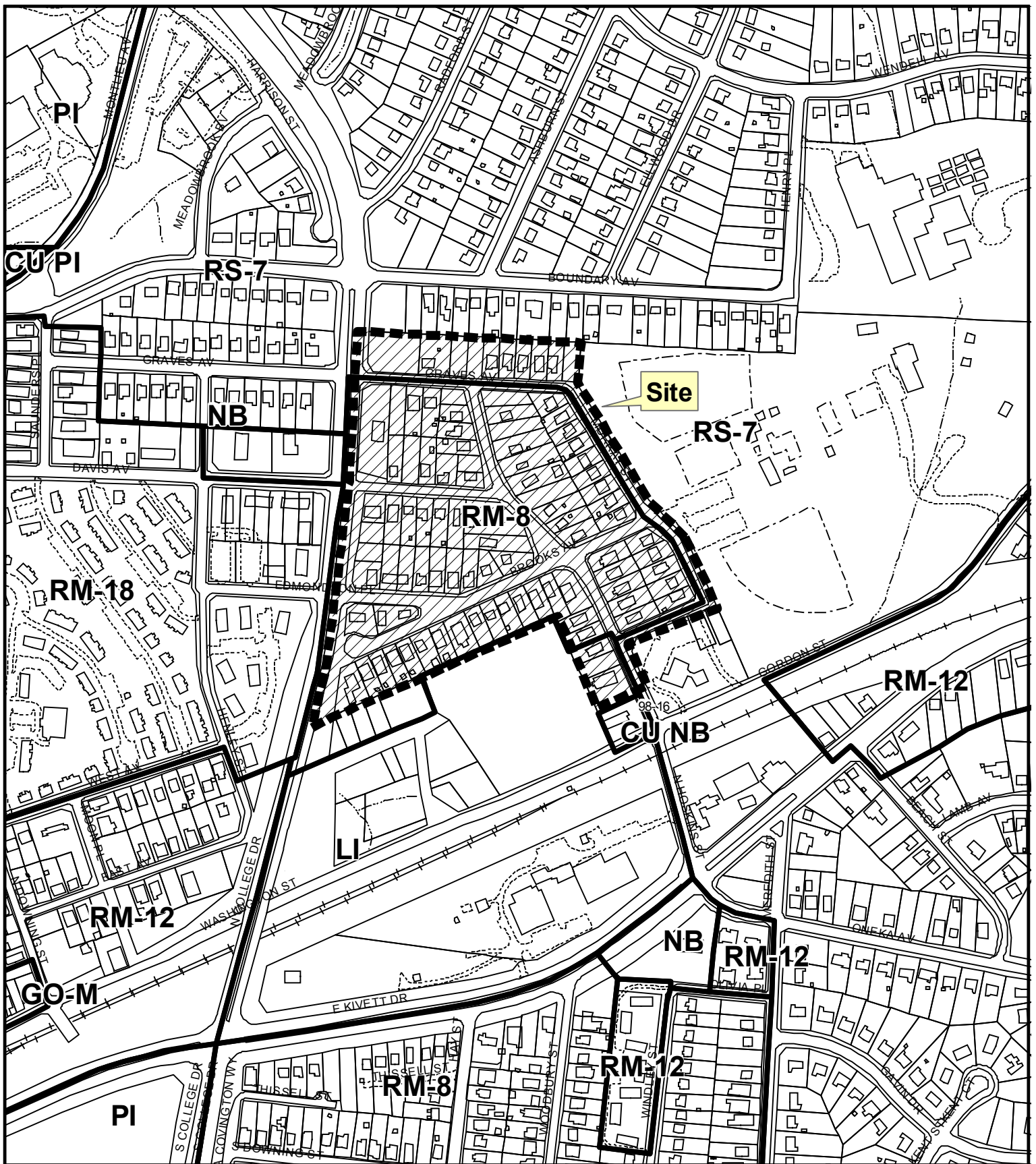
City of High Point

Date: July 22, 2010



Scale: 1"=400'

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REZONING CASE 10-10

From: Residential Multi-family-8,
Residential Single Family-7 & Light Industrial
To: Residential Single Family-5

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

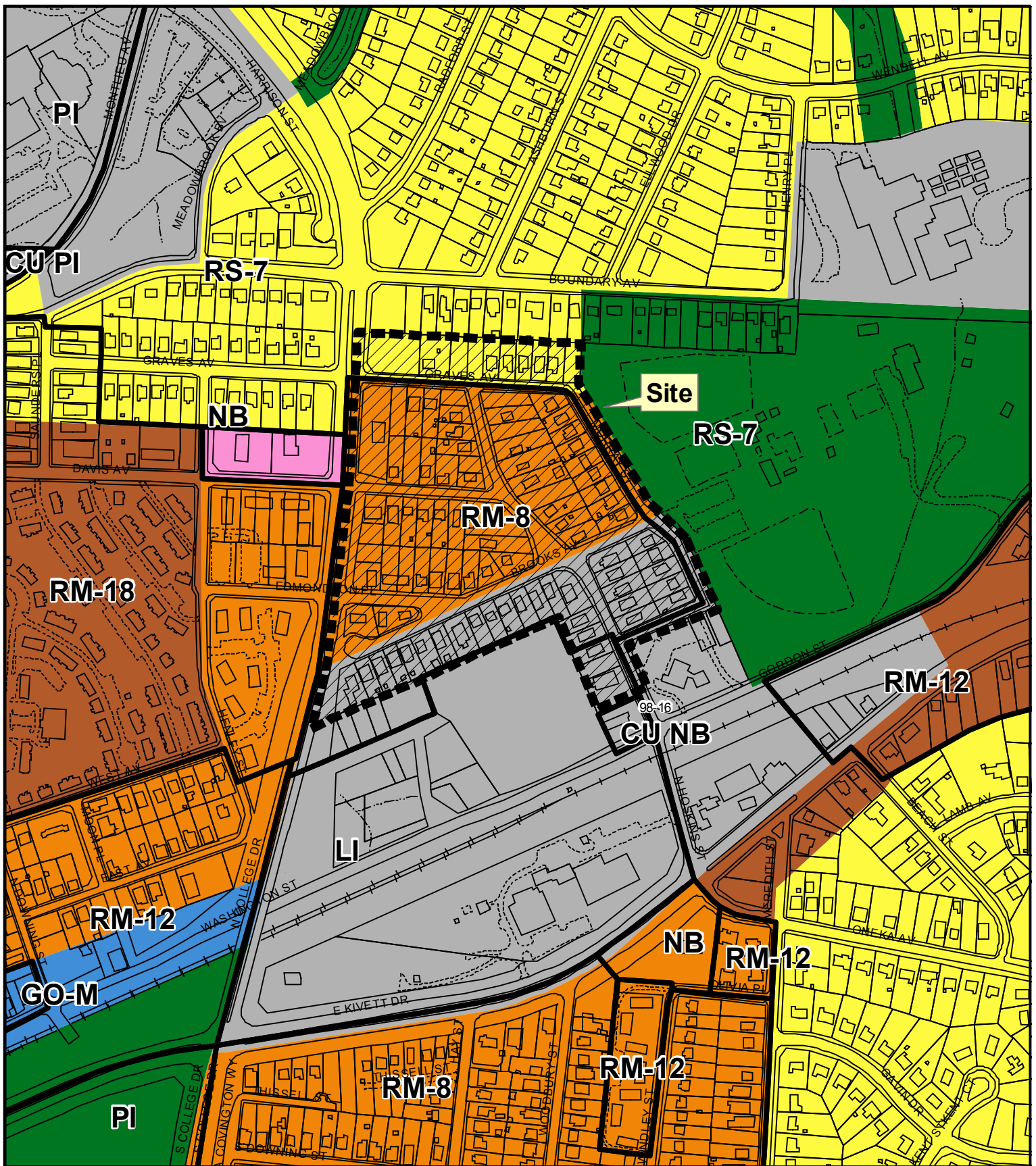
**Planning & Development
Department**

City of High Point

Date: July 12, 2010



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REZONING CASE 10-10

Land Use Plan

 Low-Density Residential	 Office
 Moderate-Density Residential	 Local/Convenience Commercial
 Medium-Density Residential	 Institutional
	 Recreation/Open Space

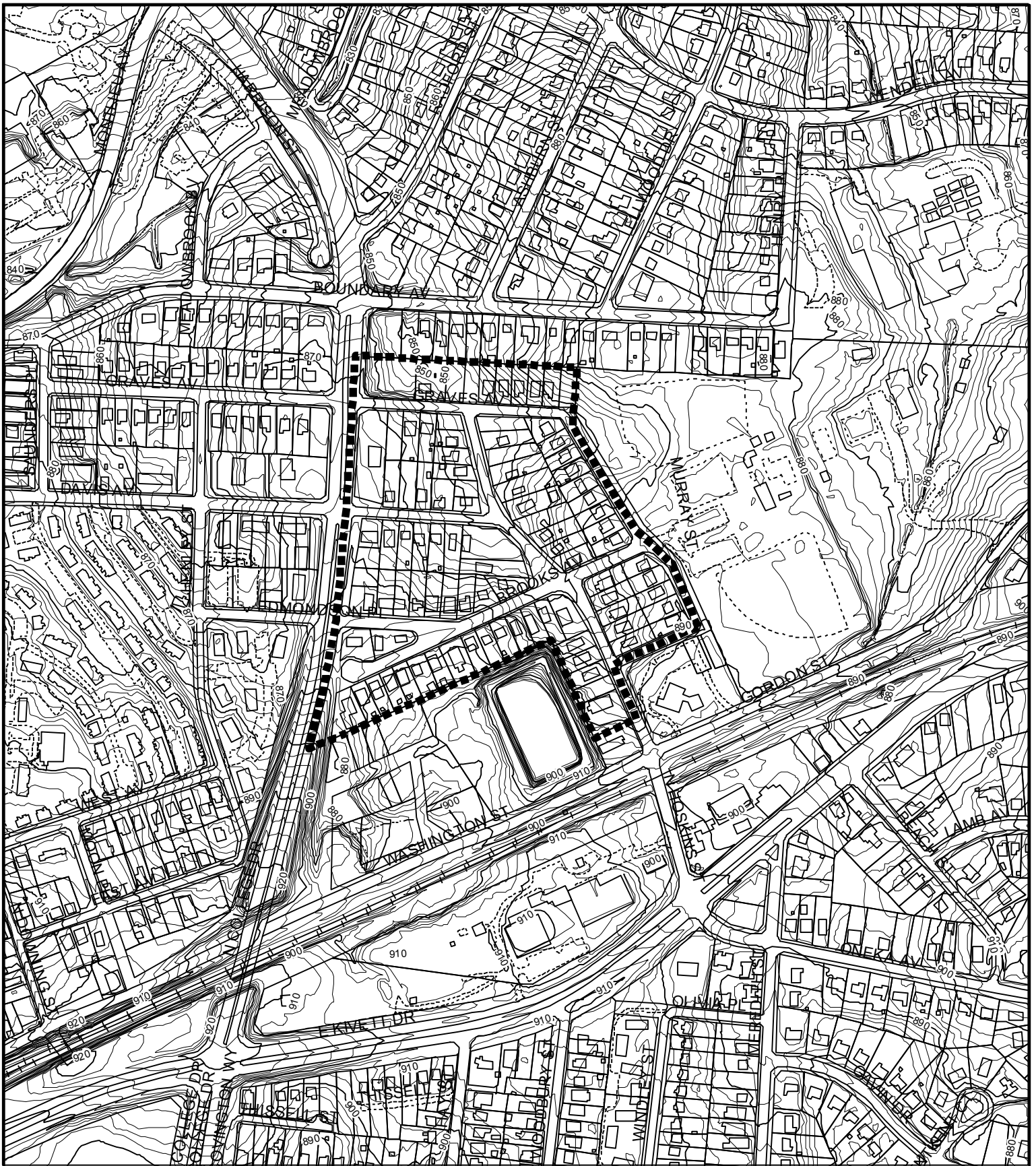
Planning & Development
Department

City of High Point

Date: July 12, 2010



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REZONING CASE 10-10

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

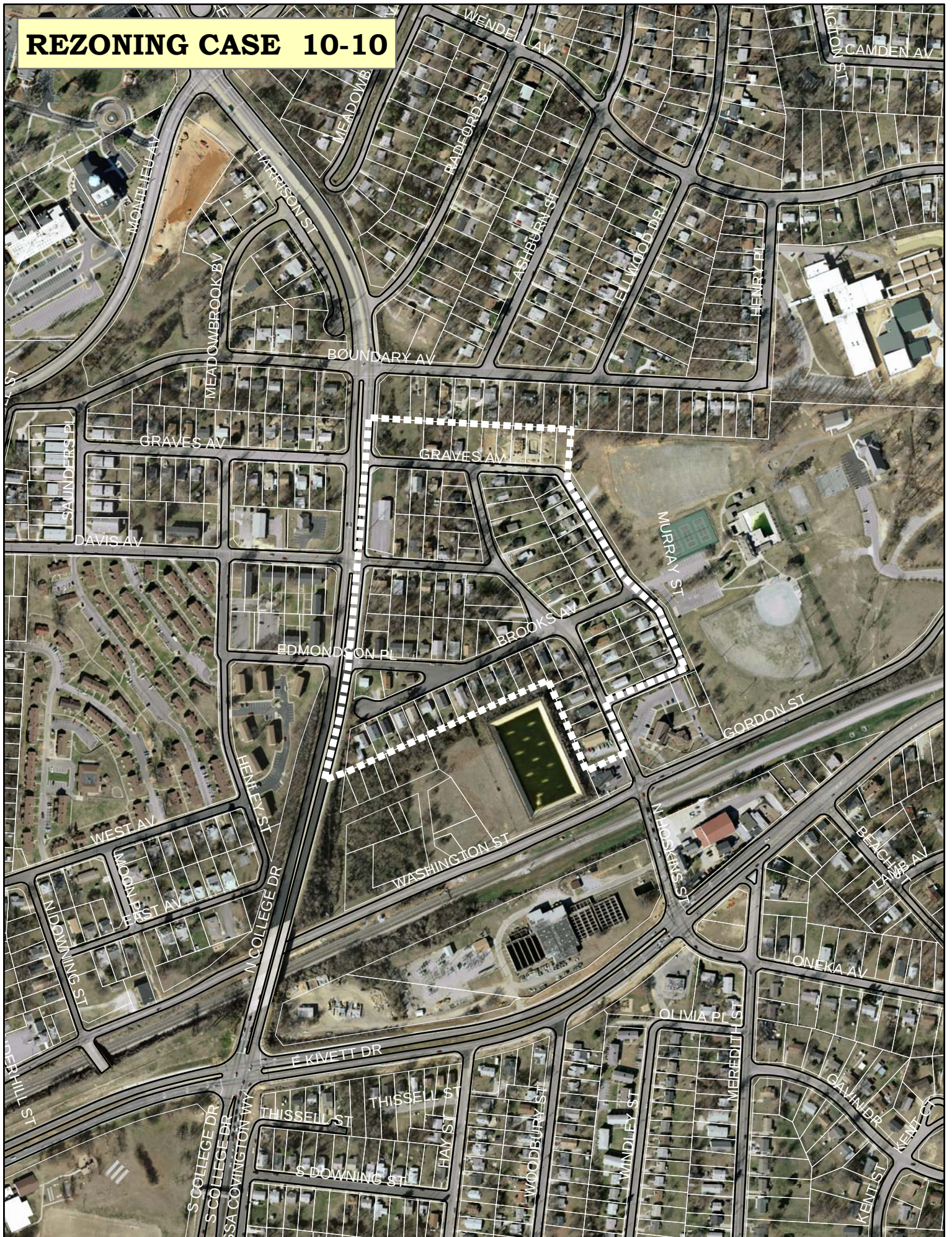
Date: July 12, 2010

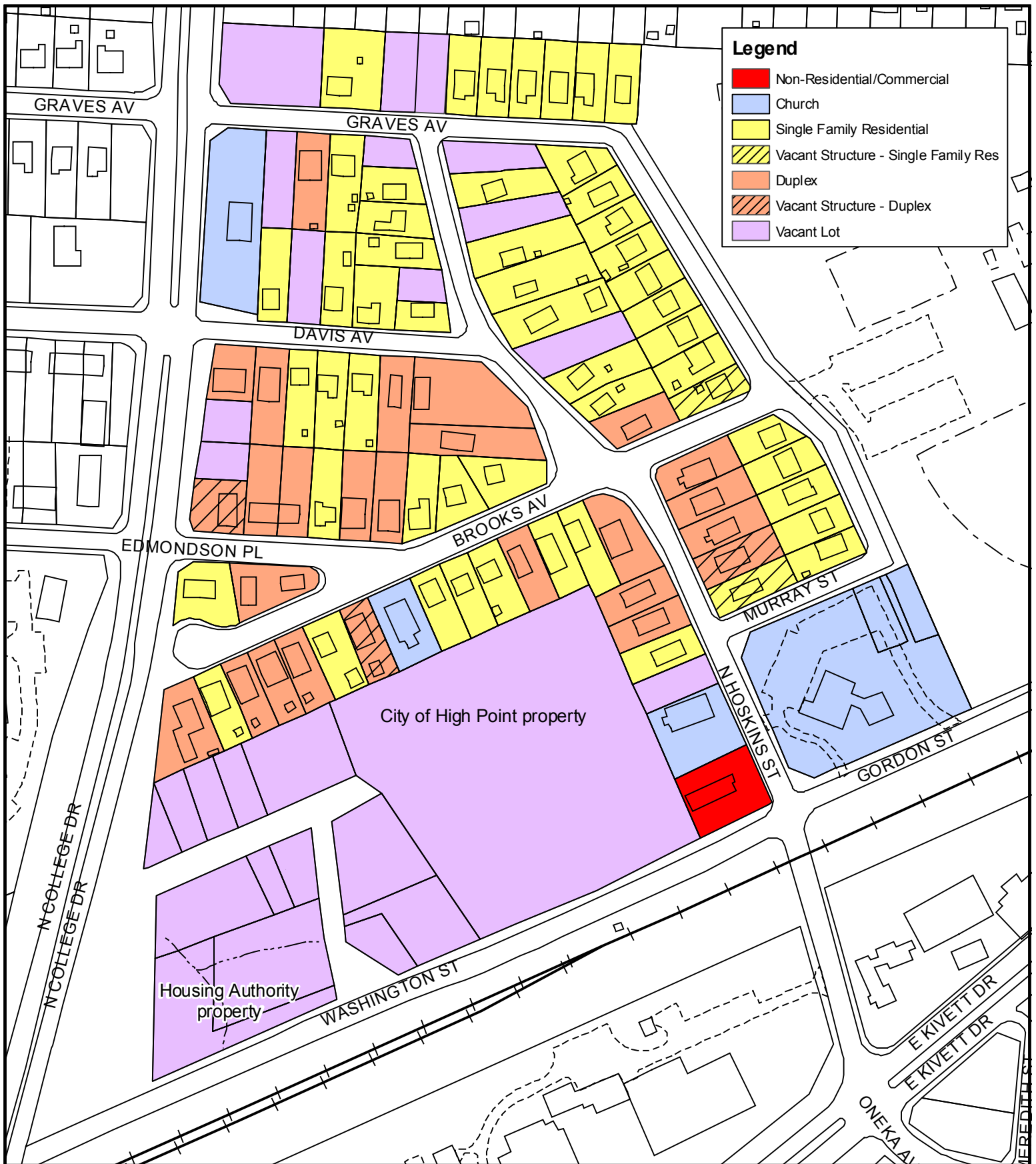


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REZONING CASE 10-10





REZONING CASE 10-10

Existing Land Use

Planning & Development
Department

City of High Point

Date: July 21, 2010



Scale: 1"=200'

y:\ba-pz\2010\pz\z10-10exlu.mxd



August 9, 2010

MEMORANDUM

AGENDA ITEM

TO: Randy McCaslin
Assistant City Manager

FROM: Mark McDonald, P.E.
Transportation Director

RE: West Hartley Drive Transfer of Right-of-Way and Maintenance Responsibility

As you are aware, the City proposes to widen and extend West Hartley Drive (SR 1898) from North Main Street (SR 1993, formerly US 311 Business) to Westover Drive (SR 1738) at Shadow Valley Road (SR 1960) in Davidson County. The proposed improvements, funded by municipal bonds, require the construction of several segmental block retaining walls that will be located within the new right-of-way of West Hartley Drive, including a 0.09 mile portion situated immediately west of North Main Street. Since this segment of West Hartley Drive does not serve traffic as a through roadway within the City's limits, along with the fact that the North Carolina Department of Transportation (NCDOT) does not permit retaining walls of this type within their right-of-way, we are proposing the deletion of this 0.09 mile segment from the State Maintenance System. The City of High Point will assume all responsibility for maintenance of this roadway segment, as well as for the proposed extension of West Hartley Drive to Westover Drive at Shadow Valley Road (right-of-way annexation and maintenance responsibility to be coordinated with NCDOT at a later date).

Enclosed is an exhibit showing the portion of roadway to be deleted along with a resolution for City Council's consideration and approval.

Engineering Services Director Keith Pugh and I will be available at Monday August 16 City Council meeting to answer questions. In the meantime, please advise if additional information is needed.

Attachments: Area Map, Council Resolution

c	J.M. Mills, P.E.	Division Engineer
	Lane Hall	District Engineer
	Donald Arant, P.E.	STV/Ralph Whitehead Associates
	Keith Pugh, P.E.	Engineering Services Director
	Chris Thompson, P.E.	Public Services Director
	File	

Department of Transportation

RESOLUTION REQUESTING CHANGES IN
THE STATE HIGHWAY SYSTEM STREETS
WITHIN THE CORPORATE LIMITS OF THE
CITY OF HIGH POINT



August 16, 2010

WHEREAS, the City of High Point desires to undertake roadway system improvements to extend West Hartley Drive; and

WHEREAS, such improvements have been funded by Municipal Bonds presented to and approved by the Citizens of High Point by public referendum in November 2004, and upon completion will lie fully within the City's corporate limits; and

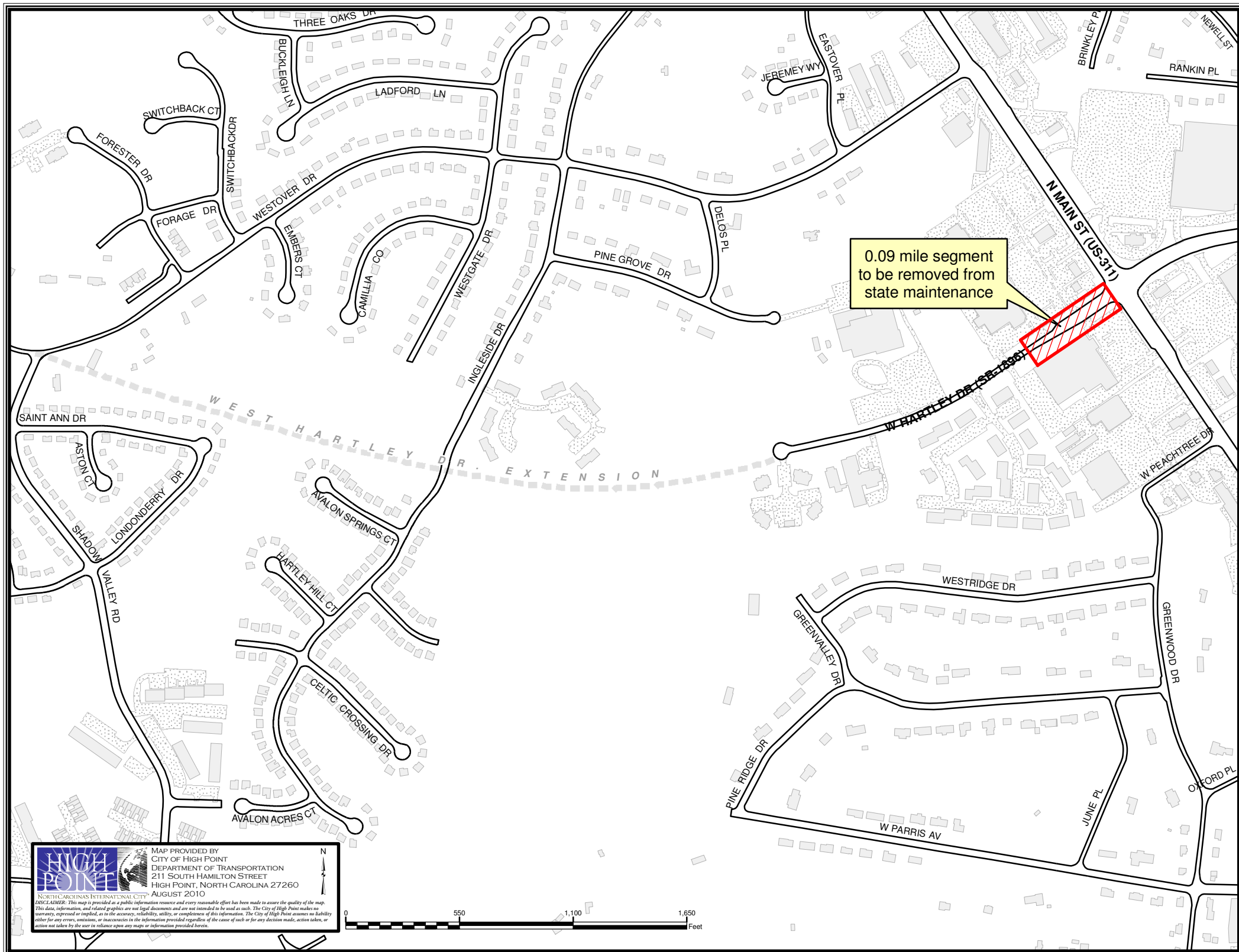
WHEREAS, such action will permit the City to safely and efficiently construct the proposed improvements in the affected area without further impact on abutting properties as might be required under certain State standards and specifications; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) and the City of High Point have agreed for the aforementioned reasons that the portion of West Hartley Drive now existing to the immediate west of North Main Street (SR 1993, formerly US 311 Business) measuring 0.09 miles in length be transferred to the City's Street Maintenance System.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the High Point City Council, that West Hartley Drive from North Main Street westward to a point 0.09 miles west of North Main Street, and all parts thereof, existing and proposed, lying within the public right of way between said points, shall be deleted from the State's Road Maintenance System and added to the City of High Point's Street Maintenance System.

ADOPTED by the High Point City Council on this ____ day of _____, 2010.

Lisa B. Vierling, MMC
City Clerk
Municipality of High Point, North Carolina





MEMORANDUM

August 10, 2010

To: Randy McCaslin, Assistant City Manager
From: G. Lee Burnette, AICP, Director
Subject: **Council Agenda Item—Resolution of Support for HUD Grant**

As part of a new partnership between HUD, EPA and DOT, a federal grant program for regional planning was recently created and a Notice of Funding Availability was issued for that grant in late June. This program is designed to assist the efforts of metropolitan regions who agree to work together and develop strategies that are mutually supportive of sustainable urban, suburban, small town and rural environments within a region. The three federal departments have agreed on a set of sustainable development principles with which they intend to assist regions and local communities that share those principles. Regions and communities within those regions which demonstrate that they are together and have complementary plans to implement these principles would be rewarded through preferential consideration for future federal grants from these federal agencies.

In the last few weeks, discussions have occurred about the benefits of a collaborative effort in this program involving the regional organizations agencies in the Triad (such as PART, Piedmont Triad Partnership, the Triad area COGs, and the MPOs), the local governments, and other partners in the economic development, community development, housing, health, and educational sectors.

The parties involved in the discussions to date have agreed that PART should apply for the grant on behalf of the Piedmont Triad region. However, the process of developing the application and, if funded, preparing the plan would be a consortium approach involving all the region's entities previously listed and more.

The grant review process is expected to be very competitive, with total funding available at less than \$100,000,000. Grant amounts are based upon the region's size, with the Piedmont Triad qualifying for a grant, if awarded, in the range of \$500,000 to \$5,000,000. A 20% match is required, which can include in-kind staff efforts to support the planning process. PART and the other agencies are developing actual funding matches through both private and public sources, and it is planned that local government support would be though in-kind staff support.

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

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

The grant application deadline is August 23, which provides a very short application window. PART has already completed its certification needed as an eligible applicant. The application package needs to include expressions of support by the jurisdictions representing the core population centers of the majority of the region. The elected bodies of the larger jurisdictions in the region have been requested to adopt resolutions in support of this grant application.

Attached is a proposed resolution of support for the City Council's consideration. If the resolution is approved prior to August 20th, it can be included by PART in the application package along with similar resolutions of support from the other jurisdictions.

Please contact me if you have any questions.

Attachment: Resolution

RESOLUTION SUPPORTING AN APPLICATION FOR A HUD SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT

WHEREAS, on June 23, 2010 the U.S. Department of Housing and Urban Development (HUD) released a Notice of Funding Availability for the Sustainable Communities Regional Planning grant; and

WHEREAS, stakeholders in the Piedmont Triad met on April 6, 2010 and July 20, 2010 to discuss the Piedmont Triad's desire to apply for the grant as a region, with the Piedmont Triad defined as Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Surry, Stokes, and Yadkin counties; and

WHEREAS, the stakeholders include regional organizations such as the Piedmont Authority for Regional Transportation (PART), the Piedmont Triad Partnership, the Northwest Piedmont Council of Governments, the Piedmont Triad Council of Governments, and representatives of the Metropolitan Planning Organizations in the region; as well as representatives of local governments in the region; and

WHEREAS, the grant will support regional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to address the interdependent challenges of:

- (1) economic competitiveness and revitalization;
- (2) social equity, inclusion, and access to opportunity;
- (3) energy use and climate change; and
- (4) public health and environmental impact; and

WHEREAS, with a coordinated vision and regional plan, communities in the Piedmont Triad will be qualified to secure additional funding to help implement the plan recommendations and projects in a more comprehensive, integrated, cost-effective manner; and

WHEREAS, the stakeholders agreed that the most appropriate approach to apply for the grant would be with PART as applicant with the other regional and local partners collaborating with PART in preparing the application and if the grant is awarded, carrying out the planning activities;

NOW THEREFORE, BE IT RESOLVED that the High Point City Council hereby supports the Piedmont Authority for Regional Transportation grant application on the behalf of the Piedmont Triad and agrees that the City of High Point will be a participating consortium member through the assistance of its staff.

Adopted this day ____th day of August, 2010

City Clerk

RESOLUTION SUPPORTING AN APPLICATION FOR A HUD SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT

WHEREAS, on June 23, 2010 the U.S. Department of Housing and Urban Development (HUD) released a Notice of Funding Availability for the Sustainable Communities Regional Planning grant; and

WHEREAS, stakeholders in the Piedmont Triad met on April 6, 2010 and July 20, 2010 to discuss the Piedmont Triad's desire to apply for the grant as a region, with the Piedmont Triad defined as Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Rockingham, Surry, Stokes, and Yadkin counties; and

WHEREAS, the stakeholders include regional organizations such as the Piedmont Authority for Regional Transportation (PART), the Piedmont Triad Partnership, the Northwest Piedmont Council of Governments, the Piedmont Triad Council of Governments, and representatives of the Metropolitan Planning Organizations in the region; as well as representatives of local governments in the region; and

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- (1) economic competitiveness and revitalization;
- (2) social equity, inclusion, and access to opportunity;
- (3) energy use and climate change; and
- (4) public health and environmental impact; and

WHEREAS, with a coordinated vision and regional plan, communities in the Piedmont Triad will be qualified to secure additional funding to help implement the plan recommendations and projects in a more comprehensive, integrated, cost-effective manner; and

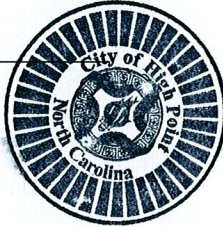
WHEREAS, the stakeholders agreed that the most appropriate approach to apply for the grant would be with PART as applicant with the other regional and local partners collaborating with PART in preparing the application and if the grant is awarded, carrying out the planning activities;

NOW THEREFORE, BE IT RESOLVED that the High Point City Council hereby supports the Piedmont Authority for Regional Transportation grant application on the behalf of the Piedmont Triad and agrees that the City of High Point will be a participating consortium member through the assistance of its staff.

Adopted this day 16 th day of August, 2010

Jan B. Vierling

City Clerk



AN ORDINANCE TO AMEND SIDEWALK CAFES

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

SECTION 1. A new section 6-1-16 of the Code of Ordinances is enacted to read:

Sec. 6-1-6 Sidewalk Cafes.

(a) *The Transportation Department is authorized to issue permits for the operation of sidewalk cafes in accordance with the following standards and regulations. No person shall operate a sidewalk café without such a permit. The Transportation Department is authorized to revoke such permits for noncompliance with the standards and regulations.*

(b) Issuance of permit. *No permit for the operation of a sidewalk café may be issued unless the application is complete and unless the following requirements are met:*

(1) *The sidewalk café must be associated with an operating restaurant. The sidewalk café must be operated under the same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business. Sidewalk cafes may operate at any time between the hours of 7:00 a.m. and 1:00 a.m.*

(2) *The operation of the sidewalk café must be clearly incidental to the associated restaurant business. The seating capacity of the sidewalk café may not be more than fifty (50) percent of the interior seating capacity of the associated restaurant.*

(3) *The placement of tables, chairs, and other furnishings as shown in the drawing submitted with the site plan must be done in such manner that at least five (5) feet of unobstructed space (as measured from the nearest fixed obstruction(s) remains on the sidewalk or pedestrian way for the passage of pedestrians. No fire exits or lanes may be blocked and such must remain clear at all times. All applicable regulations pursuant to the Americans with Disabilities Act must be met.*

(4) *The restaurant seeking to operate the sidewalk café must front on and open onto the sidewalk or pedestrian way proposed for the sidewalk café. The placement of tables, chairs, and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant. With the written permission of the adjoining property owners and tenants the sidewalk café may extend onto the abutting property but may not extend beyond alleyways or vehicular entrances.*

(5) *The area designated for the sidewalk café shall be physically separated from the remaining sidewalk by visible barricades with a height of at least thirty six (36) inches and no more than forty-two (42) inches, with no trip hazards including but not limited to the base of the barricade. The barricades must be constructed of materials of a finished quality, including but not limited to wrought iron, planters, picket fences or velvet ropes.*

(6) *The barricades, tables, chairs and other furnishings used in the sidewalk café shall not be anchored and shall be of a type of street furniture that is easily movable.*

(7) *Except as elsewhere permitted by the Code, the operation or furnishing of the sidewalk café shall involve no permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or to the exterior of the associated restaurant.*

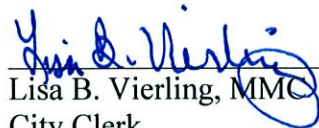
(8) *The operation of the sidewalk café shall at all times be in accordance with the requirements of this subsection (b). At the direction of the city manager or his designee, any improperly placed or improperly sized furniture or barricade shall be moved.*

(9) *Each sidewalk café shall provide adequate trash receptacles for its patrons within the perimeters of the barricades. At the end of each business day and during operating hours the operator shall remove all trash and debris of any sort from the area within the barricade and between it and the curb, and in addition shall remove the sidewalk alongside and abutting properties any trash or debris originating as a result of the operation of the sidewalk café.*

Section 2. This section is effective as to permitted sidewalk cafes notwithstanding sections 6-1-1, 6-1-3, 6-1-4, and 6-1-8 of this Code.

Section 3. This ordinance is effective upon adoption.

Adopted by the High Point City Council this the 16th day of August, 2010


Lisa B. Vierling, MMC
City Clerk





MEMORANDUM

TO: Mayor and City Council

FROM: JoAnne Carlyle

RE: Condemnation – August 16, 2010 Agenda
Hartley Drive Extension Project
Avalon Subdivision Owners Association

DATE: July 12, 2010

This is to request authorization to begin condemnation proceedings on a portion of the property described in Deed Book 6311, at Page 2586 of the Guilford County Registry located at 2548 Ingleside Drive, High Point, NC.

On July 12, 2010 the property owners were mailed a certified letter giving them 30 days notice of our intention to begin condemnation proceedings. A copy of this letter and a map showing the area in question is attached.

I will be glad to answer any questions you may have regarding these properties.

Assistant City Attorney

JoAnne L. Carlyle



July 21, 2010

NOTICE OF CONDEMNATION

Mr. Joe Ellis, Registered Agent
Avalon Subdivision Owners Association, Inc.
603-F Eastchester Drive
High Point, NC 27265

VIA CERTIFIED MAIL
7099 3400 0014 1264 7982

RE: Notice of Intent to Institute Condemnation Proceedings Under G.S. 40A-40.

General Description of property is as follows:

Being a portion of the property described in Deed Book 6311, Page 2586 located at 2548 Ingleside Drive, High Point, NC

Dear Mr. Ellis:

Previously, you have been contacted by representatives of the City of High Point for the purpose of negotiating the purchase of property described above. The purpose of this letter is to advise you of certain procedures that will take place in this matter, to advise you of your legal rights of representation and to confirm your verbal agreement with our representative, Henry Moon, to resolve this matter through consent.

This letter also serves as official notice under Chapter 40A of the North Carolina General Statutes that the City of High Point intends to institute an action to acquire by condemnation the above-referenced real property in which you have or may have an interest. This legal action will not be filed before 30 days from the date of this letter.

The purpose for which a portion of this property is to be condemned is the following public project: Hartley Drive Extension Project.

The City has estimated the amount of \$27,500.00 to be just compensation for the property.

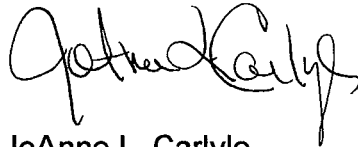
This is to advise you that we will request City Council to authorize institution of legal proceedings to condemn this property at its regular meeting to be held on August 16, 2010 at 4:45 p.m. in City Council Chambers at 211 South Hamilton Street, High Point, N.C. You are welcome to attend this meeting.

This notice does not constitute a taking or condemnation of any interest in the above-referenced property. No taking will occur until a condemnation action is actually instituted and such will not be instituted for at least thirty (30) days from the date of this notice, but may be instituted at any time after authorization by the City Council. As owners of the property, you have the right to commence an action for injunctive relief and the right to answer the complaint after it has been filed. You are advised to consult an attorney concerning your rights.

I understand that you have informed Henry Moon of your interest to sign a consent order for the resolution of this matter. Therefore, we will be in contact with you, or your attorney, to execute a consent order in this matter once the legal complaint has been filed with the court. I'm am glad that we will be able to resolve this matter amicably and I look forward to working with you in doing so.

If you have any questions regarding this matter please do not hesitate to contact me or Mr. Moon

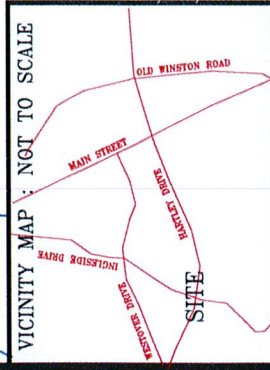
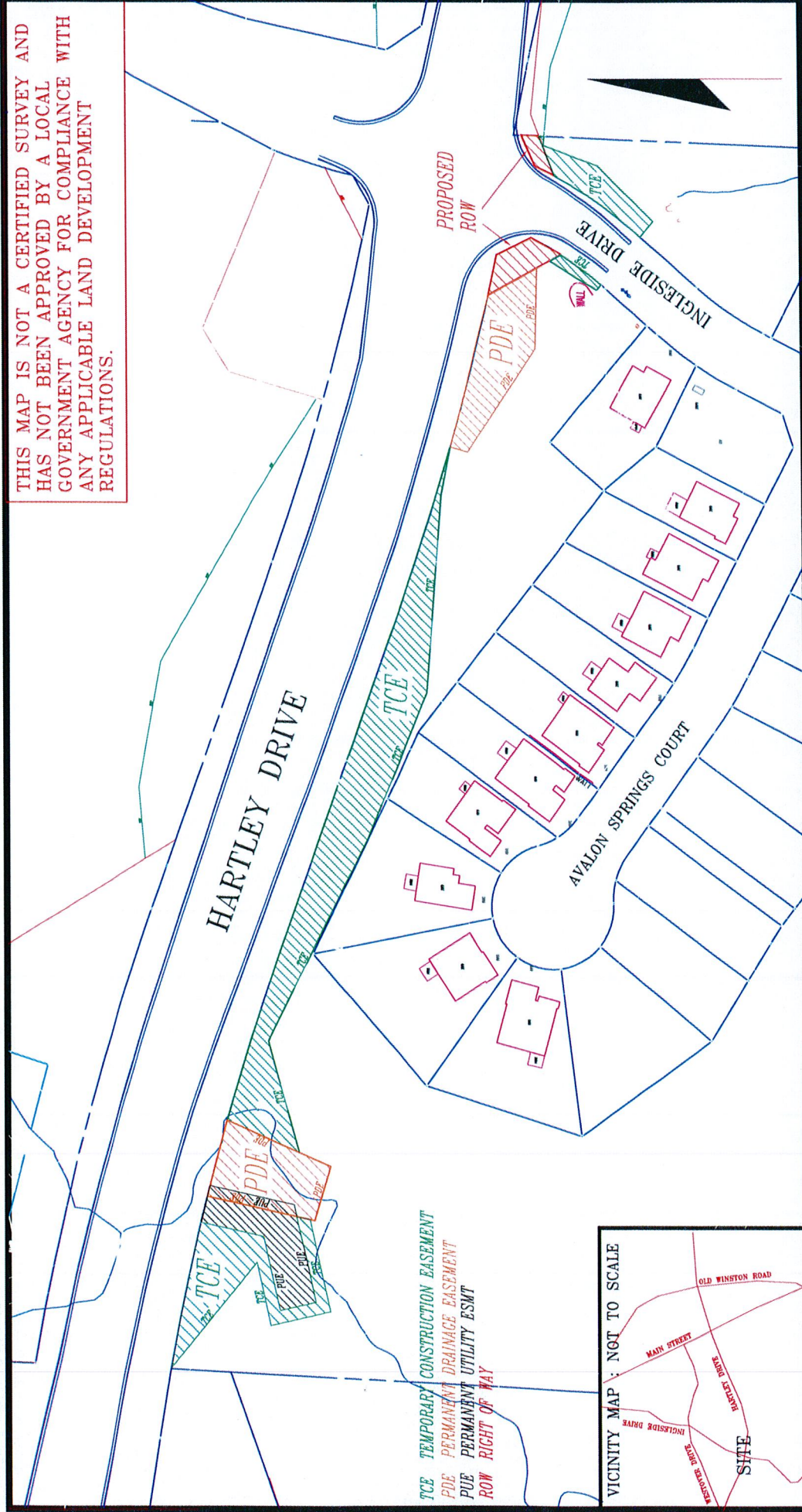
Yours very truly,

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

JoAnne L. Carlyle
Assistant Attorney for the City of High Point
P.O. Box 230
High Point, NC 27261
Telephone: (336) 883-3301

JLC:drd

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN APPROVED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



CITY OF HIGH POINT
NORTH CAROLINA

ACQUISITION OF EASEMENTS AND ROW
CITY OF HIGH POINT

ENGINEERING SERVICES
DEPARTMENT

ACQUISITION FOR HARTLEY DRIVE EXTENSION

SCALE: N.T.S.

BY: MBN

PROJECT: 2450 DATE: JULY 2010

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

ORDINANCE

REQUEST: Ordinance to Vacate

PROPERTY

ADDRESS: 1805 Waldo Street

OWNER: M. Abigale Pittman

FIRST

INSPECTION:

6-24-2010

Number of Violations: Major 3 Minor 10

1) leaking plumbing pipes

2) sewage in the crawl space

3) inoperable windows throughout the dwelling

HEARING

RESULTS:

7-8-2010

The owner did not appear for the hearing. During the hearing the following findings of fact were established. There are numerous violations of the Minimum Housing Code. The dwelling was occupied by one adult and two children, 2 and 6 years of age, at the time of the inspection and is still occupied. The ordinance is requested to allow the inspector to close and placard the dwelling as required by state statute.

ORDER(S)

ISSUED:

7-8-2010

Order to Repair 7-8-2010 with a compliance date of 8-8-2010

APPEALS:

No appeals to date.

OWNER

ACTIONS:

The owner has not obtained any plumbing permits and has only made repairs to the correct a couple of the minor violations. Due to the lack of the necessary repair to the plumbing system, the amount of sewage in the crawlspace has increased.

EXTENSIONS:

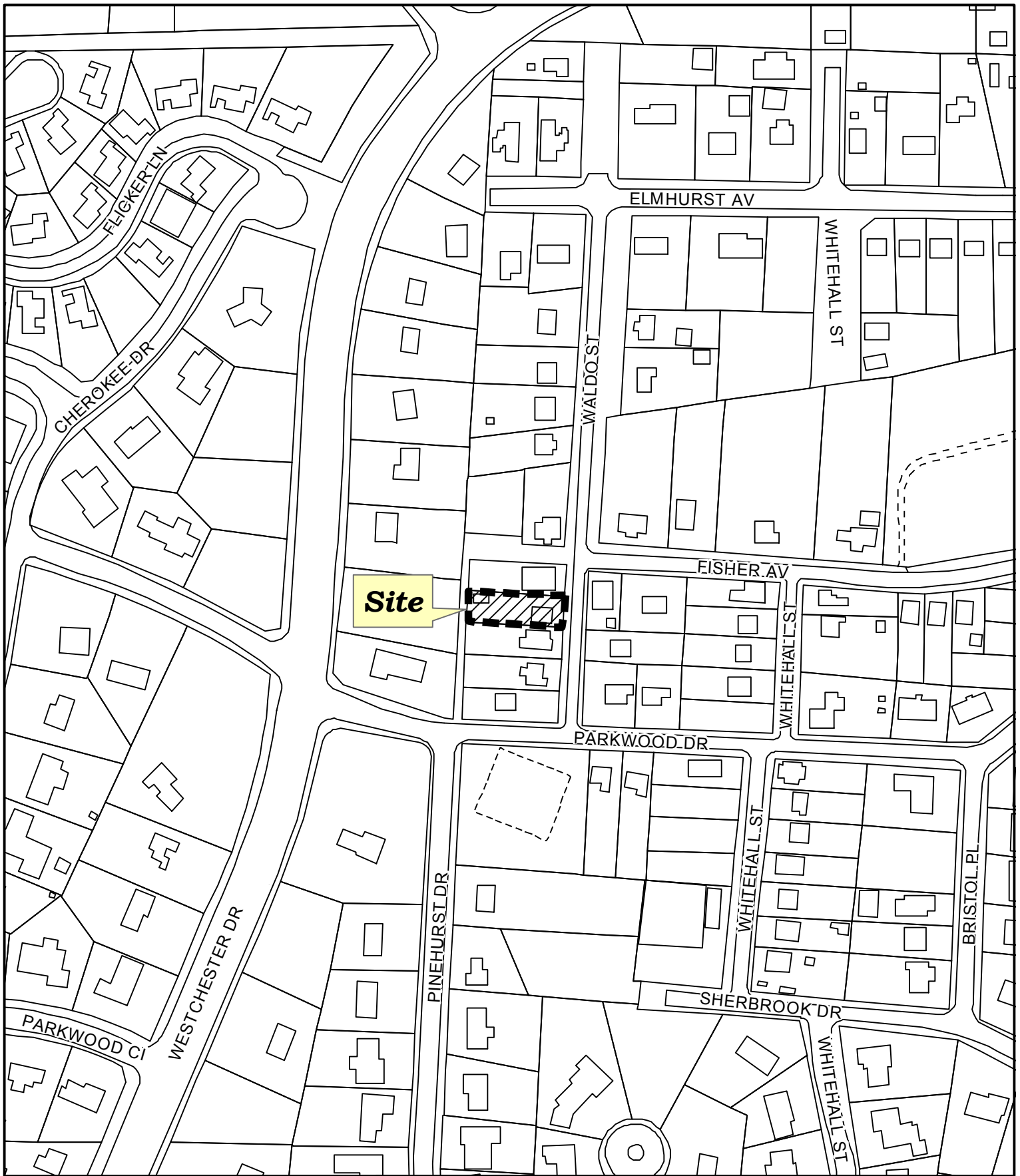
None requested by owner.

CURRENT

STATUS:

8-9-2010

Conditions still exist. Dwelling is occupied.



1805 Waldo Street

Ordinance to Vacate/Close



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: August 9, 2010



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



1805 Waldo Street

PLANNING AND ZONING COMMISSION RECOMMENDATION

On July 27, 2010, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except Mr. Andrew Putnam.

West Wendover Land Development, LLC

Zoning Case 03-23

Unified Development Plan Review

Unified Development Plan Review - Tract A (portion)

A request by West Wendover Land Development, LLC for Unified Development Plan approval for a portion of Tract "A" (approximately 4.4 acres). The site is lying along the north side of W. Wendover Avenue, east of the terminus of Brian Jordan Place)

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

Jim Gutteridge 5826 Samet Drive, representing the West Wendover Land Development, LLC and Blue Ridge Companies spoke in favor of the request.

The Planning and Zoning Commission recommended ***approval*** of the Unified Development Plan for Zoning Case 03-23, for a portion of Tract A, by a vote of 7-0.



MEMORANDUM

July 27, 2010

FROM: Herbert Shannon, Jr. Senior Planner

TO: High Point City Council and
Planning & Zoning Commission

SUBJECT: Review of Unified Development Plan (Zoning Case 03-23)
Portion of Tract A

LOCATION / OVERVIEW

This is a request by West Wendover Land Development, LLC for Unified Development Plan approval for a portion of Palladium/Shoppes at Deep River Development. The total site is approximately 70 acres lying east of Samet Drive, between W. Wendover Avenue to approximately 400 feet south of Eastchester Drive. The area for approval for this current Unified Development Plan review is approximately 4.4 acres lying along the north side of W. Wendover Avenue, east of the terminus of Brian Jordan Place.

The Development Ordinance requires that a Planned Unit Development (PUD) must have an approved Unified Development Plan (UDP) prior to development. The UDP is a development plan depicting the layout in which the entire PUD or an individual tract or section is to be developed. Typically, for larger PUDs such as this, the developer has a conceptual sketch plan or uses approved for the various tracts but do not have a specific design and will submit a UDP later for review and approval. Once approved, the UDP is recorded and becomes the reference plan used to guide site specific development of that area.

BACKGROUND INFORMATION

In December 2003, the City Council approved Zoning Case 03-23, which rezoned this area to a Conditional Use Planned United Development-Mixed Use (CU-PDM) District. The applicant's development is mixed use, consisting of commercial/retail uses, office uses and residential uses (townhomes and multifamily dwelling units). The sketch plan notes that the site will be divided into two (2) tracts consisting of the following:

Tract A: - Approximately 26.2 acres to be developed for commercial/retail uses.

Tract B: - Approximately 44 acres to be developed for multifamily uses (townhomes and apartments) and office uses or other uses permitted in the GO-H District. At least 50% of the land area in Tract B shall be required to be devoted to residential uses with a maximum of 900 residential dwelling units.

Administration
336.883.3328

Planning Services
336.883.3328

Development Services
336.883.3328

Inspection Services
336.883.3151

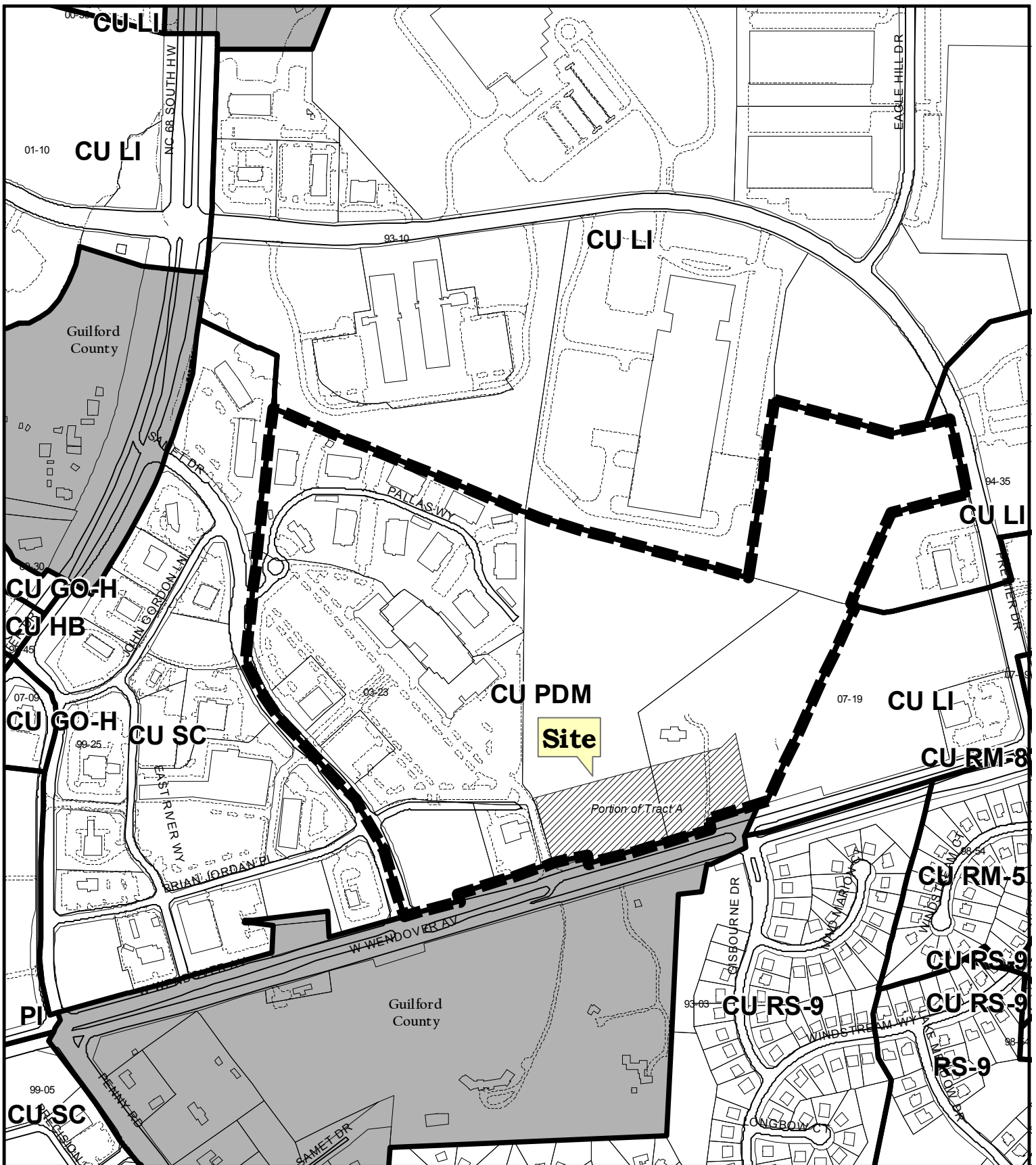
Previous UDPs approved for this development were for the movie theater/commercial area in the center of the site, for a portion of the W. Wendover Avenue frontage and for the multifamily apartment complex behind the theater. Approximately 31 acres of the total 70 acres under Zoning Case 03-23 have been developed. Under this current submittal, the applicant is requesting UDP approval for the remaining portion of the development's W. Wendover Avenue frontage.

STAFF ANALYSIS

Staff has reviewed the applicant's UDP submittal for this portion of the site's W. Wendover Avenue frontage. The request generally conforms to the sketch plan and the requirements of the Conditional Use Permit. Staff finds that this submittal is in keeping with the overall general development concept originally approved and would not change the adopted findings.

STAFF RECOMMENDATION

Staff recommends approval of this request.



REZONING CASE 03-23

Request for Unified Development Plan (UDP)
approval for a portion of Tract A

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

Planning & Development
Department

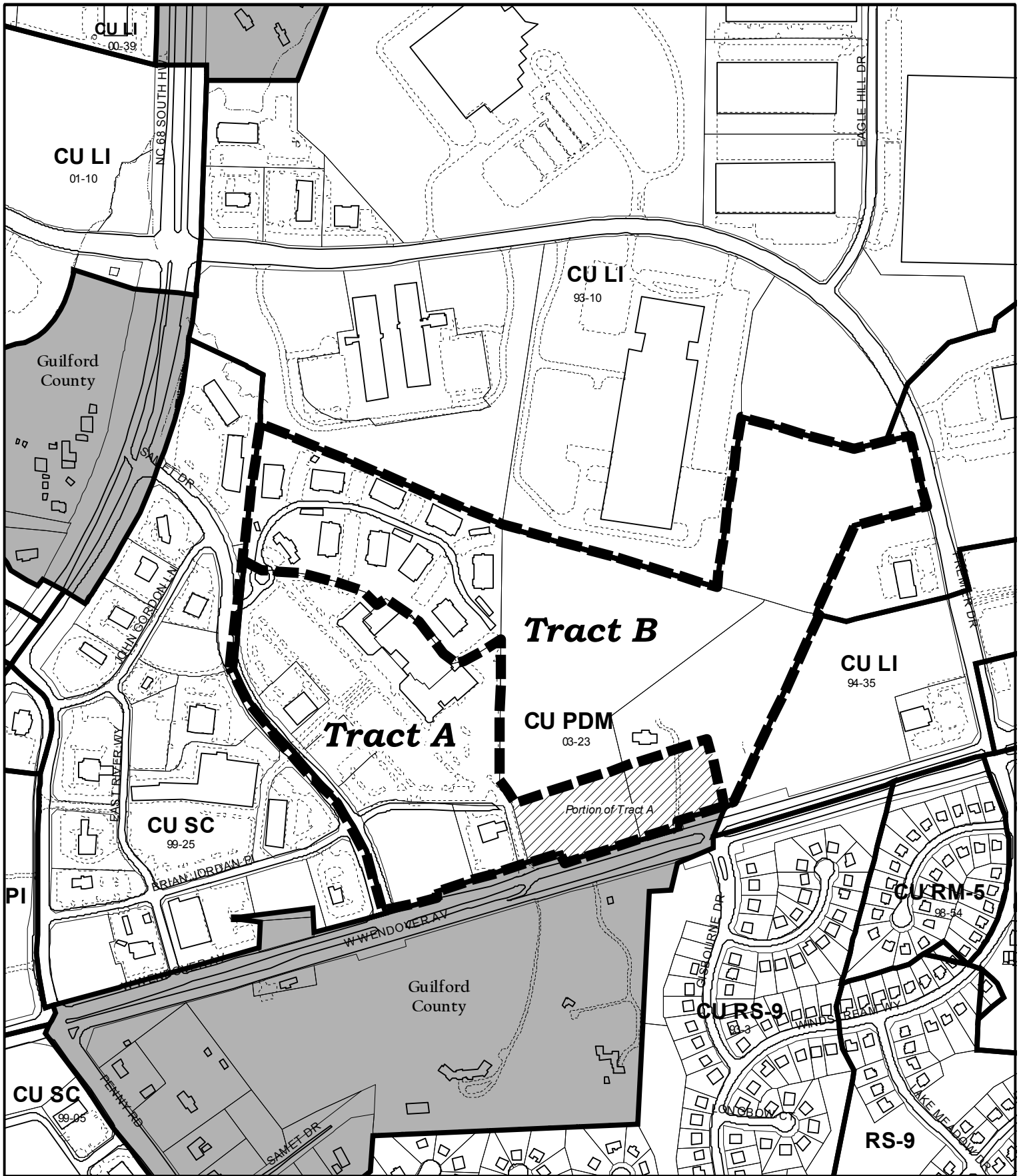
City of High Point

Date: July 12, 2010



Scale: 1"=500'

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REZONING CASE 03-23

Existing Zoning Boundary
Subject Property Boundary

Department of Planning
and Development

City of High Point

Date: July 12, 2010



Scale: 1"=500'

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[illegible]

DATE	10/10/2003
TIME	14:00
PROJECT	140-02
TRAINING BY	JAH
FEET	1A

GRAPHIC SCALE
0 100 200
1 INCH = 200 FEET

I

GRAPHIC SCALE
200 100 0 200
1 INCH = 200 FEET