

City of High Point

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



Meeting Agenda

Monday, February 16, 2009

4:45:00 PM

Council Chambers

Committee of the Whole

*Rebecca R. Smothers, Mayor
William S. Bencini, Mayor Pro Tem
Latimer B. Alexander, IV, Mary Lou Blakeney,
Foster Douglas, John Faircloth, Michael D. Pugh,
Bernita Sims, M. Christopher Whitley*

ROLL CALL, PRAYER, PLEDGE OF ALLEGIANCE**PRESENTATION OF ITEMS****FINANCE COMMITTEE - Council Member Whitley, Chair****Members: Bencini, Douglas and Alexander****(all were present)***Committee Members - Bencini, Douglas, Alexander***090026****Contract - Piggyback Bid No. 33 - Power Transformer**

Council is requested to approve contact for Piggyback City of High Point Bid No. 33 for the purchase of a Power Transformer. Purchasing and the Electric Department recommend that contact be awarded to Kuhlman Electric Corporation in the amount to of \$648,065.00 which is the lowest responsive and responsible bid meeting specifications.

2/16/2009 Committee of the Whole approved

090027**Contract - Piggyback Bid - Greenville Utilities Commission, NC - Water Meter**

Council is requested to approve contact for Piggyback Bid with the Greenville Utilities Commission, Corporation for the purchase of Water Meters. Purchase and the Customer Service Department recommends that contract be awarded to Carolina Meter and Supply in the amount of \$238,500.00 which is the lowest responsive and responsible bid meeting specifications.

2/16/2009 Committee of the Whole approved

090030**Budget Ordinance Amendment - Appropriate Funds for 911 State Funds**

Adoption of an ordinance amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of \$315,000 for 911 State Funds.

2/16/2009 Committee of the Whole adopted

090031**Budget Ordinance Amendment - Lead Hazard Control Project**

Adoption of an ordinance amending the 2008-2009 Budget Ordinance to appropriate funds in the amount of \$3,000,000 for Federal Grant for the Lead Hazard Control Project.

2/16/2009 Committee of the Whole adopted

090037**Contract Renewal - CIGNA HealthCare - Employee Group Health/Dental Insurance**

Seeking City Council approval authorizing the City Manager to execute contract renewal with CIGNA HealthCare for the employee group health and dental insurance. Contract will be effective for the period of April 1, 2009 - March 31, 2010.

2/16/2009 Committee of the Whole approved

PUBLIC SAFETY COMMITTEE - Council Member Faircloth, Chair**Members: Douglas, Pugh and Alexander****(all were present)***Committee Members - Douglas, Pugh, Alexander***090028****Ordinance - Demolition of Structure - 309 N. West Point Avenue**

Adoption of ordinance ordering the housing inspector to effectuate the demolition of a dwelling located at 309 N. West Point Avenue belonging to Kingston Investments, LLC.

2/16/2009 Committee of the Whole adopted

090029**Ordinance - Demolition of Structure - 518 Manor Drive**

Adoption of ordinance ordering the housing inspector to effectuate demolition of a dwelling located at 518 Manor Drive belonging to George Brown.

2/16/2009 Committee of the Whole adopted

Pending Items**080320****Amendment to the Code of Ordinances - Section 12 - "Offenses"**

Monday, November 3, 2008 at 5:30 p.m. is the date and time established by City Council to receive public comments on the following changes to the High Point Code of Ordinances:

A new section 12-1-14 - Urinating or Defecating on any public place

Amendment to section 12-1-4 - Possession or consumption of malt beverages and unfortified wine on streets and city property. (this matter was split out, please refer to Matter #090052.

PUBLIC SERVICES COMMITTEE - Council Member Sims, Chair**Members: Blakeney, Faircloth, Whitley and Alexander****(all were present)**

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

*Committee Members - Blakeney, Faircloth, Whitley, Alexander***PLANNING & DEVELOPMENT COMMITTEE -Council Member Bencini, Chair****Members: Blakeney, Pugh, Sims and Faircloth****(all were present)***Committee Members - Blakeney, Pugh, Sims, Faircloth*

090032**Resolution of Intent - Annexation 09-01 - Vernon & Lois Shivers**

Approval of a Resolution of Intent that establishes a public hearing date of Monday, March 2, 2009 at 5:30 p.m. to consider a voluntary contiguous annexation of approximately 3 acres, by Vernon and Lois Shiver. The site is lying along the north side of Hedgecock Road, opposite Hedgewood Lane (864 Hedgecock Road).

2/16/2009 Committee of the Whole adopted

PUBLIC HEARINGS ON ITEMS**090033****Ordinance - Text Amendment 09-01 - High Point University**

A request by High Point University to amend Section 9-5-16(c) of the Development Ordinance pertaining to signs incorporated into or on an athletic field scoreboard.

2/16/2009 Committee of the Whole adopted

090034**Resolution - Street Abandonment 09-01 - High Point University**

A request by High Point University to abandon the northern portion of the Harrison Street right-of-way that is lying north of Meadowbrook Boulevard and south of Montlieu Avenue.

2/16/2009 Committee of the Whole adopted

090035**Major Amendment to Special Use Permit 07-02 - High Point University**

A request by High Point University for a Major Amendment to Special Use Permit 07-02 to add approximately 2.5 acres into the permit and to expand the area of automotive parking as a principal use in the Residential Single Family-7 (RS-7) District. The site is lying west of the intersection of Meadowbrook Boulevard & Harrison Street and north of the intersection of Boundary Avenue & Saunders Place.

2/16/2009 Committee of the Whole approved

090036**Ordinance - Rezoning Case 09-01 - High Point University**

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

A request by High Point University to rezone approximately 1.2 acres from the Residential Single Family-7 (RS-7) District to a Conditional Use Public & Institutional (CU-PI) District. The site is lying at the southwest corner of W. College Drive and south of E. Farriss Avenue (915, 921 and 923 W. College Drive).

b. Major Amendment to Conditional Use Permit 00-26

A request by High Point University to add approximately 1.2 acres into the permit and to amend conditions pertaining to development/dimensional standards, landscaping and vehicular access.

2/16/2009 Committee of the Whole adopted

ADJOURNMENT

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

**ORDINANCE
REQUEST:** Ordinance to Demolish

**PROPERTY
ADDRESS:** 309 N West Point Av

OWNER: Kingston Investments, LLC

**FIRST
INSPECTION:** Number of Violations: Unsafe 2 Minor 39
10-3-2008

**HEARING
RESULTS:** Dwelling substandard, owner did not appear for hearing
10-15-2008

**ORDER(S)
ISSUED:** Order to Repair or Demolish (90-day)
10-17-2008 compliance date of 1-16-2009

APPEALS: None

**OWNER
ACTIONS:** no actions taken

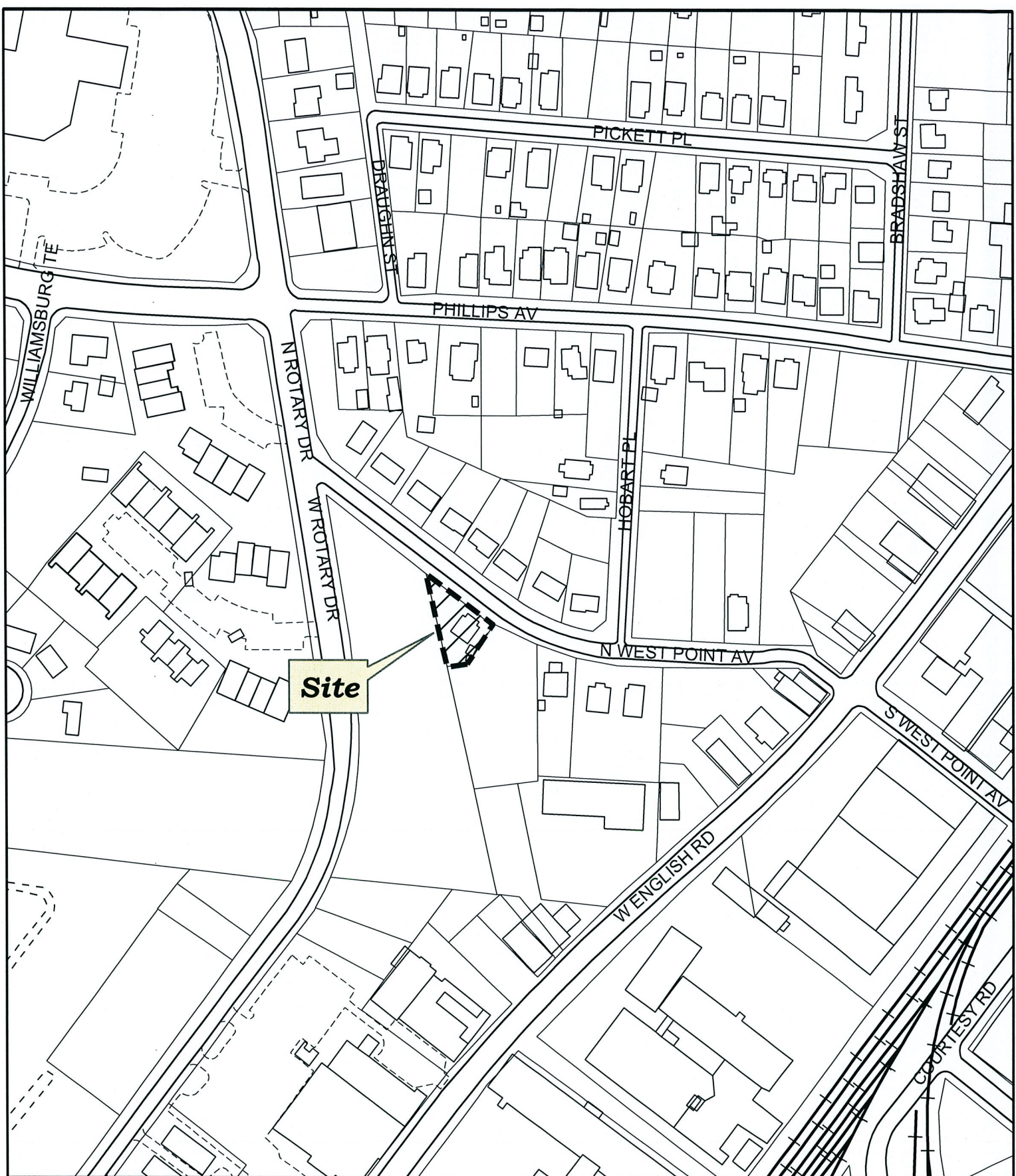
**STATUS OF
CLOSED DWELLINGS:** Vacant, secure, not permits or repairs
2-9-2009

**COMPLIANCE
DATE STATUS:** Conditions still exist
1-16-2009

EXTENSIONS: none requested

STAFF COMMENTS: Guilford County Tax \$35,700
Estimated Repairs \$33,500

Dwelling was secured by city action.



309 N West Point Avenue

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: February 9, 2009



Scale: 1"=200'

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309 West Point Ave.

<u>BID INFORMATION AND RECOMMENDATION</u>
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BID # "Piggyback" Greenville Utilities Commission, NC DATE OPENED: 02/09/08

DESCRIPTION: AMR Water Meters

BID PACKAGES DISTRIBUTED: 4 DEPARTMENT: Customer Services Department
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SOURCE OF FUNDS: 631257-526101/421779-533701 AMOUNT BUDGETED: \$250,000.
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QUANTITY/DESCRIPTION	UNIT PRICE	TOTAL
1 Ea 5/8x3/4 Water Meter w/ERT	\$119.25	\$238,500.00

PURPOSE: Purchase of 5/8x3/4 water meters with ERT's for the Customer Services Department.

COMMENTS: On February 9, 2008, Greenville Utilities Commission, NC opened a formal bid for AMR Water Meters. The bid was awarded to Carolina Meter and Supply, the low bidder. Greenville Utilities Commission approved the award on June 12, 2008. The City of High Point is allowed by G.S. 143-129(g) to piggyback on this formal bid. Greenville Utilities Commission received two bids as follows:

VENDOR	BID UNIT PRICE
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Carolina Meter & Supply
P O Box 400
Hampstead, NC 28443

\$119.25

Miller Supply
PO Box 1745
Laurinburg, NC 28353

\$122.49

Request for Bids were also sent to: Ferguson Enterprises and Waterworks. These companies did not respond to the bid request.

Expected annual volume for the City of High Point is 2000 units at bid price of \$119.25 or an annualized expense of \$238,500.00. Greenville Utilities Commission bid was based on estimated quantity of 21,000 units.

The **PURCHASING DEPARTMENT** and **CUSTOMER SERVICES DEPARTMENT** recommend that the contract for **AMR WATER METERS** be awarded to **CAROLINA METER & SUPPLY**, in the amount of **\$238,500.00**, the lowest responsive and responsible bidder meeting specifications.

DATE OF RECOMMENDATION: February 9, 2009

Strib Boynton, CITY MANAGER

PUBLISH ONCE: Friday, February 20, 2009

**RESOLUTION TO ESTABLISH A
PUBLIC HEARING DATE FOR
VOLUNTARY CONTIGUOUS ANNEXATION
(Case # ANX09-01)**

WHEREAS, the City Council has been petitioned to annex the property of Vernon and Lois Shivers. The proposed annexation site is lying along the north side of Hedgecock Road, opposite Hedgewood Lane (864 Hedgecock Road), and is also known as Davidson County Tax Parcel 01-07-73.

WHEREAS, the City Clerk is in receipt of said petition and has determined its sufficiency in accordance with G.S. 160A-58.1;

NOW, THEREFORE BE IT RESOLVED, THAT THE CITY COUNCIL establishes Monday, March 2, 2009, at 5:30 p.m., in the Council Chambers in the Municipal Building at 211 South Hamilton Street, High Point, North Carolina, as the date for the public hearing regarding the requested annexation.

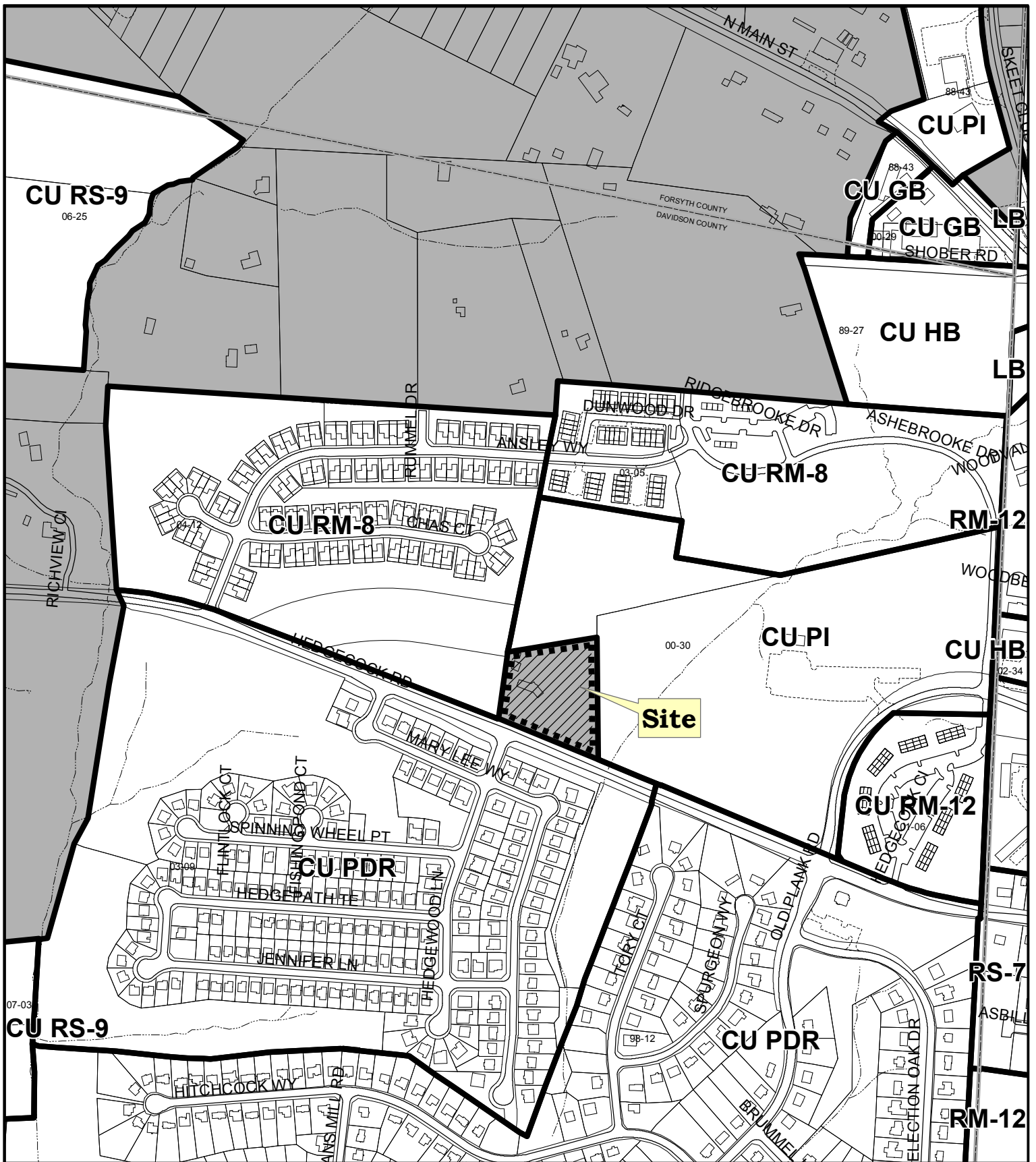
Any interested party will be permitted to be heard at the public hearing. The meeting facilities of the City of High Point are accessible to people with disabilities. If you need a special accommodation, call 336/883-3298 or the TDD# 336/883-8517.

Following the public hearing, the City Council shall have authority to adopt an ordinance annexing the territory described in the petition. The City Council shall have authority to make the annexing ordinance effective immediately or on any specified date within six (6) months from date of passage of ordinance.

Further information pertaining to this request is available for public inspection upon request at the Planning and Development Department in the Municipal Office Building, 211 South Hamilton Street, Room 316, High Point, North Carolina, 336/883-3336 or FAX 336/883-3056.

By order of the City Council,
This the 16th day of February, 2008

Lisa B. Vierling, City Clerk



ANNEXATION REQUEST ANX09-01

Applicant: RA-3 Vernon and Lois Shivers
Area: 3.0 acres

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

**Planning & Development
 Department**

City of High Point

Date: February 9, 2009



Scale: 1"=500'
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PLANNING AND ZONING COMMISSION RECOMMENDATION

On January 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

High Point University

Street Abandonment Case 09-01

A request by High Point University to abandon the northern portion of Harrison Street right-of-way that is lying north of Meadowbrook Boulevard and south of Montlieu Avenue.

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

Speaking in favor of the request was Mr. Gart Evans of High Point University.

No one spoke in opposition.

The Planning & Zoning Commission recommended ***approval***, by a vote of 7-0, of Street Abandonment Case 09-01, with retention of a 15 foot electric utility easement, as recommended by staff.

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

**STAFF REPORT
STREET ABANDONMENT CASE 09-01
January 27, 2009**

Request	
Applicant: High Point University 833 Montlieu Avenue High Point, NC 27262	Proposal: Abandon an improved portion of Harrison Street between Meadowbrook Boulevard and Montlieu Avenue. The street is improved (35.2 feet curb and gutter) within a 50 foot wide right-of-way. In addition, a small area (approximately 1,800 sq. ft.) of extra right-of-way on the north side of Meadowbrook Boulevard is proposed for abandonment.

Adjacent Streets		
Name:	Classification:	R/W and Pavement Width:
Montlieu Avenue	Major Thoroughfare	80' R/W and 51.7' Curb and Gutter
Meadowbrook Blvd	Local Street	50' R/W and 32.7' Curb and Gutter

Adjacent Property Zoning and Current Land Use		
North:	Public Institutional (PI)	High Point University Campus
South:	Residential Single Family – 7 (RS-7)	Single Family Residence
East:	Residential Single Family – 7 (RS-7)	N. College Drive
West:	Residential Single Family – 7 (RS-7)	Vacant and Parking Lot

Analysis
The Harrison Street right-of-way considered for abandonment contains approximately 0.50 acres in area (approximately 50 foot wide by 340 feet in length). It is improved with 35.2 feet of pavement with curb and gutter. The area in Meadowbrook Boulevard is approximately 0.04 acres. All properties abutting the street right-of-ways proposed for abandonment are owned by High Point University. The right-of-way is no longer necessary to provide access to the lots. The lots are proposed to be combined into one parcel and developed as a parking lot (Major Amendment to SUP Case # 07-02). The proposed parking lot will have access only to Montlieu Avenue. Harrison Street contains public water and sewer mains. It has been determined that these mains are no longer necessary. The lines will be abandoned per City standards (terminated in Montlieu Avenue and Meadowbrook Boulevard). A retaining wall for N. College Drive is currently within the Harrison Street right-of-way. An exclusion map will be recorded in association with the Special Use Permit that will dedicate necessary right-of-way to the NCDOT so that the retaining wall will then be within the N. College Drive right-of-way. Also, the Electric Department has requested a 15 foot electric utility easement along the eastern side of the property for an existing overhead line.

Findings

The TRC reviewed this request on November 26, 2008 and identified no issues that would prevent its abandonment. The retention of easements is necessary for the remaining overhead electrical utility lines.

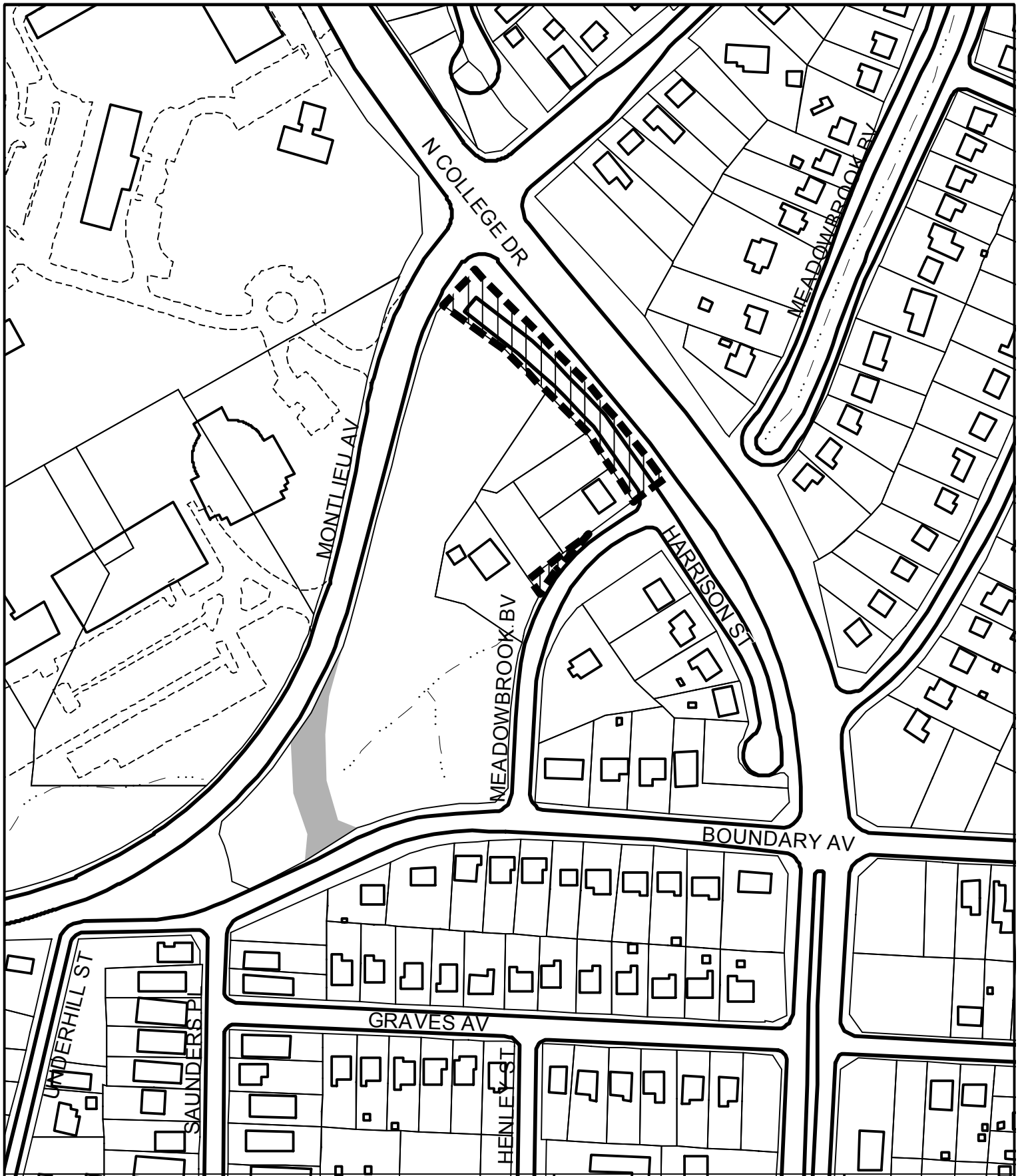
The abandonment of the public's interest and conveyance of the right-of-way to the abutting property owner as regulated will not deny the abutting property owner reasonable access to their property.

Recommendation

The Planning and Development Department recommends approval of the requested street right-of-way abandonment with the retention of a 15 foot electric utility easement along the western right-of-way of N. College Drive based on preliminary findings that it is not contrary to the public interest, and that no property in the vicinity of the street abandonment would be deprived of reasonable means of ingress or egress.

Report Preparation

This report was prepared by Planning and Development Department staff member Mark Schroeder, and reviewed by Bob Robbins and Lee Burnette.



STREET ABANDONMENT REQUEST SA09-01

Applicant: High Point University

Area: 0.54 acres (approximate)



Location of requested street abandonment



Previously abandoned right-of-ways

Department of Planning
and Development

City of High Point

Date: January 16, 2009



Scale: 1"=200'

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PLANNING AND ZONING COMMISSION RECOMMENDATION

On January 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

High Point University

Zoning Case 09-01

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

A request by High Point University to rezone approximately 1.2 acres from the Residential Single Family-7 (RS-7) District to a Conditional Use Public & Institutional (CU-PI) District. The site is lying at the southwest corner of W. College Drive and south of E. Farriss Avenue (915, 921 and 923 W. College Drive).

b. Major Amendment to Conditional Use Permit 00-26

A request by High Point University to add approximately 1.2 acres into the permit and to amend conditions pertaining to development/dimensional standards, landscaping and vehicular access.

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

Speaking in favor of the request was Mr. Gart Evans of High Point University.

No one spoke in opposition to the request.

The Planning & Zoning Commission recommended **approval** of Zoning Case 09-01 and Major Amendment to Conditional Use Permit 00-26, by a vote of 7-0.

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

**STAFF REPORT
ZONING CASE 09-01
January 27, 2009**

Request	
Applicant: High Point University	Owner(s): High Point University
Proposal: To rezone 3 parcels along W. College Drive from RS-7 to CU-PI, and to include these parcels into Conditional Use Permit 00-26 (CUP 00-26).	From: RS-7 - Residential Single Family-7 District
	To: CU-PI - Conditional Use Public & Institutional District

Site Information	
Location:	Lying at the southwest corner of W. College Drive and E. Farriss Avenue (915, 921 and 923 W. College Drive).
Tax Parcel Numbers:	Guilford County Tax Parcels 226-1-3, 42 and 43.
Site Acreage:	Total area proposed to be rezoned is approximately 1.2 acres. Land area already part of CUP 00-26 is approximately 24.5 acres.
Current Land Use:	One undeveloped parcel and 2 single family dwellings.
Physical Characteristics:	The site has a moderately sloping terrain.
Water and Sewer Proximity:	A 6-inch city water line is located east of the site within the abandoned W. College Drive right-of-way and north of the site within E. Farriss Avenue. A 12-inch sewer line is also located within the abandoned W. College Drive right-of-way and E. Farriss Avenue. Finally, an 8-inch sewer line is located within Fifth Court, west of the southern portion of the site.
General Drainage and Watershed:	The site drains in a general south to north direction toward E. Farriss Avenue and development is subject to the City Lake General Watershed Area requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% or more of the site.
Overlay District(s):	City Lake General Watershed Area

Adjacent Property Zoning and Current Land Use		
North:	RS-7 - Residential Single Family-7 District	Single family residential subdivision
South:	CU-PI - Conditional Use Public & Institutional District	University Campus (<i>student dormitory & student union facility under construction</i>)
East:	CU-PI - Conditional Use Public & Institutional District	University Campus (<i>academic buildings</i>)
West:	RS-7 - Residential Single Family-7 District	Single family residential subdivision

Relevant Land Use Policies and Related Zoning History	
Relevant Community Growth Vision Statement Goals & Objectives	<u>Objective 1H:</u> Support the continued growth of the City's educational institutions for their many educational, cultural and economic benefits.
Land Use Plan Map Classification:	The site has an Institutional land use designation. This classification is intended to accommodate public, quasi-public and institutional uses on large tracts.
Land Use Plan Goals, Objectives and Policies:	The following goals and objectives of the Land Use Plan are relevant to this request: Obj. #9. Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses.
Relevant Area Plan(s):	<u>Core City Plan:</u> The plan identifies the subject area as being within the High Point University District, which includes a minimal amount of peripheral land seen as likely to become part of the university in the future. The plan recommends the continued reinforcement of the university's visual qualities, including continuation of a general campus character with consistent architecture, strategically located parking, and landscaping.
Zoning History:	Since 1998, High Point University received a Land Use Plan Amendment and eleven (11) zoning approvals in the area lying north of Montlieu Avenue, west of W. College Drive and east of Fifth Street to accommodate the expansion of the University in this area.

Transportation Information			
Adjacent Streets:	Name	Classification	Approx. Frontage
	E. Farriss Avenue	Local Street	135 ft.
	W. College Drive	That portion of W. College Drive, between O.A. Kirkman Way and the southern right-of-way line of E. Farriss Avenue, was abandoned by High Point City Council on October 6, 2008.	

Vehicular Access:	Via private drive or private street from intersection of E. Farriss Avenue and W. College Drive.		
Traffic Counts:	None available		
Estimated Trip Generation:	Unknown.		
Traffic Impact Analysis:	Required		Comment
	☐ Yes	☒ No X	None
Pedestrian Access:	There are no existing sidewalks adjacent to the site. North of the site, within the E. Farriss Avenue right-of-way, is an existing greenway trail the runs in an east to west direction. This trail provides access through the central part of the High Point University campus.		

School District Comment

Not applicable to this zoning case.

Details of Proposal

The applicant is requesting to rezone this area and add it to Conditional Use Permit 00-26 (CUP 00-26). The subject area abuts High Point University's main campus area to the east and south. The central portion of the university campus is zoned PI; however, that portion of the campus lying north of Montlieu Avenue and west of the former W. College Drive, is zoned CU-PI and governed by CUP00-26. This permit includes conditions to protect the adjacent residential neighborhood by prohibiting vehicular access (driveway access) from Fifth Street and Fifth Court and the following higher design standards for development activity within 100-feet of Fifth Street and Fifth Court.

- All building(s) shall be restricted to a maximum height of 60 feet.
- Loading areas shall not be located on the side of a building that faces those streets.
- Screening of mechanical or electrical equipment, storage facilities or other such unsightly building appurtenances from those streets.
- Higher landscaping standards when any building or parking is within 100 feet of those streets.

The only change the applicant has proposed to CUP00-26 is to add these 3 parcels (1.2 acres) and to include E. Farris Avenue frontage as a location for restricting vehicular access and the above noted higher development standards.

As the University expands, there may be situations where its property will abut or surround individual residential lots. The Development Ordinance contains setback and landscaping requirements that will protect residential uses as the University expands into this area. The PI District standards when a university use abuts a single family use are as follows:

Building height	50 feet. May be increased to 80 feet subject to one (1) additional foot of building setback being provided for each one (1) foot of building height over 50 feet.
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Building Setback	Front/Street yard setback - 30 feet Rear & side yard setback - 35 feet adjacent to residential zoning
Landscaping	Type B planting yard when adjacent to residential use. ➤ Average width 30 feet, may be reduced to 25 feet with fence. ➤ 8 trees and 25 shrubs every 100 linear feet. ➤ Street planting yard with a minimum width of 8 feet, 2 trees and 25 shrubs every 100 linear feet. The above noted Type B and street planting yard standards also apply to any parking areas that may abut a residential use.

Identified Issues

Major Issues:

❖ None

Minor Issues:

❖ None

Findings

Section 9-3-13 of the Development Ordinance requires that certain findings be made before a zoning map amendment and Conditional Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these required findings.

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

Compliance	❖ The existing condition within CUP00-26 pertaining to prohibiting vehicular access to Fifth Street and Fifth Court, and the added proposal to prohibit access to E. Farriss Avenue will not create any public safety issues.
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That the development of the property in accordance with the proposed conditions will not substantially injure the value of the adjoining or abutting property; or that the development is a public necessity; staff finds

Compliance	❖ In addition to the building height, setback and landscaping standards of the development ordinance, the conditions of CUP00-26 that provide for higher development standards for development activity within 100 feet of Fifth Street, Fifth Court and E. Farriss Avenue will ensure compatibility and harmony with adjacent residential subdivision. ❖ The following standards of the Development Ordinance will insure that development of the zoning site, under the PI District standards, will not substantially injure the value of adjoining property owners: ➤ A minimum Type B planting yard is required where university uses
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	or accessory uses abut a single family zoning district. ➤ The adjacent residential subdivision to the west has a RS-7 District zoning which permits 50-foot wide lots. The Type B planting yard requires an average width of 30 feet; thus, a landscape buffer area equal to over half the width of a RS-7 residential lot will be provided. ➤ The proposed PI District building setback standards are increased from 20-feet to 35-feet when abutting residential zoning. In addition, wider setback standards are imposed for building heights over 50 feet. Any University building next to a residentially zoned area will be setback 35 to 65 feet depending upon its height.
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That the location and character of the development, in accordance with the proposed conditions, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of High Point and its environs; staff finds

Compliance	❖ The area proposed for rezoning has an Institutional Land Use Map designation. The requested CU-PI District and proposed uses as outlined in the conditional use permit are consistent with this land use designation. ❖ Area abutting the zoning site to the east and south is designated as Institutional upon the City's Land Use Map. ❖ Staff finds the request in harmony with the surrounding area and in conformance with the Land Use Plan based upon the following: ➤ The contiguous nature of this rezoning request to the University's main campus and to existing CU-PI District areas associated with the University. ➤ The size of the land area owned by the University within this city block allows sufficient area for landscaping and building setback standards of the Development Ordinance to be met. ➤ Building height, setback and landscaping standards of the Development Ordinance will assist in ensuring compatibility with abutting residential uses.
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Recommendation

Staff Recommends Approval

Based upon above noted findings, staff recommends approval of the request to rezone these parcels to a CU-PI District and the Major Amendment to Conditional Use Permit 00-26.

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.

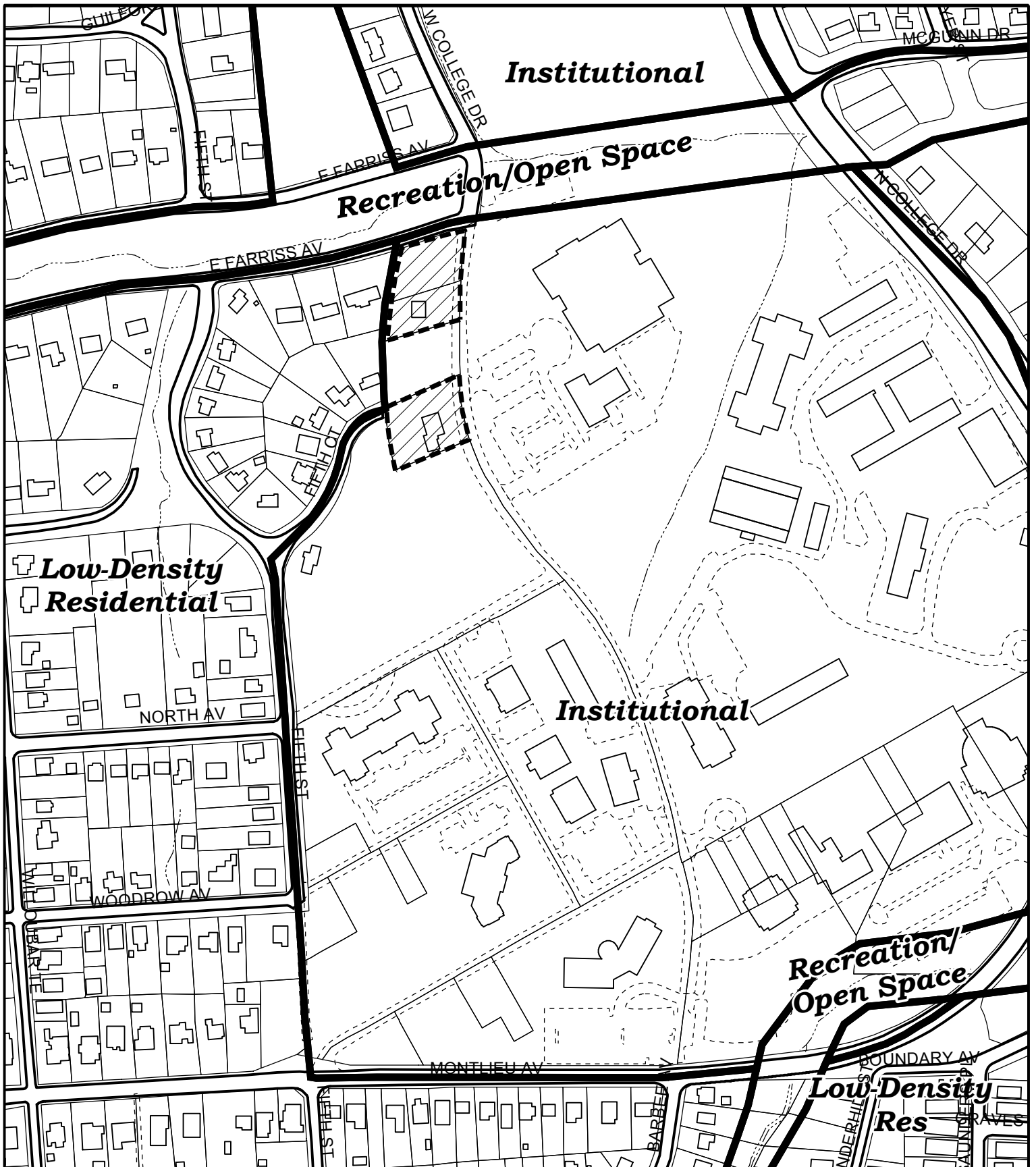
City Council:

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) it meets the required findings for a conditional use zoning district as written in this report; 2) the area proposed for rezoning has an Institutional Land Use Map designation and the requested CU-PI District, as restricted by CUP00-26, is consistent with the land use plan and in harmony with the adjacent residential neighborhood; 3) the higher landscaping and building setback requirements of the permit along Fifth Court and E. Farriss Avenue will further insure the request will be in harmony with adjacent single family dwellings; 4) the development & dimension standards and the landscaping/buffering standards of the Development Ordinance, where PI District abuts residential uses, will further insure that the required CU-PI District will not substantially injure value of adjoining property owners; and 5) the request is a logical and reasonable extension of the High Point University campus based upon the Institutional Land Use Plan designation of this area and the contiguous nature of this rezoning request to the University's main campus area. 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, Senior Planner and reviewed by Robert Robbins, Development Administrator and Lee Burnette, Director.



REZONING CASE 09-01

Land Use Plan

Existing Land Use Plan
Subject Property Boundary



**Planning & Development
 Department**

City of High Point

Date: January 14, 2009



Scale: 1"=300'

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REZONING CASE 09-01

Topography

Subject Property Boundary - - - - -

Planning & Development
Department

City of High Point

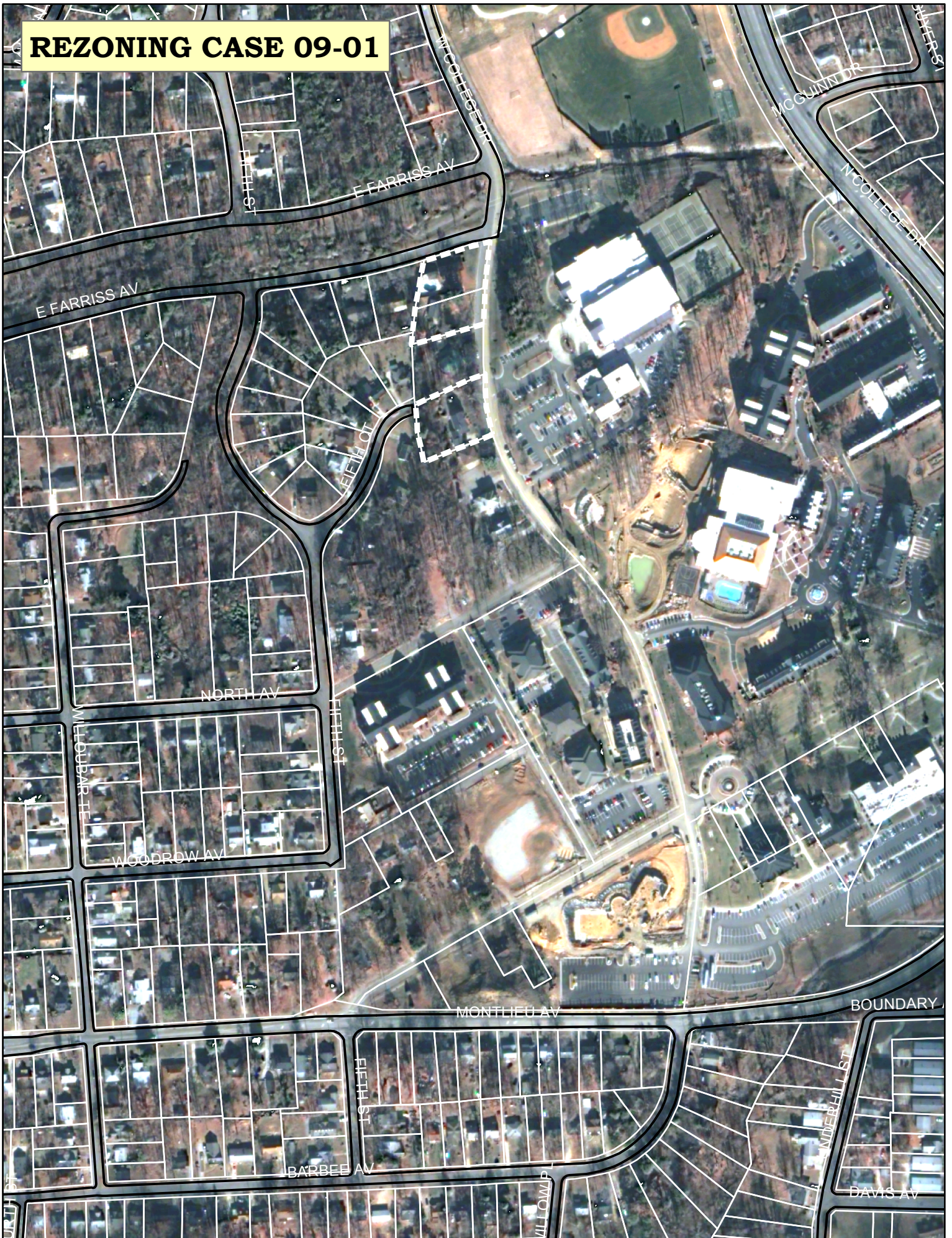
Date: January 14, 2009



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REZONING CASE 09-01



APPLICATION FOR A CONDITIONAL USE PERMIT

CITY OF HIGH POINT, NORTH CAROLINA Conditional Use Public & Institutional (CU-PI) District

<u>August 15, 2000</u> (Adopted)	<u>November 18, 2006</u> (Major Amendment)	<u>February 18, 2008</u> (Major Amendment)
<u>August 4, 2005</u> (Major Amendment)	<u>February 8, 2007</u> (Major Amendment)	<u>July 7, 2008</u> (Major Amendment)
<u>October 2, 2006</u> (Major Amendment)	<u>September 17, 2007</u> (Major Amendment)	<u>December 15, 2008</u> (Submitted)

TO THE CITY COUNCIL OF THE CITY OF HIGH POINT:

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

I. USES: The following land uses allowed in the Public and Institutional (PI) District shall be permitted, subject to the development and dimensional requirements of the Development Ordinance and subject to the specific conditions listed in this Permit:

1. Colleges or Universities (SIC 8220).
2. School Administration Facilities (SIC 9411)
3. Churches (SIC 8661)
4. Elementary or Secondary Schools (SIC 8211)
5. Fraternities or Sororities (Univ. or College)
6. Accessory Uses and Structures (customary)

II. CONDITIONS:

A. Development and Dimensional Standards: In addition to requirements of the Development Ordinance, the following additional standards shall apply to that portion of the zoning site within 100-feet of the Fifth Street, ~~and Fifth Court~~ **and E. Farris Avenue** right-of-way(s) line.

1. All building(s) shall be restricted to a maximum height of 60-feet.
2. Loading areas for a building shall not be located on the side of a building that faces Fifth Street, ~~or Fifth Court~~ **or E. Farris Avenue**.
3. Mechanical or electrical equipment, storage facilities or other such unsightly building appurtenances shall be screened from view at a height of six (6) feet above ground level, as seen from the centerline of Fifth Street, ~~or Fifth~~

Court or E. Farris Avenue. Existing or newly planted vegetation, opaque fences, masonry walls, other structures or combination thereof may be used to achieve an effective screen.

4. Landscaping:

- a. When any off-street parking or vehicular surface area is within this 100 foot area, the required street yard planting rate along the Fifth Street, ~~or Fifth Court~~ or E. Farris Avenue frontage of that city block shall be increased from 17 shrubs per 100 linear feet to a minimum of 33 evergreen shrubs per 100 linear feet. Additionally, these shrubs shall be a locally adapted species expected to reach a minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three years of planting. This higher planting rate is intended to provide a low level screening of the off-street parking area.
- b. When any use, other than off-street parking or vehicular surface areas, is within this 100-foot area, the required street yard along the Fifth Street, ~~or Fifth Court~~ or E. Farris Avenue frontage of that city block shall be increased from an 8 foot width to a minimum width of 15 feet, and the planting rate for understory trees shall be increased from none to a minimum of 4 per 100 linear feet. This higher planting rate is intended to visually enhance campus development as viewed from Fifth Street.

B. Transportation

1. Access: The rezoning site shall have no access to Montlieu Avenue, Fifth Street, ~~or Fifth Court~~ or E. Farris Avenue.
2. Right-of-Way: The High Point Thoroughfare Plan classifies Montlieu Avenue as a major thoroughfare. The property owner shall dedicate thirty-four (34) feet of right-of-way along the zoning site Montlieu Avenue frontage, as measured from the centerline, for future road improvements.
3. The Director of Transportation shall approve all construction and improvements.

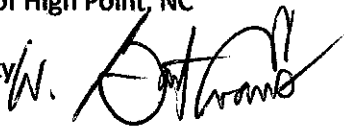
DESCRIPTION OF PROPERTY: Approximately 24.5 acres, located at the northeast and northwestern corner of Montlieu Avenue & Barbee Avenue; west of W. College Drive; south of North Avenue and east of Fifth Street and known as Guilford County Tax Parcel(s) 226-1-~~3~~, 5 thru 12, 17, 19 thru 25, 42, 43 and 45; 226-2-1 thru 5, 7, 8, 9, 10, ~~11~~, 15, 16 & 18; 226-3-1, 2, 3, 4 5, 6, 7, 8, 10 thru 21; 226-4-1, 2, 3, 4, 7, 9, 10 & 14; 226-6-1, 2, 3, 4, 5, 7 thru 22 and 226-7-2, 3, 4 & 15.

**Citizens Information Meeting Report
Zoning Case 09-01
&
Major Amendment CUP00-26**

Submitted by: W. Gart Evans on behalf of
High Point University

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

FROM: W. Gart Evans, High Point University



Date: January 12, 2009

RE: CITIZEN INFORMATION MEETING REPORT, REZONING REQUEST FOR 915, 921, AND 923 W. COLLEGE DR.

Please find attached the Citizen Information Meeting Report from our meeting held at High Point University on Jan. 9, 2009.

The report contains the following:

- Names & addresses of property owners who were notified via letter; hand delivery & USPS
- Copy of HPU letter & City of High Point's meeting info. Sheet which were mailed
- Development proposal which was available at the meeting
- Map of proposed rezoning area
- Copy of "hand written" roster for meeting attendees
- There were no citizen comments

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



TO: Owners of property near High Point University

FROM: Gart Evans

Date: 6 Jan. 2009

RE: Citizen Information Meeting Friday, Jan. 9, 2009 @ 6:30 pm

Room 202 Norton Hall (corner of W. College & O.A. Kirkman Way)

High Point University is filing an application with the City of High Point for the rezoning (from RS-7 to CU PI) of 3 parcels of property adjoining property currently owned by the University. This would affect property located at 915, 921 & 923 W. College Drive. These lots connect to the property already rezoned CU-PI by the City of High Point.

A Citizen Information Meeting will be held on Friday, Jan. 9, 2009 at 6:30 pm in Rm. 202 Norton Hall for the purpose of allowing us to inform you about our developmental plan and zoning proposal. Parking will be available in the chapel circle located at the corner of W. College and O.A. Kirkman Way. We look forward to answering your questions and receiving your input. A copy of the City of High Point's Community Meeting Information sheet is enclosed for your use.

Please contact Gart Evans at 336-688-9766 or gevans@highpoint.edu with questions or comments.

HIGH POINT UNIVERSITY

Jan. 9, 2009

DEVELOPMENT PROPOSAL – Rezoning of 915, 921 and 923 W. College Dr. from RS-7 to CU PI

High Point University has filed an application with the City of High Point to rezone 3 parcels of property which currently adjoin property owned by the University and are already zoned CU PI.

Property at 915, 921 and 923 W. College Dr. will be used to support the general operation and growth of the University and will at this time be developed into a parking area to serve the student services center (multi-plex). Entrance and egress will only be from W. College Dr.

Contact Gart Evans at 6889766 or gevans@highpoint.edu with questions or concerns.



H.P.U. CITIZEN INFORMATION MEETING 6:30pm, JAN. 9, 2009

CASE #00-26 REZONING 915, 921, 923 W. COLLEGE DR. FROM RS-7 TO CUP1

NAME

ADDRESS

TELEPHONE

1

2

3

4

5

6

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8

9

10

⊗ NO ONE ATTENDED CITIZEN INFORMATION MEETING, HOWEVER,
I DID HAVE PRIOR ONE-ON-ONE CONTACTS WITH MR. & MRS. ED GIBSON,
1003 FIFTH CT.; MR. & MRS. BEBBY MILLER, 906 E. FARRIS; AND
MR. & MRS. GRAY BOWMAN, 1011 W. COLLEGE.

W. D. DAVIS

COPY

BOLES JOHN H II
900 E FARRIS AVE
HIGH POINT NC 27262

CARTER CALVIN D & CASSANDRA B
1009 FIFTH CT
HIGH POINT NC 27262

DOBSON JOEL A SR & JUDITH R
6700 BUDDINGWOOD DR
GREENSBORO NC 27409

FIELDS LARRY D & PATRICIA A HAUSER
503 VENTURA DR
GREENSBORO NC 27406

GIBSON EDWARD L & WILMA J
1003 FIFTH CT
HIGH POINT NC 27262

GRIFFITH DEVIN L
902 E FARRISS AVE
HIGH POINT NC 27262

HIGH POINT UNIVERSITY
833 MONTIEU AVE
HIGH POINT NC 27262

HIGH POINT UNIVERSITY
833 MONTIEU AVE
HIGH POINT NC 27262

HOLCOL LLC
PO BOX 5393
HIGH POINT NC 27262

HOWELL GEORGE W JR & DONALD F HILL
904 E FARRISS AVE
HIGH POINT NC 27262

HUTCHINSON DEMETZA D
222 TEDDAR RD DR
MOUNT GILEAD NC 27306

LARA H YANEZ & DEBRA H YANEZ
1007 FIFTH COURT
HIGH POINT NC 27262

MACEA JOSE L
1006 FIFTH ST
HIGH POINT NC 27262

MAYS W CLAYTON JR
1001 W COLLEGE DR
HIGH POINT NC 27262

MCCLAIN BEATRICE LOWE
1603 WELLINGTON HILLS CIR
SALISBURY NC 28147

MCLEAN BETTY A
1010 FIFTH ST
HIGH POINT NC 27262

MEARTE T J & LELLA
1011 FIFTH CT
HIGH POINT NC 27262

MILLER BOBBY E
908 E FARRISS AVE
HIGH POINT NC 27262

PARRISH TROY C & JANICE
709 FLAT SWAMP LAKE RD
DENTON NC 27239

PARSONS WILLIAM JACOB
921 W COLLEGE DR
HIGH POINT NC 27262

PARSONS WILLIAM JOSEPH
923 W COLLEGE DR
HIGH POINT NC 27262

PASSMORE CARROLL A & NANCY M
256 BOWERS RD
THOMASVILLE NC 27380

WHITAKER MITCHELL J & BARBARA J
1005 FIFTH COURT
HIGH POINT NC 27262

Asst
W. C. Goff
REZONING

PLANNING AND ZONING COMMISSION RECOMMENDATION

On January 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

High Point University

Text Amendment Case 09-01

A request by High Point University to amend Section 9-5-16(c) of the Development Ordinance pertaining to signs incorporated into or on an athletic field scoreboard.

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

Speaking in favor of the request were:

- Mr. Jim Morgan of 1801 Westchester Drive, Attorney representing High Point University.
- Mr. Chris Dudley of 1247 Dovershire Place, High Point University Vice President of Administration/Community Development.
- Ms. Anita Hill-Bowman of 1011 W. College Drive.
- Mr. Coy Willard of 1301 Brookfield Court.

Mr. Morgan and Mr. Dudley provided a detailed overview of the history of this proposal. They noted that the University has also filed an administrative appeal with the Board of Adjustment regarding the determination by the Planning & Development Department that the graphic placed on the back of the baseball field scoreboard is a sign. The appeal case has been continued, at the request of the University, to allow this text amendment to proceed first. Mr. Dudley provided pictures of the sign and other improvements in the area of the athletic fields and noted that the sign is consistent with the use of the property for educational and athletic purposes, and that it provides a pleasing alternative to the open framework of the back of the scoreboard structure.

Speaking in opposition to the request were:

- Mr. Clayton Mayes of 1001 W. College Drive in High Point.
- Mr. Larry Chason of 1417 Guyer Street in High Point.

Mr. Mayes spoke concerning the effects of the sign and the scoreboard in general on his property and on his quality of life, noting in particular the large size and the view it presents from his home. Mr. Chason stated that it appears the University is receiving special treatment.

After a lengthy discussion the Commission recommended approval of Text Amendment Case 09-01 by a vote of 7-0. However, the members noted that while they are generally supportive of the sign at this location, they wish to express to City Council that they be sensitive to the implications of what this approval may mean in certain areas of the city, such as the Eastchester Scenic Corridor, 311 Bypass Corridor, and other areas of the City. They requested that City Council, in reviewing the final wording of the proposed text amendment, be sensitive to these concerns.

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

**STAFF REPORT
TEXT AMENDMENT CASE 09-01
January 27, 2009**

Request	
Applicant: High Point University	Affected Ordinance Sections: Section 9-5-16, entitled <i>Sign Regulations</i> , subsection (c), <i>Signs Exempt From Regulation</i>
Proposal: A request from High Point University to amend Section 9-5-16(c) of the Development Ordinance pertaining to signs located on or affixed to an athletic field scoreboard.	

Background

This past summer, High Point University installed a new baseball field scoreboard, located west of the athletic field, roughly parallel to West College Drive and just north of the E. Farriss Avenue intersection. Subsequently, a canvas-type sign that promotes the University was attached to the back of the scoreboard facing West College Drive. The sign covers the back of the scoreboard structure and is about 1200 square feet in area. The Planning and Development Department made a determination that the sign violates the City's sign regulations in that it constitutes a freestanding sign of illegal size and height for the zoning district (Public & Institutional).

The University filed an administrative appeal of the Department's determination with the Board of Adjustment, claiming that the sign should be exempt from regulation because of its content (depicting the University and American flags) and because it is a work of art. The appeal hearing was then continued from the November BOA meeting to the January meeting in order to permit the University time to consider other options for compliance. After consulting with Department staff, the University filed a text amendment request in December, and in January the BOA again agreed to continue the administrative appeal hearing – this time to its March meeting – to allow the text amendment process to conclude first. If the text amendment is adopted, there will be no need for the appeal case to proceed. If it is not, then the appeal may be heard by the Board of Adjustment on March 12th.

Details of Proposal

The proposed changes to the sign regulations involve two paragraphs of Section 9-5-16(c), which describes signage that the City has decided not to regulate. Such signage includes governmental

signs, hand carried signs, signs in the interior of buildings or those that are not visible from a public or private street, signs painted on or attached to windows, works of art with no commercial message, and flags of the U.S., North Carolina and other officially recognized local jurisdictions and foreign nations. In paragraph (5), the words '*athletic fields*' are added, as this is an Ordinance defined term that generally includes stadiums which will provide clarity, not just in this situation but in others as well. A new paragraph (6) is added that will exempt the sign on the rear of the scoreboard and others like it, so long as 1) the content of the sign does not classify it as an off-site sign or outdoor advertising sign (billboard), or 2) the sign is not larger in any way than the structure it is attached to, or 3) the sign is not a projecting sign, or 4) the sign is not illuminated. Lastly, the amendment rennumbers the remaining paragraphs (old (6) through (10)) as paragraphs (7) through (11).

Analysis

The sign affixed to the rear of the University scoreboard contains a written message promoting High Point University and a photographic image of young people wearing University shirts against a background of alternating HPU and American flags. If this sign were located in the interior of the campus, where it is not legible from public or private streets, it would be exempt from regulation under paragraph (8) of Section 9-5-16(c). However, its size, unobstructed location near the edge of the campus and its orientation westward toward a residential neighborhood make it legible from West College Drive. Because it is not affixed to a wall of a building, the sign is classified as a freestanding sign. The University is permitted one such sign along the West College Drive frontage with a maximum height of 6 ft. and a maximum area of 100 sq.ft. This sign exceeds these dimensions; in fact, the area exceeds the maximum area of any type of sign currently permitted by the Development Ordinance.

The language of the amendment narrows the application of the proposed exemption to signs that are an integral part of, or are in some manner affixed to, an athletic field scoreboard. Paragraph (5) of Section 9-5-16(c) currently exempts from regulation signs located on the interior of stadiums, and this text amendment proposes to add the term '*athletic fields*' to clarify that such facilities are to be included, and because this is a term that is defined by the Ordinance. Staff notes that the addition of this term should be adopted, regardless of the outcome to the remainder of the amendment. The existing language of paragraph (5) also exempts signs on a scoreboard (and the scoreboard itself) that face the playing field by referencing '*other structures*'.

The new paragraph (6) deals specifically with scoreboard signs that are not oriented toward the playing field. In order for a sign on a scoreboard (not oriented toward the playing field) to be exempt from regulation, the proposed amendment requires that a negative finding be made to each of four criteria. First, the sign must not be considered an off-site or outdoor advertising sign. These terms are defined in the Development Ordinance. It means that the sign may not direct attention to any business, service, commodity, entertainment or attraction sold, offered or existing elsewhere than upon the same zone lot where the sign is displayed. So a sign advertising Coca Cola, or beckoning folks to Eat At Joe's will not be allowed. Second, the sign cannot be larger in any dimension than the scoreboard structure it is attached to. Third, the sign cannot be a projecting sign, which is also defined by the Ordinance. And fourth, the sign may not be illuminated. The sign regulations also contain a list of prohibited signs (Section 9-5-16(b)) that

would forbid windblown devices, animated signs and others. Staff believes that the filtering criteria proposed, along with the existing prohibitions will do a good job of alleviating most of the objectionable applications of this exemption.

The proposed text amendment would permit the University's sign to remain, as it would meet the negative finding for the four criteria. At the present time, there are only a few other potential applications of this exemption, which would include Simeon Stadium, athletic fields at local schools and churches, and City owned facilities. It is likely that scoreboards at any such facilities would be much smaller than the one at HPU. Therefore, it is reasonable to assume that the limited application possibilities for such an exemption would prevent a proliferation of such signage around the City.

Although the proposed amendment is limited in application, and tightly written to avoid unintended consequences, it is nonetheless written to provide a remedy for a particular situation. Due to the University's desire to retain its scoreboard sign, the proposed amendment does not address the maximum size of such signs, nor does it address proximity to residential uses or suggest that the visual impact such a sign may have on others be taken into consideration. These are issues that, if included as part of the evaluation criteria, might result in not exempting the HPU sign. Applying the criteria proposed in this amendment, staff is unaware of any existing situation that would result in an exempted sign of a similar size and in a similar location relative to existing residential uses. Thus it may be argued that other potential applications of this exemption would not produce any greater impacts. Whether to approve this amendment, then, seems to rest upon the answer to whether the sign that High Point University has erected should be allowed to remain.

Recommendation

Staff recommends approval.

Based upon the underlying purpose of providing a legal avenue to allow the HPU scoreboard sign, the text amendment as proposed will do so and will restrict such exemptions such that future applications are limited. Thus before approving this amendment, the City should first decide whether such signs should be exempt from regulation, and if so, then decide if the High Point University scoreboard sign is an acceptable application of that exemption.

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 from the Core City Plan with regard to 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 in this case the Core City 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. After review, staff suggests in this case, that there is insufficient direction from the Land Use Plan or from the Core City Plan with regard to 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) the sign exemption has limited application possibilities, thus preventing a proliferation of signage; and 2) the sign exemption is not inconsistent with other types of sign exemptions already permitted. 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 Robert L. Robbins, AICP, Development Services Administrator and reviewed by G. Lee Burnette, AICP, Director.

TEXT AMENDMENT 09-01
PROPOSED AMENDMENTS TO THE CITY OF HIGH POINT
DEVELOPMENT ORDINANCE

(Changes to Section 9-5-16(c) *Signs Exempt From Regulation* to exempt certain signage located on or affixed to an athletic field scoreboard.)

Section 1.

Chapter 5 of the City of High Point Development Ordinance, Article D entitled *Sign Regulations*, subsection (c) entitled *Signs Exempt From Regulation*, paragraph (5), shall be amended as follows:

- (5) Signs located on the interior of buildings, courts, lobbies, **athletic fields**, stadiums or other structures which are not intended to be seen from the exterior of said buildings or structures.

Section 2.

Chapter 5 of the City of High Point Development Ordinance, Article D entitled *Sign Regulations*, subsection (c) entitled *Signs Exempt From Regulation*, paragraph (6), shall be replaced by the following:

- (6) **Signs located on or affixed to an athletic field scoreboard that are not oriented toward the playing field, unless any such sign 1) is an off-site sign or outdoor advertising sign, or 2) is larger than, or protrudes from the scoreboard, or 3) is a projecting sign, or 4) is illuminated.**

Section 3.

The existing paragraphs (6) through (10) of Section 9-5-16(c) shall be renumbered consecutively as paragraphs **(7) through (11)**.

- (11) A series of two (2) or more signs placed in a line parallel to a public or private street, or in similar fashion, all carrying a single commercial message.

(Ord. No. 04-40, Pt. 14, (§1), 5-03-04)

(c) SIGNS EXEMPT FROM REGULATION

The following signs are exempt from regulation under this Ordinance except that lighted signs require an electrical permit.

- (1) Governmental signs.
- (2) Works of art with no commercial message.
- (3) Lights and decorations with no commercial message temporarily displayed on traditionally accepted civic, patriotic or religious holidays.
- (4) Hand carried signs.
- (5) Signs located on the interior of buildings, courts, lobbies, stadiums, or other structures which are not intended to be seen from the exterior of said buildings or structures.
- (6) Signs affixed to vehicles and trailers used in the normal transport of goods or persons where the sign is incidental and accessory to the primary use of the vehicle or trailer.
- (7) Signs affixed to windows of vehicles displaying information on the terms of sales for said vehicles.
- (8) Signs not legible from a public or private street.
- (9) Flags of the United States, North Carolina, local governmental jurisdictions, foreign nations having diplomatic relations with the United States, and any other flags adopted or sanctioned by the local governing body, are subject to the laws found in the United States Code, Title 4, Chapter 1, Title 18, Chapter 33 and Title 36, Chapter 10.
- (10) Window signs painted on or attached to a window.

(d) SIGNS THAT DO NOT REQUIRE A PERMIT

The following signs are permitted in all zoning districts and may be installed without obtaining a permit, provided that they conform to the specifications shown on Table 5-16-1. Unless otherwise specified, all signs shall be restricted to on-site locations.

A Citizen's Reply to
"Notice of a Public Hearing for an Appeal of the Determination Made by the City of High Point"
Dated October 30, 2008

Case Number: A08-01
Applicant: High Point University
Property Owner: High Point University
Location: West College Drive

As a resident of one of the 5-6 houses on West College Drive that have "personal property" view of the scoreboard in question, I am writing to express my appreciation to the Board of Adjustment for notifying my family of the pending appeal and to voice my opinion concerning this appeal.

As a resident of 1011 West College Drive, I clearly do not have the same view of the scoreboard in question as do the residents of 1001 and 1003 West College Drive, so I would understand if their opinion is different from mine.

Certainly I see the back side of the scoreboard as I drive by and I see it obliquely as I stand in my front yard. In either case when I see the display on the back of the scoreboard it makes me feel good. The students pictured remind me of my days and my children's days as students at High Point University and of the many wonderful High Point University students I have had the opportunity to come to know over the past thirty-plus years. I, in no way, see the back of the scoreboard as objectionable. The display in question also reminds me of the amazing transformation of my neighborhood into a much more attractive, and safer, place for my family to live. The changes made by the university under the direction of Dr. Nido Qubein are a source of pride to my family and, I would hope, to the citizens of High Point at-large who can now look to a significantly increased employer in High Point and an improved institution of higher education for themselves and their children.

Actually, I am baffled that this scoreboard is considered to be a "sign" governed by the High Point Development Ordinance regarding sign regulations. Perhaps my sense of what a "sign" consists of is more limited than the definition used by the City of High Point. I have always assumed that the purpose of a sign is to make a business location more visible to its clients and potential clients and that sign ordinances were designed to (1) prevent hazards to public safety due to blockage of the vision of automobile drivers, (2) prevent the signage of one business from unfairly blocking the signage of adjacent businesses, and (3) prevent the display of messages whose content is objectionable to the community. Clearly the scoreboard, located approximately half-way between West College Drive and North College Drive, poses no public safety issue and does not unfairly block the signage of a business, and, as I have already stated, does not contain a message that I find, in any way, to be objectionable. Moreover, the scoreboard does not fit within my definition of a sign in that the purpose is not to make the business location more visible to its clients, but rather, to make the scoreboard more attractive to the community.

I think it is worth mentioning that the scoreboard in question is one of two new scoreboards at High Point University. The second one serves the upper field (soccer and track) and is directly

across from my property. The back of this second scoreboard is a latticework of black bars with no solid covering and, being roughly perpendicular to the city streets on either side, does not fall into the direct line-of-vision of people passing by the university or living on those two streets. I suppose that the "bare-back" look of this second scoreboard could be considered an alternative for the scoreboard under appeal.

My opinion comes down to this: First, I don't think the back of the scoreboard should be considered a "sign" because its purpose is not to make the university's location more visible to its clients or potential clients. Second, even if it is considered a "sign" based on the City of High Point ordinances, the back of the scoreboard does not violate any of the three purposes I think sign ordinances are (or should be) designed to address (i.e., public safety, fairness to other businesses, objectionable messages). Thirdly, I find the back of the scoreboard in question to be aesthetically more attractive and inspiring than the "bare-back" look of the other scoreboard.

Respectfully submitted,

Dr. Anita H. Bowman
1011 West College Drive
High Point, NC 27262
(336) 882-8932
abowman2@triad.rr.com

October 7, 2008

Save the HPU Baseball Scoreboard Covering

We, the undersigned residents of West College Drive and Farris Avenue in High Point, North Carolina, have no objections to the screen on the back of the baseball scoreboard featuring a work of art with American flags and smiling young people.

	Name	Address	Phone	Signature
1	Mr & Mrs. Bobby Miller	906 E. Farris Ave.	885-6227	Bob Miller
2	Mr & Mrs Jeremy DeBuck	1005 W. Colvard Dr.	471-9271	Jeremy DeBuck
3	Gregory Seale	1002 W. College Dr.	882-8336	
4	Quarick Hile	1827 W. College Dr.		
5	Nathan H. Brinson	1011 W. College Dr.	382-8932	Nathan H. Brinson
6	David E. Coker	1015 W. College Dr.	841-3058	David E. Coker
7	Shelley M. Shaver	1021 W. College Dr.		
8	Sharon H. Ford	1017 W. College Dr.		Sharon H. Ford
9				
10				
11				
12				
13				
14				

1017 W. College Drive
High Point, N.C. 27262

To Whome it may Concern.

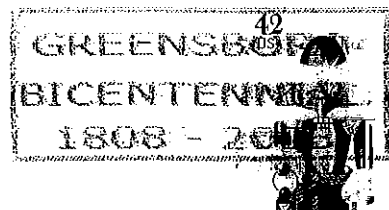
I live on West College Dr.
I think the sign is beautiful.
I love to watch it. I don't have
any complaints.

Thank you
Geneva A Lax



Ms. Geneva Lax
1017 W. College Dr.
High Point, NC 27262

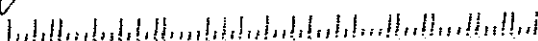
PIEDMONT TRIAD AREA
NC 274
06 NOV 2005 PM 1 T



Chris Dudley

833 Montlieu Ave.
High Point, N.C. 27262

27262+4221



November 3, 2008

Mr. Chris Dudley
High Point University
Montlieu Avenue
High Point, NC 27262

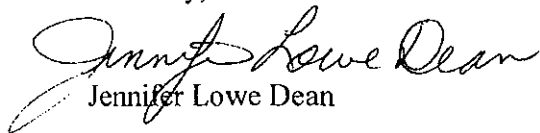
Dear Mr. Dudley,

My Mother and Dad built the house at 1003 West College Drive back in the early 1950's. Mother still owns this house. I grew up watching the baseball practice in the field across the street and hearing the games at the old stadium on Friday nights. The recent new development on the campus of High Point University is truly amazing and beautifully built.

I wanted to let you know that the banner covering the back of the scoreboard is not a problem for us. It is colorful and upbeat.

We will not be able to attend the public hearing scheduled for November 13, but wanted you to know that the sign does not bother us in any way. You may present this letter conveying our feelings concerning the banner.

Sincerely,


Jennifer Lowe Dean

High Point University - Score Board Bace Display
Written for Planning and Development Consideration
This Printout Date, November 6, 2008

For Consideration of: Case Number A08-01

This particular case appears to involve an aesthetic display of unique neighborhood character rather than be an infringement upon a public interest that is protected by a High Point Development Ordinance. The determination by the Enforcing Officer appears to have been made without due merit. Please consider the following arguments.

Aesthetics are largely in the eyes of the beholder, and some do develop slowly. Over the past 100 or so years, office and commercial buildings have been built right up to property lines. Building fronts were given decorative face treatments but side and rear walls were made of less costly materials to be hidden by some future developments. The bare walls facing vacant lots were often rented, like some rural barn walls, as general advertising billboards. A more recent aesthetic trend has been to paint decorative and/or symbolic murals on these bare walls.

Some part(s) of the development ordinance have been used as attempt(s) to control aesthetics over which City Government has little authority or expertise. Most of the ordinance cases involve signs on, or in front of, the building at, or within, the beginning of the public ownership. These signs are needed to identify the occupants and/or services available within the buildings and serve, both, the public and the occupant/service needs. Often, the number of signs in a generally limited space causes confusion that is difficult to overcome. A really good sign ordinance that removes this confusion is yet to be designed.

The property along the East Side of West College Drive was institutional long before any residences were built along the West Side of the street. I live in one of the five houses, of the six I built, that remain on West College Dr., in view of the subject Score Board Sign. Ironically, the first of these houses (1001 W College Dr.) could not have been built under a City Ordinance controlling aesthetics for lack of an acceptable existing example. The same rule would have applied to the other five houses as well. I am proud of the quality of occupants this neighborhood has attracted. I respect differing opinions but no neighbor came here without knowing the existing institutional character of the neighborhood. Although they have no immediate need for more land, the HPU authorities have requested the first opportunity to purchase properties the occupants have reason to leave.

Finally, the Score Board is near the middle of the athletic field between College and West College Drives and appears to serve the newly build baseball field, well within the boundaries of the High Point University property. This structure would be there even if the backside were to be left bare. Yes, the designed image is bold but it conflicts with nothing. It identifies the Institution and displays a Noble Inspiration that I think is entirely fitting.

Sincerely,

Everette B. Hill

PLANNING AND ZONING COMMISSION RECOMMENDATION

On January 27, 2009, a public hearing was held before the Planning and Zoning Commission regarding the request described below. All members of the Commission were present except for Ms. Marilyn DeBerry.

High Point University

Major Amendment to Special Use Permit 07-02

A request by High Point University for a Major Amendment to Special Use Permit 07-02 to add approximately 2.5 acres into the permit and to expand the area of automotive parking as a principal use in the Residential Single Family-7 (RS-7) District. The site is lying west of the intersection of Meadowbrook Boulevard & Harrison Street and north of the intersection of Boundary Avenue & Saunders Place.

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

Speaking in favor of the request was Mr. Gart Evans of High Point University.

Mr. Gilbert Carter, 1320 Boundary Avenue spoke neither in favor nor in opposition to the request. He desired confirmation that there would be no access from the site to Boundary Avenue. Mr. Shannon noted that the permit has a condition requiring all vehicular access to be from Montlieu Avenue and confirmed there will be no access to Meadowbrook Boulevard or Boundary Avenue.

No one spoke in opposition to the request.

The Planning & Zoning Commission recommended **approval**, by a vote of 5-0, to the Major Amendment to Special Use Permit Case 07-02.

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

**STAFF REPORT
MAJOR AMENDMENT SPECIAL USE PERMIT 07-02
January 27, 2009**

Request	
Applicant: High Point University	Owner: High Point University
Proposal: Special Use Permit 07-02 was approved in August 2007 to allow automotive parking as a principal use, in the Residential Single Family-7 (RS-7) District. The applicant is requesting a Major Amendment to the permit to add approximately 2.5 acres into the permit and to expand the area of automotive parking.	

Site Information	
Location:	Lying northwest of the intersection of Meadowbrook Boulevard & Harrison Street and north of the intersection of Boundary Avenue & Saunders Place.
Tax Parcel Numbers:	Guilford County Tax Parcels 160-5-1, 2, 3, 4, 6 and 15.
Site Acreage:	Total area proposed to be added to permit is approximately 2.5 acres. Land area already part of SUP07-02 is approximately 3.5 acres.
Current Land Use:	The eastern portion of the site, lying northwest of the intersection of Meadowbrook Boulevard and Harrison Street, consists of 2 single family dwellings and 3 undeveloped parcels (former residential structures have been razed or relocated). The western portion of the site to be added to the permit consists of undeveloped land area.
Physical Characteristics:	The eastern portion of the site has a moderately sloping terrain and contains floodway, 100 year & 500 year flood zone areas associated with the perennial stream that runs through it. The western portion of the site has a moderate to severely sloping terrain, and the same perennial stream runs through this portion of the site, also containing associated floodways, 100 year & 500 year flood zone areas.
Water & Sewer Proximity:	City water and sewer lines are located in the streets surrounding the site (Montlieu Avenue, Boundary Avenue and Harrison Street).
General Drainage and Watershed:	The site drains to the stream that runs through the middle of it, which flows in a southeasterly direction. The site is subject to the City Lake General Watershed Area requirements of the water supply watershed regulations. Engineered stormwater measures are required for non-residential or multifamily development with an impervious surface area that is greater than 24% or more of the site.
Overlay Districts	None

Adjacent Property Zoning and Current Land Use		
North:	RS-7 - Residential Single-Family-7 District CU-PI - Conditional Use Public & Institutional District	High Point University parking lot. High Point University campus (<i>across Montlieu Avenue</i>)
South:	RS-7 - Residential Single-Family-7 District	Single family residential subdivision
East:	RS-7 - Residential Single-Family-7 District	Single family residential subdivision
West:	RS-7 - Residential Single-Family-7 District	Single family residential subdivision

Relevant Land Use Policies and Related Zoning History	
Land Use Plan Map Classification:	Most of the site has a Low Density Residential land use classification. However, the southwestern area of the site, with a perennial stream, is designated as Recreation/Open Space. Descriptions of these classifications are as follows: • 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. • Recreation/Open Space: Lands for recreation or open space are included in this classification, offering either active use or passive enjoyment and environmental protection.
Land Use Plan Goals, Objectives and Policies:	The following goals and objectives of the Land Use Plan, for The High Point Planning Area are relevant to this request: Goal 2: Encourage development that enhances and preserves established neighborhoods. Obj. 4: Protect the City's older, established neighborhoods, and promote their revitalization through needed infrastructure improvements and new residential investment. Obj. 9: Where feasible and appropriate, provide a transition in land uses between more and less intensive land uses. Obj. 11: Enhance the aesthetic appearance of High Point by preserving the scenic quality of its major gateway streets and travel corridors and by providing appropriate landscaped buffers and transitional uses between low and high-intensity land uses.
Relevant Area Plan(s):	CORE CITY PLAN - The following principles from the Core City Plan are relevant to this request: <u>Land Uses</u> - Residential District: It is the intent of this designation to protect and enhance the qualities of the Core City's neighborhoods and make them positive places to reside.

	<u>Neighborhoods</u> - Neighborhood Planning Principles: Do not allow neighborhoods to get chipped away at their edges by incompatible uses and development forms. Employ design measures to accentuate their boundaries through features such as gateway treatments and street tree plantings.
	<i>COMMUNITY GROWTH VISION STATEMENT</i> - The following goal and objectives from the <i>Community Growth Vision Statement</i> are relevant to this request: Goal 2: Improve High Point's older urban neighborhoods, while ensuring better future neighborhoods.
Zoning History:	The site has a RS-7 District zoning, which is primarily intended to accommodate high density single family detached dwellings at an overall gross density of 5 units per acre or less. In August 2007, City Council approved a Special Use Permit application (SUP07-02) by High Point University to permit parking in this RS-7 zoned area.

Transportation Information					
Adjacent Streets:	Name		Classification		Approx. Frontage
	N. College Drive		Major Thoroughfare		1,000 ft.
	Montlieu Avenue		Major Thoroughfare		500 ft
	Meadowbrook Blvd		Local Street		565 ft.
	Boundary Avenue		Local Street		460 ft.
Vehicular Access:	Montlieu Avenue. Conditions of the SUP prohibit vehicular access from any other street.				
Traffic Counts:	N. College Drive		14,519 ADT (2006 traffic count)		
	Montlieu Avenue		4,866 ADT (2001 traffic count)		
	Meadowbrook Blvd		None available		
	Boundary Avenue		500 ADT (2004 traffic count)		
Estimated Trip Generation:	None available; however the site plan noted that a total of 273 parking spaces are to be provided.				
Traffic Impact Analysis:	Required		Comment		
	Yes	No X	None		
Pedestrian Access:	There are currently sidewalks along the site's Montlieu Avenue frontage. To discourage unsafe mid block pedestrian crossings, the initially approved Special Use Permit required the installation of a fence (decorative brick & wrought iron fence) along the site's Montlieu Avenue frontage to channel pedestrian traffic to the middle portion of the site's Montlieu Avenue frontage where an actuated pedestrian crossing signal and crosswalk was installed.				

School District Comment
Not applicable to this request.

Details of Proposal

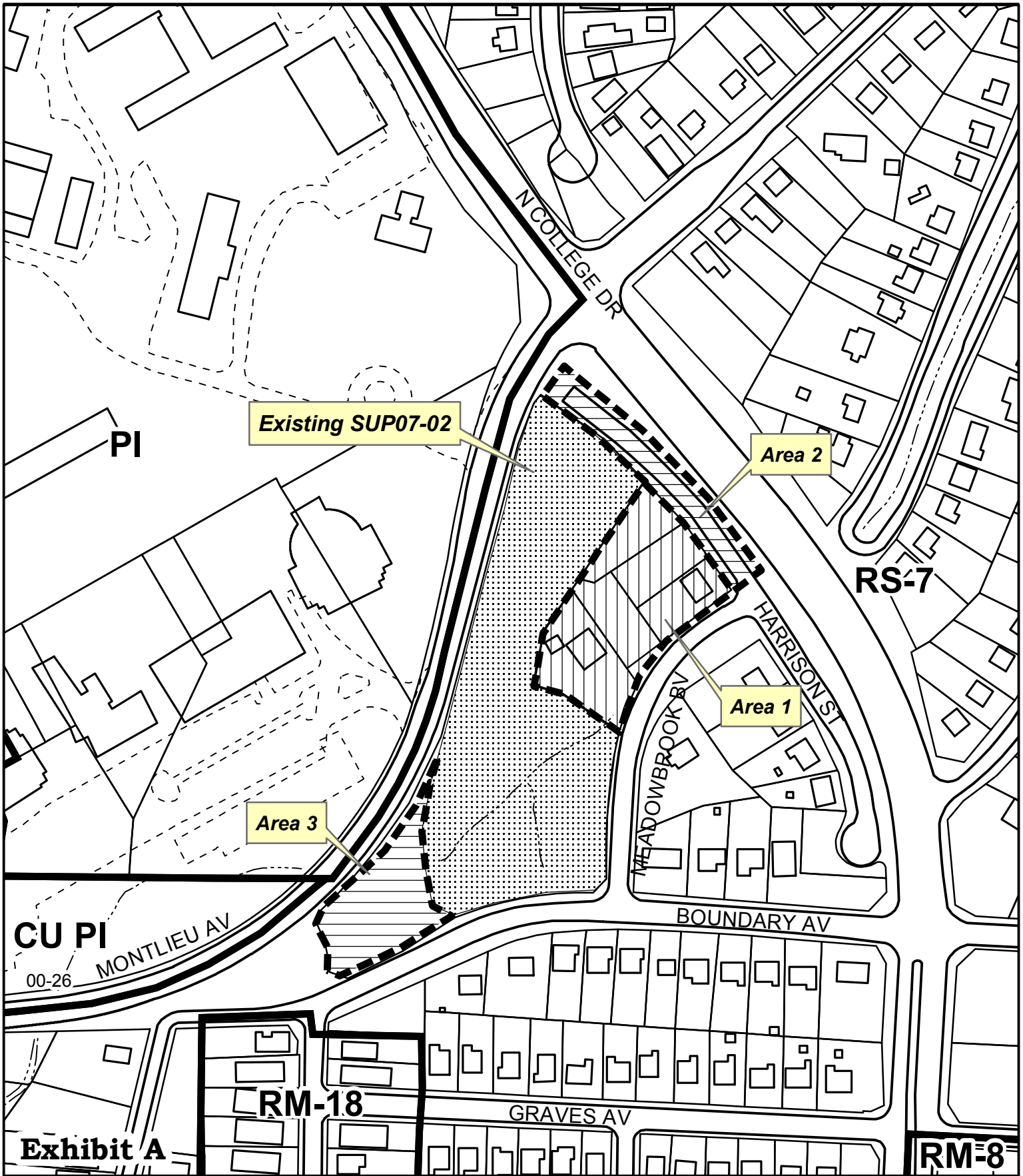
High Point University is requesting a Major Amendment to Special Use Permit 07-02 to expand an existing parking lot lying opposite the campus main entrance off Montlieu Avenue. The site is currently zoned RS-7, and parking as a principal use is allowed by the Development Ordinance in all residential zoning districts with a special use permit approval. The requested major amendment does not change the zoning upon the site, but would expand the area of allowable automobile parking for the University. The site is located outside of but adjacent to the Institutional land use boundary established for the University in the Land Use Plan. The land use designation for the site is currently Low-Density Residential. The request consists of the following:

Area of expansion #1: This area consists of 5 parcels lying south of the site at the northwest corner of Meadowbrook Boulevard and Harrison Street. The applicant is proposing to expand the parking lot into this area in order to add an additional 123 parking spaces. The site is separated from adjacent residences by the Meadowbrook Boulevard right-of-way. To further ensure compatibility with the adjacent residential homes, the applicant has offered to amend the permit to note the following:

- If a fence is installed in the vicinity of the site's Meadowbrook Boulevard frontage, it shall consist of the decorative perimeter fencing (brick & wrought iron fencing) that generally outlines the boundary of the University.
- Required shrubs in the street planting yard along the site's Meadowbrook Boulevard frontage shall be a locally adapted species expected to reach a minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three years of planting. This larger size planting material is intended to provide a low level screening of headlights from the parking area. If a fence is installed in this area landscaping material shall be between the parking spaces and the fence.

Area of expansion #2: This area consists of that portion of the Harrison Street right-of-way lying north of Meadowbrook Boulevard and south of Montlieu Avenue. Inclusion of this area would be subject to the approval of a street abandonment request by City Council. The University owns all property that would use this portion of Harrison Street for access. In a separate case, the applicant is requesting Street Abandonment of a portion of Harrison Street so that land area of that street's right-of-way may be added to this parking lot (See Street Abandonment Case 09-01). This area is proposed to be used for parking and vehicle circulation. The permit specifically notes that the only access to the site shall be from Montlieu Avenue. To ensure that there is no cut through traffic into the adjacent residential neighborhood the site plan submitted with this permit notes that the roadway asphalt and curbing along the southern limits of this right-of-way (approx. 35' x 40' area) is to be removed and grassed. This makes it clear that this area is no longer a public street and it eliminates the ability to access the parking lot from Meadowbrook Boulevard.

Area of expansion #3: This consists of additional land area owned by the University along the western boundary of the site north of the intersection of Boundary Avenue & Saunders Place. This area is almost entirely within a stream buffer and flood zone area and the Special Use Permit site plan notes that this area is to be undeveloped. An unimproved right-



MAJOR AMENDMENT SPECIAL USE PERMIT 07-02

Request: To expand the existing parking lot

Existing Zoning Boundary
Subject Property Boundary

Department of Planning
and Development

City of High Point

Date: January 21, 2009



Scale: 1"=200'

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sup07-02exhA.mxd

of-way previously ran through this area, and since there was no intention by the City of High Point to construct a public street in this right-of-way, it was abandoned in 2008. Once abandoned, the land area associated with the right-of-way is conveyed to abutting property owners, in this case to the University. The addition of this area will improve the site configuration in this area and assist the applicant in the stormwater calculations in sizing their stormwater control device.

Identified Issues

Major Issues:

- ❖ None

Minor Issues:

- ❖ None

Findings

A special use is an additional use to those permitted by right in a zoning district. Such a use requires analysis for its potential impact on the proposed site and its impact on surrounding properties. The purpose of the Special Use Permit process is to allow the Planning and Zoning Commission and City Council an opportunity to perform this analysis.

Section 9-3-14 of the Development Ordinance requires that certain findings be made before a Special Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these required findings.

That the use will not materially endanger the public health or safety if located where proposed; staff finds

Compliance	❖ The request does not change any of the initially approved transportation or public safety conditions of the permit. The site is still restricted to only one point of vehicular access, which is to be from Montlieu Avenue.
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That the use meets all required standards, conditions and specifications of the Development Ordinance, and any additional restrictions imposed pursuant to Section 9-3-14(d) *Greater Restrictions*; staff finds

Compliance	❖ Based upon the site plan submitted by the applicant, the request is meeting all requirements of the Development Ordinance.
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That the use will not substantially injure the value of adjoining or abutting property, or that it is a public necessity; staff finds

Compliance	❖ The site is upon the outer edge of the adjacent residential subdivision and is separated from the adjacent residential subdivision by public streets (Meadowbrook Boulevard and Boundary Avenue). ❖ The area of development is toward Montlieu Avenue and N. College
------------	--

	Drive, both of which are major thoroughfares. The western half of the site is to remain undeveloped due to the location of a perennial stream, required stream buffers and flood zone areas associated with the stream. This will act as a buffer or transition area between the University and the adjacent residential neighborhood. ❖ Except for one dwelling located upon the opposite side of Meadowbrook Boulevard, all of the single family dwellings in the adjacent residential subdivision do not face the parking area. They either face N. College Drive, Boundary Avenue or the open space/undevelopable area of the site. The one dwelling that does face the parking lot is at the western edge of the parking lot where the buffer area starts and it sits back very deep upon its lot so that it is approximately 150 feet from the proposed parking lot. Conditions offered by the applicant for higher planting standards for shrubs in the Meadowbrook Boulevard street planting yard and that any fences placed in the vicinity of Meadowbrook Boulevard consist of decorative brick and wrought iron fence will further ensure the proposed expansion will not negatively impact adjacent property owners.
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That the location and character of the use shall be in harmony with the area in which it is located and in general conformity with the plan of development of the city and its environs; staff finds

Compliance	❖ The site consists of a city block located at the outer edge of a residential subdivision. It lies between the University and the adjoining neighborhood and acts as a transition or buffer area between the University and the adjacent residential neighborhood. The majority of the site is undevelopable due to stream buffer standards and flood zones associated with the stream. The site fronts on and takes access from Montlieu Avenue, a major thoroughfare. Requirements of the Development Ordinance pertaining to landscaping/buffering and conditions of the permit regarding landscaping and fencing will help ensure harmony with the adjacent neighborhood and along Montlieu Avenue. ❖ Conditions in the permit that access is to be from Montlieu Avenue and that a portion the asphalt connecting Harrison Street to Meadowbrook Boulevard be removed will ensure that there will be no traffic related to the parking lot cutting through the adjacent residential neighborhood. This will ensure the requested major amendment will be in harmony with the area.
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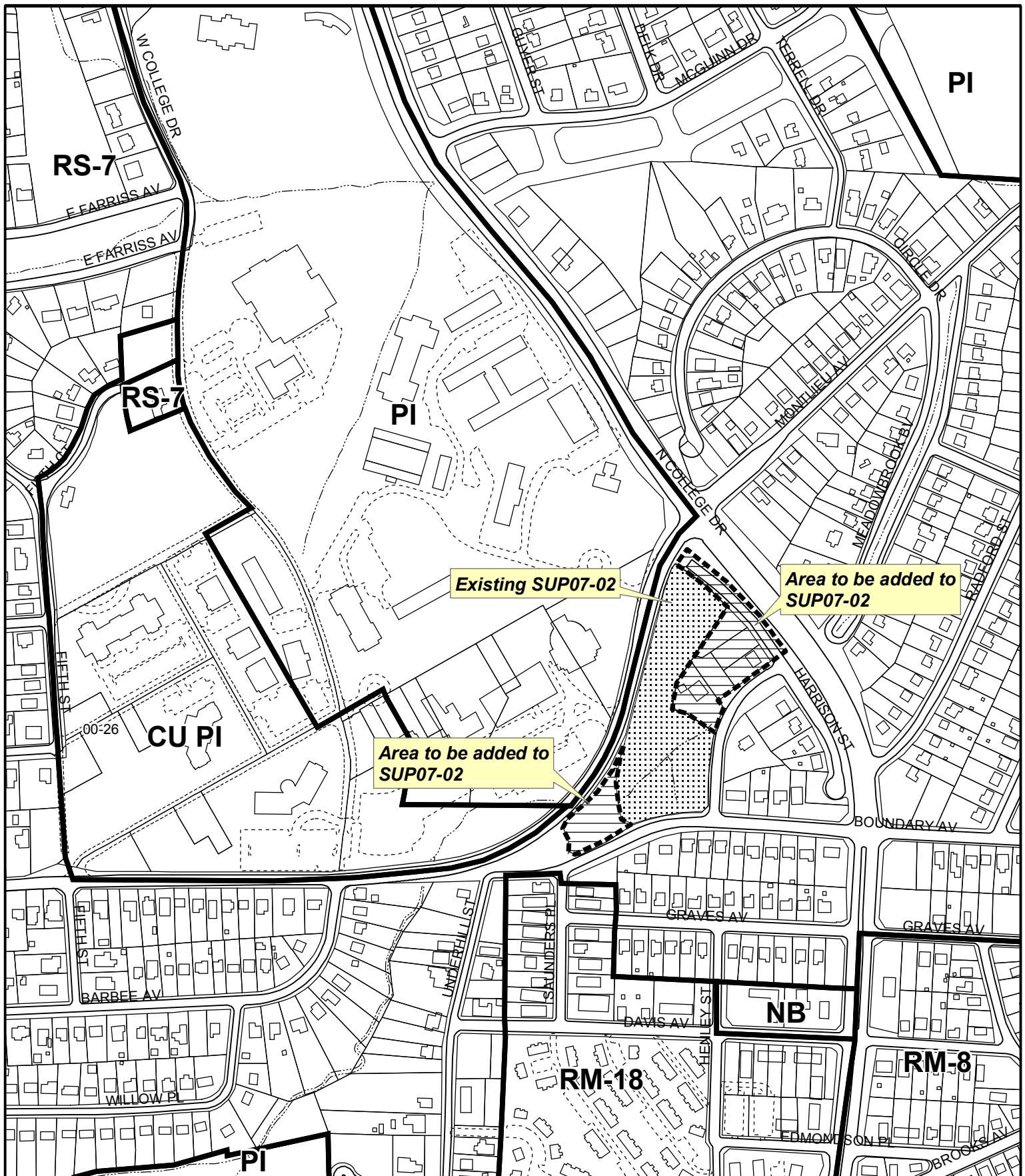
Recommendation

Staff Recommends Approval:

Based upon above noted findings, staff recommends approval of the requested Major Amendment to Special Use Permit 07-02.

Report Preparation

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



MAJOR AMENDMENT SPECIAL USE PERMIT 07-02

Request: To expand the existing parking lot

Existing Zoning Boundary
Subject Property Boundary



**Department of Planning
and Development**

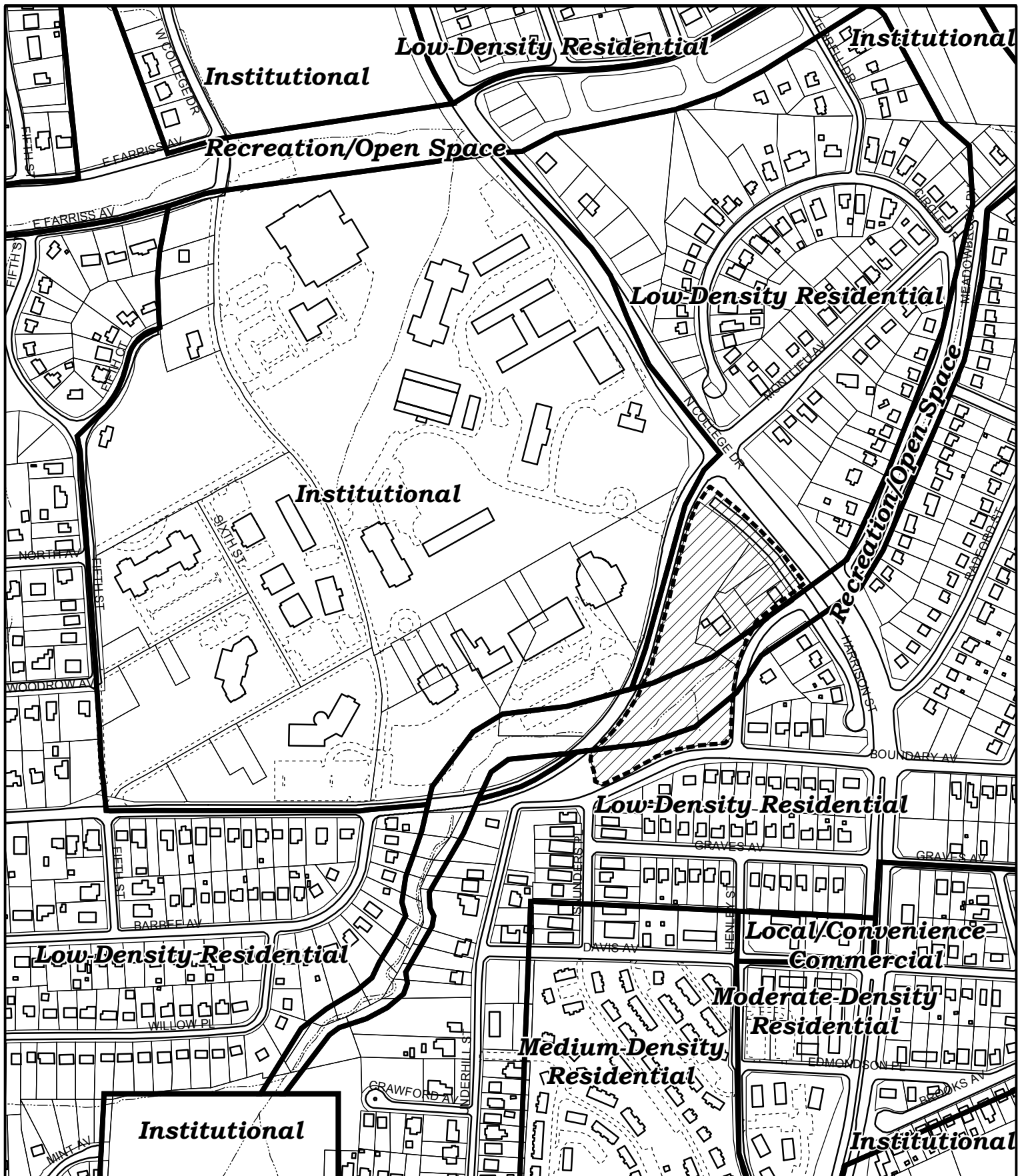
City of High Point

Date: January 12, 2009



Scale: 1"=400'

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MAJOR AMENDMENT SPECIAL USE PERMIT 07-02

Land Use Plan

**Existing Land Use Plan
Subject Property Boundary**



**Department of Planning
and Development**

City of High Point

Date: January 14, 2009



Scale: 1"=400'

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**MAJOR AMENDMENT
SPECIAL USE PERMIT 07-02**

Topography

Subject Property Boundary - - - - -

**Department of Planning
and Development**

City of High Point

Date: January 14, 2009



Scale: 1"=400'

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**MAJOR AMENDMENT
SPECIAL USE PERMIT 07-02**



SPECIAL USE PERMIT 07-02
CITY OF HIGH POINT, NORTH CAROLINA

August 8, 2007
(Adopted)

December 15, 2008
(Major Amendment Submitted)

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Automotive Parking per the requirements of Section 9-5-2 and Section 9-5-6 of the Development Ordinance.

CONDITIONS:

1. Development of the site shall be in accordance with the attached approved Special Use Permit sketch plan.
2. All parcels associated with the special use permit shall be combined into one (1) lot prior to resubdivision or development.
3. **If a fence is installed in the vicinity of the site's Meadowbrook Boulevard frontage, it shall consist of the decorative perimeter fencing (brick & rod iron fencing) that generally outlines the boundary of the University.**
4. **Landscaping and buffer areas:**
 - a. Except for the outer 20 feet of the 100 foot wide stream buffer (Zone 3), the required stream buffer area shall remain undisturbed and in its natural state, except for the following:
 - 1) minimal disturbance as necessary for approved driveway access, required roadway improvements and utility extensions. Any utility crossing shall be perpendicular in direction.
 - 2) minimal disturbance as necessary for stormwater or erosion control devices, as approved by City of High Point Technical Review Committee.
 - 3) minimal disturbance as necessary to install required and supplemental landscaping.A protection plan, which also includes the limits of disturbance, shall be required to be submitted for approval with the site grading and landscape plans that details the measures to be used to protect this undisturbed buffer area and its vegetation from damage during construction.
 - b. A minimum eight (8) foot wide street planting yard shall be installed along the Montlieu Avenue street frontage of the site.
 - c. **Required shrubs in the street planting yard along the site's Meadowbrook Boulevard frontage shall be a locally adapted species expected to reach a minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three years of planting. This larger size planting material is intended to provide a low**

level screening of headlights from the parking area. If a fence is installed in this area (See Condition #3 of this permit) required landscaping material shall be between the parking spaces and the fence.

- d. ~~A five (5) foot high solid opaque fence shall be installed and maintained along the eastern property boundary of the site where it abuts existing single family dwellings.~~

5. Transportation:

- a. Access: Only one (1) point of vehicular access shall be allowed to Montlieu Avenue. This access point must align with the driveway for tax parcel # 226-07-38, which is the second driveway west of the intersection of College Drive and Montlieu Avenue. The single access point to Montlieu Avenue shall be the only vehicular access point to the site; no vehicular access shall be permitted from Harrison Street, Meadowbrook Boulevard, or Boundary Avenue.
- b. Right of Way: The property owner shall dedicate a minimum of thirty-four (34) feet of right-of-way as measured from the existing centerline of Montlieu Avenue.
- c. Other Improvements:
- 1) For the safety of the pedestrians crossing Montlieu Avenue at mid-block, High Point University shall be responsible for installing an actuated pedestrian crossing. High Point University shall be responsible for all the costs incurred for the installation of the actuated pedestrian crossing, including the cost of plans to current North Carolina Department of Transportation (NCDOT) standards, and all equipment, materials, and labor. Upgrades will be implemented by High Point Department of Transportation (HPDOT) signal staff. Additionally, High Point University shall provide a fence along the Montlieu Avenue and Harrison Street frontage of the site to channelize the pedestrians so that they cross at the pedestrian crosswalk. This fence shall be of similar design as current fencing that is along the perimeter of the campus.
 - 2) **A portion of the Harrison Street right-of-way, between Montlieu Avenue and Meadowbrook Boulevard, is proposed to be abandoned and become part of the land area associated with this Special Use Permit. There are public water and sewer mains within that portion of Harrison Street that is proposed to be abandoned. Subsequent to official abandonment of this right-of-way and as part of land development for the expansion of the parking lot, the public water and sewer mains within that portion of Harrison Street to be abandoned shall be terminated per City standards (terminated in Montlieu Avenue and Meadowbrook Boulevard).**
- d. The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

DESCRIPTION OF PROPERTY: Being a total of nine (9) parcels totaling approximately 3.5 acres. This site is located at the southeastern intersection of Montlieu Avenue and N. College Drive and also known as Guilford County Tax Parcel 160-5-**1, 2, 3, 4,** 5, 6, 7, 8, 10, 11, 12, 13, 14, **15 and that portion of the Harrison Street right-of-way (between Meadowbrook Blvd and Montlieu Avenue Abandoned by SA09-01.**

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed by this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

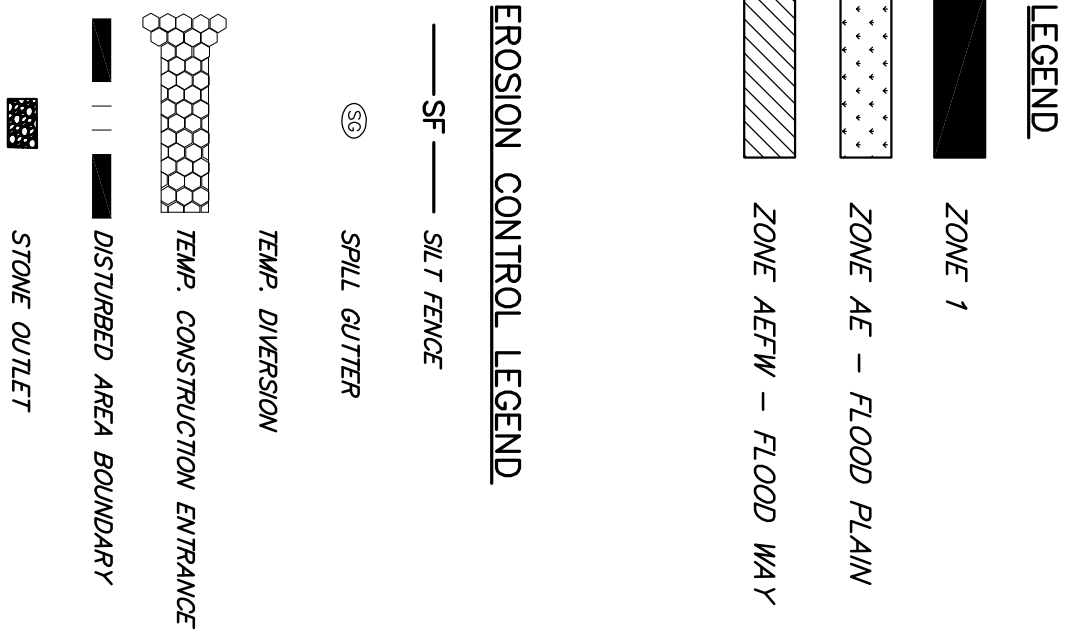
The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

SPECIAL USE PERMIT 07-02 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 8TH DAY OF AUGUST, 2007.

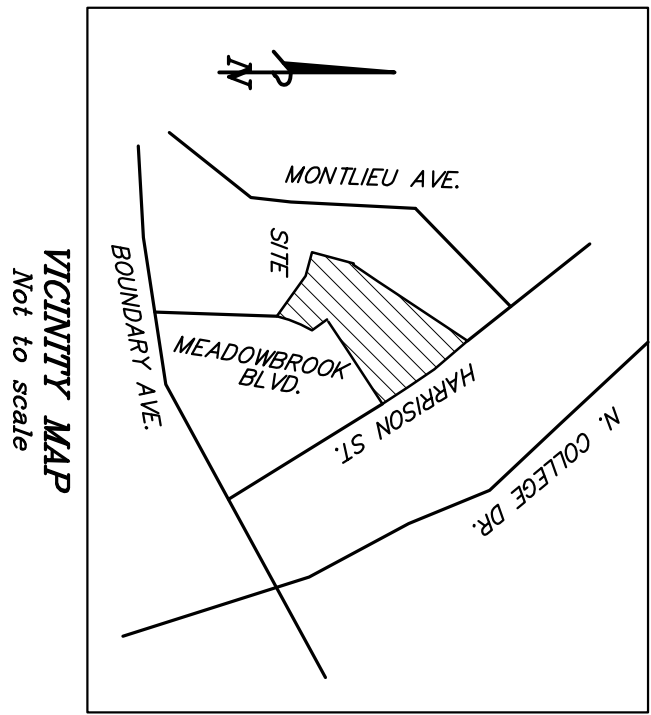
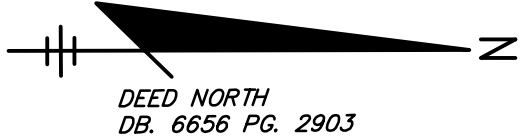
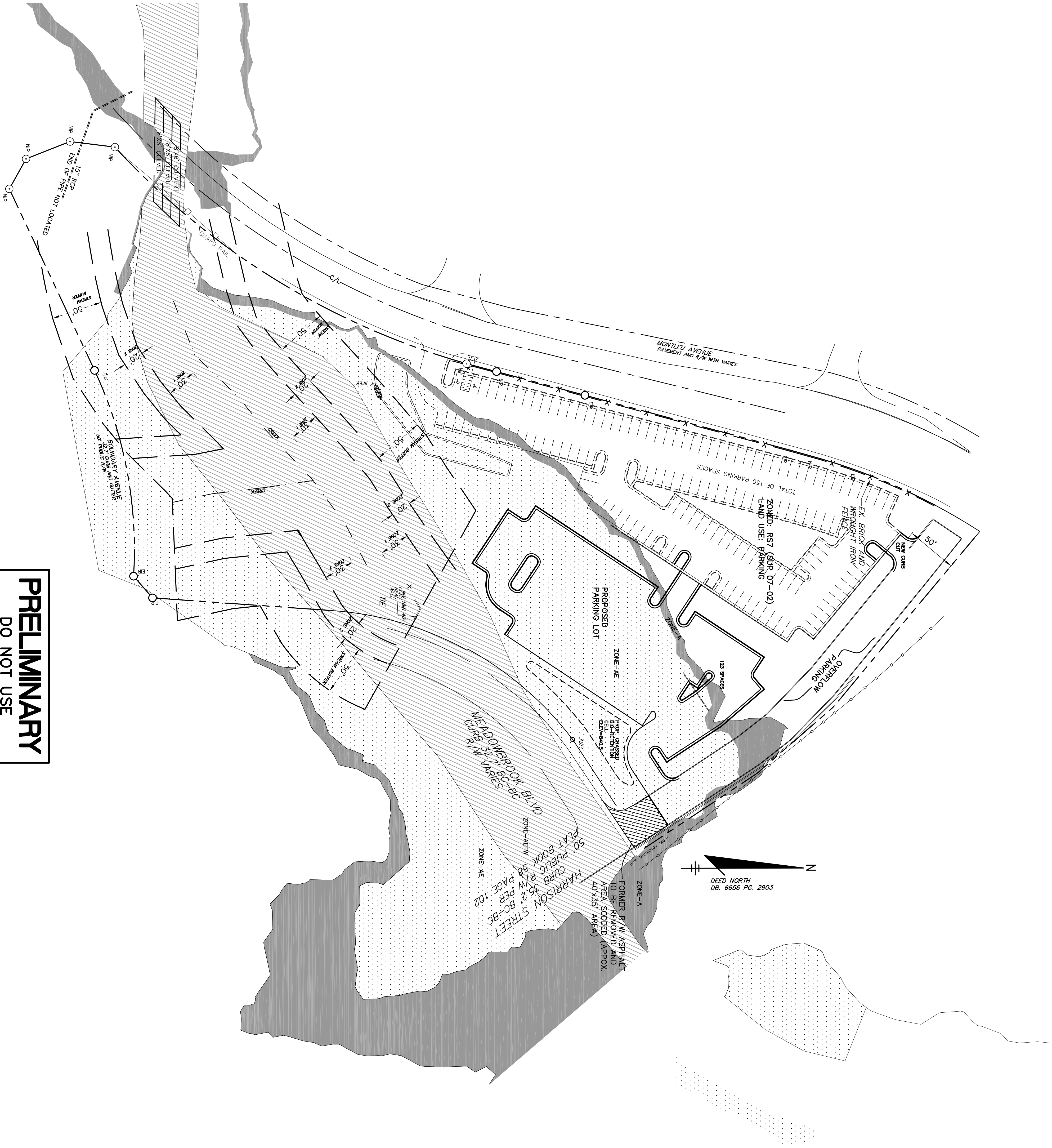
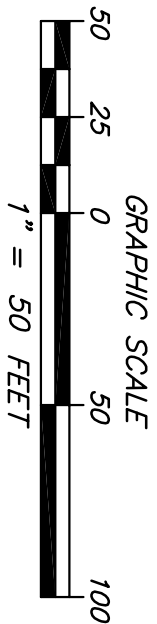
SPECIAL USE PERMIT 07-02 AND THE ACCOMPANYING SITE PLAN WERE AMENDED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE ____ DAY OF _____, 2009

Lisa B. Vierling
City Clerk

Date



PRELIMINARY
DO NOT USE
FOR CONSTRUCTION



GENERAL NOTES:

- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN TAKEN FROM SURVEY BY DAVIS-MARTIN-POWELL & ASSOC., INC.
- CURRENT ZONING: RS-7.
- CURRENT LAND USES: RESIDENTIAL AND VACANT
- TOTAL SITE AREA = 6.097+ACRES (INCLUDING HARRISON STREET R/W TO BE CLOSED)
- DEED REFERENCES: D.B. 6767 PG. 1106; D.B. 6921 PG. 1727; D.B. 6922 PG. 1937; D.B. 6915 PG. 730; D.B. 6945 PG. 373.
- TAX MAP REF.: 18-0160-0-0005-1, 2, 3, 4, 6 AND 15.
- ENTIRE PROJECT IS WITHIN THE CITY OF HIGH POINT CORPORATE LIMITS.
- PROPERTY IS LOCATED WITHIN THE HIGH POINT CITY LAKE GENERAL WATERSHED AREA.
- THIS PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY OF RECORD.
- SOIL TYPE IS MAB - MECKLENBURG URBAN LAND COMPLEX. HYDROLOGIC SOIL GROUP C.
- A PORTION OF THIS SITE IS LOCATED IN A DESIGNATED FLOOD PLAN.
- SEE SUP 07-02 FOR ADDITIONAL CONDITIONS / RESTRICTIONS.

Property Owner:
High Point University
859 Montlieu Ave.
High Point, NC 27262
Contact: Gert Evans
(336) 471-6791

SKETCH PLAN
HIGH POINT UNIVERSITY
MEADOWBROOK ROAD AND HARRISON ST.
HIGH POINT TOWNSHIP GILFORD COUNTY
HIGH POINT, NORTH CAROLINA

REV	DATE	DESCRIPTION	BY	PROJECT
1				080204
2				DATE 1/5/09
3				DESIGNED LSM
4				DRAWN LSM
5				CHECKED JJH
6				SCALE AS NOTED
				SURVEYED DMP

DAVIS-MARTIN-POWELL & ASSOCIATES, INC

dmp

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

ENGINEERING
LAND PLANNING
SURVEYING



February 10, 2009

MEMORANDUM

TO: Strib Boynton
City Manager

FROM: Louanne C. Hedrick
Budget & Evaluation Officer

SUBJECT: Agenda Item for City Council

The City of High Point Housing and Community Development Department has been awarded a \$3.0 million grant for the Lead-Based Paint Hazard Control Program by the U.S. Department of Housing and Urban Development.

Attached is a budget amendment to recognize the revenues received, and to appropriate funds for the Lead-Based Paint Hazard Control Program.

Michael McNair will be available to answer any questions you may have.

Cc: Pat Pate
Randy McCaslin
Michael McNair

COMMUNITY DEVELOPMENT & HOUSING

Calvin E. Slade
AFFORDABLE HOUSING MANAGER



MEMORANDUM

TO: Lou Hedrick, Budget & Evaluation Officer
FROM: Calvin E. Slade, Affordable Housing Manager 
DATE: February 6, 2009
SUBJECT: Federal Grant for Lead-Based Paint Hazard Control

The City of High Point has been awarded a grant from HUD for Lead-Based Paint Hazard Control. The amount of the award is \$3,000,000.

The \$3,000,000 should be placed in the following:

- Activity Number –
- Accounting Unit - 302535
- Account - 527101
- Category – 30209

The Revenue side:

- A/C – 412999
- Category -

The activity number will be provided during the week of 2/16/09.

Phone
336.883.3348

Fax
336.883.3355

City of High Point, P.O. 230, 211 South Hamilton Street, High Point, NC 27261 USA
Fax: 336.883.3355 TDD 336.883.8517

Assistance Award/Amendment

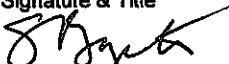
U.S. Department of Housing
and Urban Development
Office of Administration

1. Assistance Instrument ☐ Cooperative Agreement ☒ Grant		2. Type of Action ☒ Award ☐ Amendment	
3. Instrument Number NCLHB0394-08	4. Amendment Number	5. Effective Date of this Action December 15, 2008	6. Control Number
7. Name and Address of Recipient City of High Point 211 S. Hamilton Street High Point, NC 27260		8. HUD Administering Office HUD, Office of Healthy Homes and Lead Hazard Control 451 Seventh Street, SW Room 8236 Washington, DC 20410	
		8a. Name of Administrator BenNetta Smith	8b. Telephone Number 202-402-5555
10. Recipient Project Manager Ed Brown, 336-883-8522		9. HUD Government Technical Representative GTR, Eileen Carroll, 678-732-2949 GTM, Jonntte Hawkins, 202-402-7593	
11. Assistance Arrangement ☒ Cost Reimbursement ☐ Cost Sharing ☐ Fixed Price	12. Payment Method ☐ Treasury Check Reimbursement ☐ Advance Check ☒ Automated Clearinghouse	13. HUD Payment Office CFO Accounting Center Administrative Accounting Division, 6AFF P.O. Box 901013	
14. Assistance Amount		15. HUD Accounting and Appropriation Data	
Previous HUD Amount \$0.00		15a. Appropriation Number	15b. Reservation number
HUD Amount this action \$3,000,000.00		868/90174 (FY08)	LHB08-15
Total HUD Amount \$3,000,000.00		Amount Previously Obligated	\$00.00
Recipient Amount \$2,496,860.00		Obligation by this action	\$3,000,000.00
Total Instrument Amount \$5,496,860.00		Total Obligation	\$3,000,000.00
16. Description EIN: 56-000231 Privately-Owned Housing		DUNS: 71581938 Program: Lead-Based Paint Hazard Control in	

This instrument sets forth the agreement between the parties as to all terms and conditions and provisions herein. By signing this award document, the Grantee certifies that it is in compliance with all administrative and financial provisions of this award. This grant instrument consists of the following, some of which are incorporated by reference:

- Cover Page, HUD 1044
- Schedule of Articles
- Statement of Work/Work Plan/Benchmark Standards
- Lead Hazard Control Program Policy Guidance Issuances
- Grantee's financial and technical proposal
- Mutually agreed and negotiated proposal changes (Revised Key personnel, HUD 96012, 11/24/08)
- Abstract of grant activities
- OMB Circular A-102, which was implemented by 24 CFR 85
- OMB Circular A-110, which was implemented by 24 CFR 84
- OMB Circular A-133, which was implemented by 24 CFR 84 and 85
- Notice of Funding Availability/ NOFA (Federal Register / Vol. 73, No. 54 / Wednesday, March 19, 2008 / Notices, FR-5200-N-01)

Period of Performance is 12/15/08 through 12/14/11, 36 months

17. ☒ Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office		18. ☐ Recipient is not required to sign this document.	
19. Recipient (By Name) STRIBLING P. BOYNTON		20. HUD (By Name) BenNetta Smith	
Signature & Title  City Manager	Date (mm/dd/yyyy) 12/11/2008	Signature & Title Grant Officer	Date (mm/dd/yyyy)

"AN ORDINANCE AMENDING THE 2008-2009 BUDGET ORDINANCE
OF THE CITY OF HIGH POINT, NORTH CAROLINA
TO APPROPRIATE FUNDS FOR FEDERAL GRANT FOR
LEAD HAZARD CONTROL PROJECT

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

Section 1. The City has been awarded a \$3,000,000 HUD grant from the U. S. Department of Housing and Urban Development for the Lead Hazard Control Project. In order for the Community Development and Housing to account for reimbursement of these funds, they need to be appropriated.

Section 2. That the 2008-2009 Budget Ordinance of the City of High Point is hereby amended as follows:

- (A) That the following Community Development Fund revenues be amended as follows:

Federal Grant Revenues (302535/412999)	\$ 3,000,000
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- (B) That the following Community Development Fund expenditures be amended as follows:

Expenditures- Community Development Fund (302535/527101)	\$ 3,000,000
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Section 3. That all ordinances, or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

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

Adopted this _____ day of February, 2009

BID INFORMATION AND RECOMMENDATION**BID #** "Piggyback" City of High Point Bid No. 33-111908**DATE OPENED:** 11/26/08**DESCRIPTION:** Power Transformer**BID PACKAGES DISTRIBUTED:** N/A**DEPARTMENT:** Electric Department**SOURCE OF FUNDS:** 631799-533701-631001002805-40202**AMOUNT BUDGETED:** \$649,000.

QUANTITY/DESCRIPTION	UNIT PRICE	TOTAL
1 Each Power Transformer	\$648,065.00	\$648,065.00

PURPOSE: Purchase of one Transformer for the Commerce Street Substation to upgrade from 69KV to 100KV.

COMMENTS: On November 26, 2008 the City of High Point, NC opened a formal bid for a power transformer. The bid for the transformer was awarded to the low bidder, Kuhlman Electric Corp, Versailles, KY by City Council on December 8, 2008. The City of High Point is allowed by G.S. 143-129(g) to piggyback on this formal bid. Bids were received as follows:

VENDOR NAME & ADDRESS	ITEM	QTY.	TOTAL PRICE	DELIVERY
Kuhlman Electric Corp. 101 Kuhlman Blvd. Versailles, KY 40383	POWER XFMR	1	\$648,065.00	26-30 wks.
Delta Star c/o R.W. Chapman & Co. P.O. Box 240748 Charlotte, NC 28224	POWER XFMR	1	\$698,991.00	34-40 wks.
WEG Electric Motors 1327 Northbrook Pkwy. Suite 490 Suwanee, GA 30024	POWER XFMR	1	\$746,885.00	46-48 wks.
Waukesha Electric Systems Attn: Mr. Thom Froelich 207-6A South Broad St. Mooreville, NC 28115	POWER XFMR	1	\$750,763.00	28-34 wks.
Pauwels Transformers P.O. Box 189 Washington, MO 63090	POWER XFMR	1	\$816,516.00	46 wks.
Howard Industries 3225 Pendorff Rd. Laurel, MS 39440	POWER XFMR	1	\$839,448.00	34 wks.
ABB Wesco Distribution 1533 Woody Creek Rd. Matthews, NC 28105	POWER XFMR	1	\$942,000.00	40-42 wks.
HD Supply 5031 Unicon Dr. Wake Forest, NC 27587	POWER XFMR	1	\$942,990.00	38-42 wks.

Shihlin Electric 80 S. Lake Ave. Suite 780 Pasadena, CA 91101	POWER XFMR	1	\$965,430.00	43 wks.
Siemens Energy c/o National Transformer Sales 2613-B Discovery Dr. Raleigh, NC 27616	POWER XFMR	1	\$1,085,500.00	62-64 wks.

The **PURCHASING DEPARTMENT** and **ELECTRIC DEPARTMENT**, recommend that the contract for **ONE (1) POWER TRANSFORMER** be awarded to **KUHLMAN ELECTRIC CORP.**, the lowest responsive and responsible bidder meeting specifications, in the amount of **\$648,065.00**.

DATE OF RECOMMENDATION: February 9, 2009

Strib Boynton, CITY MANAGER

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

**ORDINANCE
REQUEST:** Ordinance to Demolish

**PROPERTY
ADDRESS:** 518 Manor Drive

OWNER: George Brown

**FIRST
INSPECTION:** Number of Violations: Unsafe 36 Minor n/a
9-28-2008 **extensive fire damage**

**HEARING
RESULTS:** Dwelling substandard; owner did not appear for hearing
9-28-2008

**ORDER(S)
ISSUED:** Order to Repair or Demolish (90-day)
9-28-2008 compliance date of 12-31-2008

APPEALS: None

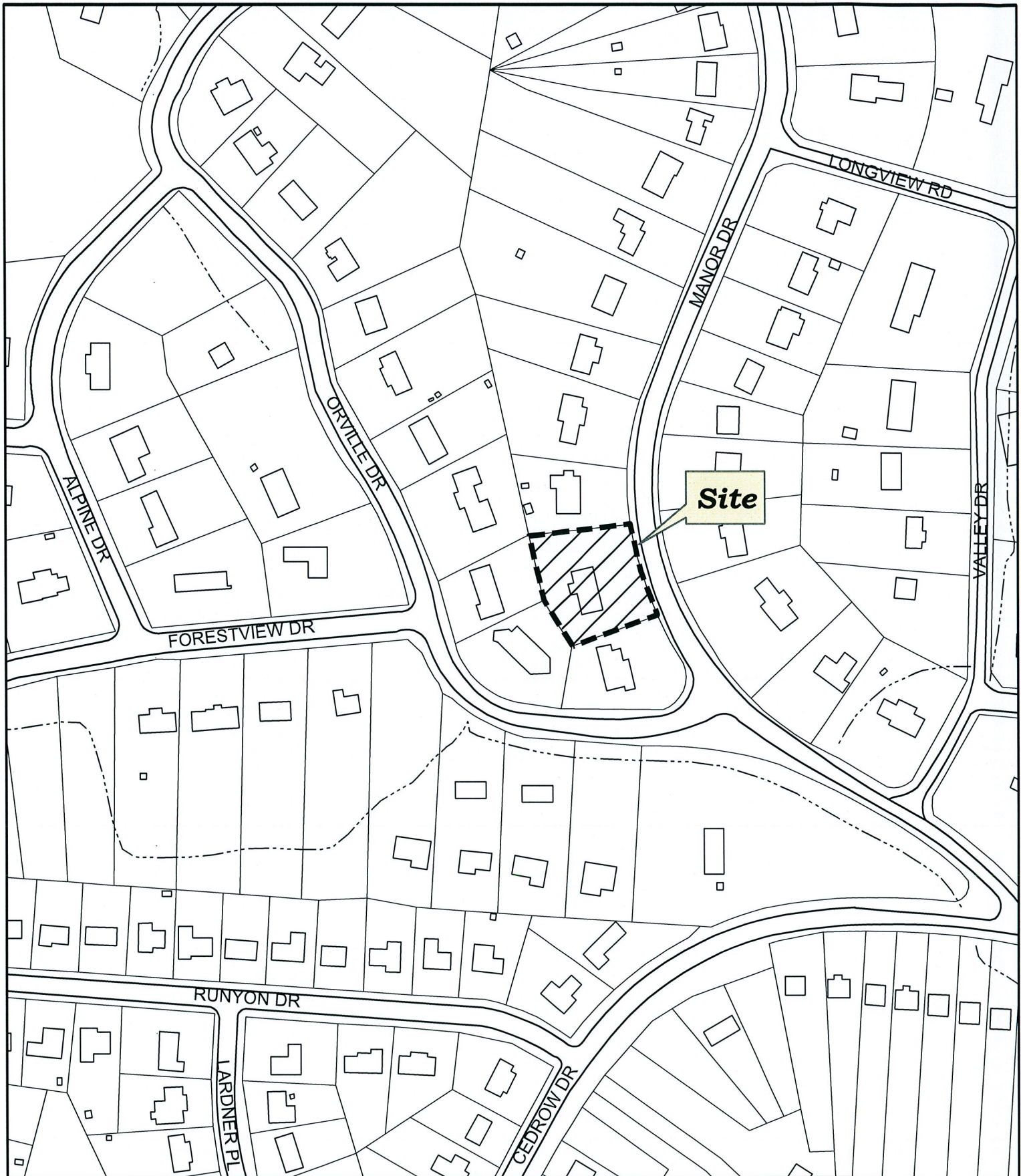
**OWNER
ACTIONS:** no actions taken

**STATUS OF
CLOSED DWELLINGS:** Vacant, no permits or repairs
2-4-2009

**COMPLIANCE
DATE STATUS:** Conditions still exist
12-31-2008

EXTENSIONS: none requested

STAFF COMMENTS: Guilford County Tax \$69,6000
Estimated Repairs \$43,9000



518 Manor Drive

Ordinance to Demolish



Location of subject property

**Department of Planning
and Development**

City of High Point

Date: February 9, 2009



Scale: 1"=200'

y:/ba-pz/inspections/
ord-demo.mxd



518 Manor Drive

SPECIAL USE PERMIT 07-02
CITY OF HIGH POINT, NORTH CAROLINA

August 8, 2007
(Adopted)

February 16, 2009
(Major Amendment)

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

USE: Automotive Parking per the requirements of Section 9-5-2 and Section 9-5-6 of the Development Ordinance.

CONDITIONS:

1. Development of the site shall be in accordance with the attached approved Special Use Permit sketch plan.
2. All parcels associated with the special use permit shall be combined into one (1) lot prior to resubdivision or development.
3. If a fence is installed in the vicinity of the site's Meadowbrook Boulevard frontage, it shall consist of the decorative perimeter fencing (brick & rod iron fencing) that generally outlines the boundary of the University.
4. Landscaping and buffer areas:
 - a. Except for the outer 20 feet of the 100 foot wide stream buffer (Zone 3), the required stream buffer area shall remain undisturbed and in its natural state, except for the following:
 - 1) minimal disturbance as necessary for approved driveway access, required roadway improvements and utility extensions. Any utility crossing shall be perpendicular in direction.
 - 2) minimal disturbance as necessary for stormwater or erosion control devices, as approved by City of High Point Technical Review Committee.
 - 3) minimal disturbance as necessary to install required and supplemental landscaping.

A protection plan, which also includes the limits of disturbance, shall be required to be submitted for approval with the site grading and landscape plans that details the measures to be used to protect this undisturbed buffer area and its vegetation from damage during construction.

- b. A minimum eight (8) foot wide street planting yard shall be installed along the Montlieu Avenue street frontage of the site.
- c. Required shrubs in the street planting yard along the site's Meadowbrook Boulevard frontage shall be a locally adapted species expected to reach a minimum height of thirty (30) inches and a minimum spread of thirty (30) inches within three years of planting. This larger size planting material is intended to provide a low level screening of

headlights from the parking area. If a fence is installed in this area (See Condition #3 of this permit) required landscaping material shall be between the parking spaces and the fence.

5. Transportation:

- a. Access: Only one (1) point of vehicular access shall be allowed to Montlieu Avenue. This access point must align with the driveway for tax parcel # 226-07-38, which is the second driveway west of the intersection of College Drive and Montlieu Avenue. The single access point to Montlieu Avenue shall be the only vehicular access point to the site; no vehicular access shall be permitted from Harrison Street, Meadowbrook Boulevard, or Boundary Avenue.
- b. Right of Way: The property owner shall dedicate a minimum of thirty-four (34) feet of right-of-way as measured from the existing centerline of Montlieu Avenue.
- c. Other Improvements:
 - 1) For the safety of the pedestrians crossing Montlieu Avenue at mid-block, High Point University shall be responsible for installing an actuated pedestrian crossing. High Point University shall be responsible for all the costs incurred for the installation of the actuated pedestrian crossing, including the cost of plans to current North Carolina Department of Transportation (NCDOT) standards, and all equipment, materials, and labor. Upgrades will be implemented by High Point Department of Transportation (HPDOT) signal staff. Additionally, High Point University shall provide a fence along the Montlieu Avenue and Harrison Street frontage of the site to channelize the pedestrians so that they cross at the pedestrian crosswalk. This fence shall be of similar design as current fencing that is along the perimeter of the campus.
 - 2) A portion of the Harrison Street right-of-way, between Montlieu Avenue and Meadowbrook Boulevard, is proposed to be abandoned and become part of the land area associated with this Special Use Permit. There are public water and sewer mains within that portion of Harrison Street that is proposed to be abandoned. Subsequent to official abandonment of this right-of-way and as part of land development for the expansion of the parking lot, the public water and sewer mains within that portion of Harrison Street to be abandoned shall be terminated per City standards (terminated in Montlieu Avenue and Meadowbrook Boulevard).
- d. The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

DESCRIPTION OF PROPERTY: Being a total of nine (9) parcels totaling approximately 3.5 acres. This site is located at the southeastern intersection of Montlieu Avenue and N. College Drive and also known as Guilford County Tax Parcel 160-5-1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15 and that portion of the Harrison Street right-of-way (between Meadowbrook Blvd and Montlieu Avenue Abandoned by SA09-01).

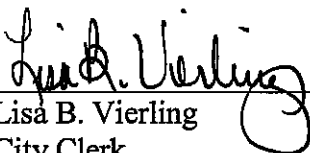
This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun and/or a footing inspection has been approved. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed by this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

SPECIAL USE PERMIT 07-02 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 8TH DAY OF AUGUST, 2007.

MAJOR AMENDMENT TO SPECIAL USE PERMIT 07-02 AND THE ACCOMPANYING SITE PLAN WERE AMENDED & APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 16TH DAY OF FEBRUARY, 2009



Lisa B. Vierling
City Clerk



2-16-2009

Date

1