

CITY OF HIGH POINT

AGENDA ITEM



Title: Street Abandonment 17-03
(Thomas Built Buses)

From: Lee Burnette, Planning & Development
Director

Meeting Date: September 18, 2017

Public Hearing: Yes

Advertising Date: August 25, 2017 and
September 1, 8, & 15, 2017

Advertised By: Planning & Development

Attachments: A. Planning and Zoning Commission Recommendation
B. Staff Report
C. Resolution of Abandonment

PURPOSE:

A request by Thomas Built Buses to abandon the northern portion (approximately 254 feet) of the Joshua Circle right-of-way lying south of Courtesy Road.

BACKGROUND:

The staff report and the Planning & Zoning Commission's recommendation are enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

- A. Staff recommended *approval* of this request, as outlined in the attached staff report.
- B. On August 22, 2017, a public hearing was held before the Planning and Zoning Commission regarding Street Abandonment 17-03. The Planning & Zoning Commission recommended *approval* of this request, by a vote of 9-0, as outlined in the staff report and recommended by staff.

PLANNING AND ZONING COMMISSION RECOMMENDATION

Thomas Built Buses

Street Abandonment 17-03

At its August 22, 2017 public hearing, the Planning and Zoning Commission reviewed Street Abandonment 17-03. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented the case and recommended approval of the request as outlined in the staff report.

Speaking in favor of the request:

Speaking in favor of the request, on behalf of the applicant, was Eddie MacEldowney with Davis Martin Powell Engineers & Surveyors, 4341 Southern Oak Drive, High Point, N.C. Mr. MacEldowney noted that the applicants have agreed to install the cul-de-sac and the retention of the utility easements. He then made himself available to answer questions from the Commissioners.

Speaking in opposition of the request:

No one spoke in opposition to this request.

Planning & Zoning Commission Action

The Planning & Zoning Commission recommended approval of Street Abandonment Case 17-03, as recommended by staff, by a vote of 9-0.

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

**STAFF REPORT
STREET ABANDONMENT CASE 17-03
August 22, 2017**

Request	
Applicant: Thomas Built Buses Paul's Water Treatment LLC (Co-applicant)	Proposal: To abandon the northern portion (approximately 254 feet) of the Joshua Circle right-of-way, lying south of Courtesy Road.

Adjacent Streets		
Name:	Classification:	Right-of-Way and Pavement Width:
Joshua Circle	Local Street	Varies in width from 68 feet at the intersection of Courtesy Road to 20 feet; 20-foot wide ribbon paving

Adjacent Property Zoning and Current Land Use		
North	Heavy Industrial (HI) District	Parking lot and accessory structure associated with the Thomas Built Buses facility
East	Heavy Industrial (HI) District	Portion of Joshua Circle right-of-way to remain as a public street
South	Heavy Industrial (HI) District	Parking lot associated with Thomas Built Buses and a vehicle storage area associated with Paul's Water Treatment facility
West	Heavy Industrial (HI) District	Courtesy Street right-of-way

Analysis

This is a request by Thomas Built Buses to abandon (close) a portion of the Joshua Circle right-of-way (ROW). Joshua Circle is an existing improved public street (formerly known as Anderson Street) that was established on a subdivision plat entitled "Map of S.E. Willis Lands, High Point, NC" that was created sometime between 1906 and 1913. This is a L-shaped ROW that extends from Courtesy Road to Prospect Street. The abandonment request proposes to remove 254 feet of the northern leg of this street. The intersection of the L-shaped configuration and the southern leg of this ROW will remain as a public street. The applicant proposes to install a cul-da-sac to facilitate turning movements from trucks and larger vehicles that will continue to use the southern leg of the Joshua Circle ROW.

Thomas Built Buses has employee parking lots along both sides of this portion of Joshua Circle. The company has embarked on a site improvement project that includes the installation of sidewalks along the Courtesy Road frontage of these parking lots. The Joshua Circle ROW is a substandard street that does not meet the City's current minimum width requirements and has no separation between the public street and the employee parking lots. Most of this ROW has a width of 20 feet with the street paving occupying 18 to 20 feet of this area. To improve security in the parking lots, and to enhance pedestrian access, the applicant has requested abandonment of this

portion of the Joshua Circle ROW. If approved, Thomas Built Buses desires to add the land area of this ROW to its abutting properties and to upgrade this former ROW to a pedestrian-friendly driveway. This will provide safer pedestrian circulation from the parking lot to the manufacturing facility lying along the opposite side of Courtesy Road.

Abandonment of the City's interest in this portion of the Joshua Circle ROW will not deprive any owner of access to their property. Thomas Built Buses owns all the property lying to the north and approximately half of the land area lying south of the area of abandonment. If approved, they would receive the entire width of the ROW where they have ownership along both sides of Joshua Circle. The other abutting property owner to the south, Paul's Water Treatment LLC (co-applicant), owns property at the eastern end of the area of abandonment, and will receive ownership of half of the ROW where it abuts their property. Since Paul's Water Treatment takes access from a driveway off the southern leg of the Joshua Circle ROW that is to remain open, this abandonment request will not deprive the business access to its property. In addition, a few parcels on the east side of the railroad tracks also use Joshua Circle for access. A large part of this area is also owned by Thomas Built Buses. Since the eastern portion of Joshua Circle next to the railroad tracks will remain as a public street, the parcels east of the railroad tracks will still have public street access.

Advertisement of the public hearing was completed per requirements of the Development Ordinance by sending mailed notices to abutting property owners, placing a notice in the High Point Enterprise and the posting of public hearing signs at both ends of the ROW proposed to be abandoned.

Findings & Recommendations

The Technical Review Committee (TRC) reviewed this request and identified no concerns related to the abandonment of this portion of Joshua Circle. However, the Public Services Department, Engineering Services Department and Electric Department identified City sewer, water and electric utility lines within this ROW. These departments noted that easements must be retained over these public utility lines. In addition, Piedmont Natural Gas, North State Communications and Duke Energy have also identified utility lines along this portion of Joshua Circle and easements must be retained over these private utility lines as well. In conjunction with the reservation of easements, access to these utilities should continue to be available as the street will be used as a driveway.

Based upon this analysis, the abandonment of the public's interest and conveyance of the right-of-way to the abutting property owners, as provided by state statutes, is found not to be contrary to the public's interest and is found not to deprive owners in the vicinity of the right-of-way reasonable means of ingress and egress to their property. The Planning and Development Department recommends approval of the request with the retention of the following utility easements:

- 1) Retention of a 20-foot wide City of High Point electrical easement centered over the existing City of High Point electrical pole and service lines within and crossing the right-of-way.
- 2) Retention of a 20-foot wide sewer line easement centered over existing sewer lines within or crossing the right-of-way.
- 3) Retention of a 20-foot wide water line easement centered over existing water lines within or crossing the right-of-way.

- 4) Retention of a 20-foot wide Piedmont Natural Gas easement centered over existing gas lines within or crossing the right-of-way.
- 5) Retention of a 30-foot wide North State easement centered over the existing North State electrical pole and service lines within and crossing the right-of-way and extending 15 feet beyond North State' s last pole on Joshua Circle to accommodate the existing guy-line at the dead end.
- 6) Retention of a 30-foot wide Duke Energy easement centered over existing Duke Power lines (overhead and underground) within or crossing the right-of-way

Report Preparation

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



STREET ABANDONMENT SN-17-03

Applicant: Thomas Built Buses

Area: 0.23 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development
Department









City of High Point

Date: August 7, 2017



Scale: 1"=100'
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2017/pz/sa17-03photo.mxd

Property Owners

-  Thomas Built Buses Inc
-  Paul's Water Treatment LLC
-  Jerry Hill
-  M & M Family Real Estate LLC
-  Ruth Wiseman etal
-  EE Properties Inc
-  SHJ Capital Inc
-  City of High Point

Site

STREET ABANDONMENT SN-17-03

Applicant: Thomas Built Buses

Area: 0.23 acres



Location of requested street abandonment



Previously abandoned right-of-ways

**Planning & Development
Department**

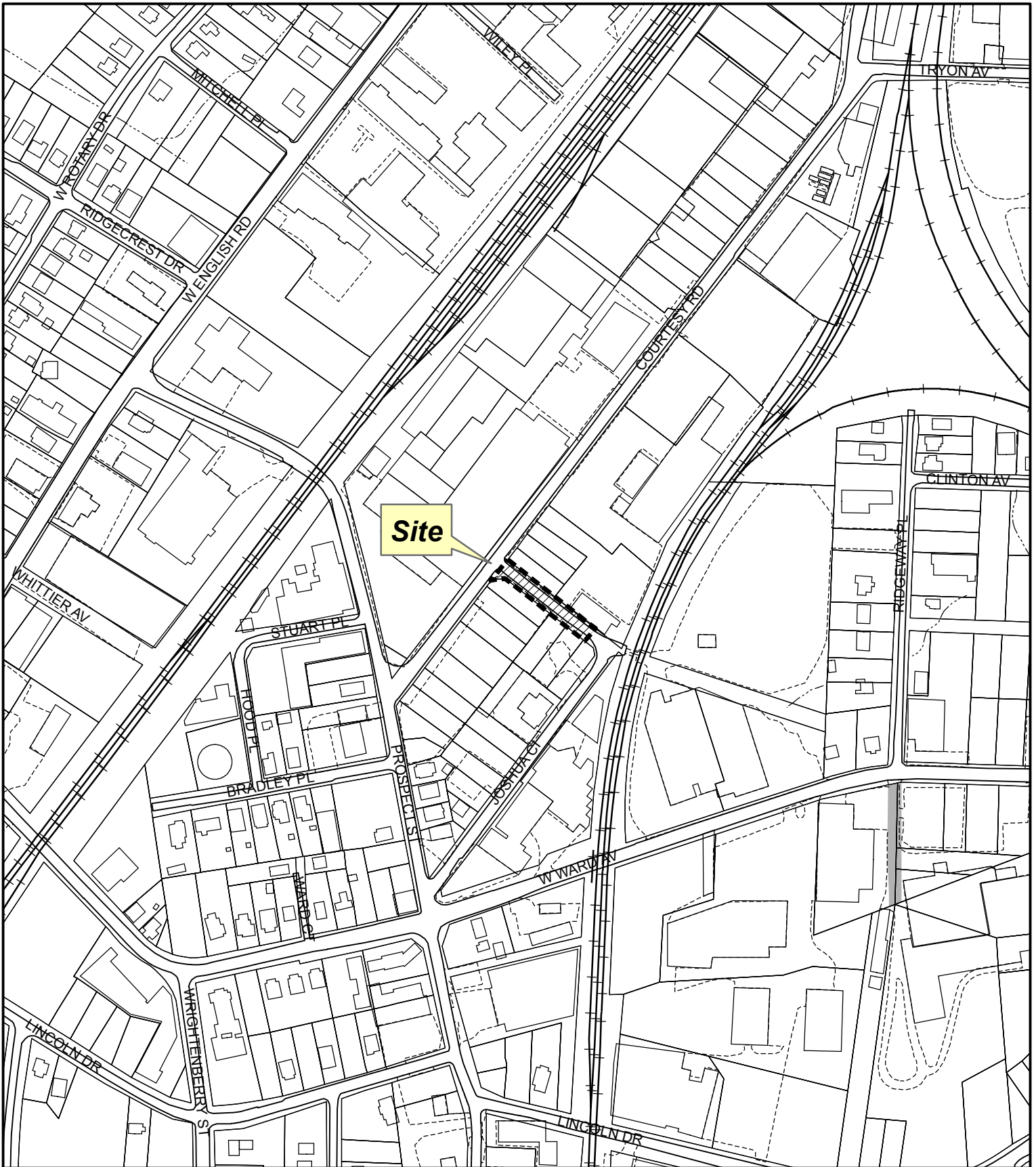
City of High Point

Date: August 9, 2017



Scale: 1"=300'

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STREET ABANDONMENT SN-17-03

Applicant: Thomas Built Buses

Area: 0.23 acres



Location of requested street abandonment



Previously abandoned right-of-ways

Planning & Development
Department

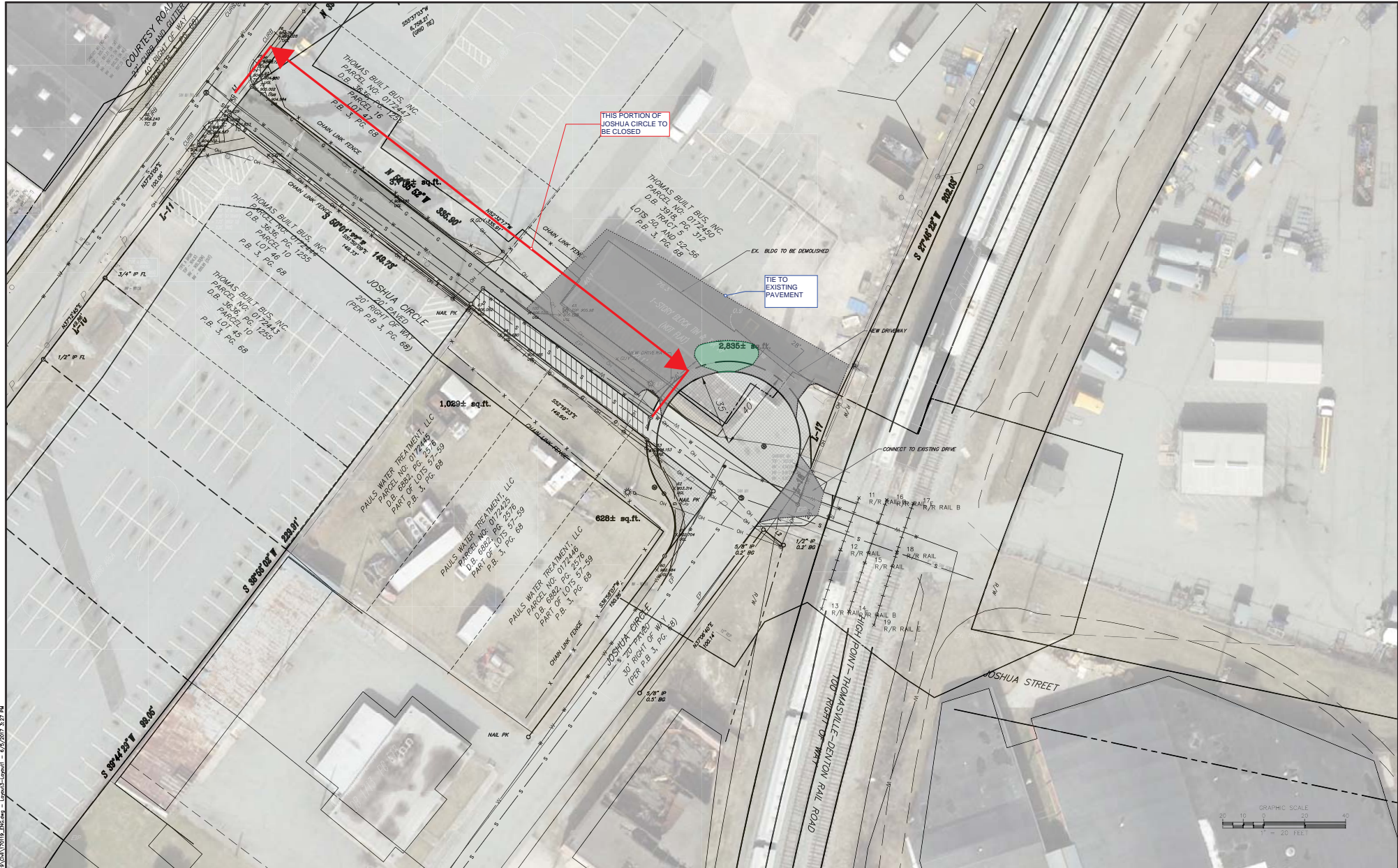
City of High Point

Date: August 7, 2017



Scale: 1"=300'

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REV	DATE	DESCRIPTION	BY	PROJECT	IT019
1				DATE	
2		DESIGNED	ETH		
3		DRAWN	TG		
4		CHECKED			
5		SCALE	AS NOTED		
6		SURVEYED	N/A		

THE SCALE BAR
SHOWN BELOW
MEASURES ONE
INCH LONG ON
THE ORIGINAL
DRAWING.



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PRELIMINARY
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

PRELIMINARY CONCEPT PLAN
THOMAS BUILT BUSES
JOSHUA CIRCLE STREET CLOSING
HIGH POINT, NORTH CAROLINA

SHEET NO.
1
OF 1

Attachments: Photographs (August 2017) and Aerial (2014)
Looking south of the intersection of Courtesy Road and Joshua Court



Looking north toward the area of abandonment



Return to: Joanne Carlyle, City Attorney
City of High Point
P.O. Box 230
High Point, NC 27261
Resolution No. xxxx / 17-xx

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HIGH POINT, IN A REGULAR MEETING ASSEMBLED ON THE 18th DAY OF SEPTEMBER, 2017, AT 5:30 P.M. IN THE HIGH POINT PARKS & RECREATION ADMINSTRATIVE OFFICE (LARGE CONFERENCE ROOM); 136 NORTHPOINT AVENUE, HIGH POINT, NORTH CAROLINA:

Street Abandonment (Closure) Case 17-03

(abandon the northern portion, approximately 254 feet, of the Joshua Circle right-of-way lying south of Courtesy Road)

WHEREAS, Thomas Built Buses has petitioned the City Council of the City of High Point to permanently abandon (close) a portion of the Joshua Circle right-of-way lying south of Courtesy Road, which is more specifically described as follows.

Abandonment of all that part of the Joshua Circle right-of way lying southeast of the intersection of Joshua Circle and Courtesy Road for a distance of 254 feet. This area of street abandonment is bound by Guilford County Tax Parcels 0172444, 0172445 and 0172445 to the south and by Guilford County Tax Parcel 0172447 and 0172447 (154 portion lying southeast of tax parcel 0172447) to the north.

WHEREAS, the petition has been duly filed with this Council in a Regular meeting assembled on the 7th day of August, 2017, at 5:30 p.m. setting the 18th day of September, 2017 at 5:30 p.m., in the High Point Parks & Recreation Administration Office (Large Conference Room), as the time and place for a public hearing before said Council on said petition, and public notice of said

time and place was ordered given, all pursuant to North Carolina G.S. 160A-299; and

WHEREAS, due and proper notice of said hearing to be heard on the petition at this meeting of City Council was made by publication in the High Point Enterprise for four (4) consecutive weeks, beginning August 25, 2017 and September 1, 8 & 15, 2017; and,

WHEREAS, the above entitled matter, pursuant to said resolution and notice was called for hearing before said Council at which time there was no objection or opposition offered on the part of any firm or corporation to abandon (closure) of the above described portions of Joshua Circle; and

WHEREAS, it appearing to the satisfaction of this Council and the Council finds as a fact that the said right-of-way as herein described is not necessary for ingress and egress to any land adjoining said street; that the closing of said street is not contrary to the public interest and that no other individual, firm or corporation owning property in the vicinity of said street, or in the subdivision in which said street is located, will be deprived of reasonable means of ingress or egress to this property.

NOW THEREFORE BE IT RESOLVED:

1. That the portion of Joshua Circle right-of-way, as described above, be closed pursuant to North Carolina G.S. 160A-299;
2. That the City of High Point shall retain a 20-foot wide City of High Point electrical easement centered over the existing City of High Point electrical pole and service lines within and crossing the right-of-way;
3. That the City of High Point shall retain a 20-foot wide sewer line easement centered over existing sewer lines within or crossing the right-of-way;
4. That the City of High Point shall retain a 20-foot wide water line easement centered over existing water lines within or crossing the right-of-way;
5. That the City of High Point shall retain a 20-foot wide Piedmont Natural Gas easement centered over existing gas lines within or crossing the right-of-way;
6. That the City of High Point shall retain a 30-foot wide North State easement centered over the existing North State electrical pole and service lines within and crossing the right-of-way and extending 15 feet beyond North State's last pole on Joshua Circle to accommodate the existing guy-line at the dead end;
7. That the City of High Point shall retain a 30-foot wide Duke Energy easement centered over existing Duke Power lines (overhead and underground) within or crossing the right-of-way; and
8. That a copy of this resolution be filed in the Office of the Register of Deeds for Guilford County, North Carolina.

By order of the City Council,
this the 18th day of September, 2017
Lisa B. Vierling, City Clerk