

APPROVAL OF SPECIAL USE PERMIT 18-03 (SU-18-03)
(2314 and 2600 N. Centennial Street)

CITY OF HIGH POINT CITY COUNCIL

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This application for a Special Use Permit (“SUP”) for a major social service facility came before the High Point City Council (“Council”) on July 16, 2018 for a quasi-judicial hearing (“Hearing”). Based on the testimony of the witnesses, the documentary evidence, the application and related materials, the exhibits, the Staff Report and other evidence presented at the Hearing, the Council finds that the SUP should be approved, and in support thereof, makes the following Findings of Fact and Conclusions of Law as required by N.C. Gen. Stat § 160A-388(e2)(1):

FINDINGS OF FACT

1. Section 2.4.11(C) of the City of High Point Development Ordinance provides as follows:

Special Use Review Standards A special use shall be approved upon a finding that the applicant demonstrates the proposed special use:

- (a) Will not materially endanger the public health or safety if located where proposed;
- (b) Complies with all required standards, conditions, and specifications of this Ordinance, including Chapter 4: Uses;
- (c) Will not substantially injure the value of the abutting land, or the special use is a public necessity;
- (d) Will be in harmony with the area in which it is to be located; and
- (e) Is in general conformity with the City's adopted policy guidance.

2. The property at issue (Parcel ID 0199548; PIN 7801487600 and Parcel ID 0199576; PIN 7801483936) (“Property”) is located at 2314 and 2600 N. Centennial Street, lying

approximately 900 feet north of the intersection of Eastchester Drive and N. Centennial Street, between Eastchester Drive and N. Centennial Street, in the City of High Point, and consists of approximately 21 acres of land. The Property is located in the Oak Hollow Lake Watershed Critical Area (WCA) Tier 2 and Tier 3.

3. With the approval of Zoning Map Amendment 18-07 (ZA-18-07), the Property is zoned as Conditional Zoning Institutional (CZ-I) District. The Institutional District is established to accommodate large-sized public, quasi-public, and institutional uses such as colleges, universities, or hospitals in a campus-like setting. Uses in the Institutional District can have substantial land use impacts or traffic impacts on surrounding uses. This district is not intended to accommodate those smaller public and institutional uses that are typically found in residential districts. The district allows a limited range of residential and institutional development as support uses. The adopted Conditional Zoning Ordinance for ZA-18-07 requires the Property to be limited to two (2) points of direct vehicular access to N. Centennial Street and that existing driveways in place as of July 16, 2018, that serve former single family detached dwellings, may remain until that structure is removed or converted to a multifamily dwelling use type or a nonresidential use classification (Conditional Zoning Ordinance #7430 / 59, Section 2, Part II Conditions, B.2.b).

4. John Wesley College, Inc. and Laurel University, Inc. are the record owners of the Property.

5. The applicant is Caring Services, Inc. (“Applicant”).

6. The majority of the Property has a moderately sloping terrain with its high elevations lying along Eastchester Drive and N. Centennial Street frontages. The higher perimeter elevations slope northward to a pond at the northern portion of the site. This pond has been converted to a private regional stormwater control device. This stormwater control device drains northward to a perennial stream at the northern boundary of the site, which empties into Oak Hollow Lake.

7. The uses of land adjacent to the Property are: (1) North: single family detached dwellings and undeveloped parcel; (2) South: office, automotive sales and personal service uses; (3) East: commercial building with retail and personal service uses; and (4) single family detached dwellings.

8. The social service use type falls under the residential use classification and is defined as a facility with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for those needing emergency services, post-incarceration services, or drug or alcohol rehabilitation assistance (but not including

those with mental illness who are dangerous to others). Facilities that provide assistance to seven (7) or more people are classified as major social service uses.

9. Pursuant to the City of High Point Development Ordinances (“HPDO”), a SUP is required before a major social service facility may be placed in an Institutional (I) District.

10. A special use sketch plan (“SU Sketch Plan”) has been included with this application depicting activity associated with the major social service facility occupying the existing structures on the Property (see SU-18-03 Sketch Plan). The SU Sketch Plan did not depict any future structures or land development. The existing 20,000± square foot university administrative office and classroom building at the center of the campus (Building #1) is proposed to be used for administrative offices, classes and counseling services. The property contains five single-family dwellings (Buildings 2, 3, 4, 6 & 7) and a 12-unit multifamily structure (Building #5) that will be used for client housing. The NC Building Code will permit up to 6 people in each of these former single family structures. The SU Sketch Plan is a binding document as to how the social service use may function on the Property. If there is a proposal to add land area, enlarge an existing structure, construct new structures or change the use of the buildings from what is shown on the SU Sketch Plan, then a new SUP is required.

11. The Applicant conducted a Citizen Information Meeting, per standards of Section 2.3.3 of the HPDO and submitted a Citizen Information Meeting Report to the City of High Point Planning and Development Department. The Citizen Information Meeting Report was part of the staff report for SU-18-03 submitted to the High Point City Council. The Citizen Information Meeting Report included a May 31, 2018 letter from Ms. Rebecca (Becky) Yates, Caring Services, Inc., Executive Director that outlines the scope of Caring Services operation. This letter states that they provide housing and supportive services (treatment) and as long as individuals are enrolled in their program they are required to meet with a counselor, have a sponsor, attend meetings and are randomly screened for drugs/alcohol. Their current facilities operate with monitors and assistant monitors that report any suspicious activities around the property, monitor curfew and notify staff of any problems.

12. The CZ-I District allows higher intensity uses such as multifamily development with a density up to 16 units per acre, major assembly/auditorium uses, schools (elementary to high schools) and office complexes. These uses are permitted by right and require no public hearing review.

13. The general land area occupied by the existing institutional use will not be changing and the reuse of the University’s existing structures for a social service use will produce a development of similar intensity to the University. Furthermore, the impervious coverage

limitations in this tier of the Oak Hollow Lake Watershed Critical Area is restricted to 35% built upon area, which will prevent significant increase in intensity.

14. During the Hearing, the Applicant's attorney, Mr. Thomas Terrell, presented testimony from Ms. Rebecca Yates, Caring Services, Inc., Executive Director; Ms. Teresa Hinkle, a Licensed Clinical Social Worker with a Master's Degree in Social Work from the University of North Carolina at Chapel Hill and the Program Director of Caring Services, Inc.; rebuttal evidence on police calls at the existing Caring Services location on Chestnut Street; Impact Analysis of Proposed Alcoholic & Substance Abuse Rehabilitation Facility from Mr. Tim Regan, a North Carolina State Certified General Real Estate Appraiser, which included a matched pairs analysis of numerous abutting residences; a statement of public necessity from Ms. Rebecca Yates, Executive Director of Caring Services, Inc, and a Harmony/Consistency Statement from Mr. R. Reynolds Neely, a Planning Consultant, and former City of Asheboro Community Development Division Director.

15. During the Hearing, Mr. Terrell also called the City of High Point Chief of Police, Kenneth J. Shultz, as a witness. Chief Shultz provided an overview of his May 23, 2018 letter which states that the High Point Police Department and Caring Services has a long history of working together to address community based concerns. Chief Shultz provided an overview of High Point Police Department Crime Analysis of history of call related to the existing Caring Services facility on Chestnut Street and stated that identified calls for service appear to be minimal and are typical of other residential locations through the City. Furthermore, Chief Shultz testified there were no reports of Violent Crimes occurring at other Caring Services location. Finally, Chief Shultz testified that effective drug related crime prevention is a three-part strategy consisting of law enforcement, education and rehabilitative services. All three are required to effectively combat drug relation criminal activity.

16. At the Hearing, speakers in opposition to the SUP did not present rebuttal expert witnesses or competent or material evidence to indicate how a major social service facility would affect or impact the values on abutting properties. Speakers in opposition also failed to present any competent or material evidence or rebuttal experts that the requested major social service facility would pose a public health or safety impact on adjacent lands.

CONCLUSIONS OF LAW

Pursuant to the foregoing FINDINGS OF FACT, Section 2.4.11 of the City of High Point Development Ordinance and other applicable law, the Council, by a unanimous 9-0 vote, makes the following Conclusions of Law:

1. The Applicant bears the burden of proving to the Council, by competent, material and substantial evidence, that the proposed major social service facility meets the standards in Section 2.4.11(C) of the City of High Point Development Ordinance. If the Applicant fails to meet its burden of producing competent, material and substantial evidence as to any one of the standards, the SUP must be denied.

2. In this case, the Council finds that the SUP should be approved, for the following reasons, pursuant to Section 2.4.11(C):

- (a) Based upon evidence presented by the Applicant and findings in the Planning & Development Department Staff Report SU-18-03; the requested major social service facility will not materially endanger the public health or safety if located where proposed.
- (b) Based upon evidence presented by the Applicant and findings in the Planning & Development Department Staff Report SU-18-03; the requested major social service facility complies with all required standards, conditions, and specifications of the Development Ordinance, including Chapter 4: "Uses" of the City of High Point Development Ordinance.
- (c) Based upon the expert testimony of certified real estate appraiser, Mr. Tim Regan, presented by the Applicant and findings in the Planning & Development Department Staff Report SU-18-03; the requested major social service facility will not substantially injure the value of the abutting land;
- (d) Based upon evidence presented by the Applicant and findings in the Planning & Development Department Staff Report SU-18-03; the requested major social service facility will be in harmony with the area in which it is to be located.
- (e) Based upon evidence presented by the Applicant and findings in the Planning & Development Department Staff Report SU-18-03; the requested major social service facility is in general conformity with the City's adopted policy guidance.

ACCORDINGLY, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Applicant's request for a special use permit for a major social service facility is unanimously APPROVED by a vote of 9-0 subject to the following condition which was offered and agreed to by the Applicant:

1. No man or woman shall be housed on the Property who, after conviction, is listed on the North Carolina Registry of Sexual Offender.

This the 6th day of August, 2018.

Jay W. Wagner, Mayor