

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Elliott Sidewalk, LLC Development Agreement

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** April 15, 2019

**Advertising Date:** April 3, 2019 and April 10, 2019

**Public Hearing:** Yes

**Advertised By:** Planning & Development

**Attachments:** A. Staff Memorandum  
B. Development Agreement Document  
C. Ordinance  
D. Exhibits

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### **PURPOSE:**

A request by Elliott Sidewalk Communities High Point, LLC to establish a Development Agreement with the City of High Point for an approximate 3.11-acre area lying west of N. Elm Street, north of W. English Street and east of N. Lindsay Street.

### **BACKGROUND:**

Staff memo explaining the request is enclosed.

### **BUDGET IMPACT:**

There is no budget impact.

### **RECOMMENDATION / ACTION REQUESTED:**

On March 26, 2019, a public hearing was held before the Planning and Zoning Commission regarding this request. Speaking in favor was Mr. Tim Elliott, Managing Director, Elliott Sidewalk Communities, 909 Ridgebrook Road, Suite 216, Sparks, MD. Staff noted to the Commission that the Planning and Development Department and the City Attorney's Office are still working with the applicant's legal representative to finalize the agreement.

The Commission was comfortable with the spirit of the agreement and the proposed mixed use development in the MX-D District. By a vote of 7-0, the Planning & Zoning Commission recommended **approval**, with the understanding that final details of the Development Agreement will be addressed prior to the request being submitted to the City Council.

**MEMORANDUM**

March 26, 2019

**TO:** Honorable Mayor and City Council  
**FROM:** Herbert Shannon AICP, Senior Planner  
**SUBJECT: Elliott Sidewalk, LLC Development Agreement**

Background Information

Elliott Sidewalk Communities High Point LLC has submitted an application to enter into a development agreement with the City of High Point to facilitate the construction of a mixed use project in the Core City Area. The agreement is for approximately 3.11 acres in the downtown area adjacent to the new catalyst project (downtown stadium). The site is generally located west of N. Elm Street, north of W. English Street and east of N. Lindsay Street.

A development agreement is a voluntary contract between a local jurisdiction and a person/corporation who owns or controls property within the jurisdiction, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property. The agreement guarantees a property owner the right to develop a defined project for a specified period of time subject to the terms of the agreement. It provides regulatory certainty, establishes a schedule for development, coordinates the provision of any public facilities, and improves management of environmentally sensitive lands, if present.

Although the agreement is voluntary, once made it is binding on the parties and their successors. Such an agreement is attractive to the developer of a long-range project in that it provides assurances that the development regulations that apply to the project will not change during the term of the agreement. The agreement can also be advantageous to the City in that it may ensure a specific level of development, mitigate project impacts, define project phasing and coordinate timing of public improvements. The allowable land uses in the agreement must be consistent with the City's Development Ordinance.

The site for the proposed development agreement is within the Mixed-Use Downtown (MX-D) District and development is subject to the standards of the MX-D District and requirements of the Development Ordinance. Elliott Sidewalk Communities is proposing to develop a mixed-use project, constructed over a 15 year period, with the option for two five year extensions, consisting of the following:

- Multifamily dwelling units;
- Office uses;
- Commercial uses; and
- Visitors accommodations (hotel)

### Staff Recommendation

This request to establish a development agreement is governed by the statutory requirements of the NC General Statutes and the City of High Point Development Ordinance.

The proposed mixed-use development and its allowable uses are consistent with the purpose and intent of the MX-D District and adopted policy guidance documents. Staff recommends approval of this request to establish a Development Agreement between Elliott Sidewalk Communities High Point LLC and the City of High Point.