

**HIGH POINT CITY COUNCIL  
REGULAR MEETING  
(VIRTUAL)  
MARCH 15, 2021 – 5:30 P.M.  
COUNCIL CHAMBERS- MUNICIPAL BUILDING**

**MINUTES**

*As part of the city of High Point's on-going COVID-19 mitigation efforts, in-person attendance was not allowed at this meeting. Instead, the meeting was live-streamed and the public was provided an opportunity to listen to the meeting as it was being live-streamed.*

[www.HighPointNC.gov/VirtualPublicMeeting](http://www.HighPointNC.gov/VirtualPublicMeeting)

**ROLL CALL, MOMENT OF SILENCE, AND PLEDGE OF ALLEGIANCE**

Mayor Wagner called the meeting to order at 5:31 p.m.

The recitation of the Pledge of Allegiance followed a Moment of Silence.

Mayor Wagner called the roll for attendance. The following council members were all physically present in the Chamber.

Mayor Jay W. Wagner; Mayor Pro Tem Britt W. Moore, At Large; Council Member Tyrone Johnson, At Large; Council Member Cyril Jefferson, Ward 1; Council Member Christopher Williams, Ward 2; Council Member Monica Peters, Ward 3; Council Member Wesley Hudson, Ward 4; Council Member Victor Jones, Ward 5; and Council Member Michael Holmes, Ward 6

**The following staff members were physically present:**

Randy McCaslin, Interim City Manager; Eric Olmedo, Assistant City Manager; Greg Ferguson, Assistant City Manager; JoAnne Carlyle, City Attorney; Lee Burnette, Director of Planning and Development; Herb Shannon, Senior Planner- Planning and Development Department; Chris Andrews, Development Administrator- Planning and Development Department; Andy Piper, Senior Planner- Planning and Development Department; Mark McDonald, Director of Transportation; Matt Carpenter, Transportation Engineer; Mike McNair, Director of Community Development and Housing; Lori Loosemore, Code Enforcement Manager; Jeron Hollis, Managing Director; Jelani Biggs, Diversity, Equity and Inclusion Officer; and Lisa Vierling, City Clerk

**The following staff members participated remotely:**

Meghan Maguire, Assistant City Attorney; Terry Houk, Director of Public Services; Derrick Boone, Assistant Public Services Director

**Others participating remotely:**

Tom Terrell, Fox Rothschild, attorney representing Leoterra Development; Kyle Bunker (Leoterra Development); Keff Guernier (True Homes USA); Judy Stalder, consultant representing True Homes USA; Jim Hundley, attorney with Wyatt Early Harris Wheeler; and Rich Glover, Jamestown Engineering

**RECOGNITIONS AND PRESENTATIONS****2021-92      Proclamation - Arbor Day**

Andy Piper with the Planning & Development Dept. will present information about the City's 17th Tree City USA award, and Mayor Wagner will read a proclamation declaring March 19, 2021 as Arbor Day in the City of High Point.

*Mayor Wagner read a proclamation into the record declaring March 19, 2021 as Arbor Day in the City of High Point and presented it to Andy Piper.*

*Andy Piper, Senior Planner with the Planning and Development Department and High Point Urban Forestry Committee Chairman, reported this will be High Point's 17th Tree City USA award designation. He then reviewed the criteria that must be met to receive this award.*

1. Must have a public tree ordinance;
2. Must have a tree board;
3. Must have a Community Urban Forestry Program with annual expenditures of at least \$2 per capita; and
4. Must have an annual Arbor Day Observance and Proclamation.

*He further noted that being recognized as a Tree City USA means understanding, that, as a community, in addition to beautification, trees play an important, practical role in the city. This includes many benefits, including increased property values that help contribute to the city's bottom line and responsible stewardship. The Urban Forestry Committee oversees this with the implementation of the public tree ordinance and the guidelines, standard practices that apply to all property owners. The committee also works with local businesses and community groups such as Keep High Point Beautiful to plant trees. The Keep High Point Beautiful group has launched a "Community Cultivation Campaign" to raise private donations to replace several trees that have been lost along Martin Luther King, Jr. Drive; they also planted nine (9) more trees through the "Plant to Remember Memorial Tree Program" bringing the total to 96 trees since the inception of the program in 2010. Future plans include a ceremony to include National Arbor Day in late April.*

*Mr. Piper concluded his remarks by acknowledging the efforts of the city's tree maintenance workers in the Parks & Recreation, Public Services, and Electric Departments during the pandemic this year and he spoke to how this has been such a challenging year for those on the front lines and how it is essential to maintain the trees that have been planted and those that will be planted in the future to have a healthy tree canopy.*

*Mayor Wagner thanked Mr. Piper for his remarks and excellent presentation and the good efforts in the city to keep the city beautiful and the encouragement to plant trees.*

FINANCE COMMITTEE - Mayor Pro Tem Moore, ChairCONSENT AGENDA ITEMS

*Finance Committee Chair Britt Moore reported all finance items were discussed at the Finance Committee Meeting held on Thursday, April 11, 2021 at 4:00 p.m. and are being forwarded to City Council with a favorable recommendation.*

**Motion by Council Member Moore, seconded by Council Member Holmes to approve all matters on the Finance Committee Consent Agenda. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote.**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

*Note: Although one motion was made to approve/adopt these matters under the Finance Committee Consent Agenda, action on all these matters will be reflected throughout the Consent Agenda portion of these minutes as being made and seconded by the same persons.*

**2021-93      Contract Sole Source- Amick Equipment Company - Refuse Truck Arm Assembly**

City Council is requested to award a sole source contract to Amick Equipment Company in the amount of \$42,000 for a replacement Refuse Truck Arm Assembly.

Approved award of a sole source contract to Amick Equipment Company in the amount of \$42,000 for a replacement Refuse Truck Arm Assembly.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, that the contract with Amick Equipment Company be approved. Following a roll call vote by Mayor Wagner, the motion carried by the following unanimous 9-0 vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**2021-94      Contract - Dellinger, Inc. - Riverdale Sewer Lift Station - West Force Main**

City Council is requested to award a contract to Dellinger, Inc. in the amount of \$1,743,093.00 for +/- 2,700 linear foot of 36" ductile iron sanitary sewer force main, air release valves, a magnetic flow meter, erosion control, and related site work improvements at the Riverdale ump Station to be part of the Riverdale Sewer Lift Station West Force Main project.

Approved award of a contract to Dellinger, Inc. in the amount of \$1,743,093.00 for +/- 2,700 linear foot of 36" ductile iron sanitary sewer force main, air release valves, a magnetic flow meter, erosion control, and related site work improvements at the Riverdale Pump Station to be part of the Riverdale Sewer Lift Station West Force Main project.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, that the contract with Dellinger, Inc. be approved. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**2021-95      Ordinance - Capital Project - Riverdale Sewer Lift Station - West Force Main**

City Council is requested to approve a capital project ordinance in the amount of \$1,900,000 for the Riverdale Sewer Lift Station West Force Main expansion project.

Adopted a capital project ordinance in the amount of \$1,900,000 for the Riverdale Sewer Lift Station West Force Main expansion project.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, that this capital project ordinance be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7697/21-14**

**Ordinance Book, Volume XXII, Page 14**

**2021-96      Change Order #3 - Crowder Construction Company - Riverdale Pump Station Phase 1 Repairs**

City Council is requested to approve change order #3 with Crowder Construction Company in the amount of \$146,864.62 for additional construction materials and work outside of the scope of the original contract for the repairs to the Riverdale Pump Station, Phase 1.

Approved change order #3 with Crowder Construction Company in the amount of \$146,864.62 for additional construction materials and work outside of the scope of the original contract for the repairs to the Riverdale Pump Station, Phase 1.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, that change order #3 to the Crowder Construction contract be approved. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**2021-97      Contract Sole Source - GEA - Repair of Centrifuge #1 - Eastside Wastewater Treatment Plant**

City council is requested to award a sole source contract to GEA in the amount of \$70,779.47 for the emergency repair/rebuild of centrifuge #1 at the Eastside Wastewater Treatment plant.

Approved award of a sole source contract to GEA in the amount of \$70,779.47 for the emergency repair/rebuild of centrifuge #1 at the Eastside Wastewater Treatment Plant.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, that the sole source contract with GEA be approved. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**2021-98      Contract - Hazen - Eastside Wastewater Treatment Plant - UV System Replacement**

City Council is requested to award a contract to Hazen in the amount of \$825,000 for professional engineering and design services for the replacement of the existing UV disinfection system at the Eastside Wastewater Treatment Plant.

Approved award of a contract to Hazen in the amount of \$825,000 for professional engineering and design services for the replacement of the existing UV disinfection system at the Eastside Wastewater Treatment Plant.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, that the contract with Hazen be approved. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**2021-99      Resolution - Sale of City Owned Property - 707 E. Kearns Avenue**

City Council is requested to adopt a resolution accepting the offer of \$9,000.00 and authorizing the sale of City owned property located at 707 E. Kearns Avenue through the upset bid procedure and direct the City Clerk to publish a public notice of the proposed sale in accordance with N.C.G.S. 160A-269.

Adopted a resolution accepting the offer of \$9,000.00 and authorized the sale of city-owned property located at 707 E. Kearns Avenue through the upset bid procedure and directed the city clerk to publish a public notice of the proposed sale in accordance with N.C.G. S. 160A-269.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Holmes, to adopt the resolution accepting the offer of \$9,000.00 authorizing the sale of city-owned property located at 707 E. Kearns Avenue through the upset bid procedure, and to direct the city clerk to publish a public notice of the proposed sale in accordance with N.C.G.S.**

**160A-269. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Resolution No. 1966/21-11  
Resolution Book, Volume XXI, Page 11**

## REGULAR AGENDA ITEMS

PROSPERITY & LIVABILITY COMMITTEE - Council Member Hudson, Chair  
Committee Members: Hudson, Holmes, Jefferson, and Peters

*Note: There were no matters on the agenda for consideration by the Prosperity & Livability Committee.*

COMMUNITY DEVELOPMENT COMMITTEE - Council Member Williams, Chair  
Committee Members: Williams, Hudson, Jefferson, and Johnson

### **2021-100      Ordinance - Demolition of Dwelling - 810 Willis Avenue**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 810 Willis Avenue belonging to Heirs of Claudis Quick.

*Lori Loosemore, Code Enforcement Manager, reported that this property was originally inspected on January 1, 2019; the inspector found that the property was unsecured; the hearing was held on March 14, 2019; no one appeared for the hearing; an Order to Repair or Demolish was issued on January 14, 2020 with a compliance date of February 17, 2020; staff has not had any response from the heirs to the property; because it was heir property, the notice was advertised in the paper; the property owners are delinquent in the amount of \$14,750 in property taxes from 2007-2020.*

*Chairman Williams asked if there were any questions for staff. Hearing none, he asked the clerk if any correspondence was received on this housing case. The city clerk replied that no comments were received.*

Adopted an ordinance ordering the building inspector to effectuate the demolition of the dwelling located at 810 Willis Avenue.

**A motion was made by Council Member Hudson, seconded by Council Member Williams, that this demolition ordinance for 810 Willis Avenue be adopted. Following a roll call vote by Mayor Wagner, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7698/21-15  
Ordinance Book, Volume XXII, Page 15**

**2021-101      Ordinance - Demolition of Dwelling - 822 Hilltop Street**

Adoption of an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 822 Hilltop Street belonging to Bobby Derwin Hoke.

*Lori Loosemore, Code Enforcement Manager, reported that the inspection for this property began on January 1, 2017; a hearing was held on November 5, 2020; the lapse in time difference was due to issues with locating the owner of the property; staff did locate some that had Power of Attorney, but they denied having such power; they also advertised in the paper in attempt to reach the owner; the inspector did speak with Kimberly Jo Hoke, who is recorded as having Power of Attorney; however she told the inspector she did not have Power of Attorney and would not advise the inspector on how he could get in touch with the property owner, Mr. Hoke; the property is delinquent with property taxes in the amount of \$15,813 for 2006-2020.*

*Chairman Williams asked if there were any questions or comments. Hearing none, he asked Madam Clerk if any correspondence had been received. The city clerk replied that no comments were received.*

*Adopted an ordinance ordering the building inspector to effectuate the demolition of a dwelling located at 822 Hilltop Street.*

**A motion was made by Council Member Williams, seconded by Council Member Johnson, that this matter be adopted. The motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Ordinance No. 7699/21-16  
Ordinance Book, Volume XXII, Page 16**

**PLANNING & DEVELOPMENT - Mayor Jay Wagner****2021-102      Resolution - Local Bill to be Introduced in the NC General Assembly - Delegate Authority to Planning & Zoning Commission**

City Council is requested to support filing and introduction of a local bill to be considered by the NC General Assembly that would authorize the City Council to delegate the authority to the High Point Planning & Zoning Commission to change the zoning classification of properties and repeal the special enabling legislation SL 1989-918 approved in 1990.

*Mayor Wagner advised this is related to a discussion held at the last Council meeting regarding pursuing the introduction of a local bill to the General Assembly that would give the City Council the authority to delegate certain planning and zoning case decisions to the Planning & Zoning Commission.*

*Adopted a resolution in support to file and introduce a local bill to be considered by the NC General Assembly that would authorize the City Council to delegate the authority to change zoning classifications of properties to the High Point Planning & Zoning Commission and repeal the special enabling legislation SL 1989-918 that was approved in 1990.*

**A motion was made by Mayor Wagner, seconded by Mayor Pro Tem Moore, to adopt the resolution in support of filing a local bill to be considered by the NC General Assembly that would delegate the authority to change the zoning classification of properties to the Planning & Zoning Commission and also repeal the special enabling legislation, SL 1989-918, that was approved in 1990.**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

**Resolution 1967/21-12**

**Resolution Book, Volume XXI, Page 12**

## PUBLIC HEARINGS

### **2021-103    Leoterra Development, Inc.- Zoning Map Amendment 21-01**

A request by Leoterra Development, Inc. to rezone approximately 20.8 acres from the Conditional Use Office Institutional (CU-OI) District to a Conditional Zoning Office Institutional (CZ-OI) District. The site is located along the east side of Eastchester Drive, approximately 1,300 feet south of Deep River Road.

*The public hearing for this matter was held as duly advertised on Monday, March 15, 2021 at 5:30 p.m.*

*Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report for Zoning Map Amendment 21-01 which is hereby attached in Legistar as a permanent part of these proceedings.*

*This is a request to rezone a 20.8-acre parcel of land from its current Conditional Use Office Institutional to a Conditional Zoning Office-Institutional District. The O-I District accommodates a wide variety of office and institutional uses including health care, social service uses, etc..... It also allows retail uses with some limitations on size and permits residential uses at a maximum density of 16 units per acre. Mr. Shannon then shared a map of the site which is located along the east side of the Eastchester Drive corridor, south of Deep River Road.*

*Mr. Shannon advised that the Conditional Use Office Institutional Zoning governing this site was established in 1998 and at that time, an office complex was proposed for the entire development. There is an existing office use directly to the south, a five-story law office building. He explained that development of the rest of the site as an office park never came to fruition and that current zoning from 1998 remains. The zoning had a condition that residential uses would be prohibited; however, with the current application, the applicant is requesting a Conditional Zoning OI District and they have asked to do a new Conditional*



*Zoning Ordinance. Under this ordinance, along with office uses being permitted, they have also requested that residential uses be permitted. Per the Conditional Zoning Ordinance that was submitted by the applicant, they have offered conditions pertaining to building height; they have offered a Conditional Zoning Plan that lays the structure of how the site may develop and landscaping conditions.*

*Mr. Shannon noted that since the late 1980s, this segment of the Eastchester Drive corridor between Lassiter Drive and Hickwood Drive has had multiple parcels zoned to allow various office uses and the Land Use Plan classifies this site for office use.*

*The required Transportation Impact Analysis (TIA) was submitted; reviewed by the High Point Department of Transportation; the applicant based their study on a proposal of approximately 9,000 sq. ft. of non-residential office use and approximately 264-unit multi-family development; the High Point Department and applicant agree that there be a condition that the site would have two access points; one being an existing access point at the southern portion of the site; the second access point would be along the Eastchester corridor, although a specific location was not identified at this time because it would be based on the specific plan that comes in; High Point Department of Transportation has noted they would make their recommendation depending on the layout that it be toward the northern portion of the site; however, they did not want to lock it down with a condition because the site could develop in many different fashions.*

*The applicant also submitted a Conditional Zoning Plan as part of the Conditional Zoning Ordinance dividing site into two tracts: Tract A and Tract B. Tract A, lying along the Eastchester Drive frontage would be non-residential uses, office uses; other OI District uses could go there, but no residential uses along the frontage. Tract B can develop with any of the uses allowed in the OI District (i.e. office uses, personal service uses, residential uses, etc...).*

*Staff identified the following key points from their review of this request.*

*Compatibility with surrounding areas. The applicant has offered a condition to provide for building height limits and higher landscaping standards along the southern boundary of the site adjacent to the Foxwood Meadows subdivision. The zoning currently allows building heights up to 50 feet abutting the subdivision to the south. The applicant is offering a condition that within 75 feet of the southern boundary of the site, the structures would be limited to a height of 50 feet.*

*Access issues. There are no public street networks that connect it to the north or the south, so access will be taken from Eastchester Drive.*

*Environmental constraints. This site is impacted by a perennial stream. Mr. Shannon shared a topography map of the area and explained the topography. Along the eastern boundary of the site, there is a perennial stream running north through the middle of the site. The Development Ordinance requires stream buffers along the stream and that buffer will range between 50 and 100 feet along both sides of the site. Staff pointed out there is not a lot of land available for development on the east side of the site due to the location of the stream; thus, the applicant has offered a condition that there be no structures develop east of that stream.*

*Environmental impacts. Development of this site is required to meet the city's Watershed requirements and reduce soil erosion to minimize stormwater runoff. The ordinance requires a primary control measure for any development exceeding 24% of the site. Mr. Shannon noted there were a lot of questions that staff received from the public about stormwater any development on the site must meet the requirements in the Development Ordinance.*

*Staff also looked at the adverse impacts and the effect the development might have on adjacent lands. The ordinance requires a Type C permanent landscaping yard be installed where there is office or multi-family abutting a single-family. Mr. Shannon pointed out this would be a 15-foot wide planting yard consisting of seven trees and 20 shrubs every 100 linear feet. To ensure there would be no adverse impacts on adjacent property, the applicant has offered a condition that they will increase landscaping requirements for any land disturbance within 45 feet of the southern boundary of the site; their condition notes that they will plant a double row of evergreen trees with a minimum installation of a six-foot high opaque fence. To ensure long-term compatibility, the type of evergreen species must reach a height of at least 25-feet at maturity. Mr. Shannon noted this would be approximately 20 trees every 100 linear feet which is a higher standard than what the Development Ordinance requires.*

*Development pattern. Staff shared that in the past, zoning actions have supported office use along the front and multi-family to the rear for larger parcels along the Eastchester corridor. Mr. Shannon pointed out the similar type situation on the opposite side of this portion of Eastchester Drive with the multi-family development of the Lake Pointe townhomes where there is office along the frontage and multi-family to the rear.*

*The Planning and Development Department is recommending approval of this request. As conditioned, the request will be compatible with the surrounding area and in conformance with adopted plans. The request was also reviewed the application at a February public hearing before the Planning & Zoning Commission and they recommended approval by a unanimous 9-0 vote stating that the request is consistent with the adopted policy guidance because the requested CZ OI District is supported by the relevant goals and objectives of the Land Use Plan and the Eastchester Corridor Plan as referenced in the staff report. The commission also stated that the request is reasonable and in the public interest because the requested CZ OI District will enable a development pattern that is consistent with the existing land use pattern established along this segment of Eastchester Drive, which is office use along the street frontage and a residential use on the remaining area of the site.*

*At the conclusion of his presentation, Mr. Shannon asked if there were any questions.*

*Council Member Holmes noted that the Planning & Zoning Commission denied a proposal that came before them in 2005 and asked what significant changes have been made from then to now to allow approval. Mr. Shannon explained that in 2005, the Planning & Zoning Commission members felt it did comply with the Eastchester Corridor Plan; however, some members had concerns with access issues and at that time, they were looking at just one access point. Mr. Shannon further explained that this was prior to Deep River Road being extended and there were failed efforts to get a connection to the north of Deep River Road.*

*There were also concerns regarding density, the amount of recreational facilities that should be on this site, and transition of uses.*

*In terms of the second access point, Council Member Holmes asked if the location has been determined. Mr. Shannon explained that it would be determined when a specific plan comes through for review and reiterated that there is a condition offered by the applicant that there would be two access points to Eastchester Drive. Council Member Holmes asked if the public would be able to weigh in on the location of the second access point. Mr. Shannon replied that would be a determination by the High Point Department of Transportation and there would not be a public hearing because it would be reviewed by the Technical Review Committee with the High Point Department of Transportation making the determination along with consultation with NC Department of Transportation since it is a state road.*

*As a follow-up to Council Member Holmes' questions, Mayor Pro Tem Moore mentioned several of the comments received were concerning the entranceway to the Lake Pointe complex and asked if it was normal procedure for access to be aligned across the street from one another. Matt Carpenter, Transportation Engineer, pointed out that this property does present some issues due to the boundary of the site and clarified that they do prefer them to be aligned so there will not be a left turn conflict. Council Member Holmes asked what type of risk this would pose hypothetically in terms of not having these access points align and if it raises the risk of potential traffic conflicts significantly. Mr. Carpenter confirmed that if the driveways are not aligned, there is a high potential for left turn conflicts, and this would certainly raise a safety risk. He explained that during the TRC review, staff would be looking at the engineering factors and noted the public would not necessarily have an opportunity to comment at that point, so now is the opportunity for comments regarding the location of the second access point. He confirmed that there would be a left-turn conflict with a northern access point in the vicinity of the Lake Pointe complex unless something else could be worked out adding the CU OI site to the north.*

*Mayor Pro Tem Moore inquired about the abutting land to the north of the proposed site. Mr. Shannon explained the property is currently undeveloped.*

*Mayor Wagner asked if there were any additional questions/concerns. Council Member Hudson inquired about the reason the property being proposed for Conditional Zoning and Mr. Shannon explained that conditional zoning allows the applicant to offer conditions to mitigate impacts to adjacent property owners or to address any other concerns that may arise.*

*The Mayor then provided an opportunity for the applicant or applicant's representative to speak regarding the request.*

*Tom Terrell, attorney with Fox Rothschild Law Firm, representing the applicant, recognized Kye Bunker with LeoTerra Development and Rich Glover with Jamestown Engineering, both participating remotely. In response to Council Member Holmes' question posed about the difference between the zoning denial in 2005 and this proposal, was essentially due to only having one access point and attorneys from the Wyatt Early Law Firm who came out to express concerns about traffic.*

*He explained as they designed this site for this proposal, they did have a traffic impact study that does not identify any material danger to the public and that it was important to note that there are users up and down this corridor, but they do not decide not to allow growth simply because somebody on the corridor doesn't want to have to wait.*

*Mr. Terrell went on to say that this is not an unusual rezoning application and pointed out the only thing making it a bit unusual is that they are now accepting the comments by email and there are a lot of people participating in the process who have not been part of the neighborhood meetings although they were invited. Additionally, people were complaining about the traffic on Eastchester although most of the traffic is not local traffic.*

*He noted that if the site developed entirely as office, it would have the exact same type of or very similar type of traffic that would be coming and going on Eastchester Drive. He felt the issue at heart is that the neighbors do not want to know that multi-family could be there and it was not precisely about the number of units.*

*He felt it was important to note that:*

- 1. At least 30% of the site cannot be developed and cited difficulty in developing the site when the whole site has to be purchased, while only getting a return on investment from one small part of it (this makes it impossible to go in and build single family homes).*
- 2. This is classical transitional zoning that is found elsewhere on the corridor with the more intense uses along the Eastchester frontage and less intense uses in the middle, etc... as required by the Development Ordinance.*
- 3. The neighbors to the east will have a generous buffer (several hundred feet of undisturbed wooded buffer), so the apartments would not be right up against some of the neighbors as claimed.*
- 4. Today, Foxwood Meadows would not be allowed to develop because there would be a requirement (the same with this proposed site) to have office uses only along Eastchester Drive, then a potential for residential in the back. The residents in Foxwood Meadows have enjoyed the trees and no development over the years and the distance between the homes in Foxwood Meadows is much, much closer with less of a buffer than they would have between their homes and any building that would be on the Natuzzi site.*
- 5. There is currently no home in Foxwood Meadows were there would be a six-foot opaque fence and two rows of evergreens between the homes. LeoTerra has offered a much higher buffer than required in the Development Ordinance to separate the uses.*
- 6. Stormwater is not a land use issue; it is an engineering issue determined by engineering principles and calculations of water flow over land. In this particular case, there would be stormwater ponds that capture the water flowing across the site and it would be slowly released so that the amount of water leaving the site pre-development would equal the amount of water leaving the site post-development.*

7. *Most of the traffic on Eastchester is traffic starting or ending in High Point and happens to be in the middle of a major thoroughfare where a lot of people are commuting for various reasons. Experts conducted the required traffic study using the most sophisticated software and they have calculated that the increase in traffic at the traffic signal just north of the site is less than a second in the a.m. and 1.1 second in the p.m. The level of service eastbound, westbound, northbound, southbound remains the same whether it is a build or no build.*
8. *People coming out of a drive or entrance road from a subdivision do experience a wait time; however, there is not a single place on the Eastchester corridor where there is not a little bit of a wait time. You do try to minimize it if possible, but it does not mean that growth in the city stops because of it.*
9. *A second point of access is being required by the Transportation Department. The applicant met with the property owner to the north and they have said they have no problem with the rezoning but would like for the driveway to straddle the property lines; however, this is a TRC issue and not a public comment issue because placement is guided by transportation's principles; those principles do require that it is safer to have driveways align.*
10. *The meeting with the Lake Pointe neighbors was delayed due to a change of address for the HOA because they switched management companies and the new management company did not properly register the address with Guilford County.*
11. *Discussions took place with Wyatt Early Law Firm with the primary point of the discussion about saving some buffers, especially for the third and fourth floors where their offices are located in their building. The developer was unaware that the Natuzzi property goes down to their pond; they are going to try to arrange the building so that the row of trees would remain and if this is not possible, then they will offer something much higher than required which.*

*Mayor Pro Tem Moore reiterated that studies show that it is better to have driveways align directly across from each other and asked about the square footage for the Wyatt Early Harris building. Mr. Terrell agreed about the alignment of driveways; noted that he was unsure about the square footage of the building; but that it pales compared to what could be built in terms of future office on the Natuzzi site if everything went office.*

*As a reiteration point, Mayor Pro Tem Moore asked if there would be several hundred feet of natural buffer near the retention pond and between Foxwood Meadows. Mr. Terrell replied that it would actually be the Sunset Hollow subdivision to the east where there would be several hundred feet of natural buffer and further explained there are three cul-de-sacs in Foxwood Meadows and the one farthest to the east is the one that would be shielded by the natural trees because there will not be any development near those homes because of the stream.*

*As a matter of confirmation, Council Member Holmes asked if just over six acres of this tract would not be developed. Mr. Terrell confirmed that this was an approximate number and confirmed approximately one-third would not be developed.*

*Mayor Wagner mentioned that public comments were received for Zoning Map Amendment 21-01; the comments were distributed to the City Council; and will be attached as a permanent part of these proceedings.*

*He then asked if there were any additional comments/questions. Hearing none, he reminded everyone that this matter would remain open for the required 24-hour period; Council would continue to accept public comments; and that final action is anticipated on March 17, 2021 at 5:30 p.m.*

**2021-104      True Homes - Zoning Map Amendment 21-02**

*A request by True Homes to rezone approximately 39.5 acres from the Residential Single Family - 3 (R-3) District to a Conditional Zoning Residential Single Family - 5 (CZ R-5) District. The site is located south of Quail Run Drive at the southern terminus of Derby Court/Dukes Hollow Court/William Joseph Lane.*

*The public hearing for this matter was held as duly advertised on Monday, March 15, 2021 at 5:30 p.m.*

*Herb Shannon, Senior Planner with the Planning and Development Department, provided an overview of the staff report which is hereby attached in Legistar as a permanent part of these proceedings.*

*This is a request by True Homes to rezone approximately 39.5 acres located south of Quail Run Drive at the southern terminus of Derby Court/Dukes Hollow Court/William Joseph Lane from the Residential Single Family-3 (R-3) District to a Conditional Zoning Residential Single Family-5 (CZ R-5) District. The site abuts the existing Quail Run Farm subdivision; there are three stubs into the site.*

*Mr. Shannon advised this property is impacted by multiple physical constraints: steep topography, perennial streams, and an electrical easement running through the site. For these reasons, the applicant is requesting rezoning to a Conditional Zoning Residential Single Family-5 District to allow for increased flexibility as far as lot sizes as they work around these environmental constraints on the site.*

*The applicant has offered a Conditional Zoning Ordinance in which they have offered to limit the site to 80 dwelling units (a density of two units per acre). Regarding potential traffic impacts, the High Point Department of Transportation did evaluate this proposal; however, a Transportation Impact Analysis (TIA) was not required as the development would not generate more than 150 trips within the peak hours. There would be stub streets to the north; Derby Circle, William Joseph Lane and Duke's Hollow Court stubs into the site and these roadways would be extended to provide multiple points in and out to this development.*

*Staff noted the following key points regarding this request.*

*Compatibility with the surrounding area. The abutting residential developments to the north and east were developed under the former development ordinance that allows single family detached dwellings at a density of three units per acre. The applicant has offered a condition that this site cannot exceed 80 units (two units per acre).*

*Regarding the environmental impacts, this site is required to meet the city's Watershed standards of the Development Ordinance. The stream buffer standards, depending on the intensity of the development, a 50-foot or 100-foot wide buffer is required along both sides of all streams, classified streams that impact this site.*

*The differences between the R-5 and the R-3 Districts is that the R-5 allows up to five units per acre and the R-3 allows up to three units per acre; however, as conditioned by the applicant, the site cannot exceed two units per acre, so it would be a compatible development as the abutting Quail Run development has a density of 2.4 units per acre.*

*Staff is recommending approval to rezone this site to a Conditional Zoning R-5 District; the Planning & Zoning Commission reviewed this request at their February public hearing and also recommended approval by a vote of 9-0. The Commission stated the request is consistent with adopted policy guidance because the requested CZ R-5 District is supported by the low density residential land use classification of the adopted Land Use Plan and the Commission also stated that the request is reasonable and in the public interest because the requested CZ R-5 District, along with the physical constraints of the zoning site will produce a residential development with a density similar to the surrounding area.*

*Following staff's presentation, Mr. Shannon asked if there were any questions.*

*Hearing none, Mayor Wagner provided an opportunity for the applicant to speak on behalf of Zoning Map Amendment 21-02.*

*Judy Stalder, 735 Admiral Drive, representing the applicant, True Homes, recognized Keff Guernier from True Homes, who participated remotely. Ms. Stalder reiterated that this is a very challenging site containing steep topography and large areas of environmentally sensitive wetlands and waterways. To protect those areas, True Homes is asking for a Conditional Zoning R-5 to allow some flexibility on the lot size to stay out of the environmentally sensitive areas. Ms. Stalder spoke to the homes being comparable in value to those in adjacent neighborhoods; emphasized that smaller lot sizes do not mean less valuable homes; and the abundance of open space makes up for the smaller lot size.*

*The required neighborhood meeting was conducted via Zoom and one neighbor attended. Ms. Stalder advised that she did reach out to two of the neighbors that submitted public comments. One was a property owner from the Audubon Townhomes who wanted clarity about the location of the property; he now understands that this development will have no impact on the Audubon Townhomes. The other property owner was concerned about an increase in density; however, with the conditions offered by the applicant, it would actually reduce the allowable density with this request.*

*Note: The public comments referenced by Ms. Stalder were submitted to the Planning and Zoning Commission when they had their public hearing in February; however, the property owners did not submit comments to the City Council, so there will be no public comments on file as part of the record.*

*Ms. Stalder noted that the number of homes proposed did not meet the threshold specified by the Development Ordinance, so a Traffic Impact Analysis (TIA) was not required. She noted*

*that the site plan was reviewed by the Technical Review Committee (TRC) and they did incorporate their comments into the site plan. In conclusion, she asked for Council's approval as the proposed plan allows a practical and efficient way to use the property that is in harmony with the existing neighborhood and protects the environmentally sensitive areas.*

*Mayor Wagner asked if there were any additional comments/questions. Hearing none, he reminded everyone that this matter would remain open for the required 24-hour period; Council would continue to accept public comments; and that final action is anticipated on March 17, 2021 at 5:30 p.m.*

## GENERAL BUSINESS AGENDA

### **2021-105      Minutes To Be Approved**

Finance Committee; February 25, 2021 @ 4:00 p.m.

Special Meeting; March 1, 2021 @ 3:30 p.m.

Regular Meeting; March 1, 2021 @ 5:30 p.m.

Community Development Committee; March 2, 2021 @ 4:00 p.m.

Prosperity & Livability Committee; March 3, 2021 @ 9:00 a.m.

**A motion was made by Mayor Pro Tem Moore, seconded by Council Member Jones, that this matter be approved. Following a roll call vote by the Mayor, the motion carried by the following 9-0 unanimous vote:**

Aye (9): Mayor Wagner, Mayor Pro Tem Moore; Council Member Johnson, Council Member Jefferson, Council Member Williams, Council Member Peters, Council Member Hudson, Council Member Jones, and Council Member Holmes

## ADJOURNMENT

There being no further business to come before Council, at 6:35 p.m., Mayor Wagner announced that this meeting would be adjourned to Wednesday, March 17, 2021 at 5:30 p.m. in order to take action on the public hearing matters that were heard tonight.

Respectfully Submitted,

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Jay W. Wagner, Mayor

Attest:

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Lisa B. Vierling, City Clerk