

CITY OF HIGH POINT AGENDA ITEM



Title: Special Use 21-03
(High Point Land Investment, LLC.)

From: Chris Andrews,
Interim Planning & Development Director

Meeting Date: November 15, 2021

Public Hearing: Yes

Advertising Date: November 5, 2021 and
November 10, 2022

Attachments: A. Staff Report
B. Map
C. Special Use Permit

Advertised By: Planning & Development

PURPOSE:

A Special Use Permit request to allow the Asphalt Plant use type, as listed in Principal Use Table 4.1.9 of the Development Ordinance, in the Conditional Zoning Heavy Industrial (CZ-HI) District. The site is approximately 29 acres and located at the northern terminus of Allegany Street and south of Durand Avenue.

BACKGROUND:

The staff report and recommendation are enclosed.

BUDGET IMPACT:

There is no budget impact.

RECOMMENDATION / ACTION REQUESTED:

Staff recommends *approval* of Special Use 21-03

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

**STAFF REPORT
SPECIAL USE PERMIT 21-03
November 15, 2021**

Request	
Applicant: High Point Land Investment, LLC	Owner: Blue Skye Holdings, LLC
Proposal:	A Special Use Permit request to allow the Asphalt Plant use type, as listed in the Principal Use Table 4.1.9 of the Development Ordinance, in the Conditional Zoning Heavy Industrial (CZ-HI) District.

Site Information	
Location:	The site is located at the northern terminus of Allegany Street and south of Durand Avenue.
Tax Parcel Number:	Guilford County Tax Parcel 180717
Site Acreage:	Approximately 29 acres
Current Land Use:	Undeveloped
Physical Characteristics:	<p>A perennial stream, running in a general east-west direction, with a corresponding floodway and 100 & 500 year flood zone runs through the northern and middle of the site. This floodway/flood zone area ranges in width from 500 to 600 feet.</p> <p>A 72-foot wide City of High Point electrical transmission line easement runs in an east-west direction through the middle of the site. There is also an additional 200-foot wide Duke Power transmission line that runs across the southern portion of the site.</p>
Water and Sewer Proximity:	A 48-inch City sewer line runs across the northern portion of the site near Durand Avenue. An 8-inch City water and an 8-inch City sewer line are adjacent to the site along Allegany Street.
General Drainage and Watershed:	The site drains in a general northerly direction, and development is subject to the Randleman Lake General Watershed Area (GWA) requirements. Primary stormwater control measures are required for non-residential development with an impervious surface area that exceeds 12% or more of the site.
Overlay District:	Randleman Lake General Watershed Area (GWA)

Adjacent Property Zoning and Current Land Use			
North:	LI	Light Industrial District	Durand Avenue and US 29 (formerly Business 85) right-of-way
South:	LI	Light Industrial District	Industrial and warehousing use
East:	LI	Light Industrial District	Industrial use, undeveloped parcel and single family dwelling
West:	LI	Light Industrial District	Single family dwellings

Relevant Land Use Policies and Related Zoning History	
Community Growth Vision Statement	This request is neither consistent or inconsistent with the goals and objectives of the Community Growth Vision Statement.
Land Use Plan Map Classification:	The site has a Light Industrial land use classification. The applicant has submitted a Plan Amendment application (PA-21-07) to change the Land Use Plan designation to the Heavy Industrial classification. This classification supports a whole range of assembling, fabricating, and heavy manufacturing activities, some of which have significant environmental impacts or nuisance effects, as well as certain intense and large-scale open land uses like wastewater treatment plants, landfills and quarries.
Land Use Plan Goals, Objectives & Policies:	The following goals of the Land Use Plan are relevant to this request: Goal #1: Ensure that development respects the natural environment. Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.
Relevant Area Plan:	<u>Business Interstate 85 Corridor Plan</u> This request is neither consistent or inconsistent with the goals and objectives of the Business Interstate 85 Corridor Plan.
Zoning History:	In conjunction with this special use application (SU-21-03), the applicant has also submitted a Zoning Map Amendment application (ZA-21-25) to establish a CZ-HI District zoning for this site.

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Alleghany Street		Local	200 ft
	Durand Avenue		Local	925 ft
	Lorraine Avenue		Local	30 ft
Vehicular Access:	Via driveway aces from Alleghany Street.			
Traffic Counts: <i>(Average Daily Trips)</i>	None, the NCDOT does not typically take traffic count along local streets.			
Estimated Trip Generation:	Not applicable			
Traffic Impact Analysis (TIA):	Required		TIA Comments	
	<u>Yes</u>	<u>No</u> X	A TIA is not required.	
Conditions:	<u>Access:</u> Only one point of vehicular access shall be permitted to Alleghany Street. No access shall be permitted to Lorraine Avenue.			

Details of Proposal

The site abuts the Alleghany Industrial Park which fronts along Baker Road and was established in the 1990s. This industrial park and all surrounding lands are zoned Light Industrial (LI). The applicant desires to develop a combination asphalt plant/concrete plant at the northern edge of this industrial park. The City's Development Ordinance designates a concrete plant as a major manufacturing use type, which is a permitted use in the Heavy Industrial (HI) zoning district, subject to meeting specific development standards. The asphalt plant use type is only permitted in the HI District with a special use approval by the City Council. In addition to meeting special use findings, this use type is also

subject to development standards noted in Section 4.3.5.B.1 – (Manufacturing and Production – Asphalt Plant) of the Development Ordinance.

Findings

A special use is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. 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 process is to allow the City Council an opportunity to perform this analysis.

Section 2.4.12.C. of the Development Ordinance requires that certain findings be made before a special use 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.

Will not materially endanger the public health or safety if located where proposed.	
Compliance	An asphalt plant use must obtain an air quality permit and water quality permits from the North Carolina Department of Environmental Quality (DEQ). Under DEQ, its Division of Air Quality handles air permits for asphalt plants, and its Division of Water Quality handles water permits (if required).

Complies with all required standards, conditions, and specifications of the Development Ordinance, including Chapter 4: Uses.	
Compliance	<p>An asphalt plant shall comply with the following standards of the Development Ordinance:</p> <ul style="list-style-type: none"> • <u>Setbacks</u>: An asphalt plant shall be located at least 50 feet from a property line. • <u>Security Fencing</u>: A security fence, a minimum of 6 feet in height, shall be provided around the use. • <u>Rehabilitation</u>: <ul style="list-style-type: none"> ➤ Within 1 year of the cessation of the use, all equipment and stockpiles incidental to the operation shall be dismantled and removed by and at the expense of the landowner; ➤ On the site of an abandoned asphalt plant the site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course, except in an instance where redevelopment for another permitted use is in progress. • <u>Access</u>: <ul style="list-style-type: none"> ➤ Vehicular access shall be constructed with an all-weather surface and be maintained in a dust-free condition. ➤ Access roads shall be located no closer than 15 feet from a property line. ➤ A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic.

	Based upon the size of the site and the manner in which the developable area will be restrict by the SU Plan, all standards of the Development Ordinance will be able to be met.
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Will not substantially injure the value of the abutting land, or the special use is a public necessity;

Compliance	<ul style="list-style-type: none"> ❖ The site is surrounded by LI zoned lands and development. ❖ The site lies south of the US-29 corridor and east of the I-74 corridor, both of which are existing multilane highways. These highways act as a barrier that separates the zoning site from adjacent lands to the north and west. ❖ A 200-foot wide Duke Power transmission line easement lies along the southern boundary of the site. Other electrical easements, utility easements and a stream with a 500 to 600 foot wide flood zone area lies along the northern portion of the site. Of the 29 acres associated with this parcel, only 30% (approximately 8 acres in the middle of the parcel) is available for any significant development. The applicant has offered a condition that restrict the asphalt plant use to this 8 acre area; thus, isolating the area of development from surrounding lands.
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Will be in harmony with the area in which it is to be located.

Compliance	Due to physical and environmental constraints, and restrictions noted on the special use site plan, development is restricted to an 8± acre area in the middle of the site. These constraints and special use conditions will assist to limit the intensity of development and also provide separation from abutting lands to ensure development will be in harmony with surrounding lands.
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Is in general conformity with the City's adopted policy guidance.

Compliance	As conditioned, and subject to approval of Plan Amendment Case 21-07 and Zoning Map Amendment Case 21-25, the request will be compatible with the surrounding area and in conformance with adopted plans.
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Recommendation

Staff Recommends Approval:

Based upon the conditions in the attached Special Use Permit and the preliminary findings of fact, staff finds that the request will be compatible with the surrounding lands and in conformance with adopted plans.

Report Preparation

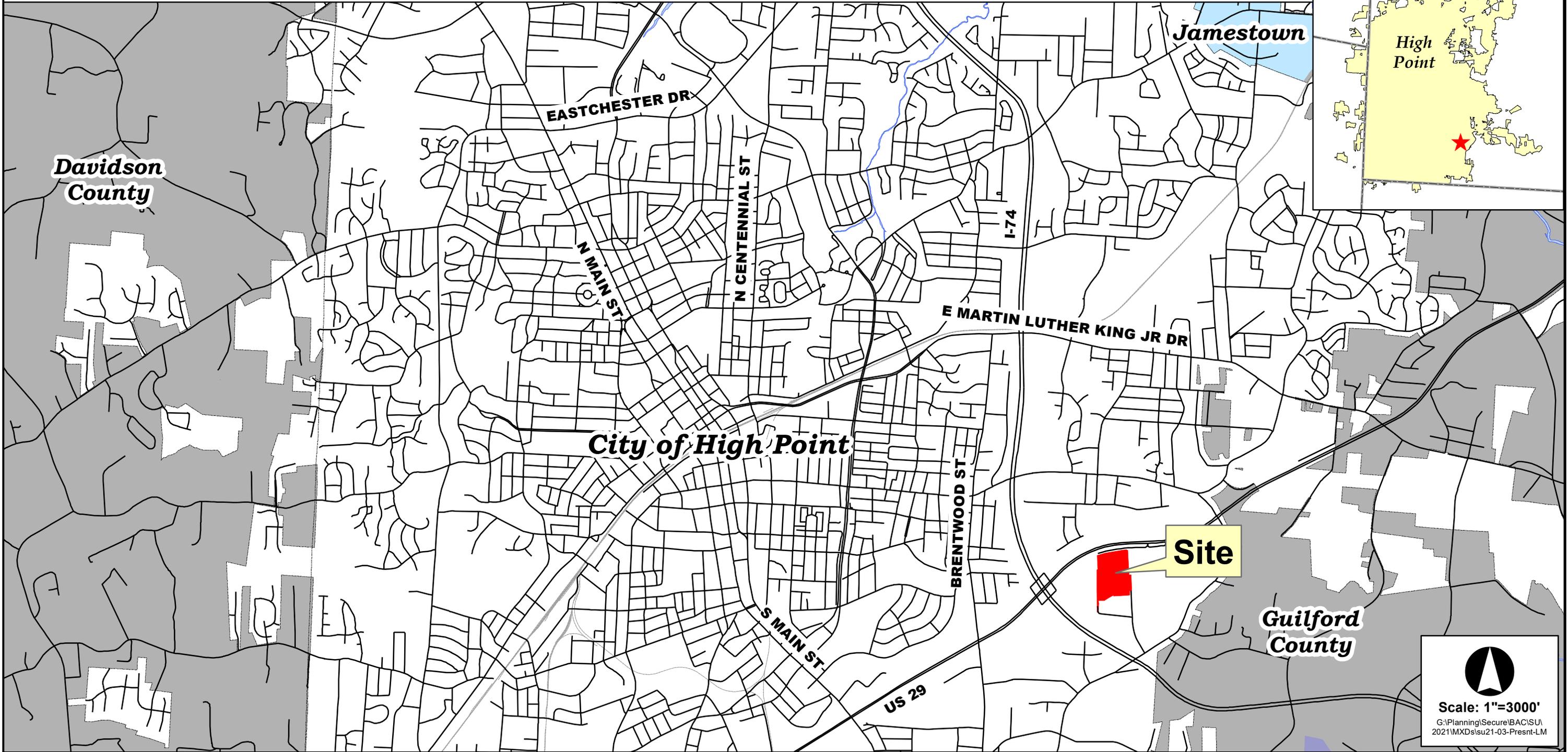
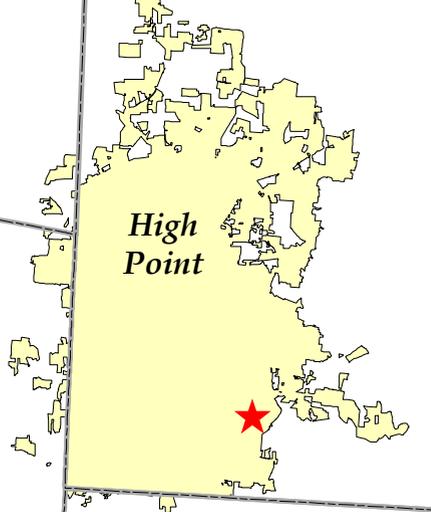
This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner and reviewed by Chris Andrews AICP, Interim Planning and Development Director.

LOCATION MAP

SPECIAL USE: SU-21-03

Applicant: High Point Land Investment, LLC

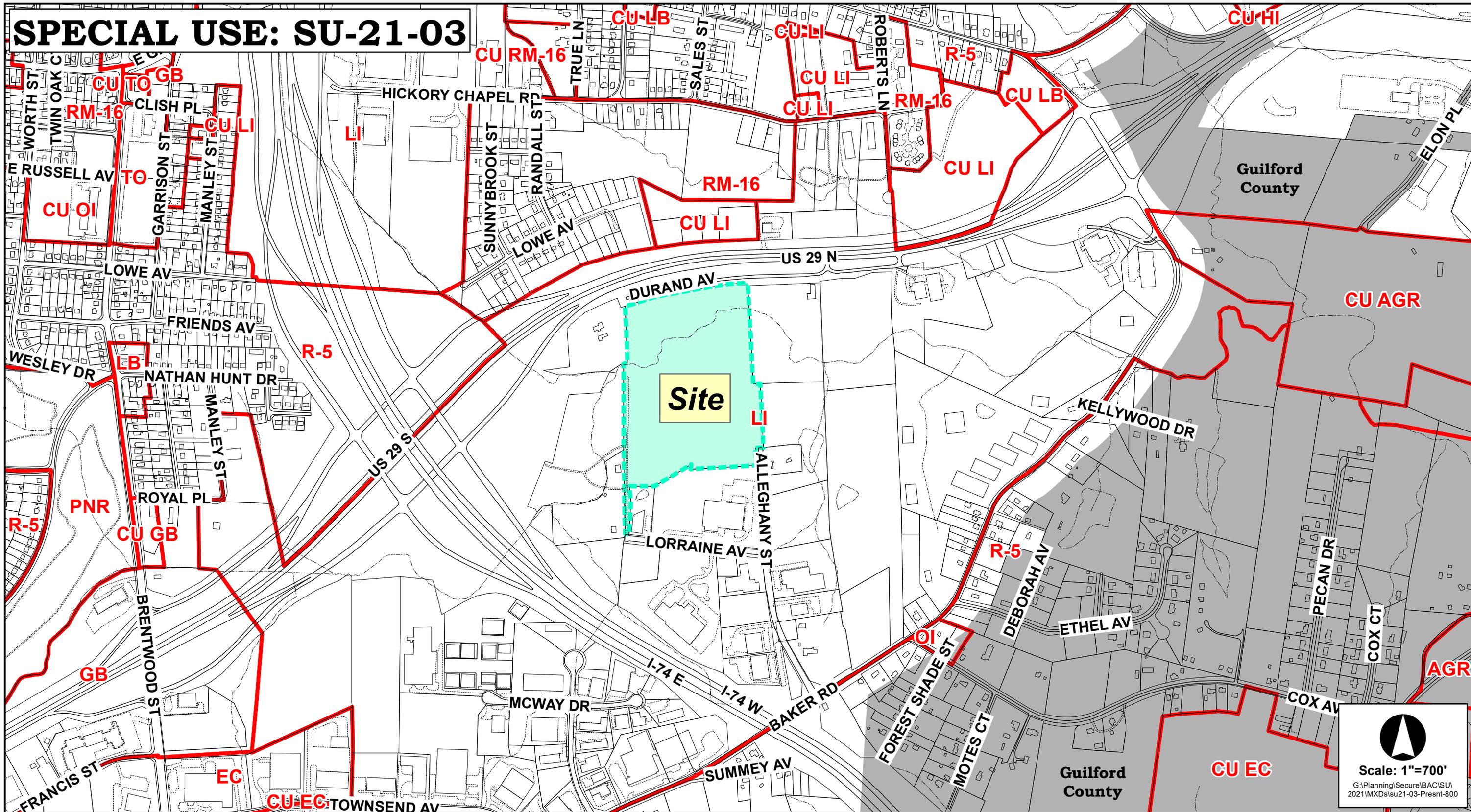
Vicinity Map



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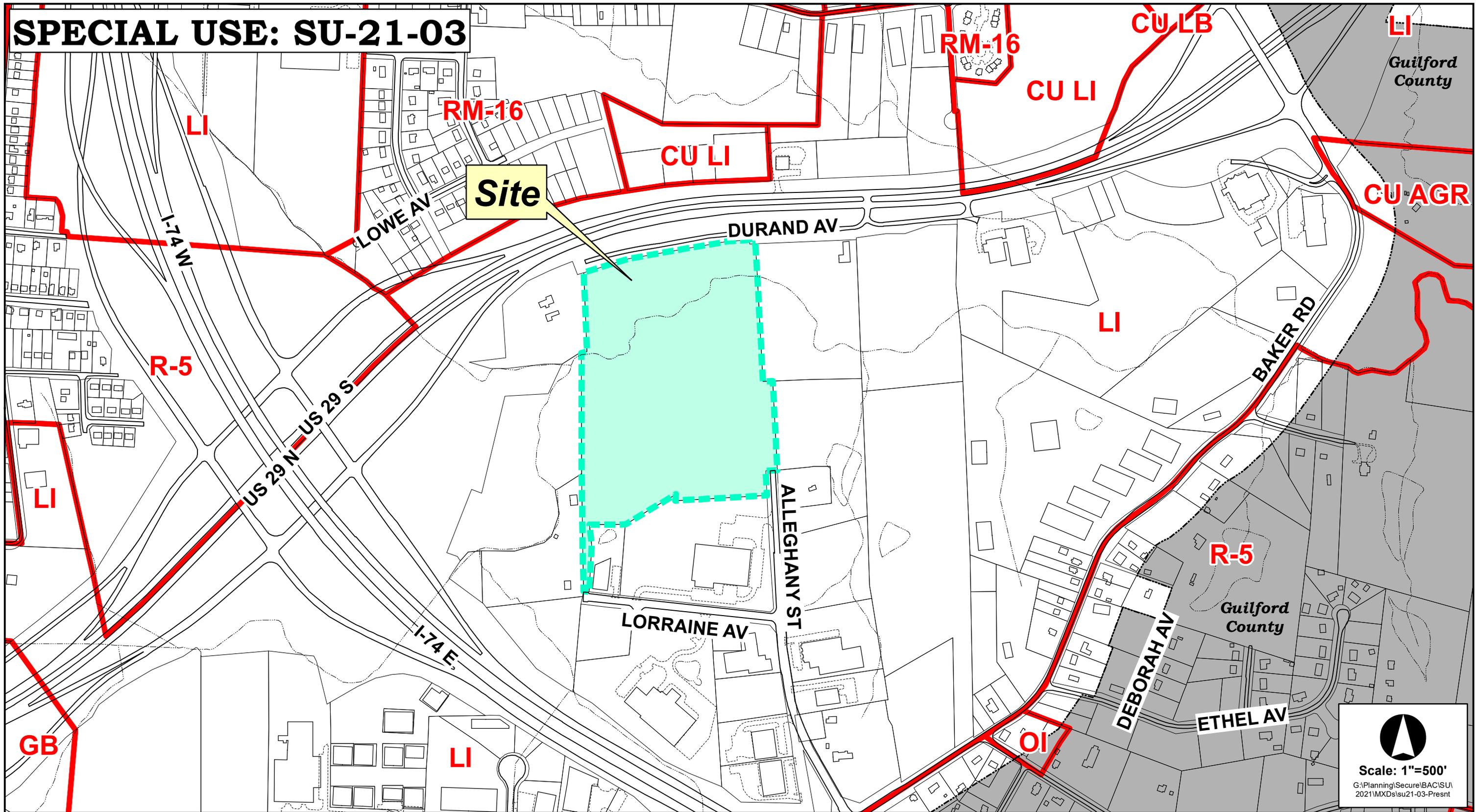
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SPECIAL USE: SU-21-03




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SPECIAL USE: SU-21-03



LI
Guilford County

CU AGR

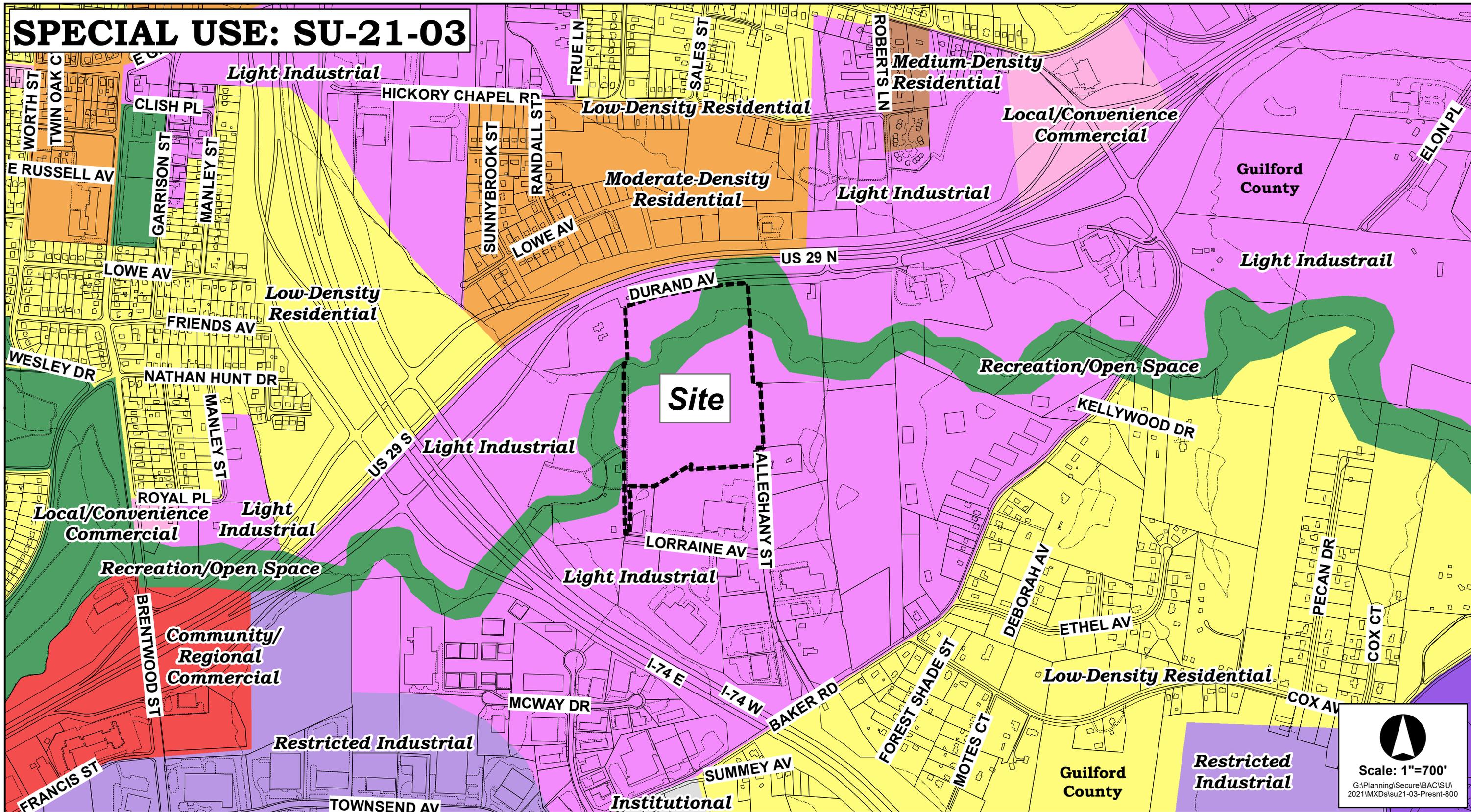
R-5

Guilford County



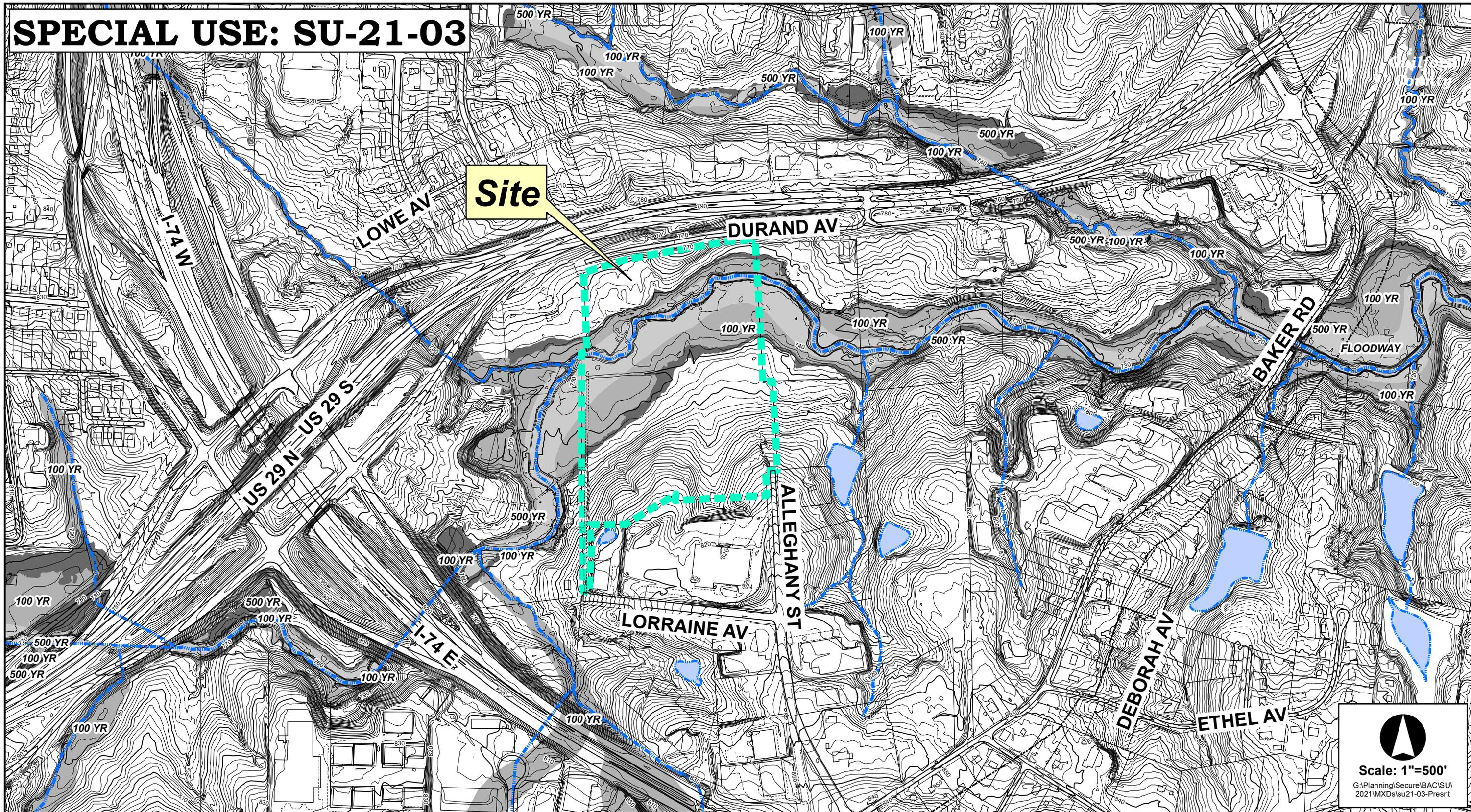
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SPECIAL USE: SU-21-03




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SPECIAL USE: SU-21-03



Site


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SPECIAL USE: SU-21-03

Guilford County

Site

I-74 W

LOWE AV

DURAND AV

US 29 N
US 29 S

BAKER RD

I-74 E

LORRAINE AV

ALLEGHANY ST

Guilford County

DEBORAH AV

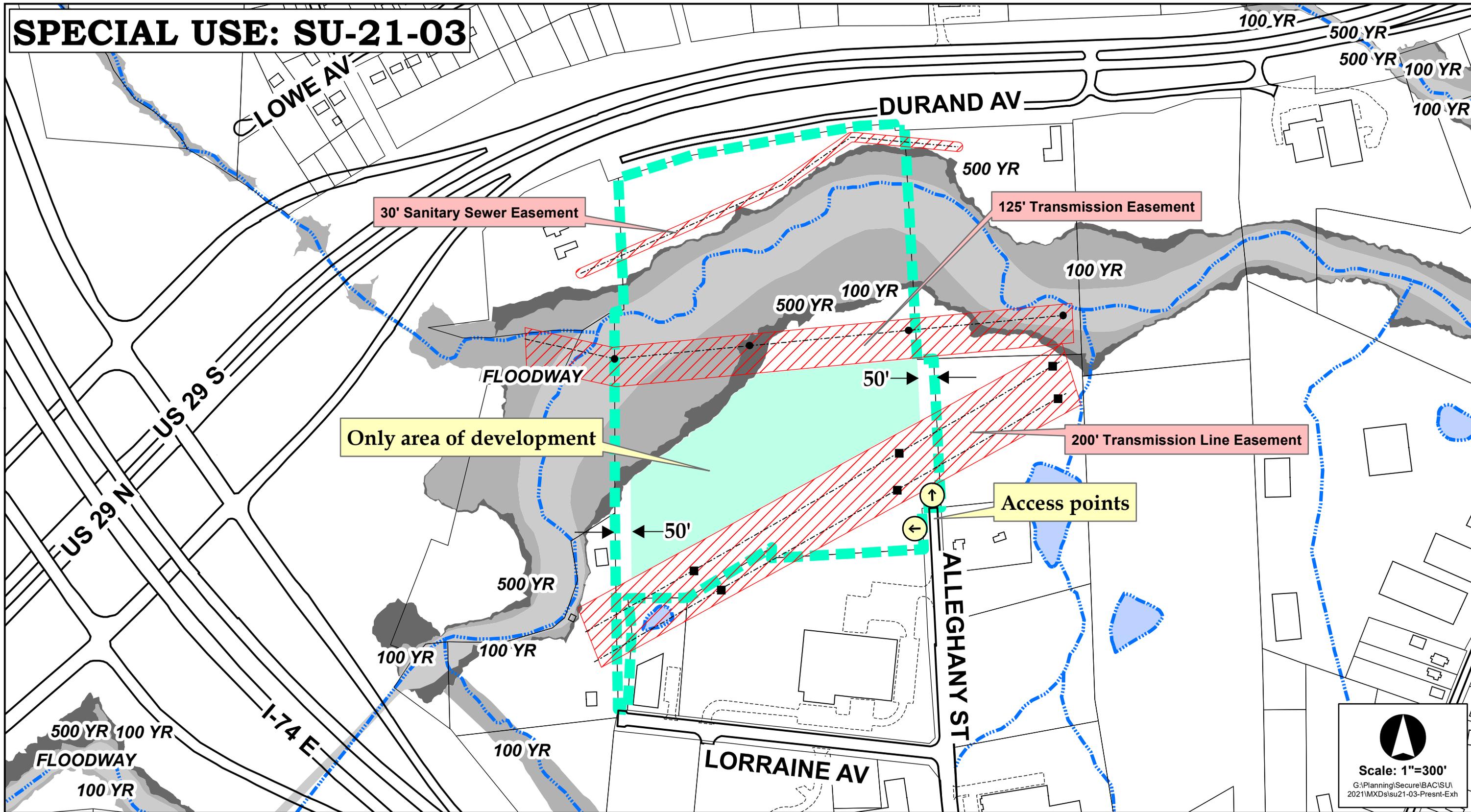
ETHEL AV



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SPECIAL USE: SU-21-03




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SPECIAL USE 21-03
CITY OF HIGH POINT, NORTH CAROLINA
(High Point Land Investment, LLC)

The City of High Point City Council, pursuant to Section 2.4.12, Special Use, of the City of High Point Development Ordinance, approved a Special Use and Site Plan for the following use, subject to the following condition(s):

Part I. USE: Asphalt Plants use type and its customary accessory uses shall be permitted subject to the development and dimensional requirements of the Heavy Industrial (HI) District and the specific conditions listed in this Special Use (SU) document.

NOTE: The Major Manufacturing use type (Concrete Manufacturing), which is a permitted principal use in the Heavy Industrial (HI) District, will operate in conjunction with the Asphalt Plant use type.

Part II. Conditions:

1. Development of the site shall be generally consistent with the attached site plan submitted with the special use application. The Asphalt Plant use type and its accessory activity shall be restricted to that area noted as “Only area of development” as depicted on the special use site plan. Subject to approval by the Transportation Department, access from Alleghany Street may be revised to be taken from the northern terminus or northwestern western side of this right-of-way.
2. Containment of Perimeter Gravel Road and Asphalt/Concrete Plant Materials. The central and northern portion of the site contain a perennial stream with a substantial floodway, and 100- and 500-year flood zones. To maintain the location of the perimeter gravel road and to keep materials out of the adjacent environmentally sensitive areas, the following shall be installed as part of development permit approval:
 - a) A permanent concrete curb and gutter, as depicted in exhibit #1 or exhibit #2, shall be installed along the northern and western edge of the perimeter gravel road; or
 - b) A minimum four (4) foot tall soil berm, meeting standards of Section 5.5.6.H of the Development Ordinance, shall be installed in close proximity to the northern and western edge of the perimeter gravel road; or
 - c) A combination of the above noted concrete curb & gutter and soil berm as approved by the Technical Review Committee.
3. Transportation Conditions
 - a) Access: Only one point of vehicular access shall be permitted to Alleghany Street. No access shall be permitted to Lorraine Avenue.

- b) Other Transportation Conditions: The City of High Point Transportation Director shall approve the exact location and design of all access points and improvements.

SECTION 2

The property is approximately 29 acres, and located at the northern terminus of Alleghany Street and south of Durand Avenue. The property is addressed as 1800 Alleghany Street and also known as Guilford County Tax Parcel 180717.

SECTION 3

A special use and the associated site plan approval are perpetually binding and run with the land, unless amended. A material change to a special use or to an associated site plan that alters the objectives and purposes of the requirements or conditions of the special use constitute an amendment to the special use.

If development approved as a special use is discontinued for a period exceeding one (1) year, or if a special use is replaced by a use otherwise permitted by right in the zoning district, the special use approval is deemed abandoned and the special use approval is null and void.

An action invalidating a special use condition of approval for any reason shall render the special use null and void.

SECTION 4

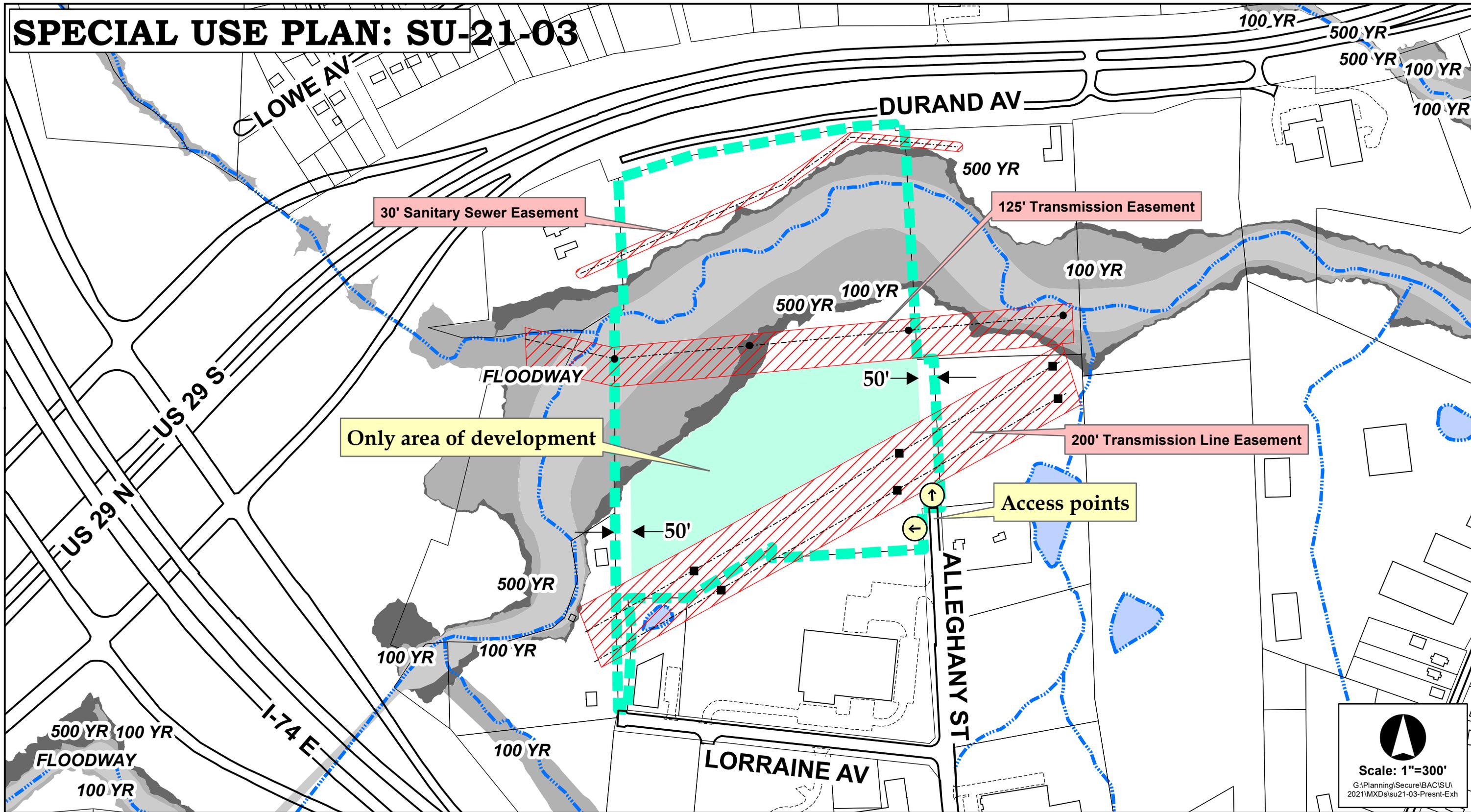
Special Use 21-03 and the accompanying Special Use Plan were approved by the City Council of High Point, North Carolina on the 15th day of November, 2021.

Special Use 21-01 Findings of Fact and Conclusion of Law were approved by the City Council of High Point, North Carolina on the xxrd day of xxxxxxxxxxxx, 2021.

Lisa B. Vierling, City Clerk

Date

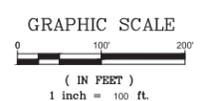
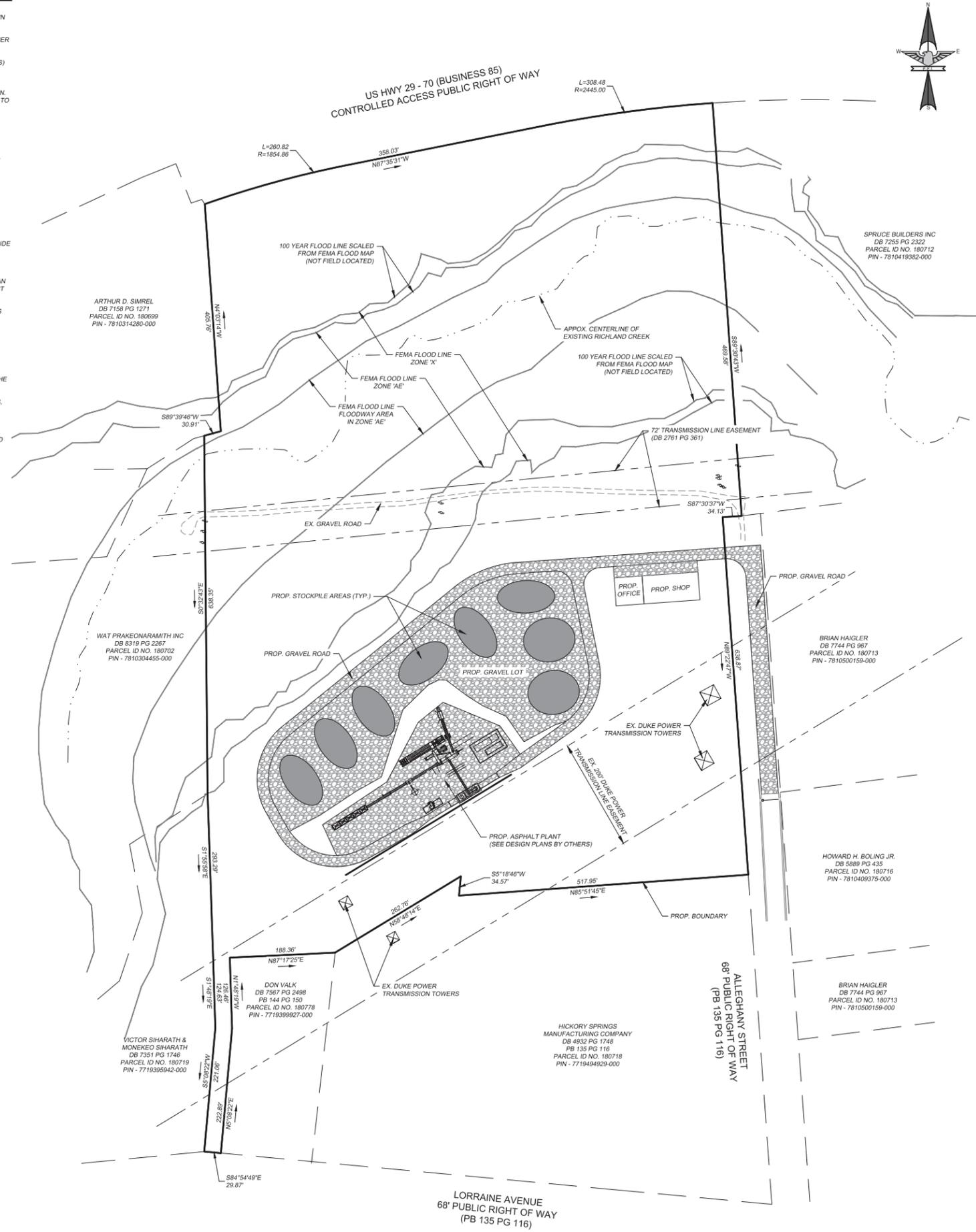
SPECIAL USE PLAN: SU-21-03




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SITE NOTES:

1. THE CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN ON THE PLANS AND WHERE SHOWN ARE ONLY APPROXIMATE. THE CONTRACTOR SHALL ON HIS INITIATIVE AND AT NO EXTRA COSTS HAVE LOCATED ALL UNDERGROUND LINES AND STRUCTURES AS NECESSARY. NO CLAIMS FOR DAMAGES OR EXTRA COMPENSATION SHALL ACCRUE TO THE CONTRACTOR FROM THE PRESENCE OF SUCH PIPE, OTHER OBSTRUCTIONS OR FROM ANY DELAY DUE TO REMOVAL OR REARRANGEMENT OF THE SAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UNDERGROUND STRUCTURES. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING ALL NON-SUBSCRIBING UTILITIES. THE CONTRACTOR(S) SHALL CONTACT THE ONE-CALL CENTER AT 1-800-632-4849 FOR ASSISTANCE IN LOCATING EXISTING UTILITIES. CALL AT LEAST 48 HOURS PRIOR TO ANY DIGGING.
2. THE LOCATIONS OF ALL UTILITIES SHOWN ON THESE PLANS ARE BASED ON THE AVAILABLE INFORMATION. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF UTILITIES WITH THE UTILITY OWNERS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
3. PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION OF ANY ITEM SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED ALL PLANS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES. FAILURE OF THE CONTRACTOR TO FOLLOW THIS PROCEDURE SHALL CAUSE THE CONTRACTOR TO ASSUME FULL RESPONSIBILITY FOR ANY SUBSEQUENT MODIFICATION OF THE WORK MANDATED BY ANY REGULATORY AUTHORITY. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
4. THE GENERAL CONTRACTOR SHALL CONTACT ALL OWNERS OF EASEMENTS, UTILITIES AND RIGHT-OF-WAYS, PUBLIC OR PRIVATE, PRIOR TO WORKING IN THESE AREAS. ACCESS SHALL BE LIMITED UNTIL PERMISSION IS GRANTED.
5. CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY, AND ADJOINING PROPERTY PROTECTED FROM DAMAGE.
6. CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING ITEM AND/OR MATERIAL INSIDE OR OUTSIDE CONTRACT LIMITS DUE TO CONSTRUCTION OPERATIONS.
7. ALL SITE DIMENSIONS ARE TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
8. THE GENERAL CONTRACTOR SHALL KEEP THE AREA OUTSIDE THE "CONSTRUCTION LIMITS" BROOM CLEAN AT ALL TIMES AND REMOVE ALL TRASH AND DEBRIS FROM THE SITE UPON COMPLETION OF THE PROJECT AND AT LEAST ONCE A WEEK DURING CONSTRUCTION.
9. BEFORE COMMENCEMENT OF WORK, THE CONTRACTOR SHALL REVIEW ALL PLANS AND SPECIFICATIONS AND THE JOB SITE. THE CONTRACTOR SHALL NOTIFY THE OWNER AND THE ENGINEER WHO PREPARED THE PLANS OF ANY DISCREPANCIES THAT MAY REQUIRE MODIFICATIONS TO THESE PLANS OR OF ANY FIELD CONFLICTS.
10. ALL PERMITS RELATIVE TO THE PROJECT MUST BE OBTAINED. PRIOR TO CONSTRUCTION, ALL CONSTRUCTION TO BE IN ACCORDANCE WITH PERMITS ISSUED AND APPLICABLE STATE, COUNTY AND LOCAL CODES.
11. ALL WORK IN RIGHT-OF-WAY SHALL BE PERFORMED IN ACCORDANCE WITH "THE CURRENT EDITION OF THE STATE DEPARTMENT OF TRANSPORTATION CONSTRUCTION AND MATERIALS SPECIFICATIONS".
12. CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY, AND HOLD THE OWNER AND DESIGN PROFESSIONAL HARMLESS OF ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, ACCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONAL.
13. SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "AE" AS DEFINED BY NFIP F.I.R.M. MAP NUMBER 3710781000J, EFFECTIVE DATE: JUNE 18, 2007.



EAGLE ENGINEERING
 FIRM LICENSE # C-0873
 2013A Van Buren Avenue
 Indian Trail, NC 28079
 (704) 882-4222
 www.eagleonline.net

07/15/21

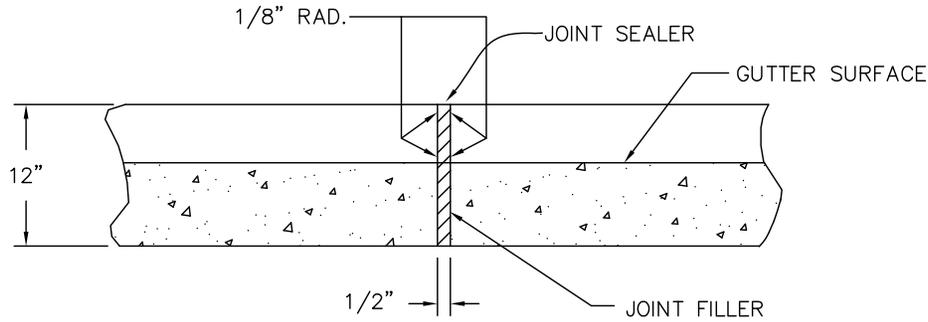
NO.	DATE	BY	ISSUE

HIGHPOINT PLANT
 RANDLEMAN, NC
 BOGGS CONTRACTING INC.
 1613 W. ROOSEVELT BLVD
 MONROE, NC 28110

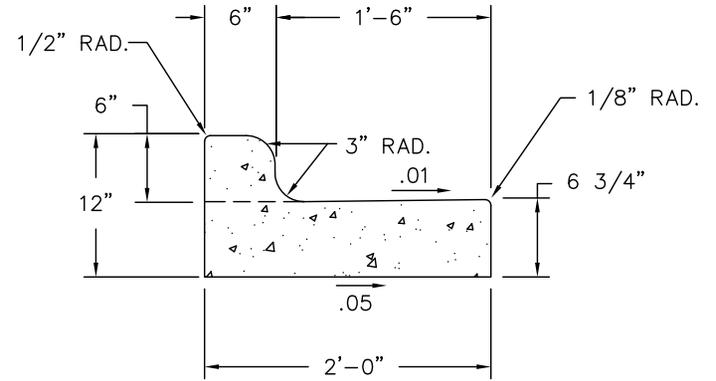
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AS SHOWN	DATE	DATE	DATE

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Exhibit #1

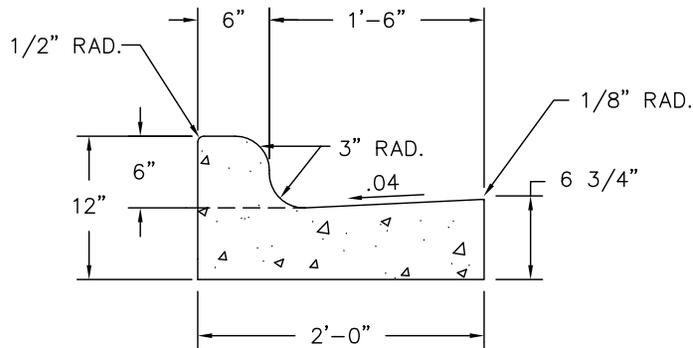


TRANSVERSE EXPANSION JOINT
IN CURB AND GUTTER



2'-0" SPILL CURB AND GUTTER

SPILL GUTTER MAY BE USED ONLY WHEN DIRECTED ON THE PLANS OR AS APPROVED BY THE DIRECTOR.



2'-0" CURB AND GUTTER

NOTES:

- A. PLACE CONTRACTION JOINTS AT 10' INTERVALS, EXCEPT THAT A 15' SPACING MAY BE USED WHEN A MACHINE IS USED OR WHEN SATISFACTORY SUPPORT FOR THE FACE FORM CAN BE OBTAINED WITHOUT THE USE OF TEMPLATES AT 10' INTERVALS.
- B. JOINT SPACING MAY BE ALTERED IF REQUIRED BY THE ENGINEER.
- C. CONTRACTION JOINTS MAY BE INSTALLED WITH THE USE OF TEMPLATES OR FORMED BY OTHER APPROVED METHODS. CONSTRUCT NON-TEMPLATE FORMED JOINTS A MIN. OF 1 1/2" DEEP.
- D. FILL ALL CONSTRUCTION JOINTS WITH JOINT FILLER AND SEALER.
- E. SPACE EXPANSION JOINTS AT 90' INTERVALS AND ADJACENT TO ALL RIGID OBJECTS.
- F. CONSTRUCT THE CONCRETE IN ACCORDANCE WITH SECTION 825 AND SECTION 846 OF THE MOST RECENT EDITION OF THE NCDOT STANDARD SPECIFICATIONS FOR ROADS & STRUCTURES.

CITY OF HIGH POINT
NORTH CAROLINA
ENGINEERING SERVICES DEPARTMENT

APPROVED: APRIL 12, 2007
BKPL
DIRECTOR

ISSUED 4-12-07	
REVISIONS	

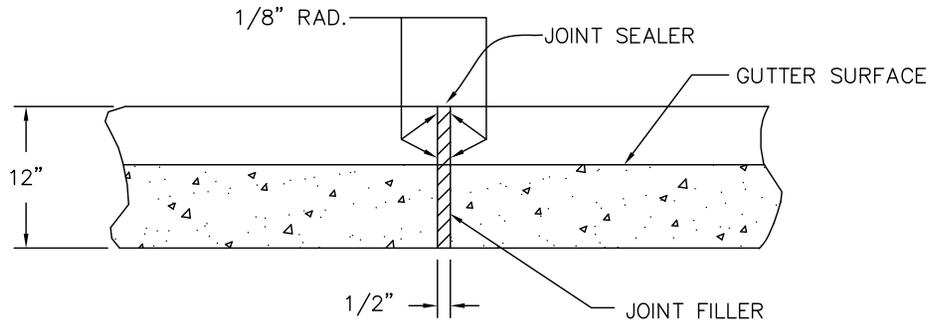
STANDARD DRAWING FOR
2'-0" CURB AND GUTTER

C-G_24.DWG

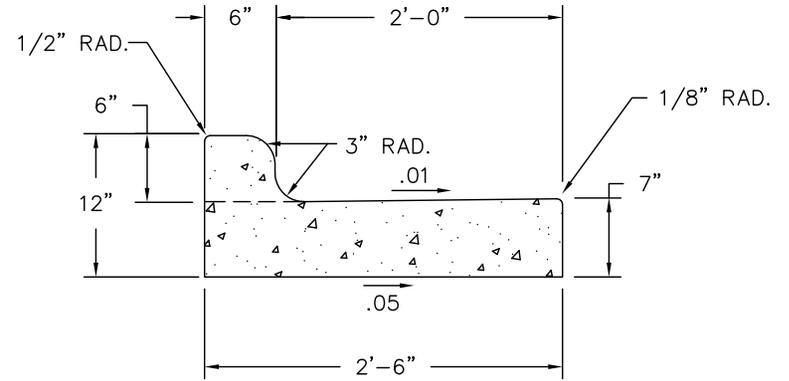
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SHEET 1 OF 1

Exhibit #2

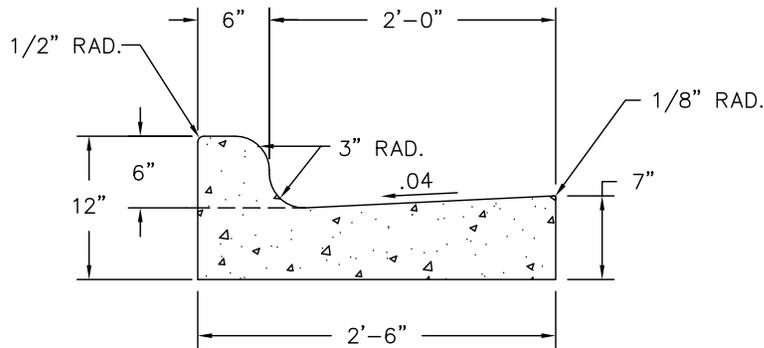


TRANSVERSE EXPANSION JOINT
IN CURB AND GUTTER



2'-6" SPILL CURB AND GUTTER

SPILL GUTTER MAY BE USED ONLY WHEN DIRECTED ON THE PLANS OR AS APPROVED BY THE DIRECTOR.



2'-6" CURB AND GUTTER

NOTES:

- A. PLACE CONTRACTION JOINTS AT 10' INTERVALS, EXCEPT THAT A 15' SPACING MAY BE USED WHEN A MACHINE IS USED OR WHEN SATISFACTORY SUPPORT FOR THE FACE FORM CAN BE OBTAINED WITHOUT THE USE OF TEMPLATES AT 10' INTERVALS.
- B. JOINT SPACING MAY BE ALTERED IF REQUIRED BY THE ENGINEER.
- C. CONTRACTION JOINTS MAY BE INSTALLED WITH THE USE OF TEMPLATES OR FORMED BY OTHER APPROVED METHODS. CONSTRUCT NON-TEMPLATE FORMED JOINTS A MIN. OF 1 1/2" DEEP.
- D. FILL ALL CONSTRUCTION JOINTS WITH JOINT FILLER AND SEALER.
- E. SPACE EXPANSION JOINTS AT 90' INTERVALS AND ADJACENT TO ALL RIGID OBJECTS.
- F. CONSTRUCT THE CONCRETE IN ACCORDANCE WITH SECTION 825 AND SECTION 846 OF THE MOST RECENT EDITION OF THE NCDOT STANDARD SPECIFICATIONS FOR ROADS & STRUCTURES.

CITY OF HIGH POINT
NORTH CAROLINA
ENGINEERING SERVICES DEPARTMENT

APPROVED APRIL 12, 2007

BKPL
DIRECTOR

ISSUED 4-12-07

REVISIONS

NO.	DESCRIPTION

STANDARD DRAWING FOR
2'-6" CURB AND GUTTER

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502.00

SHEET 1 OF 1