



CITY COUNCIL MEETING AGENDA

March 7, 2022

City Hall Council Chambers – 227 S. Center Street, Statesville, NC
Pre-Agenda Meeting – 6:00 p.m. / Regular Meeting – 7:00 p.m.

- I. **Call to Order**
- II. **Invocation** (Only at Council Meeting)
- III. **Pledge of Allegiance** (Only at Council Meeting)
- IV. **Adoption of the Agenda** (Only at Council Meeting)
- V. **Code of Ethics** *pg. 5*
- VI. **Consent Agenda** – All items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.
 - A. **Consider approving a financial advisory services contract for calendar year ending December 31, 2022 with Davenport Public Finance.** *(Roberts) pg. 9*
 - B. **Consider approving a request to apply the alternate industrial street standard on Slingshot Road and Buffalo Shoals Road.** *(Taylor) pg. 17*
 - C. **Consider accepting bid from Carolina CAT for the purchase of a replacement back-up generator, switchgear and related equipment for the Fourth Creek Wastewater Treatment Plant.** *(Vaughan) pg. 21*
 - D. **Consider passing second reading of an ordinance to annex properties located on Odessa Drive, Crawford Road and Jane Sowers Road – Annexation Request AX21-07 for PIN# 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 Peppercorn Plantation LTDP, Goforth Family Revocable Trust & Andrew H. Crawford Properties (NCPark 4077).** *(Ashley) pg. 23*
 - E. **Consider passing second reading of an ordinance to annex the properties located on US 70/Salisbury Highway at East Barkley Road – Annexation Request AX22-01 for PIN # 4753-16-9517 and a portion of PIN # 4753-27-6245; Williams Development Group LLC Property.** *(Ashley) pg. 31*
 - F. **Consider passing second reading of Rezoning Request ZC21-11 filed by Bernard and Hannah May for the property located on Sharon Drive; Tax Map # 4754-57-0298 from CU-19 R-8MF (Conditional Use Medium Density Multi-Family Residential) District to R-8 MF (Medium Density Multi-Family Residential) District.** *(Ashley) pg. 33*

- G. Consider passing second reading of Rezoning Request ZC21-12 for properties located on Odessa Drive, Crawford Road and Jane Sowers Road; Iredell County Tax Parcel Identification #'s 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 from Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville RA (Residential Agricultural) District to City of Statesville LI (Light Industrial) District. *(Ashley) pg. 41*
- H. Consider passing second reading of Rezoning Request ZC21-13 for property located on Westminster Drive; Iredell County Tax Parcel Identification #4724-48-7571 from R-5 MF (High Density Multi-Family Residential) District & B-3 (Shopping Center) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. *(Ashley) pg. 45*
- I. Consider passing second reading of Rezoning Request ZC21-14 for property located on James Farm Road; Iredell County Tax Parcel Identification #4746-81-1103 (portion) from Iredell County R-20 (Rural Residential) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. *(Ashley) pg. 51*
- J. Consider passing second reading of Rezoning Request ZC21-15 for properties located on US 21/Turnersburg Highway and Houpe Road; Iredell County Tax Parcel Identification # 4747-70-2049, 4746-67-6347 & 4746-66-8927; from Iredell County RA (Residential Agricultural) and R-20 (Rural Residential) districts to City of Statesville LI (Light Industrial) District. *(Ashley) pg. 57*
- K. Consider passing a resolution directing the City Clerk to investigate a petition of annexation, receive City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of March 21, 2022, for a public hearing for the petition for annexation for Annexation of PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927, Case No. AX21-10 Robertson & Harmon Properties. *(Ashley) pg. 61*
- L. Consider passing a resolution directing the City Clerk to investigate a petition of annexation, receive City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of March 21, 2022, for a public hearing for the petition for annexation – PIN # 4735-11-3473 (portion); Case No. AX22-04 Superior Properties of Iredell LTDP & Joyce Johnson Property. *(Ashley) pg. 75*
- M. Consider passing a resolution directing the City Clerk to investigate a petition of annexation, receive City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of March 21, 2022, for a public hearing for the petition for annexation – PIN # 4745-58-0682; Case No. AX22-05 Gulfstream West Investments Inc property. *(Ashley) pg. 87*

REGULAR AGENDA

- VII. Receive the semi-annual police crime report. *(Addison)*
- VIII. Continued discussion from the February 7, 2022 Regular Council meeting regarding changes to the residential, commercial, and industrial roadway sections in the City of Statesville Street Construction Specifications & Details Manual. *(Taylor) pg. 99*
- IX. Discussion regarding amendments to the Vance Hotel Master Development Agreement. *(Smith)*

- X. **Discuss and provide guidance to staff about the potential elimination of, or changes to, the solid waste fee.** *(Smith) pg. 103*
- XI. **City Manager's Report** *(Smith)*
- XII. **Boards and Commission Updates**
 - Board of Adjustment meeting minutes – January 4, 2022 pg. 107*
 - Design Review Committee meeting minutes – January 27, 2022 pg. 117*
 - Technical Review Committee meeting minutes – February 16, 2022 pg. 119*
 - Stormwater Advisory Commission meeting minutes – February 17, 2022 pg. 125*
- XIII. **Other Business**
- XIV. **Closed Session** (After Pre-Agenda if needed)
 - Economic Development – G.S. 143-318.11(a)(4)
- XV. **Adjournment**

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RESOLUTION 10-21**CODE OF ETHICS FOR THE CITY OF STATESVILLE****PREAMBLE**

WHEREAS, the Constitution of North Carolina, Article 1, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty"; and

WHEREAS, a spirit of honesty and forthrightness is reflected in North Carolina's state motto *Esse quam videri*, "To be rather than to seem"; and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics; and

WHEREAS, as public officials we are charged with upholding the trust of the citizens of this city, and which obeying the law; and

NOW, THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the City of Statesville, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we, the Statesville City Council, do hereby adopt the following General Principles and Code of Ethics to guide the City Council in its lawful decision-making.

GENERAL PRINCIPLES UNDERLYING THE CODE OF ETHICS

- The stability and proper operation of democratic, representative government depend upon public confidence in the integrity of the government and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Board members must be able to act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Board members must always remain aware that at various times they play different roles:
 - As advocates, who strive to advance the legitimate needs of their citizens
 - As legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions
 - As decision-makers, who arrive at fair and impartial quasi-judicial and administrative determinations
- Board members must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Board members must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must find within his or her own conscience the touchstone by which to determine what conduct is appropriate.

CODE OF ETHICS

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct for the City of Statesville and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should obey all laws applicable to their official actions as members of the board. Board members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Board members should endeavor to keep up to date, through the board's attorney and other sources, about new or ongoing and pertinent constitutional, statutory, or other legal requirements

or ethical issues they may face in their official positions. This educational function is in addition to the day-to-day legal advice the board may receive concerning specific situations that arise.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices. Characteristics and behaviors consistent with this standard include the following:

- Adhering firmly to a code of sound values
- Behaving consistently and with respect toward everyone with whom they interact
- Exhibiting trustworthiness
- Living as if they are on duty as elected officials regardless of where they are or what they are doing
- Using their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner
- Remaining incorruptible, self-governing, and unaffected by improper influence while at the same time being able to consider the opinions and ideas of others
- Disclosing contacts and information about issues that they receive outside of public meetings and refraining from seeking or receiving information about quasi-judicial matters outside of the quasi-judicial proceedings themselves
- Treating other board members, staff and the public with respect and honoring the opinions of others even when the board members disagree with those opinions
- Not reaching conclusions on issues until all sides have been heard
- Showing respect for their offices and not behaving in ways that reflect badly on those offices
- Recognizing that they are part of a larger group and acting accordingly
- Recognizing that individual board members are not generally allowed to act on behalf of the board but may only do so if the board specifically authorizes it, and that the board must take official action as a body.

Section 3. Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

If a board member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it (such as consulting with the attorney).

Section 4. Board members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in quasi-judicial matters. They should demand full accountability from those over whom the board has authority.

Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own,

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, board members should make clear that an environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are

lawfully conducted and that such sessions do not stray from the purposes for which they are called.


Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

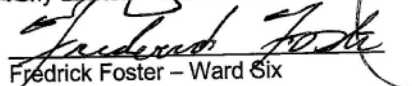
I affirm that I have read and understand the City of Statesville Code of Ethics

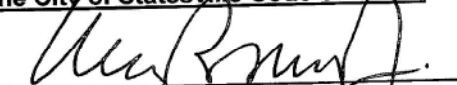

Constantine H. Kutteh, Mayor



Steve Johnson – At Large


C.O. Johnson – Ward Two



Amy Linton – Ward Four


Fredrick Foster – Ward Six


William Morgan – At Large, Mayor Pro Tem


David Jones – Ward One


Doris Allison – Ward Three


John Stafford – Ward Five

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Brian Roberts, Chief Finance Officer
DATE: February 22, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a financial advisory services contract for calendar year ending December 31, 2022 with Davenport Public Finance.

- 1. Summary of Information:** Staff desires to enter into an agreement with Davenport Public Finance for professional financial advisory services including financial advice, counsel, and other services deemed appropriate. These services will provide guidance for structuring financial decisions moving forward. Additionally, cost savings should be realized with their guidance. Davenport is a widely respected firm for advisory services in North Carolina and is contracted with multiple surrounding local governments. Davenport contracts based upon a calendar year with the retainer amount payable in arrears on December 31st. The full annual retainer amount is \$31,200. The retainer would be pro-rated for the remaining portion of calendar year 2022 based upon adoption date. The retainer includes advisory services for general fund and utility funds capital planning; debt capacity analyses; debt affordability analyses; refunding analyses; and cash-flow modeling. Additionally, it will provide advisory services for financial policies. The contract also includes optional transaction related services and fees for special projects based upon a completion fee. The fees shall be negotiated prior to the completion of the transaction. Examples of the transaction services are assistance in preparation of General Obligation Bonds and Installment Purchase Obligations.
- 2. Previous Council or Relevant Actions:** None, although this was a topic of discussion at the recent Council retreat.
- 3. Budget/Funding Implications:** The contracted amount will be budgeted in the FY2023 budget in Finance Admin – Professional Services.
- 4. Consequences for Not Acting:** The City will not have professional financial advisory services.
- 5. Department Recommendation:** Approve as presented.
- 6. Manager Comments:** Concur with the department recommendation. This action will provide us with knowledge, experience, and connections from an outside advisor that we do not have in house.
- 7. Next Steps:** Staff will submit the approved contract to Davenport and services will commence.

Attachments:

1. Davenport contract

**AGREEMENT BETWEEN
CITY OF STATESVILLE, NORTH CAROLINA AND
DAVENPORT & COMPANY LLC FOR
PROFESSIONAL FINANCIAL ADVISORY SERVICES**

THIS AGREEMENT, made in duplicate in the City of Statesville, North Carolina, on _____ 2022, by and between the City of Statesville, a political subdivision of the State of North Carolina, herein referred to as the “City,” and Davenport & Company LLC organized and existing under the laws of the Commonwealth of Virginia, herein referred to as the “Financial Advisor” and/or “Davenport”.

WHEREAS, the City desires to enter into an Agreement with Davenport for professional assistance related to financial advice, counsel and other associated services deemed appropriate by the City; and

WHEREAS, the Financial Advisor represents that it is duly authorized and qualified to provide the aforesaid services.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties hereto agree as follows:

ARTICLE I. PROGRAM ADMINISTRATOR & DAVENPORT PERSONNEL

The City Manager of the City of Statesville hereinafter referred to, as the “City Manager” is the administrator in charge of all activities associated with this Agreement. The Financial Advisor represents that it has, or will secure at its own expense all personnel required in performing the services under this Agreement. Such personnel shall not be employees of, nor have any contractual relationship with, the City. Further, all services required hereunder will be performed by the Financial Advisor or under its supervision, and all personnel engaged in the work shall be fully qualified to perform such services.

ARTICLE II. SCOPE OF SERVICES

A. Advisory & Consulting Services.

The Financial Advisor shall, using its professional staff members, provide financial advice, counsel and other associated services deemed appropriate to the City.

B. Non-Transaction Related Services.

For non-transaction related activities, the services to be provided shall include, but not be limited to the following:

1. Provide pertinent advice and counsel for the duration of this contract to the City concerning

developments in the financial community in general and municipal finance in particular, to enable the City to remain in the best possible financial posture.

2. Develop financial analysis programs and computer models to be used in conjunction with the City's capital planning and financing program(s).
3. Review and advise on special projects involving potential City financing as requested by the Manager.
4. Provide such other financial advisory services deemed appropriate by the City.
5. Present, at least annually, a Report to the City Council on the status of the City's debt, capital planning, and credit profile.
6. Meet with City Staff and City Council on an as-needed basis to discuss, review, revise any Capital Plans.

C. Transaction Related Services.

At the City's request, the Financial Advisor can provide Transaction Related Services. The City is under no obligation to utilize the Financial Advisor's Transaction Services. For each financial transaction the services to be provided may include, but not be limited to, the following:

1. Assist City officials in developing information to be presented to bond rating agencies in order to achieve the highest bond rating realistically achievable. Accompany officials on all presentations to the rating services.
2. Review capital projects contemplated by the City and work with the City Manager and other officials in developing options, plans and strategies for financing planned capital improvements, taking into consideration costs and the effects that various alternatives have on the City's financial position.
3. The Financial Advisor shall develop a time schedule to ensure that all work is begun and completed in a timely manner including all work associated with any financings.
4. The Financial Advisor shall analyze and make recommendations with respect to whether the sale of bonds should be a competitive sale, a negotiated sale, or a direct bank loan.
5. The Financial Advisor shall assist the City's staff in the selection of a financing team for the sale of bonds. The Financial Advisor's functions in this regard shall include the following basic actions:
 - a. Developing requests for proposals;
 - b. Conducting a conference with City staff to facilitate evaluating the financing team proposals;
 - c. Upon selection of the financing team, the Financial Advisor shall assist the City staff and Bond Counsel in bringing said team on board and up-to-date in as timely a fashion as possible, providing a smooth transition in order that the City's ongoing process of issuing bonds will experience no delay or inconvenience.
6. The Financial Advisor shall assist and advise in the development of debt service coverage ratios, reserve funds or other structural components as requested.
7. The Financial Advisor shall assist in the procurement and negotiation of credit support mechanisms as needed.
8. The Financial Advisor shall assist in the preparation and development of the financing documents, any credit presentations to the rating agencies and the printing of the Official Statement or other offering document. It is understood by the parties hereto that primary responsibilities for the above-mentioned legal functions will rest with the Bond Counsel, the City Attorney and, as such, the Financial Advisor will not assume primary responsibility for any legal documents.

- a. However, upon request, the Financial Advisor shall be responsible for reviewing all documents and attending all sessions and presentations, as well as reviewing and providing financial comments upon all documents as to form and content in order to best protect the City’s interests in any and all such documents and presentations; and
 - b. The Financial Advisor shall assist, as necessary, together with the City and the Local Government Commission (“LGC”), in the preparation of the offering document used in conjunction with the sale of bonds.
9. In the event of a competitive or negotiated sale of bonds, the Financial Advisor shall assist the City in the sale of bonds to the Investment Bank. Relative to this process, the Financial Advisor shall recommend to the City the general timing for the competitive or negotiated sale of said bonds, specific bond purchase contract requirements, good faith deposit checks, as necessary, bond maturities, interest rates and the discount or premiums being offered by the Investment Bank.
10. The Financial Advisor shall be responsible for working with the City’s staff to ensure the proper and appropriate interest rates are being offered.
11. Provide such other financial advisory services deemed appropriate by the City.

ARTICLE III. COMPENSATION

A. Advisory & Consulting Services and Non-Transaction Related Services (check one option):

 Option 1 (Hourly Fees): The City and Financial Advisor will agree to a fee arrangement for Advisory and Non-Transaction Services in advance of commencing work on any task. This fee will be based on the expected scope of work and the level of resources required of the Financial Advisor. As the task evolves, the City and the Financial Advisor may negotiate changes to the original fee based upon changes in the related scope of work. Fees for these tasks will be based on the following schedule of hourly rates:

<u>Professional</u>	<u>Hourly Rate</u>
Senior Vice President	\$300
First Vice President	\$275
Vice President	\$250
Analyst	\$225

The City agrees to pay at the rates specified for Services satisfactorily performed or provided in accordance with this Agreement. As agreed upon by the City and the Financial Advisor, these fees can be incorporated into the Transaction Related fees addressed below.

 X *Option 2 (Annual Retainer):* For all Advisory and Non-Transaction Services the Financial Advisor shall be compensated through an annual retainer in the amount of \$31,200 payable annually in arrears on December 31. As agreed upon by the City and the Financial Advisor, these fees can be incorporated into the Transaction Related fees addressed below. The annual retainer will cover all professional costs

associated with the scope of work described in Article II, A & B including both general fund and utility fund(s) capital planning, debt capacity analyses, debt affordability analyses, refunding analyses, cash-flow modelling, Plan of Finance development, development of financial policies and such other related services that the City might request from time-to-time.

B. Transaction Related Services:

Should the City elect to utilize the Financial Advisor's Transaction Related Services, the City and the Financial Advisor agree that the Financial Advisor shall be compensated based on an agreed upon completion fee. Such fee shall be negotiated prior to the completion of the transaction and shall be based on the size and complexity of the proposed issuance. The fee shall be subject to a \$26,000 minimum and a \$78,000 maximum per transaction of either General Obligation Bonds or Installment Purchase Obligations (including COP's and LOB's) unless otherwise agreed upon by both Davenport and the City. The Financial Advisor shall be compensated for any issuance of bonds and/or notes upon successful completion and closing of such financing, according to the provisions above. Should the City terminate a financing prior to closing, the Financial Advisor shall be compensated for services provided prior to such termination according to the schedule of hourly rates found in Article III A.

C. Special Projects:

The City, in its sole discretion, may deem certain activities of the Financial Advisor to constitute a Special Project. A Special Project is one that either, in the sole opinion of the City, involves the professional resources of the Financial Advisor to a degree above and beyond that already provided for under Article III A and B of this contract, or, that involves a successfully closed refinancing/refunding of one or more of the City's existing debt obligations, the bidding of a refunding escrow investment portfolio or some other investment agreement, a stimulus act-related financing (e.g. BAB's, RZEDB's, QSCBs, RZFB's, USDA/RD debt, ARPA funding programs), a 2/3rds General Obligation Bond offering, a Special Revenue Bond offering, a Public Private Partnership Financing (e.g. Tax Increment Financing, Special Assessment District Financing, Privatization Financing Arrangements) or a Utility System Revenue Bond offering. In any of these events, the City and the Financial Advisor shall negotiate prior to the beginning of the Project on a fair and equitable basis for compensation. This determination will allow the City to negotiate with the Financial Advisor.

D. Reimbursement for Fee and Out-of-Pocket Expenses:

Reasonable and necessary direct out-of-pocket expenses (e.g. mileage, meals and lodging) incurred by Davenport shall be billed to the City, annually in arrears, at an amount not to exceed the U.S. General Services Administration Per Diem rates for the City of Statesville in effect the time of travel.

ARTICLE IV. TERM OF AGREEMENT

This Agreement shall be considered to be in effect until such time as either the City or Davenport terminates the Agreement. The City or Davenport may terminate this agreement at any time upon thirty (30) days written notice without cause. Davenport will be reimbursed for its reasonable and necessary out-of-pocket expenses and services provided prior to termination.

ARTICLE V. E-VERIFY

Each Party hereto shall comply with the requirements of Article 2 of Chapter 64 of the N C General Statutes. Further, if any party hereto utilizes a subcontractor, such party shall require the subcontractor to comply with the requirements of Article 2 of Chapter 64 of the N C General Statutes.

ARTICLE VI. DIVESTMENT FROM COMPANIES THAT BOYCOTT ISRAEL

The vendor or contractor certifies that it has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81. It is the responsibility of each vendor or contractor to monitor compliance with this restriction. Contracts valued at less than \$1,000.00 are exempt from this restriction.

ARTICLE VII. NON-DISCRIMINATION IN EMPLOYMENT

CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, national origin, or disability. CONTRACTOR shall take affirmative action to ensure that qualified applicants are employed and that employees are treated fairly and legally during employment with regard to their age, sex, race, creed, national origin, or disability. In the event CONTRACTOR is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be cancelled, terminated or suspended in whole or in part by THE CITY, and CONTRACTOR may be declared ineligible for further CITY contracts.

ARTICLE VIII. ANNUAL APPROPRIATIONS AND FUNDING

This Agreement may be subject to the annual appropriation of funds by the City of Statesville Council. Notwithstanding any provision herein to the contrary, in the event that funds are not appropriated for this Agreement, then the City shall be entitled to immediately terminate this Agreement, without penalty or liability, except the payment of all contract fees due under this Agreement up to and through the last day of service.

ARTICLE IX. AUDIT RIGHTS

For all Services being provided hereunder, THE CITY shall have the right to inspect, examine, and make copies of any and all books, accounts, invoices, records and other writings relating to the performance of the Services. Audits shall take place at times and locations mutually agreed upon by both parties. Notwithstanding the foregoing, CONTRACTOR must make the materials to be audited available within one (1) week of the request for them.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed at the place and on the day hereinabove first mentioned.

CITY OF STATESVILLE, NORTH CAROLINA

By: _____

Name: _____

Title: _____

DAVENPORT & COMPANY LLC

By: _____

Ted Cole
Senior Vice President

PRE-AUDIT CERTIFICATE

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

This the _____ day of March, 2022.

City of Statesville Finance Officer

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Mark Taylor, Director of Public Works
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving a request to apply the alternate industrial street standard on Slingshot Road and Buffalo Shoals Road.

- 1. Summary of Information:** Where use of the alternate industrial street standard is approved, sidewalk and curb & gutter are not required. Use of the standard is an option only in industrial districts (LI and HI).

Staff reviewed and TRC approved plans in 2017 for a request to expand the McCombs Steel facility located at the intersection of Buffalo Shoals Rd. and Slingshot Rd. As part of the TRC review the developer requested and staff concurred with applying the alternate industrial street standard to their frontages on Slingshot Rd. Buffalo Shoals Rd.

The project is now ready to proceed, but it was discovered that the request to apply the alternate industrial street standard was never presented to Council for approval. Staff is requesting that Council honor the intent of the 2017 TRC approval and allow the alternate industrial street standard on Slingshot Rd. and Buffalo Shoals Rd.

The City's Mobility + Development Plan, adopted by Council in 2019, classifies Buffalo Shoals Rd. as a multimodal corridor. Therefore, any subsequent development or expansion on Buffalo Shoals Rd., including the McCombs Steel property, will be subject to current standards and requirements.

2. Previous Council or Relevant Actions:

- The alternate industrial street standard was adopted by Council in 2014 and has been approved at several locations since that time.
- In 2019, Council adopted the City's Mobility + Development Plan, which identifies Buffalo Shoals Rd. to be a major residential corridor with sidewalks and curb and gutter.
- At their February 7, 2022 meeting, Council directed staff to eliminate waivers to the fee-in-lieu policy, which will effectively eliminate the alternate industrial street standard. Staff anticipates presenting the revised fee-in-lieu policy at the April 18 Council meeting.

3. Budget/Funding Implications: None

- 4. Consequences for Not Acting:** Contractor will install curb and gutter and sidewalk along Buffalo Shoals Road and Slingshot Road or pay the fee-in-lieu. Based on a total frontage of approximately 1,225 LF, the sidewalk and curb & gutter fee-in-lieu for this property will be approximately \$63,700.

5. Department Recommendation: Staff recommends approval of the alternate industrial street

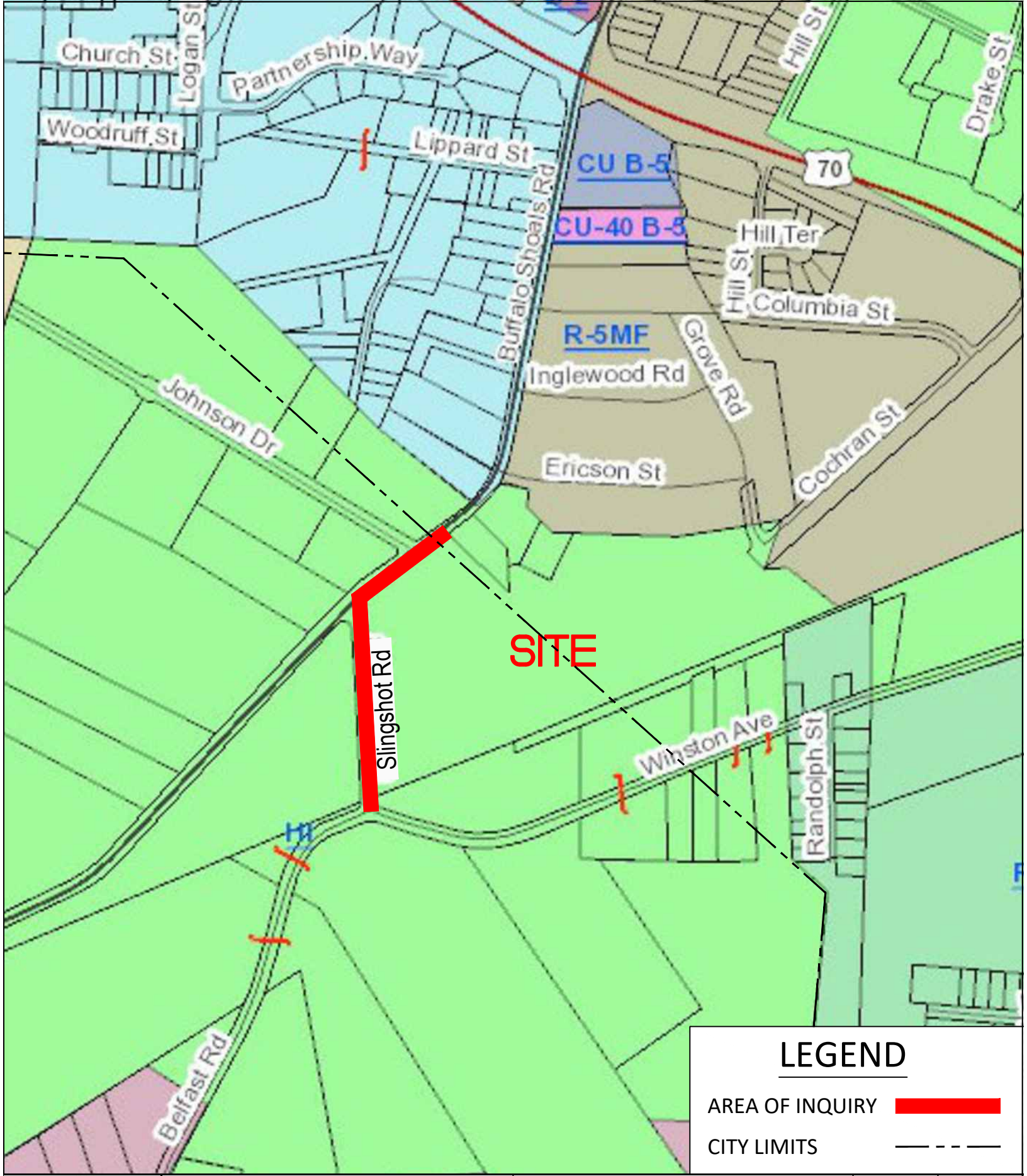
standard on Slingshot Rd. and Buffalo Shoals Rd. for the proposed project only. Subsequent development on Buffalo Shoals Rd. will be subject to current standards and requirements.

6. Manager Comments: Staff is working on an amendment to address sidewalks and fees-in-lieu of sidewalks. Depending upon the direction of Council, that amendment may have an impact on future projects of this sort. I agree with the department recommendation.

7. Next Steps: Staff will inform McCombs Steel of Council's decision.

Attachment:

1. Location Map



LEGEND	
AREA OF INQUIRY	
CITY LIMITS	



CITY OF STATESVILLE
 PUBLIC WORKS DEPARTMENT

Slingshot Rd Vicinity Map

DETAIL #	REVISED
-	Feb 2022
SCALE:	SHEET #
N.T.S.	1 OF 1

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: William Vaughan, PE, Public Utilities Director
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider accepting bid from Carolina CAT for the purchase of a replacement back-up generator, switchgear and related equipment for the Fourth Creek Wastewater Treatment Plant.

1. Summary of Information:

- In April 2021, the 23-to-12 kV transformer feeding the Fourth Creek Wastewater Treatment Plant (WWTP) catastrophically failed. Its only sister unit (from the 1990s) is still in service but there is no other spare available. The lead time for a replacement 23-to-12 kV transformer is 12 months. The Electric Department does not stock 23-to-12 kV equipment, as it is a non-standard voltage.
- The Water/Sewer Fund capital improvement plan includes \$3.5 million (funded via debt) to convert the plant to 23 kV and replace the 12 kV back-up generator, transformers, switchgear and related equipment in FY2022-23.
- Given the age of the remaining 12 kV transformers on site (original to the 1970's era plant) and their condition after years of operation near the treatment aerators, staff initiated the conversion to 23 kV service, which will enable a wide use of the Electric Department's standard inventory in the event of future transformer failure.
- The Electric Department has already built new 23 kV lines and ordered 23 kV transformers to serve all the loads at the plant.
- Original bid date of January 28th was extended to February 16th due to only two bids being submitted. One bid from Carolina CAT in the amount of \$1,986,690 was submitted on February 16th.

2. Previous Council or Relevant Actions: Council approved BA 2022-13 on October 4, 2021 (\$2,000,000). Council directed staff to return to Council with recommendations for funding the remainder of the project, consisting of installation of the generator and appurtenant components.

3. Budget/Funding Implications:

- Delays in procurement could lead to increased prices due to current economic climate.
- There will be a subsequent services contract to cover installation of the generator and appurtenant components. The cost of the installation services is estimated to be \$1.1M.

4. Consequences for Not Acting: If the remaining 23-to-12 kV transformer fails, the only option to power the plant will be the 1970's era back-up generator until replacement equipment can be obtained and installed (6-12 months). The generator's ability to operate continuously for that period of time is uncertain. Loss of power at the plant could result in backups and/or overflows of untreated sewage, which could result in significant environmental damage downstream from the plant and fines of several thousand dollars per day. Time is of the essence in proceeding with this project.

5. Department Recommendation: Staff recommends acceptance of Carolina Power Systems bid.

6. Manager Comments: Recommend for approval.

7. Next Steps:

- Site preparation for generator pad, etc. will begin.
- Other procurement actions (general contractor, other end item procurements).
- Other Electrical Department associated activities.

Attachments: N/A

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of an ordinance to annex properties located on Odessa Drive, Crawford Road and Jane Sowers Road – Annexation Request AX21-07 for PIN # 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 Peppercorn Plantation LTDP, Goforth Family Revocable Trust & Andrew H. Crawford Properties (NCPark 4077)

1. **Summary of Information:** The 5 properties being considered for annexation have been submitted by NorthPoint Development (applicant) on behalf of Peppercorn Plantation LTDP, Goforth Family Revocable Trust and Andrew H. Crawford (owners). They total 427.27 acres; are located on Crawford Road, Odessa Drive and Jane Sowers Road; and are labeled as follows on the Location Map: Iredell County Tax Parcel Identification 1. 4755-08-8835, 2. 4746-91-3400, 3. 4746-82-8574, 4. 4746-93-4062 & 5. 4756-01-8075 (see attached Location Map).

The parcels are currently wooded or agricultural use; the applicant proposes to develop the parcels for distribution use (see attached GIS Aerial Photo Map, Boundary Survey and Site Photos). The parcels are currently zoned Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville R-A (Rural-Agricultural) District; and an application is concurrently being processed to rezone all parcels to City of Statesville LI (Light Industrial) District (see attached Current Zoning Map).

Parcel 1. 4755-08-8835 is within the City's extraterritorial jurisdiction (ETJ); the remaining four are in the Iredell County jurisdiction. All five parcels are contiguous to the primary corporate limits of the City of Statesville; therefore, the applicant requests voluntary annexation to utilize City utilities.

2. **Previous Council or Relevant Actions:** This application is concurrent with Case No. ZC21-12 NCPark 4077 (Peppercorn). The public hearing was held, and Council passed the first reading on February 21, 2022 unanimously. However, it was brought to staff and Council's attention that there is a historic house, barn and possible slave grave sites located on the properties. It was determined that this would need to be studied and addressed on the site plan.

3. **Budget/Funding Implications:** The current tax value of the parcels is \$5,334,710. Although a project has not been submitted at this time, the applicant has estimated that the tax value of the land plus site improvements would be approximately \$200 Million. City of Statesville sewer and water services are available; electrical service is customer choice between the City and Energy United (see attached Utilities Map). The city will need to provide fire and police services as requested.

4. **Consequences for Not Acting:** Without annexation the city would not be able to rezone the

property or collect property taxes.

5. **Department Recommendation:** The department recommends passing the second reading of the ordinance.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If second reading is approved, the applicants are requesting to delay the effective date to be April 30, 2022.

Attachments:

1. Revised Ordinance with delayed effective date

ORDINANCE NO. _____

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF STATESVILLE,
NORTH CAROLINA**

**Peppercorn Plantation LTDP, Goforth Family Revocable Trust &
Andrew H. Crawford Property
AX21-07
Parcels 4755-08-8835, 4746-91-3400, 4746-82-8574,
4746-93-4062 & 4756-01-8075**

WHEREAS, the Statesville City Council has petitioned under G.S. 160A-31, to annex the area described below; and

WHEREAS, the Statesville City Council has by resolution directed the Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Statesville City Hall at 7:00 o'clock p.m. on the 21st day of February 2022 after due notice by publication on 11th day of February 2022; and

WHEREAS, the Statesville City Council finds that the petition meets the requirements of G.S. 160A-31:

WHEREAS, the Statesville City Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Statesville City Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED BY the Statesville City Council of the City of Statesville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of the City of Statesville, as of **April 30, 2022**, at 11:59 p.m.

Description

All of that certain Lot or parcel of land situated in Iredell County, North Carolina and more particularly described as following:

The above described property is subject to the rights and restrictions of easements, if any, being within and/or crossing the same bounds as described above.

PARCEL 1

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found #5 rebar, the northeasternmost corner of Peppercorn Plantation LTDP (DB 1557 PG 319), said rebar being at the intersection of the southern R/W of Odessa Drive (100' Public R/W) and the western R/W of Crawford Road (60' Public R/W) said rebar having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83 and being S19°01'06"E 9,272.98' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the western R/W OF Crawford Road S27°22'55"E 2738.88' to a found axle in the line of M&N Investments, LLC (DB 2207 PG 137);thence, with M&N Investments, LLC, N89°02'09"W 631.12' to a found 1.5" pipe in a field; thence, continuing with the line of M&N Investments, LLC, Keith R. Martin (DB 2627 PG 2121), & Bayou Properties, LLC (DB 1679 PG 1972) S01°38'25"W 605.00' to a found 1/2' pipe in the line of Rev. J.H. Pressley Farm Partnership (DB 2124 PG 1726); thence, the following three (3) courses with the Pressley Farm Partnership, 1) N86°17'24"W 592.91' to a found # 5 rebar: 2) S01°53'00"W 1475.44' to a 1" pipe;3) N78°14'00"W 2685.34' to a found stone in the line of ITAC469, LLC (DB 2818 PG 314); thence , with the line of ITAC 469, LLC, ((DB 2818 PG 314) N02°26'03"E 3,792.01' to a found flat iron in the line of Goforth Revocable Trust (DB 1607 PG 197); thence, with the line of Goforth Revocable Trust N02°26'03"E 149.69' to a set #4 rebar in the southern R/W of Odessa Drive; thence, with the southern R/W of Odessa Drive, the following seven (7) courses; 1) S67°11'33"E 312.61' to a set #4 rebar; 2) with the arc of a circular curve to the left, having a radius of 810.00', an arc length of 498.22', and a chord bearing and distance of S84°48'52"E 490.40' to a found R/W disc; 3) N77°31'27"E 35.88 to a found R/W disc; 4) with the arc of a circular curve to the right, having a radius of 1150.00', an arc length of 258.64', and a chord bearing and distance of N83°59'38"E 258.09' to a found R/W disc; 5) S89°31'27"E 709.43' to a found R/W disc; 6) with the arc of a circular curve to the left, having a radius of 1250.00', an arc length of 551.41', and a chord bearing and distance of N77°49'01"E 546.95' to a found R/W disc; 7) S89°15'39"E 177.52' to a found #5 rebar, the Point of Beginning, containing 285.975 total acres.

PARCEL 2A

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197),

Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690);thence, with the line of Goforth Revocable Trust (DB 1607 PG 19), the following four(4) courses; 1) S86°18'28"E 1155.62' feet to a found stone on the line of Crawford Road Industrial, LLC (DB 2821 PG 651); 2) with the line of Crawford Road Industrial, LLC, S01°43'48"W 1024.60' feet to a found stone in the line of Andrew H. Crawford (DB 1055 PG 1089); 3) with the line of Crawford N87°26'56"W 399.10' to a found #5 rebar: 4) continuing with Crawford, S05°00'49"W 813.23' to a set #4 rebar in the northern R/W of Odessa Drive: thence with the R/W of Odessa Drive, the following four (4) courses;1) N67°11'33"W 153.76' to a set #4 rebar; 2) with the arc of a circular curve to the left, having a radius of 500.00', an arc length of 619.13', and a chord bearing and distance of S77°13'16"W 580.32' to a set #4 rebar;3) S42°14'33"W 227.12' to a set #4 rebar; 4) S48°01'13"E 2.21' to a found #4 rebar in the line of ITAC 469, LLC, (DB 2818 PG 314);thence, with the line of ITAC 469, LLC, N88°52'02"W 185.77' to a found #5 rebar in the eastern margin of the R/W of Interstate 77; thence, with the eastern R/W of Interstate 77, the following nine (9) courses; 1) N03°41'18"E 80.90' to a set #4 rebar; 2) N02°01'20"W 100.50' to a set #4 rebar; 3) N03°41'18"E 327.29' to a set #4 rebar; 4)

N22°29'07"E 93.11' to a set #4 rebar; 5) N23°21'58"W 65.96' to a set #4 rebar; 6) N03°41'18"E 475.83' to a set #4 rebar; 7) N13°01'38"E 202.69' to a set #4 rebar; 8) N05°39'01"W 202.69' to a set #4 rebar; 9) N03°41'18"E 344.03' to a set #4 rebar in the line of Goforth Revocable Trust (DB 1616 PG 2028); thence with the line of Goforth Revocable Trust, N59°56'54"E 314.87' to a found stone, the Point Of Beginning, containing 51.872 total acres.

PARCEL 2B

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found flat iron, common corner of Goforth Revocable Trust (DB 1607 PG 197), ITAC 469, LLC, (DB 2818 PG 314), and Peppercorn Plantation LTDP (DB 1557 PG 319), said flat iron having North Carolina Grid Coordinates of N:760,382.73 E:1,449,719.33 and being S03°22'50"E 8,908.55' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of ITAC 469, LLC, N88°52'24"W 713.67' to a found #4 rebar in the southern margin of the R/W of Odessa Drive (100' Public R/W); thence, with said R/W the following three (3) courses; 1) N42°14'33"E 141.90' to a set #4 rebar; 2) with the arc of a circular curve to the right, having a radius of 400.00', an arc length of 495.30', and a chord bearing and distance of N77°13'16"E 464.26' to a set #4 rebar; 3) S67°11'33"E 186.30' to a set #4 rebar in the line of Peppercorn Plantation LTDP; thence, with the line of Peppercorn Plantation LTDP, S02°26'03"W 149.69' to a found flat iron, the Point Of Beginning, containing 3.062 total acres.

PARCEL 3

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined Factor=0.99992690); thence, with the line of Goforth Revocable Trust (DB 1610 PG 2144), S59°56'54"W 340.36' to a found concrete R/W monument in the eastern margin of the R/W of Interstate 77; thence, the following two (2) courses with the eastern R/W of Interstate 77; 1) N03°36'20"E 542.73' to a set #4 rebar; 2) N03°35'38"E 310.92' to a found #5 rebar in the line of Goforth Revocable Trust (DB 1610 PG 2144); thence, leaving the eastern R/W of Interstate 77 and with the line of Goforth Revocable Trust, S19°30'17"E 721.95' to a found stone, the Point Of Beginning, containing 2.773 total acres.

PARCEL 4

That certain tract of land situated in Bethany Township, Iredell County, North Carolina and being more particularly described as follows:

BEGINNING at a found stone, common corner of Goforth Revocable Trust (DB 1607 PG 197), Goforth Revocable Trust (DB 1610 PG 2144), and Goforth Revocable Trust (DB 1616 PG 2028), said stone having North Carolina Grid Coordinates of N:762,432.41 E:1,449,073.57 and being S01°00'30"W 6,844.43' (grid) from National Geodetic Monument 'One', having North Carolina Grid Coordinates of N:760,508.98 E:1,452,215.83, (Combined

Factor=0.99992690); thence, with the line of Goforth Revocable Trust (DB 1610 PG 2028) N19°30'17"W 721.95 to a found #5 rebar in the margin of the eastern R/W of Interstate 77; thence, with said eastern R/W, the following three (3) courses, 1) N03°35'42"E 310.36' to a found concrete R/W monument; 2) N37°05'57"E 139.65' to a found concrete R/W monument; 3) N12°07'32"E 21.36' to a found #5 rebar in the R/W of Jane Sowers Road (S.R. 2171); thence, N57°21'19"E 643.12' to a found 1.5" pipe in the line of Kenneth S. Thomas & Patricia A. Thomas (DB 2300 PG 1819); thence, with the line of Thomas, S33°18'53"E 787.46' to a found 1/2" pipe in the line of the heirs of Wilma H. Bass (no record of conveyance found); thence, with the line of the heirs of Bass and DENSO Manufacturing North Carolina Inc. (DB 2648 PG 513) S33°18'53"E 1085.87' to a found #5 rebar in the line of Crawford Road Industrial, LLC (DB 2821 PG 651); thence, with the line of Crawford Road Industrial, N85°38'21"E 285.14' to a found stone in the line of Goforth Revocable Trust (DB 1607 PG 197); thence, with the line of Goforth Revocable Trust, N86°18'28"W 1155.62' to a found stone, the Point Of Beginning, containing 34.499 total acres.

Crawford Parcel

BEGINNING AT A RIGHT-OF-WAY DISK, MARKING THE EDGE OF RIGHT-OF-WAY OF CRAWFORD ROAD AND ODESSA DRIVE ALSO BEING THE SOUTHEAST CORNER OF THE PROPERTY OWNED BY ANDREW H. CRAWFORD, DEED BOOK:1055 PAGE:1089; THENCE ALONG THE RIGHT-OF-WAY OF ODESSA DRIVE S 14°59'03" W A DISTANCE OF 27.08' TO A RIGHT-OF-WAY DISK; THENCE S 63°01'30" W A DISTANCE OF 90.10' TO A RIGHT-OF-WAY DISK; THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 328.10', WITH A RADIUS OF 1,150.00', WITH A CHORD BEARING OF S 71°10'12" W, WITH A CHORD LENGTH OF 326.99', TO A POINT, SAID POINT BEING LOCATED N 79°05'41" E A DISTANCE OF 1.03' FROM A RIGHT-OF-WAY DISK; THENCE N 89°08'19" W A DISTANCE OF 1,765.82' TO A RIGHT-OF-WAY DISK; THENCE N 67°11'25" W A DISTANCE OF 245.51' TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY N 05°01'46" E A DISTANCE OF 716.97' TO A 5/8" REBAR; THENCE S 87°26'22" E A DISTANCE OF 399.14' TO A STONE; THENCE N 01°23'16" E A DISTANCE OF 60.41' TO A 5/8" REBAR; THENCE N 79°04'06" E A DISTANCE OF 1,445.61' TO A 5/8" REBAR AT THE EDGE OF RIGHT-OF-WAY OF CRAWFORD ROAD; THENCE ALONG SAID RIGHT-OF-WAY S 27°19'11" E A DISTANCE OF 1,103.11' TO A RIGHT-OF-WAY DISK; WHICH IS THE POINT OF BEGINNING. THE ABOVE-DESCRIBED PROPERTY CONTAINS 2,072,807.30 S.F. OR 47.585 AC. MORE OR LESS.

Section 2. Upon and after March 31, 2022, at 11:59 p.m., the above described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Statesville and shall be entitled to the same privileges and benefits as other parts of the City of Statesville. Said territory shall be subject to municipal taxes according to G.S. 160A-31.

Section 3. The Mayor of the City of Statesville shall cause to be recorded in the office of the Register of Deeds of Iredell County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Iredell County Board of Elections, as required by G.S. 163-288.1.

The Ordinance was introduced by a first reading by Councilmember _____, seconded by Councilmember _____, and carried on the 21st day of February 2022.

AYES:

NAYES:

The second and final reading of this ordinance was heard on the 7th day of March 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

AYES:

NAYES:

The Ordinance to be in full force and effect from and after the 30th day of April 2022 at 11:59 p.m.

City of Statesville

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 22, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of an ordinance to annex the properties located on US 70/Salisbury Highway at East Barkley Road – Annexation Request AX22-01 for PIN # 4753-16-9517 and a portion of PIN # 4753-27-6245; Williams Development Group LLC Property.

- 1. Summary of Information:** The properties being considered for annexation have been submitted by Williams Development Group LLC (owner). There are two parcels being requested that total 67.96 acres; and are located on US 70/Salisbury Highway at East Barkley Road (*see attached Location Map*). A portion of the parcel fronting US 70 has already been annexed into the City in what is believed to be a 'legacy' City-initiated involuntary annexation that did not include a survey; the applicant has been permitted to utilize an existing boundary survey and metes and bounds description of the full parcel for this request, with a contingency that a new survey/description will be provided by the applicant if the NC Dept. of Commerce does not accept the submitted annexation plat. The parcels are currently undeveloped; the owner proposes to develop it for manufacturing use (*see GIS Aerial Photo Map, Boundary Survey and Site Photos*). The parcels are zoned HI (Heavy Industrial) District (*see Current Zoning Map*). Both properties are within the City's extraterritorial jurisdiction (ETJ) and contiguous to the primary corporate limits of the City of Statesville; therefore, the applicant requests voluntary annexation to utilize City utilities.
- 2. Previous Council or Relevant Actions:** The public hearing was held, and city council passed first reading on February 21, 2022 unanimously.
- 3. Budget/Funding Implications:** The current tax value of the two parcels is \$1,125,540. The applicant estimates that the value of land plus site improvements will be approximately \$8.7 Million. The property will be served by City of Statesville sewer, water, and electricity (*see attached Utilities Location Map*). The city will need to provide fire and police services as requested.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes.
- 5. Department Recommendation:** The department recommends passing the second reading of the ordinance to annex the subject properties.
- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If second reading is approved, it will become effective on March 31, 2022.

Attachments: All attachments are available in the February 21, 2022 agenda packet. No changes.

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 22, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of Rezoning Request ZC21-11 filed by Bernard and Hannah May for the property located on Sharon Drive; Tax Map # 4754-57-0298 from CU-19 R-8MF (Conditional Use Medium Density Multi-Family Residential) District to R-8 **MF (Medium Density **Multi-Family** Residential) District.**

1. Summary of Information:

Rezoning Request – Bernard and Hannah May (applicant and property owner), request rezoning of the subject parcel from CU-19 R-8MF (Conditional Use Medium Density Multi-Family Residential) District to R-8 MF (Medium Density Multi-Family Residential) District. This is a standard rezoning proposal, and not subject to conditions (*see Location Map, GIS Aerial Map, Site Photos, and Zoning Map*). However, if this standard request is approved for multi-family housing as requested, a quasi-judicial review process and approval will be required by the City Council.

Evaluation – The request is for a change in zoning on this undeveloped parcel from a Conditional Use residential zoning district to a standard residential zoning district. If approved, the change in zoning would permit the property owners to sell the undeveloped property unencumbered by the previous conditions placed on the property in an earlier rezoning (*see conditions – Case CU-19 / #ZC 97-7*).

In 1997 all 3 tracts now shown on the location map was 1 large 78.21-acre parcel.

1. Case number #CU-19 (also referred to as Planning Department Plan File #97-7) received approval in **1997** to permit Broad Street Properties to develop 120 apartment units and 53 single family residential homes on 78.21 acres (*inclusive of what is now the subject parcel*). The maximum residential density of this approval was to be 2.21 units/acre; with the remainder of the property left in open space. In 1998, the plan was revised to permit the 140-unit Phillips Landing apartment project that exists today, with the single-family residential component being abandoned. The apartment project was placed on approximately 16.64 acres; the remaining 61.46 acres was undeveloped (*see Conditions – Case No. CU-19 / #ZC97-7*).
2. In **2012**, when rezoning case #ZC12-01 was submitted, it was discovered that the property had been subdivided into 3 tracts without subdivision approval. Tract 1 is 16.64 acres, tract 2 is 25.36 acres and tract 3 is 36.20 acres. Rezoning case #ZC12-01 was approved by City Council permitting a change in the earlier conditions, allowing for the 25.36-acre tract 2 to be used for multi-family residential use at a maximum density of 1.88 units/acre rather than remaining as open space. This approval changed the zoning district conditions on the parcel to CU 19 R-8MF; and referenced that the remaining 36.2-acre

tract 3 parcel would not be able to be developed without a rezoning. Tract 2 remains undeveloped (see *Conditions and Concept Plan– Case No. ZC12-01*).

3. The remaining 36.2-acre parcel located at the eastern terminus of Sharon Drive, south of E. Broad Street and the Phillips Landing multi-family apartment development, and west of S. Greenbriar Road is now requesting rezoning. The property is currently undeveloped and contains significant slopes and floodplain (see *Subject Area Floodplain Map*).

The applicants wish to remove the Conditional Use zoning designation on the property to sell/develop the property for single-family or multi-family without conditions related to Tract 1, the Phillips Landing apartment project.

The purpose of the R-8 MF (Medium Density Multi-Family Residential) district is to accommodate low density single and multi-family residential development where full urban services are available, with the uses permitted for the district in Table 3-1 of the Unified Development Code.

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: R-15, City of Statesville/Greenway property, CU R-8 MF (Conditional Use Medium Density Multi-Family Residential) District that is undeveloped (proposed Phillips Gardens); and the Phillips Landing Apartments

EAST OF THE SITE: Iredell County RA (Residential Agricultural) District with both undeveloped floodplain and residential lots along Greenbriar Road with homes and various outbuildings

SOUTH OF THE SITE: R-15 (Urban Fringe Low Density Residential) District, undeveloped lots

WEST OF THE SITE: R-10 and R-15 (Urban Fringe Low Density Residential) District, Dalwan Heights neighborhood with single-family residential homes

The 2005 Land Development Plan indicates that this parcel (and the bulk of the surrounding area) is suitable for Medium Density Residential use with a maximum of 6 dwelling units per acre (see *Future Land Use Map*). The Land Use and Character Map in the draft 2045 Land Development Plan indicates that this property is suitable for 'Complete Neighborhood 2' development; in which the traditional single family residential development pattern is encouraged, along with multi-family residential development near commercial areas and major roads, and other neighborhood scale land uses suitable to the area (see *draft Land Use & Character Map*).

The 36.2-acre parcel exceeds all lot development standards for the proposed R-8 MF district; and there is developable property outside the floodplain to permit development that could meet all required setbacks.

Statesville water, sewer and electrical service are all available to the property (see *Utilities Map*).

2. **Previous Council/Relevant Actions:** The Planning Board recommended approval of the request for rezoning by a 4-1 vote on January 25, 2022. The public hearing was held and council passed first reading amending the request to R-8 instead of R-8MF with Mr. Bernard May's agreement on February 21, 2022.
3. **Budget/Funding Implications:** No new budget implications at this time; no specific development plans have been submitted at this time.
4. **Consequences for Not Acting:** The property would retain its current CU-19 R-8MF zoning designation but could not meet the conditions making the property undevelopable.

5. **Department Recommendation:** The 2005 Land Development Plan projects the property as appropriate for Medium Density Residential development. The subject parcel meets the minimum lot dimensional requirements for the requested R-8 MF zoning district, and all utilities are available to the site. The request to remove the Conditional Use designation from the property would provide a zoning district that is compatible with the surrounding community and clarifies the zoning designation consistent with earlier rezoning approvals, therefore staff recommends approval of the rezoning request.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If the second reading is approved, it would become effective March 7, 2022.

Attachments:

1. Final adopted Council Consistency Statement
2. Revised Rezoning Ordinance

Note: All other attachments are available in the February 21, 2022 agenda packet.



To: Statesville City Council
From: Sherry Ashley, Planning Director
Date: February 21, 2022
Subject: Rezoning
Case: ZC21-11 – May Property
Address: Sharon Drive (PIN # 4754-57-0298)

The zoning amendment **is approved and is consistent with the City’s comprehensive land use plan**, is reasonable and in the public interest because: the 2005 Land Development Plan projects the property as appropriate for Medium Density Residential development. The subject parcel meets the minimum lot dimensional requirements for the requested R-8 zoning district, and all utilities are available to the site. The request to remove the Conditional Use designation from the property would provide a zoning district that is compatible with the surrounding community and clarifies the zoning designation consistent with earlier rezoning approvals.

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the City’s comprehensive land use plan**. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: _____

The zoning amendment **is rejected because it is inconsistent with the City’s comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTY FROM CU-19 R-8 MF DISTRICT TO **R-8** DISTRICT

ZC21-11 May Property
Sharon Drive
PIN # 4754-57-0298

WHEREAS, A NOTICE TO THE GENERAL PUBLIC AND PARTICULARLY THE CITIZENS OF THE City of Statesville's planning jurisdiction was duly given, notifying them of a public hearing to be held on February 21, 2022 at 7:00 p.m. in the Council Chambers at City Hall, 227 South Center Street, Statesville, North Carolina, for the purpose of considering a proposed ordinance to change the zoning classification of the after described property from CU-19 R-8 MF to R-8 MF; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on February 11, 2022 and February 18, 2022, all in accordance with the procedure set forth in N.C.G.S. 160A-360; and

WHEREAS, said public hearing was duly held in accordance with law, and all persons present were given an opportunity to be heard on said proposed ordinance prior to any action being taken thereon by the City Council;

WHEREAS, council requested that the applicant amend the request to R-8 instead of R-8MF, in which Bernard May agreed;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described property be changed from **R-8MF to R-8** as particularly set out below, said property being more particularly described as follows:

LEGAL DESCRIPTION

LYING AND BEING in Chambersburg Township, Iredell County, North Carolina, and BEGINNING at a rock monument near a No. 4 rebar located at the southwestern corner of Lot No. 4 of Fourth Creek Crossing as shown on a plat recorded in Plat Book 28 at Page 8, Iredell County Registry thence along and with the lines of Thomas L. Templeton and Willie J. Eure, South 54 degrees 29 minutes 54 seconds West 878.43 feet to a 115 inch pipe, a corner of Dalwan Heights, Section No. IV, as shown on Plat Book 12 at Page 31, Iredell County Registry; thence North 08 degrees 50 minutes 30 seconds West 1318.30 feet to a two inch pipe; thence continuing along and with the line of the Dalwin Heights Subdivision, Section No. IV, South 61 degrees 13 minutes 31 seconds West 641.63 feet to a bent one inch pipe and North 48 degrees 13 minutes 52 seconds West 250.70 feet to an angle iron in the creek and running thence North 46 degrees 12 minutes

25 seconds East 26.65 feet; thence North 53 degrees 30 minutes 52 seconds East 54.52 feet; thence North 47 degrees 22 minutes 31 seconds East 77.59 feet; thence North 58 degrees 24 minutes 40 seconds East 42.80 feet; thence North 42 degrees 30 minutes 18 seconds East 60.06 feet; thence North 45 degrees 49 minutes 37 seconds East 48.65 feet; thence North 51 degrees 42 minutes 10 seconds East 67.30 feet; thence North 44 degrees 36 minutes 05 seconds East 181.66 feet; thence North 56 degrees 54 minutes 02 seconds East 48.64 feet; thence North 40 degrees 05 minutes 38 seconds East 128.45 feet; thence North 71 degrees 01 minutes 25 seconds East 54.02 feet; thence North 38 degrees 08 minutes 16 seconds East 43.71 feet; thence North 57 degrees 57 minutes 40 seconds East 35.39 feet; thence North 49 degrees 00 minutes 00 seconds East 44.58 feet; thence North 70 degrees 10 minutes 05 seconds East 78.09 feet; thence North 67 degrees 35 minutes 58 seconds East 84.64 feet; thence North 61 degrees 50 minutes 47 seconds East 73.86 feet; thence North 84 degrees 51 minutes 53 seconds East 129.60 feet; thence South 84 degrees 30 minutes 20 seconds East 114.65 feet; thence South 79 degrees 09 minutes 03 seconds East 98.66 feet; thence South 76 degrees 44 minutes 28 seconds East 152.49 feet, the point in the line of J.W. Alexander and W.O. Hollingsworth; thence along and with the line of Hollingsworth and the center of Fourth Creek South 42 degrees 21 minutes 26 seconds East 385.47 feet to a point, a common corner of Timothy Booher and Fourth Creek Crossing Subdivision, Lot No. 3, as shown on Plat Book 28 at Page 8, Iredell County Registry; thence along and with the line of Fourth Creek Crossing Subdivision, South 01 degrees 23 minutes 20 seconds East 1006.62 feet to the point and place of BEGINNING and containing 36.207 acres, plus or minus and being the property shown on a boundary survey for L.D. Austin, prepared by Ronnie Dedmon, Surveyor, P.A., dated December 10, 2001.

THERE IS ALSO CONVEYED herewith an easement for ingress, regress and egress over and along a tract described as follows: Lying and being in Chambersburg Township, Iredell County, North Carolina and BEGINNING at a point in the center line of a small branch, said point is located North 46 degrees 12 minutes 25 seconds East 26.65 feet; thence North 53 degrees 30 minutes 52 seconds East 54.52 feet; thence North 47 degrees 22 minutes 31 seconds East 77.59 feet and North 58 degrees 24 minutes 40 seconds East 42.80 feet from angle iron in the creek, which is a common boundary line of Dalwan Heights as shown in Plat Book 6 at Pages 91 and 91A, Iredell County Registry; running thence along and with the center line of said small branch North 42 degrees 30 minutes 18 seconds East 60.06 feet; thence North 45 degrees 01 minutes 03 seconds West 84.09 feet; thence South 76 degrees 14 minutes 44 seconds West 14.53 feet; thence South 72 degrees 37 minutes 45 seconds West 19.84 feet; thence South 72 degrees 37 minutes 45 seconds West 33.87 feet; thence South 45 degrees 01 minutes 03 seconds East 119.15 feet to the point and place of BEGINNING and being shown and identified as a new 60-foot right of way extension on a plat and boundary survey prepared for L.D. Austin, by Ronald Dedmon, Surveyor, dated December 10, 2001.

BEING that same property conveyed to CommunityOne Bank, N.A., 101 Sunset Avenue, P.O. Box 1328, Asheboro, NC 27203, by that certain Trustee's Deed dated June 3, 2011, and recorded on June 9, 2011, in Book 2122 at Page 2237, Iredell County Registry.

Property Address: Sharon Drive, Statesville NC

This ordinance was introduced for first reading by Councilmember _____, seconded by Councilmember _____, and unanimously carried on the day of _____, 2022.

Ayes:
Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____, 2022 and upon motion of Councilmember _____, seconded by Councilmember _____, and unanimously carried, was adopted.

Ayes:
Nayes:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2022.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of Rezoning Request ZC21-12 for properties located on Odessa Drive, Crawford Road and Jane Sowers Road; Iredell County Tax Parcel Identification #'s 4755-08-8835, 4746-91-3400, 4746-82-8574, 4746-93-4062 & 4756-01-8075 from Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville RA (Residential Agricultural) District to City of Statesville LI (Light Industrial) District.

1. Summary of Information:

Rezoning Request – NorthPoint Development (applicant) requests rezoning on behalf of Peppercorn Plantation LTDP, Goforth Family Revocable Trust, and Andrew H. Crawford (owners) of the subject parcels from Iredell County R-20 (Rural Residential) District, Iredell County M-1 (Light Manufacturing) District, and City of Statesville RA (Residential Agricultural) District to City of Statesville LI (Light Industrial) District. This is a standard rezoning proposal, and not subject to conditions; but would be contingent upon annexation into the City.

Evaluation – This is a request for a change in zoning to permit the five parcels to be used for light industrial development, including distribution and warehousing. The parcels are labeled as follows on the Location Map: Iredell County Tax Parcel Identification 1. 4755-08-8835, 2. 4746-91-3400, 3. 4746-82-8574, 4. 4746-93-4062 & 5. 4756-01-8075 (see *Location Map, GIS Aerial Map and Current Zoning Map*).

The five parcels, totaling 427.27 acres, are currently wooded or agricultural use. In aggregate they have direct access to Crawford Road to the east and Jane Sowers Road to the north; and are accessed by Odessa Drive, which is a NCDOT-maintained road. (see *Site Photos*). No site plan has been formally submitted for review/approval at this time.

The purpose of the LI district is to accommodate light industrial uses that are compatible with general business uses, are not inherently obnoxious to the urban area because of noise, odors, dust, smoke, light, or uses of dangerous materials; and involve indoor production, assembly, and storage. Warehouses and distribution uses are a permitted land uses in the requested Light Industrial zoning district.

There are no minimum lot size or lot width requirements for the LI district; and the combined properties will be sufficiently large enough to accommodate the requirements of the UDO.

However, when a specific development plan is submitted for review and approval by the Technical Review Committee (TRC), the developer will be required to conduct a Traffic Impact Analysis to determine necessary road improvements and dedicate additional ROW along both Crawford Road and Jane Sowers

Road per the adopted Mobility & Development Plan (2019). Curb, gutter, and sidewalk will be required along the property boundaries, and on each side of Odessa Drive. The TIA will need to take into account the possibility of an interchange at Jane Sowers Road for which a feasibility study is underway and the widening of US21 North and re-alignment and signalization of Jane Sowers and Shumaker Road.

The Mobility & Development Plan notes that although this area has good proximity to both Interstates 40 and 77, accessibility is limited. The plan assumes potential of an interchange at Jane Sowers Road; and also calls for an extension of James Farm Road over I-77 through this property with a connection to Crawford Road—both connections would provide additional accessibility to this southern half of the focus area (*see Jane Sowers North land use focus area – 2019 Mobility & Development Plan*). It should also be noted that the southeastern portion of the subject property (Peppercorn) is recommended for multi-family residential development. While the Mobility Plan is an adopted plan, it is a guiding tool for land use decisions and construction of new/improved roads.

The 2005 Land Development Plan projects the property as appropriate for commercial development in the approximate southern ‘half’ of the aggregated subject properties and Mixed-Use development at the northern ‘half.’ The commercial designation simply provides a recommendation that zoning should be used to establish the appropriate scale and intensity of development; and the Mixed-Use designation can include both single-use districts as well as mixed-use projects and encourages but does not require a mix of uses. The (draft) 2045 Land Development Plan projects the property as Employment Center/Industrial Flex at the southern half, and Activity Corridor at the northern half. The Character intent for Employment Center/Industrial Flex is that it serves as an engine of employment for the city, including business parks, corporate campuses, flex space, as well as heavy manufacturing, warehousing, logistics and distribution, research and development and other industrial uses. These areas are located along major road corridors that provide adequate truck access. Activity Corridors are opportunities to develop new commercial spaces within strategic focus areas—the Jane Sowers North New Development Strategic Focus Area is one of these (*see 2005 Future Land Use Map inset, 2045 (DRAFT) Land Use & Character Map inset, and Jane Sowers North background and recommendations section of the (draft) 2045 Land Development Plan*).

City of Statesville sewer and water services are available; electrical service is customer choice between the City and Energy United. To obtain City utilities, a petition for annexation has been filed (*see Utilities Map*).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: Iredell County R-20 (Rural Residential) District, single-family residential homes and agricultural property immediately north of the subject property along Jane Sowers Road; Iredell County M-1 (Light Manufacturing) District north of the Crawford property, wooded acreage and agricultural development with a small parcel containing an Iredell Water District water storage tower

EAST OF THE SITE: Iredell County R-20 (Rural Residential) District along Jane Sowers Road with a single family home and agricultural property; Iredell County M-1 (Light Manufacturing) District currently in agricultural use or woodland; City of Statesville LI (Light Industrial) District along Crawford Road, with various industrial and distribution facilities including Kontane Logistics, Exterior Vinyl Wholesale, Hexpol Compounding, C. W. Williams & Co., Stonemasters LLC, and ProEdge Precision and others

SOUTH OF THE SITE: Statesville R-A (Rural-Agricultural) District, agricultural property and woodland between the subject property and Victory Lane/I-77

WEST OF THE SITE: Iredell County R-20 (Rural Residential) District across I-77 from the approximate northern ‘half’ of the subject parcels, undeveloped but in part subject to the current rezoning request by Redwood Apartment Communities, and the previously-approved Sullivan Farm residential development, Olde Statesville residential development—all on James Farm Road; Statesville LI (Light Industrial) District adjacent to the approximate southern ‘half’ of the subject parcels, currently undergoing site preparation for a future distribution facility

2. **Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation. The public hearing was held and council approved fist reading on February 21, 2022 unanimously. However, it was brought to staff and council's attention that there is a historic house, barn and possible slave grave sites located on the properties. It was determined that this would need to be studied and addressed on the site plan.
3. **Budget/Funding Implications:** The current total taxable value of the five undeveloped parcels is approximately \$5,334,710. Although a project has not been submitted at this time, the applicant has estimated that the tax value of the land plus site improvements for a project under consideration would be approximately \$200 Million. City of Statesville water and sewer services are available; electrical service is customer choice between the City and Energy United. The city will need to provide fire and police services as requested.
4. **Consequences for Not Acting:** The properties could remain undeveloped under their respective City and County jurisdictions and zoning designations; or could be developed individually under the current zoning regulations. The city would not receive property taxes or employment opportunities.
5. **Department Recommendation:** The adopted 2019 Mobility & Development Plan and both the current (2005) and draft (2045) Land Development Plans identify this area as broadly suitable for manufacturing, logistics and other employment uses east of I-77. The draft LDP notes that Jane Sowers North area is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is for standard rezoning of the subject parcels; and the request is compatible with the existing land uses to the east along Crawford Road and proposed light industrial land use to the west, as well as with the adopted plan for the strategic focus area. All utilities are available to the site; therefore, staff recommends **approval** of the second reading of the rezoning request contingent upon annexation.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If the second reading is approved it would be effective March 7, 2022.

Attachments: All attachments are available in the February 21, 2022 agenda packet.

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 22, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of Rezoning Request ZC21-13 for property located on Westminster Drive; Iredell County Tax Parcel Identification #4724-48-7571 from R-5 MF (High Density Multi-Family Residential) District & B-3 (Shopping Center) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District.

1. Summary of Information:

Rezoning Request – Redwood Apartment Neighborhoods (applicant) requests rezoning on behalf of J. Reid and Peggy B. Gray (owners) of the subject parcel from R-5 MF (High Density Multi-Family Residential) District & B-3 (Shopping Center) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. This is a Conditional Zoning request, thus if approved, the project will be tied to the concept plan and conditions submitted by the applicant, plus any conditions recommended by the Planning Board and approved by the City Council; and is contingent upon annexation.

Evaluation – This is a rezoning request to permit the property to be used for a proposed single-story multi-family apartment residential development project. The proposed project site is on approximately 23.2 undeveloped acres located along the south side of Westminster Drive, generally west of B Street and northeast of Marcia Lane, and south of I-77 at the US 70/Garner Bagnal exit (*see Location Map, GIS Aerial Photo Map, Site Photos and Current Zoning Map*).

The proposal would provide 103 single-story, two-bedroom apartment units with 2-car garages in 19 buildings containing between 4 and 8 units each. The proposed units, which range in size from 1,294 s.f. to 1,620 s.f. (1,390 s.f. avg.), will be for rent at market rate; and Redwood Apartment Neighborhoods is both the project developer and property manager for their projects. This project, if approved and constructed, would provide additional diversity of housing and a new housing type in the city.

The neighborhood input meeting, required for all conditional zoning proposals per UDC Section 2.07(F), was held by the applicant on January 4, 2022; the significant concern from the small number of attendees was the speed and volume of traffic along Westminster Drive and its potential effect on the proposed project entrance along that street. The conditions submitted by the applicant are indicated on the Concept Plan and provided in writing below (*see Concept Plan [3 sheets]*).

The R-5 MF District allows for a minimum of 5,000 s.f. lots (at an approximate maximum density of 8.7 dwelling units per acre); with a minimum of 50 feet in lot width at the front setback line, minimum 25' front yard, 25' rear yard and 5' side yard setbacks and 35' maximum height. Further, the development must

have a minimum of 10% active open space (2.33 acres for this parcel). The proposed concept plan indicates that the project meets or exceeds all minimums; with a proposed 4.43 dwelling units per acre and exceeding all required setbacks and height restrictions; providing the required minimum 15' between buildings and 20' between buildings and any street. The project proposes to provide 8.1 acres (34.8%) of active open space, with a 10' wide shared use path, benches, and a gazebo with additional benches in the center of the project's layout.

As noted in the conditions highlighted below, elevations and materials list for the four proposed model units (Breezewood, Capewood, Forestwood and Meadowood) and the leasing office are provided for review and approval (*see Elevations & Materials sheets [3 sheets]*). A minimum 5' sidewalk is integrated into the private street design and shown along one side of all internal streets; street trees are provided along all internal private streets; and a Class D buffer is provided along the entirety of Westminster Drive—exceeding the required 8' street yard—to provide additional privacy and screening for the neighborhood from the street. As indicated on the concept plan, the project has two different proposed perimeter buffers: C (15') and D (20'), which will be provided along the project's perimeter where required. Existing vegetation along the southwestern and southern sides of the subject parcel will remain in order to provide suitable vegetative buffering between the project's structures and adjacent properties, while leaving an undisturbed 50' stream buffer along the southwest corner of the property.

All internal streets for this project are proposed to be private. Per UDC Section 5.04.Z.3 regarding planned multi-family developments, 'private streets for developments with six (6) or more units shall have a minimum thirty (30) feet of right-of-way and twenty (20) feet paving for two-way traffic.' The project's street design indicates a 30' private ROW, and a cross-section of 5' integrated sidewalk, two 10' travel lanes, a 1' ribbon curb.

The proposal exceeds the parking requirements for off-street parking (2 per unit); there are 2-car garages indicated for each unit (206 total), as well as two additional spaces in each driveway. Additionally, there are 6 spaces provided at the mail kiosk (which also serves as guest parking for the leasing office).

A traffic impact analysis (TIA) is not required for this project per UDC Section 8.06.H since it is not expected to generate 3,000 vehicle trips per day and no other issues necessitate a TIA; but NCDOT and the city will review and approve the driveway permits and ROW improvements will be required for Westminster and B Street. Dedication, widening, curb, gutter, and sidewalk will be required along the property boundaries. An additional condition offered by the project applicants is to submit a speed reduction study request to NCDOT to reduce the posted speed limit along Westminster Drive to 35 mph throughout the length of the project. Internal street names have been approved by the Iredell County Planning Department.

An internal street lighting plan will be submitted for approval with the site plan. Although two trash dumpster locations are shown on the concept plan (and indicated that the design will comply with UDC Sec. 6.03.O), developer proposes to contract with a private sanitation company to provide and service individual roll-out trash containers.

The City of Statesville will provide water, sewer, and electrical services to the project (*see Utilities Map*). The project will provide and maintain a private sewer lift station that will be connected to the City's service; it will be fenced per UDC Section 6.02.D.5.

The surrounding zoning districts and land uses to the project site are as follows:

NORTH OF THE SITE: B-4 undeveloped lots between Westminster Drive and I-77, as well as five single family homes in the block between A Street and B Street and the Christian Car Care Center home occupation at the northwest quadrant of the Westminster/B Street intersection and Chapman's Travelers Service

EAST OF THE SITE: B-3, undeveloped wooded property along Westminster/B Street, and a 0.84-acre single-family residential parcel at the southern terminus of B Street

SOUTH OF THE SITE: CU6 B-5, an undeveloped 43.8-acre undeveloped parcel owned by the G.L. Wilson Company

WEST OF THE SITE: R-20, single family homes and undeveloped residential lots between Cliffwood Drive and Marcia Lane R-20 along the northwest parcel frontage north of Westminster Drive, single family homes and undeveloped parcels along Cliffwood Drive, and I-77.

The 2005 Land Development Plan/Future Land Use Map proposes that the subject parcel is suitable for Mixed Use development, which can include both single-use districts as well as mixed-use projects and encourages but does not require a mix of uses. No minimum residential density applies in this district, but the maximum gross density should not exceed 12 dwelling units per acre per project. The proposed residential density (4.43 du/ac) is well beneath that threshold. The (draft) 2045 Land Development Plan projects the property as Complete Neighborhood 1, The Character intent for this area includes various forms of housing type choices, including larger apartment complexes. Development should primarily be residential; and development should be connected using sidewalks and off-street path opportunities (see *2005 Future Land Use Map inset, 2045 (DRAFT) Land Use & Character Map inset, and Complete Neighborhood 1 Character Intent & Characteristics sheet*). This project—along with the proposed Redwood James Farm project—proposes one-story attached units, which would fit into the residential character of the surrounding residential area and is a new diverse housing opportunity type for the city.

The applicant is proposing the following conditions:

1. Elevations and materials lists are provided for review
2. Sidewalks (integrated) are provided on one side of all internal streets
3. Street trees are provided along internal private streets
4. A Class D buffer is provided along the entirety of Westminster Drive

2. **Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning including conditions proposed by the applicant, several staff-recommended conditions that have been incorporated into a revised concept plan, and contingent upon annexation into the City. The public hearing was held and council passed first reading with conditions 1-6 presented with an added condition #7 that requires each unit to have a garage. The motion passed unanimously at the February 21, 2022 meeting.
3. **Budget/Funding Implications:** The current total taxable value of the subject parcel is approximately \$586,900. The applicant estimates that the tax value of the land plus horizontal site development would be approximately \$4,120,000. City of Statesville water, sewer and electrical services will be provided. The city will need to provide fire and police services as requested.
2. **Consequences for Not Acting:** The properties could remain undeveloped under the current R-5MF and B-3 zoning designations, or the majority of the property is already zoned R-5MF and could be developed as multi-family without rezoning however the City would not receive property taxes without annexation.
3. **Department Recommendation:** The majority of the subject parcel is already zoned R-5 MF and is appropriate for the proposed use; The 2005 Land Development Plan suggests that the subject parcel is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete

Neighborhood 1, which is intended primarily for residential development including multi-family housing; and this project proposes a new housing type in Statesville. At the proposed gross density of 4.43 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP as well as the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, the plan exceeds the required active open space and will provide beneficial improvements along Westminster Drive and B Street. All utilities are available to the site. Therefore, staff recommends **approval** of the rezoning request contingent upon the four conditions offered by the applicant and the addition of a 5th and a 6th condition as follows:

1. Elevations and materials lists are provided for review
2. Sidewalks (integrated) are provided on one side of all internal streets
3. Street trees are provided along internal private streets
4. A Class D buffer is provided along the entirety of Westminster Drive
5. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code
6. Maximum residential density shall be 4.43 units per acre and a maximum of 103 total residential units
7. Garages will be provided for each unit.

Contingent upon annexation and correcting the concept plan to include the 3 new conditions and indicating sidewalks along Westminster and B Street.

8. Manager Comments: Concur with the department's recommendation.

9. Next Steps: If second reading is approved, it is contingent upon the plans being revised to include the 3 new conditions, sidewalks on Westminster and B Street and annexation of the property. The annexation petition has not been submitted.

Attachments:

1. Revised adopted Council Consistency Statement

Note: All other attachments are available in the February 21, 2022 agenda packet.



To: Statesville City Council
From: Sherry Ashley, Planning Director
Date: February 21, 2022
Subject: Rezoning
Case: ZC21-13 – Redwood Westminster
Address: Westminster Drive (Iredell County Tax Parcel Identification # 4724-48-7571)

The zoning amendment is approved and is consistent with the City's comprehensive land use plan, is reasonable and in the public interest because: the majority of the subject parcel is already zoned R-5 MF and is appropriate for the proposed use; The 2005 Land Development Plan suggests that the subject parcel is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing with garages; and this project proposes a new housing type in Statesville. At the proposed gross density of 4.43 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP as well as the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, the plan exceeds the required active open space and will provide beneficial improvements along Westminster Drive and B Street.

In addition to approving this zoning amendment, this approval is also deemed an amendment to the City's comprehensive land use plan. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows:

The zoning amendment is rejected because it is inconsistent with the City's comprehensive land plan and is not reasonable and in the public interest because

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 22, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of Rezoning Request ZC21-14 for property located on James Farm Road; Iredell County Tax Parcel Identification #4746-81-1103 (portion) from Iredell County R-20 (Rural Residential) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District.

1. Summary of Information:

Rezoning Request – Redwood Apartment Neighborhoods (applicant) requests rezoning on behalf of Goforth, Goforth and Cline LLC (owners) of the subject parcel from Iredell County R-20 (Rural Residential) District to R-5 MF CZ (High Density Multi-Family Residential Conditional Zoning) District. This is a Conditional Zoning request, thus if approved, the project will be tied to the concept plan and conditions submitted by the applicant, plus any conditions recommended by the Planning Board and approved by the City Council; and is contingent upon annexation.

Evaluation – This is a rezoning request to permit the property to be used for a proposed single-story multi-family apartment residential development project. The proposed project site is on approximately 36.02 undeveloped acres located along the east side of James Farm Road, generally between Tarrington Drive and Glenway Drive, immediately west of (abutting) I-77 north of the I-40 interchange (*see Location Map, GIS Aerial Photo Map, Site Photos and Current Zoning Map*).

The proposal would provide 172 single-story, two-bedroom apartment units with 2-car garages in 28 buildings containing between 4 and 8 units each. The proposed units, which will be five model types, range in size from 1,294 s.f. to 1,620 s.f. (1,390 s.f. avg.), will be for rent at market rate; and Redwood Apartment Neighborhoods is both the project developer and property manager for their projects. This project, if approved and constructed, would provide additional diversity of housing and a new housing type in the city.

The neighborhood input meeting, required for all conditional zoning proposals per UDC Section 2.07(F), was held by the applicant on January 5, 2022; the meeting was sparsely attended, with concern about an increase in new residents and the additional traffic. No changes to the concept plan was recommended. The conditions submitted by the applicant are indicated on the Concept Plan and provided in writing below. Also noted on the Concept Plan is the portion of the subject parcel not subject to rezoning; this portion has been defined by a metes and bounds legal description (see Concept Plan sheet RZ3.0 & property exclusion legal description).

The R-5 MF District allows for a minimum of 5,000 s.f. lots (at an approximate maximum density of 8.7 dwelling units per acre); with a minimum of 50 feet in lot width at the front setback line, minimum 25' front yard, 25' rear yard and 5' side yard setbacks and 35' maximum height. Further, the development must

have a minimum of 10% active open space (3.6 acres for the proposed project site). The proposed concept plan indicates that the project meets or exceeds all minimums; with a proposed 4.77 dwelling units per acre and exceeding all required setbacks and height restrictions; providing the required minimum 15' between buildings and 20' between buildings and any street.

The project proposes to provide 11.7 acres (32%) of active open space; amenities proposed are a gazebo and benches in a central location along a shared use path through the natural area; and an 8'-10' wide shared use path leading from three areas of the neighborhood and via a 6' wide paved sidewalk to the adjoining Cloverleaf Elementary School (access will be coordinated between the developer and Iredell-Statesville Schools during the development process). The shared use path will also traverse across the neighborhood, leading to a future crossing of James Farm Road where a greenway (part of the Carolina Thread Trail) will be constructed as part of the adjacent Sullivan Farm residential project.

The project has initially been proposed to be constructed in two phases; with 107 units and the leasing office constructed in phase 1 in the northern half of the subject property, and the remaining 65 units proposed in phase 2.

As noted in the conditions highlighted below, elevations and materials lists for the five proposed model units (Breezewood, Capewood, Wildwood, Forestwood and Meadowood) and the leasing office are provided for review and approval (*see Elevations & Materials sheets*); minimum 5' sidewalks are integrated into the private street design and shown along one side of all internal streets; street trees are provided along all internal private streets; and a 50' landscape buffer of existing vegetation and/or planted vegetation will be provided along the entirety of the frontage of I-77 north of the NCDOT noise wall—exceeding the required 8' street yard in order to provide additional noise reduction and screening for the neighborhood from the interstate highway. As indicated on the concept plan, the project indicates a Class C (15') perimeter buffers along the north and south project boundaries as required.

All internal streets for this project are proposed to be private. Per UDC Section 5.04.Z.3 regarding planned multi-family developments, 'private streets for developments with six (6) or more units shall have a minimum thirty (30) feet of right-of-way and twenty (20) feet paving for two-way traffic.' The project's street design indicates a 30' private ROW, and a cross-section of 5' integrated sidewalk, two 10' travel lanes, a 1' ribbon curb. The proposal exceeds the parking requirements for off-street parking (2 per unit); there are 2-car garages indicated for each unit (344 total), as well as two additional spaces in each driveway. Additionally, there are 5 spaces provided at each mail kiosk (one of these parking areas also serves as guest parking for the leasing office).

A traffic impact analysis is required for this project and is underway. The project will be required to provide driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis at time of site plan approval. Curb, gutter and sidewalk will be provided along the eastern side of James Farm Road throughout the entire length of the project (as noted on the Concept Plan). 40' of right-of-way is required to be dedicated to NCDOT from the centerline of the road to accommodate the required 80' ROW as noted in the adopted Statesville Mobility & Development Plan. Internal street names have been approved by the Iredell County Planning Department.

An internal street lighting plan will be submitted for approval with the site plan. Although two trash dumpster locations are shown on the concept plan (and indicated that the design will comply with UDC Sec. 6.03.O), developer proposes to contract with a private sanitation company to provide and service individual roll-out trash containers.

Water service is available to the property; and City of Statesville sewer service is available to serve the project. Duke Energy will provide electric service (*see Utilities Map*). The project will provide and maintain a private sewer lift station that will be connected to the City's service; it will be fenced per UDC Section 6.02.D.5.

The surrounding zoning districts and land uses to the project site are as follows:

NORTH OF THE SITE: Iredell County (IC) R-20, undeveloped pasture and woodland and a rural single-family residential home between the northern subject parcel boundary and Jane Sowers Road

EAST OF THE SITE: IC M-1 and I-77, undeveloped wooded property between I-77 and Crawford Road but subject to a current rezoning/annexation proposal (ZC21-12 NCPark 4077 (Peppercorn) & ZC21-07 (Peppercorn Plantation LTDP, Goforth Family Revoc Tr & Andrew H. Crawford property)

SOUTH OF THE SITE: R-15, the Kingdom Hall of Jehovah's Witnesses church, and Cloverleaf Elementary School (Iredell-Statesville Schools/Iredell County)

WEST OF THE SITE: R-10, the Olde Statesville single-family residential neighborhood; R-5 CZ, the recently-approved Sullivan Farm (Lennar) single-family residential project; IC R-20, a single-family rural residential home; R-15, single-family rural residential homes and undeveloped residential parcels

The 2005 Land Development Plan/Future Land Use Map proposes that the subject parcel is suitable for Mixed Use development; which can include both single-use districts as well as mixed-use projects and encourages but does not require a mix of uses. No minimum residential density applies in this district, but the maximum gross density should not exceed 12 dwelling units per acre per project. The proposed residential density (4.77 du/ac) is well beneath that threshold. The (draft) 2045 Land Development Plan projects the property as Complete Neighborhood 1, The Character intent for this area includes various forms of housing type choices, including larger apartment complexes. Development should primarily be residential; and development should be connected using sidewalks and off-street path opportunities (see *2005 Future Land Use Map inset, 2045 (DRAFT) Land Use & Character Map inset, and Complete Neighborhood 1 Character Intent & Characteristics sheet*). This project—along with the proposed Redwood Westminster project—is proposed as a single-story attached apartment project that will provide a new housing type for the city.

The applicant has offered the following conditions:

1. Elevations and materials lists are provided for review
 2. Sidewalks (integrated) are provided on one side of all internal private streets
 3. Street trees are provided along internal private streets
 4. A 50' landscape buffer will be provided (or existing trees and other vegetation will remain) along the project's boundary with Interstate 77 to serve as a noise-reducing feature on behalf of residents. This will begin at the northern end of the NCDOT sound wall and run the length of the project with the exception of the 50' stream buffer near the project northeast corner
 5. Driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis will be required by the developer at time of site plan approval.
- 2. Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning including conditions proposed by the applicant, several staff-recommended conditions that have been incorporated into a revised concept plan, and contingent upon annexation into the City. The public hearing was held on February 21, 2022 and council passed first reading with conditions 1-7 presented with an added condition #8 that requires each unit to have a garage. The motion passed unanimously.
- 3. Budget/Funding Implications:** The current total taxable value of the subject parcel is approximately \$304,140. The applicant estimates that the tax value of the land plus horizontal site development would be approximately \$6,640,000. Water service is available to the project; City of Statesville

sewer service is available; and Duke Energy electrical service will be provided. The city will need to provide fire and police services as requested.

- 4. Consequences for Not Acting:** The subject portion of the tax parcel could remain undeveloped under the current Iredell County R-20 zoning designation or be developed under IC R-20 zoning. The city would not receive property taxes without annexation.
- 5. Department Recommendation:** The 2005 Land Development Plan suggests that the portion of the parcel requested for rezoning is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing. At the proposed gross density of 4.77 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP and less than the 8.7 du/acre the R-5MF zoning district would permit. Additionally, this project proposes a new housing type and a diversity of housing options in Statesville, the plan exceeds the required active open space, will provide beneficial improvements along James Farm Road, and provides pedestrian connections to both Cloverleaf Elementary School and the greenway system. All utilities are available to the site. Therefore staff recommends **approval** of the rezoning request contingent upon the five conditions offered by the applicant and the addition of a 5th and 6th condition as follows:

1. Elevations and materials lists are provided for review
2. Sidewalks (integrated) are provided on one side of all internal private streets
3. Street trees are provided along internal private streets
4. A 50' landscape buffer will be provided (or existing trees and other vegetation will remain) along the project's boundary with Interstate 77 to serve as a noise-reducing feature on behalf of residents. This will begin at the northern end of the NCDOT sound wall and run the length of the project with the exception of the 50' stream buffer near the project northeast corner
5. Driveway and road improvements agreed to by the City and NCDOT per the Traffic Impact Analysis will be required by the developer at time of site plan approval;
6. Any items(s) not specifically addressed must meet the requirements of the Unified Development Code;
7. Maximum residential density shall be 4.77 units per acre and a maximum of 172 total residential units;
8. **Garages will be provided for each unit.**

Contingent upon annexation of the subject parcel into the city.

- 6. Manager Comments:** Concur with the department's recommendation.
- 7. Next Steps:** If second reading is approved, it is contingent upon the plans being revised to include condition #8 and the effective date of the annexation. The annexation petition has not been submitted.

Attachments:

1. Revised adopted Consistency Statement

Note: All other attachments are available in the February 21, 2022 agenda packet.



To: Statesville City Council
From: Sherry Ashley, Planning Director
Date: February 21, 2022
Subject: Rezoning
Case: ZC21-14 – Redwood James Farm
Address: **James Farm Road vicinity** (Iredell County Tax Parcel Identification # 4746-81-1103 (portion))

The zoning amendment **is approved and is consistent with the City’s comprehensive land use plan**, is reasonable and in the public interest because: the 2005 Land Development Plan suggests that the portion of the parcel requested for rezoning is suitable for Mixed-Use Development which may include single-use districts including multi-family dwelling units. The draft 2045 Land Development Plan projects the parcel as suitable for Complete Neighborhood 1, which is intended primarily for residential development including multi-family housing with garages. At the proposed gross density of 4.77 units per acre, the proposed development is less dense than the maximum density defined for Mixed-Use development by the 2005 LDP, as well as than the 8.7 du/acre that the base R-5MF zoning district would permit. Additionally, this project proposes a new housing type and a diversity of housing options in Statesville, the plan exceeds the required active open space, will provide beneficial improvements along James Farm Road, and provides pedestrian connections to both Cloverleaf Elementary School and the greenway system. All utilities are available to the site.

In addition to approving this zoning amendment, this approval is **also deemed an amendment to the City’s comprehensive land use plan**. The change in conditions the City Council has taken into account in amending the zoning ordinance to meet the development needs of the community are as follows: _____

The zoning amendment **is rejected because it is inconsistent with the City’s comprehensive land plan** and is not reasonable and in the public interest because _____

Date: Constantine H. Kutteh, Mayor

Date: Sherry Ashley, Planning Director

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 22, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing second reading of Rezoning Request ZC21-15 for properties located on US 21/Turnersburg Highway and Houpe Road; Iredell County Tax Parcel Identification # 4747-70-2049, 4746-67-6347 & 4746-66-8927; from Iredell County RA (Residential Agricultural) and R-20 (Rural Residential) districts to City of Statesville LI (Light Industrial) District.

1. Summary of Information:

Rezoning Request – TPA Group (applicant) requests rezoning on behalf of Viola G Robertson et al & Lowell E Harmon (owners) for the subject parcels from Iredell County RA (Residential Agricultural) and R-20 (Rural Residential) districts to City of Statesville LI (Light Industrial) District. This is a standard rezoning proposal, and not subject to conditions; but is contingent upon annexation into the City.

Evaluation – This is a request for a change in zoning to permit three parcels of property to be used for light industrial development, including distribution and warehousing. The parcels are labeled as follows on the Location Map: Iredell County Tax Parcel Identification 1. 4747-70-2049, 2. 4746-67-6347 & 3. 4746-66-8927 (*see Location Map, Boundary Survey, GIS Aerial Map and Current Zoning Map*).

The three subject parcels, totaling 185.8 acres, are currently wooded or agricultural use. All three parcels have direct access to US 21/Turnersburg Highway and parcel 2 also abuts Houpe Road (*see Site Photos*).

The parcels have been placed under contract by the developer to develop future warehouse/distribution use; although no site plan has been formally submitted for review/approval at this time. Warehouses and distribution facilities are a permitted land uses in the requested Light Industrial zoning district.

The purpose of the LI district is to accommodate light industrial uses that are compatible with general business uses, are not inherently obnoxious to the urban area because of noise, odors, dust, smoke, light, or uses of dangerous materials; and involve indoor production, assembly, and storage.

There are no minimum lot size or lot width requirements for the LI district; and the combined properties will be sufficiently large enough to accommodate development meeting the requirements of the Unified Development Code.

When a site plan is submitted for review and approval by the Technical Review Committee (TRC), the developer will be required to conduct a Traffic Impact Analysis (TIA) for necessary road improvements and dedicate ROW along US 21 per the adopted Statesville Mobility & Development Plan. US 21 in this area is

listed as a Strategic Corridor; and along US 21 in this area the projected ROW is 110', requiring dedication from the centerline for the widening (see Turnersburg Hwy. Strategic Corridor inset – 2019 Mobility & Development Plan). Curb, gutter, and sidewalk will be required along the property boundaries.

The 2005 Land Development Plan projects the property as appropriate for Low Density Residential on the subject properties. Now dated, the LDP did not at the time anticipate sewer service becoming available in this portion of the city's planning area; but does anticipate both residential and commercial development should utilities be available (see *2005 Future Land Use Map inset*).

The (draft) 2045 Land Development Plan projects the property as Activity Corridor adjacent to the I-77/US 21 interchange area, and Rural further to the south nearest Houpe Road. However, US 21 in this area—similar to the Mobility & Development Plan—is considered one of the LDP's identified Gateway Corridors; and the interchange-proximate area is outlined in the Jane Sowers North Strategic Focus Area. While development in this area was anticipated more quickly in the southern/eastern quadrants of the interchange area, the plan notes the potential for reconsidering the phasing and specific development pattern as both utilities can be provided and as private sector interest dictates. The Jane Sowers North focus area and the I-77 interchange area is the northern gateway to the city, which “offers significant opportunities to create a new district that could provide new employment and housing options. The Real Estate Market Study identifies the Strategic Focus Area as a prime opportunity for gateway employment uses, supported by multifamily housing and service-oriented retail to support the surrounding uses. Development standards applied in this area should create high quality gateway entrances into the city and maximize development potential within this area.” (Draft LDP pg. 50) (see *2045 (DRAFT) Land Use & Character Map inset, 2019 Mobility & Development Plan Turnersburg Highway Strategic Corridor inset; and Jane Sowers North background and recommendations section of the (draft) 2045 Land Development Plan*).

The Mobility & Development Plan indicates that the subject parcels have access and superior visibility to both Interstates 40 and 77. The area is also appropriate for retail and other commercial development—particularly mixed use, which can include industrial/distribution uses—and that the interchange is, as noted above, the northern gateway to the city and the northernmost undeveloped interchange. However, the plan also noted that at the time, public utility services for significant development were limited/unavailable, so development west of the interchange would likely be somewhat limited. With some decrease in commercial development and the increase in distribution/warehouse development it is important to acknowledge that the location of the subject parcels to the west of the interchange make them suitable for the latter land uses, while properties adjacent to and in other quadrants of the interchange should reflect the Jane Sowers North concept plan with subsequent updates reflective of the current request, if approved. Retail commercial use may still be appropriate for the frontages along US 21.

Water service is available to the property; City sewer service is available following extension by the developer; electrical service is customer choice between Duke Energy and Energy United. A petition for annexation has also been filed by the developer (see *Utilities Map*).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: Iredell County R-20 (Rural Residential) and RA (Residential Agricultural) districts, undeveloped acreage with Fifth Creek at the northern property boundary

EAST OF THE SITE: Iredell County HB (Highway Business) CUD District, Exxon auto/truck fueling station/7-11 convenience store, Arby's eating establishment; Iredell County RA (Residential Agricultural) District, Rose Chapel United Methodist Church; Iredell County GB (General Business) CUD District, Messick Glass & Mirror fronting undeveloped property; Iredell County R-20 (Rural Residential) District, single-family homes fronting US 21; Iredell County NB (Neighborhood Business) District, Iredell County Farm Bureau Insurance agency

SOUTH OF THE SITE: Statesville R-20 (Rural Residential) District, single-family homes along Houpe Road, manufactured homes along (private) Shasta Drive, Barker's Grocery convenience store/gasoline station at the US 21/Houpe Road intersection

WEST OF THE SITE: Iredell County R-20 (Rural Residential) District, generally undeveloped woodland, and pasture acreage

2. **Previous Council/Relevant Actions:** At their regular meeting on January 25, 2022, the Planning Board unanimously recommended approval of the request for rezoning, contingent upon annexation. The public hearing was held, and council passed first reading unanimously at the February 21, 2022 meeting as presented, contingent upon annexation.
3. **Budget/Funding Implications:** The current total taxable value of the three undeveloped parcels is approximately \$1,077,790. Although a project has not been submitted at this time, the applicant has estimated that the tax value of the land plus site improvements would be approximately \$24 Million. Water service is available to the property; City sewer service is available following extension by the developer; electrical service is customer choice between Duke Energy and Energy United. The city will need to provide fire and police services as requested.
4. **Consequences for Not Acting:** The properties could remain undeveloped under County jurisdiction and zoning; or could be developed under the County's R-A & R-20 zoning regulations. The City would not receive property taxes or employment opportunities without annexation.
5. **Department Recommendation:** Although the current (2005) Land Development Plan did not anticipate development in this area of the City's planning area, it did predict new development when public utilities became available. The adopted 2019 Mobility & Development Plan and draft (2045) Land Development plans, however, identify this area as a significant corridor and focus area for growth and development. The 20455 draft LDP notes that Jane Sowers North is the northern gateway to the city and a prime opportunity for gateway employment uses. The request is for standard rezoning of the subject parcels; and any development request would be required to be compatible with the existing adopted plans and a forthcoming Land Development Plan, including a focus on compatibility with the strategic focus area. Access to the interstate highway system is appropriate; and all utilities are available to the site as requested and/or upon extension by the owner. Therefore, staff recommends **approval** of the rezoning request, contingent upon annexation.

In addition to recommending approval of this zoning amendment, staff believes the approval constitutes **an amendment to the City's comprehensive land use plan**. Conditions in the area have taken place since the 2005 Land Use Map was adopted, meeting the criteria for permitting this map amendment to be approved: public utilities are now available for development on the subject parcels; a Mobility & Development Plan indicate that development other than rural is suitable for the area; a draft Land Development Plan indicates that gateway employment uses are suitable for the area; and the Interstate 77 interchange is appropriate for light industrial development, particularly related to warehousing, distribution and logistics. The (draft) Land Use & Character Map, as part of the 2045 Land Development Plan, will be amended to reflect this amendment if approved.

6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** If second reading is approved, it is contingent upon the effective annexation date (tentatively scheduled for April 30, 2022).

Attachments: All attachments are available in the February 21, 2022 agenda packet. No changes.

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing a resolution directing the City Clerk to investigate a petition of annexation, receive City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of March 21, 2022, for a public hearing for the petition for annexation for Annexation of PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927, Case No. AX21-10 Robertson & Harmon Properties.

- 1. Summary of Information:** The property being considered for annexation has been submitted by NC Development Acquisition LLC (TPA Group, as applicant) on behalf of Viola G Robertson et al & Lowell E Harmon (owners). There are three parcels being requested for annexation totaling 185.8 acres; and are located on US 21/Turnersburg Hwy and Houpe Road. Parcel ownership is as follows: 1. 4747-70-2049 (Robertson); 2. 4746-67-6347 and 3. 4746-66-8927 (Harmon) (*see attached Location Map*).

The parcels are currently woodland or agricultural use; the applicant proposes to develop the parcels for light industrial development, including distribution and warehousing use (*see attached GIS Aerial Photo Map, Boundary Survey and Site Photos*). The parcels are currently zoned Iredell County RA (Residential Agricultural) and R-20 (Rural Residential) districts; however, an application is concurrently being processed to rezone all parcels as City of Statesville LI (Light Industrial) District contingent upon annexation (*see attached Current Zoning Map*).

None of the parcels are within the City's ETJ; and this is a non-contiguous annexation request. The applicant requests voluntary annexation in order to utilize City utilities.
- 2. Previous Council or Relevant Actions:** This application is concurrent with Case No. ZC21-15 (Statesville Logistics Park).
- 3. Budget/Funding Implications:** The current tax value of the parcels is listed as \$1,077,790. Although a project has not been submitted at this time, the applicant has estimated that the tax value of the land plus site improvements could be approximately \$24 Million. Water service is available to the property; City sewer service is available following extension by the developer; electrical service is customer choice between Duke Energy and Energy United. (*see attached Utilities Map*). The city will need to provide fire and police services as requested.
- 4. Consequences for Not Acting:** Without annexation the city would not collect property taxes.
- 5. Department Recommendation:** The department recommends passing the resolutions to set a date of

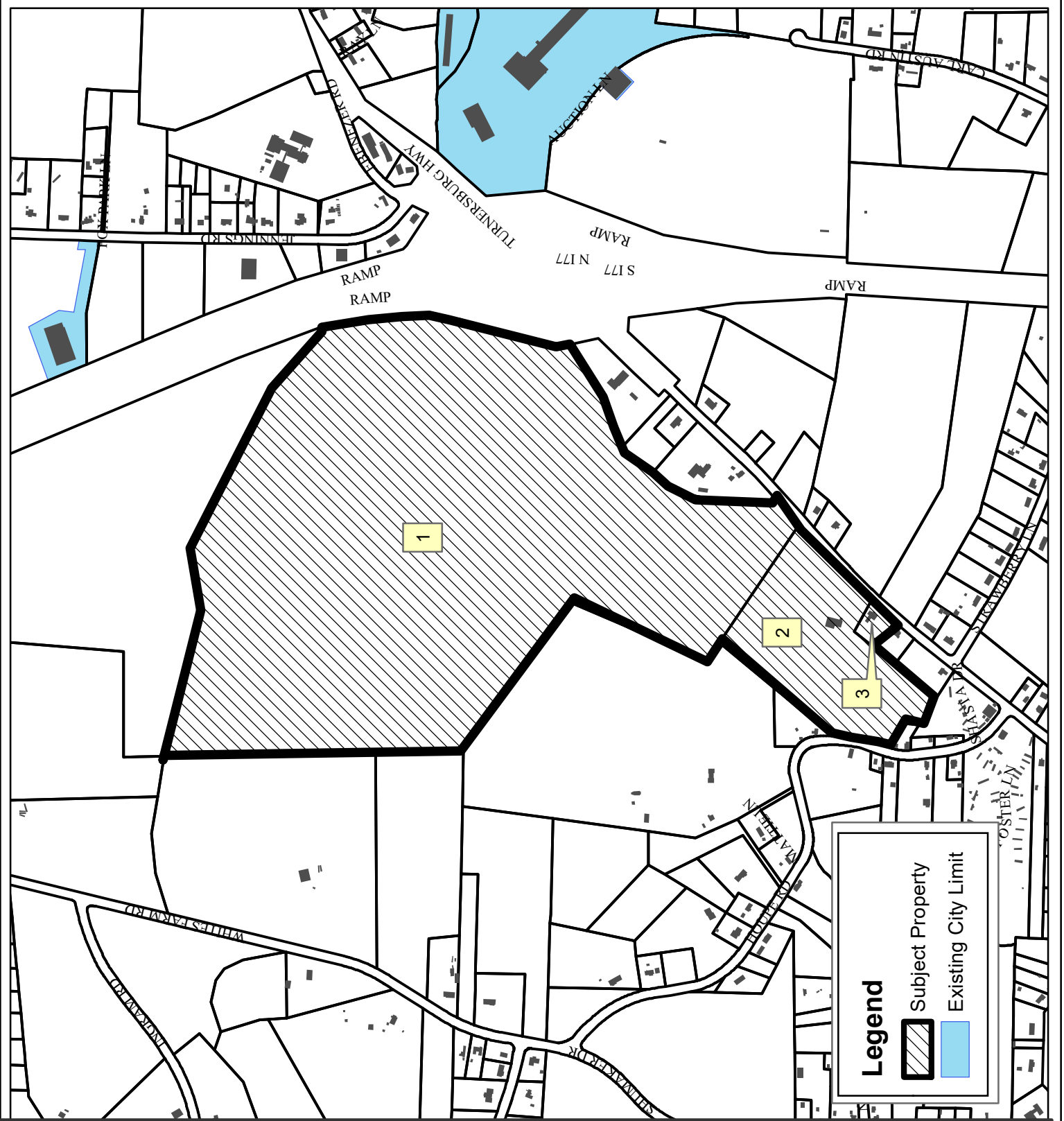
March 21, 2022, for a public hearing on this annexation request.

6. Manager Comments: Concur with the department's recommendation.

7. Next Steps: Advertise for the public hearing.

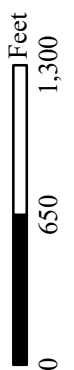
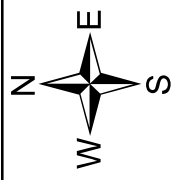
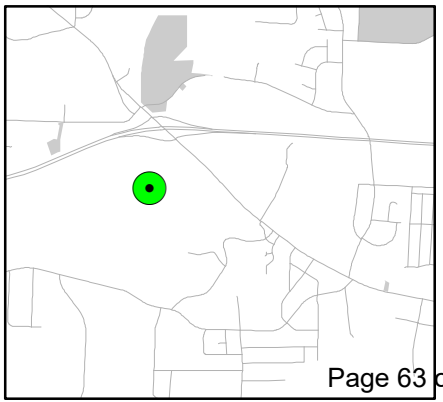
Attachments:

1. Location Map
2. GIS Aerial Photo Map
3. Boundary Survey
4. Site Photos
5. Current Zoning Map
6. Utility Location Map
7. Resolution Directing the Clerk to Investigate
8. Certificate of Sufficiency
9. Resolution to Set Public Hearing



**City of Statesville
Planning Department**

Robertson & Harmon Properties
AX21-10
PIN # 4747-70-2049, 4746-67-6347
& 4746-66-8927

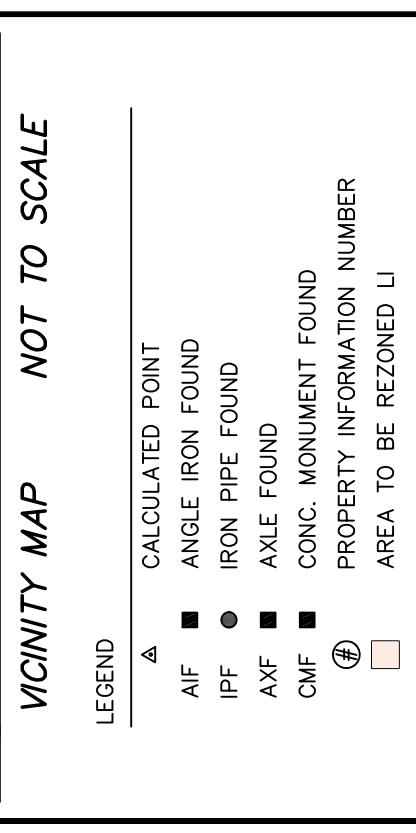
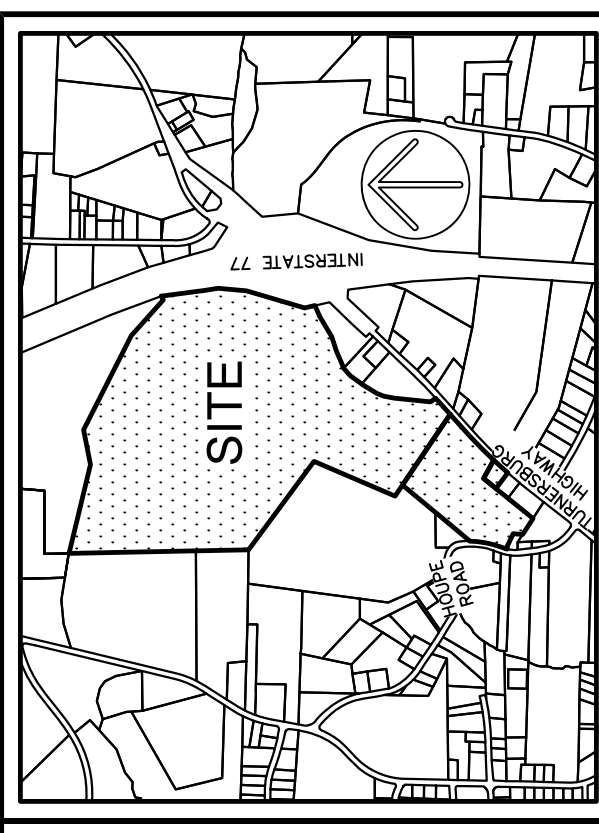


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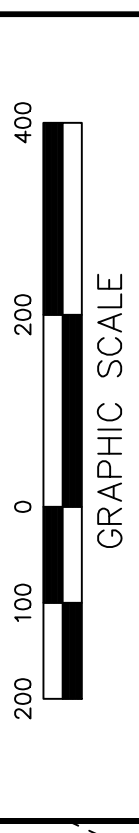
Case No. AX21-10 Robertson, et al & Harmon Properties
Aerial Photo Map – PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927



NOTES

- THIS PARCEL APPEARS TO BE IN FLOOD ZONE X AND AE. FIRM PANEL 3710A74600A, EFFECTIVE DATE 03/18/2008.
- HORIZONTAL DATUM IS BASED ON NAD83(2011).
- PROPERTY IS SUBJECT TO ALL RECORDED OR UNRECORDED EASEMENTS, ENCUMBRANCES AND ENCUMBRANCES THAT MAY AFFECT THIS PROPERTY.
- CURRENT ZONING LINES AND INFORMATION ARE TAKEN FROM REDELL COUNTY GIS AT TIME OF SURVEY.
- THE PURPOSE OF THIS PLAN IS TO REZONE THE THREE PARCELS 474668927.000, 474667637.000 AND 4747702049.000 TO LI ZONING IN ACCORDANCE WITH THE REDELL COUNTY ZONING ORDINANCE.

- REFERENCES**
- DB 1344 PG 781
 - DB 2037 PG 1189
 - DB 2043 PG 1107
 - DB 2045 PG 1107
 - DB 2765 PG 537
 - DB 1173 PG 1887
 - DB 1173 PG 1887
 - DB 1143 PG 2458
 - DB 1949 PG 1993
 - DB 2594 PG 905
 - DB 2594 PG 905
 - DB 1808 PG 1395
 - DB 889 PG 875
 - DB 2812 PG 2356
 - DB 629 PG 657
 - DB 1764 PG 1633
 - DB 803 PG 335
 - DB 1663 PG 646
 - DB 2479 PG 838
 - DB 2109 PG 775
 - DB 2109 PG 775
 - DB 2530 PG 979
 - DB 2256 PG 217
 - DB 2853 PG 2025
 - DB 2814 PG 2055



A REZONING SITE PLAN PREPARED FOR:
NC DEVELOPMENT ACQUISITION LLC
 PARCEL ID No. 474668927.000, 474667637.000, 4747702049.000

747, 751 TURNERSBURG HIGHWAY

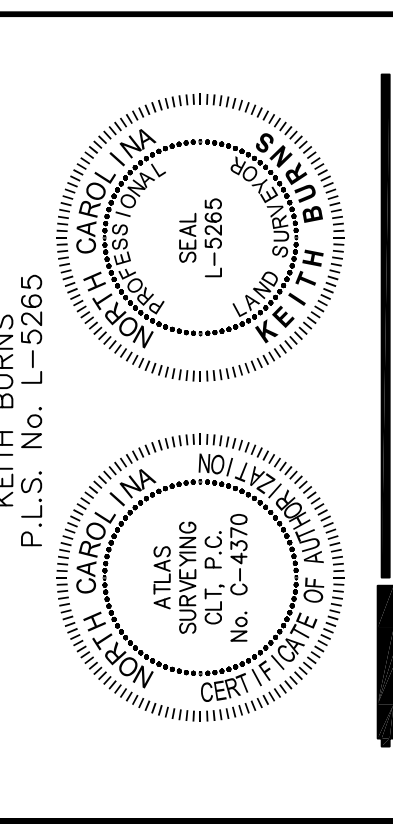
THE TOWNSHIP OF BETHANY
 (REDELL COUNTY, NORTH CAROLINA)
 COURTESY OF: HARMON LOWELL (27147)
 ROBERTSON VIOLA (49)

FIELD WORK: APR 2021
 DRAWN BY: KEM
 DATE: 12-15-2021
 PROJECT No.: CL-21022
 FILE: CL-21022.RVT

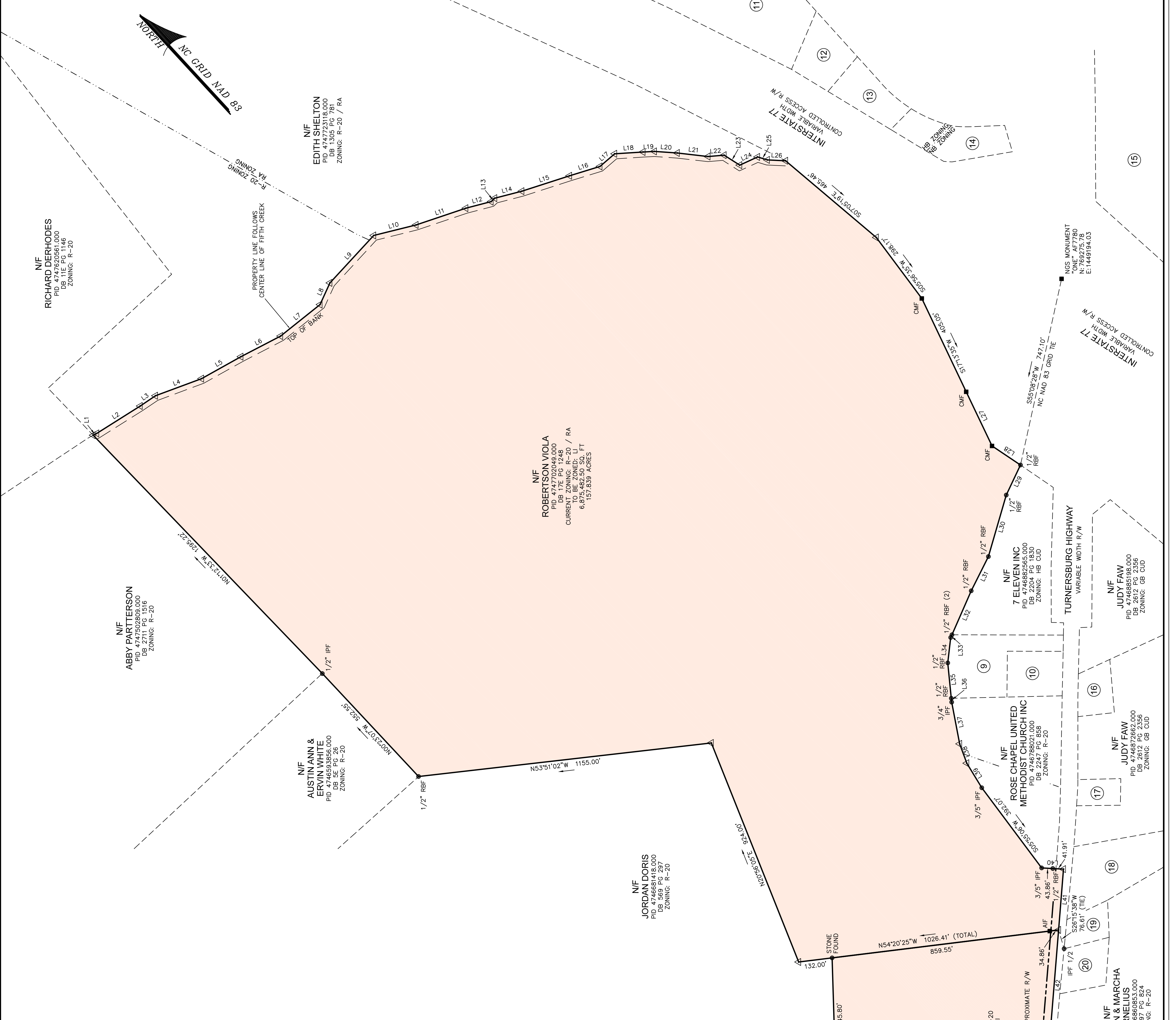
KEITH BURNS (CERTIFIED) THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED BY DASHED LINES AND THAT THE ACCURACY REFERENCES THAT THE RATIO OF PRESSION FOR POSITIVE ACCURACY IS GREATER THAN 1:10000, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 58.1600).

THIS 15TH DAY OF DECEMBER, 2021

FOR REVIEW ONLY



ATLAS SURVEYING, INC.
 13331 YORK CENTER DRIVE, SUITE E
 CHARLOTTE, NC 28273
 PHONE: (980) 949-5576
 WEBSITE: WWW.ATLASSURVEYING.COM



PROPERTY INFORMATION

NO.	PARCEL ID	DEED REFERENCE	ZONING
1	474668927.000	HARMON LOWELL	R-20
2	474667637.000	HARMON LOWELL	R-20
3	474667637.000	REDELL COUNTY FARM BUREAU INC	R-20
4	4746564290.000	MICHAEL BARKER & TAYLOR ROBERT	R-20
5	474667637.000	JUDY FAW	R-20
6	474667637.000	JUDY FAW	R-20
7	474667637.000	SHANNON ONEILL	R-20
8	4746571489.000	RONALD SIMMS	R-20
9	4746571489.000	JAMES & SANDRA FAW	R-20
10	4746571489.000	JAMES & SANDRA FAW	R-20
11	4747900924.000	FAST LANE AUTO SALES LLC	HB
12	4747900924.000	PERSONAL SERVICES LLC	HB
13	474668927.000	PERSONAL SERVICES LLC	HB
14	474668927.000	PERSONAL SERVICES LLC	HB
15	474668927.000	PERSONAL SERVICES LLC	HB
16	474668927.000	PERSONAL SERVICES LLC	HB
17	474668927.000	PERSONAL SERVICES LLC	HB
18	474668927.000	PERSONAL SERVICES LLC	HB
19	474668927.000	PERSONAL SERVICES LLC	HB
20	474668927.000	PERSONAL SERVICES LLC	HB
21	474668927.000	PERSONAL SERVICES LLC	HB
22	474668927.000	PERSONAL SERVICES LLC	HB
23	474668927.000	PERSONAL SERVICES LLC	HB
24	474668927.000	PERSONAL SERVICES LLC	HB
25	474668927.000	PERSONAL SERVICES LLC	HB
26	474668927.000	PERSONAL SERVICES LLC	HB
27	474668927.000	PERSONAL SERVICES LLC	HB
28	474668927.000	PERSONAL SERVICES LLC	HB
29	474668927.000	PERSONAL SERVICES LLC	HB
30	474668927.000	PERSONAL SERVICES LLC	HB
31	474668927.000	PERSONAL SERVICES LLC	HB
32	474668927.000	PERSONAL SERVICES LLC	HB
33	474668927.000	PERSONAL SERVICES LLC	HB
34	474668927.000	PERSONAL SERVICES LLC	HB

CURVE TABLE

LINE LABEL	START POINT	END POINT	BEARING	CHORD DISTANCE	CHORD BEARING
L1	S74717.95 E	156.33	N84°05'11"E	93.50	(TOTAL)
L2	S7931.67 E	201.46	N84°05'11"E	93.50	(TOTAL)
L3	S8600.56 W	130.20	N84°05'11"E	93.50	(TOTAL)
L4	S8741.18 E	187.87	N84°05'11"E	93.50	(TOTAL)
L5	S7628.45 E	176.42	N84°05'11"E	93.50	(TOTAL)
L6	S7445.07 E	176.25	N84°05'11"E	93.50	(TOTAL)
L7	S7272.50 W	117.76	N84°05'11"E	93.50	(TOTAL)
L8	N67°09'59"E	93.23	N84°05'11"E	93.50	(TOTAL)
L9	N85°24'21"E	15.18	N84°05'11"E	93.50	(TOTAL)
L10	S85°15'27"E	102.04	N84°05'11"E	93.50	(TOTAL)
L11	S81°36'21"E	102.15	N84°05'11"E	93.50	(TOTAL)
L12	S81°36'21"E	102.15	N84°05'11"E	93.50	(TOTAL)
L13	N89°54'23"E	19.77	N84°05'11"E	93.50	(TOTAL)
L14	S85°12'20"E	196.91	N84°05'11"E	93.50	(TOTAL)
L15	S85°12'20"E	196.91	N84°05'11"E	93.50	(TOTAL)
L16	N52°04'24"E	230.00	N84°05'11"E	93.50	(TOTAL)
L17	S85°09'24"E	150.03	N84°05'11"E	93.50	(TOTAL)
L18	S85°09'24"E	150.03	N84°05'11"E	93.50	(TOTAL)
L19	S50°17'19"E	44.63	N84°05'11"E	93.50	(TOTAL)
L20	S43°21'08"E	69.87	N84°05'11"E	93.50	(TOTAL)
L21	S52°03'19"E	124.70	N84°05'11"E	93.50	(TOTAL)
L22	S49°46'56"W	46.71	N84°05'11"E	93.50	(TOTAL)
L23	S14°47'53"E	72.74	N84°05'11"E	93.50	(TOTAL)
L24	S17°56'34"E	76.86	N84°05'11"E	93.50	(TOTAL)
L25	S17°56'34"E	76.86	N84°05'11"E	93.50	(TOTAL)
L26	S44°42'46"E	71.48	N84°05'11"E	93.50	(TOTAL)
L27	S17°11'30"W	235.11	N84°05'11"E	93.50	(TOTAL)

CURVE TABLE

LABEL	RADIUS	ARC LENGTH	CHORD DISTANCE	CHORD BEARING
C1	2783.391	135.871	135.860	S42°27'00"W
C2	2783.391	135.871	135.860	S42°27'00"W
C3	862.391	60.701	60.697	N15°46'37"E
C4	862.391	60.701	60.697	N15°46'37"E
C5	593.201	170.271	169.533	N09°19'14"E
C6	4910.571	186.141	198.12	S46°20'34"W
C7	4910.571	186.141	198.12	S46°20'34"W
C8	5449.031	1044.719	1044.719	S44°49'03"W

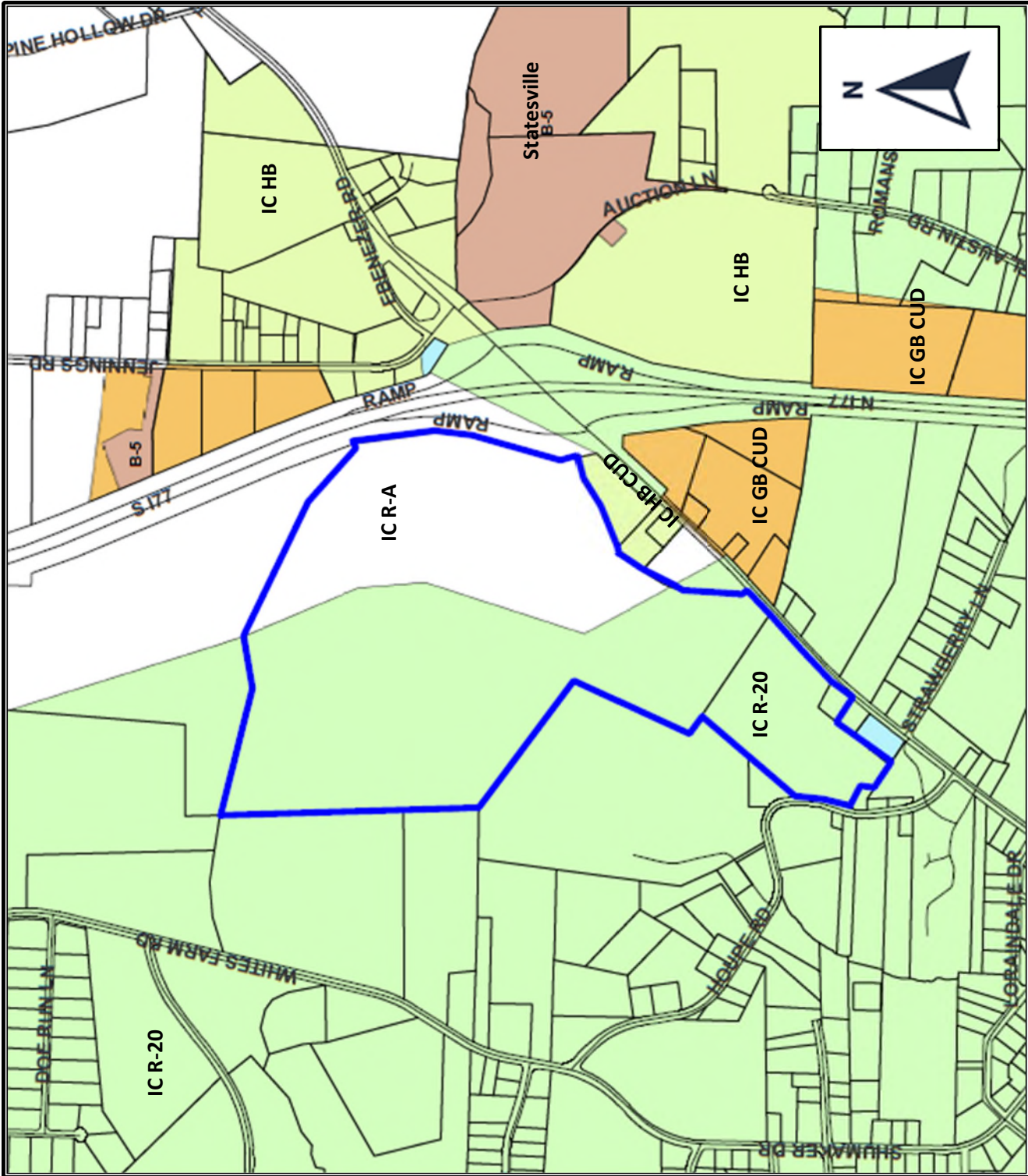
Site Photos – AX21-10 Robertson et al & Harmon Properties
(PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927) US 21/Turnersburg Hwy and Houpe Road vicinity



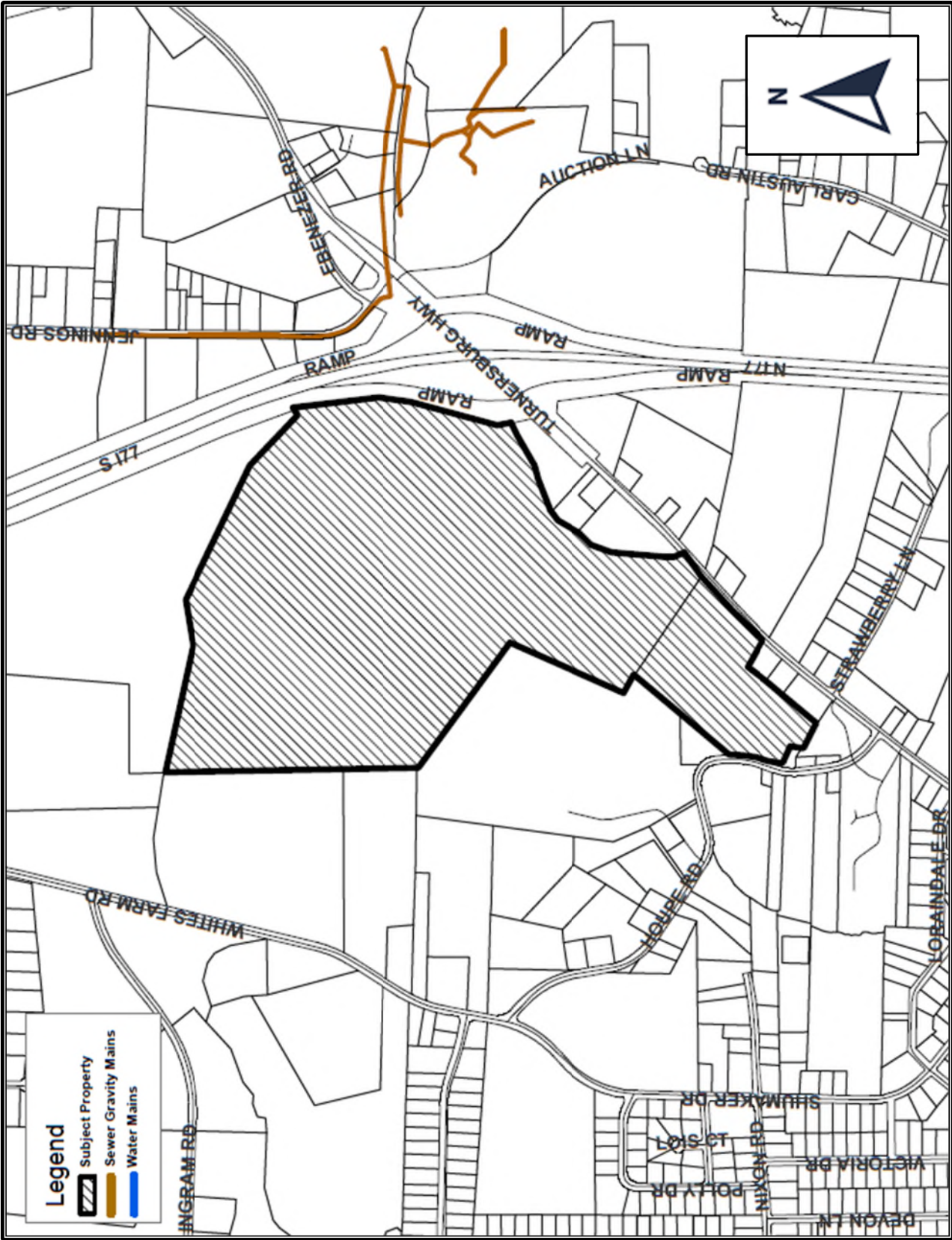
View from US 21 looking south onto the property at northern property line of 4747-70-2049



View from US 21 looking south onto the property midway along PIN # 4746-67-6347



Case No. AX21-10 Robertson et al & Harmon Properties
 Current Zoning Map – PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927



Case No. AX21-10 Robertson et al & Harmon Properties
 Utilities Map – PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927

RESOLUTION _____

A RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-58.1

Case No. AX21-10
Robertson, et al and Harmon Properties
Parcel #'s 4747-70-2049, 4746-67-6347 & 4746-66-8927

WHEREAS, a petition requesting annexation of the area described in said petition has been received on March 7, 2022 by the City Council; and

WHEREAS, G. S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Statesville deems it advisable to proceed and respond to the request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the results of her investigation.

Adopted this 7th day of March 2022.

S - E - A - L

CITY OF STATESVILLE

By: _____

Mayor

ATTEST:

City Clerk

CERTIFICATE OF SUFFICIENCY

Robertson et al & Harmon Properties

AX21-10

Parcel #'s 4747-70-2049, 4746-67-6347 & 4746-66-8927

TO THE CITY COUNCIL OF THE CITY OF STATESVILLE, NORTH CAROLINA:

I, Brenda Fugett, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 7th day of March 2022.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

RESOLUTION FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF ANNEXATION PURSUANT TO G.S. 160-58.2 AS AMENDED

**Robertson et al & Harmon Properties
Case No. AX21-10
Parcel #'s 4747-70-2049, 4746-67-6347 & 4746-66-8927**

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville, North Carolina;

Section 1. That a public hearing on the question of annexation of the non-contiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 7:00 o'clock p.m. on the 21st day of March 2022.

Section 2. The area proposed for annexation is described as follows:

Description – PIN # 4747-70-2049, 4746-67-6347 & 4746-66-8927

LEGAL DESCRIPTION – COMBINED PID NO. 4746668927.000/ 4746676347.000/ 4747702049.000

COMMENCING AT NGS MONUMENT AF7780 WITH NC GRID NAD 83 COORDINATES OF N:769275.78 AND E:1449194.03; THENCE LEAVING SAID MONUMENT S55°08'28"W FOR A DISTANCE OF 747.10 FEET TO A 1/2" REBAR FOUND; THENCE S68°00'56"W FOR A DISTANCE OF 130.20 FEET TO A 1/2" REBAR FOUND; THENCE S58°51'40"W FOR A DISTANCE OF 251.14 FEET TO A 1/2" REBAR FOUND; THENCE S69°20'15"W FOR A DISTANCE OF 149.98 FEET TO A 1/2" REBAR FOUND; THENCE S66°20'16"W FOR A DISTANCE OF 188.14 FEET TO A 1/2" REBAR FOUND; THENCE S67°22'50"W FOR A DISTANCE OF 11.78 FEET TO A 1/2" REBAR FOUND; THENCE S49°19'49"W FOR A DISTANCE OF 100.16 FEET TO A 1/2" REBAR FOUND; THENCE S36°57'00"W FOR A DISTANCE OF 139.40 FEET TO A 1/2" REBAR FOUND; THENCE S36°49'42"W FOR A DISTANCE OF 15.18 FEET TO A 3/4" IRON PIN FOUND; THENCE S31°51'37"W FOR A DISTANCE OF 166.37 FEET TO A POINT; THENCE S22°27'21"W FOR A DISTANCE OF 80.76 FEET TO A POINT; THENCE S11°14'23"W FOR A DISTANCE OF 112.68 FEET TO A 3/5" IRON PIN FOUND; THENCE S05°55'06"W FOR A DISTANCE OF 392.07 FEET TO A 3/5" IRON PIN FOUND; THENCE S44°11'07"E (PASSING A 1/2" REBAR FOUND AT 43.86 FEET) FOR A DISTANCE OF 85.77 FEET TO A POINT IN THE CENTERLINE OF TURNERSBURG

HIGHWAY; THENCE ALONG SAID CENTERLINE S47°17'16"W FOR A DISTANCE OF 239.35 FEET TO A POINT; THENCE S47°19'44"W FOR A DISTANCE OF 431.40 FEET TO A POINT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 261.43 FEET, WITH A RADIUS OF 4,910.57 FEET, WITH A CHORD BEARING OF S45°58'25"W, WITH A CHORD LENGTH OF 261.40 FEET TO A POINT; THENCE WITH A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 135.81 FEET, WITH A RADIUS OF 2,783.39 FEET, WITH A CHORD BEARING OF S42°27'00"W, WITH A CHORD LENGTH OF 135.80 FEET TO A POINT; THENCE DEPARTING SAID CENTERLINE N52°04'24"W (PASSING A 1/2" REBAR FOUND AT 29.92 FEET) FOR A DISTANCE OF 230.00 FEET TO A 1/2" REBAR FOUND; THENCE S38°46'13"W FOR A DISTANCE OF 160.03 FEET TO A 1/2" REBAR FOUND; THENCE S38°45'48"W FOR A DISTANCE OF 335.38 FEET TO A 1/2" REBAR FOUND; THENCE N57°19'04"W FOR A DISTANCE OF 185.00 FEET TO A POINT; THENCE N00°55'56"E FOR A DISTANCE OF 106.00 FEET TO A POINT; THENCE N66°14'04"W FOR A DISTANCE OF 140.00 FEET TO A POINT; THENCE S87°40'56"W FOR A DISTANCE OF 76.25 FEET TO A POINT IN THE CENTERLINE OF HOUBE ROAD; THENCE ALONG SAID CENTERLINE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 80.70 FEET, WITH A RADIUS OF 825.39 FEET, WITH A CHORD BEARING OF N15°46'37"E, WITH A CHORD LENGTH OF 80.67 FEET TO A POINT; THENCE WITH A REVERSE CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 104.39 FEET, WITH A RADIUS OF 6,879.32 FEET, WITH A CHORD BEARING OF N18°00'50"E, WITH A CHORD LENGTH OF 104.39 FEET TO A POINT; THENCE WITH A COMPOUND CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 170.27 FEET, WITH A RADIUS OF 529.20 FEET, WITH A CHORD BEARING OF N09°19'14"E, WITH A CHORD LENGTH OF 169.53 FEET TO A POINT; THENCE N00°48'30"E FOR A DISTANCE OF 46.71 FEET TO A POINT; THENCE N89°43'11"E FOR A DISTANCE OF 39.35 FEET TO A POINT; THENCE N40°55'11"E (PASSING AN AXEL FOUND AT 467.70 FEET) FOR A DISTANCE OF 913.50 FEET TO A STONE FOUND; THENCE N54°20'25"W FOR A DISTANCE OF 132.00 FEET TO A POINT; THENCE N20°56'05"E FOR A DISTANCE OF 924.00 FEET TO A POINT; THENCE N53°51'02"W FOR A DISTANCE OF 1,155.00 FEET TO A 1/2" REBAR FOUND; THENCE N00°23'07"W FOR A DISTANCE OF 552.55 FEET TO A 1/2" IRON PIN FOUND; THENCE N01°12'33"W FOR A DISTANCE OF 1,295.22 FEET TO A POINT IN THE CENTERLINE OF FIFTH CREEK; THENCE ALONG SAID CENTERLINE S74°17'36"E FOR A DISTANCE OF 15.63 FEET TO A POINT; THENCE S79°31'57"E FOR A DISTANCE OF 201.46 FEET TO A POINT; THENCE S81°16'19"E FOR A DISTANCE OF 72.20 FEET TO A POINT; THENCE S67°41'18"E FOR A DISTANCE OF 192.87 FEET TO A POINT; THENCE S76°28'45"E FOR A DISTANCE OF 176.42 FEET TO A POINT; THENCE S74°45'07"E FOR A DISTANCE OF 175.25 FEET TO A POINT; THENCE S85°57'16"E FOR A DISTANCE OF 197.71 FEET TO A POINT; THENCE N67°09'59"E FOR A DISTANCE OF 93.23 FEET TO A POINT; THENCE N85°24'21"E FOR A DISTANCE OF 253.00 FEET TO A POINT; THENCE S61°16'41"E FOR A DISTANCE OF 171.04 FEET TO A POINT; THENCE S65°53'22"E FOR A DISTANCE OF 206.02 FEET TO A POINT; THENCE S61°56'21"E FOR A DISTANCE OF 102.15 FEET TO A POINT; THENCE N89°34'23"E FOR A DISTANCE OF 19.72 FEET TO A POINT; THENCE S61°47'07"E FOR A DISTANCE OF 109.81 FEET TO A POINT; THENCE S65°12'20"E FOR A DISTANCE OF 196.51 FEET TO A POINT; THENCE S64°25'30"E FOR A DISTANCE OF 124.43 FEET TO A POINT; THENCE S88°00'27"E FOR A DISTANCE OF 76.01 FEET TO A POINT; THENCE S50°57'15"E FOR A DISTANCE OF 111.51 FEET TO A POINT; THENCE S50°17'19"E FOR A DISTANCE OF 44.63 FEET TO A POINT; THENCE S43°21'08"E FOR A DISTANCE OF 89.87 FEET TO A POINT; THENCE S40°48'08"E FOR A

DISTANCE OF 121.20 FEET TO A POINT; THENCE S52°03'19"E FOR A DISTANCE OF 63.27 FEET TO A POINT; THENCE S14°47'53"E FOR A DISTANCE OF 72.74 FEET TO A POINT; THENCE S71°58'34"E FOR A DISTANCE OF 76.86 FEET TO A POINT; THENCE S30°32'43"E FOR A DISTANCE OF 40.28 FEET TO A POINT; THENCE S44°42'46"E FOR A DISTANCE OF 71.46 FEET TO A POINT; THENCE S07°05'19"E FOR A DISTANCE OF 465.46 FEET TO A POINT; THENCE S05°56'35"W FOR A DISTANCE OF 298.17 FEET TO A CONCRETE MONUMENT FOUND; THENCE S17°13'35"W FOR A DISTANCE OF 405.05 FEET TO A CONCRETE MONUMENT FOUND; THENCE S17°11'30"W FOR A DISTANCE OF 235.11 FEET TO A CONCRETE MONUMENT FOUND; THENCE S13°30'18"E FOR A DISTANCE OF 134.08 FEET TO A 1/2" REBAR FOUND, SAID REBAR ALSO BEING THE POINT OF BEGINNING.

CONTAINING 7,817,051.25 SQUARE FEET OR 179.455 ACRES MORE OR LESS.

Property Address: US 21/Turnersburg Hwy. & Houpe Road, Statesville, NC

Section 3. Notice of said public hearing shall be published in the Statesville Record and Landmark, a newspaper having general circulation in the City of Statesville, at least 10 days prior to the date of the public hearing.

Adopted this 7th day of March 2022.

CITY OF STATESVILLE

By: _____

Mayor

ATTEST:

City Clerk

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing a resolution directing the City Clerk to investigate a petition of annexation, receive City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of March 21, 2022, for a public hearing for the petition for annexation – PIN # 4735-11-3473 (portion); Case No. AX22-04 Superior Properties of Iredell LTDP & Joyce Johnson Property.

1. Summary of Information: The property being considered for annexation has been submitted by Legacy Pointe Properties LLC (applicant) on behalf of Superior Properties of Iredell LLC & Joyce Johnson (owners). A 3.024-acre portion of a 5.011-acre parcel is requested for annexation; the parcel is located on Northside Drive between Meachum Road and NC 115/Wilkesboro Highway (see *attached Location Map*).

The parcel is undeveloped and is between the Northside Drive/I-40 corridor and the Martin Marietta Statesville quarry; the applicant proposes to develop the parcel as a Life Storage self-storage facility (see *attached GIS Aerial Photo Map, Boundary Survey and Site Photos*). The portion of the parcel subject to the annexation request is currently zoned B-4 (Highway Business) District; the portion of the parcel already within the City limit is zoned HI (Heavy Industrial) District; mini-warehouses are a permitted land use in both zoning districts (see *attached Current Zoning Map*).

The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation in order to utilize City utilities.

2. Previous Council or Relevant Actions: N/A

3. Budget/Funding Implications: The current tax value of the parcels is listed as \$344,240. The applicant has estimated that the tax value of the land plus development for their proposed project would be approximately \$8.6 Million. City of Statesville water, sewer and electrical services are available (see *attached Utilities Location Map*). The city will need to provide fire and police services as requested.

4. Consequences for Not Acting: Without annexation the city would not collect property taxes.

5. Department Recommendation: The department recommends passing the resolutions to set a date of March 21, 2022, for a public hearing on this annexation request.

6. Manager Comments: Concur with the department's recommendation.

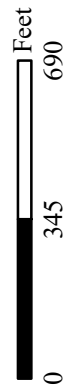
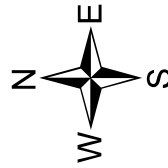
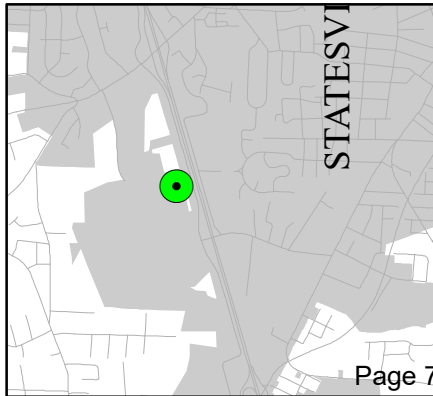
7. Next Steps: Advertise for the public hearing.

Attachments:

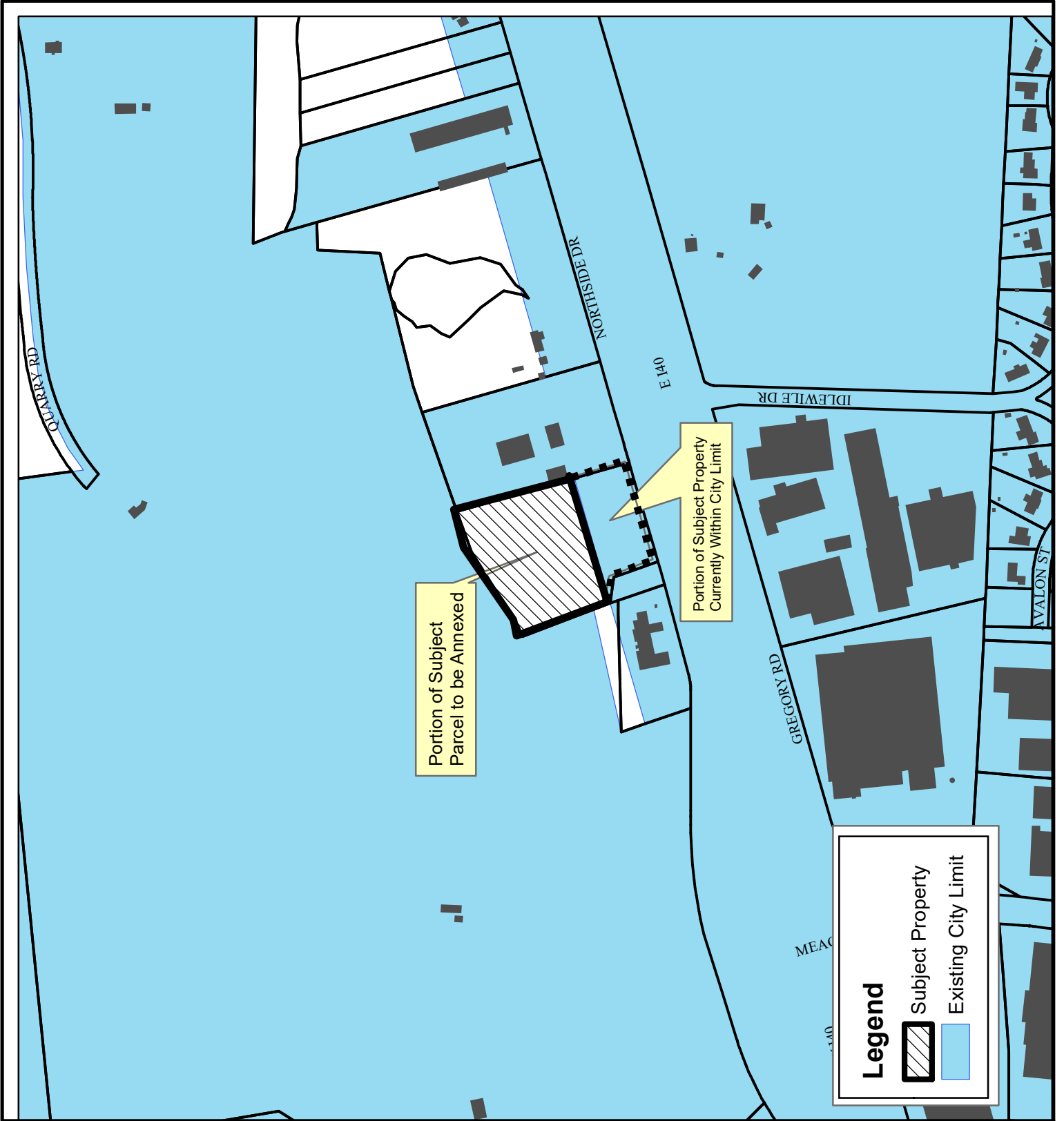
1. Location Map
2. GIS Aerial Photo Map
3. Boundary Survey
4. Site Photos
5. Current Zoning Map
6. Utility Location Map
7. Resolution Directing the Clerk to Investigate
8. Certificate of Sufficiency
9. Resolution to Set Public Hearing

**City of Statesville
Planning Department**

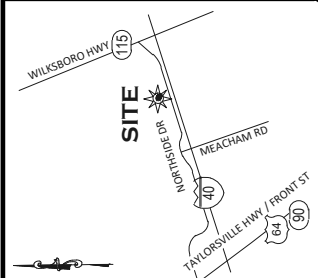
Superior Properties of Iredell &
Joyce Johnson Property
AX22-04
PIN # 4735-11-3473 (portion)



1 inch = 416.666667 feet







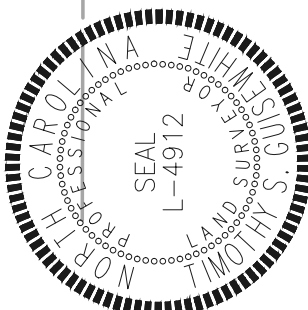
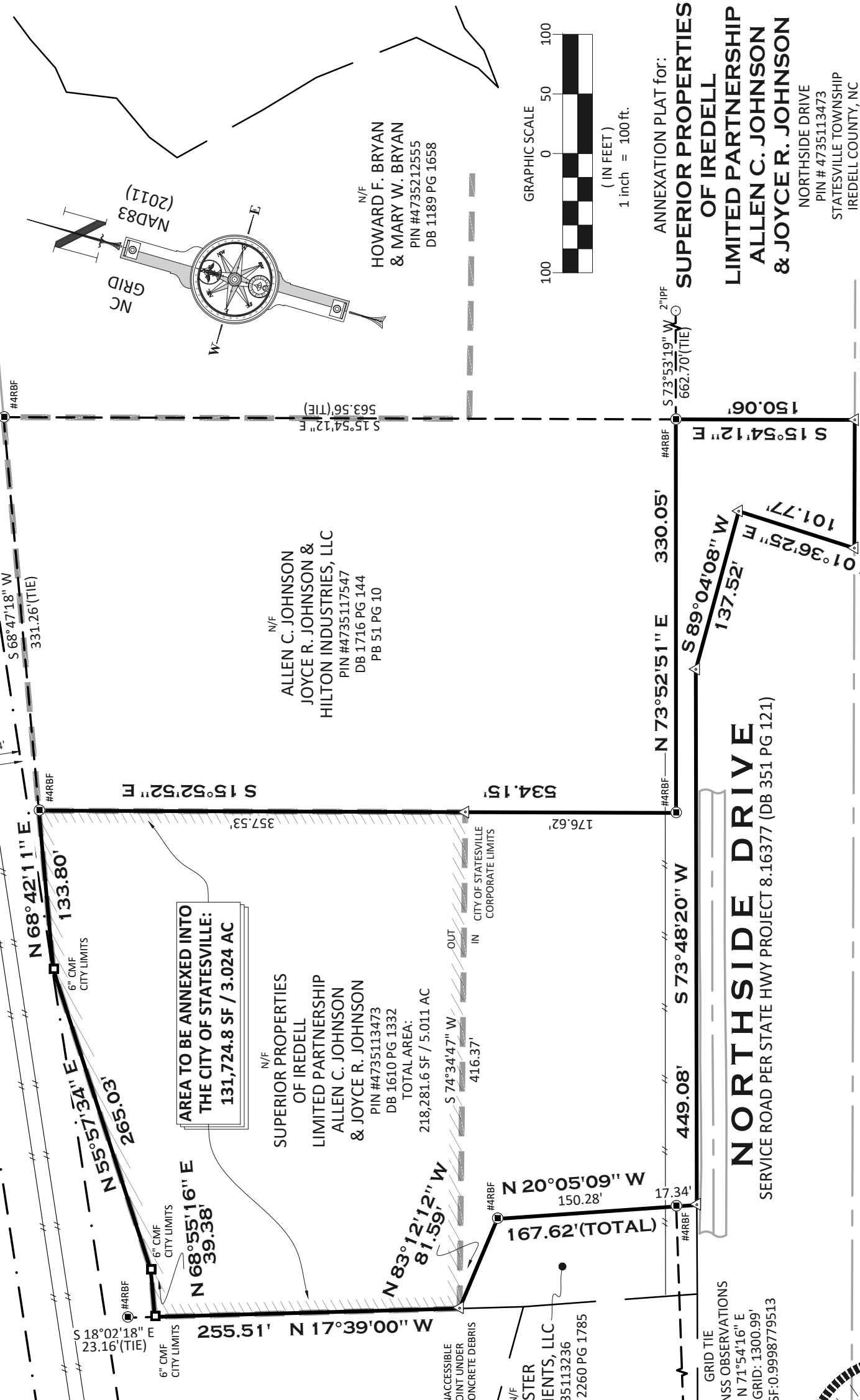
- SURVEY NOTES:**
1. THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT.
 2. PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD ZONE. (FIRM No. 37104735000).
 3. PROPERTY SUBJECT TO ANY & ALL EASEMENTS AND RESTRICTIONS OF RECORD.
 4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES. UNITS: US SURVEY FOOT.
 7. THERE ARE NO ENCROACHMENTS OR PROJECTIONS EXCEPT AS SHOWN.
 8. AREA COMPUTED BY THE COORDINATE METHOD.

LINE LEGEND

- PROPERTY BOUNDARY
- ADJACENT BOUNDARY (NOT SURVEYED)
- PROPERTY BOUNDARY TIE LINE ONLY
- CORPORATE BOUNDARY
- RIGHT OF WAY LINE
- EASEMENT LINE
- SETBACK LINE
- PHYSICAL CENTERLINE ROAD
- OVERHEAD UTILITY LINES

SYMBOL LEGEND

- REBAR FOUND (RBF)
- IRON PIPE FOUND (IPF)
- CONCRETE MONUMENT FOUND (CMF)
- CALCULATED POINT (CP)
- GEODETIC CONTROL
- 6" CMF CITY LIMITS
- 1" IPF



DocuSigned by:
Timothy S. Guisewhite
9192A8DFC68C4FE...
2/3/2022

TIMOTHY S. GUISEWHITE, PLS
NORTH CAROLINA REGISTRATION NUMBER L-4912

GUISEWHITE PROFESSIONAL LAND SURVEYING, PC
GPLS
P.O. BOX 680388
CHARLOTTE, NC 28216
(704) 530-1700 NC FIRM #C-4411

Site Photos – AX22-04 Superior Properties of Iredell & Joyce Johnson Property (PIN # 4735-11-3473 - portion) Northside Drive between Meachum Road and NC 115/Wilkesboro Highway



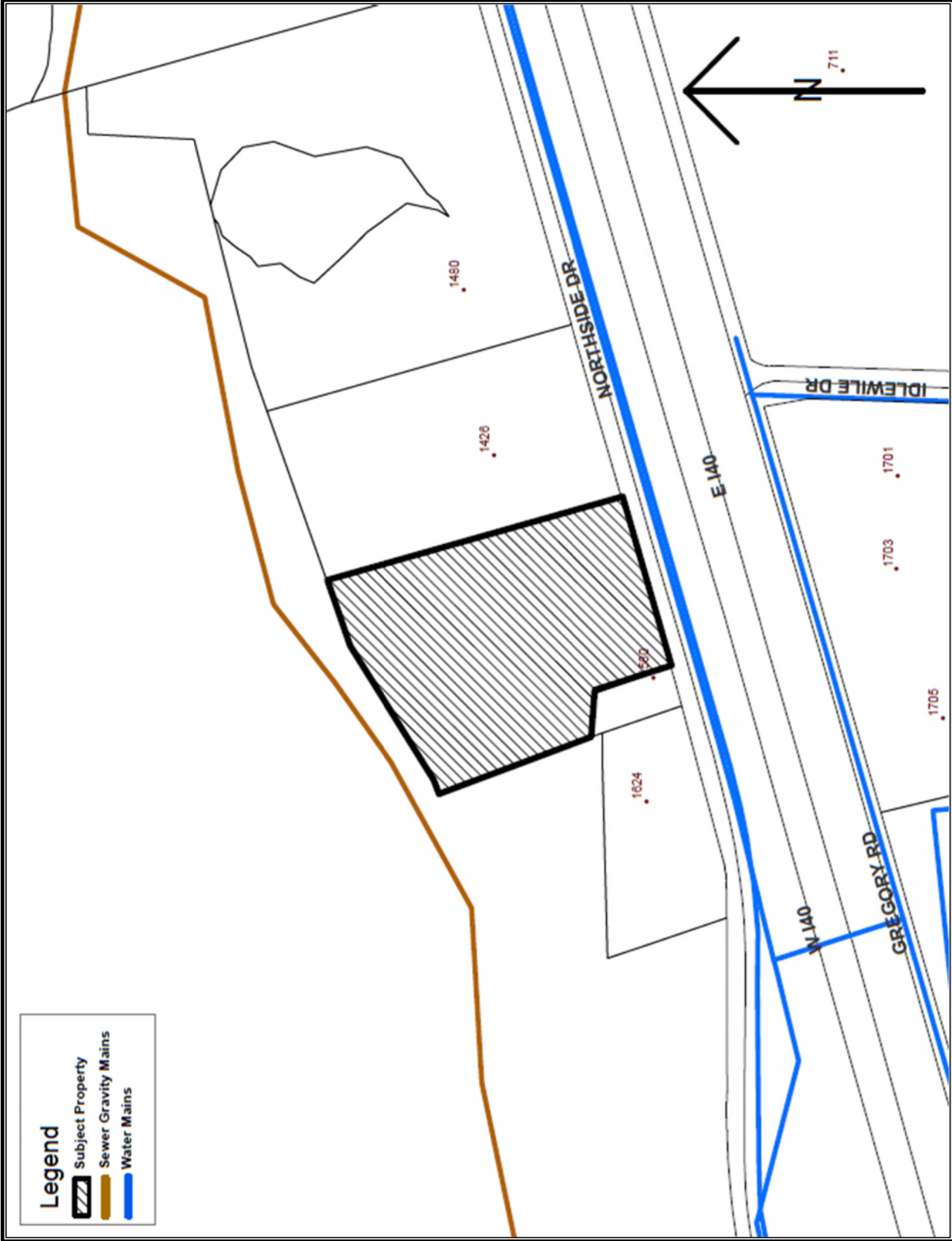
View from Northside Drive at north end of property looking north



View from Northside Drive at south end of property looking northeast



Case No. AX22-04 Superior Properties of Iredell LTDP & Joyce Johnson
 Current Zoning Map – PIN # 4735-11-3473 (portion)



Case No. AX22-04 Superior Properties of Iredell LTPD & Johnson Property
 Utilities Map – PIN # 4735-11-3473 (portion)

RESOLUTION _____

A RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

Case No. AX22-04
Superior Properties of Iredell LTDP & Joyce Johnson Property
Parcel 4735-11-3473 (portion)

WHEREAS, a petition requesting annexation of the area described in said petition has been received on March 7, 2022, by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Statesville deems it advisable to proceed and respond to the request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the results of her investigation.

Adopted this 7th day of March 2022.

S - E - A - L

CITY OF STATESVILLE

By: _____

Mayor

ATTEST:

City Clerk

CERTIFICATE OF SUFFICIENCY

Case No. AX22-04

Superior Properties of Iredell LTDP & Joyce Johnson Property

Parcel # 4735-11-3473 (portion)

TO THE CITY COUNCIL OF THE CITY OF STATESVILLE, NORTH CAROLINA:

I, Brenda Fugett, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 7th day of March 2022.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

RESOLUTION FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF
ANNEXATION PURSUANT TO G.S. 160-31

Superior Properties of Iredell LTDP & Joyce Johnson Property
AX22-04
Parcel # 4735-11-3473 (portion)

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville, North Carolina

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 7:00 o'clock p.m. on the 21st day of March 2022.

Section 2. The area proposed for annexation is described as follows:

ALL THAT CERTAIN tract or parcel of land situate in Statesville Township, Iredell County in the state of North Carolina. Said parcel being more particularly described as follows:

COMMENCING AT A NORTH CAROLINA GEODETIC SURVEY CONTROL MONUMENT "PAPER" HAVING THE FOLLOWING NORTH CAROLINA STATE PLANE GRID COORDINATES: NORTHING:750,774.77', EASTING:1,430,096.03' AND FROM SAID MONUMENT RUN THE FOLLOWING THREE COURSES AND DISTANCES: 1)N 71°54'16" E, A GRID DISTANCE OF 1300.99' USING A COMBINED SCALE FACTOR OF:0.9998779513 TO AN EXISTING #4 REBAR ON THE NORTH SIDE OF NORTHSIDE DRIVE FRONTAGE ROAD; THENCE, 2) N 20°05'09" W, A DISTANCE OF 150.28' TO AN EXISTING #4 REBAR; THENCE, 3)N 83°12'12" W, A DISTANCE OF 81.59' TO THE TRUE POINT OF BEGINNING, AND FROM SAID BEGINNING POINT RUN; THENCE, N 17°39'00" W, A DISTANCE OF 255.51' TO AN EXISTING CITY OF STATESVILLE CONCRETE MONUMENT; THENCE, N 68°55'16" E, A DISTANCE OF 39.38' TO AN EXISTING CITY OF STATESVILLE CONCRETE MONUMENT; THENCE, N 55°57'34" E, A DISTANCE OF 265.03' TO AN EXISTING CITY OF STATESVILLE CONCRETE MONUMENT; THENCE, N 68°42'11" E, A DISTANCE OF 133.80' TO AN EXISTING #4 REBAR; THENCE, S 15°52'52" E, A DISTANCE OF 357.53' TO A COMPUTED POINT; THENCE, S 74°34'47" W, A DISTANCE OF 416.37' TO THE POINT AND PLACE OF BEGINNING. SAID ABOVE DESCRIBED TRACT OR PARCEL OF LAND CONTAINING WITHIN SAID BOUNDS, AN AREA OF 131,724.8 SQUARE FEET, 3.024 ACRES MORE OR LESS. BEING A PORTION OF PIN #4735113473 AS SHOWN ON THE TAX MAPS OF IREDELL COUNTY, NORTH CAROLINA.

Property Address: Northside Drive between Meachum Road and NC 115/Wilkesboro Hwy,
Statesville NC

Section 3. Notice of said public hearing shall be published in the Statesville Record and Landmark, a newspaper having general circulation in the City of Statesville, at least 10 days prior to the date of the public hearing.

Adopted this 7th day of March 2022.

CITY OF STATESVILLE

By: _____
Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider passing a resolution directing the City Clerk to investigate a petition of annexation, receive City Clerk's Certificate of Sufficiency, and consider passing a resolution fixing a date of March 21, 2022, for a public hearing for the petition for annexation – PIN # 4745-58-0682; Case No. AX22-05 Gulfstream West Investments Inc. property.

1. Summary of Information: The property being considered for annexation has been submitted by Preston Contractors Inc. (applicant) on behalf of Gulfstream West Investments Inc. (owner). The 5.807-acre parcel is requested for annexation and is located on James Farm Road at Parcel Drive (see attached *Location Map*).

A portion of the parcel has been cleared and is being prepared for construction; the applicant proposes to develop the parcel as a contractor's office and project storage facility (see attached *GIS Aerial Photo Map, Boundary Survey and Site Photos*). The parcel is currently zoned LI (Light Industrial) District; contractor's offices, including yard maintenance and outside storage, are a permitted land use in this zoning district (see attached *Current Zoning Map*).

The parcel is contiguous to the primary corporate limits of the City of Statesville and the applicant requests voluntary annexation in order to utilize City utilities.

2. Previous Council or Relevant Actions: N/A

3. Budget/Funding Implications: The current tax value of the parcels is listed as \$137,050. The applicant has estimated that the tax value of the land plus development for their proposed project would be approximately \$503,500. City of Statesville sewer is available; Iredell Water Corporation would provide water service; and electrical services are customer choice between the City and Duke Energy (see attached *Utilities Location Map*). The city will need to provide fire and police services as requested.

4. Consequences for Not Acting: Without annexation the city would not collect property taxes.

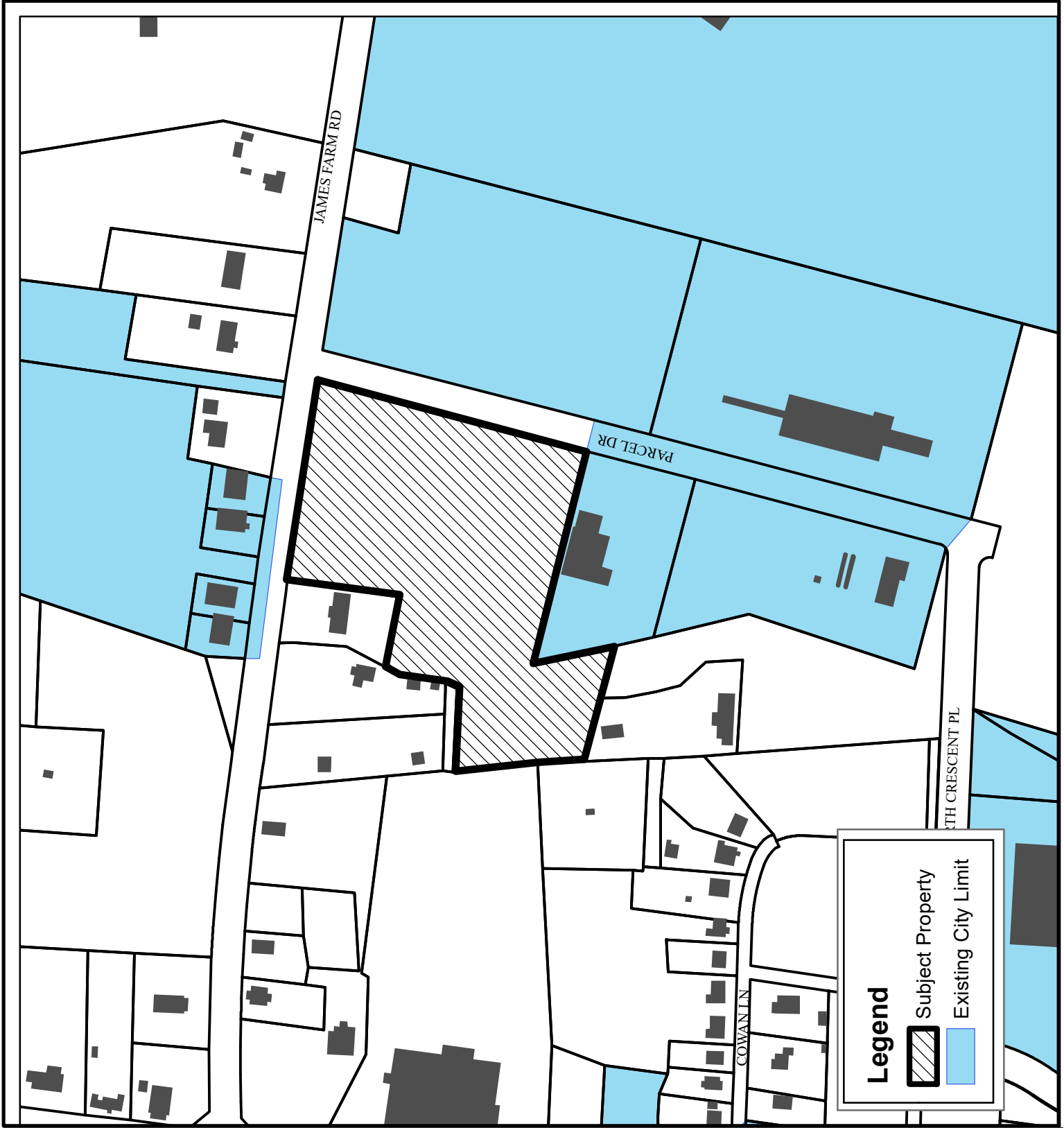
5. Department Recommendation: The department recommends passing the resolution to set a date of March 21, 2022, for a public hearing on this annexation request.

6. Manager Comments: Concur with the department's recommendation.

7. Next Steps: Advertise for the public hearing.

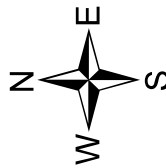
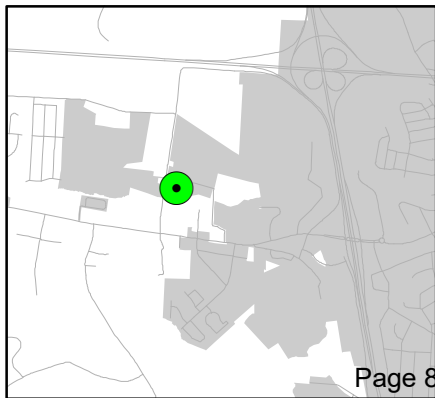
Attachments:

1. Location Map
2. GIS Aerial Photo Map
3. Boundary Survey
4. Site Photos
5. Current Zoning Map
6. Utility Location Map
7. Resolution Directing the Clerk to Investigate
8. Certificate of Sufficiency
9. Resolution to Set Public Hearing



**City of Statesville
Planning Department**

Gulfstream West
Investments, Inc. Property
AX22-05
PIN # 4745-58-0682



1 inch = 250 feet





Case No. AX22-05 Gulfstream West Investments Inc. Property
Aerial Photo Map – PIN # 4745-58-0682

State of North Carolina
County of Iredell
City of Statesville

THIS MAP IS AN ACCURATE REPRESENTATION OF THE ANNEXED AREA AS REQUIRED BY G.S. 160A-29, AND HAS BEEN PREPARED BY THE CITY OF STATESVILLE USING THE CORRESPONDING ORDINANCE AND THE CURRENT DEEDS OF RECORD. THIS THE DAY OF APRIL, 2021.

City Planning Director

Date

State of North Carolina, Iredell County I,
Notary Public for said County, and State, do hereby certify that
personally came before me this day and acknowledged the execution of the foregoing instrument.
Witness my hand and official seal, this the _____ day of _____, 2021.

My commission expires: _____ Notary Public

State of North Carolina
County of Iredell
City of Statesville

THE CITY COUNCIL OF THE CITY OF STATESVILLE, MEETING IN REGULAR SESSION ON THE _____ DAY OF JUNE, 2021, APPROVED THE EXTENSION OF THE CORPORATE LIMITS OF THE CITY OF STATESVILLE AS SHOWN BY THIS PLAT AND AS RECORDED IN MINUTE BOOK _____ PAGE _____

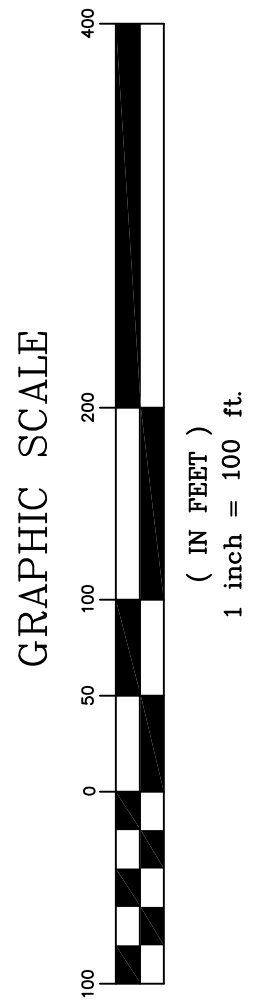
City Clerk

Date
State of North Carolina, Iredell County I,
Notary Public for said County, and State, do hereby certify that

personally came before me this day and acknowledged the execution of the foregoing instrument.
Witness my hand and official seal, this the _____ day of _____, 2021.

My commission expires: _____ Notary Public

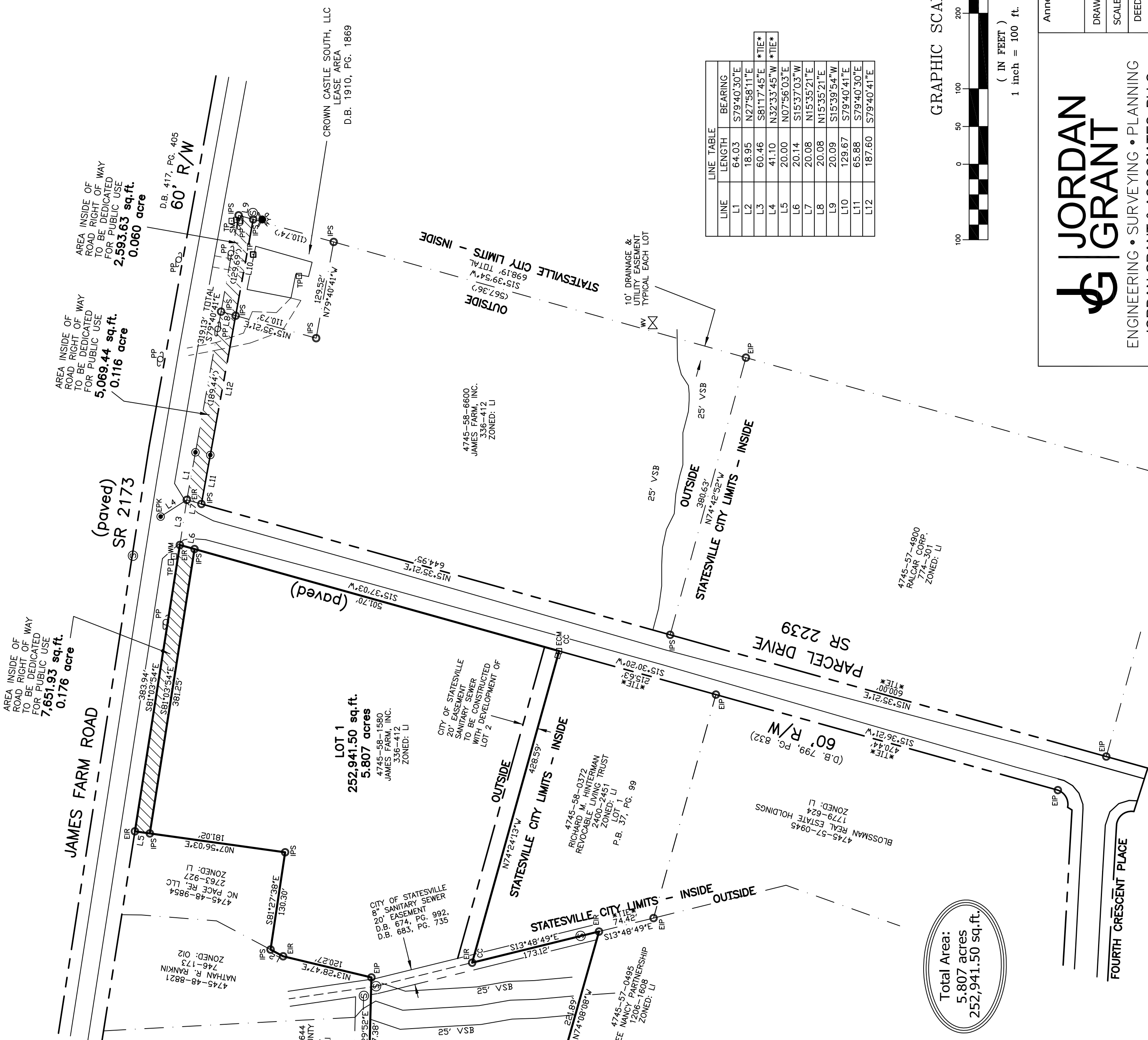
LINE	LENGTH	BEARING
L1	64.03	S79°40'30"E
L2	18.95	N27°58'11"E
L3	60.46	S81°17'45"E
L4	41.10	N32°33'45"W
L5	20.00	N07°56'03"E
L6	20.14	S15°37'03"W
L7	20.08	N15°35'21"E
L8	20.08	N15°35'21"E
L9	20.09	S15°39'54"W
L10	129.67	S79°40'41"E
L11	65.88	S79°40'30"E
L12	187.60	S79°40'41"E



JORDAN GRANT
ENGINEERING • SURVEYING • PLANNING
JORDAN GRANT & ASSOCIATES, PLLC
P.O. BOX 151 * STATESVILLE, NC 28687
mattg@jordan-grant.com (704) 928-7919
FIRM # P-1227

Annexation Plat For
City of Statesville
Property of: Gulfstream West Investments, Inc.

DRAWN BY: SMS CHECKED BY: MIG
SCALE: 1"=100'
DEED REF: 2728-974 PIN NO: 4745-58-0682
DATE OF MAP: 04-14-21 SURVEY DATE: 08-24-20
REVISION: DRAWING #: 20200820-ANNEXATION
158 JAMES FARM ROAD - STATESVILLE, N.C. 28625
BETHANY TOWNSHIP --- IREDELL COUNTY --- NORTH CAROLINA



AREA INSIDE OF ROAD RIGHT OF WAY TO BE DEDICATED FOR PUBLIC USE
7,651.93 sq.ft.
0.176 acre

AREA INSIDE OF ROAD RIGHT OF WAY TO BE DEDICATED FOR PUBLIC USE
5,069.44 sq.ft.
0.116 acre

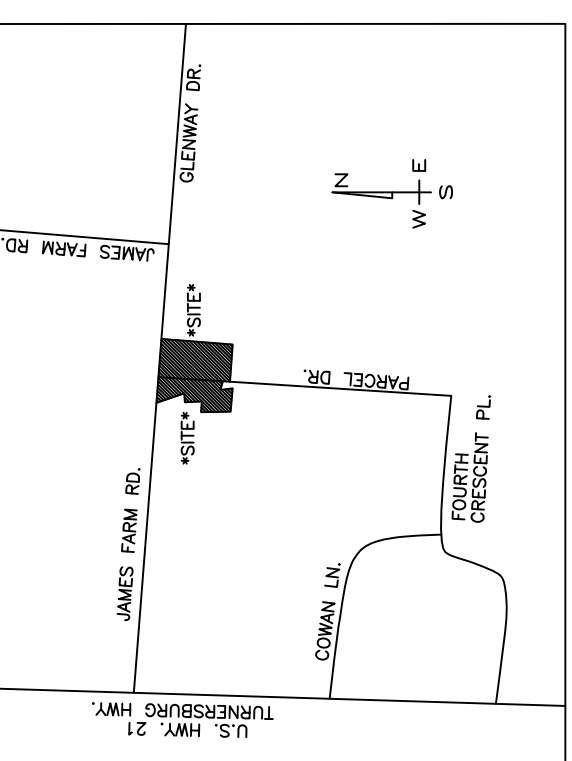
AREA INSIDE OF ROAD RIGHT OF WAY TO BE DEDICATED FOR PUBLIC USE
2,593.63 sq.ft.
0.060 acre

LOT 1
252,941.50 sq.ft.
5.807 acres
4745-58-1580
JAMES FARM, INC.
336-412
ZONED: LI

Total Area:
5.807 acres
252,941.50 sq.ft.

THIS ANNEXATION MAP IS EXEMPT FROM THE PROVISIONS OF G.S. 47-30, PLATS AND SUBDIVISIONS; MAPPINGS REQUIREMENTS, ACCORDING TO SUBSECTION (J) OF SAID STATUTE. IT IS THE INTENT OF THIS MAP TO DEPICT THE NEW CITY LIMITS OF THE CITY OF STATESVILLE FOLLOWING THE EXISTING BOUNDARIES OF THE PARCEL(S) SHOWN HEREON AND DESCRIBED IN THE CORRESPONDING ORDINANCE.

- LEGEND:
- IPF - IRON PIPE FOUND
 - IRF - IRON REBAR FOUND
 - IRS - IRON REBAR SET
 - CMF - CORRUGATED METAL PIPE
 - RCP - REINFORCED CONCRETE PIPE
 - N/S - NOT TO SCALE
 - PKN - PK NAIL
 - R/W - RIGHT OF WAY
 - - COMPUTED POINT



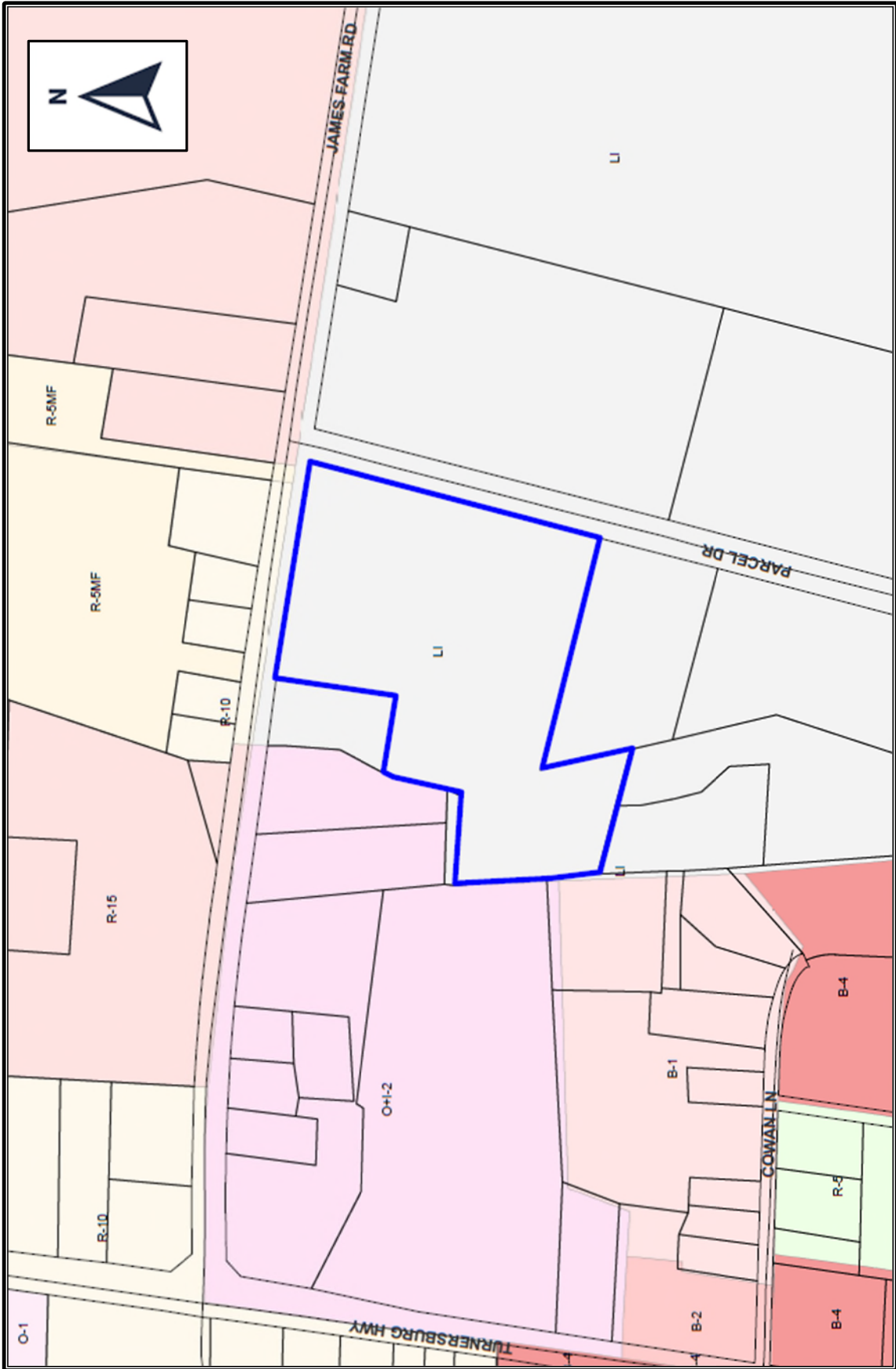
Site Photos – AX22-05 Gulfstream West Investments (PIN #4745-58-0682) James Farm Road at Parcel Drive



View from Parcel Drive near James Farm Road looking west onto the property



View from Parcel Drive looking southwest onto the property



Current Zoning Map - Case No. AX22-05 Gulfstream West Investments Inc. Property
Tax Parcel # 4745-58-0682



Utilities Location Map – AX22-05 Gulfstream West Investments Inc. Property

Tax Parcel Map # 4745-58-0682

RESOLUTION _____

A RESOLUTION DIRECTING THE CLERK TO
INVESTIGATE A PETITION RECEIVED UNDER G.S. 160A-31

Case No. AX22-05
Gulfstream West Investments, Inc. Property
Parcel 4745-58-0682

WHEREAS, a petition requesting annexation of the area described in said petition has been received on March 7, 2022, by the City Council; and

WHEREAS, G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Statesville deems it advisable to proceed and respond to the request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville:

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the results of her investigation.

Adopted this 7th day of March 2022.

S - E - A - L

CITY OF STATESVILLE

By: _____
Mayor

ATTEST:

City Clerk

CERTIFICATE OF SUFFICIENCY
Case No. AX22-05
Gulfstream West Investments, Inc. Property
Parcel # 4745-58-0682

TO THE CITY COUNCIL OF THE CITY OF STATESVILLE, NORTH CAROLINA:

I, Brenda Fugett, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 7th day of March 2022.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

RESOLUTION FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF
ANNEXATION PURSUANT TO G.S. 160-31

Gulfstream West Investments, Inc. Property
AX22-05
Parcel # 4745-58-0682

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Statesville, North Carolina

Section 1. That a public hearing on the question of annexation of the contiguous area described herein will be held in the Council Chambers of the Statesville City Hall at 7:00 o'clock p.m. on the 21st day of March 2022.

Section 2. The area proposed for annexation is described as follows:

ALL THAT CERTAIN tract or parcel of land situate in Iredell County in the state of North Carolina, being more particularly described as follows:

BEGINNING at an iron pin found the northeast corner of Lot 1 of the James Farm, Inc. subdivision, as recorded October 28, 2006, in Iredell County Registry (ICR) Plat Book 55, Page 87, at the southwest intersection of the right of way lines of James Farm Road, SR 2173, and Parcel Drive, SR 2239, thence running with western right of way line of Parcel Drive S 15-37-03 W 501.70 feet to a concrete monument found, the northeast corner of Richard M. Hinterman Revocable Living Trust as described in Deed Book 2400, Page 2451, ICR, and illustrated in Plat Book 37, Page 99, ICR; thence running with the northern line of Hinterman N 74-24-13 W 428.59 feet to an iron pin found, the northwest corner of Hinterman in the center of a City of Statesville sanitary sewer easement as described in Deed Book 674, Page 992, and Deed Book 683, Page 735, ICR; thence running with the center of the said sanitary sewer easement S 13-48-49 E 173.12 feet to an iron rebar found, the northeast corner of Free Nancy Partnership as described in Deed Book 1206, Page 1608, ICR; thence running with the northern line of Free Nancy Partnership N 74-08-08 W 221.89 feet to an iron rebar found, the northwest corner of Free Nancy Partnership in the eastern line of Iredell Water Corporation as described in Deed Book 495, page 367, ICR; thence running with the eastern line of Iredell Water Corporation and Iredell County as described in Deed Book 834, Page 194, ICR N 01-06-27 W 245.15 feet to an iron pin found, the southwest corner of Nathan R. Rankin as described in Deed Book 750, Page 61, ICR; thence running with the southern line of Rankin S 88-29-52 E 157.38 feet to an iron pin found, the southeast corner of

Nathan R. Rankin as described in Deed Book 746, Page 173, ICR; thence running with eastern line of Rankin N 13-28-47 E 120.27 feet to an iron rebar found, a corner of Rankin; thence continuing with the eastern line of Rankin N 27-58-11 E 18.95 feet to an iron pin found, the southwest corner of NC PACE RE, LLC, as described in Deed Book 2763, Page 927, ICR; thence running with the southern line of NC PACE RE, LLC, S 81-27-38 E 130.30 feet to an iron pin found, the southeast corner of NC PACE RE, LLC; thence running with the eastern line of NC PACE RE, LLC, N 07-56-03 E 181.02 feet to an iron pin set in the southern right of way line of James Farm Road; thence running with the southern right of way line of James Farm Road S 81-03-54 E 381.25 feet to the point and place of BEGINNING, containing 252,941.50 square feet, or 5.807 acres, more or less and being the property of Gulfstream West Investments, Inc. as described in Deed Book 2728, Page 974, ICR.

Property Address: James Farm Road at Parcel Drive, Statesville NC

Section 3. Notice of said public hearing shall be published in the Statesville Record and Landmark, a newspaper having general circulation in the City of Statesville, at least 10 days prior to the date of the public hearing.

Adopted this 7th day of March 2022.

CITY OF STATESVILLE

By: _____
Mayor

ATTEST:

City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Mark Taylor, PE, Public Works Director
DATE: February 23, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider approving changes to the residential, commercial, and industrial roadway sections in the City of Statesville Street Construction Specifications & Details Manual.

1. **Summary of Information:** Public Works staff is proposing updates to the City's Street Construction Specifications and Details Manual to obtain a more robust and structurally sound street design. Changes to the street design standards consist of increased minimum stone base and asphalt thicknesses for residential and commercial/industrial streets.

The proposed changes are in response to staff observations of potholes, cracking, sub-grade failures and other damage from construction traffic during the construction build-out phases of developments. Even when repaired properly, such damage decreases the service life and increases the cost to maintain these streets once they are added to the City's street maintenance system. Also, the previous specification was created when older, more structurally significant asphalt mixes were used (the old "Marshall Mixes"). The newer Superpave mixes do not hold up as well in this area and in our climates.

2. **Previous Council or Relevant Actions:** Council discussed the proposed changes at the February 7, 2022 meeting and directed staff to return with options that differentiated between residential and commercial/industrial streets.

3. **Budget/Funding Implications:** No immediate impact, although staff anticipates lower street maintenance costs long term. For developers, the increased cost an increased cost to the developers of approximately \$2,000 per lot. However, some savings, 15% on average, in patching needed before adding the roads to the city's system would bring that total down to approximately \$1700 per lot.

4. **Consequences for Not Acting:** The city will incur higher street maintenance and repair costs for roads added to the City's street maintenance system. This higher cost will be due to resurfacing of newer roads needed in 7 to 8 years rather than the 20-year life cycle gained by using the newer pavement structure.

5. **Department Recommendation:** Staff recommends approving a more robust pavement structure, effective April 15, 2022. All the current developments under review by the City or under construction were conditional rezoning and the new pavement structure was added as a condition when they were reviewed or approved.

6. **Manager Comments:** Recommend for approval.

7. Next Steps: If approved, the City's Street Construction Specifications & Design Manual will be updated to reflect the new standards, which will be applied to construction drawings submitted to the Technical Review Committee on or after April 15, 2022.

Attachments:

1. Proposed Street Sections

Street Section Standards Comparison

Street Type	Current				Proposed			
	Base ** (Stone/Asphalt)	Asphalt Intermediate	Asphalt Surface	Total Asphalt Thickness	Base ** (Stone/Asphalt)	Asphalt Intermediate	Asphalt Surface	Total Asphalt Thickness
Residential								
Collector	8" / 4"	1.5"	1"	2.5"	8" / 5"	3"	3"	6"
Sub-Collector	8" / 4"	1.5"	1"	2.5"	8" / 5"	3"	3"	6"
Local	8" / 4"	1.5"	1"	2.5"	6" / 4"	2.5"	3"	5.5"
Minor	8" / 4"	1.5"	1"	2.5"	6" / 4"	2.5"	3"	5.5"
Commercial & Industrial	8" / 4"	1.5"	1"	2.5"	10" / 6"	4"	3"	7"

** The developer has the option to use asphalt or compacted stone for the street base.

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CITY COUNCIL ACTION REQUEST

TO: Mayor and City Council
FROM: Ron Smith, City Manager
DATE: March 1, 2022

ACTION NEEDED ON: March 7, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Discuss and provide guidance to staff about the potential elimination of, or changes to, the solid waste fee.

1. **Summary of Information:** As you will remember, at this year's retreat Representative Jeff McNeely asked that the city consider eliminating the Solid Waste Fee. The staff has done some preliminary work in developing options necessary to do away with the fee, but this needs more discussion by Council to determine what is feasible, and then we can dig further into the logistics, costs, and impacts.
2. **Previous Council or Relevant Actions:**
 - There have been multiple discussions about this fee, in fact the last three budgets have included this fee as a major discussion item.
 - In the FY2022 (current) budget proposal, it was recommended to eliminate the fee and raise the tax rate to replace the loss of revenue to the General Fund. This was not passed in the budget document.
3. **Budget/Funding Implications:** Any way you look at eliminating the SW fee, you must consider that there will be at least a \$1.1mm loss of revenue to the general fund. In order to protect the General Fund, there will be the need to either raise a revenue somewhere else, decrease the cost of the service, or absorb it into the general fund and cut services somewhere else.

The following revenue v. expense chart shows that the fee only covers about half of the Sanitation Department's expenses. The remaining expenses are included in the tax rate. As the city grows, the fee is growing, but expenditures will grow as well.

Fiscal Year	Revenue From Fee	Tipping Fee	Sanitation Expenses	Net
2018	1,018,346.78	134,709.43	2,170,297.36	(1,017,241.15)
2019	1,050,071.95	139,960.67	2,300,715.27	(1,110,682.65)
2020	1,074,680.86	142,500.89	2,869,404.81	(1,652,223.06)
2021	1,108,789.64	137,362.72	2,267,457.29	(1,021,304.93)

ARPA funding could potentially be used to offset the revenue gap, but in my opinion that is not a wise use of that money, as we will be in the same situation next year by having to absorb that same \$1.1mm (or more) gap. Additionally, the money we are receiving from the state is earmarked for utility infrastructure and therefore does not give much, if any, relief to the general fund.

4. **Consequences for Not Acting:** At this point there are no consequences, other than leaving the fee the way it is. Representative McNeely asked only that the City Council consider eliminating the fee.

5. Department Recommendation: The Staff does not come with a recommendation. This is an issue that has been debated by the Council numerous times, and a recommendation from staff is not warranted or necessary. What we have provided are options, which will need more discussion, but which are needed to give us guidance to move forward on the budget process:

- Eliminate the fee and raise taxes and/or other revenues (fees, reimbursements, etc.) to cover the gap.
- Decrease the fee over time until it is eliminated and raise taxes and/or other revenues to cover the gap.
- Eliminate or decrease some services such as recycling or loose-leaf pickup and decrease the fee commensurate with those cost savings.
- Set the fee such that it will only cover capital needs (roughly \$600k/year) and adjust the tax rate to cover the department operations and salaries.
- Set Sanitation up as an enterprise fund and assess the fee to those based on the level, and appropriate cost, of the service. This would not decrease the fee but would allow for a decrease in taxes and set the fee appropriate to the cost of the service. Collection would likely be best included on the utility bill.

6. Manager Comments: We are working through our Sanitation Study and have asked the consultant to review the service levels, and the impacts of decreasing those services. This will not be finished, however, until later in the budget process. That is significant, as the city works with Iredell County to determine if the fee will be included on the upcoming tax bills. This generally must be established in April, at the latest.

7. Next Steps: Dependent upon the direction received.

Attachment:

1. Solid Waste Fee v. Tax Rate Analysis
2. Current Sanitation Budget

Solid Waste Fee/Tax Rate Scenarios

	Value										Non-Residential	
	\$ 50,000	\$ 100,000	\$ 150,000	\$ 300,000	\$ 375,000	\$ 400,000	\$ 500,000	\$ 750,000	\$ 1,000,000	\$ 50,000,000		
Current Scenarios:												
Solid Waste Fee	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00	\$ 120.00
Property Tax	\$ 273.90	\$ 547.80	\$ 821.70	\$ 1,643.40	\$ 2,054.25	\$ 2,191.20	\$ 2,739.00	\$ 4,108.50	\$ 5,478.00	\$ 5,478.00	\$ 5,478.00	\$ 5,478.00
Total	\$ 393.90	\$ 667.80	\$ 941.70	\$ 1,763.40	\$ 2,174.25	\$ 2,311.20	\$ 2,859.00	\$ 4,228.50	\$ 5,598.00	\$ 5,598.00	\$ 5,598.00	\$ 5,598.00
Potential Scenarios:												
Solid Waste Fee	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Property Tax	\$ 290.00	\$ 580.00	\$ 870.00	\$ 1,740.00	\$ 2,175.00	\$ 2,320.00	\$ 2,900.00	\$ 4,350.00	\$ 5,800.00	\$ 5,800.00	\$ 5,800.00	\$ 5,800.00
Total	\$ 290.00	\$ 580.00	\$ 870.00	\$ 1,740.00	\$ 2,175.00	\$ 2,320.00	\$ 2,900.00	\$ 4,350.00	\$ 5,800.00	\$ 5,800.00	\$ 5,800.00	\$ 5,800.00
Change in Tax Bill	\$ (103.90)	\$ (87.80)	\$ (71.70)	\$ (23.40)	\$ 0.75	\$ 8.80	\$ 41.00	\$ 121.50	\$ 202.00	\$ 202.00	\$ 202.00	\$ 202.00
Change in %	-26.38%	-13.15%	-7.61%	-1.33%	0.03%	0.38%	1.43%	2.87%	3.61%	3.61%	3.61%	3.61%
Rough Break Even												

ENVIRONMENTAL PROTECTION

PUBLIC WORKS - SANITATION

	Actual 2018-19	Actual 2019-20	Original Budget 2020-21	Adopted Budget 2021-22	% Change
Salaries-Permanent	\$ 820,487	\$ 810,308	\$ 788,881	\$ 956,073	21.19%
Salaries-Overtime	64,363	57,009	75,000	75,000	0.00%
Salaries-Temporary	106,143	80,054	91,221	92,625	1.54%
Salaries-Longevity	925	625	625	625	0.00%
FICA Expense	72,553	69,756	66,887	84,156	25.82%
Group Life	2,949	2,684	3,240	3,856	19.01%
Retirement	73,587	81,722	95,705	135,038	41.10%
Group Health	201,305	206,376	308,066	288,000	-6.51%
Christmas Bonus	1,500	1,425	1,650	1,800	9.09%
Total Personnel	1,343,812	1,309,959	1,431,275	1,637,173	14.39%
Professional Services	-	-	-	-	N/A
Gasoline	12,629	8,975	13,000	17,000	30.77%
Diesel Fuel	92,998	81,705	70,000	95,000	35.71%
Communications	4,368	2,730	500	500	0.00%
IT-Communications	-	1,274	1,815	1,872	3.14%
Travel and Training	909	952	2,000	4,000	100.00%
Maint and Repair - Equipment	4,094	2,990	15,000	15,000	0.00%
Maint and Repair - Vehicles	127,684	99,229	95,000	95,000	0.00%
Postage	-	-	25	25	0.00%
Hand Tools	1,392	1,783	2,000	2,000	0.00%
Supplies-General	30,553	37,479	43,980	89,700	103.96%
Non-Depreciable	26,649	-	-	-	N/A
IT - Non-Depreciable	-	1,396	1,850	-	N/A
Uniforms	6,790	5,231	6,882	6,882	0.00%
Contracted Services - General	-	8,633	-	-	N/A
Tipping Fees	24,232	33,804	40,000	40,000	0.00%
Dues & Subscriptions	395	27	550	550	0.00%
Insurance & Bonds	85,023	93,525	102,878	112,100	8.96%
Miscellaneous Expense	1,371	284	1,500	1,500	0.00%
OSHA - Safety	8,139	5,749	9,700	12,000	23.71%
Bad Debt Expense	43	265	-	-	N/A
Total Operating	427,269	386,031	406,680	493,129	21.26%
Capital Outlay-Other Improvemen	-	-	-	65,000	N/A
Capital Outlay-Equipment	529,634	1,173,417	687,000	385,000	-43.96%
Total Capital Outlay	529,634	1,173,417	687,000	450,000	-34.50%
Total Sanitation	\$ 2,300,715	\$ 2,869,407	\$ 2,524,955	\$ 2,580,302	2.19%

**STATESVILLE BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
JANUARY 04, 2022**

The Statesville Board of Adjustment met Tuesday, January 04, 2022 at 12:30 p.m. in the City Hall Council Chambers located at 227 South Center Street, Statesville, NC.

Board Members Present: David Steele, Bill Winters, Gurney Wike, Jed Pidcock, Roy West

Board Members Absent: George Simon, Leslie Griffin

Council Present: 0

Staff Present: David Cole, Lori Deal, Christopher Hooper, Leslie Marion, Marci Sigmon, Nikki Gregory, Sherry Ashley

Others: Leah Messick – City Attorney, Hank Van Hoy – BOA Attorney, Matthew Benton – Appellant Attorney, Kathy Casa, Bradley Nicholson – Iredell County

Media: 0

Steele called the meeting to order.

Approval of minutes

West made a motion to approve the November 2, 2021 Board of Adjustment meeting minutes as presented, seconded by Wike. The motion carried unanimously.

Chairman Steele explained the quasi-judicial meeting process and stated a 4/5 majority is required for appeal approval.

Steele swore in all those present who planned to speak during the hearing. Six people were sworn in.

Steele declared the public hearing open.

Request for Appeal A21-01 filed by Anthony Casa to appeal a staff decision regarding the continuation of a two-family dwelling use at 622 and 624 Armfield Street, Parcel 4734-82-1993. Statesville Unified Development Code, Section 3.04 Zoning District Regulations, Subsection J R-5 – High Density Single Family Residential District, which prohibits two-family dwellings on all but corner lots. Section 4.05 Nonconforming Uses, Subsection C Discontinuation requires that all formerly legal nonconforming uses come into conformity if they are discontinued for a period greater than one year.

Benton and Messick waived opening arguments.

Benton called David Cole to testify.

Cole stated he is the City of Statesville Senior Planner and he provided the staff report for the meeting, and it has been distributed to the committee. Messick stated there is a copy at the witness stand. Benton asked Cole to explain the violation warning issued to Armfield Properties and Cole stated the violation warning was that the use of a duplex on the property was out of conformity with the single-family R-5 zoning district. The existing home on the property was configured as a duplex but was vacant for more than one year so it must revert to single family. Benton asked Cole to read the comments at the bottom of the zoning violation warning exhibit I "This property is zoned R-5 single family. An interior/exterior renovation zoning clearance was obtained; however the property has been renovated into a duplex. Property was used in the past as a duplex however, the use as duplex has been discontinued for more than one year and must convert into a single-family. No permit has been issued for a multifamily duplex. Please cease work immediately and contact David Cole at the Planning Department. Benton asked if this is still the city's position and Cole stated yes.

Benton asked if Cole gave a history of the property in the staff report and Cole replied yes. Benton asked if this property was converted into a duplex in the 1950's or 1960's and Cole stated he does not know the year it was converted. Benton asked if the city asked the county for a stop work order in October and Cole stated yes. Benton asked why the city requested the stop work order and Cole replied the city noticed there was exterior and structural work on the building without permits. Benton asked if the picture in exhibit G was made in October 2021 and Cole stated yes. Benton asked if two doors were installed in October 2021 and Cole replied yes, there were two doors installed in the middle of the front façade. Benton asked if the city did not issue a zoning violation in October 2021 and Cole stated a zoning violation letter was issued October 27, 2021. What did the city do in response to the work done and Cole stated in early October 2021 the county was contacted and placed a stop work order until proper permits were obtained. Benton asked if exhibit G shows the early work and Cole replied yes. Benton asked if in early October before the picture was taken did the city know it was going to be maintained as a duplex and Cole stated no. Benton asked if the day the picture was taken did the city know and Cole stated he cannot speak for who took the picture, but yes, it was indicative the property would be used as a duplex. Benton asked if the city issued a zoning violation warning when the picture was taken and Cole stated no the applicant was informed to get permits. Benton asked if they came to the City of Statesville to request zoning approval and Cole replied yes. Benton asked if the zoning approval application is included in the staff report and Cole replied yes.

Benton distributed appellant exhibits 1, 2, 3, and 4 to the board and Messick made no objection. Benton asked Cole if appellant exhibit 1 is similar to exhibit H in the staff report and Cole replied yes. Benton asked if this is a zoning approval signed by Marci Sigmon on 10/26/2021 and Cole replied yes. Benton asked for Marci Sigmon's role with the city and Cole stated she is the Historic Preservation Planner and the secondary permitter.

Benton asked if the zoning approval on the next page is for 622 Armfield St., tax map 4734821993, zoning R-5, with the comment "renovation approval for interior and exterior" and Cole replied yes. Benton asked for the next step after obtaining a zoning approval for work in the City of Statesville and Cole stated with a residential structure you go to Iredell County Building Standards for a building permit. Benton asked if the applicant put 622 and 624 Armfield on the zoning approval application and Cole stated yes. Benton asked if the city issues payment receipts and Cole replied yes. Benton referred to the next page and asked for the cost of a zoning approval and Cole stated \$35.00 per permit. Benton asked if the page three of the exhibit is the receipt and Cole replied yes. Benton asked if Staff MS indicates Marci Sigmon, job address is 622/624 Armfield, type of charge is zoning permits, and charge is \$35.00 and Cole replied yes.

Benton stated there is not zoning clearance approval for renovation at 624 Armfield St. in the staff report and Cole replied correct. Benton asked if there is a requirement in the code for both addresses to have separate zoning permits issued and Cole stated that is a process requirement in permitting and is not listed in the code. Benton stated it is not codified, it is that is the way you do things and Cole stated it is the way the City of Statesville and Iredell County Building Standards approve permits. Benton asked if Iredell County approved two permits for 622 and 624 Armfield and Cole replied yes. Benton asked if the staff report is incorrect because it indicates there is not a permit for 622 and 624 Armfield and Cole replied it is correct because there are not two zoning permits. Benton asked as discussed is not required by the code and Cole replied that a zoning permit is required by the code to do work.

Benton referred Cole to staff report exhibit D, property card and asked for the size of the property and Cole replied it is .18 acres. Benton asked if one property can have two zonings and Cole stated split zoning does occur, but most parcels do not have split zoning, and it is not allowed on new parcels. Benton asked if this property has split zoning and Cole replied no, the parcel is zoned R-5. Benton asked if the zoning approval from the city is clear to the county what the zoning is and Cole stated not necessarily, the zoning approval is tied to the address in the permitting system.

Benton referred Cole to appellant exhibit 2 and asked if he is familiar with building permits issued by Iredell County and Cole stated he is generally familiar but not the entire process because it is a different agency. Benton asked if he has seen building permits posted on properties and Cole stated yes. Benton asked if page one and two are similar to what he has seen posted on properties and Cole stated yes. Benton asked if this is a check list for inspectors to sign off as they are inspected and Cole stated he believes so, but he is not familiar with the process. Benton asked Cole to read the project line at the bottom of page two "Reno for duplex zoning is on 322102". Benton asked if the county issued two permits off one zoning approval and Cole responded it is his understanding. Benton referred to page four and asked if permit 322102 is for an interior renovation at 622 Armfield St. along with payment receipts and Cole responded yes.

Benton asked if the City of Statesville zoning violation warning states there is not a permit and Cole replied permit approval has been issued, there is not zoning approval for the property to be continued as a duplex because there is no zoning approval for 624 Armfield. Benton asked if when the October 27th zoning letter was issued Armfield properties had two building permits for 622 and 624 Armfield St. issued by the county and Cole replied yes. Benton asked when the use as a duplex ceased and Cole responded it is unclear when the use ceased but based on their records it has been vacant for some time.

Benton referred to appellant exhibit 3 and asked if he is familiar with how property is taxed and Cole stated no. Benton asked if a property report card is included in the staff report and Cole replied yes. Benton asked if he is familiar with the online Iredell County real estate search and Cole responded generally, yes. Benton asked how many solid waste fees are in the count and Cole stated two.

Benton referred Cole to appellant exhibit 4 tax bill and asked if he sees a \$240.00 Statesville solid waste charge and that Statesville receives funds from how the property is taxed and Cole said yes. Benton asked if property taxes are divided among the municipalities in the county and Cole replied yes. Benton asked if Statesville benefits from how the property is taxed and Messick made an objection that Benton can continue but wants the objection noted. Cole stated Statesville does appear to derive a solid waste fee from the property. Benton asked if the city also receives

property tax and Cole stated yes. Benton asked if this property is taxed twice for the solid waste fee and Cole stated it appears so, but he is not familiar with this record.

Benton referred Cole to staff report exhibit D and asked him to read the type in the center box and Cole stated multi-family conversion. Benton asked Cole for the unit count under construction detail and Cole stated two. Benton asked if Cole sees duplex//SW Corr'09 under the notes and Cole replied yes. Benton asked based on the information in Cole's staff report if this property is taxed as a multi-family, two-unit property used as a duplex and Cole replied yes. Benton asked if he is aware of any public record issued by the county or the city that states this property is no longer a duplex and Cole stated no. Benton asked if minimum housing standards letters were sent to prior owners and Cole stated yes. Benton asked if prior owners were informed the grandfathered use was expired and Cole stated minimum housing is a different part of the code so it is his understanding they were not notified. Benton stated no more questions.

Messick asked Cole for his title and duties and he stated he is the Senior Planner, Board of Adjustment Liaison, Transportation Planner and the Interim Site Plan Reviewer and Primary Permitter. Messick asked if exhibit I in the packet is what has been referred to as the violation letter and Cole replied yes. Messick asked if he has reviewed Casa's appeal application in exhibit B and if this is an authentic copy of the appeal received from Ms. Casa and Cole stated yes. Messick asked if the appeal had various emails on letterhead from Casa Law, P.A. and Cole replied yes. Messick asked for the significance of the map and Cole stated this is the plat recorded for lot 14 on Armfield St., originally platted by Statesville Development Company, book 3, page 91. Messick asked if he looked into the history of the property and Cole stated he reviewed all records available. Messick asked what was ascertained, and Cole stated he determined it was constructed as single-family around 1900, the property had been vacant for some time, and at some point it had been converted into a duplex. Messick asked if this is a legal, non-conforming property and Cole stated it was at one point, but no longer.

Messick asked Cole to read 4.08.C of the code "When any non-conforming use is discontinued for a period in excess of one (1) year, six (6) months for properties located in the CB, CBP, Municipal Service or H-115 District, the property shall not thereafter be used except in conformance with the regulation of the district. However small expansions are permitted in the H-115 District provided the requirements of Article 3 and Article 6 have been met." Messick asked for the zoning of the property at 622 and 624 Armfield and Cole stated R-5, which is high density single family residential. Messick asked what is exhibit C and Cole replied it is an excerpt from the zoning table, which establishes permitted uses in each zoning district. She asked for an explanation of the highlighted portion of the table and Cole stated it identifies where two-family units are permitted, provided it is on a corner lot. Messick asked if a two-family unit is a duplex and Cole stated yes. Messick asked what "SR" means on the table and Cole stated the use is permitted as long as it complies with supplemental regulations established elsewhere in the code. Messick asked if a duplex is permitted in R-5 according to the code and Cole replied no, because it is not zoned multi-family or on a corner lot.

Messick referred Cole to exhibit E and asked if the date the picture was taken was November 4, 2020 and Cole stated yes. Messick asked if the property is boarded up and Cole replied it appears a window and two doors are boarded up. Messick asked if a door or a window is boarded up on the right side and Cole stated it is unclear if it is a door or a window since it is boarded up. Messick asked if the pictures are true and accurate of how the property looked on November 2020 and Cole replied yes. Messick asked Cole to describe the next picture and Cole stated it is the side of a home with a boarded-up window and two utility meters, one has been removed and one is still present, however it is unclear if it is active. Messick asked if a two-family structure has one

or two meters and Cole stated two. Messick asked if he knows when the second utility meter was removed and Cole stated no. Messick asked if the remaining meter works and Cole stated it is unclear.

Messick asked Cole to describe the last picture and Cole stated it is a series of boarded up windows. Messick asked if property, as it appears in November 2020 could be marketed for rent and Cole stated no because it does not meet the minimum housing code. Messick asked what does not meet minimum housing and Cole stated he cannot answer because he is not the minimum housing inspector. Benton stated I would stipulate it does not meet minimum housing.

Messick referred Cole to tax information in appellant exhibit 3 and 4 and staff report exhibit D and asked who prepares the three documents relating to how the property is taxed and he stated Iredell County. Messick asked what input from the City of Statesville's Planning Department affects how Iredell County taxes dwelling units and Cole replied none.

Messick asked for the process to notify Iredell County when a use ceases being a legal, non-conforming use so it is taxed differently and Cole stated there is not a process. Messick asked if it is the property owner's responsibility and Cole replied yes.

Messick referred Cole to exhibit G and asked if this is how the home looked in October 2021 and Cole replied yes. Messick asked for the difference from the picture taken October 2020 besides paint and Cole stated it has been significantly rehabbed including a front addition in the center of the façade. Messick asked if the right-side opening is still boarded up and Cole stated yes. Messick asked if meters were added in October 2021 and Cole stated he does not know. Messick asked if two meters are there now and Cole stated he does not believe so. Messick asked if he knows how long the house was boarded up before the November 2020 photographs were taken and Cole stated no. Messick asked if permits were issued for work done between November 2020 and October 2021 and Cole stated there are no permits on file. Messick asked if permits should have been obtained from Iredell County and Cole stated yes, the work was structural and exterior modification that requires a zoning and a building permit.

Messick asked how the property was determined not to be a legal, non-conforming use and Cole stated utility records were searched and there was no usage for either unit for over one year. Messick asked at what point were the utility records reviewed and Cole stated the Code Enforcement Officer reviewed the utility records prior to issuing the October 27th violation. Messick referred to utility records in exhibit J and asked if they are true and authentic and Cole stated yes. Van Hoy asked if they are being offered into evidence and Messick stated the entire packet is being offered as evidence. Messick asked if the utility records go back to 2017 and Cole stated yes. Messick asked what do the records show for 622 and 624 Armfield Street and Cole stated under consumption there was very little to no use of utilities. Messick asked what the Planning Department concluded from the utility bills and Cole stated neither unit had been occupied for over a year.

Messick asked what was determined from the street view of the property and Cole stated in 2016 the property was boarded up, appeared vacant and in similar condition to the November 2020 photograph. Messick referred to section 4.05(C) of the unified development code and asked if the time the property ceased being used is one year and Cole stated yes. Messick asked if it was determined the property ceased being used was four years and Cole stated yes.

Messick asked if the Casa's provided records that showed the property had been marketed for rent and Cole stated no. Messick asked if anything else was used to determine the use had been

discontinued at this property beside utility bills and street view and Cole stated the November 2020 photographs in the code enforcement file were also used. Messick asked if the burden to prove the use has not been discontinued falls on the owner and Cole stated yes.

Messick asked what happened after it was determined the use had been discontinued and Cole stated after the letter was issued October 27th the owners reached out to him and stating they believed they were allowed to continue the use as a duplex. Cole asked them to provide utility records or other evidence that the property was still a legal non-conformity. Messick asked what was provided and Cole stated nothing other than the zoning approval and the two building permits that did not provide evidence that it had been used in less than one year. Messick asked if the zoning violation letter in exhibit I was true and authentic and Cole stated yes.

Messick asked about the deed in exhibit F and Cole stated it is from the Iredell County Register of Deeds showing the property changed ownership in 2021. Messick referred to zoning approval is exhibit H and asked for an explanation of the permit and Cole stated it is a zoning approval issued for interior and exterior renovation at 622 Armfield Street. Messick asked if this is the standard amount of information completed on this form and Cole stated normally there is contractor information, if it is in the historic district, and boxes checked in the required information. Messick asked what the zoning approval would look like if it were a duplex and Cole stated there would be another permit number for 624 Armfield Street and it would be noted as a duplex in the comments. Messick asked if the city issues zoning approval for a duplex on one piece of paper and Cole stated no. Messick referred to appellant exhibit 2 and asked why there are two single family remodel permits from Iredell County and Cole stated it is unclear why there are two permits because there is no zoning approval for permit 322588. Messick asked if he reviews Iredell County permits and Cole stated in certain circumstances. Messick asked if he is familiar with the permits and Cole stated he is somewhat familiar with them but does not work with them every day. Messick asked if he understands one or two Iredell County permit approvals are issued for a two-family dwelling unit and Cole stated Iredell County issues two distinct permit approvals with two permit numbers. Messick asked why the city and county issues two permits and Cole stated we use the same permitting system and the applicant needs zoning first then the same permit number is shared between the two agencies and that is why two permit numbers are needed for zoning and the same two permit numbers for building. Messick stated no further questions.

Benton asked if the county issued two permits and Cole stated two building permits were issued. Benton asked if it is a code requirement that the city does not issue duplex zoning approval on one piece of paper and Cole stated yes, it is a process. Benton asked if Planning looked at utilities before issuing the letter on 10/27/21 and Cole stated yes. Benton asked if Planning determined this was a non-conforming property before issuing the letter and Cole stated yes. Benton asked not on October 6, 2021 when zoning approval was issued and Cole stated he did not issue the zoning approval and the letter addressed the violation. Benton asked if the staff report indicates staff noted this was a non-conforming on October 6th and was there a record for that and Cole stated it is reflected in the zoning approval prepared by Marci Sigmon. Benton asked if staff determined it was non-conforming from zoning approval for 622 Armfield and Cole stated it is his understanding because there is not a second zoning approval that matches the permit number on the building permit for 624 Armfield. Benton asked if any action was taken between October 6th and late October when the warning was issued and Cole stated zoning approval was issued on October 6th but Iredell County building permit approval was not issued until October 25th. Benton asked what triggered the October 27th letter and Cole stated work continued as noted by the Code Enforcement Officer. Benton asked if the violation was issued in response to work done by the county permits and Cole stated yes. Benton and Messick stated no more questions.

Benton asked Chairman Steele to move into evidence appellant exhibit 1, 2, 3, and 4 and no witnesses to call at this time.

Messick called Marci Sigmon to testify.

Sigmon stated she is the City of Statesville Historic Preservation Planner, Planner II. Messick asked for her duties and Sigmon stated she is the staff liaison to the Historic Preservation Commission, staff liaison to the downtown Design Review Committee, and the secondary permitter. Messick asked if she typically issues permits like this case and Sigmon stated sometimes. Messick asked if 622 or 624 Armfield Street is in the historic district and Sigmon stated no. Messick asked if she is familiar with 622 and 624 Armfield Street due to the application received by Kathy Casa and Sigmon stated yes. Messick asked if she is the staff member that approved the permit for 622 Armfield Street and Sigmon stated yes. Messick asked if she met with Kathy Casa when the permit was approved and Sigmon stated yes. Messick asked what was represented by Casa and Sigmon stated the general information sheet had two addresses and the zoning is R-5, which is single family only and she told Casa the zoning permit could be issued for single family only and one permit was issued. Messick referred to exhibit H and asked if this is the zoning approval she completed for 622 Armfield Street and Sigmon stated yes. Messick asked if she completed a zoning approval for 624 Armfield Street and Sigmon stated no. Messick asked if within the last five years has she seen a duplex zoning approval on one piece of paper and Sigmon stated no. Messick asked how they are done and Sigmon stated one zoning approval for each address. Messick asked why she did not issue a zoning approval for 624 Armfield Street and Sigmon stated because it is zoned R-5 and the tax record had single family. Messick stated no further questions.

Benton referred to appellant exhibit 1 and asked if the zoning approval indicates single family and Sigmon stated it is R-5 zoning but does not state single family. Benton asked if Casa specified the work to be done and Sigmon stated interior renovation and moving a door on the exterior. Benton asked when the receipt is issued and Sigmon stated when the zoning approval is issued. Benton asked why 622 and 624 Armfield Street is on the receipt and Sigmon stated it is part of the property and parcel ID. Benton asked why zoning permits plural is the type of charge and Sigmon stated it is part of the logic of the spreadsheet. Benton asked if she had prior communication with Casa and Sigmon stated no. Benton asked if this was determined to be a non-conforming use on October 6th and Sigmon stated the applicant was told a permit could not be issued for a duplex, only a single-family renovation. Benton asked if she determined it was a non-conforming dwelling due to the vacancy and condition of the property and Sigmon stated no. Benton stated no further questions.

Messick asked if type of charge on the receipt is automated and Sigmon stated yes, it is plural in the drop-down menu in excel. Messick asked if the \$35.00 receipt is for one permit and Sigmon stated yes. Messick stated nothing further.

Messick called Nikki Gregory to testify.

Gregory stated she is the City of Statesville IT director and is also responsible for utility billing and meter reading divisions. Messick referred to exhibit J, utility records and asked if she was responsible for generating the report and Gregory stated yes. Benton waived foundation and no objection to exhibit J. Messick asked her to explain the exhibit and Gregory stated this is the account master report for 624 Armfield. There was a new utility billing system installed in 2018 and there are no records for 622 Armfield since 2018. This is the activity for 624 Armfield requested by Cole and on page 1 of 5 it shows one person at this address, and the services that

were active the date of the report 12/28/21. Consumption history is independent of occupant, so there was no water consumption from January 2021 until August 2016 at 624 Armfield. Next is the water facility and stormwater facility charges which are not consumption based. The electric consumption history is on page 4 and there has been no consumption between January 2021 and December 2018. No more questions from Messick and no questions from Benton.

Messick called Christopher Hooper to testify.

Hooper stated he is the Minimum Housing Inspector. Messick asked for the difference between a minimum housing inspector and a code enforcement officer and Hooper stated the officer, issues more letters and the inspector goes inside houses. Messick asked if he is familiar with 622 and 624 Armfield Street and Hooper stated yes. He received a complaint October 20, 2020 about the poor condition of the house and it potentially did not meet minimum housing standards. Messick asked if he took the November 2020 and October 2021 pictures and are they accurate Hooper stated yes. Messick asked if he was familiar with the property prior to the 2020 pictures and Hooper stated no. Messick asked what he did upon learning there were minimum housing code violations and Hooper stated he took pictures to verify the complaint and determine if the house met minimum housing standards. Messick asked for the minimum housing issues and Hooper stated there was a lot of rot, siding in poor condition, windows and doors were boarded, the roof was dilapidated. Messick asked what action was taken and Hooper stated he mailed a courtesy letter November 9th to the owner and it was returned undeliverable, he researched another address and remailed the letter November 23, 2020 and the owner, Tom Coley called him in December. Messick asked what action was taken and Hooper stated no action was taken based on that discussion. Messick asked what happened after that and Hooper stated he called Coley in January and he sold the property. Messick asked what happened after the property was sold and Hooper stated after January 5, 2021 he gave the new owners time to fix it and on April 15, 2022 he drove by and saw it was being renovated. Messick asked what the problem and Hooper stated it was not completely in compliance with a couple windows missing and the front window or door was boarded up. Messick referred to exhibit E and asked if the on the right side is a window or door and Hooper stated there is no way to know because it is boarded. Messick asked if he took the picture of the meters and Hooper stated yes. Messick asked if he witnessed one of the meters had been removed and Hooper stated yes. Messick asked if two meters are required for a two-family dwelling and Hooper stated yes.

Messick stated nothing further and to enter the entire staff report into evidence.

Benton gave his concluding statement that his client, Armfield Properties purchased a property with two addresses, 622 and 624 Armfield Street in July 2021 to rehab the property and better the community. Work began and a stop work order was received in October and a zoning application was requested for both addresses. Iredell County issued two building permits for interior and exterior renovation for a duplex. When the warning letter was issued on October 27th his client had permits issued by the county to conduct work on 622 and 624 Armfield Street and city staff testified this is not what we do and two permits are required, but this is not what the code specifies. We have to go by the code and it does not state two permits are required for a duplex and the county does not look at it that way either because they issued the permits. On October 27th proper approval and permits were obtained to do the work. He cannot point to tenants or utilities in the issue of discontinued use, non-conforming use as a duplex and opposition of the code, but every public record states it is a multi-family, two-unit property. It has been taxed that way for the benefit of the City of Statesville until what this board determines and if you uphold the decision of the staff we will have the county make the change. The City of Statesville has benefitted from double taxation as a duplex for solid waste fees back to 2017. Messick stated it

is the property owner's duty to report a change of use, but the owners do not believe there has been change of use and we are asking this board to overturn the decision to allow work to continue as permitted and allow it to continue as a non-conforming use. The pictures show it better the property on Armfield Street to the benefit of Statesville with higher tax revenue and for those reasons we ask the board to find there has not been a discontinuation of use due to taxation and they were properly permitted.

Messick gave her concluding statement that the City of Statesville would like to thank the Casa family for renovating the home, but the problem is they did not obtain proper permits prior to work and the city code applies to everyone. 4.05.C is consistent with North Carolina general statutes that state when a legal non-conforming use has been discontinued for more than one year it is no longer a grandfathered legal non-conforming status. The evidence demonstrates the use was ceased from the photographs and utility bill records. The photographs taken November 2020 by the Code Enforcement Inspector show minimum housing code violations and it could not be rented because it was dilapidated. It was falling in, windows and doors boarded up, one utility meter missing, and do not know if the other utility meter was working. We are looking at one year from the zoning letter dated October 27, 2021 and we know back to 2016 there was no water or electric consumption and no evidence it was marketed. When a property ceases to be used, it means it is not being used, not marketed to be used, and not being lived in. We respect the county tax records, but they have nothing to do with the City of Statesville. We do not maintain tax records and property owners are responsible for notifying the county when they are taxed inappropriately. There are appeal and legal remedies to pursue against the county if you believe your property is taxed unfairly or for a use that has been discontinued. The evidence is overwhelming with utility records back to 2016, the pictures go back to 2020, and the Google Street view matched the view shown in November 2020. The Google picture of the house in 2016 shows it was uninhabitable because it was not being used. The City of Statesville does not have the burden of proof to show how the property was used between 2016 and 2020, it is the applicant to provide evidence of how it was used and no evidence was provided today. 4.05.C in the city code is consistent with North Carolina state law and general statutes and it is one year. We thank the Casa family for fixing up a home in Statesville, but we want it done the right way with the permitting process followed and the unified development code to be applied uniformly. The Casa family can also request a variance, at a later date and there are other remedies available for the Casa's to consider. We thank you and ask you to uphold the decision of the Planning Department.

Chairman Steele closed the public hearing.

Steele stated the issue is was there or was there not a use of the property as a duplex prior to the letter for one year. Van Hoy restated the issue is whether or not the applicant has shown the property was used as a duplex within one year and if it is not shown the requirement did not meet the burden of proof.

Winters stated it is obvious the applicant did not prove it has been used at least 12 months as a duplex. West stated zoning did their job and issued one permit instead of two and the county dropped the ball by issuing two building permits. Lack of electric use and lack of marketing on the property show it was not intended to be used.

Winters made a motion based on the findings of fact to adopt the conclusions of law proposed and the judgement to deny the appeal, seconded by West. The motion carried unanimously.

Meeting adjourned at 2:11 p.m.

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**DESIGN REVIEW COMMITTEE CALLED MEETING
CITY HALL COUNCIL CHAMBERS
JANUARY 27, 2022 @ 3:00 pm**

Members present: Bryan George, Chuck Goode, Scott Zanotti via Phone

Absent: John Marshall, Rebecca Jones, Marin Tomlin

Staff present: Marci Sigmon, Lori Deal

Council present: None

Others: Lisa MacNamera

Chairman Goode called the meeting to order and asked for a motion to approve the DRC minutes from the November 16, 2021 meeting.

George made a motion to approve the November 16, 2021 DRC meeting minutes, seconded by Zanotti. The motion carried unanimously.

Review Design Review Application, DRC 22-02, from Chad Goodin Signature Homes, Inc. and Whyte Construction, to install a freeform swimming pool and cabana on the property located at 240 Davie Avenue; Tax Map 4744-16-0529.

Sigmon gave the following staff report:

Background

The property located at 240 Davie Avenue was constructed circa 1927. The structure is a two-story brick single family home with a matching garage in the rear yard. The parcel is zoned O-1 (Office) and located within the City of Statesville Downtown Overlay District.

Request

The applicants Chad Goodin Signature Homes, Inc. and Whyte Construction, Inc., representing the property owners Stephen and Kathleen Gay, are requesting to build a freeform inground swimming pool and cabana at 240 Davie Avenue. The swimming pool and cabana are defined as accessory structures for the primary home. New construction requires approval by the Design Review Committee.

Pool description:

- Pool width will be twenty-one feet and pool length will be thirty-six feet six inches
- Pool decking will be constructed of concrete and surround the pool.

Cabana description:

- Cabana will be approximately 550 square feet under roof
- Cabana will measure approximately fifteen feet tall
- In general the cabana is twenty-five feet wide at the front entrance and fifty-three feet long at the rear, considering the half-octagonal shape of the structure.
- Cabana will be A-Frame in design
- Vaulted roof line with one by six tongue and groove pine ceilings trimmed and stained
- Six by six posts and framing wrapped with miratech and painted white

- Cabana will include back room measuring six feet by six feet six inches for a two-piece bathroom
- A wood burning fireplace and stone surround will be built
- Trim soffit/fascia with match
- Roof cabana will match shingles on the primary structure
- Cabana will consist of shake siding
- Cabana will include a plumbed sewer line for a toilet and sink
- A standalone shower will be installed behind cabana
- Four can lights and fan box will be installed in the main cabana section
- The cabana will include two wing sections. Each wing will include two can lights and a fan box.
- Cabana will include wiring for wall mounted television and various electric outlets.

Committee Review

Before rendering a decision, the committee should reference design guidelines: Pages 17-20: Chapter 3: New Construction; Section 3. A. New Construction

Goode stated the roof shingles should match the primary structure, the fireplace is stone veneer, and everything else is spelled out.

George made a motion to approve Design Review Application DRC 22-02, from Chad Goodin Signature Homes, Inc. and Whyte Construction, to install a freeform swimming pool and cabana on the property located at 240 Davie Avenue as presented, seconded by Zanotti. The motion carried unanimously.

The meeting was adjourned.



**Technical Review Committee Meeting Minutes
City Hall – 2nd Floor Conference Room
February 16, 2022 – 9:00am**

City Staff: David Cole – Planning, Regina Hoke – W/S Maintenance/BFCC, Steve Bridges & Mark Taylor – Public Works, Jared Wiles & Chris Sloan – Electric, Randall Moore – Stormwater, Shawn Cox – Arborist, Clyde Fox – W/S Maintenance, April Nesbit – Clerk

County Staff: Jonathan Williams – IC Erosion Control, Rich Hoffman – IC Addressing

Others: John McGree, Jim Duffey, David Mares, Matt Grant

Media:

1. Call to order & Introductions

David Cole called the meeting to order and made introductions around the room.

2. Consider approving the February 2, 2022 TRC meeting minutes.

Cole asked if there were any changes to the minutes or for a motion.

Steve Bridges made a motion to approve the January 19, 2022 TRC meeting minutes, seconded by Shawn Cox. The motion carried unanimously.

Plan Reviews

3. New York Industrial Site Plan – 711 Gaither Rd – 2nd Submittal

The following staff members had no comments on the project: Steve Bridges, Mark Taylor, Jared Wiles, Randall Moore, Chris Sloan, Clyde Fox, Rich Hoffman, and Jonathan Williams

Regina Hoke – BFCC

- Make sure the BFA is NOT installed in front of the hydrant and at least 3' away from the hydrant.
- Add the following notes to the plans:
 - For final sign-off on CO the following conditions must be completed.
 - After BFA is installed, pipes from the water meter to 5' past the BFA will need inspected before covering up, and again after pad is in place by the city inspector or the BFCC office at 704-832-3847.
 - For final CO sign off on BFA(s), inspection of pipes from water meter to 5' past BFA(s) must have been completed, an inspection after the pad is in place and a passing test report(s) performed by a certified tester sent to our office.
 - Note for contractors needing water on job sites.

Shawn Cox – Arborist

- Will need a pre-plant inspection,
- Add note to plan to call for pre-plant inspection.

David Cole – Planning

- Asked what products stored in the outdoor storage area.
 - Matt Grant – fencing and an attachment for skid-steer
- The sign along the I-77 frontage needs to come down per Section 6.07.H.4 of the UDC.

Jared Wiles made a motion to approve the second submittal of New York Industrial Site Plan – 711 Gaither Road contingent upon (1) BFCC notes on plan, (2) pre-plant inspection note on plan, and (3) removal of sign along I-77 that is out of compliance. The motion was seconded by Mark Taylor and carried unanimously.

4. ZND US Site Plan – 214 James Farm Rd – 2nd Submittal

The following staff members had no comments on the project: Steve Bridges, Mark Taylor, Jared Wiles, Chris Sloan, Shawn Cox, Clyde Fox, Rich Hoffman, and Jonathan Williams

Regina Hoke – BFCC

- No comments as the plans do not include the fire line BFA that needs to be added at this location, and our office is handling what needs to be completed to continue water service with the customer.
- Remove note from plans as this is Iredell Water Corp's interconnect with the City.

Randall Moore – Stormwater

- Provide copy of E&SC approval, NCG01 Certificate of Coverage
- Need O&M agreement
- Label easement for SCM, "SCM Access & Maintenance Easement" per code & design manual

David Cole – Planning

- How will the employee front parking area be used afterwards? Will the un-striped lot become the primary parking area? front parking area – who used after storage yard?
 - Matt Grant – It will be used for employee parking
 - Cole – It is not a requirement, but staff recommends that this area be formalized and striped.
- City zoning clearance is required prior to start of work.
- ROW dedication along James Farm Road to be processed as a plat to be issued prior to zoning final for the project.

Jared Wiles made a motion to approve the second submittal of ZND US Site Plan – 214 James Farm Rd contingent upon the Stormwater E&SC approval, NCG01 Certificate of Coverage, O&M agreement, and easement label. The motion was seconded by Mark Taylor and carried unanimously.

5. American Renaissance School Gymnasium Site Plan – 205 S Tradd St – 1st Submittal

The following staff members had no comments on the project: Jonathan Williams

Regina Hoke – BFCC

- Include inset box for fire line notes on plan.
- Fire Line tap shown on Green Street – call out size of RPDA BF and size of DIP pipe that must be installed from the tap to five foot past the 2nd riser of the RPDA BFA, before connecting to 6" C-900 pipe on the fire line.

- 2" Domestic and the 5/8" Irrigation water meters show BFAs to be installed to city details.
- Add the following note to the plan:
 - After BFAs are installed, pipes from the water meters to 5' past the BFAs the copper pipes will need inspected before covering up and again after pad is in place by the city inspector or the BFCC office at 704-832-3847.
 - Note for contractors needing water on job sites.
- For final CO sign off on BFA(s), inspection of pipes from water meter to 5' past BFA(s) must have been completed, an inspection after the pad is in place and a passing test report(s) performed by a certified tester sent to our office.

Mark Taylor – Public Works

- DOT will require a conversation about congestion management.
 - Jim Duffey – working on plan with Scott Harrell for drop off and pickup during construction.
 - Taylor – staff has been looking at this and we will need to see how this is mitigated. Need traffic flow with DOT's input as they have jurisdiction.

Steve Bridges – Public Works

- Changes or adds to the City's infrastructure should be constructed with our approved materials and standards, and as-builts provided in pdf and cadd format on flash drive.

Clyde Fox – Water/Sewer Maintenance

- Materials must meet City and County standards.
- Send as-builts upon completion.

Randall Moore – Stormwater

- Provide a copy of the most recent erosion control plan.

Chris Sloan – Electric

- Met with Peter onsite last Thursday and he will provide the power connecting load.

Shawn Cox – Arborist

- Replace the red maple with sugar maple because of insect infestation.
- Replace Ginkgo Trees in the street yard with Nuttall Oaks.
- Will need pre-plant inspection; add note to plan stating this.

Rich Hoffman – IC Addressing

- Forward site plan and he will address the main entrance.

David Cole – Planning

- Lot recombination – Five (5) individual parcels need to be recombined via final plat. Plat must be recorded prior to issuance of final CO for the building.
- Lighting – Add note on plans that light poles will be decorative, and that wooden light poles are not permitted.
 - Jim Duffey – In negotiations to purchase property. Hoping for closing in April/May
- Parking – Are all satellite parking spaces controlled by ARS? If not, we will need to see the satellite parking agreement with the joint owner for the file.
- Landscaping:
 - Northwest corner – 8' landscape buffer doesn't continue to street due to ADA sidewalk. We are willing to consider an exception to the 8' width requirement, provided that (1) shrubs are continued down along this frontage and (2) a note is placed on the landscape

plan that states “Planning Director has approved an administrative exception to landscape buffer width per UDC allowance.”

- Replace all Red Maples on plan with Sugar Maples.
- Replace Ginkgo Trees in the street yard (along the S Tradd Frontage) with Nuttall Oaks, to establish consistency with existing downtown street trees. Additionally, add a fourth street tree along S Tradd to meet points.
- Verify extent of grading & conflict with proposed landscape preservation along southern side of BMP. If any existing vegetation needs to be removed, it must be replanted as a buffer yard.
- Per Section 6.04.L.4 of the UDC, no parking space can be located more than 60’ from a parking lot tree, and trees in buffer/street yards cannot count. The spaces lining the entrance driveway appear to be spaced further apart – Additional plantings in a tree island or along the building are required to meet this requirement.
- Southern landscaping buffer must be continued toward S Tradd St. It is important that this side be buffered properly due to adjacent property uses. Any areas which are too narrow for shade trees may incorporate greater number of large shrubs or ornamental trees.
- Building Elevations – DRC approved these elevations, and building materials and transparency meet code requirements. Applicant needs to produce building profiles for the right and left elevations so staff can verify compliance with Section 6.08.J.1 (20% of the façade must incorporate recesses and projections).

Jared Wiles – Electric

- Will need to know if private parking lot poles will be leased or purchased.
 - Jim Duffey – no decision as of yet.

Tabled for revisions

6. Preston Contractors Site Plan– 158 James Farm Rd – 2nd Submittal (Tabled 12/16/2020)

The following staff members had no comments on the project: Regina Hoke, Steve Bridges, Chris Sloan, Shawn Cox, Rich Hoffman, Jonathan Williams

Clyde Fox – Water/Sewer Maintenance

- Materials must meet City and County standards.

Jared Wiles – Electric

- Customer choice

Randall Moore – Stormwater

- Need to know if the 10-year storm is within full bank elevation for diversion berm and ditches on site.
 - Yes per Grant Miller.
- Should be designed for the 2-year, 24-hour and 10-year 24-hour storm events, control and treat first inch of rain. Narrative states 1, 2, 25-year storms.
- Need installation bond, original O&M – signed and notarized.
- Use Table 3-1 in the City of Statesville Drainage Design Manual for Rainfall Depth for the City of Statesville for calculations.
- Does the emergency overflow convey the 50-year discharge?
 - Yes per Grant.
- Put proposed impervious on plans and proposed calculated ERUs.
- Show all stream setbacks on plans. 25 ft undisturbed buffer from center of stream and 30 ft from stream bank setback for built-upon area.

- Provide table with pipe diameter, material, length, slope, rim elevation, invert elevation, grate type, drainage area and flow into structure on plans.
- Provide catch basin details.
- Show & label all storm drainage easements. "SCM Access & Maintenance Easement." Show 2-foot setback from stormwater easement. No combined easements are allowed.
- Headwalls & end walls or flared end sections are required on all pipes, however Stormwater Services reserves the right to require headwalls & end walls instead of flared end sections or vice versa.
- Grading and Drainage Plan Notes shall include language: "Call Stormwater Program Manager 72 hours before stormwater pipe is to be installed for site inspection. 704.761.2376."

Mark Taylor – Public Works

- Provide as-builts in pdf and cadd format on flash drive.

David Cole – Planning

- Need annexation prior to TRC approval of plans. Per George Berger, annexation is currently in process.
- Right of Way to be dedicated to NCDOT. Label as "R/W dedicated to NCDOT" and show distance of dedication from James Farm Rd centerline.
- Landscaping – replace all red maples with sugar maples.
- On site plan, frontage along Parcel and James Farm is shown as a "high density screen." The species are not clear along these frontages on the actual plan. Additionally, the typical section on the next sheet only shows the standard 8' buffer – This needs to be revised to specify the type of screening buffer that will be used on these frontages.
- If using chain link fencing it must be "black or dark green coated."

Tabled for revisions.

7. Other Business

- Discuss Bluebeam/Energov plan reviews – Cole stated that this is the new permitting system with Iredell County. We are currently working with the County to get this configured. It will include subdivision review and standard building review. We are hoping to move the meetings to the 3rd floor conference room in May in order to use the screen.

8. Adjournment

Jared Wiles made a motion to adjourn, seconded by Mark Taylor . The motion carried unanimously.

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**Stormwater Advisory Commission – Meeting Minutes
February 17, 2022 – 12:00PM via ZOOM**

Members Present: Janice Powell, Joe Hudson, Alisha Lane, David Reese, Steve Knight, and Tim Johnson

Council Present: Amy Lawton

Staff Present: Randall Moore, Ray Allen, April Nesbit

Others: None

Call to Order - Moore

Randall Moore called the meeting to order.

NCLWF Grant Update – Moore

Staff was notified on December 6, 2021 that funding was available for the Free Nancy Branch study. Approval to accept the grant was given by City Council at the January 10, 2022 regular meeting. The draft contract was received on February 1st and is being reviewed by the City Attorney. Once reviewed, it will be submitted to NCLWF for final review and approval. Staff selected Jennings Environmental to conduct the study as they originally worked with us to submit the grant application. The plan is for the study to be conducted Fall/Winter of 2022 and completed by April 2023.

Update on Projects around the City – Moore

- Shannon Acres & Columbia Street repairs are complete. Pictures of the projects are available in the stormwater blog on the City website.
- The Meeting Street culvert replacement project was awarded to Kemp Sigmon Construction. They are in the process of submitting materials for approval, and anticipate that the waterline will be moved this spring.
- The sinkhole at CVS on Center Street was repaired by our crew by pouring concrete around the inlet box.
- A small sinkhole was discovered on Fall Street yesterday, and our crew is working to get this repaired.

Stormwater Outfall Mapping – Moore

This mapping is required for our MS4 permit. Our inhouse IT-GIS Department came up with a plan to walk and map the stormwater outfalls over a 2-year period. In the draft stormwater plan submitted, we anticipated the mapping would be a 3-year process.

MS4 Permit Update – Moore

In January, staff was notified by DEQ that our permit was being automatically extended due to staffing shortages and backlogged renewal applications. We have our renewal application and plan on file. This will allow additional time to complete these.

2022-2023 Budget – Moore

Staff has been working through the upcoming budget numbers. We plan to submit a stormwater budget in the amount of \$2,078,190 for FY22-23. We are asking for a skilled laborer this year which will help the department be more efficient. We are working to develop a capital improvement plan which will assist with larger projects. We will be able to earmark funds that are to be constructed in the next 2-3 years. One of those large projects includes Holland Drive and the replacement of two (2) culverts. We anticipate this project to cost around \$1 million. We would like to set aside \$350k in FY22-23, \$350k in FY23-24, with the remainder of the funds coming from the FY24-25 budget.

- David Reese stated that costs could increase 30-40% by year three and staff may want to consider increasing this number to cover those costs.

Moore stated that future planning also includes two additional positions in FY23-24. The Stormwater Department will be taking over the camera truck from Water/Sewer Maintenance. Staff is hoping to use these two hires to run the Camera and Flush trucks. They would also contribute to the maintenance crew as needed on projects.

Maintenance Crew Update – Moore

The skilled laborer position has been filled. The Stormwater Division recently took over the Fire Training Building at the training grounds below the City warehouse. The crew had been without a home/operation base, and this has increased their moral.

Code Changes Discussion – Moore

Staff will be putting together a list of code changes that the commission would like to discuss. The maintenance bond and MS4 low density are already included. Please let him know if there any other changes/discussion points you would like to see on this list. This will be discussed at the next meeting.

Other Items per Commissioners

Moore stated that he is currently helping the Planning Department with Flood Plain Reviews until a Planner is hired.

Next Meeting Date/Time

Moore stated that the next meeting will be held on Thursday, May 19, 2022 – 12pm. We are planning to have this meeting in person.