



CITY COUNCIL MEETING AGENDA
March 20, 2023
227 S. Center Street, Statesville, NC
Strategic Plan Workshop Meeting – 4:00 PM
Pre-Agenda Meeting – 6:00 PM / Regular Meeting – 7:00 PM

- 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** *p. 5*
- VI. Presentations & Recognitions** (*Only at Council Meeting*) *p. 9*
 - 1. Proclamation – National Vietnam War Day – March 29th**
 - 2. Fire Department – New Recruits**
- VII. Public Comment** (*Only at Council Meeting*)
- VIII. 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 accepting a restricted donation from Denso in the amount of \$27,000 for the engineering of a pedestrian bridge over Third Creek to extend the greenway and approving a mural to be painted under the bridge on E. Broad Street as part of the 2023 Leadership Statesville Class project.** (*Ashley*) *p. 11*
 - B. Consider passing a resolution directing the City Clerk to investigate a petition of annexation of PIN # 4753-38-6988 (portion); Case No. AX23-01 The Sherwin Williams Company Property located at 188 Side Track Drive; Receive City Clerk's Certificate of Sufficiency; Consider passing a resolution fixing a date of April 3, 2023, for a public hearing for the petition for annexation.** (*Ashley*) *p.17*
 - C. Consider passing a resolution directing the City Clerk to investigate a petition of Annexation of PIN #'s 4725-16-4537 & 4725-39-8814 (portion); Case No. AX23-02 Holland Farm (Taylorsville Hwy) Property located on Taylorsville Highway; Receive City Clerk's Certificate of Sufficiency; Consider passing a resolution fixing a date of April 3, 2023, for a public hearing for the petition for annexation.** (*Ashley*) *p. 29*

- D. Consider passing a resolution directing the City Clerk to investigate a petition of Annexation of PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605; Case No. AX23-04 Larkin Front 9 (True Homes LLC) Property located on Whites Mill Road; Receive City Clerk's Certificate of Sufficiency; Consider passing a resolution fixing a date of April 3, 2023, for a public hearing for the petition for annexation. (Ashley) p. 43**

REGULAR AGENDA

- IX. Conduct a public hearing and consider passing the first reading of TA23-01: Text Amendments to the Unified Development Code filed by Sign Connection on behalf of Larkin Regional Commerce Park to amend Section 6.07 Sign Regulations, H. Prohibited Signs and Table 6-13: Permitted Sign Standards by Zoning Districts. (Ashley) p. 57**
- X. Conduct a public hearing and consider passing the first reading of TA23-02: Text Amendments to the Unified Development Code to amend Article 3. Zoning, Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix, Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures. S. Colleges, Universities, Technical Schools and Article 9. Definitions. (Ashley) p. 69**
- XI. Conduct a public hearing and consider passing first reading of Rezoning Request ZC23-02 for properties located on Taylorsville Hwy./NC 90; Iredell County Tax Parcel #'s 4725-16-4537 and 4725-36-8814 (portion); from Iredell County M-1 and R-A to City of Statesville LI. (Ashley) p. 77**
- XII. Conduct a public hearing and consider passing first reading of Rezoning Request ZC23-03 for properties located at the end of Barkley Road West/Morland Drive and along Starland Drive and Barkley Road North; Iredell County Tax Parcel #'s 4743-97-1381, 4743-86-1381 and 4743-76-9300 from R-10 and R-20 to R-5MF CZ and R-5 CZ. (Ashley) p. 95**
- XIII. Conduct a public hearing and consider passing the first reading of TA23-03: Text Amendments to the Unified Development Code filed by the City of Statesville (Public Works & Engineering) to amend Article 8. Public Facilities Requirements, Section 8.06—Streets. Also, to amend Article 6. Density and Dimensional Standards, specifically pertaining to cul-de-sacs. (Taylor) p. 137**
- XIV. Consider a proposed maintenance agreement between First Presbyterian Church and the City of Statesville for routine maintenance of Fourth Creek Burial Ground. (Griggs) p. 143**
- XV. Receive a report on the state of housing in the community and discuss tools to address housing affordability. (Pierce) p. 151**
- XVI. Consider moving forward on a request to increase Fire Department Salaries. (Smith) p. 163**
- XVII. Consider establishing a committee to oversee the preservation of properties in the Green Street and Garfield Street area. (Smith) p. 173**
- XVIII. Receive the City Manager's Report**
- XIX. Other Business**

XX. Closed Session *(After Pre-Agenda if needed)*

XXI. Adjournment

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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,

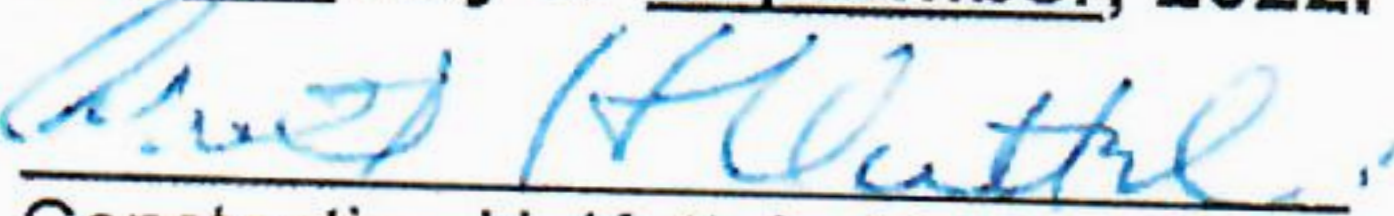
Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet 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.

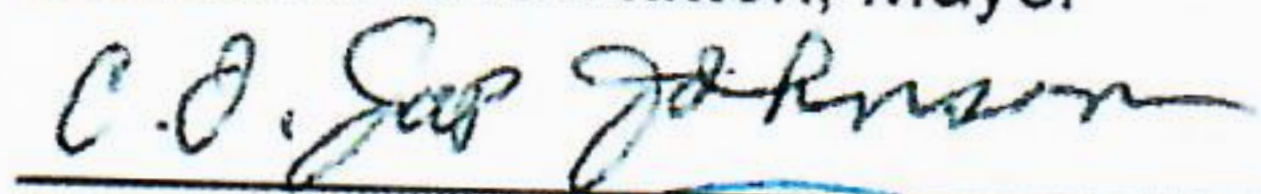
Section 6. This Code of Ethics should be re-executed by each sitting Council member during the first meeting in January each calendar year.

Accepted this the 1st day of February, 2021.

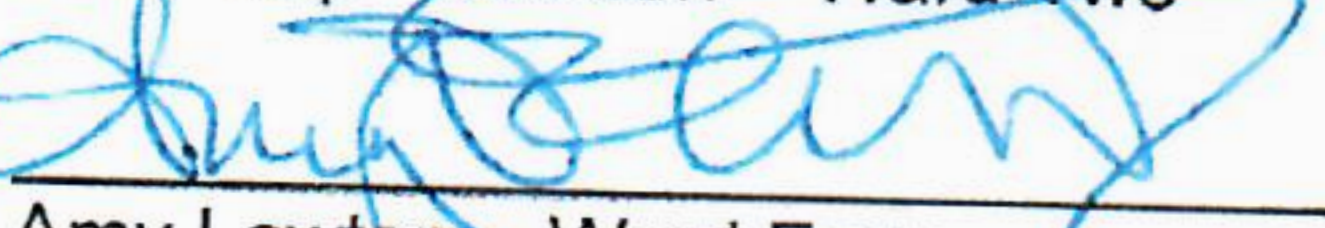
I affirm that I have read and understand the City of Statesville Code of Ethics this the 19th day of September, 2022.



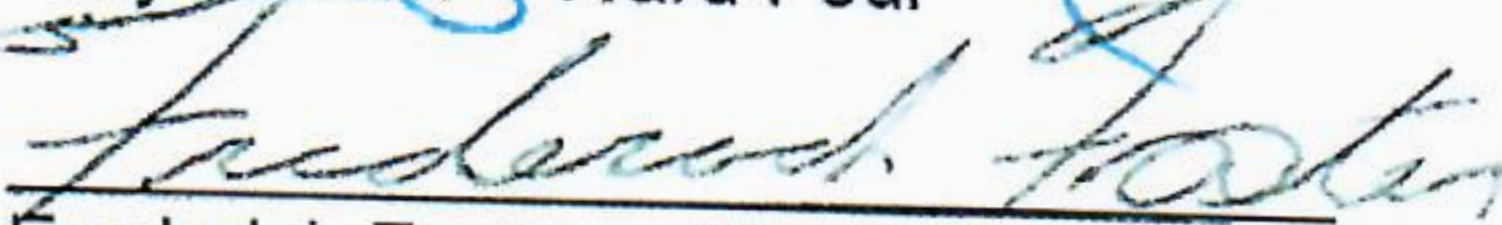
Constantine H. Kutteh, Mayor



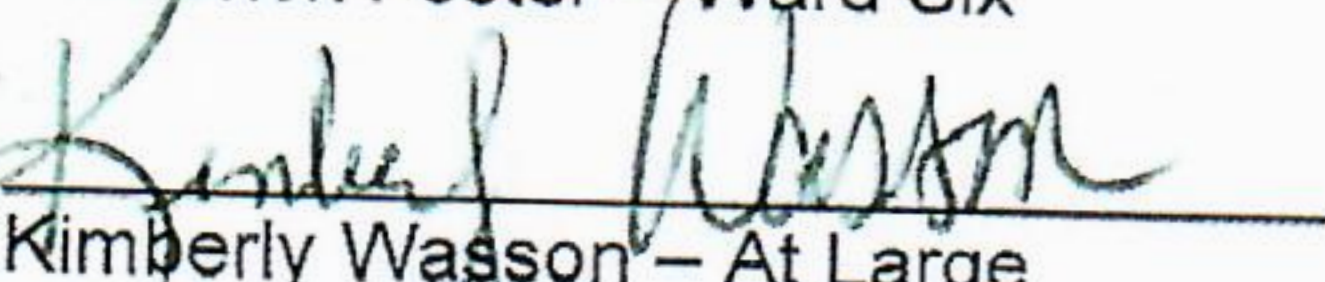
C.O. "Jap" Johnson – Ward Two



Amy Lawton – Ward Four



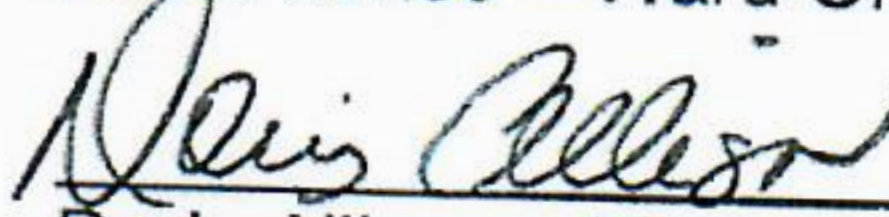
Frederick Foster – Ward Six



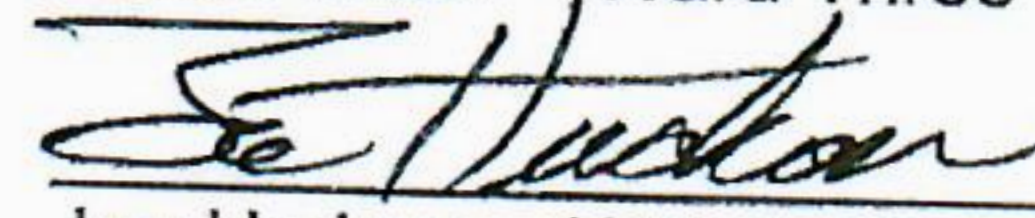
Kimberly Wasson – At Large



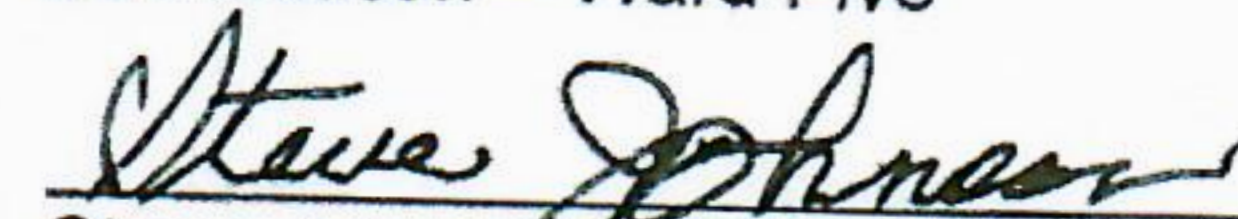
David Jones – Ward One



Doris Allison – Ward Three



Joe Hudson – Ward Five



Steve Johnson – At Large

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CITY COUNCIL PRESENTATIONS/RECOGNITIONS

TO: Mayor and City Council

FROM: Ron Smith, City Manager

DATE: March 13, 2023

TO BE REPORTED: March 20, 2023
(Date of Council Meeting)

1. Proclamation – National Vietnam War Veterans Day
2. Recognition – New SFD Fire Recruits

City of Statesville

North Carolina



Office of the Mayor

Proclamation

National Vietnam War Veterans Day

WHEREAS, the Vietnam War was fought in Southeast Asia between 1954 and 1975; and

WHEREAS, approximately 2.7 million American men and women served in the Vietnam War, and of those over 216,000 were from North Carolina; and

WHEREAS, more than 58,000 Americans were killed in action, and many thousands more were wounded and injured, or determined to be missing; and

WHEREAS, on March 29, 1973, the United States Military Assistance Command, Vietnam was disestablished, and it was the day that the last U.S. combat troops departed Vietnam; and

WHEREAS, many of our veterans returned home to be shunned or neglected, faced treatment unbecoming their courage, and received a welcome unworthy of their example; and

WHEREAS, the Vietnam War Veterans Recognition Act was signed into law in 2017 designating March 29 of each year as National Vietnam War Veterans Day to pay special tribute and provide the recognition deserved for Vietnam veterans; and

WHEREAS, the Department of Veterans Affairs estimates that today there are more than 7 million U.S. Vietnam veterans living in America and abroad, along with 10 million families of those who served during this timeframe; and

WHEREAS, Iredell County has over 1,500 living Vietnam veterans.

NOW, THEREFORE, I, CONSTANTINE H. KUTTEH, Mayor of the City of Statesville do hereby proclaim March 29, 2023 as National Vietnam War Veterans Day in Statesville, and ask that our citizens give special honor and recognition to the men and women that served.

IN WITNESS WHEREOF I have set my hand and caused the Great Seal of the City of Statesville to be affixed this 20th day of March, 2023.

Constantine H. Kutteh, Mayor

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Leadership Statesville
DATE: March 10, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider accepting a restricted donation from Denso in the amount of \$27,000 for the engineering of a pedestrian bridge over Third Creek to extend the greenway and approving a mural to be painted under the bridge on E. Broad Street as part of the 2023 Leadership Statesville Class project.

- 1. Summary of Information:** This year's Leadership Statesville Class project is "Building Bridges". There are three components to our class project:
- Facilitate the engineering, permitting and design of a future pedestrian bridge to be constructed over Third Creek across from the greenway parking lot on E. Broad Street (see attached photo).
 - Painting a mural on the concrete area under the bridge at that same location (see attached proposed mural)
 - Cleaning, clearing and refreshing gravel portion of greenway across Third Creek

The goal is to facilitate the engineering and permitting for a future pedestrian bridge over Third Creek that will connect another ½ mile of the city's greenway. The Timmons Group is currently working on the engineering, environmental permitting and design. Their cost is \$27,000. Leadership Statesville has received a donation from Denso to cover the cost of the engineering, received a donation of paint and supplies from Sherwin Williams and received a donation of gravel to resurface the gravel along the greenway.

Therefore, our class is requesting that the City of Statesville accept the restricted donation from Denso and approve moving forward with the proposed mural. A public comment period must be held before final approval by NCDOT.

2. Previous Council or Relevant Actions: N/A

- 3. Budget/Funding Implications:** Once the check is received from Denso, staff will bring a Budget Amendment back to council for approval.

- 4. Consequences of Inaction:** Engineering for the bridge would be the responsibility of the City and there would be no mural.

5. **Recommendation:** Accept the restricted donation and approve moving forward with the mural.
6. **Manager Comments:** This is a good partnership with Leadership Statesville. There is money allocated for greenway improvements, which would include the ½ mile on the other side of the creek. There were plans several years ago to build this bridge, but it never happened and a relatively long section of greenway cannot be accessed by the public. I recommend for approval.
7. **Next Steps:** Receive restricted donation from Denso and come back with a budget amendment for final approval.

Attachments:

1. Photo of Third Creek crossing
2. Photo of propose mural



View looking over Third Creek towards greenway parking lot on E. Broad Street



Proposed Mural



Bridge on E. Broad Street

Mural location

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 8, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED: Annexation of PIN # 4753-38-6988 (portion); Case No. AX23-01 The Sherwin Williams Company Property located at 188 Side Track Drive

1. Consider passing a resolution directing the City Clerk to investigate a petition of annexation
 2. Receive City Clerk's Certificate of Sufficiency
 3. Consider passing a resolution fixing a date of April 3, 2023, for a public hearing for the petition for annexation
-

1. **Summary of Information:** The property being considered for annexation has been submitted by The Sherwin Williams Company. The portion of the parcel requesting annexation is approximately 34.58 acres and is located at 188 Side Track Drive (see *attached Location Map*).

The property is a part of the proposed expansion project of the Sherwin Williams plant (see attached GIS Aerial Photo, Boundary Survey and Site Photos). The Sherwin Williams Group has received a special use permit for the expansion project on the property and has submitted an application to TRC for site plan review.

The portion of the parcel requesting annexation is located outside the primary corporate limits of the City of Statesville but is within the Extra-Territorial Jurisdiction (ETJ); and is zoned HI (Heavy Industrial) district (see attached Current Zoning & Utilities Map). The applicant requests voluntary annexation to utilize city utilities.

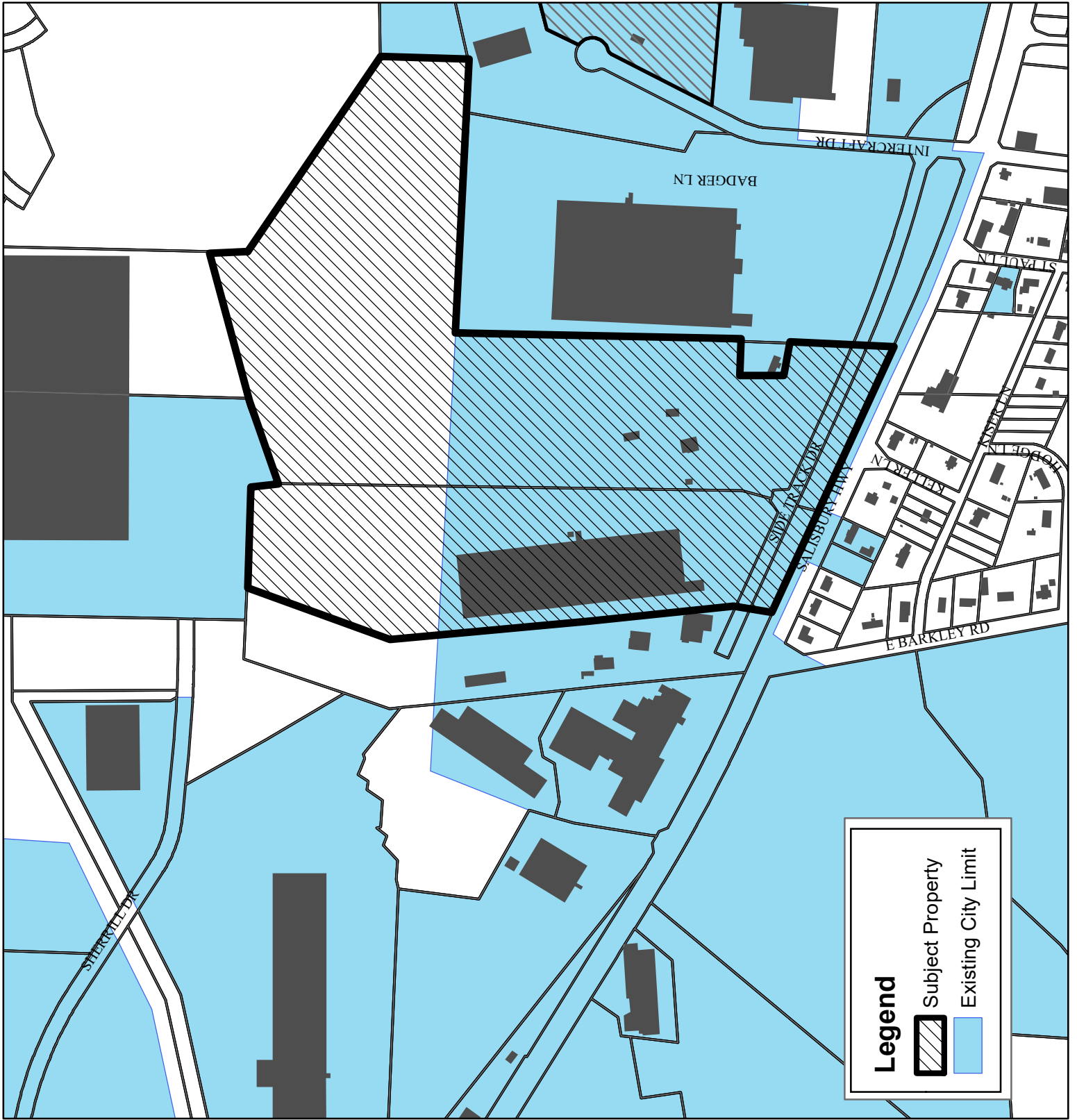
2. **Previous Council or Relevant Actions:** The Sherwin Williams Company was granted a special use permit by council on October 17, 2022; (Case # SP22-01).
3. **Budget/Funding Implications:** The current tax value of the parcels is listed as \$4,517,670. The property is a part of the proposed expansion project of the Sherwin

Williams plant expansion, estimated to be valued at \$120M. City of Statesville provides electric, water and sewer service to the property (see *attached Current Zoning & 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. Without annexation, the property owner could still access water and sewer at 1½ times the rate.
5. **Department Recommendation:** The department recommends passing the resolutions to set a date of April 3, 2023, for a public hearing on this annexation request. The property is located in the ETJ and in Tier 2 per the 2045 Land Development Plan.
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
3. Boundary Survey
4. Site Photos
5. Current Zoning & Utilities Map
6. Resolution Directing the Clerk to Investigate
7. Certificate of Sufficiency
8. Resolution to Set Public Hearing

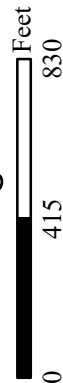
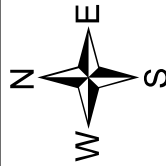
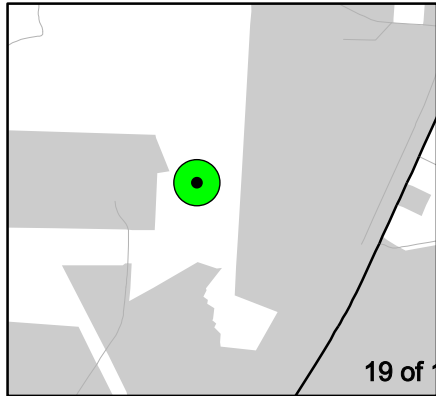


Legend

-  Subject Property
-  Existing City Limit

City of Statesville Planning Department

The Sherwin Williams Company
 AX23-01
 PIN # 4753-38-6988 (portion)



1 inch = 500 feet

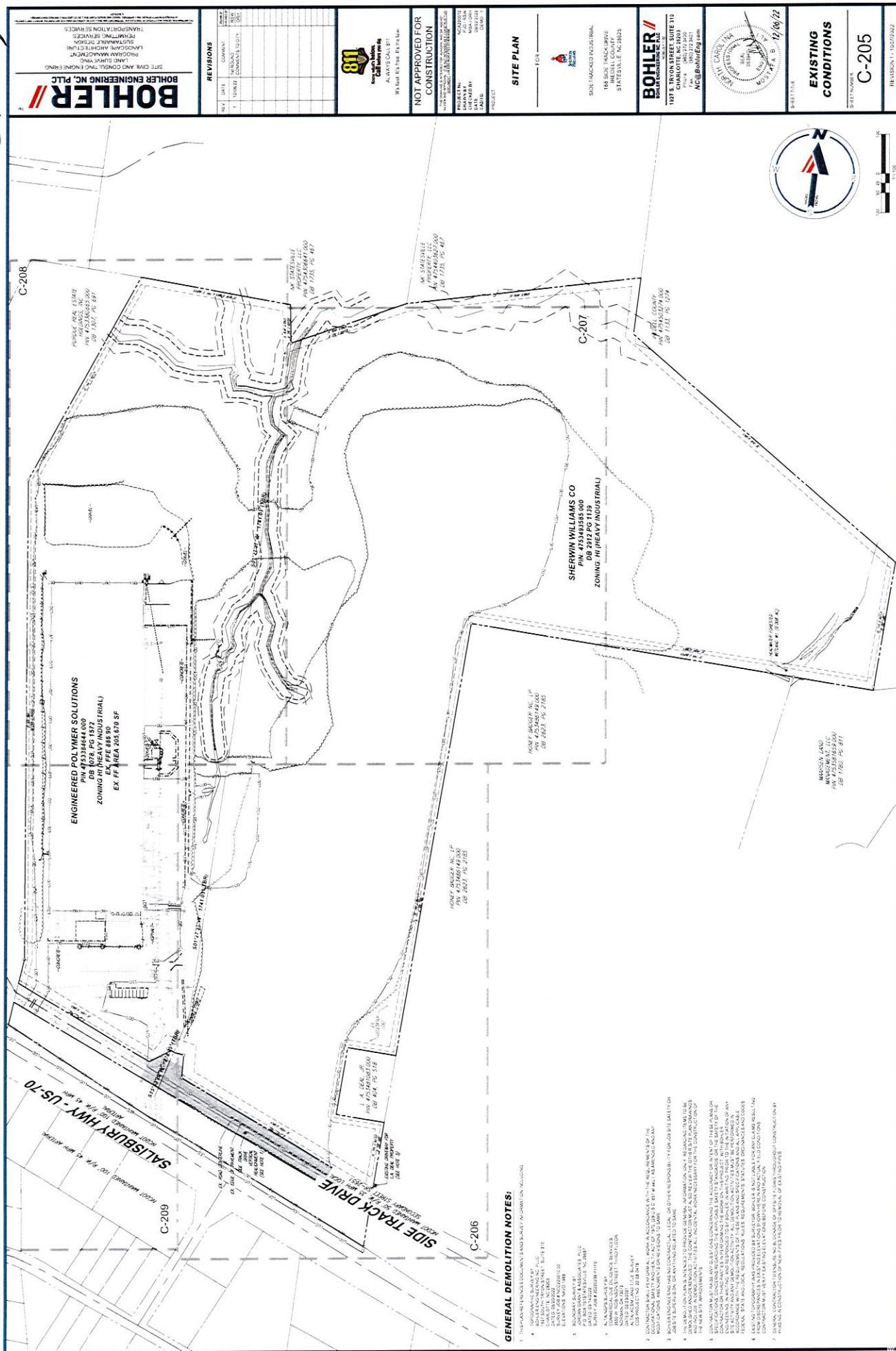




Case No. AX23-01 The Sherwin Williams Company Property
Aerial Photo Map – PIN # 4753-38-6988 (portion)

AX23-01 S

(Sherwin Williams/IPS)



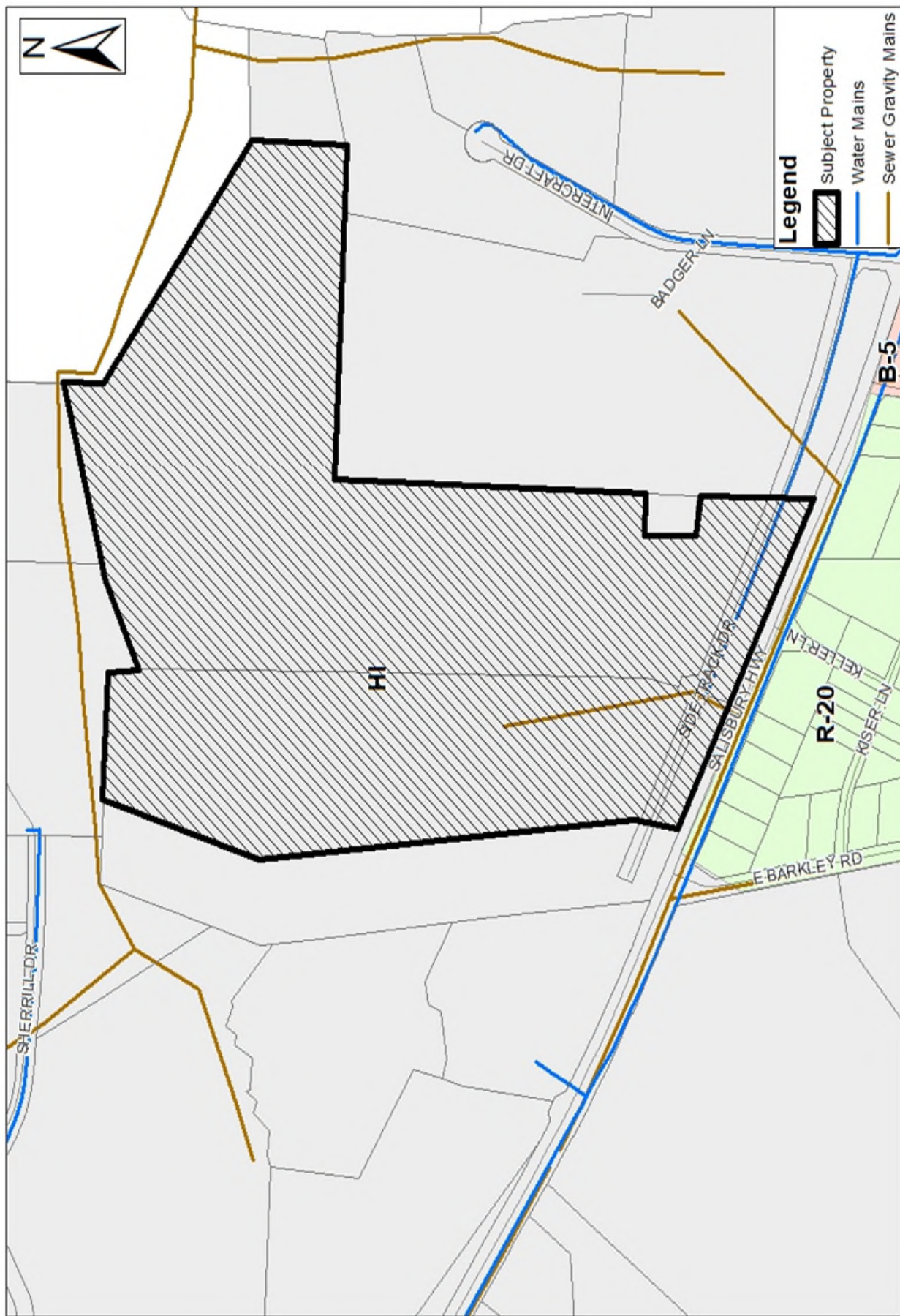


Existing entrance and Sherwin Williams building



Undeveloped acreage that will be developed

Site Photo – AX23-01 The Sherwin Williams Company Property
PIN # 4753-38-6988 (188 Side Track Drive)



Case No. AX23-01 The Sherwin Williams Company Property
 Current Zoning & Utilities Map – PIN # 4753-38-6988

RESOLUTION _____

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

Case No. AX23-01
The Sherwin Williams Company Property
188 Side Track Drive
Parcel # 4753-38-6988 (portion)

WHEREAS, a petition requesting annexation of the area described in said petition has been received on January 3, 2023, 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 20th day of March 2023.

S - E - A - L

CITY OF STATESVILLE

By: _____
Mayor

ATTEST:

City Clerk

CERTIFICATE OF SUFFICIENCY

Case No. AX23-01

The Sherwin Williams Company Property

188 Side Track Drive

Parcel # 4753-38-6988 (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 3rd day of April 2023.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

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

Case No. AX23-01
The Sherwin Williams Company
188 Side Track Drive
Parcel # 4753-38-6988 (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 3rd day of April 2023.

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:

Lying and being located in Iredell County, North Carolina, and being described as follows. Commencing from NCGS Monument "Third Reset, having Grid Coordinates, Northing= 736,856.82 Easting= 1,456,540.03, thence N 27° 43' 41" W, 2,593.08' (ground) to the POINT OF BEGINNING, an existing spike in a hickory tree, a common corner with Maarsen Land Management, LLC as recorded in deed book 1780, page 811 and deed book 1982, page 1019, in the Iredell County Register of Deeds, thence with the common line with Maarsen N 89° 36' 46" W, 204.68' to an existing #5 rebar, a common corner with Maarsen and Honey Badger NC, LP, as recorded in deed book 2623, page 2185, thence with the common line with Honey Badger N 87° 24' 46" W, 834.78' to an existing #5 rebar, thence with the city limits of Statesville the following courses and distances N 87° 24' 46" W, 562.69' to a point on the common line of The Sherwin-Williams Company as recorded in deed book 2912, page 1139 and Engineered Polymer Solutions as recorded in deed book 1078, page 1572, thence N 87° 24' 46" W, 586.34' to a point on the western boundary on Engineered Polymer Solutions, a common line with Purdue Real Estate Holding, Inc as recorded in deed book 1307, page 691, thence with the common line following courses and distances N 06° 41' 56" W, 181.26' to an existing #6 rebar, thence N 21° 59' 52" E, 594.02' to an existing 1" pipe a common corner with Purdue and in the line of NK Statesville Property, LLC as recorded in deed book 1735, page 467, thence with the common lines of NK Statesville following courses and distances S 86° 11' 07" E, 388.16' to an existing 36" oak tree,

thence S 07° 44' 17" E, 98.80' to an existing #4 rebar, thence N 68° 24' 22" E, 312.17' to an existing concrete monument, thence N 73° 53' 45" E, 603.98' to an existing concrete monument, a common corner with NK Statesville and Iredell County as recorded in deed book 1133, page 1274, thence with the common line with Iredell County S 01° 32' 24" W, 156.03' to a point, thence S 56° 10' 09" E, 880.65' to an existing W' pipe, a common corner with Iredell County and Maarsen, thence with a common line with Maarsen S 02° 17' 34" W, 334.42' to the POINT AND PLACE OF BEGINNING. Containing 34.588 acres more or less.

The property described hereon is subject to all easements, rights-of-way and restrictions of record.

PIN: 4753-38-6988

Property Address: 188 Side Track Drive, Statesville, NC 28625

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 20th day of March 2023.

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: March 8, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED: Annexation of PIN #'s 4725-16-4537 & 4725-39-8814 (portion); Case No. AX23-02 Holland Farm (Taylorsville Hwy) Property located on Taylorsville Highway

1. Consider passing a resolution directing the City Clerk to investigate a petition of annexation
 2. Receive City Clerk's Certificate of Sufficiency
 3. Consider passing a resolution fixing a date of April 3, 2023, for a public hearing for the petition for annexation
-

1. **Summary of Information:** The properties being considered for annexation have been submitted by Holland Farm Statesville, LLC. The two parcels total approximately 43.97-acres and are located on Taylorsville Highway (*see attached Location Map*).

The parcels are outside the primary corporate limits of the City of Statesville and located within Iredell County's Zoning jurisdiction. The parcels are currently zoned Iredell County R-A (Residential Agricultural) District and Iredell County M-1 (Light Manufacturing) District; however, the property is the subject of current rezoning case ZC23-02 filed by Taycora Capital, LLC to rezone to LI (Light Industrial) (*see attached Current Zoning & Utilities Map*).

The parcels are undeveloped, but the applicant has indicated this site will be developed for industrial use (*see attached GIS Aerial Photo, Boundary Survey and Site Photo*). The applicant requests voluntary annexation to utilize city water and sewer utilities. However, both Iredell Water and city water are available and both Energy United and city electric service is available. Sewer would require a package treatment plant.

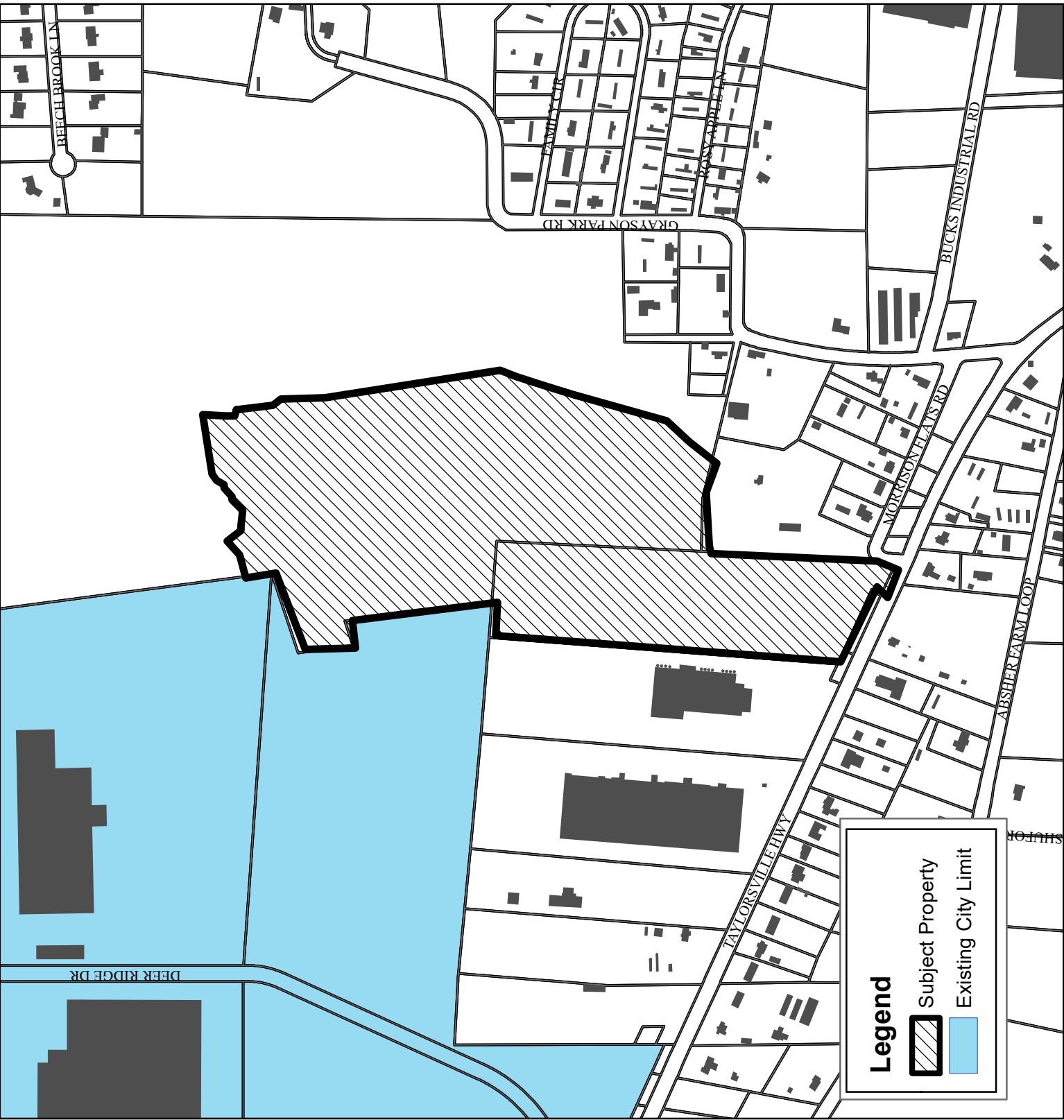
2. **Previous Council or Relevant Actions:** The public hearing for ZC23-02 initiated by Taycora Capital LLC, to rezone these properties from Iredell County M-1 and R-A to the

City of Statesville's LI is also scheduled for March 20, 2023.



3. **Budget/Funding Implications:** The current tax value of the parcels included in the annexation request is approximately \$553,659. Currently there is no specific industrial tenant. The city can provide electric, sewer and water services (*see attached Current Zoning & 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. Without annexation, the property owner may be able to access water and sewer at 1½ times the rate.
5. **Department Recommendation:** The department recommends passing the resolutions to set a date of April 3, 2023, for a public hearing on this annexation request. The property is in Tier 3 per the 2045 Land Development Plan likely due to package treatment plant needed for sewer.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** Advertise for the public hearing.

Attachments:

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

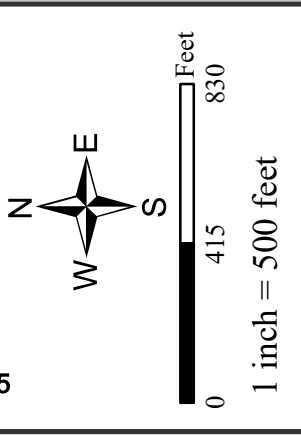
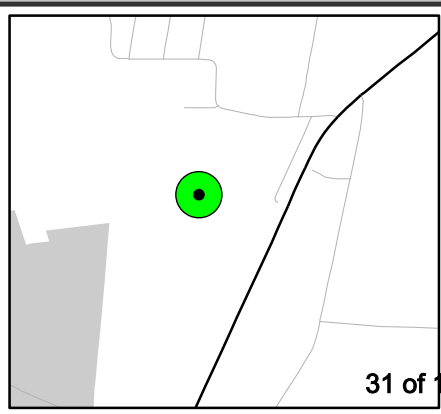


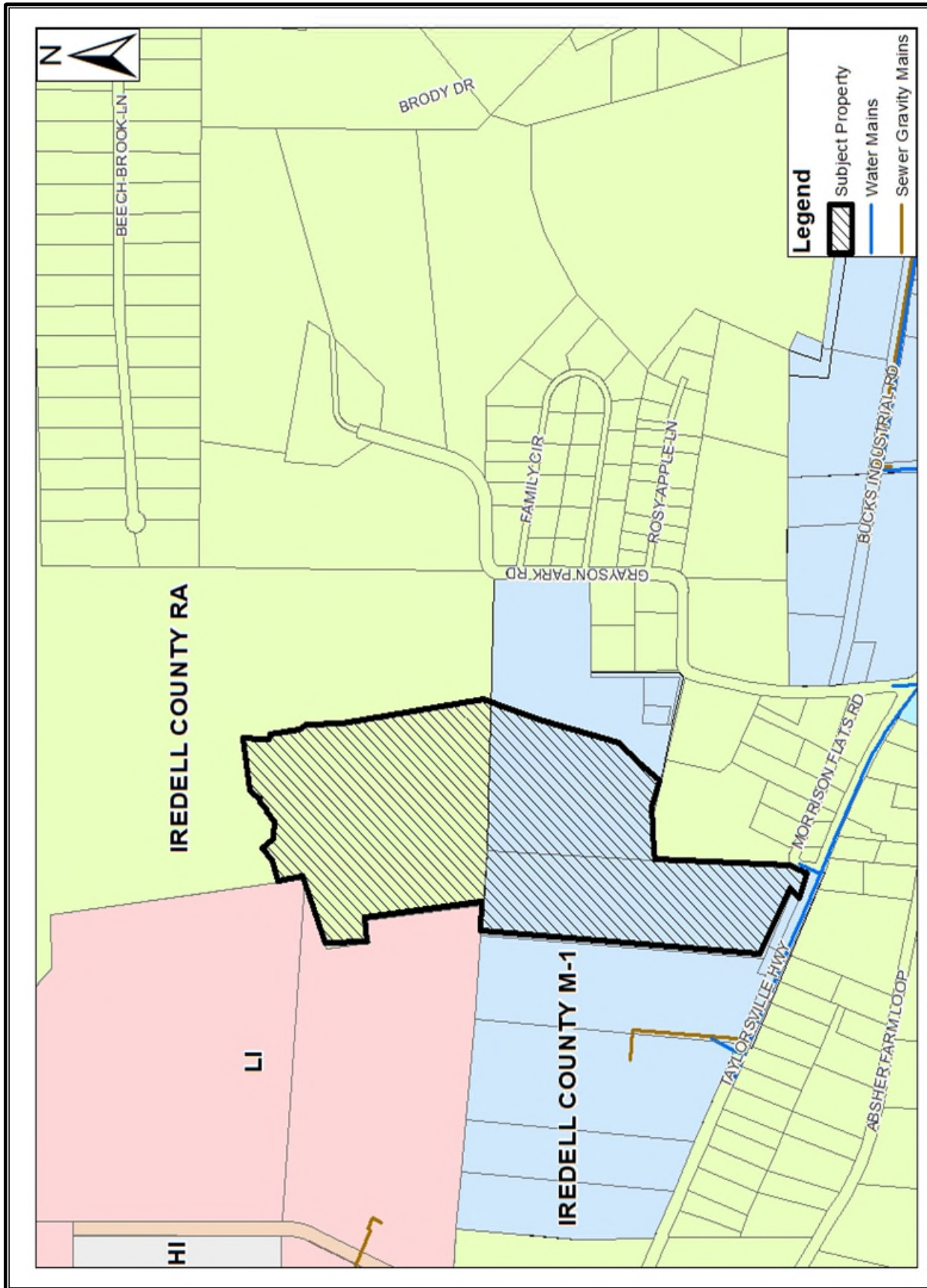
Legend

-  Subject Property
-  Existing City Limit

**City of Statesville
Planning Department**

Holland Farm (Taylorsville Hwy)
AX23-02
PIN's # 4725-16-4537 & 4725-36-8814 pt.

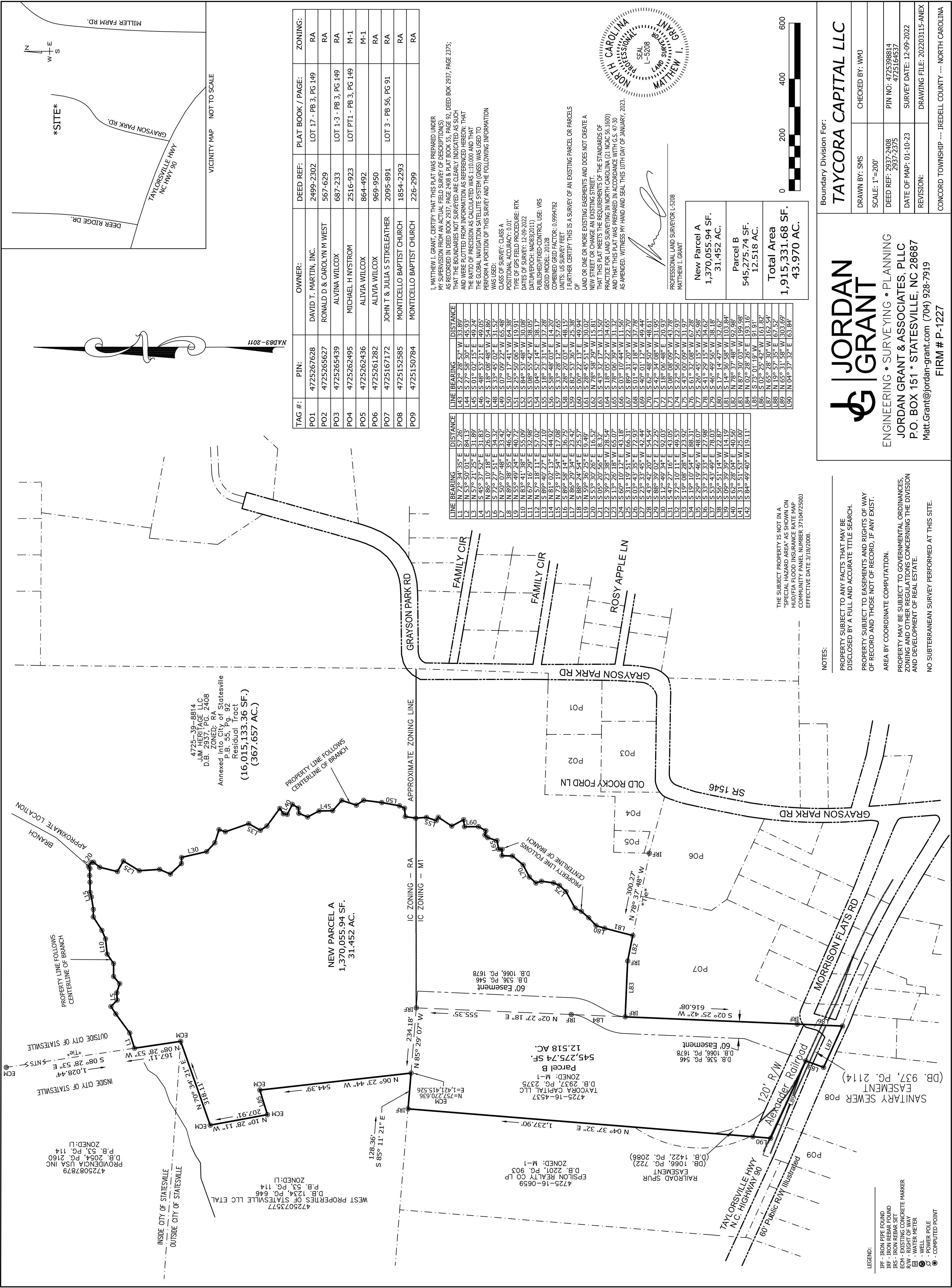




Case No. AX23-02 Holland Farm (Taylorsville Hwy)
 Current Zoning & Utilities Map – PIN #'s 4725-16-4537 & 4725-39-8814 (portion)



Case No. AX23-02 Holland Farm (Taylorsville Hwy)
Aerial Photo Map – PIN #'s 4725-16-4537 & 4725-39-8814 (portion)





Site Photo – AX23-02 Holland Farm (Taylorsville Hwy)
PIN #'s 4725-16-4537 & 4725-39-8814 pt.
View from the end of Morrison Flats Road looking onto the property

RESOLUTION _____

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

Case No. AX23-02
Holland Farm (Taylorsville Hwy)
Parcel #'s 4725-16-4537 & 4725-39-8814 (portion)

WHEREAS, a petition requesting annexation of the area described in said petition has been received on February 2, 2023, by the City Council; and

WHEREAS, G. S. 160A-58.1 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 20th day of March 2023.

S - E - A - L

CITY OF STATESVILLE

By: _____
Mayor

ATTEST:

City Clerk

CERTIFICATE OF SUFFICIENCY
Case No. AX23-02
Holland Farm (Taylorsville Hwy)
Parcel #'s 4725-16-4537 & 4725-39-8814 (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-58.1.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Statesville, this 20th day of March 2023.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

RESOLUTION FIXING THE DATE OF A PUBLIC HEARING ON THE QUESTION OF
ANNEXATION PURSUANT TO G.S. 160-58.1

Case No. AX23-02
Holland Farm (Taylorsville Hwy)
Parcel #'s 4725-16-4537 & 4725-39-8814 (portion)

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 3rd day of April 2023.

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:

Point of beginning being a rebar found at the northwest corner of a tract owned by John and Julia Stikeleather (DB 2095, PG 891) and also described as Lot 3 in PB 56, PG 91;
thence on a bearing of S 02°25'42" W, 616.08 feet to a rebar found near the right of way Morrison Flats Rd and Alexander Railroad;
thence on a bearing of S 02°25'42" W, 161.82 feet to a point in Taylorsville Highway; thence on a bearing of N 65°28'30" W, 162.54 feet to a point in Taylorsville Highway;
thence on a bearing of N 19°57'35" E, 67.52 feet to a point near the northern track in Alexander Railroad; thence on a bearing of N 65°31'58" W, 303.69 feet along the northern rail to a point;
thence on a bearing of N 04°37'32" E, 63.84 feet to a point on the northern right of way of Alexander Railroad;
thence with the eastern property line of Epsilon Realty Co. LP (DB 2201, PG 903) on a bearing of N 04°37'32" E, 1237.90 feet to a rebar found in the southern line of West Properties (DB 1234, PG 646);
thence on a bearing of S 85°11'21" E, 128.36 feet to a concrete monument found at the southeast corner of West Properties;
thence with West Properties on a bearing of N 06°23'44" W, 544.39 feet to a concrete monument found; thence on a bearing of S 73°01'19" W, 91.91 feet to a concrete monument found;
thence on a bearing of N 10°28'11" W, 207.91 feet to a concrete monument found; thence on a bearing of N 70°34'21" E, 318.11 feet to a concrete monument found;

thence on a bearing of N 08°28'53" W, 167.11 feet to a concrete monument found and being located S 08°28'53" E, 1,028.44 feet from a concrete monument found;

thence with a branch the following eighty (80) calls on a bearing of N 72°34'35" E, 57.26 feet to a point;

thence on a bearing of N 53°50'01" E, 84.13 feet to a point;

thence on a bearing of N 57°21'25" E, 31.89 feet to a point;

thence on a bearing of S 45°37'52" E, 31.83 feet to a point;

thence on a bearing of N 86°10'18" E, 26.07 feet to a point;

thence on a bearing of S 72°27'51" E, 34.32 feet to a point;

thence on a bearing of N 50°07'48" E, 33.42 feet to a point;

thence on a bearing of N 89°38'35" E, 46.42 feet to a point;

thence on a bearing of N 55°49'24" E, 40.72 feet to a point;

thence on a bearing of N 83°41'38" E, 55.09 feet to a point;

thence on a bearing of N 67°16'29" E, 32.98 feet to a point;

thence on a bearing of N 57°18'11" E, 57.02 feet to a point;

thence on a bearing of S 89°40'27" E, 27.10 feet to a point;

thence on a bearing of N 81°02'13" E, 44.92 feet to a point;

thence on a bearing of N 73°19'54" E, 17.08 feet to a point;

thence on a bearing of S 89°58'14" E, 36.75 feet to a point;

thence on a bearing of N 86°29'34" E, 23.42 feet to a point;

thence on a bearing of S 88°24'54" E, 25.57 feet to a point;

thence on a bearing of N 59°36'25" E, 9.49 feet to a point;

thence on a bearing of S 53°30'26" E, 16.52 feet to a point;

thence on a bearing of S 05°20'56" E, 8.32 feet to a point;

thence on a bearing of S 39°23'38" W, 28.54 feet to a point;

thence on a bearing of S 13°26'18" W, 65.07 feet to a point;

thence on a bearing of S 60°10'12" E, 43.18 feet to a point;

thence on a bearing of S 31°19'51" W, 66.31 feet to a point;

thence on a bearing of S 03°43'35" E, 72.93 feet to a point;

thence on a bearing of S 23°33'45" W, 42.44 feet to a point;

thence on a bearing of S 43°42'20" E, 54.54 feet to a point;

thence on a bearing of S 88°39'02" E, 22.25 feet to a point;

thence on a bearing of S 12°49'34" E, 92.03 feet to a point;

thence on a bearing of S 47°27'16" E, 43.05 feet to a point;

thence on a bearing of S 72°10'11" E, 49.53 feet to a point;

thence on a bearing of S 19°08'28" W, 23.92 feet to a point;

thence on a bearing of S 19°10'54" E, 88.31 feet to a point;

thence on a bearing of S 29°19'46" W, 48.07 feet to a point;

thence on a bearing of S 33°23'33" E, 27.98 feet to a point;

thence on a bearing of S 53°43'49" E, 78.03 feet to a point;

thence on a bearing of S 56°51'14" W, 22.87 feet to a point;

thence on a bearing of S 09°39'39" W, 14.19 feet to a point;

thence on a bearing of S 62°28'04" E, 40.56 feet to a point;

thence on a bearing of S 31°51'53" W, 25.00 feet to a point;

thence on a bearing of S 84°49'40" W, 19.11 feet to a point;

thence on a bearing of S 22°28'52" W, 33.89 feet to a point;

thence on a bearing of S 27°58'30" E, 45.93 feet to a point;

thence on a bearing of S 01°02'15" E, 49.24 feet to a point;

thence on a bearing of S 48°53'21" E, 49.05 feet to a point;

thence on a bearing of S 18°08'48" W, 54.86 feet to a point;

thence on a bearing of S 33°45'02" E, 31.52 feet to a point;
thence on a bearing of S 07°09'22" W, 65.48 feet to a point;
thence on a bearing of S 10°17'41" W, 64.38 feet to a point;
thence on a bearing of S 25°50'06" W, 19.91 feet to a point;
thence on a bearing of S 84°53'48" W, 30.08 feet to a point;
thence on a bearing of S 08°55'42" W, 38.05 feet to a point;
thence on a bearing of S 04°52'14" E, 38.17 feet to a point;
thence on a bearing of S 18°23'31" W, 37.28 feet to a point;
thence on a bearing of S 58°48'03" E, 14.20 feet to a point;
thence on a bearing of S 33°28'12" W, 57.65 feet to a point;
thence on a bearing of S 28°20'03" E, 48.15 feet to a point;
thence on a bearing of S 82°53'36" W, 25.38 feet to a point;
thence on a bearing of S 00°22'13" E, 49.94 feet to a point;
thence on a bearing of S 28°45'51" W, 30.02 feet to a point;
thence on a bearing of N 78°58'29" W, 15.81 feet to a point;
thence on a bearing of S 43°32'17" W, 13.50 feet to a point;
thence on a bearing of S 18°05'22" W, 34.65 feet to a point;
thence on a bearing of S 78°06'39" W, 31.32 feet to a point;
thence on a bearing of S 03°10'44" W, 11.56 feet to a point;
thence on a bearing of S 89°31'20" W, 22.70 feet to a point;
thence on a bearing of S 01°43'18" W, 37.78 feet to a point;
thence on a bearing of S 40°01'12" W, 49.44 feet to a point;
thence on a bearing of S 62°48'50" W, 48.61 feet to a point;
thence on a bearing of S 42°34'08" W, 31.95 feet to a point;
thence on a bearing of S 18°06'48" E, 20.93 feet to a point;
thence on a bearing of S 08°08'09" W, 43.78 feet to a point;
thence on a bearing of S 22°56'27" W, 22.93 feet to a point;
thence on a bearing of S 43°00'09" W, 31.97 feet to a point;
thence on a bearing of S 61°32'08" W, 67.28 feet to a point;
thence on a bearing of S 26°45'15" W, 25.98 feet to a point;
thence on a bearing of S 41°29'15" W, 34.62 feet to a point;
thence on a bearing of S 46°49'56" W, 38.18 feet to a point;
thence on a bearing of S 17°14'47" W, 32.62 feet to a point at the beginning of the branch;
thence on a bearing of S 14°36'58" W, 103.84 feet to a point in the northern line of John and Julia Stikeleather (DB 2095, PG 891) and also described as Lot 3 in PB 56, PG 91;
thence on a bearing of N 78°37'48" W, 92.98 feet to a rebar found; thence on a bearing of N 87°30'03" W, 199.98 feet to the point and place of beginning.
Having an area of 1915331.68 s.f. being 43.970 acres as shown on a survey by Jordan Grant & Associates, PLLC dated 01-10-23 having Drawing File: 202203115-ANEX.

PIN: 4725-16-4537 & 4725-39-8814 (portion)
Property Address: Taylorsville Highway

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 20th day of March 2023.

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: March 8, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED: Annexation of PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605; Case No. AX23-04 Larkin Front 9 (True Homes LLC) Property located on Whites Mill Road

1. Consider passing a resolution directing the City Clerk to investigate a petition of annexation
 2. Receive City Clerk's Certificate of Sufficiency
 3. Consider passing a resolution fixing a date of April 3, 2023, for a public hearing for the petition for annexation
-

1. **Summary of Information:** The property being considered for annexation has been submitted by True Homes LLC on behalf of HPT Investment Holding LLC. The three parcels totaling approximately 108.05 acres is located at the end of Whites Mill Road (*see attached Location Map*).

The parcels will be a part of the Larkin Subdivision (see attached GIS Aerial Photo, Boundary Survey and Site Photo). True Homes has submitted an application to TRC for site plan review to develop these parcels.

The parcels requesting annexation are located outside the primary corporate limits of the City of Statesville but within the city's Extra-Territorial Jurisdiction (ETJ). The parcels are zoned R-8MF CZ (Medium Density Multi-Family Residential Conditional Zoning) district (see attached Current Zoning & Utilities Map). The applicant requests voluntary annexation to utilize City sewer and water services.

2. **Previous Council or Relevant Actions:** These three parcels along with 2 others were rezoned to R-8MF CZ (Medium Density Multi-Family Residential Conditional Zoning) district by City Council on June 21, 2021; (Case # ZC21-01).

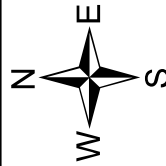
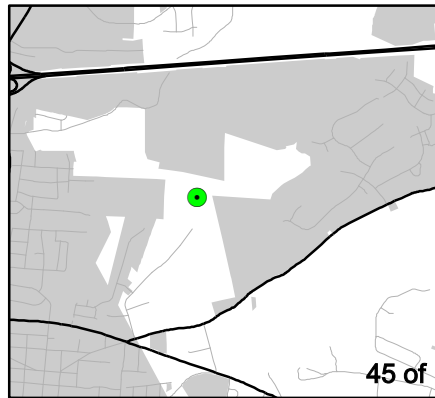
3. **Budget/Funding Implications:** The current tax value for the land is \$922,620; the applicant estimates that following site development infrastructure improvements will be valued at approximately \$11 Million prior to homes being built on the properties. Duke Energy will provide electric service and the City of Statesville will provide water and sewer service to the properties (*see attached Current Zoning & 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. Without annexation, the property owner could still access water and sewer at 1½ times the rate.
5. **Department Recommendation:** The department recommends passing the resolutions to set a date of April 3, 2023, for a public hearing on this annexation request. The property is in the ETJ and in Tier 1 per the 2045 Land Development Plan.
6. **Manager Comments:** Concur with the department's recommendation.
7. **Next Steps:** Advertise for the public hearing.

Attachments:

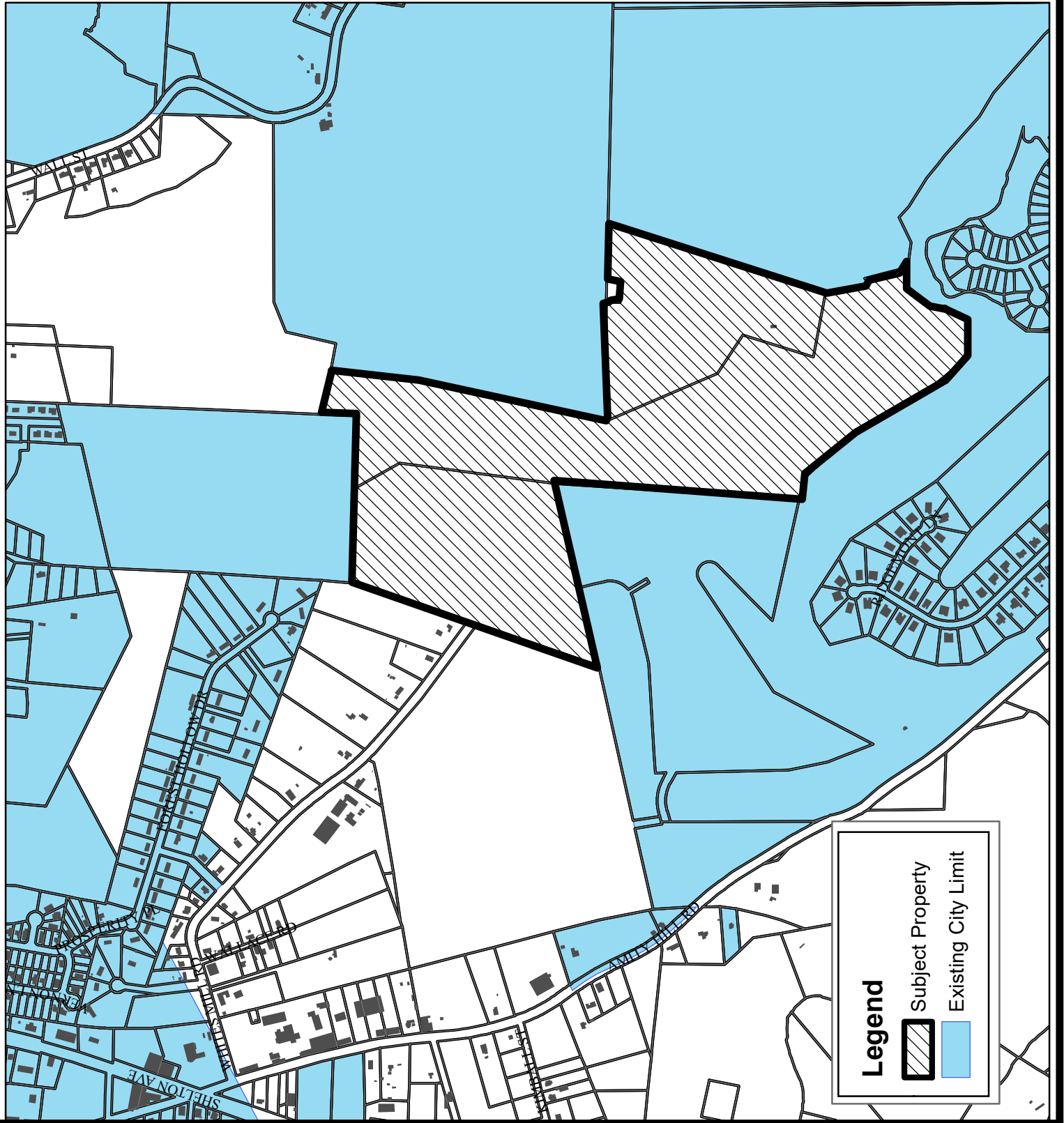
1. Location Map
2. GIS Aerial Photo Map
3. Boundary Survey
4. Site Photos
5. Current Zoning & Utilities Map
6. Resolution Directing the Clerk to Investigate
7. Certificate of Sufficiency
8. Resolution to Set Public Hearing

**City of Statesville
Planning Department**

Larkin Front 9
(True Homes LLC)
AX23-04
PIN #'s 4743-36-9145, 4743-
45-5248, & 4743-54-3605

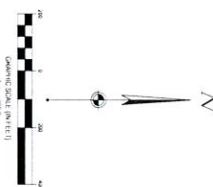


1 inch = 833.333333 feet





Case No. AX23-04 Larkin Front 9 (True Homes LLC)
Aerial Photo Map – PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605



EXISTING FEATURES LEGEND

APPLIES TO ALL CIVIL SUITS

[illegible]

	DATUM MASS
BENCHMARK	
DATA NO.	NCD-MASS-MT-TOWNSHIP
ELEV - DAT BE	1170 - DAT BE
REMARKS	
ELEV - COR 68	



THREE (3) WORKING DAYS BEFORE BIDDING IS TO COMPLETE THE CONTRACTORS SHALL NOTIFY THE FOLLOWING AGENCIES NORTH CAROLINA UTILITIES PROTECTION SERVICES (NAPS) AT 811 OR 800-632-4568 OR WWW.NC811.ORG AND ALL OTHER AGENCIES WHICH MIGHT HAVE UNDERGROUND UTILITIES INVOLVED IN THIS PROJECT AND ARE NEARBY AREAS.

EXISTING
CONDITIONS &
DEMOLITION

TRUE HOMES

LARKIN FRONT 9 SUBDIVISION
CONSTRUCTION DOCUMENTS

AMITY HILL AND WHITES MILL ROAD
CITY OF STATESVILLE, IREDELL COUNTY, NORTH CAROLINA

47 of 175

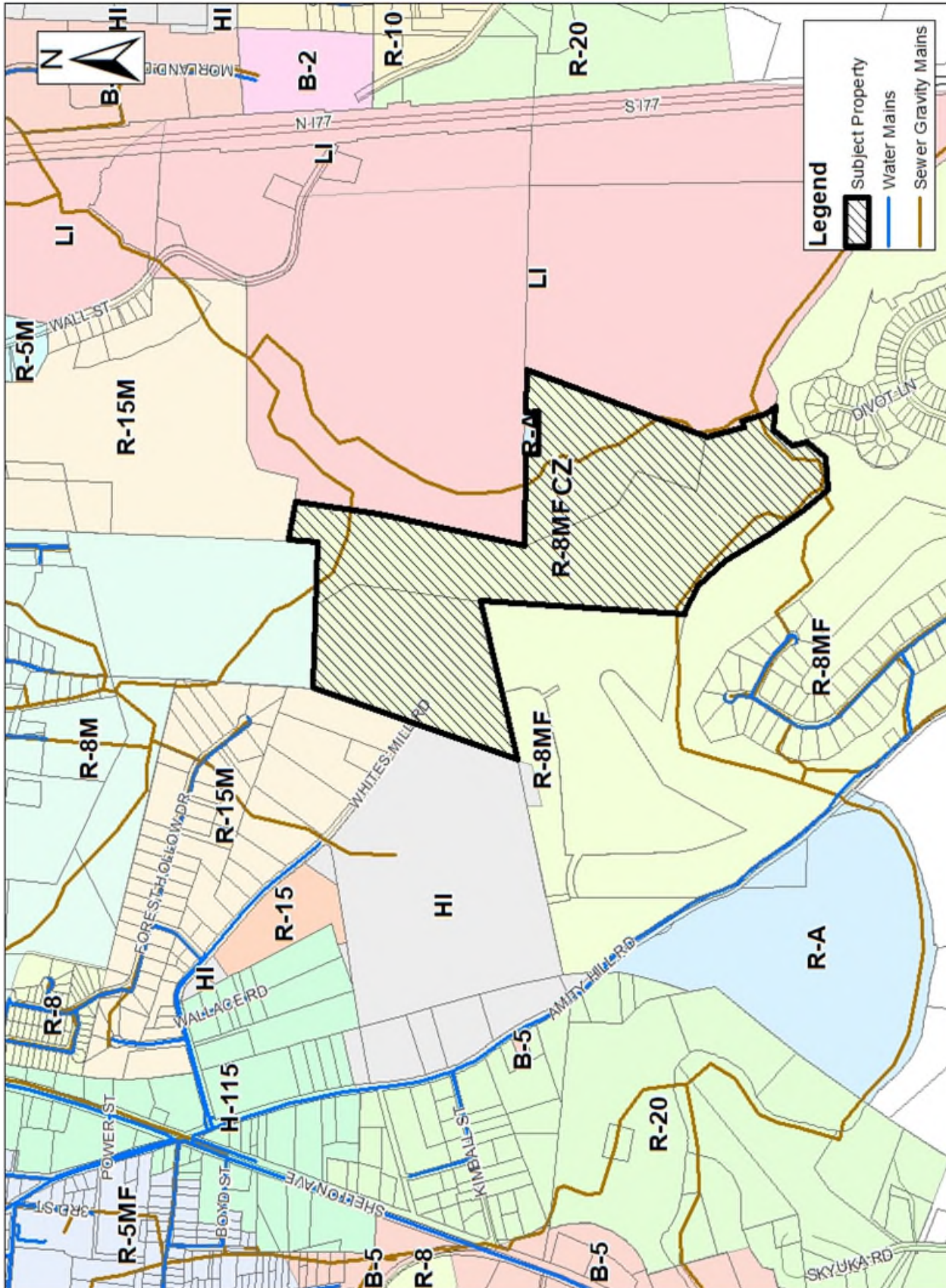
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CE SO INC., CO
3801 HIGHWAY ROAD, S
MANNING, ONT
(907) 425-1004
CDA C-4749





Site Photo – AX23-04 Larkin Front 9 (True Homes LLC)
PIN #'s 4743-36-9165, 4743-45-5248, & 4743-54-3605
View from the end of Whites Mill Road looking onto the subject property



Case No. AX23-04 Larkin Front 9 (True Homes LLC)
 Current Zoning & Utilities Map – PIN #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605

RESOLUTION _____

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

Case No. AX23-04
Larkin Front 9 (True Homes LLC)
Parcel #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605

WHEREAS, a petition requesting annexation of the area described in said petition has been received on February 7, 2023, 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 20th day of March 2023.

S - E - A - L

CITY OF STATESVILLE

By: _____
Mayor

ATTEST:

City Clerk

CERTIFICATE OF SUFFICIENCY

Case No. AX23-04

Larkin Front 9 (True Homes LLC)

Parcel #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605)

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 3rd day of April 2023.

SEAL

Brenda Fugett, City Clerk

RESOLUTION _____

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

Case No. AX23-04
Larkin Front 9 (True Homes LLC)
Parcel #'s 4743-36-9145, 4743-45-5248, & 4743-54-3605

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 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 3rd day of April 2023.

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

PIN #4743369145

BEING all that tract of parcel of land lying and being located in the City of Statesville, Statesville Inside Township, Iredell County, North Carolina and being more particularly described as follows:

Commencing at NCGS Monument "MONROE" (NC Grid Coordinates: N=741,451.69, E=1,447,290.52) and proceeding along a tie line S 27°01'53" W for a distance of 6,556.57 feet to a point; the POINT OF BEGINNING;
Thence, S 76°44'04" W for a distance of 1,151.82 feet to a point;
Thence, N 17°45'34" E for a distance of 834.72 feet to a point;
Thence, N 17°43'42" E for a distance of 764.72 feet to a point;
Thence, S 87°46'17" E for a distance of 593.22 feet to a point;
Thence, S 29°25'28" E for a distance of 308.98 feet to a point;
Thence, S 06°32'45" W for a distance of 973.20 feet to the POINT OF BEGINNING, and containing 28.55 acres, more or less point;

PIN# 4743455248

BEGINNING at a found iron pipe, a common corner of the Fox Den Development Company property as found in Deed Book 1824 Page 2246 of the Iredell County Registry and the now or formerly Duke Power Property as found in Deed Book 671 Page 59 of the said registry, thence leaving the POINT OF BEGINNING and running with the now or formerly Duke Power Company

NORTH 06° 32' 45" East a distance of 973.20 feet to a found iron pipe; thence NORTH 29° 25' 28" WEST a distance of 308.98 feet to a point in the edge of a branch, a corner on the line of the Christian Outreach property as found in Deed Book 1772 Page 2344; thence running with the said Christian Outreach property SOUTH 87° 46' 16" EAST a distance of 434.00 feet to a found iron pipe; thence NORTH 01° 24' 51" EAST a distance of 255.57 feet to a found iron pipe; thence leaving the Christian Outreach property and running SOUTH 79° 24' 14" EAST a distance of 264.56 feet to a found iron stake a corner of the J. N. Sherrill Heirs property as found in Deed Book 85 Page 25 of Iredell County Registry; thence SOUTH 08° 37' 13" WEST a distance of 1735.46 feet to a found iron stake; thence with a new line SOUTH 23° 38' 17" EAST a distance of 758.56 feet to an iron pipe set; thence SOUTH 58° 04' 43" EAST a distance of 285.08 feet to an iron pipe set; thence SOUTH 17° 11' 34" WEST a distance of 467.52 feet to an iron pipe set thence SOUTH 79° 51' 38" EAST a distance of 394.46 feet to a point, a corner of the William Walker property as found in Deed Book 1618 Page 843 of the Iredell Registry; thence running with the said Walker property SOUTH 14° 40' 59" EAST a distance of 53.54 feet to a point; thence SOUTH 10° 46' 23" EAST a distance of 167.92 feet to a point; thence SOUTH 25° 34' 18" EAST a distance of 50.00 feet to a point; thence NORTH 62° 46' 42" EAST a distance of 35.00 feet to a point; thence SOUTH 14° 46' 51" EAST a distance of 219.73 feet to a point; thence SOUTH 47° 57' 51" EAST a distance of 88.37 feet to a point in the center of Run of Third Creek; thence with the run of Third Creek the following fourteen (14) courses and distances: 1) SOUTH 85° 15' 19" WEST a distance of 204.04 feet, 2) SOUTH 43° 05' 27" WEST a distance of 92.68 feet, 3) SOUTH 32° 44' 53" WEST a distance of 102.74 feet, 4) SOUTH 07° 47' 30" EAST a distance of 88.48 feet, 5) SOUTH 34° 09' 16" WEST a distance of 155.77 feet, 6) SOUTH 87° 25' 06" WEST a distance of 226.30 feet, 7) NORTH 41° 48' 54" WEST a distance of 170.35 feet, 8) NORTH 38° 50' 56" WEST a distance of 119.15 feet, 9) NORTH 33° 22' 38" WEST a distance of 233.81 feet, 10) NORTH 32° 17' 24" WEST a distance of 152.80 feet, 11) NORTH 26° 57' 02" WEST a distance of 173.60 feet, 12) NORTH 38° 45' 50" WEST a distance of 133.25 feet, 13) NORTH 42° 28' 57" WEST a distance of 266.97 feet, 14) NORTH 70° 55' 21" WEST a distance of 158.63 feet to a point in the centerline of Third Creek; thence leaving the centerline and running with the said Fox Den Development property NORTH 03° 46' 36" EAST a distance of 1518.58 feet to a Point of Beginning. Containing 57.32 acres more or less.

Grantor is retaining approximately 22.14 acres of the property that is described in Deed Book 1618, Page 839, Iredell County Registry. Grantor agrees to and subjects the retained acreage to the following restrictions:

1. All that land described in Deed Book 1618, Page 839, Iredell County Registry not hereby conveyed to the Grantee shall be used only for (1) the preservation of the existing burial sites located thereon and for the future burial of Rose C. Walker, her son, James C. Walker III, and for Catherine Amanda Walker and (2) for two single-family residences. Prior to construction of a single-family residence, full architectural approval of the proposed single-family residence shall be obtained from the Grantee. Approval of the plans for the residence shall be at the discretion of the Grantee. Before approving proposed plans for the residence, Grantee must insure that the construction, design, quality, size, color, appearance and other architectural features of the proposed residence are in harmony with the standards set forth in the Declaration of Covenants and Restrictions of Fox Den Country Club, Phase IV, recorded in Book 1799 at Page 510, Iredell County Registry, and as amended in Book 1927, Page 886, Iredell County Registry. Grantee must exercise the power of approval in a reasonable manner and in good faith. Reference to other lots or structures on other lots shall mean any lots and/or structures that may be placed on the property deeded to Grantee by this Deed and to any lots and structures subject to the Phase IV Declaration

of Covenants and Restrictions for Fox Den Country Club. The term "Architectural Review Committee" and "Declarant" as used in said Declaration shall refer to the Grantee.

2. These Restrictions shall run with the land and shall be binding on all parties having or acquiring any interest in said land.

Grantor reserves for herself, in common with the Grantee, an easement of ingress, egress and regress over and across that portion of Woods Road, a 25-foot unimproved road, located on the property being conveyed to Grantee by Grantor in this Deed to the boundary of Grantor's retained property. Grantor hereby gives, grants and conveys to Grantee the right to relocate said road to suit Grantee's subdivision and development, and full enjoyment and use of the property acquired hereby from Grantor subject to the provision that access over the property being acquired hereby shall be provided to Grantor's property by a roadway having a width of at least 25 feet to the boundary of the property being retained by Grantor. Grantor acknowledges that if Grantee acquires the Duke Energy Carolinas, LLC property described in Deed Book 671, Page 59, Iredell County Registry, that Grantee may change the location of that portion of Woods Road located on said property to suit its needs. Said roadway will not be exclusive to Grantee and may be used by Grantor, it's successors and assigns, including the owner of any subdivided tracts.

The Grantor herein conveys to the Grantees the right to plant a buffer of trees on the common line of Grantor's and Grantee's adjoining property to buffer Grantee's land from Grantor's property and to maintain, repair and replace said buffer in the future. The maintenance can include trimming and cutting the trees, and planting replacement and new trees.

PIN # 4743543605

BEING ALL of Parcel 2 apportioned in the Report of Commissioners filed in the Special Proceeding for Partition 11 SP 400, Office of the Clerk of Superior Court of Iredell County and recorded in Book 2150, page 170, Iredell County Registry, said Parcel 2 being more particularly described as follows:

BEGINNING at an existing iron pin located in the line of the J.N. Sherrill heirs at the corner of the William L. Walker property described in Deed Book 1618, page 843, Iredell County Registry, thence with Williams Walker's line, South 18° 14' 39" West 1,255.24 feet to an iron; thence South 19° 52' 26" West 165.52 feet to an iron, corner of Creekside at Fox Den, LLC (Deed Book 1948, page 724); thence with Creekside's line, North 79° 51' 38" East 397.46 feet to an iron pipe; thence continuing with the line of Creekside at Fox Den, LLC, North 17° 11' 37" East 467.52 feet to an iron; thence North 58° 04' 43" West 285.08 feet to an iron; thence North 23° 38' 17" West 758.56 feet to a rebar, corner of Creekside and the J.N. Sherrill heirs; thence with the line of the Sherrill heirs South 89° 35' 17" East 741.27 feet to an iron pipe; thence with a new line of Rose C. Walker (first parcel above) South 0° 58' 36" West 84 feet to a point, South 89° 01' 24" East 130 feet to a point and North 00° 58' 36" East 84 feet to a point in the line of the J.N. Sherrill heirs; thence with the line of the Sherrill heirs South 89° 01' 24" East 374.29 feet to the point of BEGINNING, containing 21.89 acres, all in accordance with surveys by J. F. Cain & Associates, Land Surveyors, dated March 21, 2008 and September 9, 2011, and being a portion of the Grantor's property described in Deed Book 1618, page 839 Iredell County Registry. Copies of the surveys are attached to the above-referenced Report of Commissioners.

The above-described 21.89 acres (hereinafter "Parcel 2") is conveyed together with and subject to the following:

The Grantor herein remains vested with title to Parcel 1 apportioned by the above-referenced Report of Commissioners (hereinafter "Parcel 1") being more particularly described as follows:

BEGINNING at a found iron pipe, point being a corner in the line of the J.N. Sherrill Heirs property, point being located South 89° 35' 17" East 741.27 feet from the found rebar being the southwest corner of the said Sherrill Heirs property and being a common corner with the Creekside at Fox Den property as found in Deed Book 1948 Page 724 of the Iredell County Registry, thence leaving the POINT OF BEGINNING and running with the Sherrill property SOUTH 89° 01' 24" East 130.00 feet to a point; thence with a NEW line SOUTH 00° 58' 36" WEST 84.0 feet to a point; thence with another new line NORTH 89° 01' 24" WEST 130.0 feet to a point; thence NORTH 00° 58' 36" EAST 84.0 feet to the POINT AND PLACE OF BEGINNING, containing 0.25 Acres more or less, and being a portion of the Grantor's property described in Deed Book 1618, Page 839, of the Iredell County Registry.

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 20th day of March 2023.

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: March 7, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing the first reading of TA23-01: Text Amendments to the Unified Development Code filed by Sign Connection on behalf of Larkin Regional Commerce Park to amend Section 6.07 Sign Regulations, H. Prohibited Signs and Table 6-13: Permitted Sign Standards by Zoning Districts

- 1. Summary of Information:** Mr. Matt Elkin with Sign connection on behalf of the Larkin Regional Commerce Park is requesting a text amendment to allow an off-premises directional sign for an Industrial Park in excess of 50 acres to be increased from 32 sq. ft. to 64 sq. ft. in size and increase the height of such sign from 8 ft. to 25 ft. like an Industrial Park Entrance Sign (see attached application and drawings).

The applicants state that the existing size and height are too restrictive for this large of an Industrial Development.

This would require H. Prohibited Signs and Table 6-13: Permitted Sign Standards by Zoning Districts to be amended (see proposed ordinance attached). Changes are highlighted, new language is underlined and language to be removed is shown as strike-through.

The city's zoning ordinance prior to 2010 allowed unlimited signage. On August 2, 2010, the zoning and subdivision ordinance was replaced with a Unified Development Code (UDC) which did not allow off-premises signs for industrial development.

- 2. Previous Council or Relevant Actions:** October 3, 2011, the City Council amended the UDC to allow off-premises signs for Industrial Parks. Industrial Parks in excess of 50 acres in the HI zoning district are allowed one off-premises sign with a maximum size of 32 square feet and a maximum height of 8 feet. (see Section 6.07, Table 6-13).
- 3. Budget/Funding Implications:** There are no budget implications based on this request other than the newspaper notice.

4. **Consequences for Not Acting:** The current UDC language remains as-is and the larger off-premises sign would not be allowed.
5. **Department Recommendation:** Staff recommends approval to allow the off-premises directional sign to be larger and higher to match what is allowed for the entrance sign (64 sq. ft. in size and 25 ft. in height). The city has several industrial parks along I-77. Due to the size of these industrial parks, staff thinks this amendment is a reasonable request.
6. **Manager Comments:** Concur with department's recommendation.
7. **Next Steps:** If first reading of the proposed ordinance is passed, the second reading will be on April 3, 2023.

Attachments:

1. Application & Drawings
2. Proposed Ordinance
3. Table 6-13: Permitted Sign Standards by Zoning Districts

APPLICATION FOR TEXT AMENDMENT

City of Statesville
Post Office Box 1111
Statesville, North Carolina 28687
(704) 878-3539
FAX (704) 878-3464

Applicant's Name: MATT EULIN
No. of Attachments: 3
Application Complete: ✓

Application No. TA 23-01
Received By: [Signature]
Fee (\$400.00) Paid: ✓
Date: 1/16/2023

State Purpose of Text Amendment: TO ALLOW LARKIN REGIONAL
COMMERCE PARK TO INSTALL A GRAND ENTRANCE SIGN
AT THE MAIN ENTRANCE TO THE PARK; SEE ATTACHED
DRAWINGS
CURRENT TEXT OF 32 SQFT AND 8 FT HEIGHT IS TOO RESTRICTIVE
FOR THIS LARGE DEVELOPMENT ENTRANCE

Cite Section(s) of the Unified Development Code Proposed to be Amended:
TABLE 6-13 OF SECTION 6.07 (SIGN REGULATIONS)
CHANGE "OFF PREMISES DIRECTIONAL SIGNAGE" ALLOWANCE
FROM 32 SQFT AND 8 FT HEIGHT TO 64 SQFT AND 25 FT HEIGHT
TO MATCH ENTRANCE SIGN ALLOWANCES

Proposed Language (Attachments need to be in digital format {word}):

- SEE ATTACHED TABLE
- WE ARE APPLYING TO CHANGE THE ALLOWANCES ONLY FOR
OFF PREMISE DIRECTIONAL SIGNS IN LI AND HI DISTRICTS

Applicant/Agent: MATT EULIN
(Print Name)

[Signature] 1/12/23
(Signature)

Address: 1660 PALOLET CT GASTONIA NC 28052

Telephone: 704-868-4500

Email: MATT@SIGNCON.COM

*Backup documentation may also be submitted as part of the application.

(FOR OFFICIAL USE ONLY)

Planning Board reviewed application on February 28, 2023

City Council reviewed application on March 20, 2023 PH + 1st R

Rev. 09-2021

April 3, 2023 2nd R + Adoption

2/10/1

2 of 5

§ 6.07

STATESVILLE CITY CODE

Zoning District	Type of Sign	Structural Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height	Additional Regulations
* LI, HI	On-premises sign	Monument (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street front	32 sq. ft. per sign face	8 ft.	Permit required 5 ft. minimum setback from right-of-way. No internal illumination of signs located on property sides that adjoin residential districts
	On-premises sign	Wall sign, awning, marquee, or projecting sign	Any number of signs not to exceed max. total sign area except not more than 1 projecting sign per business	10% of each façade visible from right-of-way not to exceed 500 sq. ft.	Under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. Internally or externally illuminated. *See footnote
	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	No internal illumination
	Entrance sign (Industrial Parks 49 acres or less)	Monument	1 per entrance	64 sq. ft.	8 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trademark only can be internally illuminated
	* Entrance sign (Industrial Parks in excess of 50 acres)	Pole or Monument	1 per entrance	64 sq. ft. each side of sign (Limited to 4 sides)	25 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trademark only can be internally illuminated
	* Off-premises directional sign (Industrial Parks in excess of 50 acres)	Pole, Monument or Ground	1 per entrance	32 sq. ft.	8 ft.	Permit required 5 ft. minimum setback from right-of-way. No internal illumination
PUD	Per approved final PUD plan/Requires Master Signage Plan. If PUD approval does not address signs, then sign regulations for equivalent district, as determined by the Planning Director shall apply.					
Existing Billboards	See Section M					

UPDATE TO 64ft

UPDATE TO 25 FT.

Supp. No. 46

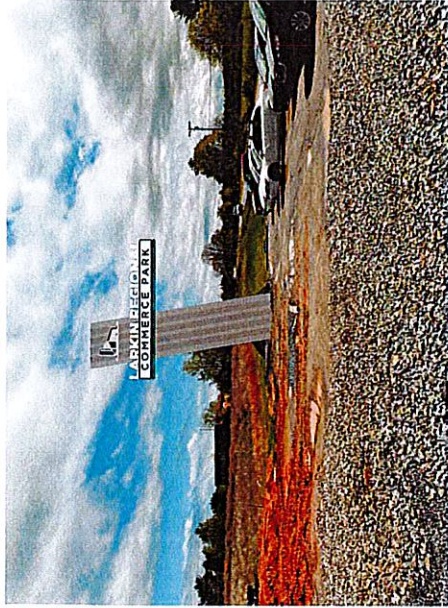
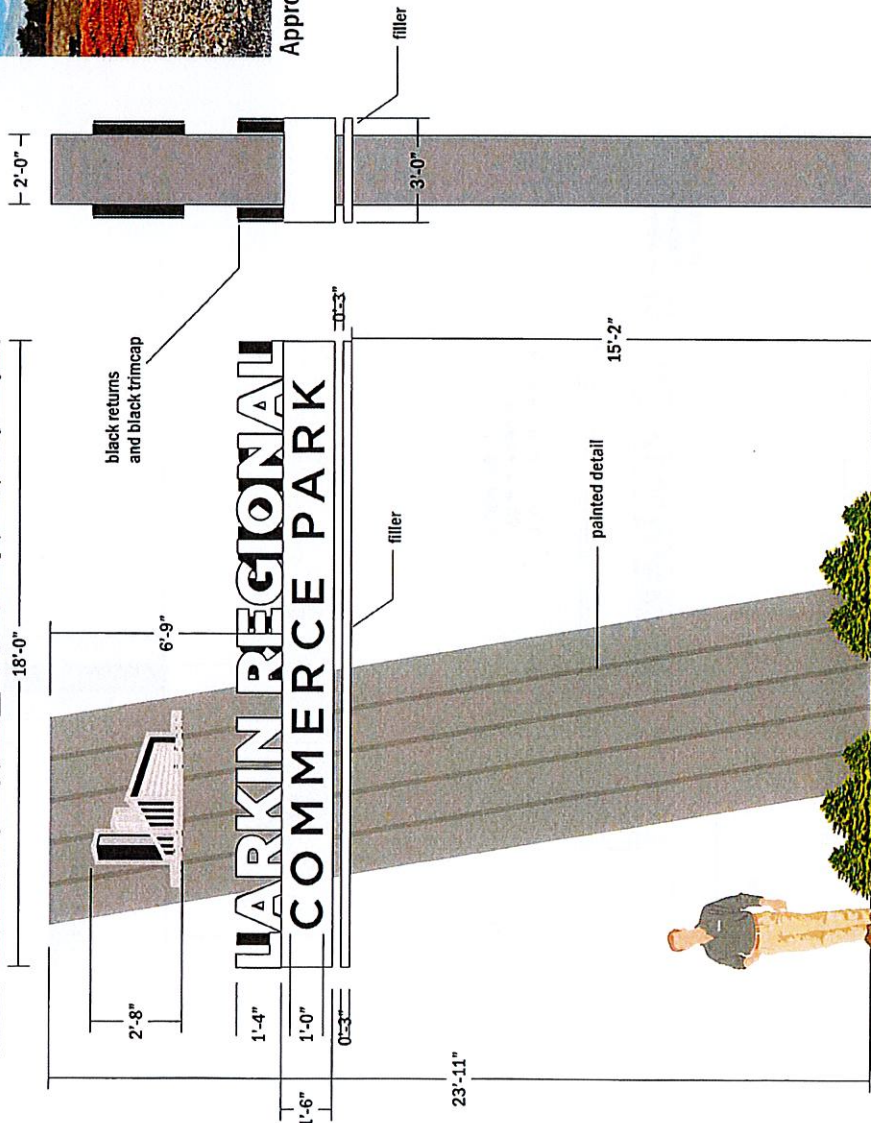
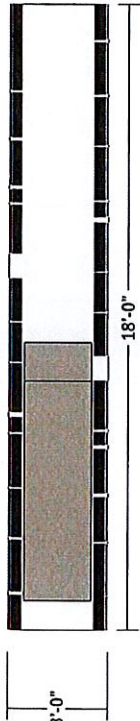
2574

3007 Anvity Hill Rd
Statesville, 28677

3 of 5

Color Schedule

Paint match CMYK 50% black Paint match CMYK 10% black Black White Black Perforated Vinyl



Approximate Location



Simulated Night View

One (1) double sided, internally illuminated pylon sign constructed of aluminum. "LARKIN REGIONAL" copy to be 5" Deep facelighted channel letters, mounted to sign cabinet. "COMMERCE PARK" to be routed copy, backed with acrylic and faced with black perforated vinyl. Logo to be 5" deep facelighted channel letter.

ALL ARTWORK IS BILLABLE Customer Approval: _____ Date: _____

SIGN CONNECTION
Building a Better Brand.

1640 Paralel Court Gastonia, NC 28602
ph 704.848.4500 fx 704.848.4592
www.signconnection.com

Sign Connection is not responsible for damage to unsanctioned utility lines.

Sign Connection is not responsible for damage to unsanctioned utility lines.

Client:

JOB#: 2116

Customer: TKC

Job Name: Larkin Regional
Commerce Park -
Monument Concepts

Address: xxx

Sales Contact: Matt Elkin

Initial Design Date: 3/14/2022

Designer: E. Hellstrand

Scale: 1:50

- ☐ Conceptual Drawing
- ☐ Design Development
- ☐ Final Production

Revision Date(s): xx/xx/xxxx

Critical to Quality Information:

xxx

Font Schedule

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Font 2

Font 3



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Sign Connection, Incorporated

150 90012019 CERTIFIED

ISO 9001:2015

Effective Date: 11/12/2017

4 of 5



1640 Pacific Coast Gardens, LLC 79052
ph 704.868.4500 fx 704.868.4512
www.signcon.com

Sign Connection is not responsible for any damage to unmarked utility lines.

SIGN CONNECTION IS NOT RESPONSIBLE FOR DAMAGE TO UNMARKED UTILITY LINES.

Client:

JOB#: 2116

Customer: TKC

Job Name: Larkin Regional

Commerce Park -

Monument Concepts

Address: xxx

Sales Contact: Matt Elkin

Initial Design Date: 3/14/2022

Designer: E. Helstrand

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Revision Date(s): xx/xx/xxxx

Critical to Quality Information:

xxx

Font Schedule

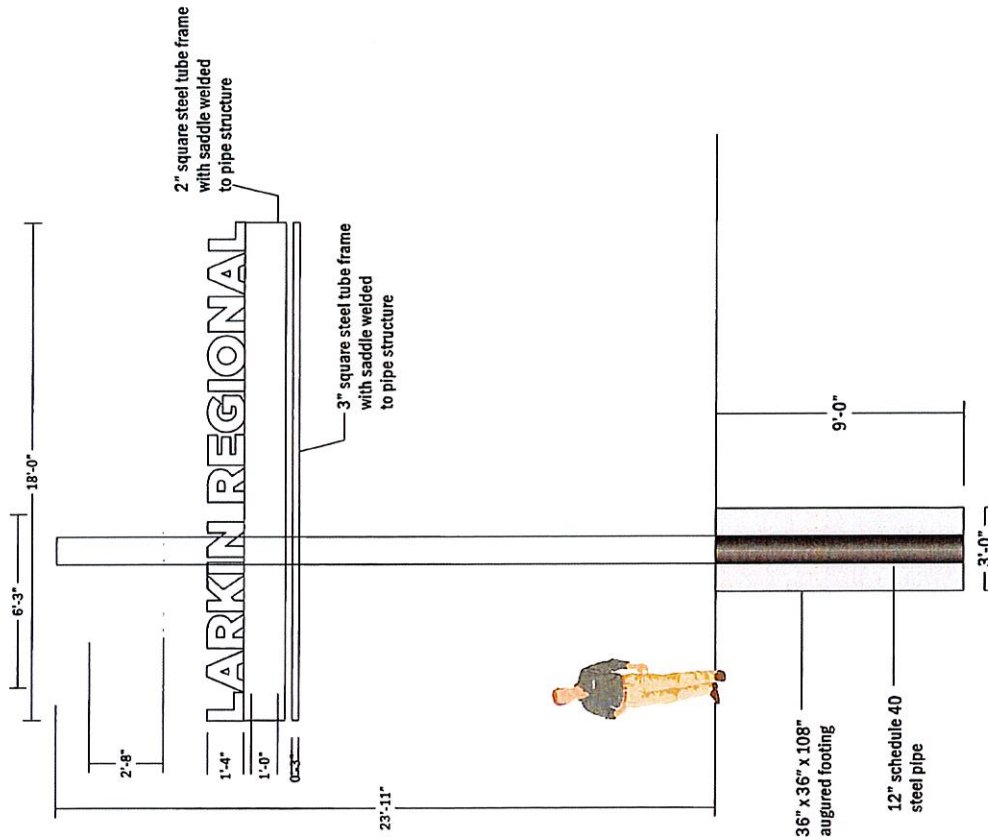
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ISO 9001:2015 CERTIFIED

SC-025 Rev 3 Effective Date: 11.12.2017



ALL ARTWORK IS BILLABLE Customer Approval: _____ Date: _____

Customer Requested Revision History

SIGN CONNECTION
Building a Better Brand.
1640 Pocollet Court Gastonia, NC 28052
ph 704.848.4500 fx 704.848.4592
www.signcon.com

There is much to be learned from a study of the *Journal of American Studies*, for it is a journal that has not only been a source of information for the study of American literature, but also a source of information for the study of the history of the English language.

**SIGN CONNECTION IS NOT RESPONSIBLE
FOR DAMAGE TO UNMARKED UTILITY LINES.**

JOB#: 2116
Customer: TKC
Job Name: Larkin Regional
Commerce Park -
Monument Concepts
Address: xxx
Sales Contact: Matt Elkin

☐ Conceptual Drawing
☐ Design Development
☐ Final Production

Font Schedule

© 2016, Sign Connection, Incorporated
 10000 1st Avenue, Suite 100
 Dallas, Texas 75244-1000
 Phone: 214-343-7777
 Fax: 214-343-7778
 Email: info@signconnection.com
 Website: www.signconnection.com

ISO 9001:2018 CERTIFIED

[illegible]

ALL ARTWORK IS BILLABLE Customer Approval: _____ Date: _____ PAGE: 7

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ARTICLE 6.
DEVELOPMENT STANDARDS, SECTION 6.07 SIGN REGULATIONS, H.
PROHIBITED SIGNS AND TABLE 6-13: PERMITTED SIGN STANDARDS BY ZONING
DISTRICT**

TA23-01

WHEREAS, council would like to amend the Unified Development Ordinance to increase the size and height of off-premises signs, and allow internal illumination for these signs in Industrial Parks in excess of 50 acres as permitted in the LI and HI zoning districts;

WHEREAS, the increased size and height and illumination of these signs will be similar to the entrance signs allowed in the LI and HI zoning districts;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that Article 6, H. Prohibited Signs and Table 6-13 Permitted Sign Standards by Zoning District be amended as follows:

- **Amend Article 6 Development Standards, Section 6.07 Sign Regulations, H. Prohibited Signs and Table 6-13: Permitted Sign Standards by Zoning District as follows:**

H. Prohibited Signs

The following signs shall not be permitted in any district:

15. Off-premises signs except as permitted in Section **6.07 Sign Regulations**; ~~N. Off-Premise Commercial Directional Signs~~;

Table 6-13: Permitted Sign Standards by Zoning District

Zoning District	Type of Sign	Structural Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height	Additional Regulations
LI, HI	Entrance sign (Industrial Parks in excess of 50 acres)	Pole or Monument	1 per entrance	64 sq. ft. each side of sign (Limited to 4 sides)	25 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trade mark only can be internally illuminated.
	Off-premises directional sign (Industrial Parks in excess of 50 acres)	Pole, Monument or Ground	1 per entrance	32 sq. ft. 64 sq. ft.	8 ft. 25 ft.	<u>Permit required 5 ft. minimum setback from right-of-way. No internal illumination.</u> <u>Logo/trade mark only can be internally illuminated</u>

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the _____ day of _____, 2023.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the _____ day of _____, 2023, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2023.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

Leah Gaines-Messick, City Attorney

ATTEST:

Brenda Fugett, City Clerk

Section 6.07 Sign Regulations, Table 6-13: Permitted Sign Standards by Zoning Districts

§ 6.07

STATESVILLE CITY CODE

Zoning District	Type of Sign	Structural Type	Maximum Number of Signs	Maximum Sign Area	Maximum Height	Additional Regulations
LI, HI	On-premises sign	Monument (See Section S. regarding signs for Houses of Worship, Schools and Daycare Centers)	1 per street front	32 sq. ft. per sign face	8 ft.	Permit required 5 ft. minimum setback from right-of-way. No internal illumination of signs located on property sides that adjoin residential districts
	On-premises sign	Wall sign, awning, marquee, or projecting sign	Any number of signs not to exceed max. total sign area except not more than 1 projecting sign per business	10% of each façade visible from right-of-way not to exceed 500 sq. ft.	Under eave or parapet for wall, awning, marquee, window or projecting sign	Permit required. Internally or externally illuminated. *See footnote
	On-premises sign	Wall sign non-flush mounted	1 per lot	100 sq. ft.	Cannot exceed roofline	No internal illumination
	Entrance sign (Industrial Parks 49 acres or less)	Monument	1 per entrance	64 sq. ft.	8 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trademark only can be internally illuminated
	Entrance sign (Industrial Parks in excess of 50 acres)	Pole or Monument	1 per entrance	64 sq. ft. each side of sign (Limited to 4 sides)	25 ft.	Permit required 5 ft. minimum setback from right-of-way. Logo/trademark only can be internally illuminated
	Off-premises directional sign (Industrial Parks in excess of 50 acres)	Pole, Monument or Ground	1 per entrance	32 sq. ft.	8 ft.	Permit required 5 ft. minimum setback from right-of-way. No internal illumination
PUD	Per approved final PUD plan/Requires Master Signage Plan. If PUD approval does not address signs, then sign regulations for equivalent district, as determined by the Planning Director shall apply.					
Existing Billboards	See Section M.					

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 8, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing the first reading of TA23-02: Text Amendments to the Unified Development Code to amend Article 3. Zoning, Section 3.04 Zoning District Regulations, Table 3-1: Use Matrix, Article 5. Supplemental Regulations/Performance Standards for Specific Uses, Section 5.04 Primary Uses and Structures. S. Colleges, Universities, Technical Schools and Article 9. Definitions.

- 1. Summary of Information:** In accordance with the provisions of Section 2.06 *UDC and Zoning Map Amendments* of the Unified Development Code (UDC), the City of Statesville Planning Department has initiated amendments to Section(s)

- 3.04 *Zoning District Regulations – Table 3.1 Use Matrix*
- 5.04 (S) *Primary Uses and Structures – Schools*; and
- 9.02 *Definitions*

to include allowances and supplemental regulations for the development of Public Safety Training Facility (PSTF) at Community College facilities in the City of Statesville in the LI (Light Industrial) District.

- 2. Previous Council or Relevant Actions:** City staff have been working with representatives of Mitchell Community College on the development of a PSTF, specifically on a portion of 444 Third Creek Drive (PIN 4753-31-4625) currently owned by the City of Statesville.

As envisioned, the facility would serve as a vocational and technical institute and training facility for local/regional public safety officials including a driving facility for public safety officers (i.e., police and fire), indoor firing range, classrooms, physical fitness training and testing facilities, and a burn building/tower for fire training. This facility would be an integral part of the College's Basic Law Enforcement Training (BLET) curriculum as well as provide opportunities for continuing education and training for local/regional public safety officials (i.e., police and fire personal).

The Planning Board at their February 28, 2023 regular meeting, recommended approval as presented with a unanimous vote.

3. **Budget/Funding Implications:** There are no budget implications based on this request other than the newspaper notice.
4. **Consequences for Not Acting:** The current UDC language remains as-is and schools/public safety training facilities are not permitted in the LI District.
5. **Department Recommendation:** In reviewing the UDC, staff determined the most appropriate course of action was initiation of text amendment(s) to update and simplify existing regulations and the establishment of reasonable development standards for the PSTF. As proposed, the amendments would:
 - A. Group School land uses into a central section in the Use Matrix rather than have then listed separately throughout;
 - B. Eliminate existing redundant school categories and definitions (i.e., there will now be 3 central school categories: K-12 or preparatory, business/technical/vocational, and colleges/university/community college);
 - C. Make all school land uses abide by basic development requirements (i.e., street frontage, lighting, buffers, architectural features, etc.); and
 - D. Allow the PSTF on Community College campuses in the Light Industrial (LI) general use zoning district subject to specific standards detailed in Section 5.04 (S) of the UDC.

The LI district was selected as the most appropriate given the purpose/intent of the district, the potential impacts of the training activities in terms of impacts (i.e., noise, smoke, odor, etc.), and the similarity of land uses within the current LI zoning district and the proposed PSTF construct.

If the amendments are approved, a Zoning Map amendment will be initiated for 444 Third Creek Drive to rezone a portion of the property to LI to allow for the creation of the PSTF campus as envisions by Mitchell Community College.

6. **Manager Comments:** Concur with department's recommendation.
7. **Next Steps:** If first reading of the proposed ordinance is passed, the second reading will be on April 3, 2023.

Attachments:

1. Proposed Ordinance

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE,
SECTION(S) 3.04 ZONING DISTRICT REGULATIONS – TABLE 3-1 USE MATRIX;
5.04 PRIMARY USES AND STRUCTURES, S. COLLEGES, UNIVERSITIES,
TECHNICAL SCHOOLS; and
9.02 DEFINITIONS.**

TA23-02

WHEREAS, City staff has been working with representatives of Mitchell Community College on the development of a Public Safety Training Facility (PSTF) within the City of Statesville; and

WHEREAS, Planning staff has determined there is a need to modify the Unified Development Code (UDC) to allow for the development of the facility as currently envisioned; and

WHEREAS, Staff has determined there is a need to clarify and simplify existing regulations governing the development of school land uses within the City of Statesville; and

WHEREAS, The amendments are the minimum necessary to accomplish the goals of the City Manager and City Council in moving this project forward consistent with the goals and policies of the adopted City of Statesville Land Development Plan;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that the Unified Development Code (UDC) be amended as follows:

1. Section 3.04 *Zoning District Regulations – Table 3.1 Use Matrix* be amended as follows:

Use		R-A	R-20	R-15	R-15M	R-10	R-10M	R-8	R-8M	R-8MF	R-5	R-5M	R-5MF	O-1	O & I-2	B-1	B-2	B-3*	B-4*	CB	CBP/H-115	B-5	LI	HI
College, university, technical schools, Section 5.04		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X	X		
Schools (K-12)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Schools, business																			X	X	X	X		
Schools, trade																			X	X	X	X		
Schools, vocational																			X	X	X	X		
Schools: Subject to development requirements of Section 5.04 (S) of this Ordinance.	Preparatory (Pre-K through 12 th grade)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Business, Technical, Trade, and Vocational Training																		X	X	X	X		
	College, University, Community College	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	X	X	X	X	X	X	X	X	X	SR	

2. Section 5.04 *Primary Uses and Structures, S. Colleges, Universities and Technical Schools* be amended as follows:

S. _Schools:

~~These may be permitted subject to the following:~~

1. All School land uses shall abide by the following general standards:
 - a. Shall have direct access and frontage on a publicly maintained roadway.
 - b. Structure design and bulk shall be compatible with surrounding development.
 - c. Outdoor lighting source shall not be directly visible to adjacent properties.
 - d. Fire, police, and rescue services, water supply and wastewater treatment methods are adequate to serve the proposed uses and facilities.
2. Specific standards, *Colleges, Universities, Community Colleges*:
These may be permitted subject to the following:
 - a. Shall have direct access to a collector or arterial street, as designated by the Comprehensive Transportation Plan.
 - b. Service entry shall be limited to rear and side yard.
 - c. A type C buffer shall be required between this use and a residential lot pursuant to Section 6.04 of this Code.

3. Specific standards, Public Safety Training Facility. May be permitted subject to the following:
 - a. Permitted as part of a *College, University, Community College* land use within the Light Industrial (LI) general use zoning district only.
 - b. Land Uses shall be limited to: administrative buildings, classroom/lab training and testing facilities, physical ability test/training including outdoor exercise facilities (including locker room and shower facilities), fire training facilities (burn building, confined spaces, vehicle/airplane fire, fuel fire, rescue training, etc.), emergency medical training, vehicle extraction training, indoor shooting range, car driving facility (competency course, precision, evasive action, etc.), and customary accessory uses (maintenance garage storage, etc.).
 - c. Setbacks: Individual training facilities shall observe the following:
 - i. Driving facility/track: 100 ft. minimum from all property lines.
 - ii. Indoor shooting facility: 200 ft. minimum from all property lines.
 - iii. Burn tower/fire training activities: 300 ft. minimum from all property lines.

3. Section 9.02 *Definitions* be amended as follows:

Public Safety Training Facility (PSTF): A program developed as part of a Community College Basic Law Enforcement Training (BLET) curriculum offering educational and training opportunities for enrolled students as well as current local/regional public safety officials.

School - Business, Technical, Trade, and Vocational Training: Land use(s) engaged in offering a variety of technical, trade, continuing education, vocational and skills training educational services to clients. Includes facilities providing workforce education and college transfer academic programs and may include institutions that offer on-site living accommodations (i.e. dormitories) but not approved by the North Carolina Department of Public Instruction

School - College, University, Community College - a degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or

equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries, and professional schools. Accessory uses under this definition include, but are not limited to, dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas, and auditoriums.

Schools – Preparatory: A land use providing academic courses designed to satisfy curriculum requirements/standards established by the State of North Carolina Department of Public Instruction including pre-school through 12th grade/pre-college activities provided by either public or private institutions. The term includes kindergarten, elementary/secondary and high schools, schools for the mentally and/or physically disabled, military academies, schools for the deaf or visually impaired, and alternative schools.

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the _____ day of _____, 2023.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the _____ day of _____, 2023, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2023.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

ATTEST:

Leah Gaines-Messick, City Attorney

Brenda Fugett, City Clerk

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 8, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of Rezoning Request ZC23-02 for properties located on Taylorsville Hwy./NC 90; Iredell County Tax Parcel #'s 4725-16-4537 and 4725-36-8814 (portion); from Iredell County M-1 and R-A to City of Statesville LI.

1. Summary of Information:

Rezoning Request

Taycora Capital LLC / Jim Maurer (applicant) has submitted a Zoning Map Amendment request for parcels off NC 90 Taylorsville Highway, specifically:

- PIN 4725-16-4537 – A 12.5-acre parcel currently zoned Iredell County M-1 (Light Manufacturing) District; and
- PIN 4725-36-8814 (portion) – A 399.1-acre parcel split zoned Iredell County M-1 (Light Manufacturing) District and Iredell County R-A (Agricultural Residential) District. The request involves only a portion of the property, specifically 31.45 acres, be rezoned.

The applicant is requesting these parcels be rezoned from Iredell County M-1 and Iredell County R-A to the City of Statesville LI (Light Industrial) District consistent with the City of Statesville UDC standards (see Location Map and Zoning & Utilities Map).

Evaluation

The parcels are currently located within Iredell County's planning jurisdiction, are undeveloped with varying topography and portions of the property already cleared of vegetation. There are water features (i.e., streams) running throughout the 399.1-acre parcel. The 12.54-acre parcel is separated from Taylorsville Highway by the existing rail line. Vehicular ingress/egress will be through Morrison Flats Road (see Aerial Photo & Site Photos).

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. The applicant does not have a specific user at this time.

In the LI District, there are no minimum lot size or lot width requirements; there are required minimum 30' front and 20' rear setbacks. There is no required minimum side yard setback; and the maximum building height in the district is 80'. The City's stormwater regulations apply to development on this property.

When an industrial user is determined, a detailed site plan will be required that meets the standards of the Unified Development Code, such as but not limited to setbacks, height, parking, landscaping, buffering, curb, gutter sidewalks, possible TIA, etc. before any permits are issued.

The 2045 Land Development Plan projects these parcels to be suitable for Employment Center/Industrial Flex (see attached 2045 Land Use Map and Character Map inset).

Both Iredell Water and city water are available and both Energy United and city electric service are available. However, a sewer package treatment plant would be required to supply sewer service in the future.

The subject parcels are located within the Tier 3 Growth Area as depicted on the Tiered Growth Map, which identifies areas in the city where utilities and services are eventually expected to be extended. This area is not considered a priority for growth until utilities become available.

The surrounding zoning districts and land uses are as follows:

<u>NORTH OF THE SITE:</u>	Iredell County R-A (Residential Agricultural) District including single-family homes and vacant land; the remaining portion of PIN 4725-36-8814 remains Iredell County R-A .
<u>EAST OF THE SITE:</u>	Iredell County R-A including single-family homes and manufactured homes (Deercroft Neighborhood, Piney Oaks Neighborhood and Grayson Park Neighborhood)
<u>SOUTH OF THE SITE:</u>	Alexander Railroad/Taylorsville Highway. South of the Highway is Iredell County R-A including single-family homes, vacant land, and the Monticello Baptist Church
<u>WEST OF THE SITE:</u>	Iredell County M-1 including Flexsol, Magia Products, Suburban Propane, City of Statesville LI and HI (Deer Ridge Industrial Park) with Berry and Pratt Industries, Iredell County R-A , Stikeleather Farm with chicken houses, barn, etc.

- 2. Previous Council/Relevant Actions:** The Planning Board at their regular meeting on February 28, 2023, recommended approval with a unanimous vote for the rezoning. Matthew Grant spoke in favor of the development. No one spoke from the public.
- 3. Budget/Funding Implications:** The current taxable value of the parcels is approximately \$553,659. Currently there is no specific industrial tenant.
- 4. Consequences for Not Acting:** The properties would remain M-1 and R-A under Iredell

County's jurisdiction. The city would not receive property taxes from development of the parcels.

- 5. Department Recommendation:** The 2045 Land Development Plan projects this parcel as suitable for development as Employment Center/Industrial Flex; and about half of the property is currently zoned industrial under Iredell County's M-1 District. In addition, industrial uses are in the immediate vicinity along Taylorsville Hwy. (Deer Ridge Drive and Bucks Industrial Park.

While the subject parcels are located within the Tier 3 Growth Area (i.e., long term utility growth) both parcels are adjacent to a Tier 1 Growth Area where there is existing infrastructure to support higher intensity development. Further, both parcels are currently designated by Iredell County as part of its adopted 2030 Horizon Plan as being viable for the development of industrial, flex space, and office uses.

The applicant's rezoning request is consistent with current development trends, as well as the long-term plans, for the area as envisioned by both the City and Iredell County.

This request proposes new opportunities for the development of employment centers and industrial/warehousing flex space for Statesville once sewer is available.

Therefore, staff recommends **approval** of the request contingent upon annexation.

- 6. Manager Comments:** Concur with department's recommendation.

- 7. Next Steps:** If approved, the second reading would be on April 3, 2023.

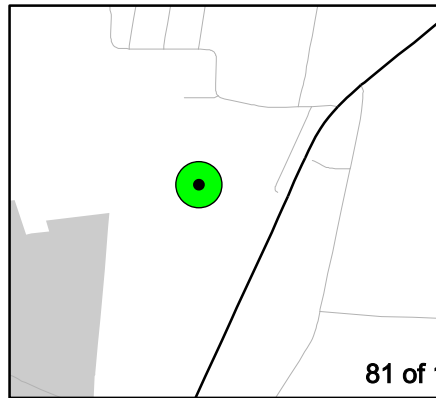
Attachments:

1. Location Map
2. Boundary Survey
3. Zoning & Utilities Map
4. Aerial Photo
5. Site Photos
6. 2045 LDP Land Use Map
7. Employment Center/Industrial Flex Character Area
8. Council Consistency Statement
9. Planning Board Consistency Statement
10. Rezoning Ordinance
11. Certification of Mailed Notices

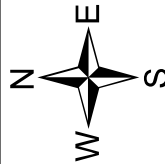
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City of Statesville Planning Department

Taycora Capital LLC Maurer
Hwy 90
ZC23-02
PIN's # 4725-16-4537, 4725-36-
8814 pt.

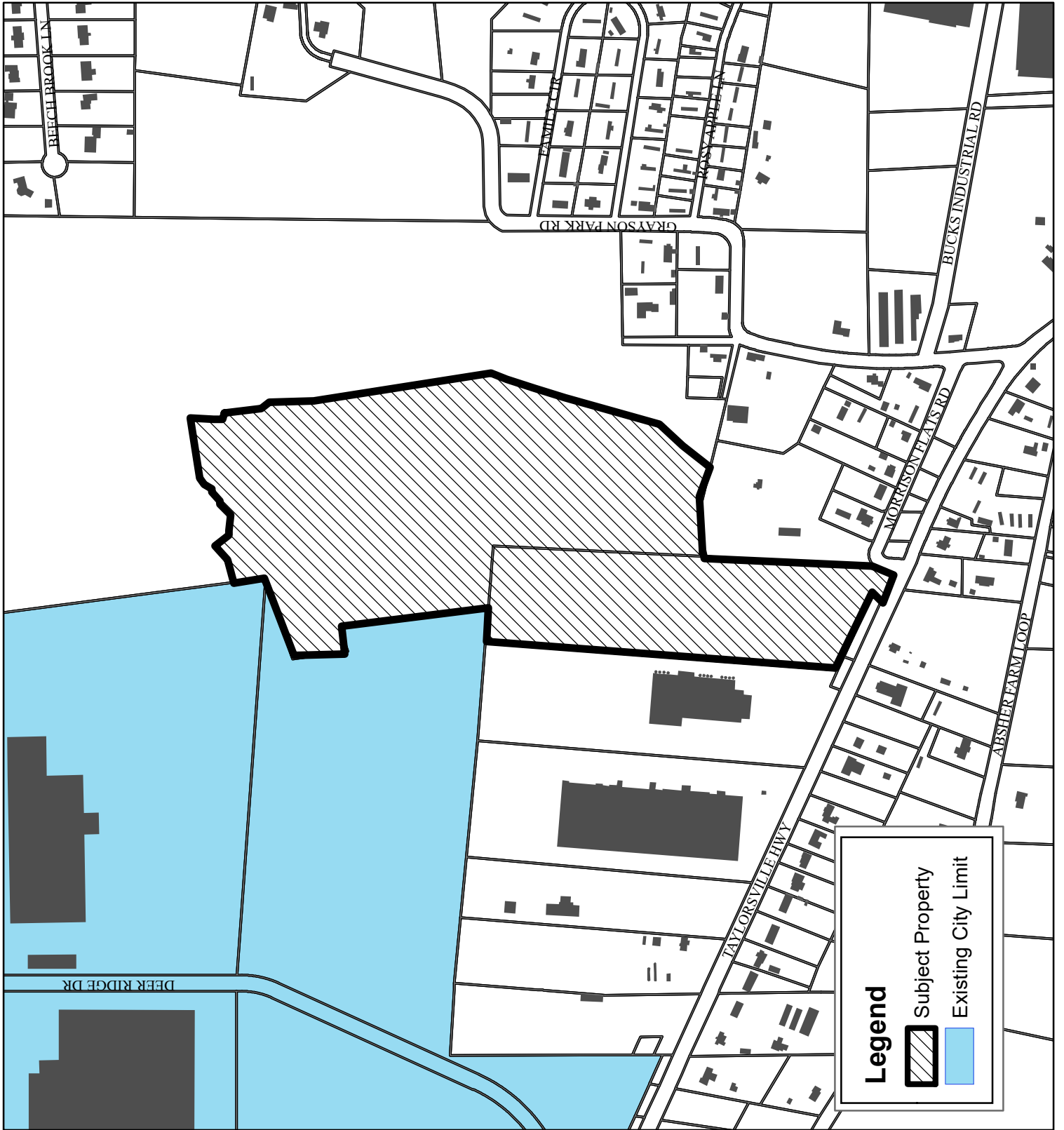


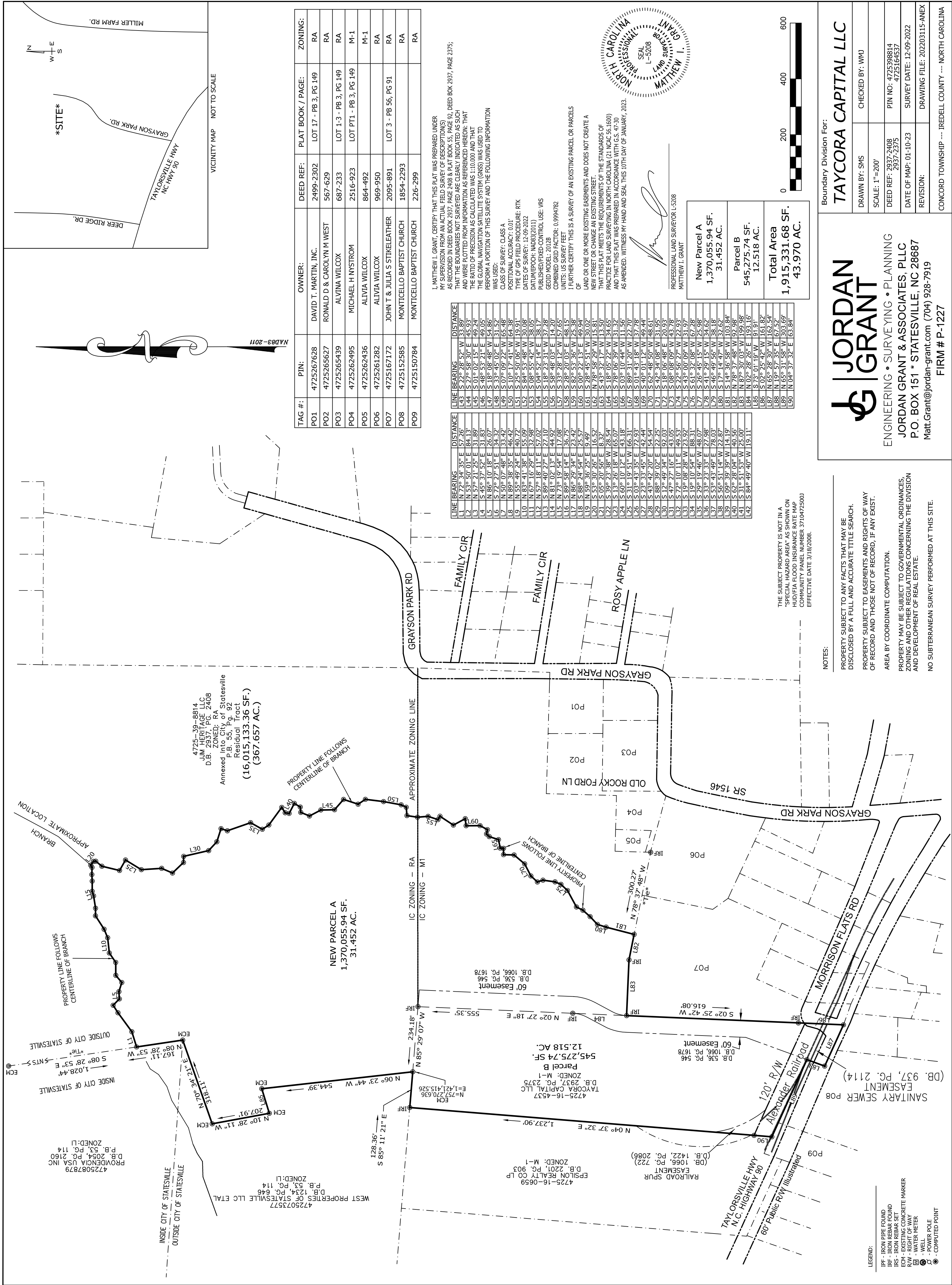
81 of 175



Feet
0 415 830

1 inch = 500 feet





TAG #:	PIN:	OWNER:	DEED REF:	PLAT BOOK / PAGE:	ZONING:
P01	4725267628	DAVID T. MARTIN, INC.	2499-2302	LOT 17 - PB 3, PG 149	RA
P02	4725265627	RONALD D & CAROLYN M WEST	567-629		RA
P03	4725265439	ALVINA WILCOX	687-233	LOT 1-3 - PB 3, PG 149	RA
P04	4725262495	MICHAEL H NYNSTROM	2516-923	LOT PT1 - PB 3, PG 149	M-1
P05	4725262436	ALIVIA WILCOX	864-492		M-1
P06	4725261282	ALIVIA WILCOX	969-950		RA
P07	4725167172	JOHN T & JULIA S STIKELATHER	2095-891	LOT 3 - PB 56, PG 91	RA
P08	4725152585	MONTICELLO BAPTIST CHURCH	1854-2293		RA
P09	4725150784	MONTICELLO BAPTIST CHURCH	226-299		RA

I, MATTHEW I. GRANT, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY OF DESCRIPTION(S) AS RECORDED IN DEED BOOK 2937, PAGE 2408 & PLAT BOOK 55, PAGE 92, DEED BOOK 2937, PAGE 2375; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SUCH THAT THE BOUNDARIES OF THE UNADJACENT PLATS ARE KNOWN; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1:10,000; AND THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:

CLASS OF SURVEY: CLASS A
POSITIONAL ACCURACY: 0.01'
TYPE OF GRS FIELD PROCEDURE: RTK
DATE OF SURVEY: 12-09-2022
DATUM/EPOCH: NAD83(2011)
PUBLISHED/FIXED-CONTROL USE: N/A
GEOID MODEL: 2012B
COMBINED GRID FACTOR: 0.9994782
UNITS: US SURVEY FEET
OF FURTHER CERTIFY THIS IS A SURVEY OF AN EXISTING PARCEL OR PARCELS
OF A NEW STREET OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A
NEW STREET OR CHANGE AN EXISTING STREET.
THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF
PRACTICE FOR PLAT SURVEYING IN NORTH CAROLINA (21 NCAC 36.1600)
AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30
AS AMENDED, WITNESS MY HAND AND SEAL THIS 10TH DAY OF JANUARY, 2023.

PROFESSIONAL LAND SURVEYOR L-5208
MATTHEW I. GRANT

New Parcel A
1,370,055.94 SF.
31.452 AC.

Parcel B
545,275.74 SF.
12.518 AC.

Total Area
-,915,331.68 SF.
43.970 AC.

Boundary Division For:

TAYCORA CAPITAL LLC

DRAWN BY: SMS

SCALE: 1"=200'

DEED REF: 2937-2408	PIN NO: 4725398814
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DATE OF MAR: 01 10 23	SURVEY DATE: 13 00
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REVISION:	DRAWING FILE: 30320314F ANEY
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FIRM # P-1227

JORDAN GRANT

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

NOTES:

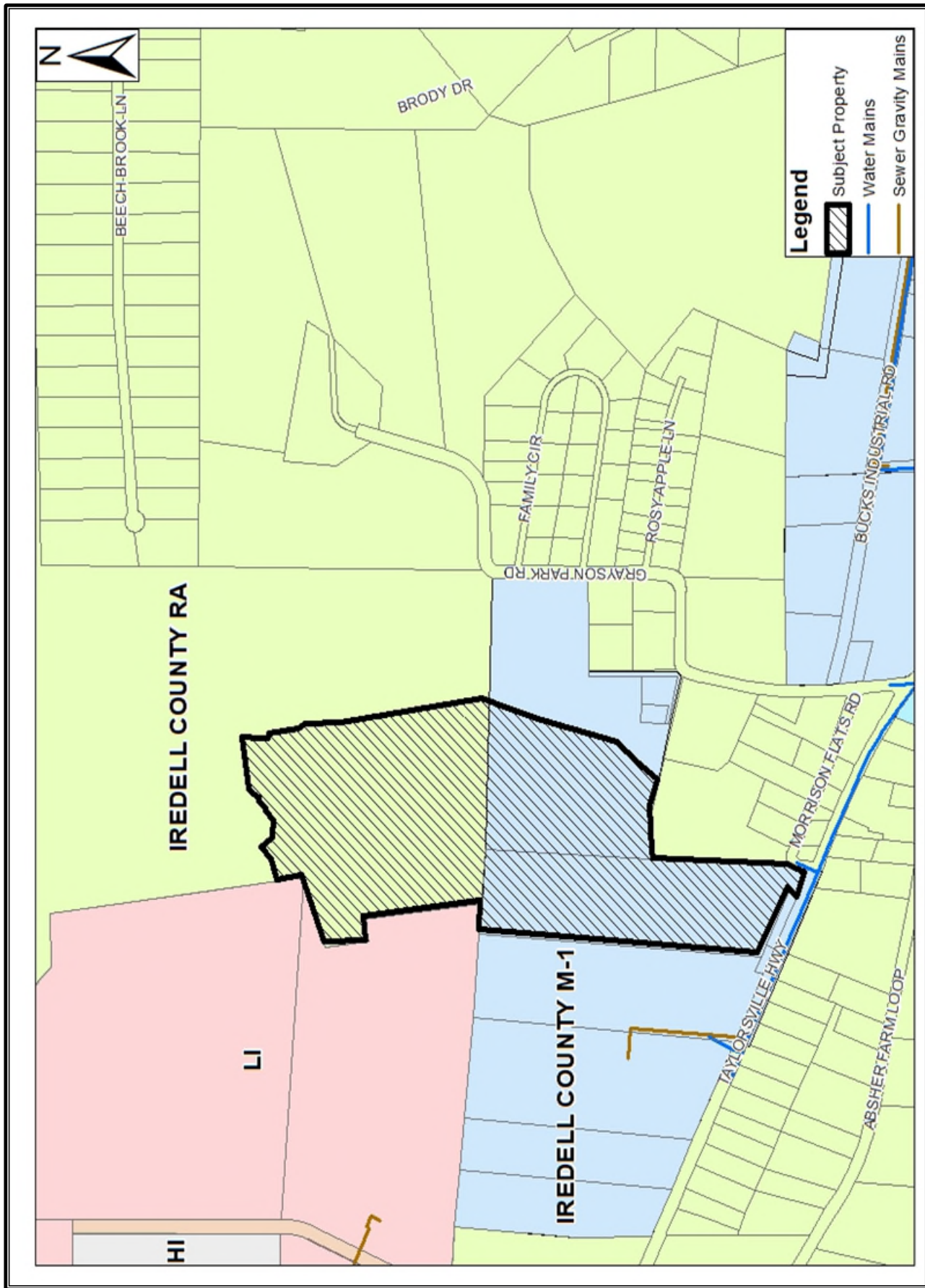
PROPERTY SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

PROPERTY SUBJECT TO EASEMENTS AND RIGHTS OF WAY
OF RECORD AND THOSE NOT OF RECORD, IF ANY EXIST.

AREA BY COORDINATE COMPUTATION:

PROPERTY MAY BE SUBJECT TO GOVERNMENTAL ORDINANCES,
ZONING AND OTHER REGULATIONS CONCERNING THE DIVISION,
USE AND DEVELOPMENT OF REAL ESTATE.

NO SUBTERRANEAN SURVEY PERFORMED AT THIS SITE.



Case No. ZC23-02 Taycora Capital James Maurer Hwy 90
 Current Zoning & Utilities Map – PIN #'s 4725-16-4537 & 4725-39-8814 (portion)



Case No. ZC23-02 Taycora Capital James Maurer Hwy 90
Aerial Photo Map – PIN #'s 4725-16-4537 & 4725-39-8814 (portion)

Site Photos – ZC23-02 Taycora Capital LLC
4725-16-4537 & 4725-36-8814 (portion)



View looking onto the property from Taylorsville Hwy./NC 90



View zoomed in from Taylorsville Hwy./NC 90

Land Use and Character Map

* Though designated rural, when developments are approved along NC 115, Jennings Road, and Whites Farm Road, it is also appropriate to consider how it affects these roads as gateways into the City

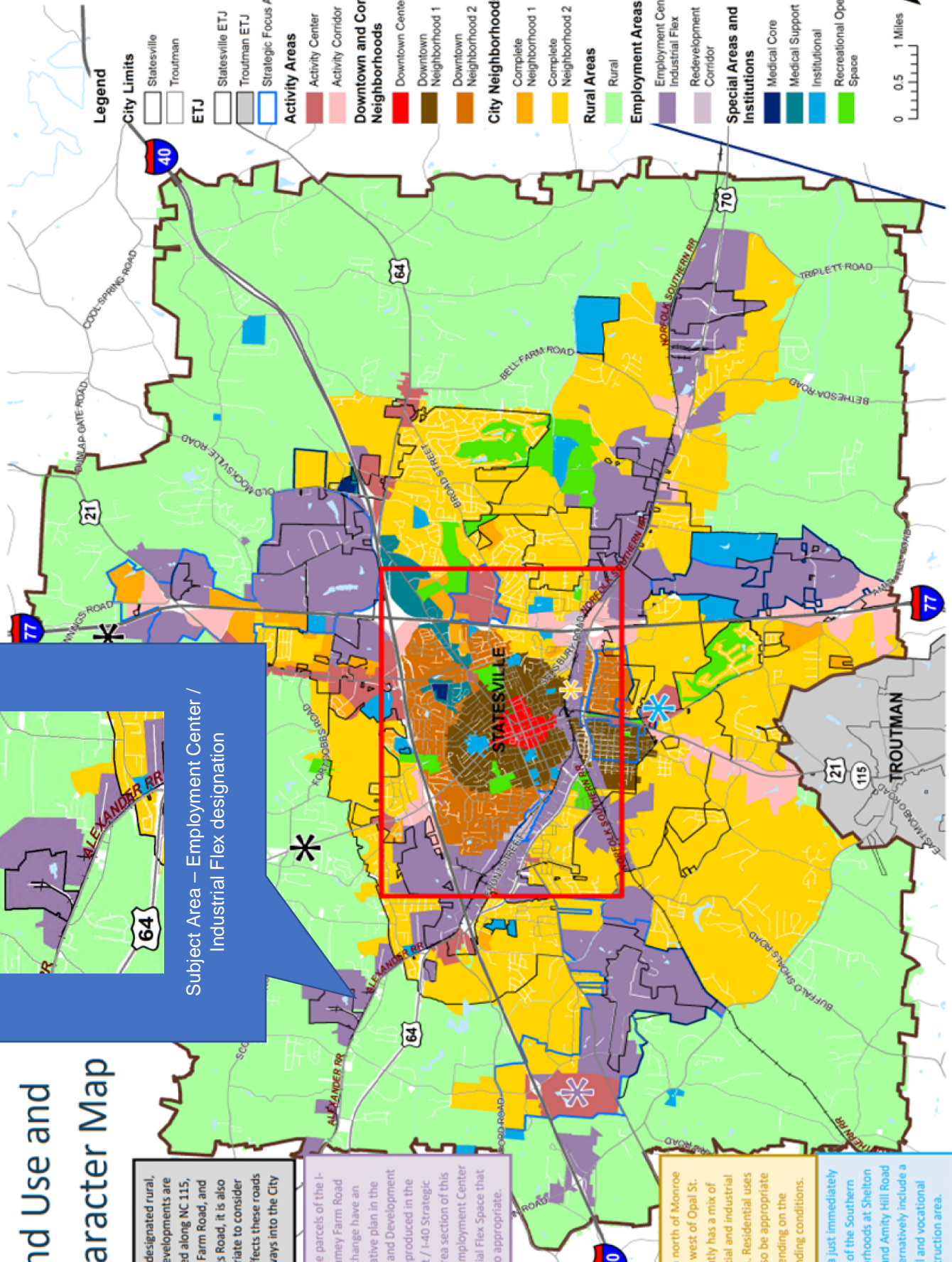
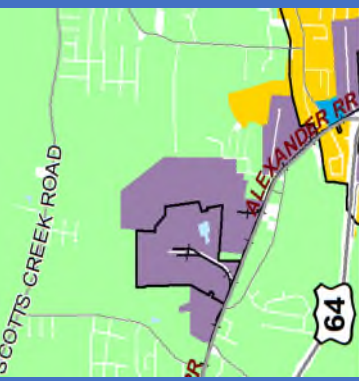
* The large parcels of the I-40/ Stamey Farm Road interchange have an alternative plan in the Mobility and Development Plan reproduced in the Airport / I-40 Strategic Focus Area section of this plan for Employment Center / Industrial Flex Space that is also appropriate.

* The area north of Monroe St. and west of Opal St. currently has a mix of residential and industrial patterns. Residential uses could also be appropriate depending on the surrounding conditions.

* The area just immediately south of the Southern Neighborhoods at Shelton Avenue and Amity Hill Road could alternatively include a school and vocational instruction area.

Subject Area – Employment Center / Industrial Flex designation

- Legend**
- City Limits**
 - Statesville
 - Troutman
 - ETJ**
 - Statesville ETJ
 - Troutman ETJ
 - Strategic Focus Areas**
 - Activity Areas**
 - Activity Center
 - Activity Corridor
 - Downtown and Core Neighborhoods**
 - Downtown Center
 - Downtown Neighborhood 1
 - Downtown Neighborhood 2
 - City Neighborhoods**
 - Complete Neighborhood 1
 - Complete Neighborhood 2
 - Rural Areas**
 - Rural
 - Employment Areas**
 - Employment Center / Industrial Flex
 - Redevelopment Corridor
 - Special Areas and Institutions**
 - Medical Core
 - Medical Support
 - Institutional
 - Recreational Open Space



Employment Center / Industrial Flex

Character Intent

This character area 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. The market for employment space is changing and requires flexibility to cater to new production models, employee preferences, and customers. Production facilities may include public-facing show rooms, test kitchens, or tour spaces. This character area allows for such diversification while maintaining a focus on industrial and manufacturing uses. Restaurants and convenience commercial are appropriate uses in these areas to reduce worker commutes and enhance productivity. Uses and loading areas should be buffered from adjacent lower intensity uses with landscaping and other transitions. Developments fronting gateway corridors should have enhanced landscaping and buffering to maximize visual quality along the corridor. Corporate campuses should be master planned to maximize pedestrian access between buildings and create a visually appealing entranceway through landscaping and signage.

For information about the changing market for employment space, See Real Estate Market Analysis Report, page 36.

Pattern & Form

Large format buildings on mid-size to longer block lengths.

Opportunities

New industries and employers.

Primary Uses

Heavy and light industrial, office, office – corporate campus, heavy commercial, entrepreneurial incubator spaces.

Secondary Uses

Convenience retail, restaurants and bars.

Form Characteristics

Building Height	One to five stories
Building Orientation	Buildings oriented toward primary street, complexes may be designed around common space or service streets, 20-50 ft setbacks
Building Types	Large and mid-size format production facilities, offices, and small format retail and service uses
Street Character	Streets capable of accommodating regular truck traffic, sidewalks connecting sites encouraged
Parking Character	Surface lots that serve development sites, shared parking preferred, parking includes adequate loading, maneuvering, and equipment parking, parking located to side or rear





To: Statesville City Council

From: Sherry Ashley, AICP, Planning Director

Date: March 6, 2023

Subject: Rezoning

Case: ZC23-02 - Taycora Capital LLC / Jim Maurer

Address: Properties off NC 90 Taylorsville Highway; 4725-16-4537 and 4725-36-8814 (portion)

X 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 2045 Land Development Plan projects this parcel as suitable for development as Employment Center/Industrial Flex; and the subject property is adjacent to and immediately accessible to Interstate 77 and US 70 at Garner Bagnal Boulevard. This parcel is part of a proposal for development that includes a significant number of parcels to the south that have already been rezoned for light industrial use; and all city utilities are available.

☐ 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 Planning Board 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



To: Statesville City Planning Board

From: Sherry Ashley, AICP, Planning Director

Date: February 28, 2023

Subject: Zoning Consistency Statement

Case: ZC23-02 - Taycora Capital LLC / Jim Maurer


Address: Off Taylorsville Highway Tax Map Numbers 4725-16-4537 and portion of 4725-36-8814

☒ 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 2045 Land Development Plan projects these parcels to be Employment Center/Industrial Flex. These parcels have been designated by both Iredell County and the City as viable for supporting economic development activities, including light industrial and warehouse land uses; Industrial uses are in the immediate vicinity along Taylorsville Hwy. and this request proposes new opportunities for the development of employment centers and industrial flex space for Statesville.

☐ 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 Planning Board 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 _____

2/28/2023 
Date: Todd Lange, Planning Board Chairman

 2/28/23
Date: Sherry Ashley, Planning Director

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED PROPERTIES FROM IREDELL COUNTY M-I (LIGHT MANUFACTURING) AND IREDELL COUNTY R-A (RESIDENTIAL AGRICULTURAL) DISTRICT TO CITY OF STATESVILLE LI (LIGHT INDUSTRIAL) DISTRICT

CASE ZC23-02 - Taycora Capital LLC / Jim Maurer
Properties off NC 90 Taylorsville Highway
PIN #s 4725-16-4537 and 4725-36-8814 (portion)

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 March 20, 2023 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 properties from Iredell County M-1 and R-A to City of Statesville LI; said notice having been published in the Statesville Record and Landmark, a newspaper having general circulation in this area on March 10 and 17, 2023, all in accordance with the procedure set forth in N.C.G.S. 160D-601; 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;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described properties be changed as particularly set out below, said properties being more particularly described as follows:

LEGAL DESCRIPTION

Lying in Iredell County, North Carolina and being more particularly described as follows:

Point of beginning being a rebar found at the northwest corner of a tract owned by John and Julia Stikeleather (DB 2095, PG 891) and also described as Lot 3 in PB 56, PG 91;
thence on a bearing of S 02°25'42" W, 616.08 feet to a rebar found near the right of way Morrison Flats Rd and Alexander Railroad;
thence on a bearing of S 02°25'42" W, 161.82 feet to a point in Taylorsville Highway; thence on a bearing of N 65°28'30" W, 162.54 feet to a point in Taylorsville Highway;
thence on a bearing of N 19°57'35" E, 67.52 feet to a point near the northern track in Alexander Railroad; thence on a bearing of N 65°31'58" W, 303.69 feet along the northern rail to a point;
thence on a bearing of N 04°37'32" E, 63.84 feet to a point on the northern right of way of Alexander Railroad;
thence with the eastern property line of Epsilon Realty Co. LP (DB 2201, PG 903) on a bearing of N 04°37'32" E, 1237.90 feet to a rebar found in the southern line of West Properties (DB 1234, PG 646);
thence on a bearing of S 85°11'21" E, 128.36 feet to a concrete monument found at the southeast corner of West Properties;
thence with West Properties on a bearing of N 06°23'44" W, 544.39 feet to a concrete monument found; thence on a bearing of S 73°01'19" W, 91.91 feet to a concrete monument found;

thence on a bearing of N 10°28'11" W, 207.91 feet to a concrete monument found; thence on a bearing of N 70°34'21" E, 318.11 feet to a concrete monument found;
thence on a bearing of N 08°28'53" W, 167.11 feet to a concrete monument found and being located S 08°28'53" E, 1,028.44 feet from a concrete monument found;
thence with a branch the following eighty (80) calls on a bearing of N 72°34'35" E, 57.26 feet to a point;
thence on a bearing of N 53°50'01" E, 84.13 feet to a point;
thence on a bearing of N 57°21'25" E, 31.89 feet to a point;
thence on a bearing of S 45°37'52" E, 31.83 feet to a point;
thence on a bearing of N 86°10'18" E, 26.07 feet to a point;
thence on a bearing of S 72°27'51" E, 34.32 feet to a point;
thence on a bearing of N 50°07'48" E, 33.42 feet to a point;
thence on a bearing of N 89°38'35" E, 46.42 feet to a point;
thence on a bearing of N 55°49'24" E, 40.72 feet to a point;
thence on a bearing of N 83°41'38" E, 55.09 feet to a point;
thence on a bearing of N 67°16'29" E, 32.98 feet to a point;
thence on a bearing of N 57°18'11" E, 57.02 feet to a point;
thence on a bearing of S 89°40'27" E, 27.10 feet to a point;
thence on a bearing of N 81°02'13" E, 44.92 feet to a point;
thence on a bearing of N 73°19'54" E, 17.08 feet to a point;
thence on a bearing of S 89°58'14" E, 36.75 feet to a point;
thence on a bearing of N 86°29'34" E, 23.42 feet to a point;
thence on a bearing of S 88°24'54" E, 25.57 feet to a point;
thence on a bearing of N 59°36'25" E, 9.49 feet to a point;
thence on a bearing of S 53°30'26" E, 16.52 feet to a point;
thence on a bearing of S 05°20'56" E, 8.32 feet to a point;
thence on a bearing of S 39°23'38" W, 28.54 feet to a point;
thence on a bearing of S 13°26'18" W, 65.07 feet to a point;
thence on a bearing of S 60°10'12" E, 43.18 feet to a point;
thence on a bearing of S 31°19'51" W, 66.31 feet to a point;
thence on a bearing of S 03°43'35" E, 72.93 feet to a point;
thence on a bearing of S 23°33'45" W, 42.44 feet to a point;
thence on a bearing of S 43°42'20" E, 54.54 feet to a point;
thence on a bearing of S 88°39'02" E, 22.25 feet to a point;
thence on a bearing of S 12°49'34" E, 92.03 feet to a point;
thence on a bearing of S 47°27'16" E, 43.05 feet to a point;
thence on a bearing of S 72°10'11" E, 49.53 feet to a point;
thence on a bearing of S 19°08'28" W, 23.92 feet to a point;
thence on a bearing of S 19°10'54" E, 88.31 feet to a point;
thence on a bearing of S 29°19'46" W, 48.07 feet to a point;
thence on a bearing of S 33°23'33" E, 27.98 feet to a point;
thence on a bearing of S 53°43'49" E, 78.03 feet to a point;
thence on a bearing of S 56°51'14" W, 22.87 feet to a point;
thence on a bearing of S 09°39'39" W, 14.19 feet to a point;
thence on a bearing of S 62°28'04" E, 40.56 feet to a point;
thence on a bearing of S 31°51'53" W, 25.00 feet to a point;
thence on a bearing of S 84°49'40" W, 19.11 feet to a point;
thence on a bearing of S 22°28'52" W, 33.89 feet to a point;
thence on a bearing of S 27°58'30" E, 45.93 feet to a point;
thence on a bearing of S 01°02'15" E, 49.24 feet to a point;

thence on a bearing of S 48°53'21" E, 49.05 feet to a point;
thence on a bearing of S 18°08'48" W, 54.86 feet to a point;
thence on a bearing of S 33°45'02" E, 31.52 feet to a point;
thence on a bearing of S 07°09'22" W, 65.48 feet to a point;
thence on a bearing of S 10°17'41" W, 64.38 feet to a point;
thence on a bearing of S 25°50'06" W, 19.91 feet to a point;
thence on a bearing of S 84°53'48" W, 30.08 feet to a point;
thence on a bearing of S 08°55'42" W, 38.05 feet to a point;
thence on a bearing of S 04°52'14" E, 38.17 feet to a point;
thence on a bearing of S 18°23'31" W, 37.28 feet to a point;
thence on a bearing of S 58°48'03" E, 14.20 feet to a point;
thence on a bearing of S 33°28'12" W, 57.65 feet to a point;
thence on a bearing of S 28°20'03" E, 48.15 feet to a point;
thence on a bearing of S 82°53'36" W, 25.38 feet to a point;
thence on a bearing of S 00°22'13" E, 49.94 feet to a point;
thence on a bearing of S 28°45'51" W, 30.02 feet to a point;
thence on a bearing of N 78°58'29" W, 15.81 feet to a point;
thence on a bearing of S 43°32'17" W, 13.50 feet to a point;
thence on a bearing of S 18°05'22" W, 34.65 feet to a point;
thence on a bearing of S 78°06'39" W, 31.32 feet to a point;
thence on a bearing of S 03°10'44" W, 11.56 feet to a point;
thence on a bearing of S 89°31'20" W, 22.70 feet to a point;
thence on a bearing of S 01°43'18" W, 37.78 feet to a point;
thence on a bearing of S 40°01'12" W, 49.44 feet to a point;
thence on a bearing of S 62°48'50" W, 48.61 feet to a point;
thence on a bearing of S 42°34'08" W, 31.95 feet to a point;
thence on a bearing of S 18°06'48" E, 20.93 feet to a point;
thence on a bearing of S 08°08'09" W, 43.78 feet to a point;
thence on a bearing of S 22°56'27" W, 22.93 feet to a point;
thence on a bearing of S 43°00'09" W, 31.97 feet to a point;
thence on a bearing of S 61°32'08" W, 67.28 feet to a point;
thence on a bearing of S 26°45'15" W, 25.98 feet to a point;
thence on a bearing of S 41°29'15" W, 34.62 feet to a point;
thence on a bearing of S 46°49'56" W, 38.18 feet to a point;
thence on a bearing of S 17°14'47" W, 32.62 feet to a point at the beginning of the branch;
thence on a bearing of S 14°36'58" W, 103.84 feet to a point in the northern line of John and Julia Stikeleather (DB 2095, PG 891) and also described as Lot 3 in PB 56, PG 91;
thence on a bearing of N 78°37'48" W, 92.98 feet to a rebar found; thence on a bearing of N 87°30'03" W, 199.98 feet to the point and place of beginning.
Having an area of 1915331.68 s.f. being 43.970 acres as shown on a survey by Jordan Grant & Associates, PLLC dated 01-10-23 having Drawing File: 202203115-ANEX.

This ordinance was introduced for first reading by Councilmember _____, seconded by Councilmember _____, and unanimously carried on the _____ day of _____, 2023.

Ayes:

Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____, 2023 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 _____, 2023.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk



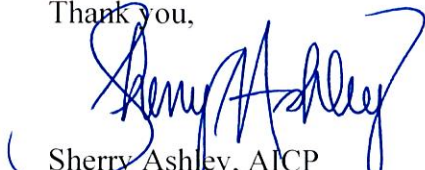
To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council members:

The purpose of this letter is to certify that the adjacent property owners of PIN's 4725-16-4537 and 4725-39-8814 (portion), located on Taylorsville Hwy./NC 90, per case #ZC23-02 Taycora Capital, LLC, were mailed notice of this rezoning request on February 14, 2023.

Thank you,

A handwritten signature in blue ink, appearing to read "Sherry Ashley".

Sherry Ashley, AICP
Planning Director

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Sherry Ashley, Planning Director
DATE: March 8, 2023

ACTION NEEDED ON: March 20, 2022
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing first reading of Rezoning Request ZC23-03 for properties located at the end of Barkley Road West/Morland Drive and along Starland Drive and Barkley Road North; Iredell County Tax Parcel #'s 4743-97-1381, 4743-86-1381 and 4743-76-9300 from R-10 and R-20 to R-5MF CZ and R-5 CZ.

- 1. Summary of Information:** Highlights are changes in the report since the Planning Board meeting.

Rezoning Request

Mr. Andrew McDonald with Dependable Development/True Homes (Agent), on behalf of JT Sellers Properties and Phillip H. Barkley (Petitioners), have submitted a Zoning Map Amendment request for a second phase currently located in the ETJ as follows:

- PIN 4743-97-1381: An 18.4-acre parcel of property owned by JT Sellers Properties currently split zoned with approximately 13.6 acres zoned R-20 (Suburban Residential) District and approximately 4.8 acres west of Barkley Road zoned R-10 (Urban Low-density Residential) District.
- PIN 4743-86-1381: A 1.5-acre parcel of property owned by Phillip H. Barkley currently zoned R-10 (Urban Low-density Residential) District); and
- PIN 4743-76-9300: A 0.84-acre parcel of property owned by Phillip H. Barkley currently zoned R-20 (Suburban Residential District)

Mr. McDonald would like to rezone these 3 parcels from R-10 and R-20 to R-5MF CZ and R-5 CZ to allow duplexes and single-family homes (see Location Map, Aerial Photo and Site Photos, and Concept Plan).

Evaluation

The purpose of the R-5 district is to: accommodate 26 higher density single-family residences on smaller lots in urban areas.

Dimensional Standards for these districts are as follows:

	R-20	R-20	R-5
Minimum Lot Size:	20,000 sq.ft. (15,000 sq.ft. for cluster subdivisions)	10,000 sq.ft. (7,500 sq.ft. for cluster subdivisions)	5,000 sq.ft. (7,500 sq.ft. for a duplex lot)
Minimum Lot Width	100 ft.	75 ft.	50 ft. (60 ft. for a lot supporting a duplex)
Front Yard Setback:	35 ft.	30 ft.	25 ft.
Side Yard Setback:	12 ft.	8 ft.	5 ft.
Rear Yard Setback:	35 ft.	30 ft.	25 ft.

- Max. Height (all three districts): 35 ft.

Corner lot setback (all three districts): When a lot abuts more than one (1) street, front yard setback shall apply to the rear or side abutting a street. Where there is no lot fronting on the side or rear street immediately to the rear or side of the lot, the width of the side yard shall be equal to one-half ($\frac{1}{2}$) the front yard requirement. Corner lots need to be shown on the concept plan.

The purpose of the R-5MF district is to also accommodate higher density but can include duplexes and multi-family. This proposal is for 11 duplexes (22 units); therefore, each lot must be a minimum of 7500 sq. ft. with lot widths of 70 ft. (see Zoning & Utilities Map)

The Unified Development Code also requires 10% active open space for R-5 and R-5MF which is 2.07 acres. The proposal provides 10.05 acres with trails, benches, and picnic areas.

Buffers would also be required as follows:

- Applicant offering a 50 ft. buffer adjacent to I-77
- Type A (8 ft.) street yard required along all streets
- Type C (15 ft.) buffer on the southern property lines adjacent to single-family residential
- Type E (25 ft.) between MF and Industrial
- Type F (30 ft.) between R-5 and Industrial

Street trees are required throughout the development and need to be added to west side of Dallas Lane and West side of Barkley Road North.

The development is required to provide 44 spaces provided for the duplex units and 52 spaces provided for the single-family residences. These requirements are met. All new roads will be constructed to city standards with sidewalks on both sides and curb and gutter. However, the city does not allow a t-turn around, therefore a cul-de-sac will be required.

A traffic impact analysis is not required for this project because it is below 3,000 average daily trips. During the review of phase 1 last year, right-of-way has been reserved for a future overpass across I-77 per the adopted Statesville Mobility & Development Plan. Morland Drive will be extended and connect with Barkley Road West per the City's standards with curb, gutter and sidewalk. Connectivity with existing streets is provided.

Stormwater regulations will apply. A large stormwater pond is shown behind the single-family lots.

Water, sewer, and electric are available to the site (see Zoning & Utilities Map).

Because this is a Conditional Zoning request, if approved, the Project will be tied to the Concept Plan plus any conditions recommended by the Planning Board and mutually agreed to by the Petitioner and City Council.

As part of the Conditional Zoning process a neighborhood input meeting is required. The applicant held the meeting on February 16, 2023, at the Ramada by Wyndham Inn off Garner Bagnal Road; 19+ persons attended. Discussion included increase in traffic through the existing neighborhood, did not want connection to Dallas Lane, wanted to know when project would start, price range of homes, are they rental, what type of buffers, and would construction hinder school bus traffic (see attached minutes).

The surrounding zoning districts and land uses are as follows:

NORTH OF THE SITE: **B-2 (Neighborhood Business)** District, Hope Crossing/Barkley Springs 1, Townhomes and Duplexes, **B-5 (General Business)** District, Tilley's Harley Davidson, Gander RV, several hotels, Enterprise, and Waffle House, **HI, HI CU (Heavy Industrial)** District, Storage Sense Mini Warehouses, Hugh's Sheet Metal, Prime Source, vacant Kontane/Southern Fastening Systems and JCPenny Distribution

EAST OF THE SITE: **HI,** vacant Kontane/Southern Fastening Systems and JCPenny Distribution

SOUTH OF THE SITE: R-10 & R-20 Single-Family homes including the Glenn Echo Neighborhood, vacant land

WEST OF THE SITE: Interstate 77 and **LI (Light Industrial) District**

2. **Previous Council/Relevant Actions:** A previous conditional rezoning request, known as Hope Crossing (now Barkley Springs Phase 1) located at the end of Morland Drive, adjacent to I-77, was approved by City Council on January 9, 2023. Phase 1 included 52 Townhomes and 38 Duplex units on 13.296 acres Barkley Road West. The rezoning was approved with the following conditions:

1. A range of units from a minimum of 80 units up to 100 units is permitted.

2. Sidewalks will be provided on both sides of Morland Drive and along the private drives and parking areas.
3. 10% Open Space will be provided.
4. Only commercial uses allowed as customary home occupations will be permitted.
5. A 50' Buffer will be provided along I-77.
6. A combination of at least 2 different materials will be used on the front exterior of all units.
7. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code.
8. Townhomes and Duplexes permitted for development per revised elevations; and

Contingent upon Annexation.

The Planning Board at their February 28, 2023 regular meeting voted 4 to 3 to recommend approval for the rezoning with the conditions proposed by the applicant and several staff recommendations. Approximately 10 people spoke, and others were in the audience. Two people representing the project spoke in favor and the remaining persons were in opposition. The comments included no duplexes-trash, concern about school traffic, don't want Dallas Lane connected, want ½ acre lots, \$250K bring down their \$350K neighborhood, traffic, rental, speed bumps, and school capacity.

3. **Budget/Funding Implications:** The current total taxable value of the subject parcels is approximately \$219,080. The applicant estimates that project value would be approximately ?? (awaiting number from applicant). City water, sewer and electric services are available.
4. **Consequences for Not Acting:** The property could remain undeveloped or be developed under the current R-10 and R-20 zoning district standards.
5. **Department Recommendation:** The 2045 Land Development Plan Land Use Character Map designates the parcels as being suitable for *Complete Neighborhood 2* designation, which is intended primarily for high intensity residential development with a mixture of housing types. The area is also located within the *Tier 1 Growth Area* as depicted on the Tiered Growth Map, identifying areas where public utilities (i.e., water and sewer) are available to support development.

The Project proposes new multi-family housing in Statesville, providing diversity of housing options, planned open space, and amenities for residents.

Higher Density residential can be a good transition from industrial to lower density residential. The properties are in the ETJ and planned to eventually be in the city limits.

This is a conditional zoning request; and if approved the request will be tied to the submitted Concept Plan, any additional conditions recommended by the Planning Board and mutually agreed to by the Petitioner and City Council. Staff recommends **approval** of the rezoning request subject to the following conditions:

1. A range of units from a minimum of 40 units up to 50 units is permitted.
2. Sidewalks will be provided on both sides of streets.
3. A combination of at least 2 different materials (vinyl, wood, brick, or stone) will be used on the front exterior of all units.
4. 50 ft. buffer will be provided adjacent to I-77.
5. Any item(s) not specifically addressed must meet the requirements of the Unified Development Code.

Contingent upon clarify corner lot setback standards, adding conditions to concept plan, relocate walking trail behind Lots 21 through 31 due to the slope of the property, replace t-turnaround with cul-de-sac, moving the kiosk adjacent to Lot 19 in the active open space area, provide sample color renderings on duplex elevations, denote anticipated location of access easement for stormwater control measure (SCM) behind Lots 21 through 29, correct buffers, and annexation for utilities.

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

7. **Next Steps:** If approved, the second reading would be on April 4, 2023.

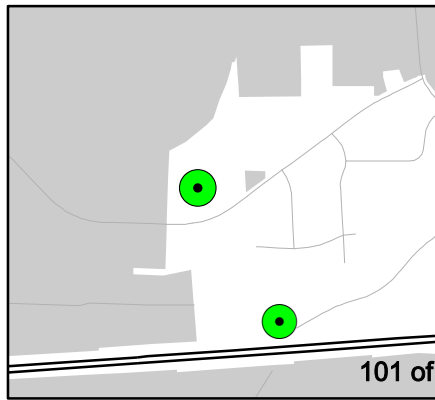
Attachments:

1. Location Map
2. Zoning & Utilities Map
3. Aerial Photo
4. Site Photos
5. Concept Plan
6. Elevations for duplexes
7. 2045 LDP Land Use Map
8. Complete Neighborhood 2 Character Area
9. Ordinance
10. Planning Board Consistency Statement
11. Council Consistency Statement
12. Mailing Certification
13. Community meeting minutes

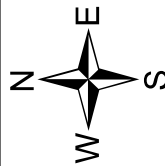
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City of Statesville Planning Department

Barkley Springs
ZC23-03
PIN's # 4743-97-1381, 4743-76-9300, & 4743-86-1381



101 of 175



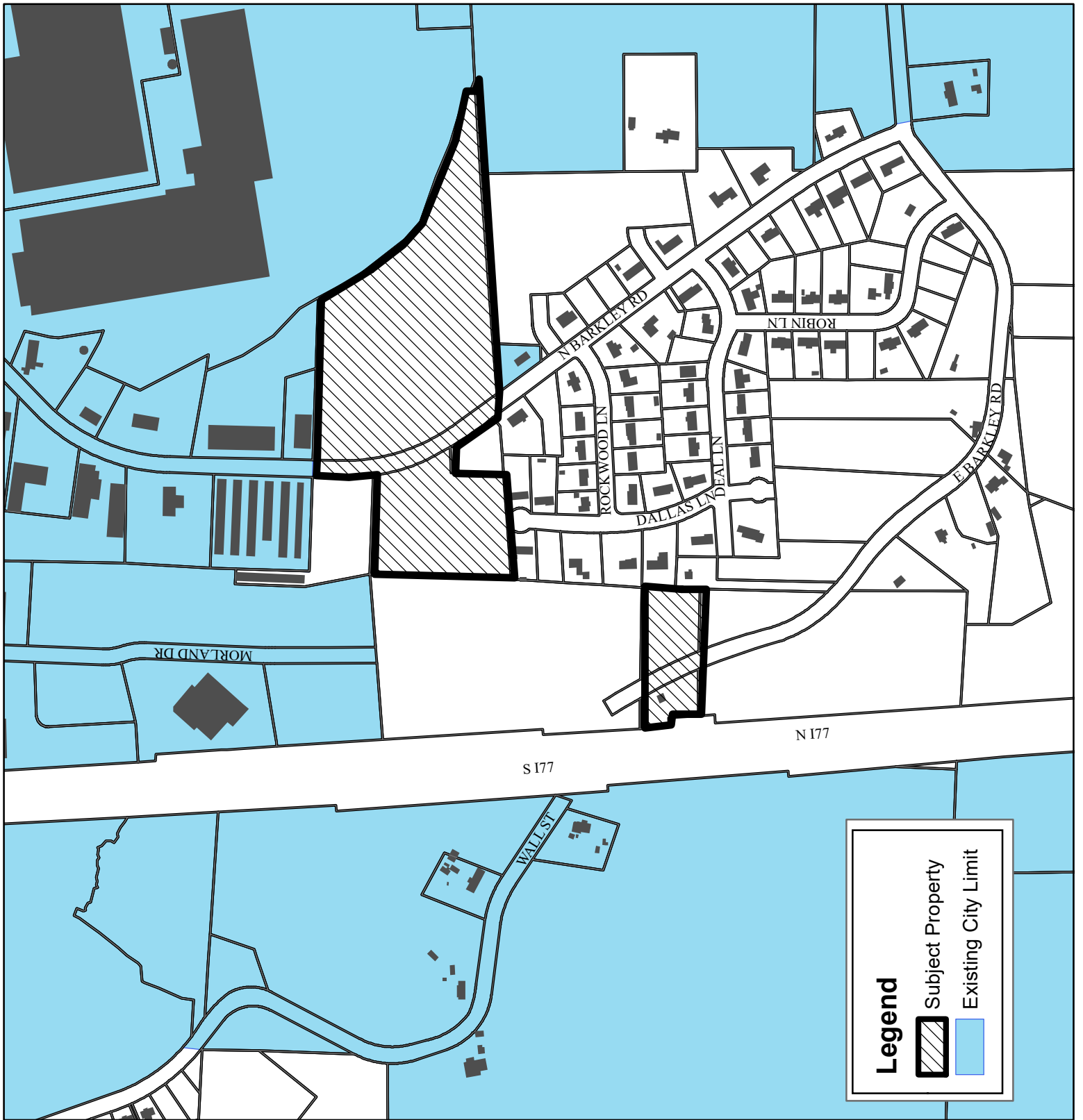
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Feet

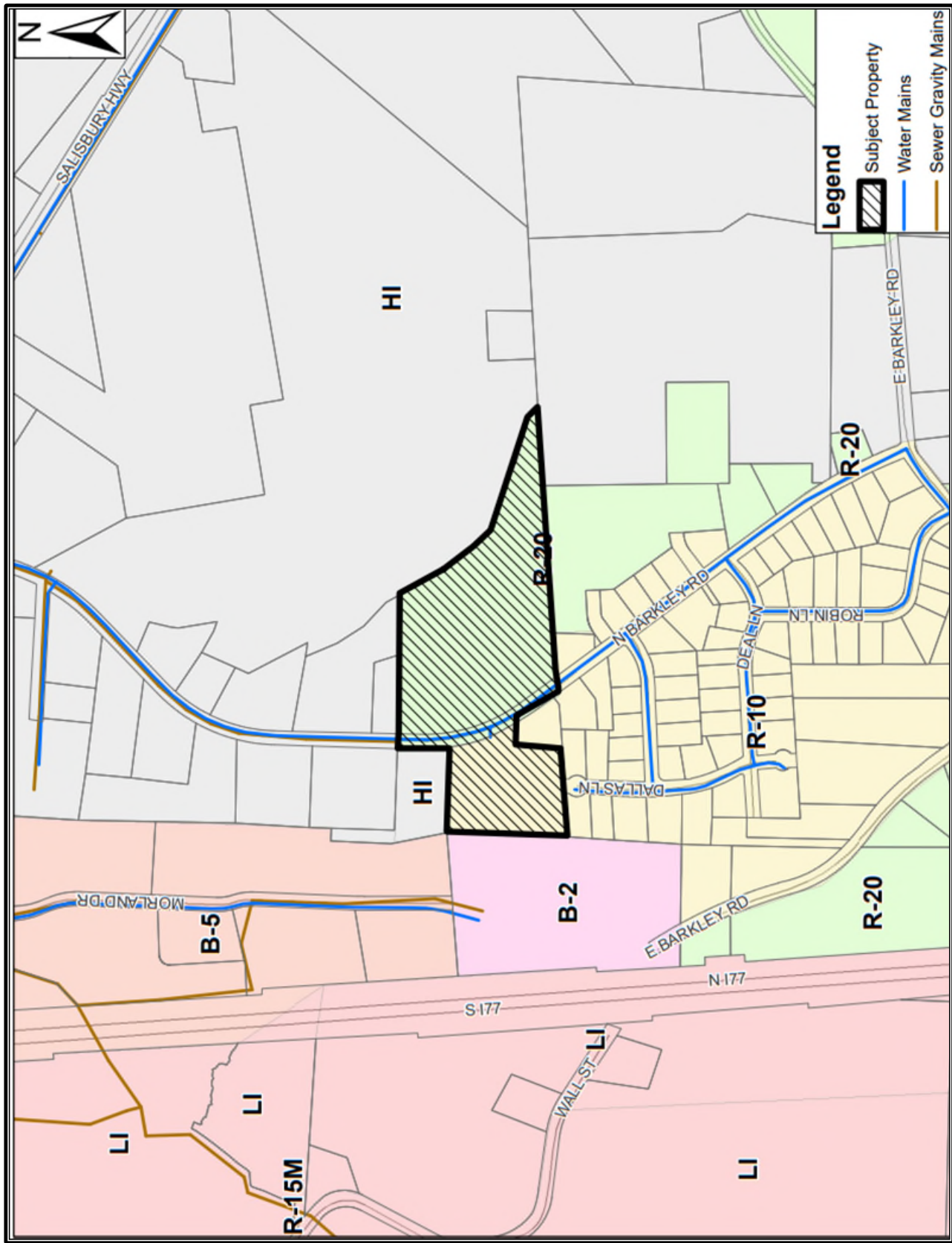
1 inch = 500 feet



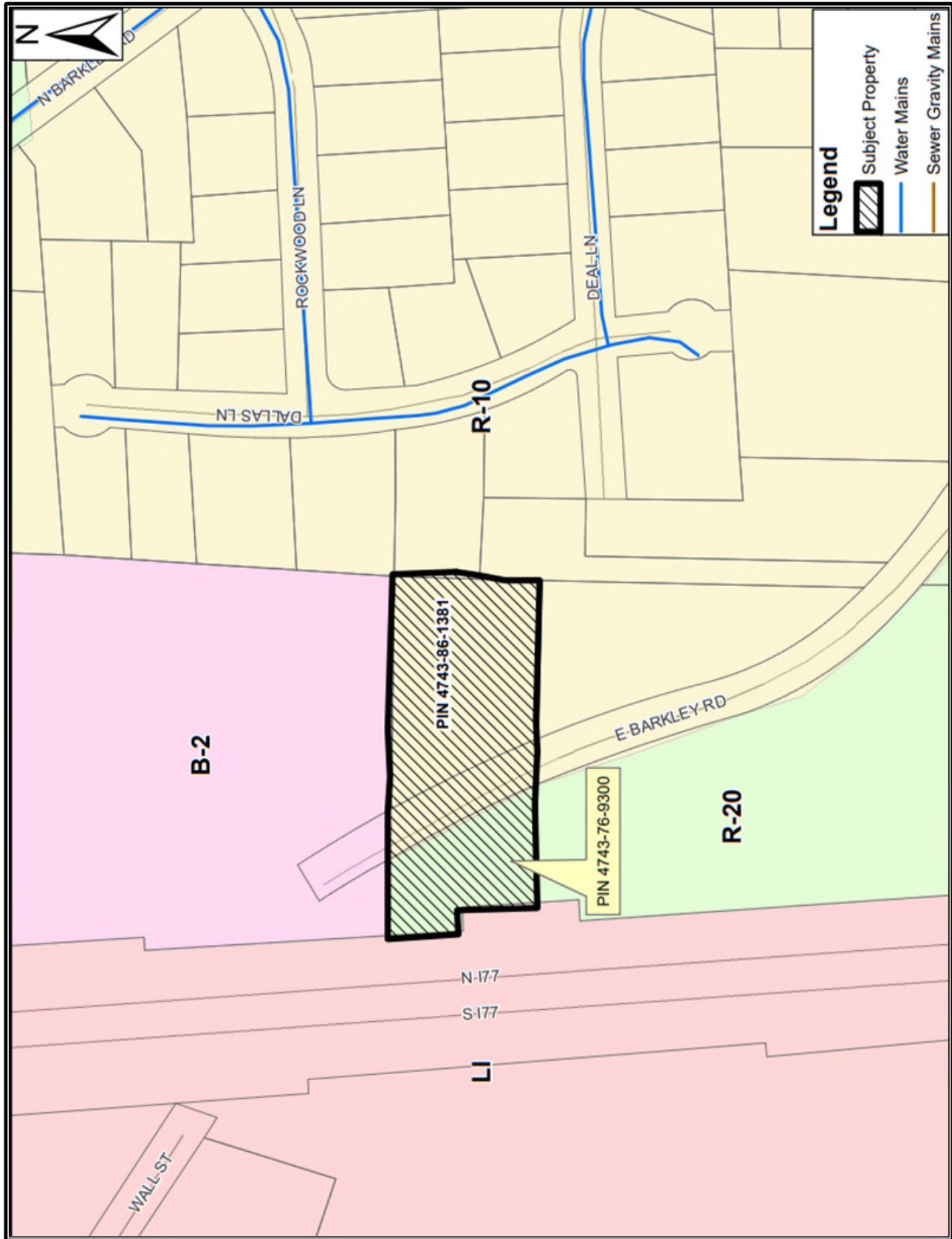
Legend

-  Subject Property
-  Existing City Limit

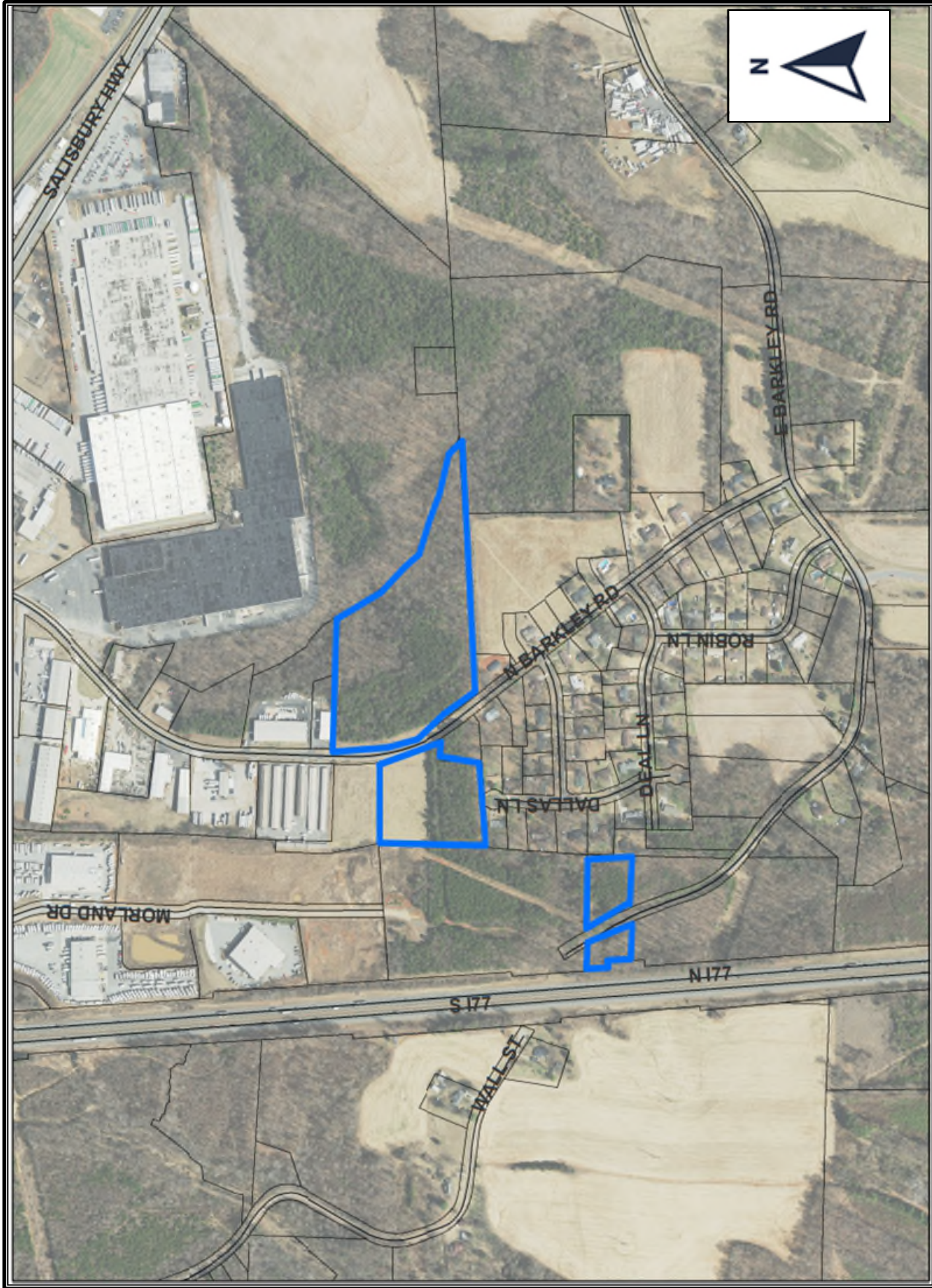




Case No. ZC23-03 Barkley Springs (Phase 2)
 Current Zoning & Utilities Map – PIN #'s 4743-97-1381



Case No. ZC23-03 Barkley Springs (Phase 2)
 Current Zoning & Utilities Map – PIN #'s 4743-86-1381 and 4743-76-9300

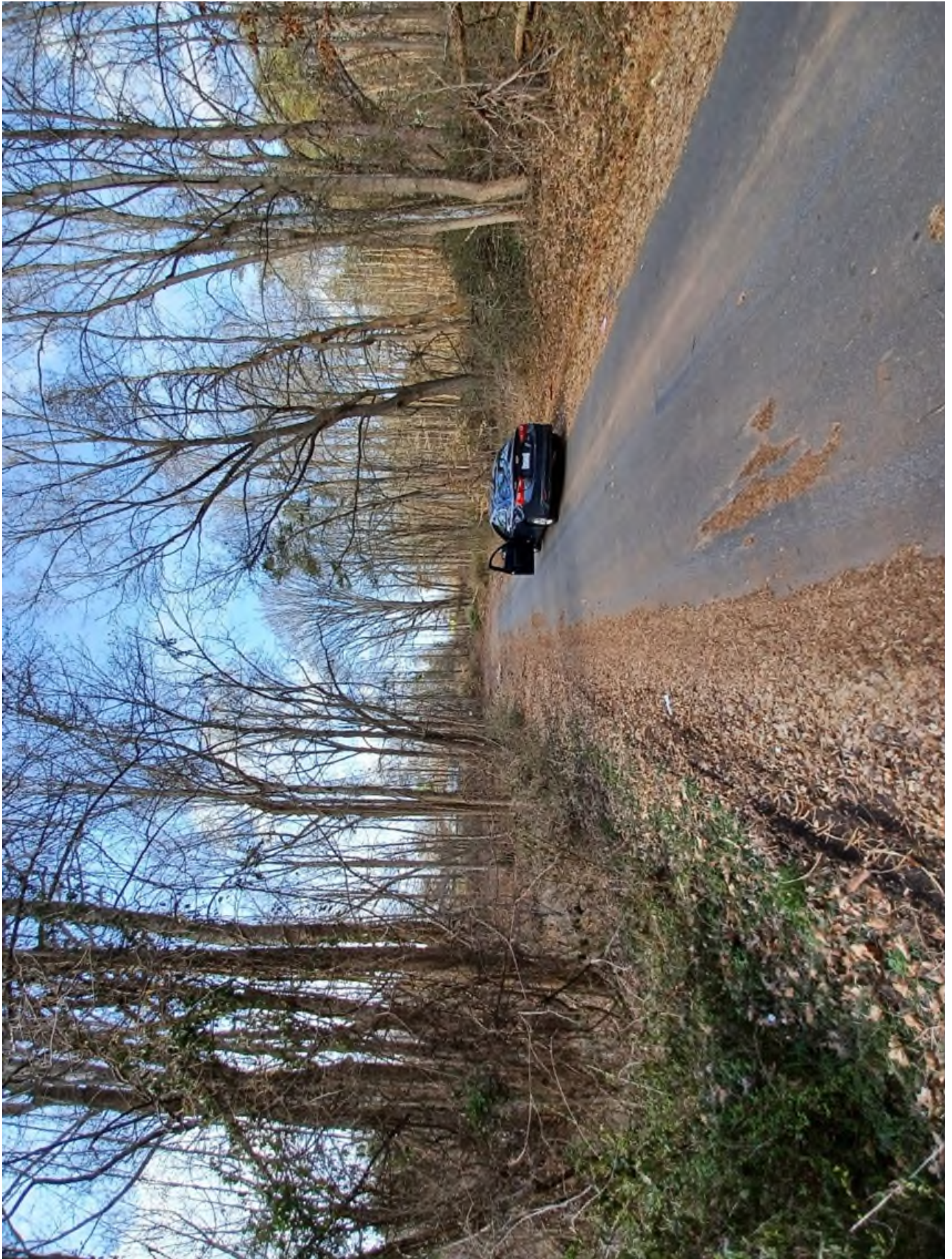


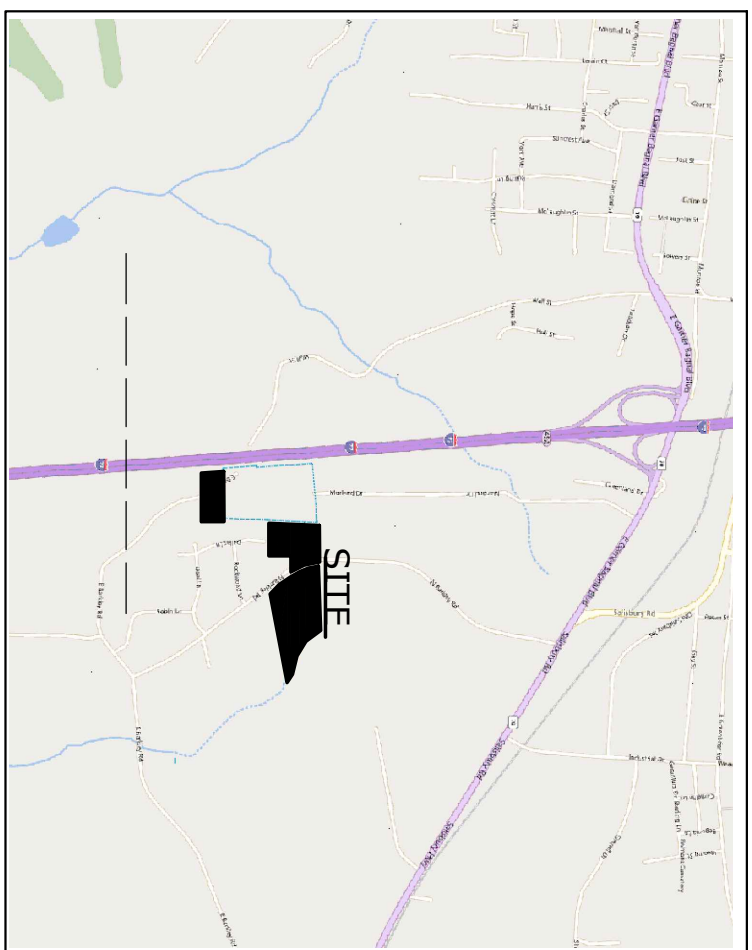
Case No. ZC23-03 Barkley Springs Phase 2
Aerial Photo Map – PIN #'s 4743-97-1381, 4743-86-1381, and 4743-76-9300












OWNER:	DEFENDABLE DEVELOPMENT, INC.
DEVELOPER INFO:	DEFENDABLE DEVELOPMENT, INC
CONTACT:	ANDREW J. McDONALD
EMAIL:	AMCDONALD@NUTRIHOMEUSA.COM
SITE ADDRESS:	N PARKLEY ROAD, STATESVILLE, NC
GROSS SITE AREA:	20.86±
PIN:	4743971381.000, 474386338.1100,
EXISTING ZONING:	4743769300.000
EXISTING USE:	R-10, R-20
PROPOSED USE:	R-5, CZ
PROPOSED USE:	VACANT
PROPOSED USE:	RESIDENTIAL
PROPOSED # OF UNITS:	48
PARED FAMILY HOMES	11 BUILDINGS - 22 (UNITS)
SINGLE FAMILY DETACHED	26 (UNITS)
PROPOSED DENSITY	2.3± DUA

BUILDING SETBACKS REQUIRED	
FRONT:	25'
SIDE:	5'
REAR	25'
BUILDING HEIGHT:	35'
PROPOSED MINIMUM LOT SIZE	7,500 SF
PROPOSED STREETS:	
AS SHOWN ON PLAN	

PARKING REQUIRED
PARKING PROVIDED FOR PAIRED HOMES
PARKING PROVIDED FOR SFR DETACHED

	ACRES
OPEN SPACE REQUIRED	2.07±
OPEN SPACE REQUIRED (10%) OF SITE	
OPEN SPACE PROVIDED	
COMMON OPEN SPACE	1.78±
BUFFER OPEN SPACE	1.33
ACTIVE OPEN SPACE	6.94±
TOTAL OPEN SPACE PROVIDED	10.05±
	ACRES

ANTICIPATED CONSTRUCTION PHASING:
50% THE FIRST YEAR - SINGLE FAMILY DETACHED AND PAIR HOME MIX
50% THE SECOND YEAR -SINGLE FAMILY DETACHED AND PAIR HOME MIX

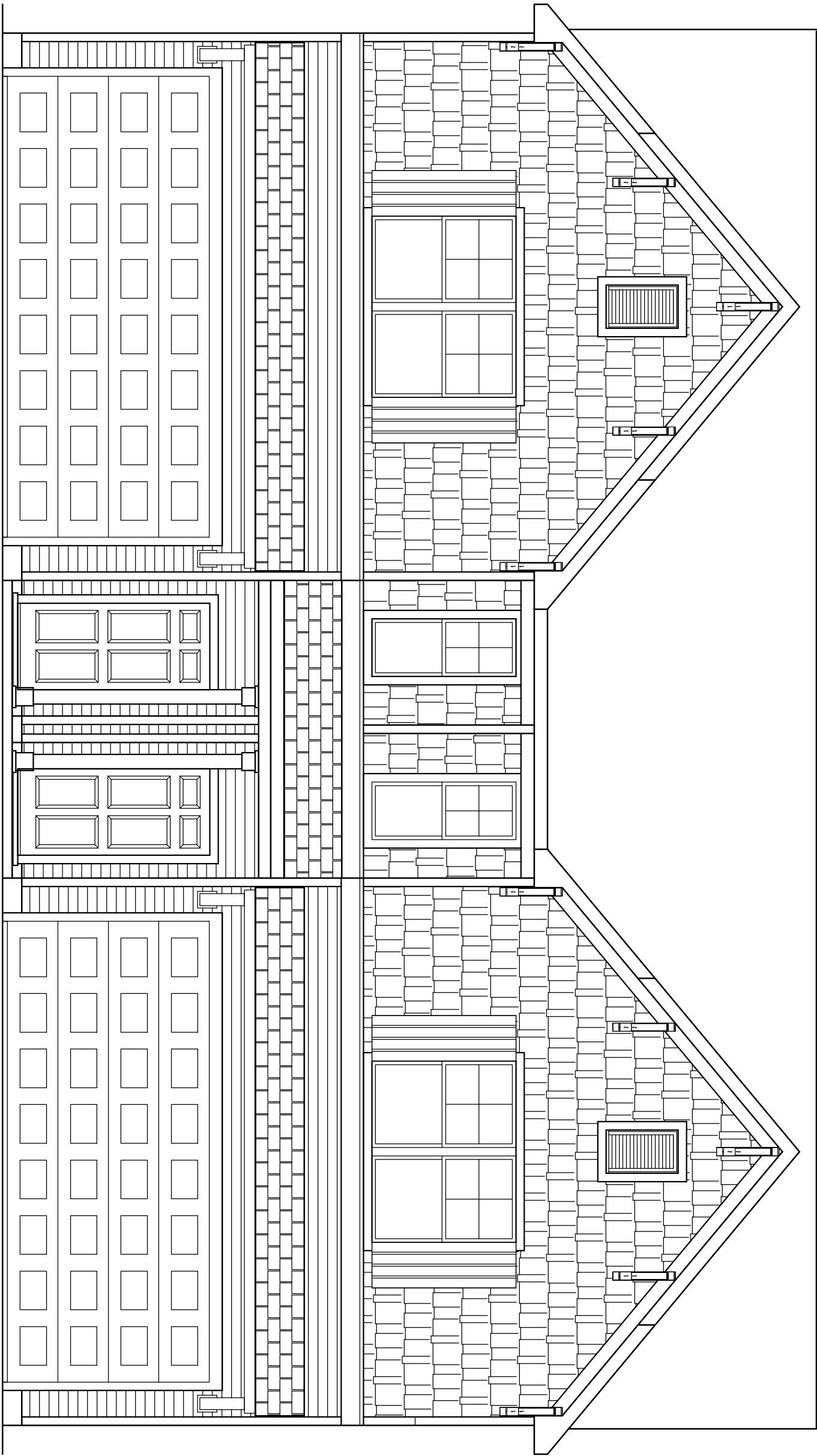
	DATE	DESCRIPTION	BY

REZONING PLAN
BARKLEY SPRINGS - PHASE 2
DEPENDABLE DEVELOPMENT, INC.
STATESVILLE, IREDELL COUNTY, NC

January 24, 2023



CHECKED | DC
PROJECT # | 220116
SHEET NUMBER



FRONT ELEVATION - I-A1

LOT - X

SCALE: 1/8" = 1'-0"

FRONT ELEVATION - I-A1

LOT - X

SCALE: 1/8" = 1'-0"

TrueHomes
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2649 Brekonridge Centre Drive Suite 104
Monroe, North Carolina 28110
Phone: 704-238-1229 Fax: 704-238-1150

COMMUNITY
COMMUNITY
LOT #

FRONT ELEVATION
MASTER SET

"THE BAXTER PH"

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DATE:

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SCALE:

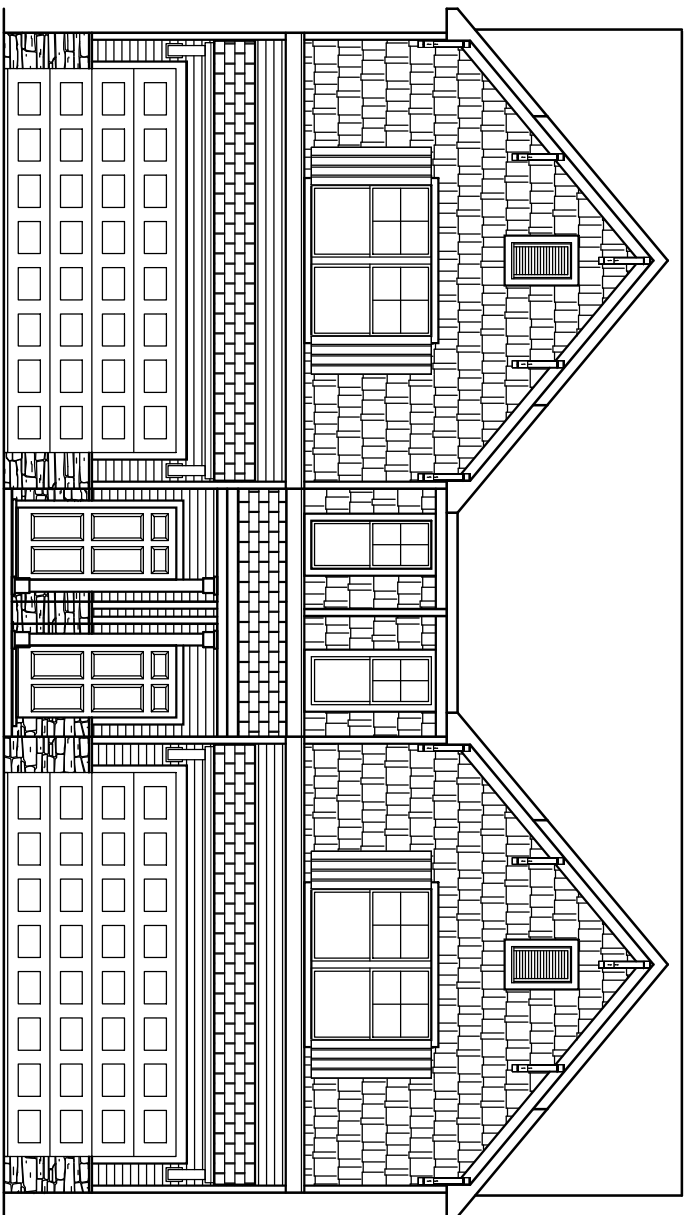
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CHECKED BY:

INITIALS

SHEET:

TH.5



FRONT ELEVATION - I-A2

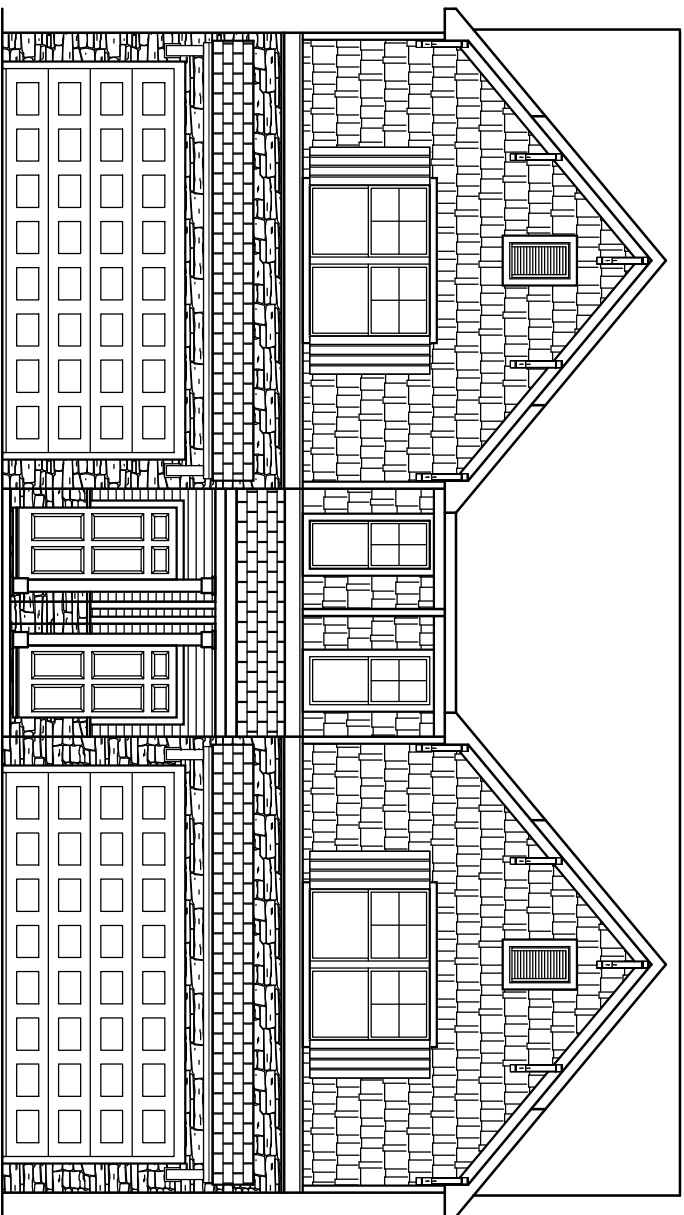
LOT - X

FRONT ELEVATION - I-A2

LOT - X

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"



FRONT ELEVATION - I-A3

LOT - X

FRONT ELEVATION - I-A3

LOT - X

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

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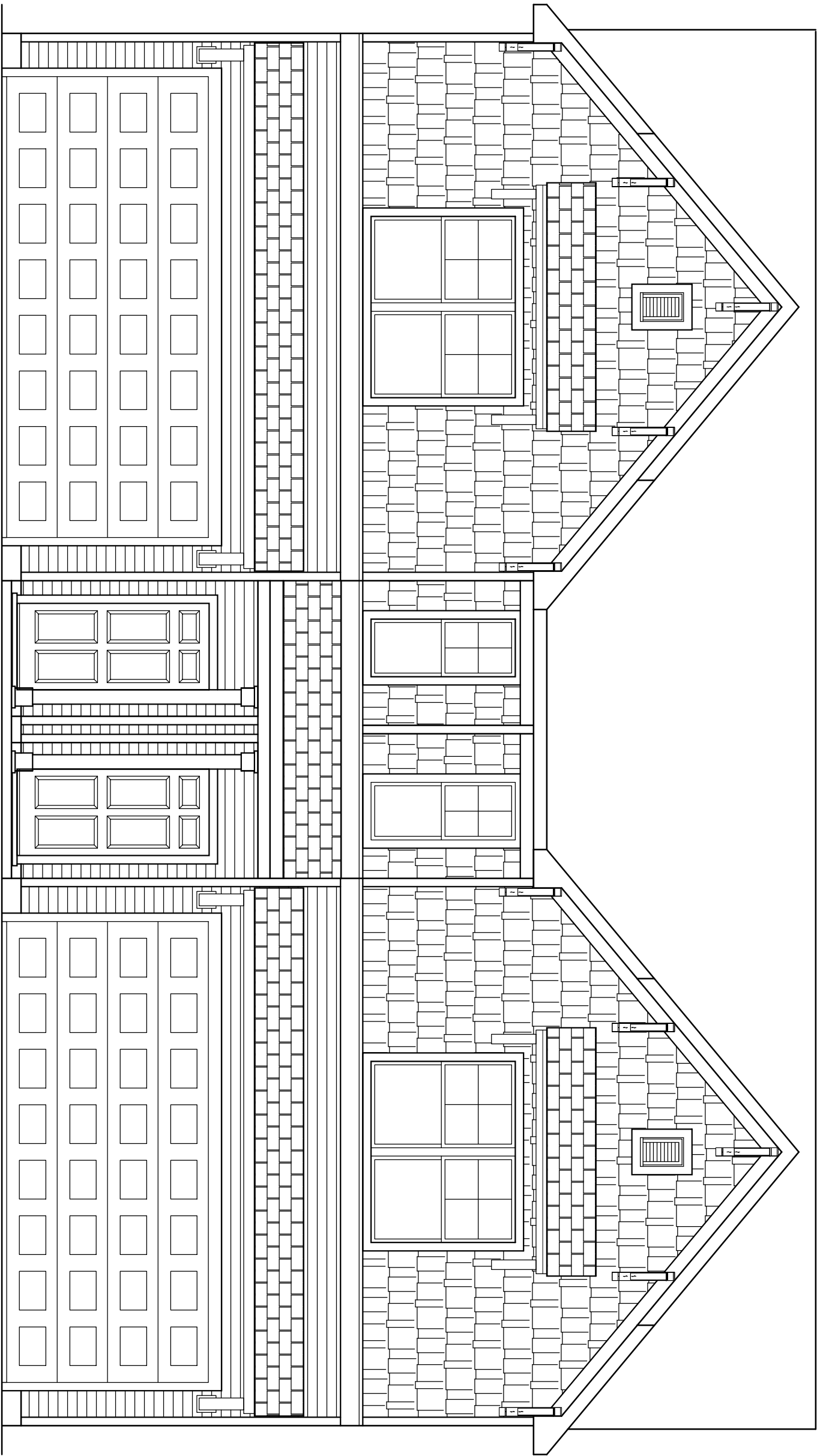
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CHECKED BY:

INITIALS

SHEET:

TH.6



FRONT ELEVATION - I-B1

LOT - X

SCALE: 1/8" = 1'-0"

FRONT ELEVATION - I-B1

LOT - X

SCALE: 1/8" = 1'-0"

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COMMUNITY
COMMUNITY
LOT #

FRONT ELEVATION
MASTER SET

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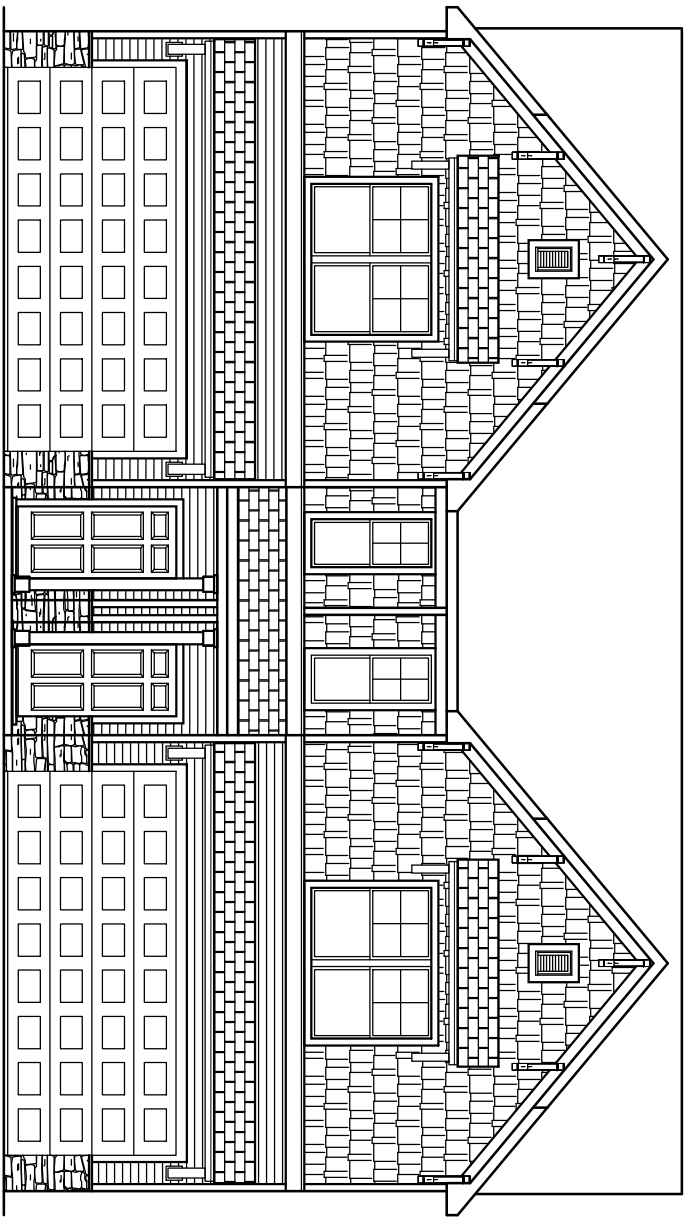
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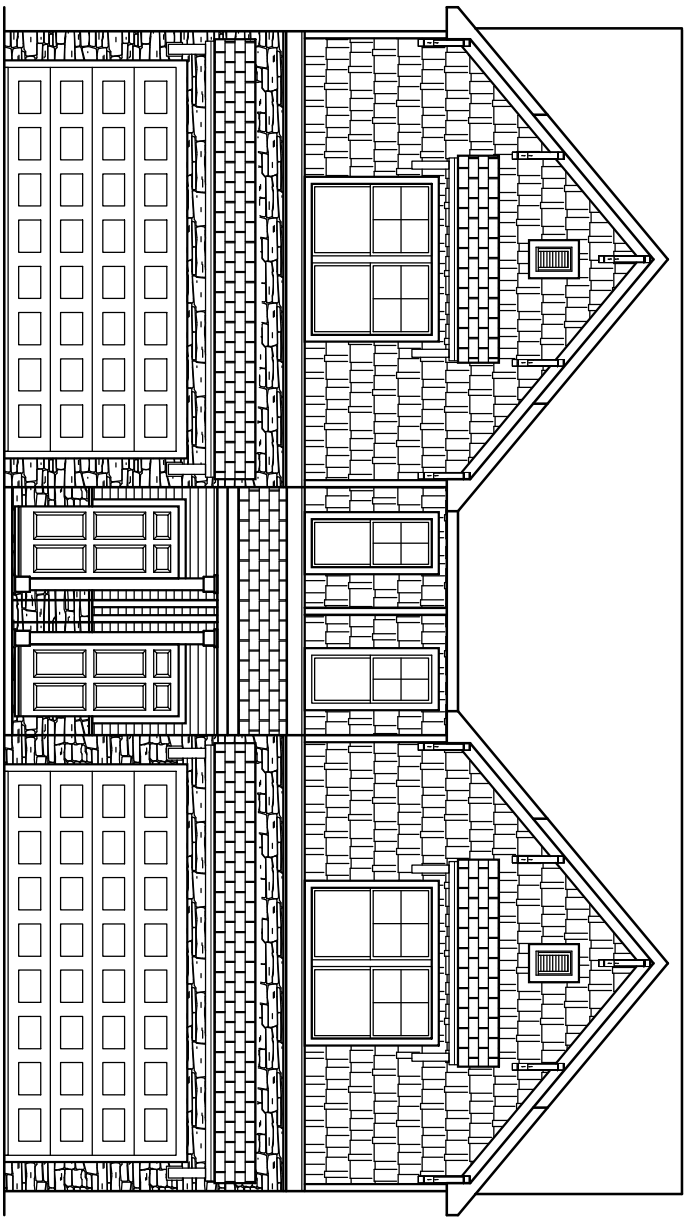


FRONT ELEVATION - I-B2

LOT - X

FRONT ELEVATION - I-B2

LOT - X



FRONT ELEVATION - I-B3

LOT - X

FRONT ELEVATION - I-B3

LOT - X

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COMMUNITY
COMMUNITY
LOT #

FRONT ELEVATION
MASTER SET

"THE BAXTER PH"

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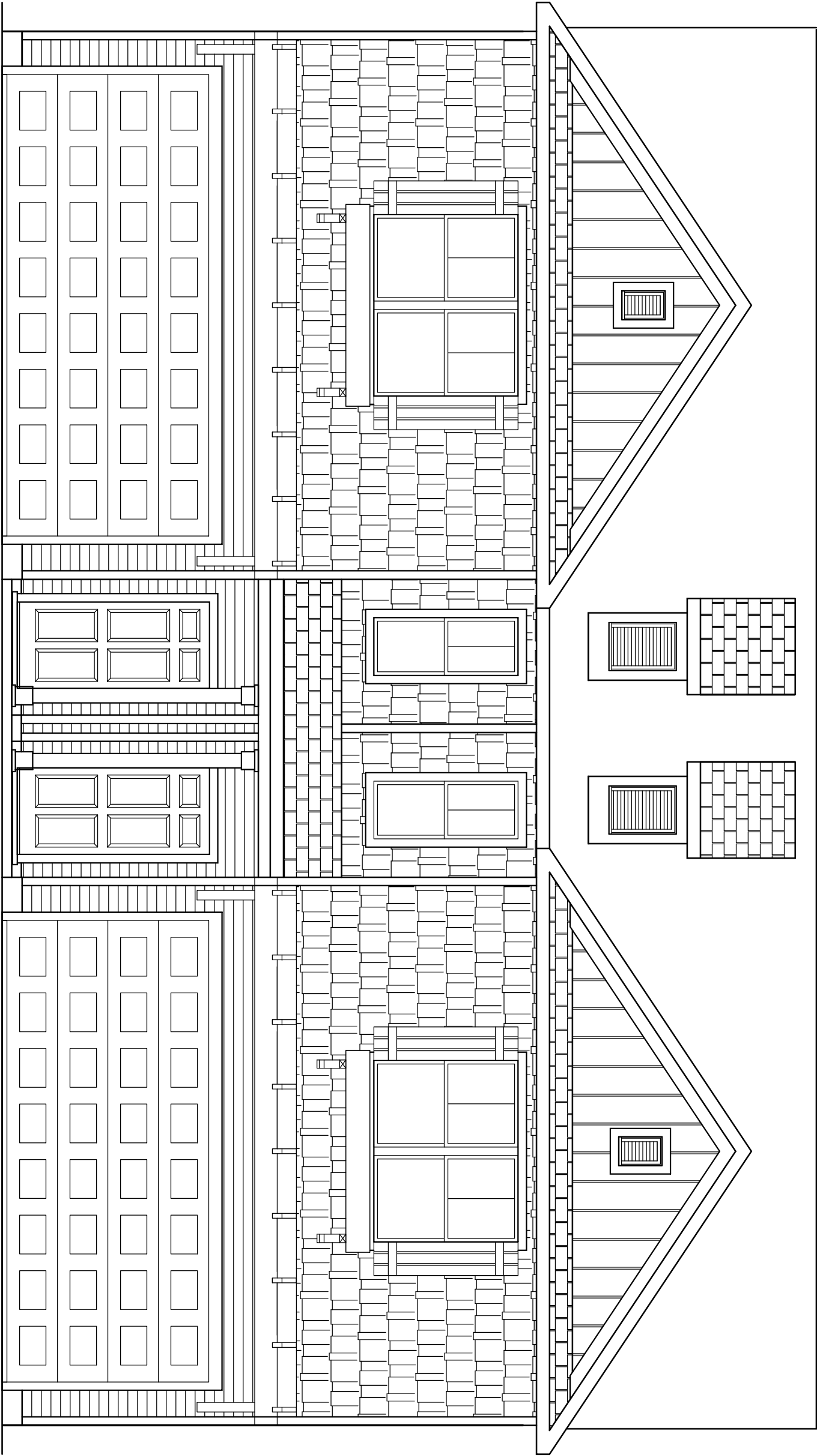
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00-00-00

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NORTH ARROW

CHECKED BY:
INITIALS

SHEET:

TH.8



FRONT ELEVATION - I-C1

LOT - X

FRONT ELEVATION - I-C1

LOT - X

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

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Phone: 704-238-1229 Fax: 704-238-1150

COMMUNITY
COMMUNITY
LOT #

FRONT ELEVATION
MASTER SET

"THE BAXTER PH"

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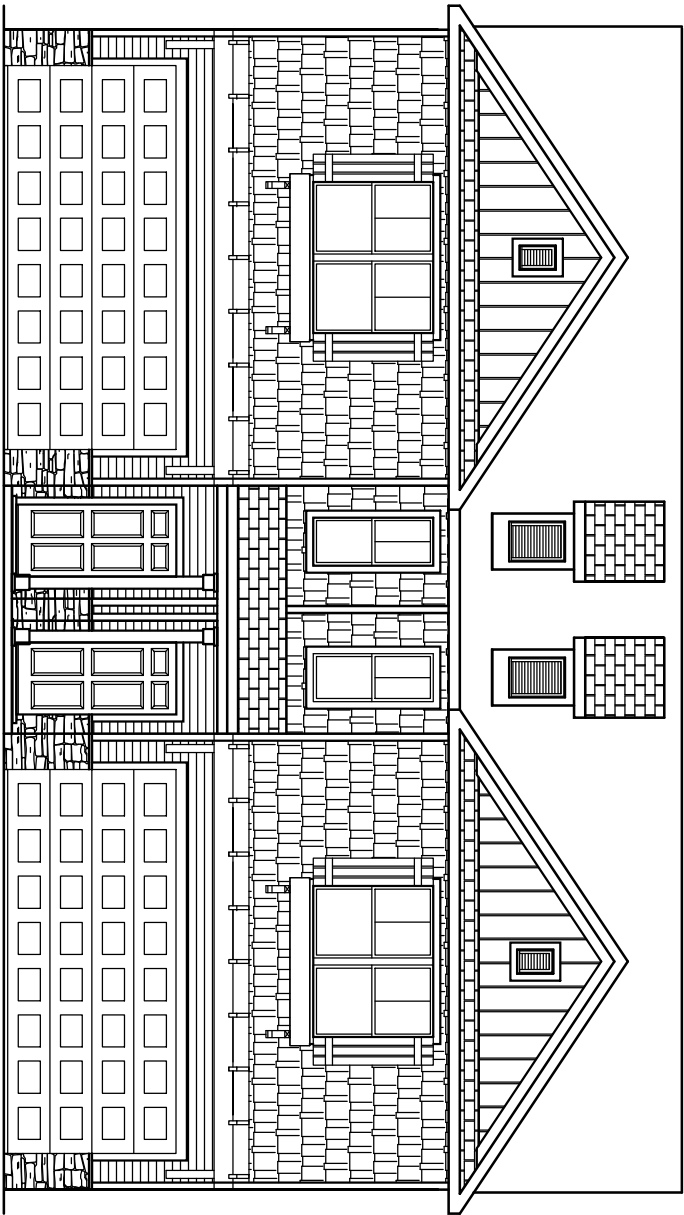
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SCALE:
NORTH ARROW

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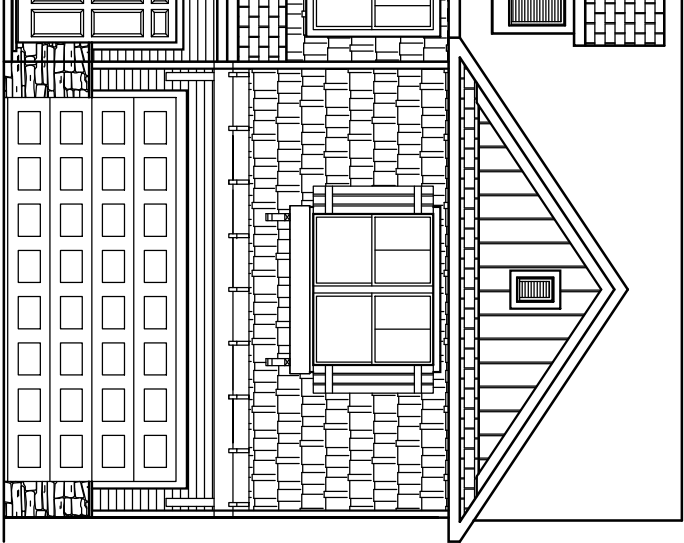
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FRONT ELEVATION - I-C2

LOT - X

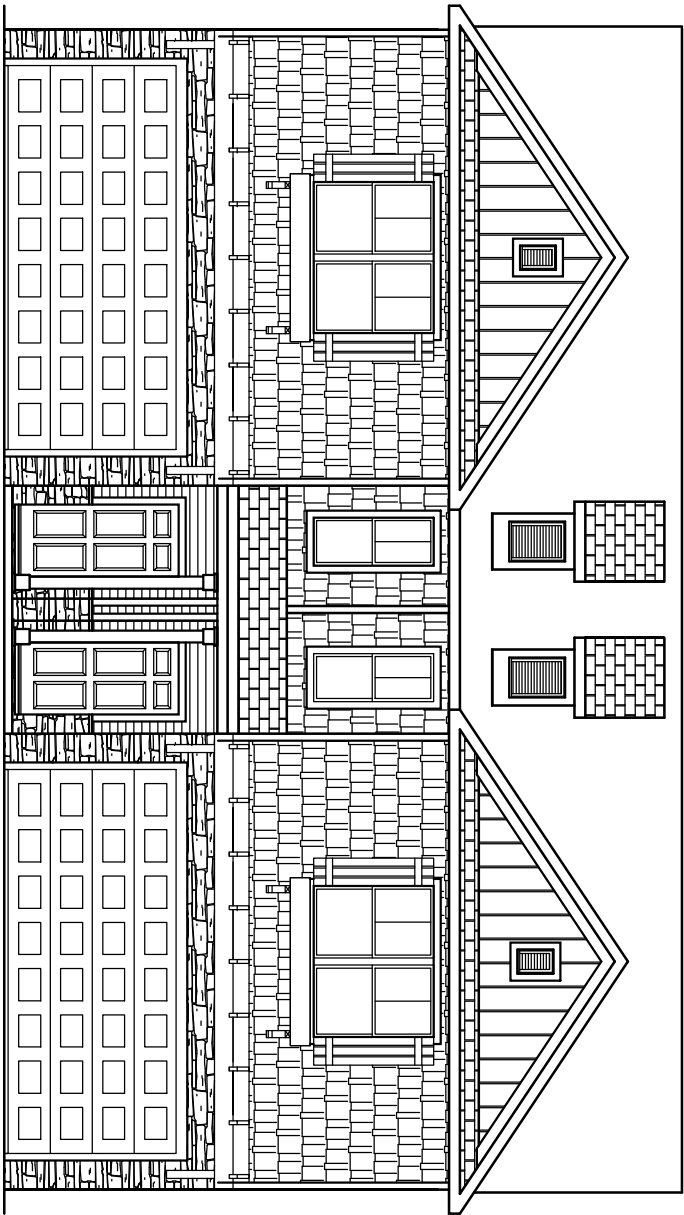
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FRONT ELEVATION - I-C2

LOT - X

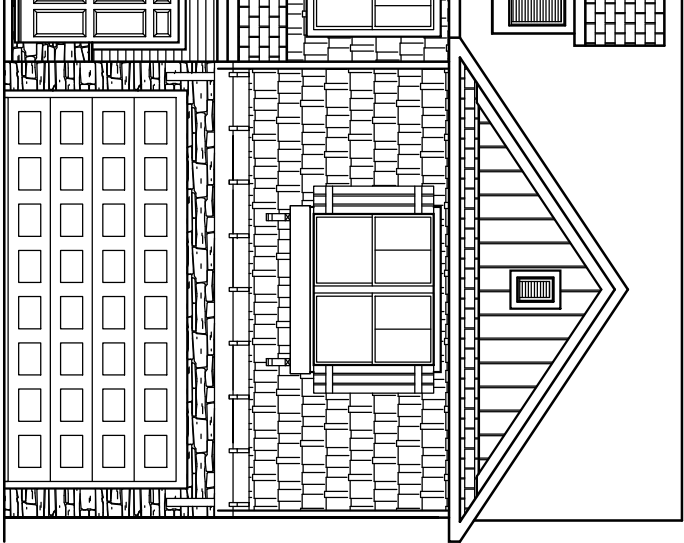
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FRONT ELEVATION - I-C3

LOT - X

SCALE: 1/8" = 1'-0"



FRONT ELEVATION - I-C3

LOT - X

SCALE: 1/8" = 1'-0"

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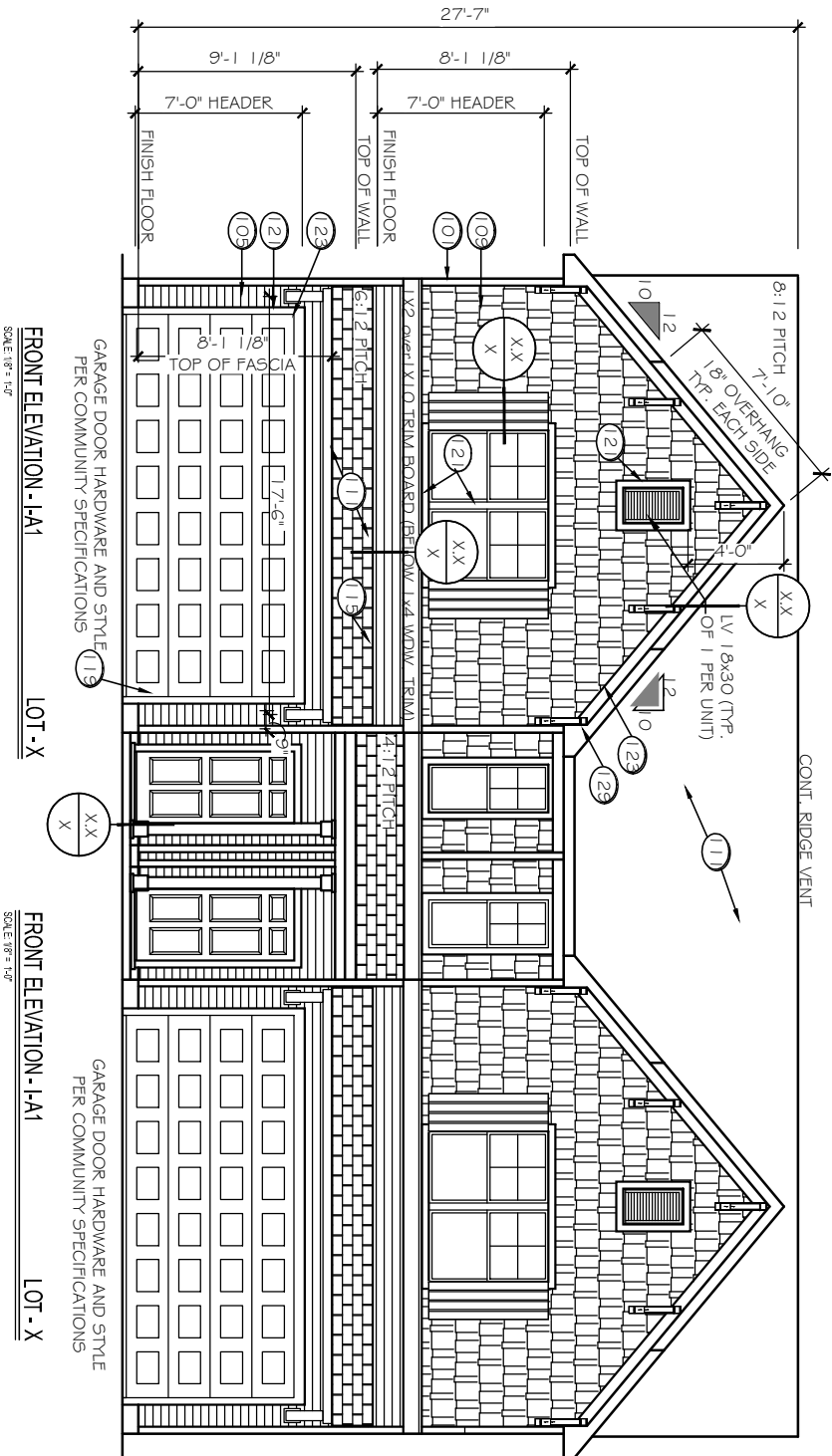
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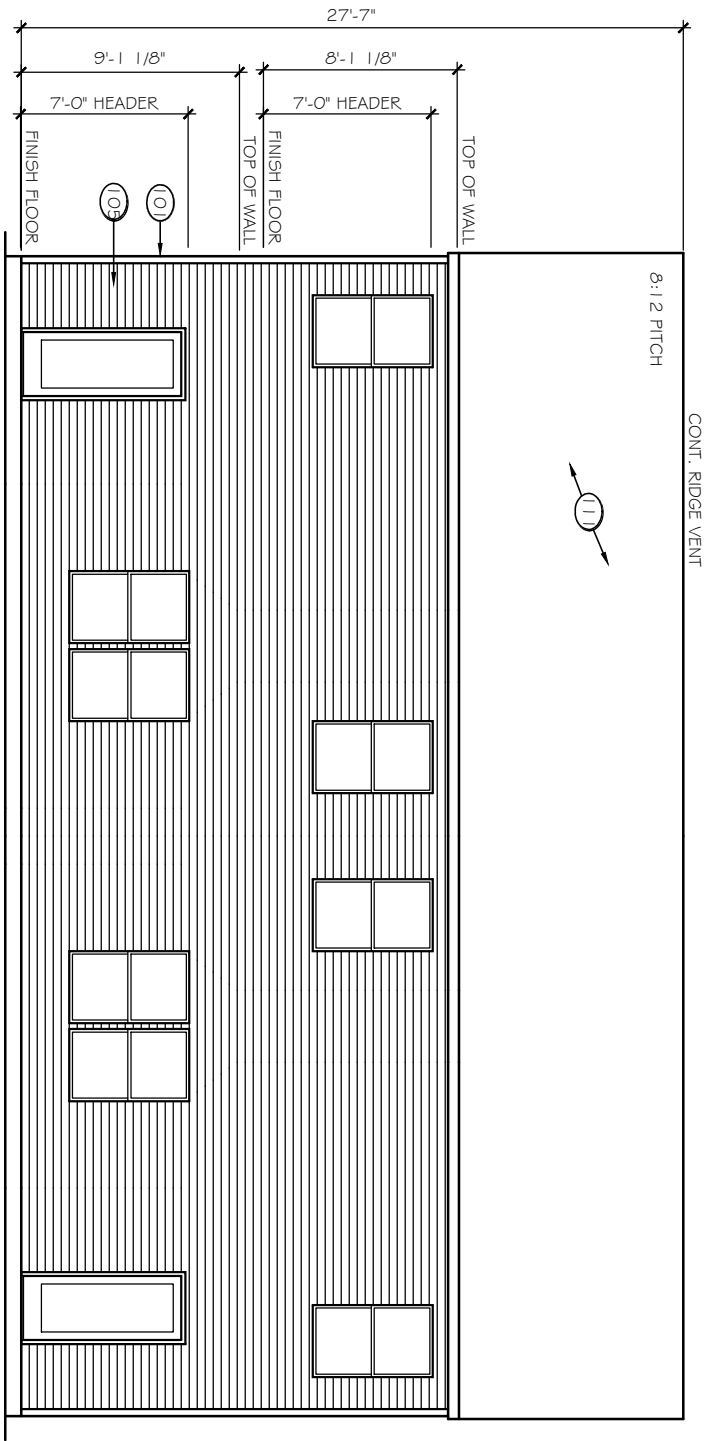
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BKT1 2X24X4
(TYP. OF 6)



FRONT ELEVATION - I-A1
LOT - X
SCALE: 1/8" = 1'-0"

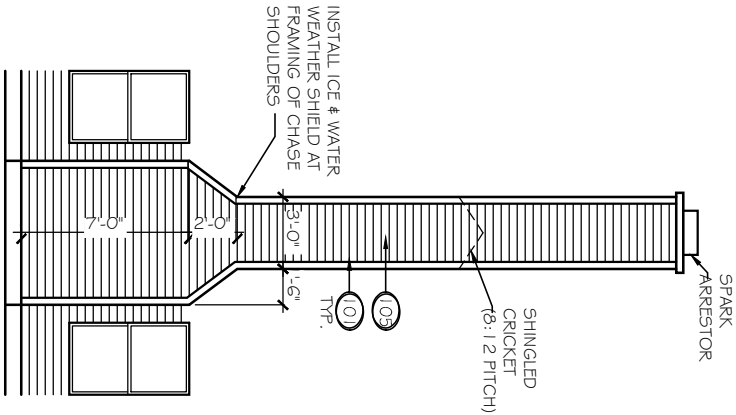
FRONT ELEVATION - I-A1
LOT - X
SCALE: 1/8" = 1'-0"



REAR ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATIONS E-A1 THRU E-A3

KEY NOTES	
ELEVATIONS	
01	CORNER TRIM
02	FLUSH RAKE
03	HORIZONTAL SIDING
07	BOARD-N-BATTEN SIDING
08	SCALLOPED SIDING
09	SHAKE SIDING
11	COMPOSITE SHINGLES
12	METAL ROOFING
13	SHINGLED RETURN
14	SUBFASCIA
15	FLASHING
17	VINYL SHUTTER
19	TRIM BOARD AT OVERHEAD DOOR JAMB
20	BRICKMOLD TRIM
21	1X4 TRIM BOARD
22	1X6 TRIM BOARD
23	1X8 TRIM BOARD
24	SYNTHETIC CROSS HEAD
25	1X4 FRIEZE TRIM BOARD
26	1X6 SPRUCE FASCIA W/ COIL WRAP & VINYL SOFFIT
27	1-1/2" THICK STONE CAP
28	5" FACE BRICK VENEER
29	ROWLOCK SILL
30	BRICK JACK ARCH
31	SOLDER COURSE
32	PRECAST KEYSTONE
33	THIN-SET STONE VENEER



OPT. WOOD FIREPLACE ALL ELEVATIONS
SCALE: 1/8" = 1'-0"

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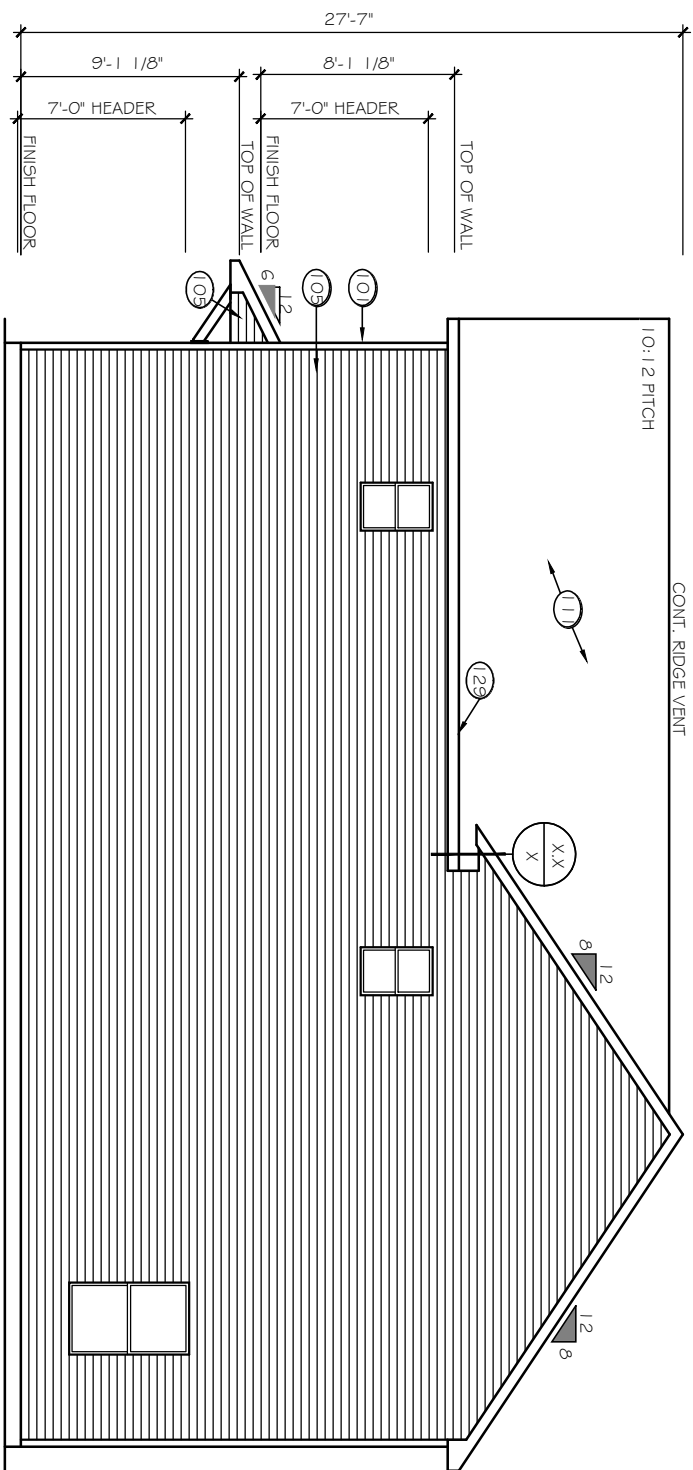
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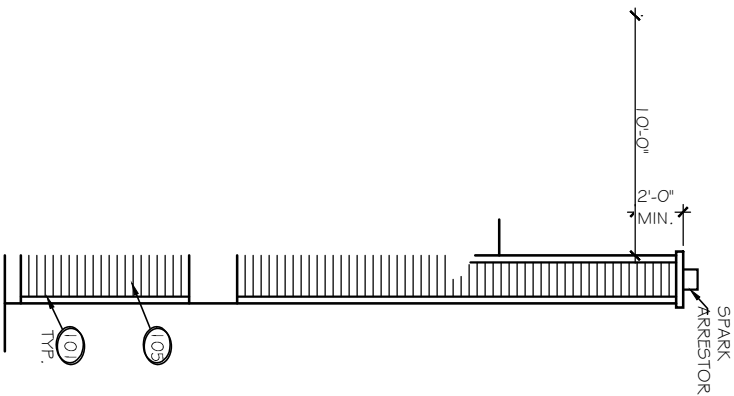
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A4



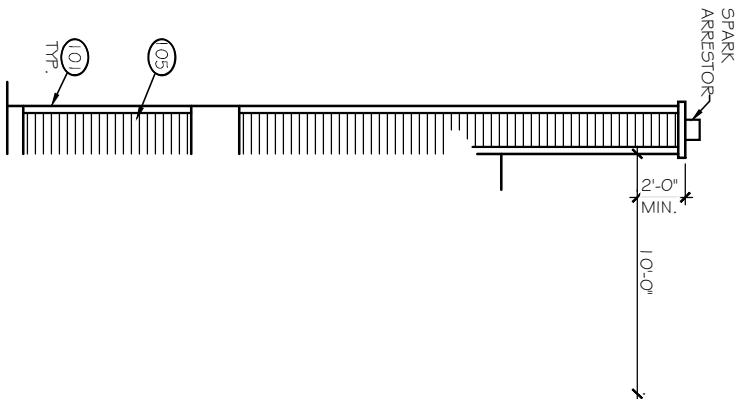
RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



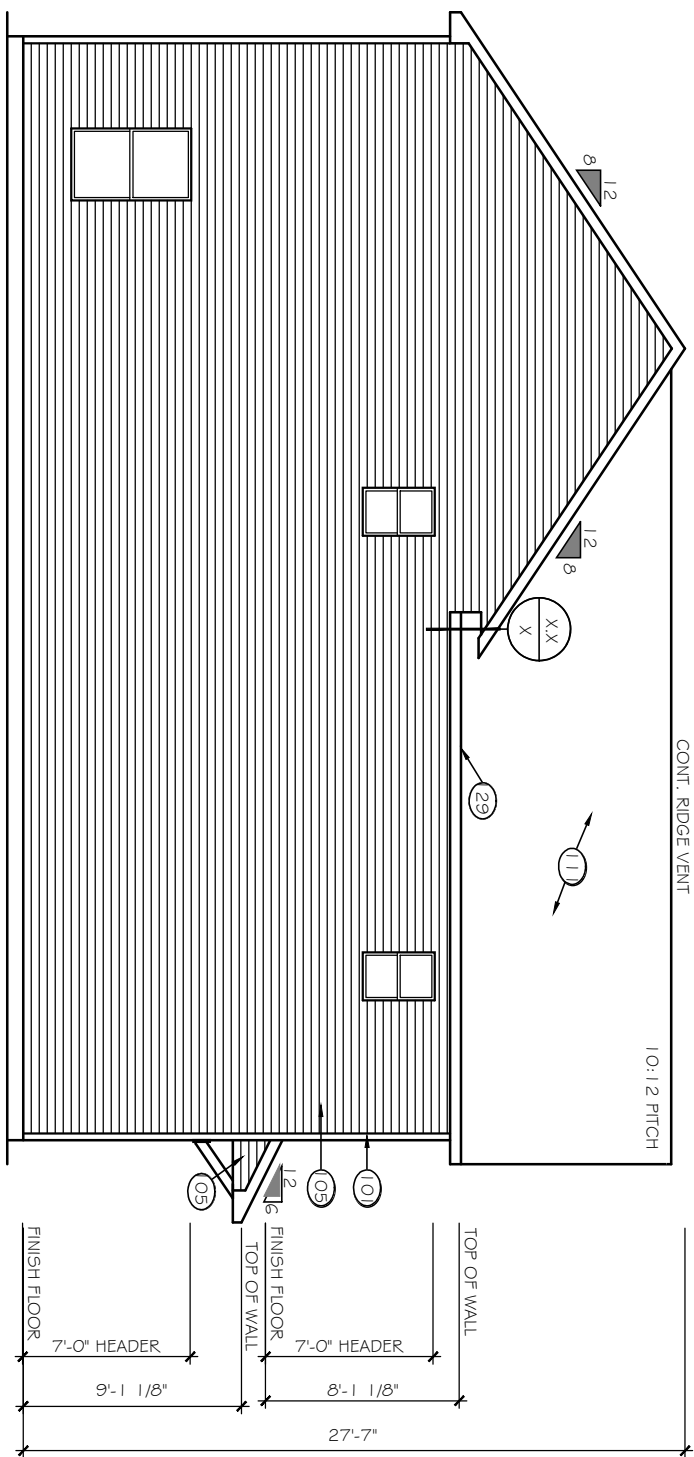
OPT. WOOD FIREPLACE ALL ELEVATIONS

SCALE: 1/8" = 1'-0"



OPT. WOOD FIREPLACE ALL ELEVATIONS

SCALE: 1/8" = 1'-0"



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATIONS E-A1 THRU E-A3

ELEVATIONS E-A1 THRU E-A3

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SIDE ELEVATION MASTER SET

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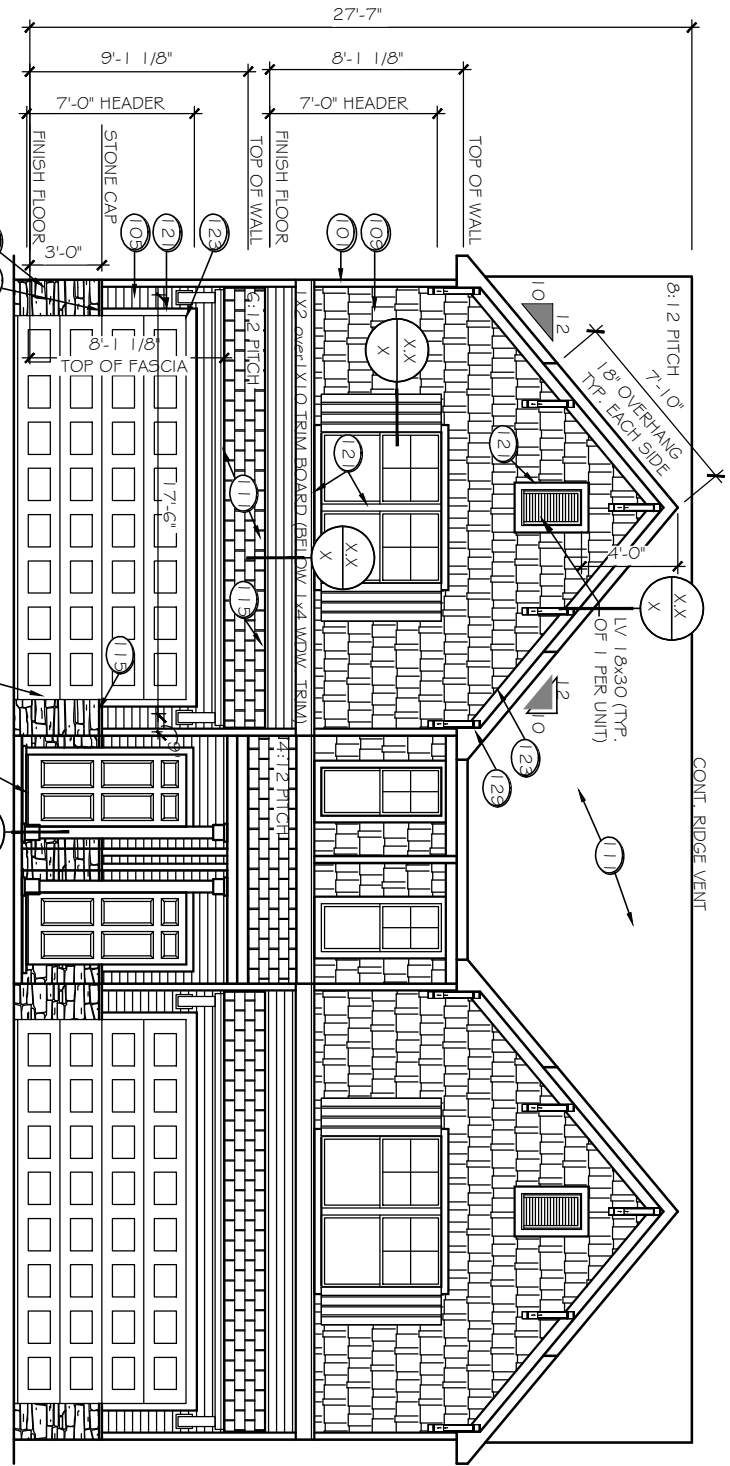
1/8" = 0"

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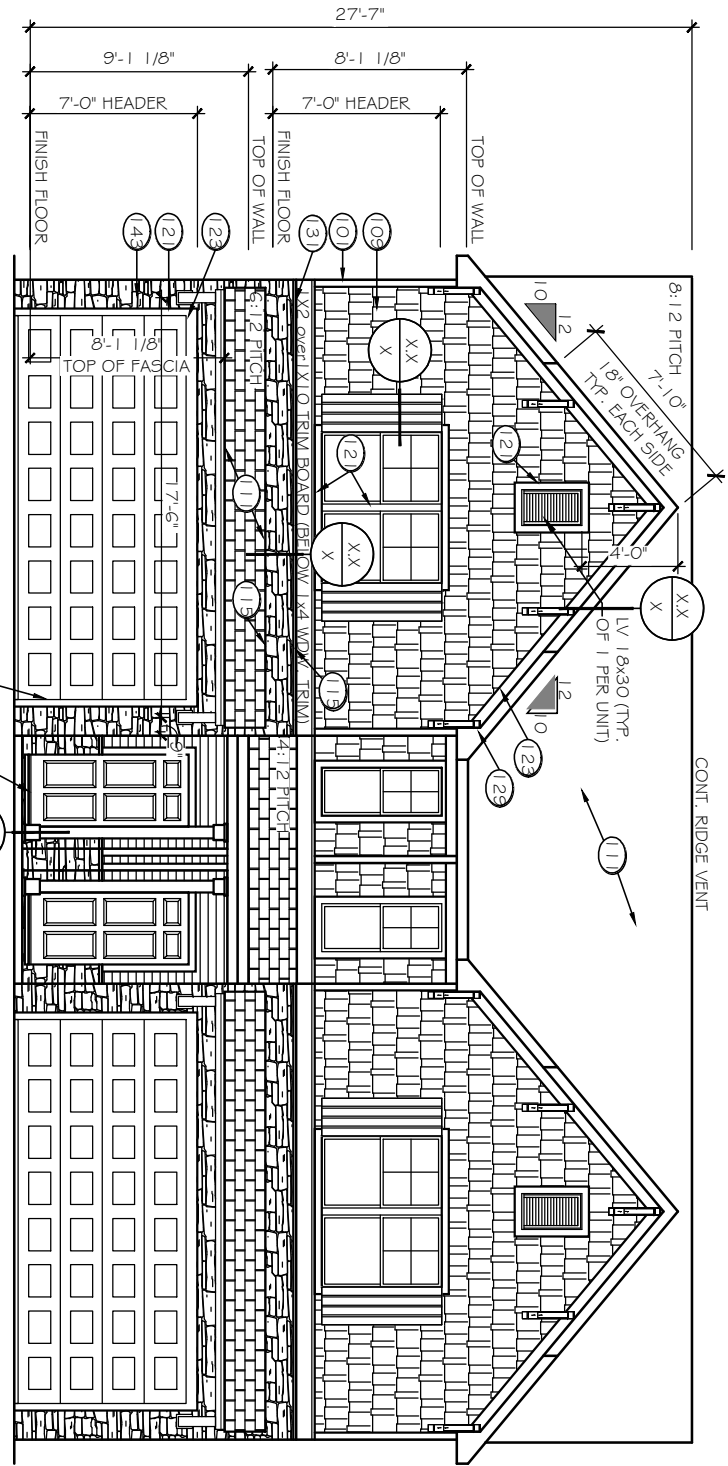
A4.1



FRONT ELEVATION - I-A2
LOT - X
SCALE 1/8" = 1'-0"

FRONT ELEVATION - I-A2
LOT - X
SCALE 1/8" = 1'-0"

KEY NOTES	
ELEVATIONS	
01	CORNER TRIM
02	FLUSH RAKE
03	HORIZONTAL SIDING
07	BOARD-N-BATTEN SIDING
08	SCALLOPED SIDING
09	SHAKE SIDING
11	COMPOSITE SHINGLES
12	METAL ROOFING
13	SHINGLED RETURN
14	SUBFASCIA
15	FLASHING
17	VINYL SHUTTER
19	TRIM BOARD AT OVERHEAD DOOR JAMB
20	BRICKMOLD TRIM
21	1X4 TRIM BOARD
22	1X6 TRIM BOARD
23	1X8 TRIM BOARD
24	SYNTHETIC CROSS HEAD
25	1X4 FRIEZE TRIM BOARD
26	1X6" SPRUCE FASCIA W/ COIL WRAP # VINYL SOFFIT
27	1-1/2" THICK STONE CAP
28	5" FACE BRICK VENEER
29	ROWLOCK SILL
30	BRICK JACK ARCH
31	SOLDIER COURSE
32	PRECAST KEYSTONE
33	THIN-SET STONE VENEER



FRONT ELEVATION - I-A3
LOT - X
SCALE 1/8" = 1'-0"

FRONT ELEVATION - I-A3
LOT - X
SCALE 1/8" = 1'-0"

KEY NOTES	
ELEVATIONS	
01	CORNER TRIM
02	FLUSH RAKE
03	HORIZONTAL SIDING
07	BOARD-N-BATTEN SIDING
08	SCALLOPED SIDING
09	SHAKE SIDING
11	COMPOSITE SHINGLES
12	METAL ROOFING
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FRONT ELEVATION
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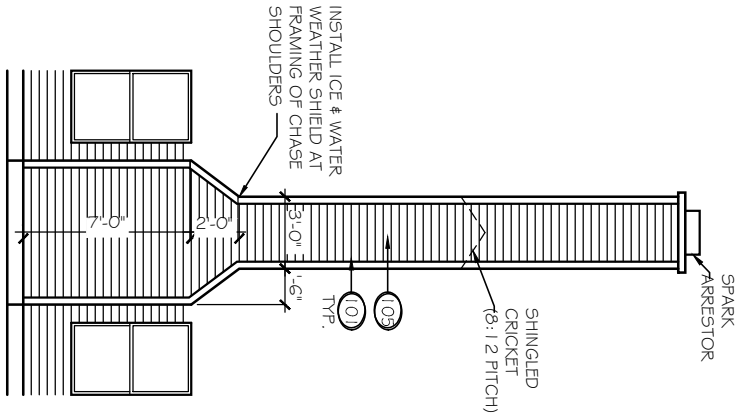
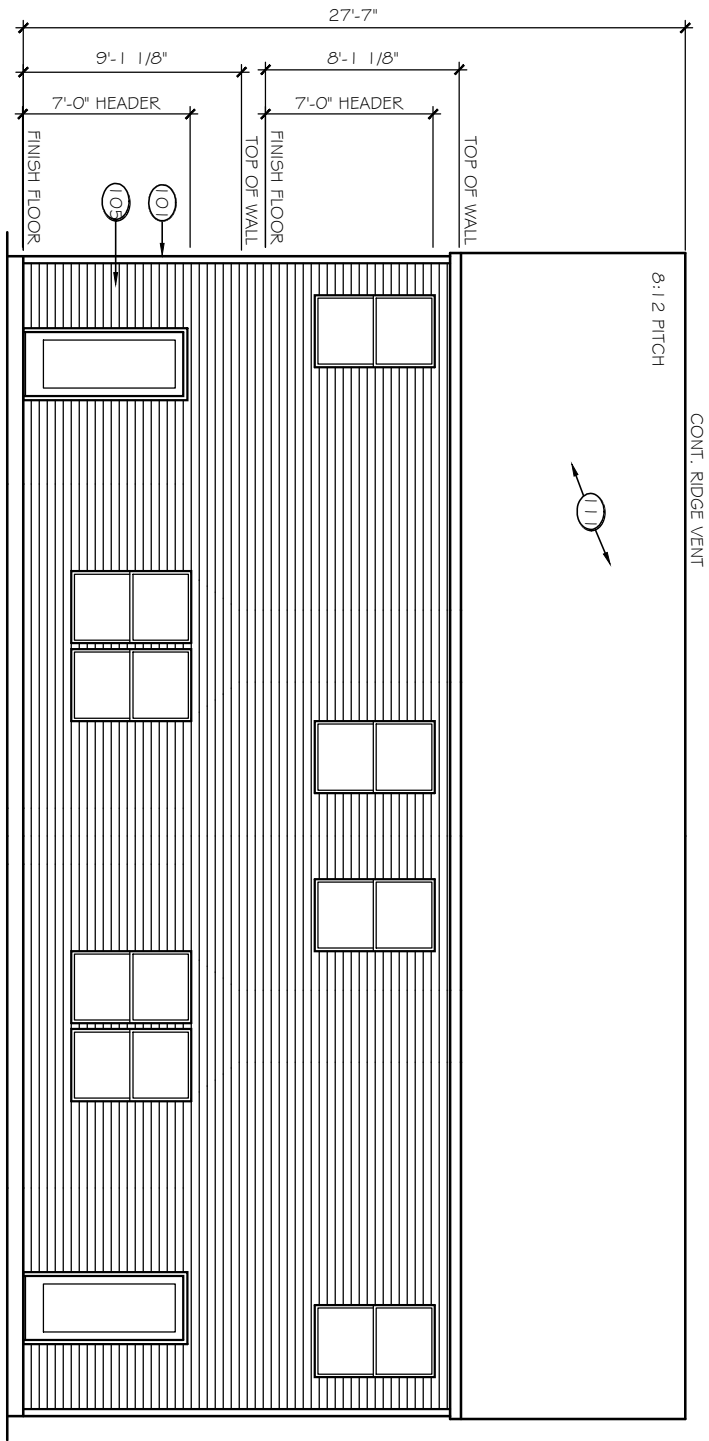
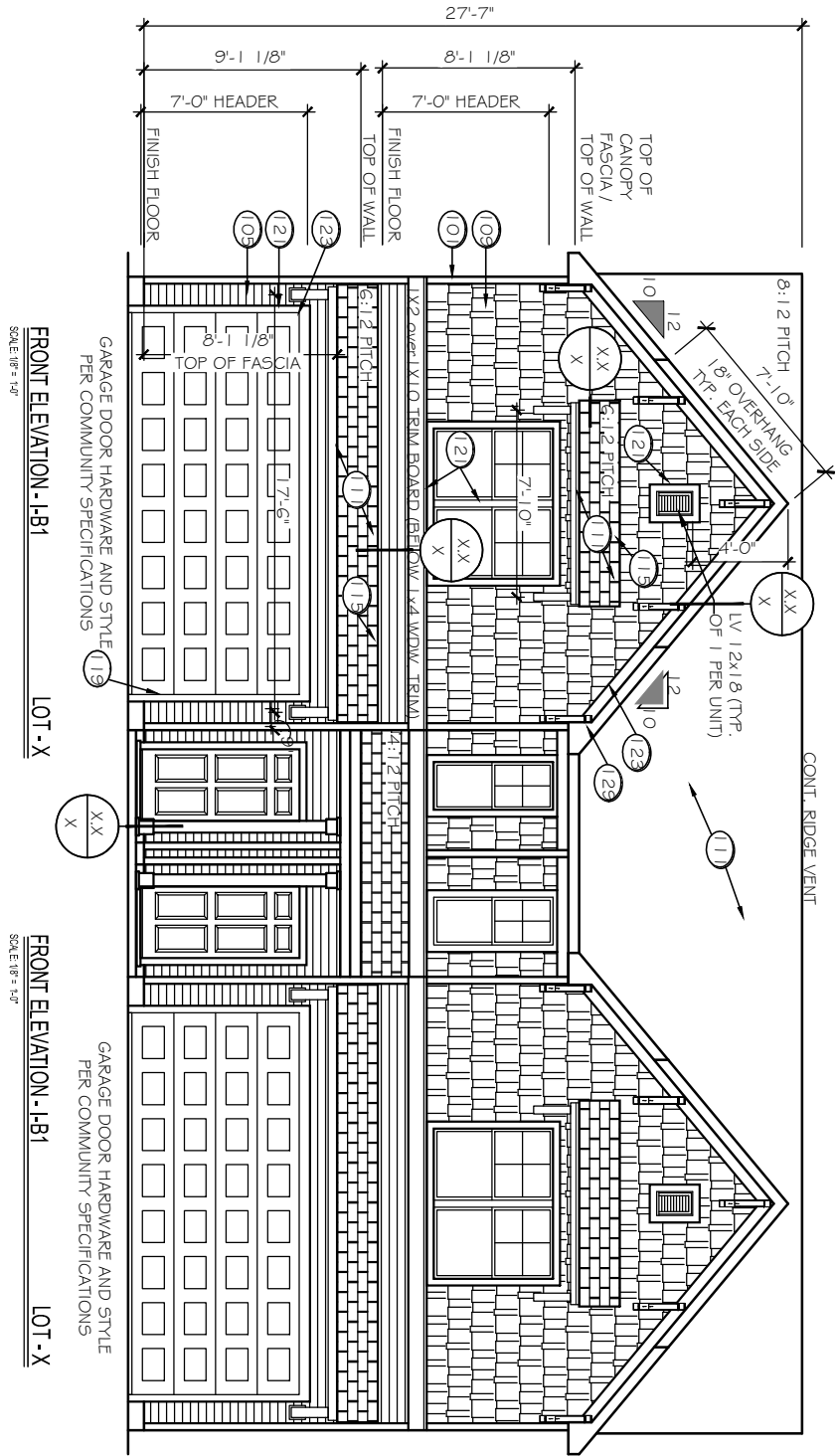
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SCALE: 1/8" = 1'-0"

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SHEET:
A4.2

KEY NOTES	
ELEVATIONS	
(10)	CORNER TRIM
(09)	FLUSH RAKE
(08)	HORIZONTAL SIDING
(07)	BOARD-N-BATTEN SIDING
(06)	SCALLOPED SIDING
(05)	SHAKE SIDING
(17)	COMPOSITE SHINGLES
(12)	METAL ROOFING
(13)	SHINGLED RETURN
(15)	SUBFASCIA
(19)	FLASHING
(17)	VINYL SHUTTER
(19)	TRIM BOARD AT OVERHEAD DOOR JAMB
(20)	BRICKMOLD TRIM
(21)	1X4 TRIM BOARD
(22)	1X6 TRIM BOARD
(23)	1X8 TRIM BOARD
(29)	SYNTHETIC CROSS HEAD
(2)	1X4 FRIEZE TRIM BOARD
(1X6)	SPRUCE FASCIA W/ COIL WRAP & VINYL SOFFIT
(3)	1-1/2" THICK STONE CAP
(35)	5" FACE BRICK VENEER
(35)	ROWLOCK SILL
(3)	BRICK JACK ARCH
(35)	SOLDER COURSE
(14)	PRECAST KEYSTONE
(45)	TRIM-SET STONE VENEER



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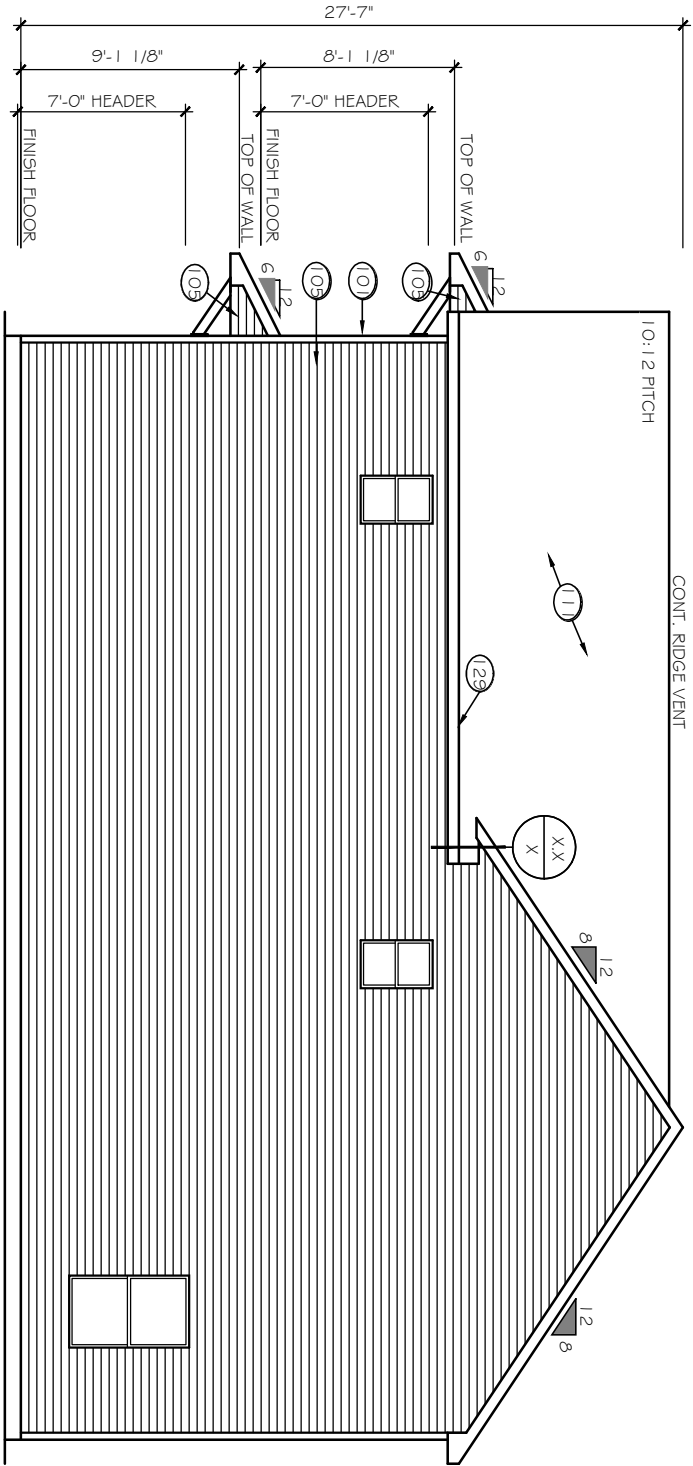
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SCALE:
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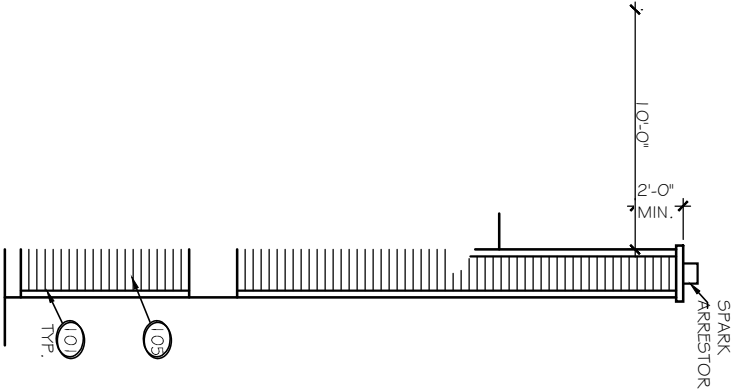
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RIGHT ELEVATION

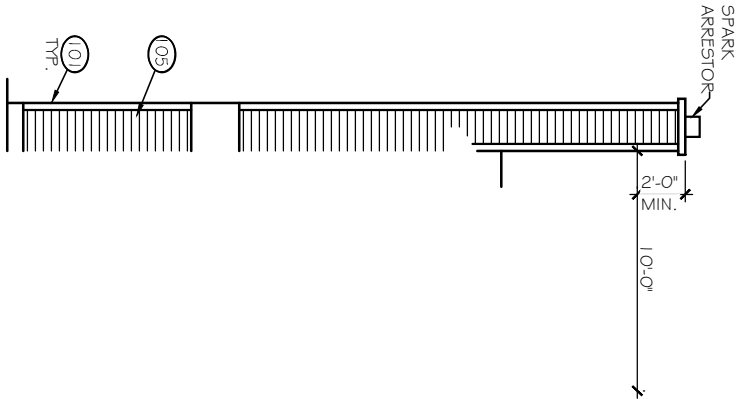
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ELEVATIONS E-B1 THRU E-B3



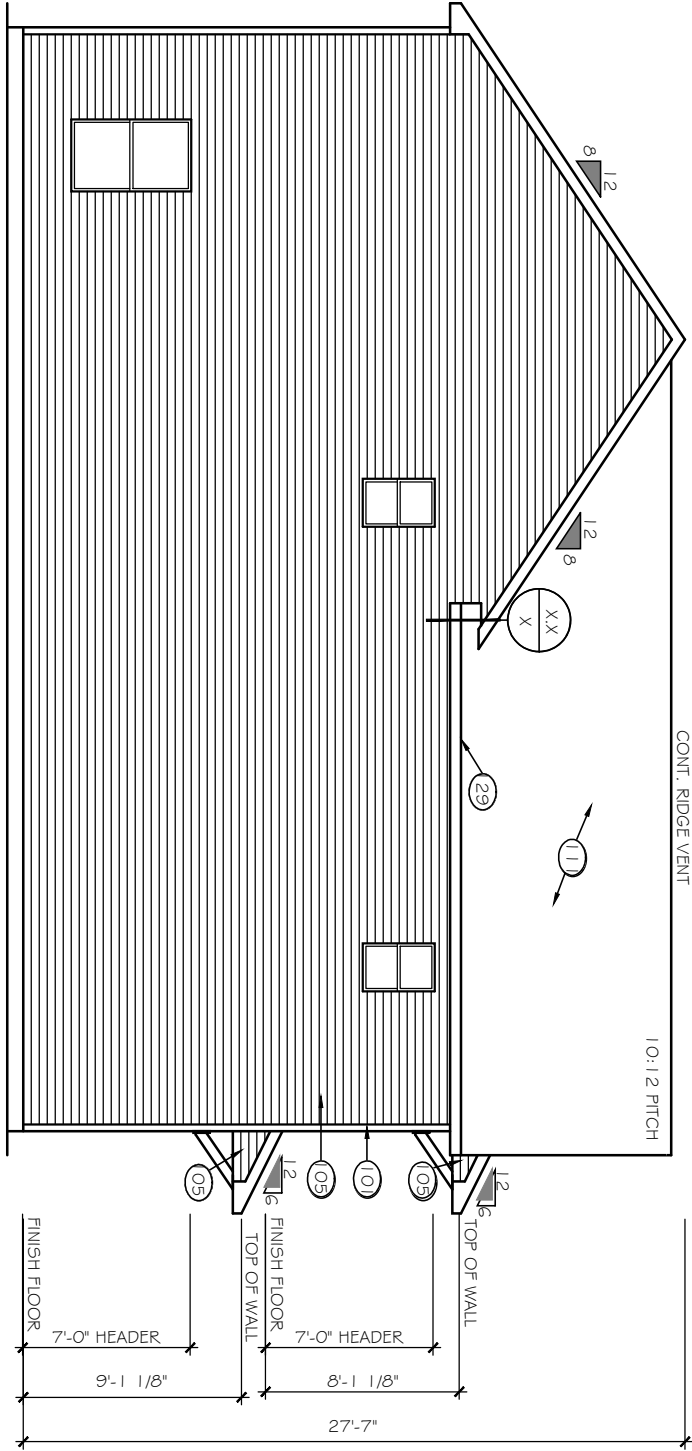
OPT. WOOD FIREPLACE ALL ELEVATIONS

SCALE: 1/8" = 1'-0"



OPT. WOOD FIREPLACE ALL ELEVATIONS

SCALE: 1/8" = 1'-0"



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

ELEVATIONS E-B1 THRU E-B3

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SIDE ELEVATION
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"THE BAXTER PH"

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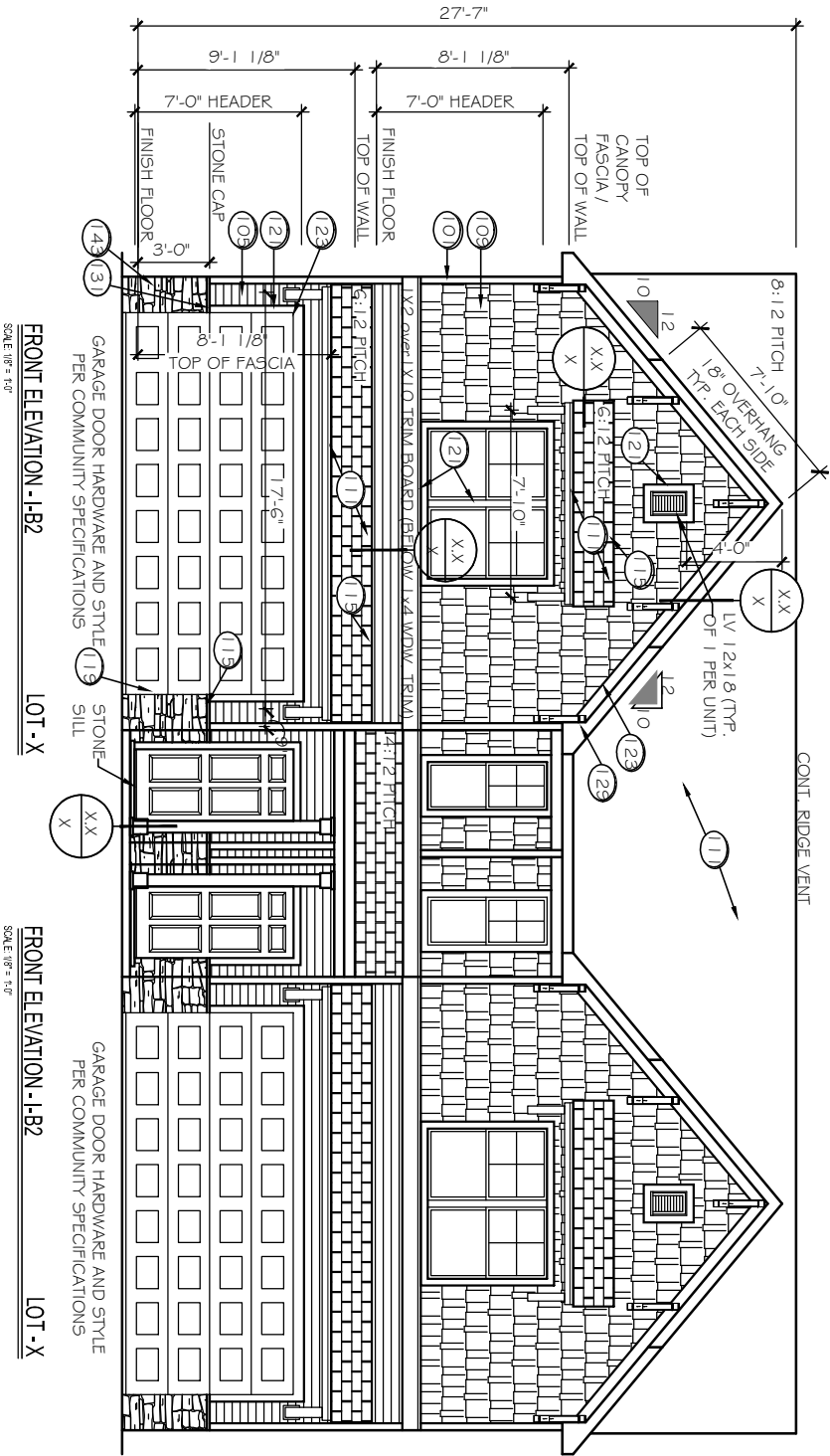
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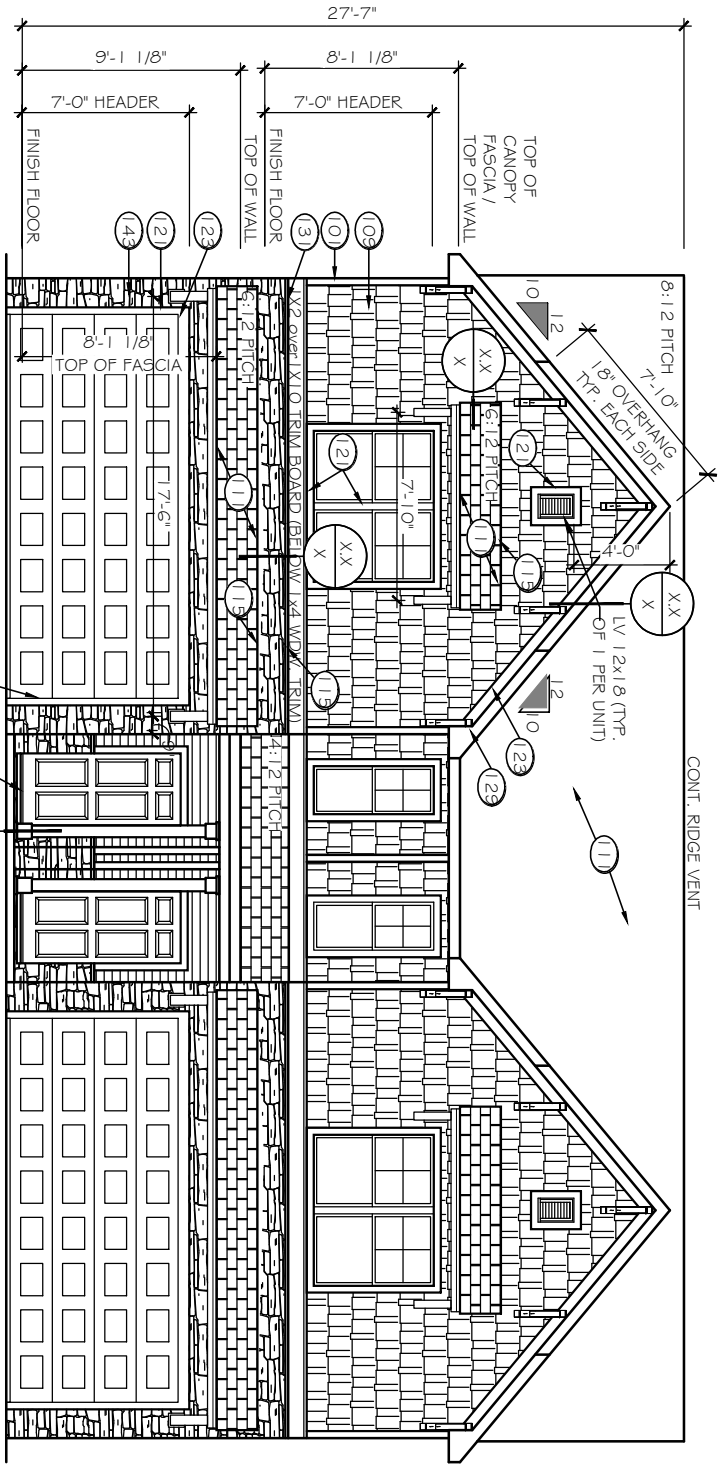
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KEY NOTES	
ELEVATIONS	
(10) CORNER TRIM	
(03) FLUSH RAKE	
(03) HORIZONTAL SIDING	
(07) BOARD-N-BATTEN SIDING	
(03) SCALLOPED SIDING	
(03) SHAKE SIDING	
(11) COMPOSITE SHINGLES	
(11) METAL ROOFING	
(13) SHINGLED RETURN	
(15) SUBFASCIA	
(13) FLASHING	
(17) VINYL SHUTTER	
(13) TRIM BOARD AT OVERHEAD DOOR JAMB	
(20) BRICKMOLD TRIM	
(2) 1X4 TRIM BOARD	
(23) 1X6 TRIM BOARD	
(23) 1X8 TRIM BOARD	
(29) SYNTHETIC CROSS HEAD	
(2) 1X4 FRIEZE TRIM BOARD	
(23) 1X6" SPRUCE FASCIA W/ COIL WRAP # VINYL SOFFIT	
(3) 1-1/2" THICK STONE CAP	
(33) 5" FACE BRICK VENEER	
(33) ROWLOCK SILL	
(3) BRICK JACK ARCH	
(33) SOLDIER COURSE	
(14) PRECAST KEYSTONE	
(43) THIN-SET STONE VENEER	



FRONT ELEVATION - I-B2
SCALE 1/8" = 1'-0"

FRONT ELEVATION - I-B2
SCALE 1/8" = 1'-0"



FRONT ELEVATION - I-B3
SCALE 1/8" = 1'-0"

FRONT ELEVATION - I-B3
SCALE 1/8" = 1'-0"

KEY NOTES	
ELEVATIONS	
(10) CORNER TRIM	
(03) FLUSH RAKE	
(03) HORIZONTAL SIDING	
(07) BOARD-N-BATTEN SIDING	
(03) SCALLOPED SIDING	
(03) SHAKE SIDING	
(11) COMPOSITE SHINGLES	
(11) METAL ROOFING	
(13) SHINGLED RETURN	
(15) SUBFASCIA	
(13) FLASHING	
(17) VINYL SHUTTER	
(13) TRIM BOARD AT OVERHEAD DOOR JAMB	
(20) BRICKMOLD TRIM	
(2) 1X4 TRIM BOARD	
(23) 1X6 TRIM BOARD	
(23) 1X8 TRIM BOARD	
(29) SYNTHETIC CROSS HEAD	
(2) 1X4 FRIEZE TRIM BOARD	
(23) 1X6" SPRUCE FASCIA W/ COIL WRAP # VINYL SOFFIT	
(3) 1-1/2" THICK STONE CAP	
(33) 5" FACE BRICK VENEER	
(33) ROWLOCK SILL	
(3) BRICK JACK ARCH	
(33) SOLDIER COURSE	
(14) PRECAST KEYSTONE	
(43) THIN-SET STONE VENEER	

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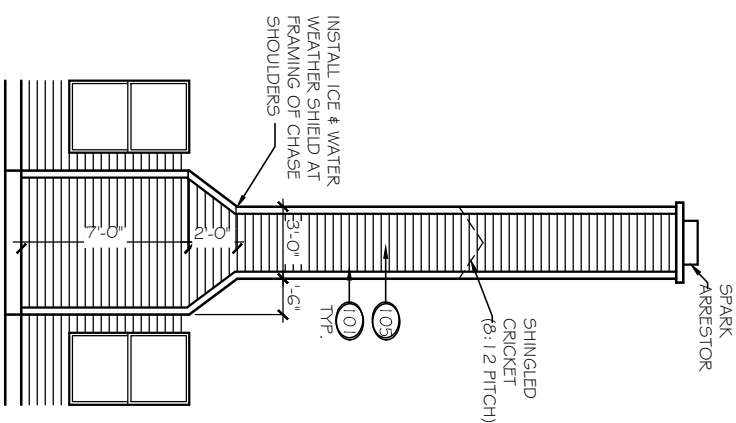
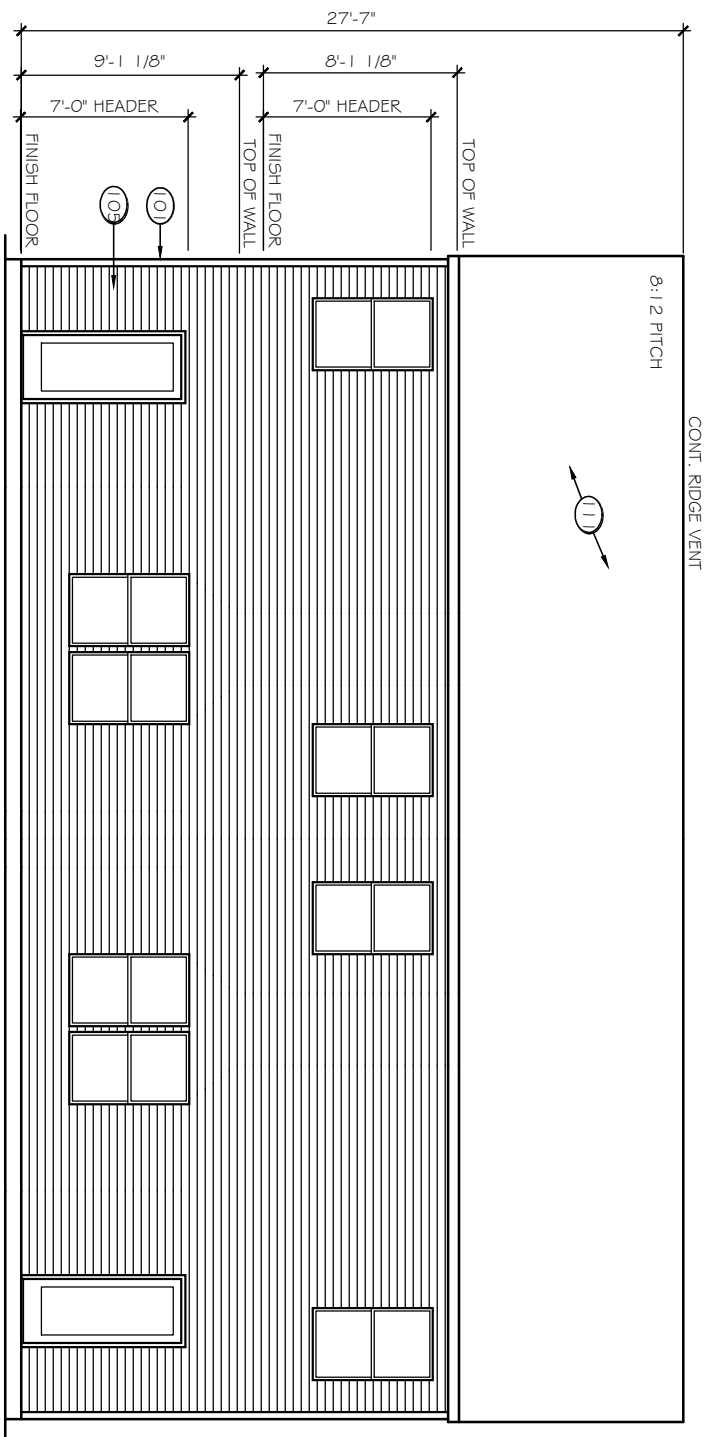
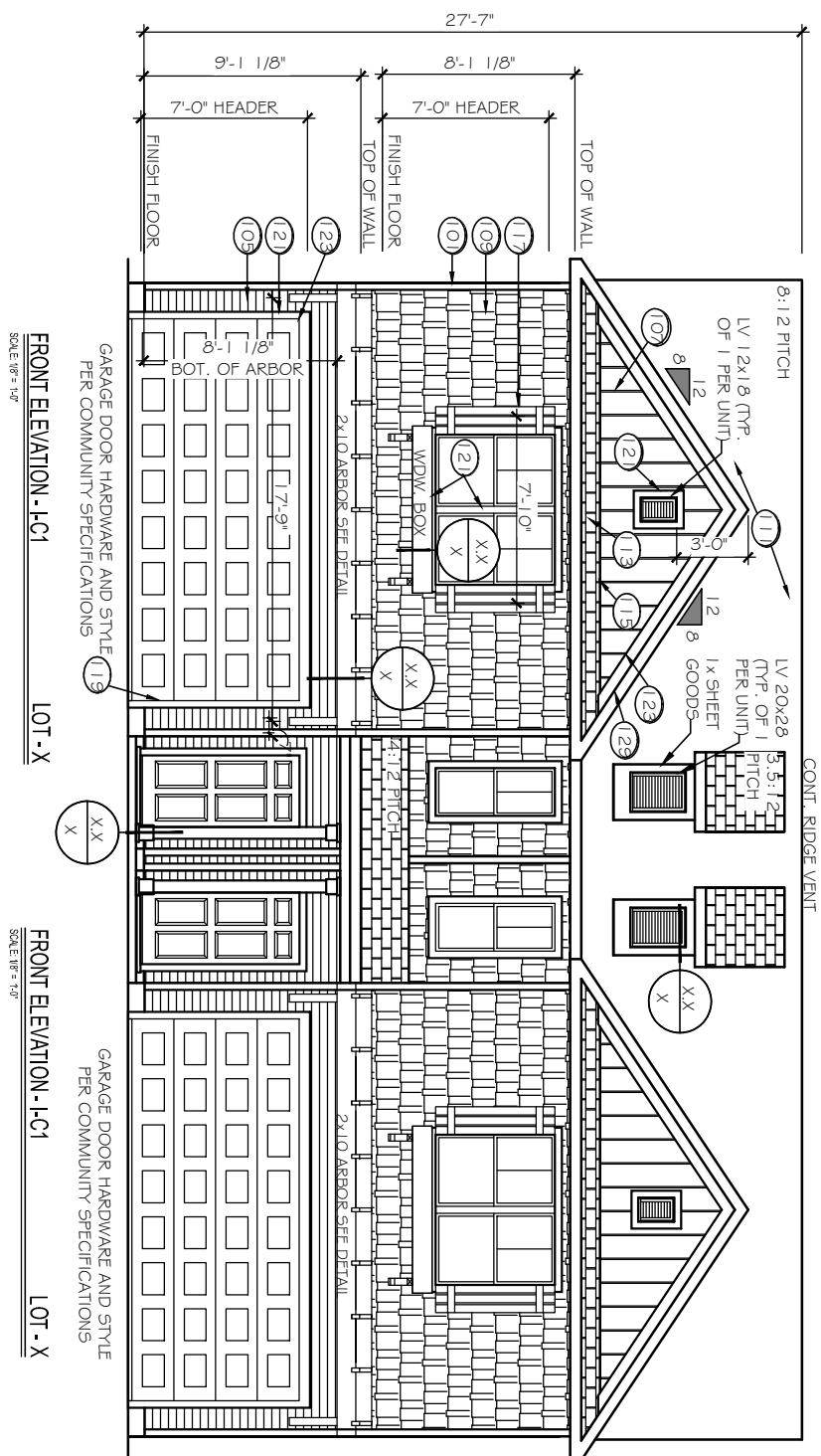
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KEY NOTES	
ELEVATIONS	
101	CORNER TRIM
103	FLUSH RAKE
105	HORIZONTAL SIDING
107	BOARD-N-BATTEN SIDING
108	SCALLOPED SIDING
109	SHAKE SIDING
111	COMPOSITE SHINGLES
112	METAL ROOFING
113	SHINGLED RETURN
114	SUBFASCIA
115	FLASHING
117	VINYL SHUTTER
119	TRIM BOARD AT OVERHEAD DOOR JAMB
120	BRICKMOLD TRIM
121	1X4 TRIM BOARD
123	1X6 TRIM BOARD
125	1X8 TRIM BOARD
126	SYNTHETIC CROSS HEAD
127	1X4 RIEIZE TRIM BOARD
129	1X6- SPRUCE FASÇA W/ COIL WRAP # VINYL SOFFIT
131	1 - 1/2" THICK STONE CAP
133	5" FACE BRICK VENEER
135	ROWLOCK SILL
137	BRICK JACK ARCH
139	SOLIDR COURSE
141	PRECAST KEYSTONE
143	THIN-SET STONE VENEER



REAR ELEVATION

ELEVATIONS E-C1 THRU E-C3

OPT. WOOD FIREPLACE ALL ELEVATIONS

SCALE: 1/8" = 1'-0"

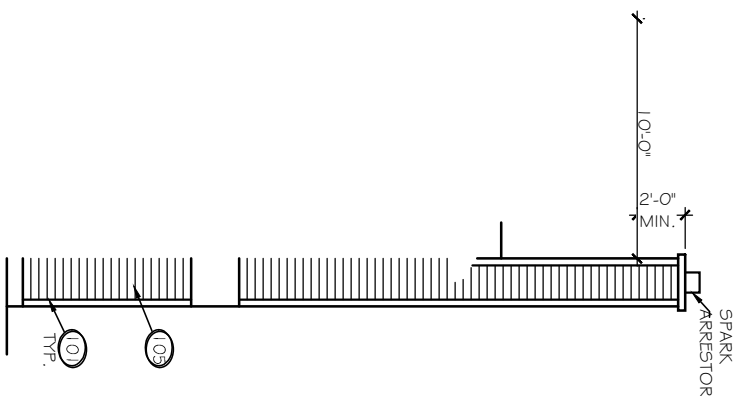
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SIDE ELEVATION
MASTER SET

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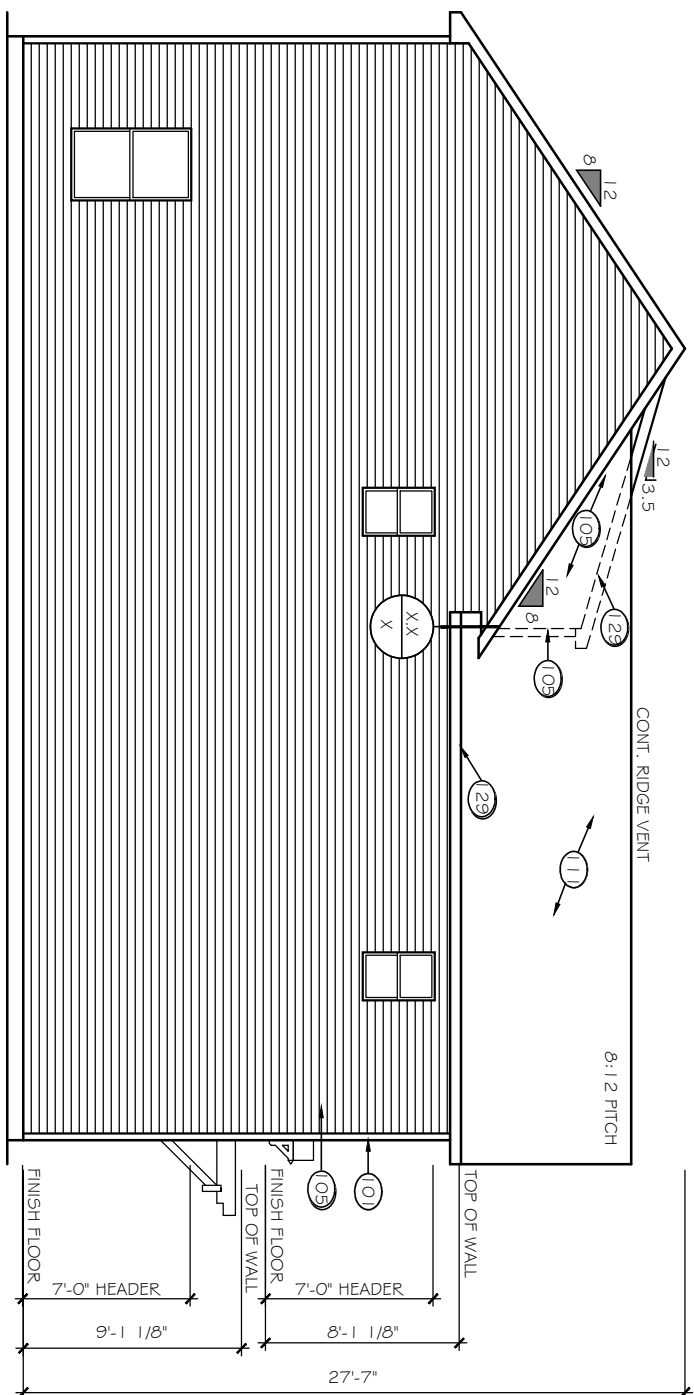
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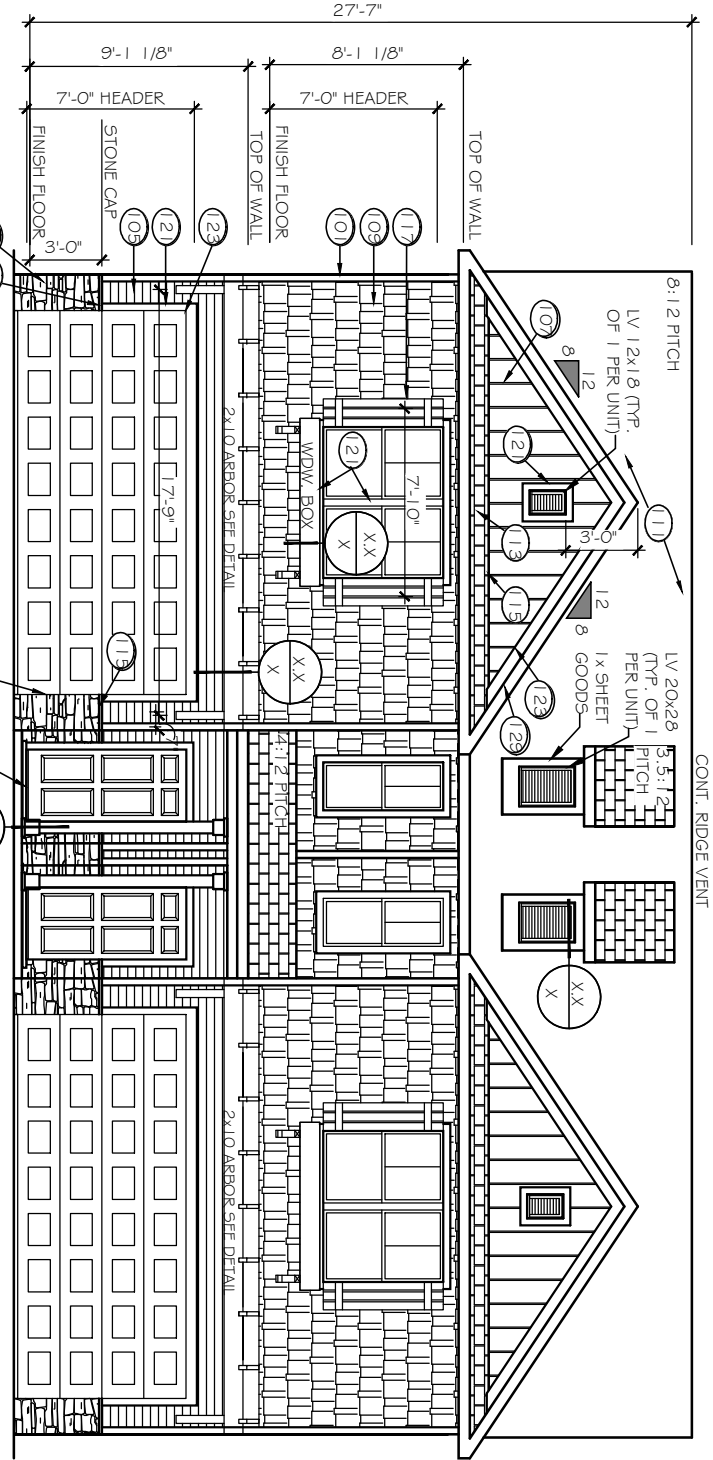
ELEVATIONS E-C1 THRU E-C3

SCALE: 1/8" = 1'-0"



LEFT ELEVATION

SCALE: 1/8" = 1'-0"



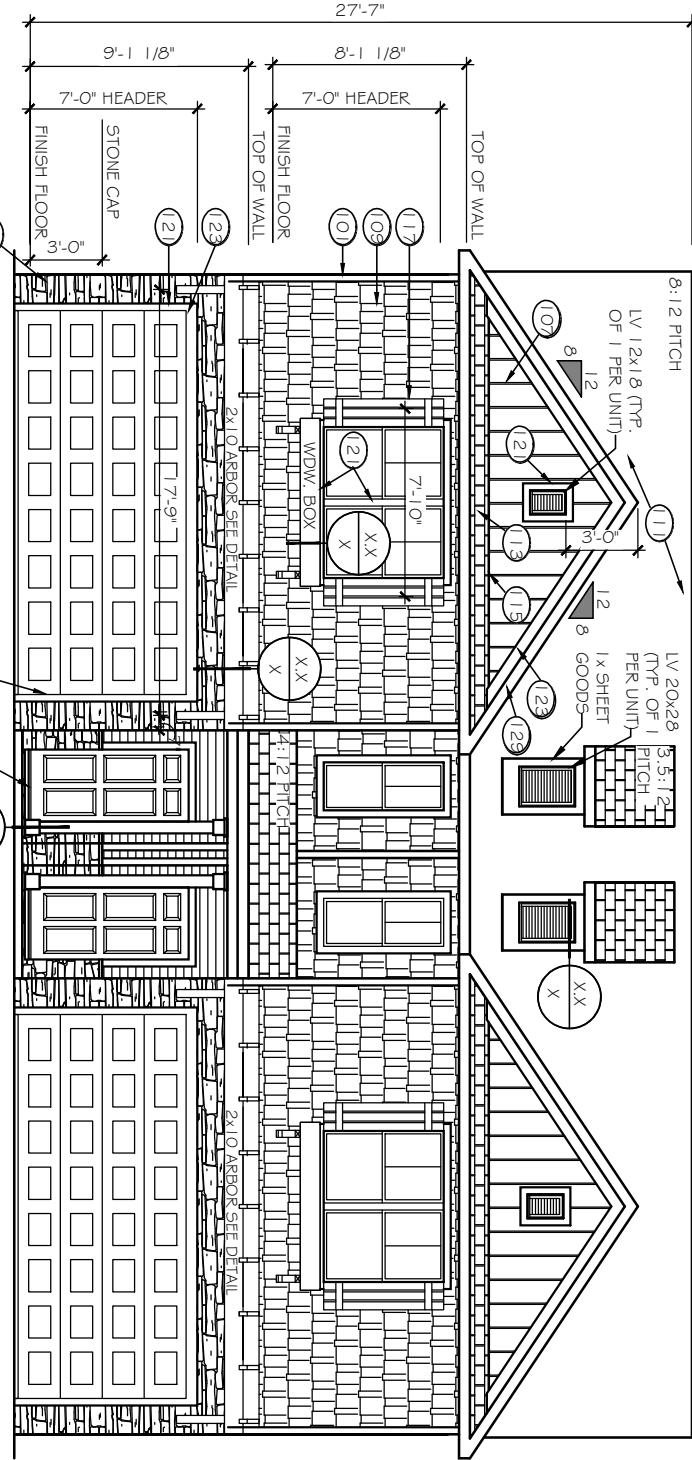
FRONT ELEVATION - I-C2

FRONT ELEVATION - I-C2

KEY NOTES	
ELEVATIONS	
101	CORNER TRIM
103	FLUSH RAKE
105	HORIZONTAL SIDING
107	BOARD-N-BATTEN SIDING
109	SCALLOPED SIDING
109	SHAKE SIDING
111	COMPOSITE SHINGLES
112	METAL ROOFING
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114	SUBFASCIA
115	FLASHING
117	VINYL SHUTTER
119	TRIM BOARD AT OVERHEAD DOOR JAMB
120	BRICKMOLD TRIM
121	1X4 TRIM BOARD
122	1X6 TRIM BOARD
123	1X8 TRIM BOARD
124	SYNTHETIC CROSS HEAD
127	1X4 FRIEZE TRIM BOARD
129	1X6" SPRUCE FASCIA W/ COIL WRAP & VINYL SOFFIT
131	1 - 1/2" THICK STONE CAP
133	5" FACE BRICK VENEER
135	ROWLOCK SILL
137	BRICK JACK ARCH
139	SOLDIER COURSE
141	PRECAST KEYSTONE
143	THIN-SET STONE VENEER

SCALE: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"



FRONT ELEVATION - I-C3

FRONT ELEVATION - I-C3

KEY NOTES	
ELEVATIONS	
101	CORNER TRIM
103	FLUSH RAKE
105	HORIZONTAL SIDING
107	BOARD-N-BATTEN SIDING
109	SCALLOPED SIDING
109	SHAKE SIDING
111	COMPOSITE SHINGLES
112	METAL ROOFING
113	SHINGLED RETURN
114	SUBFASCIA
115	FLASHING
117	VINYL SHUTTER
119	TRIM BOARD AT OVERHEAD DOOR JAMB
120	BRICKMOLD TRIM
121	1X4 TRIM BOARD
122	1X6 TRIM BOARD
123	1X8 TRIM BOARD
124	SYNTHETIC CROSS HEAD
127	1X4 FRIEZE TRIM BOARD
129	1X6" SPRUCE FASCIA W/ COIL WRAP & VINYL SOFFIT
131	1 - 1/2" THICK STONE CAP
133	5" FACE BRICK VENEER
135	ROWLOCK SILL
137	BRICK JACK ARCH
139	SOLDIER COURSE
141	PRECAST KEYSTONE
143	THIN-SET STONE VENEER

TrueHomes
IT'S ALL ABOUT U

2649 Brekonridge Centre Drive Suite 104
Monroe, North Carolina 28110
Phone: 704-238-1229 Fax: 704-238-1150

COMMUNITY
COMMUNITY
LOT #

FRONT ELEVATION
MASTER SET

"THE BAXTER PH"

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DRAWN BY:
INITIALS

DATE:
00-00-00

SCALE:
NORTH ARROW

CHECKED BY:
INITIALS

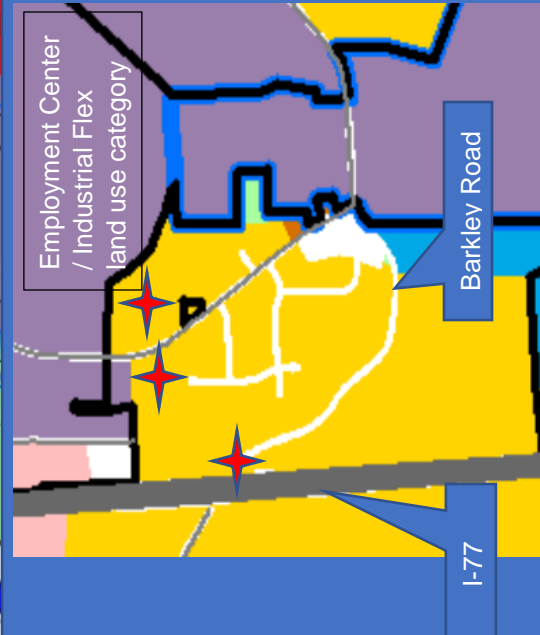
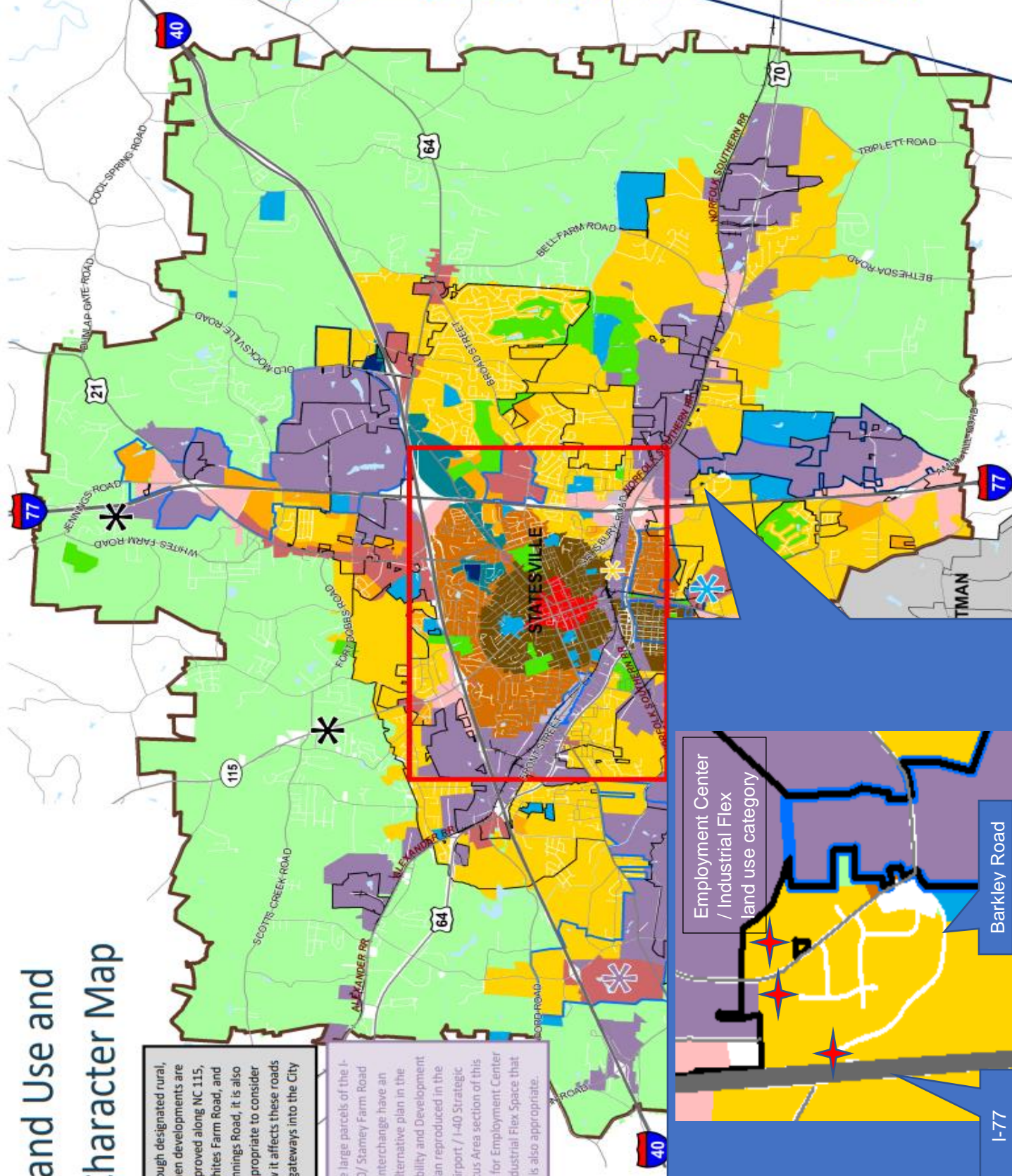
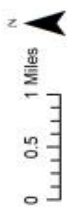
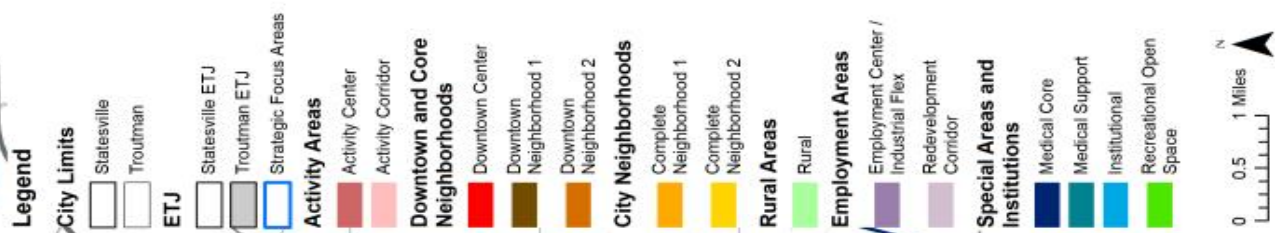
SHEET:
A4.8

Land Use and

Character Map

* Though designated rural, when developments are approved along NC 115, Whites Farm Road, and Jennings Road, it is also appropriate to consider how it affects these roads as gateways into the City

* The large parcels of the I-40/ Stamey Farm Road interchange have an alternative plan in the Mobility and Development Plan reproduced in the Airport / I-40 Strategic Focus Area section of this plan for Employment Center plan for Employment Center Industrial Flex Space that is also appropriate.



Subject parcels – Complete Neighborhood 2 land use category

Complete Neighborhood 2

Character Intent

Complete Neighborhoods 2 are opportunities for new neighborhoods built using traditional neighborhood designs that provide a mix of residential uses. These neighborhoods are best designed as master planned neighborhoods that use a traditional grid or modified grid network, shorter block lengths, and pedestrian pathways connecting residences to internal and external destinations. Typically, a larger portion of neighborhoods will be dedicated to single-family detached homes. Predominantly single family neighborhoods may be supplemented with a variety of housing type choices (see page 36) and multifamily development, provided that sites are adjacent to commercial centers or nodes that can adequately provide basic retail goods and services, and/or along central thoroughfares that can accommodate the significant traffic impacts associated with the higher density residential development. Supplemental housing type choices and multifamily development may also be appropriate when part of a live-work or mixed-use cluster within a larger planned neighborhood or community, or as a part of a planned effort to build the demand that can bring basic retail goods and services to an area or neighborhood that lacks them where increased services and some multifamily is the goal. Sidewalks, multi-use paths, on-street parking, and narrow street designs prioritize walking and biking through neighborhoods and accommodate connections to adjacent uses. These neighborhoods should also include parks and community open spaces accessible to neighborhood residents and preferably to the public. Pockets of community-serving institutional uses like schools, community centers and churches are also appropriate. Limited use of neighborhood-scale, multistory commercial and office centers is appropriate in this character area when clustered along major thoroughfares and street corners.

Pattern & Form

Grid or modified grid network with short and medium block lengths.

Opportunities

New master planned developments organized around community gathering spaces (commercial or open space).

Primary Uses

Residential

Secondary Uses

Clubhouses and recreation centers, neighborhood scale corner commercial/offices, institutional, park and open space, daycare.

Form Characteristics

Building Height	One to three stories
Building Orientation	Residences oriented towards the primary street, 0-30 ft setbacks
Building Types	Single family detached homes, limited use of a variety of housing type choices (see page 37), and multifamily in centralized locations, limited use of neighborhood-scale and multistory commercial or office centers in centralized locations, and institutional buildings.
Street Character	Local streets with sidewalks on both sides and street trees, off-street pedestrian and bike circulation connections (trails and paths)
Parking Character	Alley parking preferred for residential, some on-street parking; neighborhood nonresidential uses share small surface lots



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF THE AFTER DESCRIBED
PROPERTIES FROM SUBURBAN RESIDENTIAL (R-20) AND URBAN LOW-DENSITY
RESIDENTIAL (R-10) DISTRICT TO
HIGH DENSITY SINGLE-FAMILY RESIDENTIAL CONDITIONAL ZONING (R-5 CZ) DISTRICT
AND
HIGH DENSITY MULTI-FAMILY RESIDENTIAL CONDITIONAL ZONING (R-5MF CZ)
DISTRICT

CASE ZC23-03 - Andrew McDonald with Dependable Development (Agent), on behalf of JT
Sellers Properties and Phillip H. Barkley (Petitioners)
BARKLEY SPRINGS (PHASE 2)
Properties west and east of Barkley Road North/north of Dallas Lane
Properties west and east of Barkley Road West
PIN#s 4743-97-1381, 4743-86-1381, and 4743-76-9300

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 March 20, 2023 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 properties from R-10 and R-20 to R-5 CZ and R-5MF CZ;
said notice having been published in the Statesville Record and Landmark, a newspaper having
general circulation in this area on March 10 and 17, 2023, all in accordance with the procedure set
forth in N.C.G.S. 160D-601; 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;

NOW, THEREFORE, BE IT ORDAINED, that the zoning classification of the after described
properties be changed as particularly set out below, said properties being more particularly
described as follows:

LEGAL DESCRIPTION

Lying in the City of Statesville, North Carolina extraterritorial jurisdictional boundary and being
more particularly described as follows:

PIN: 4743971381.000

BEGINNING at a point in the center of the pavement of Barkley Road North (State Road No. 2352), said BEGINNING POINT also being the Southwest corner of Charles F. Watts' tract described in Deed Book 757, page 551, Iredell County Registry, and running thence with the lines of Watts and Joe T. Sellers, South 86 deg. 13 min. 26 sec. East 641.05 feet to a point in the center of the branch; thence with the center of the branch as it meanders in a Southeasterly direction, the following courses, and distances: South 26 deg. 15 min. 48 sec. East 165.24 feet to an iron pin and South 36 deg. 26 min. 06 sec. East 230.55 feet to an iron pin and South 47 deg. 07 min. 00 sec. East 85.65 feet to an iron pin and South 68 deg. 29 min. 15 sec. East 176.12 feet to a point and South 65 deg. 07 min. 10 sec. East 140.86 feet to a point and South 71 deg. 46 min. 15 sec. East 131.47 feet to a point and South 76 deg. 50 min. 48 sec. East 61.64 feet to a point and South 12 deg. 45 min. 49 sec. East 23.91 feet to a point and South 66 deg. 46 min. 01 sec. East 53.43 feet to an iron pin, a corner of Mrs. Harry E. Barkley; thence leaving the branch and with the line of Mrs. Harry E. Barkley, South 87 deg. 11 min. 14 sec. West 354.95 feet to an iron pin; thence with the line of the Ruth D. Barkley Heirs, South 87 deg. 37 min. 24 sec. West 641.85 feet to an iron pin, a corner of James H. Barkley; thence with the line of James H. Barkley, South 87 deg. 30 min. 58 sec. West 221.72 feet to a point in the center of the pavement of Barkley Road North; thence with the center of the pavement of Barkley Road North and the lines of Kathleen Barkley and William A. Barkley, North 34 deg. 11 min. 48 sec. West 224.26 feet to a point; thence with the lines of William A. Barkley, South 87 deg. 35 min. 01 sec. West 97.04 feet to an iron pin and South 04 deg. 28 min. 28 sec. West 191.88 feet to an iron pin in the line of Jerry O. Josey; thence with the line of Jerry O. Josey and with the line of Don Laws, South 87 deg. 36 min. 50 sec. West 399.87 feet to an axle in the line of Harold J. Thabet; thence with the line of Thabet, North 04 deg. 22 min. 46 sec. East 536.64 feet to an iron pin in the line of Joe T. Sellers; thence with the line of Joe T. Sellers, South 86 deg. 13 min. 26 sec. East 405.11 feet to a point in the center of Barkley Road North, a corner of Sellers; thence with the center of the pavement of Barkley Road North, and with the lines of Sellers, North 05 deg. 03 min. 13 sec. West 73.65 feet to a point and North 01 deg. 06 min. 50 sec. East 100.19 feet to a point and North 03 deg. 04 min. 09 sec. East 57.27 feet to the BEGINNING, containing 18.4025 acres, more or less, and being the identical property conveyed to Joe T. Sellers and wife, Alice C. Sellers, by deed of Carl A. Barkley, Jr. and Mary Ann Grey, Co-Executors of the Estate of Carl A. Barkley, dated June 21, 1995, and recorded June 26, 1995, in Book 952, page 927, Iredell County Registry.

Subject to a roadway right-of-way easement 60 feet wide extending from Barkley Road to the property of Harold J. Thabet as described in an easement deed from Dr. Carl A. Barkley and wife, Hope Johnson Barkley, to Anna Barkley Sellers, dated July 16, 1965, and recorded in Deed Book 414, page 23, Iredell County Registry.

Subject to restrictions, reservations, conditions, and easements that are enforceable against the property; and matters and things apparent from a careful inspection of the premises; and any and all taxes, assessments, and similar matters and things payable after the date of this Deed.

PIN: 4743769300.000 and 4743861381.000

Approximate location at the intersection of Moreland Drive and East Barkley Road, Statesville, North Carolina.

Commencing at and the Point of Beginning at found 1" iron pipe (bent), North Carolina Grid Coordinates N: 736,417.80'; E: 1,448,335.99' NAD 83 2011 at the northeast corner of said property.

From the point of beginning the following courses and distances:

1. Along the east boundary line S 00°48'11" W a distance 124.93' to a found 1/2" iron pipe also a common corner with Carl & Evelyn Hollada, (deed book 2696, page 2112) and Elizbeth Bertoncini, (deed book 2565, page 1619); thence,
2. S 01°16'39" W along the east boundary line a distance of 81.82' to a found 1" square bar (bent). Also a common corner with Elizbeth Bertoncini, (deed book 2565, page 1619) and Stephen and Thomas Hubbard, (deed book 1221, page 1320); thence,
3. N 89°08'54" W along the south boundary line a distance of 273.00' to a point in the East Barkley Road right-of-way, the continuing online a distance of 239.62' to a set #5 rebar also a common corner with Stephen and Thomas Hubbard, (deed book 1221, page 1320), and Interstate 77 controlled access, for a total distance of 512.62'; thence,
4. N 03°50'57" W along the west boundary line at a distance of 207.45' to a found concrete monument also a common corner with Interstate 77 controlled access, and International Church of Foursquare Gospel (deed book 1579, page 959); thence,
5. S 89°08'54" E along the north boundary line a distance of 134.14' to a point in the East Barkley Road right-of-way, then continuing online a distance of 396.00' for a total distance of 530.14' to the point of beginning.

This Parcel contains a total of 2.476 acres.

This ordinance was introduced for first reading by Councilmember_____, seconded by Councilmember_____, and unanimously carried on the _____ day of _____, 2023.
Ayes:
Nayes:

The second and final reading of this ordinance was heard on the _____ day of _____, 2023 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 _____, 2023.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM:

By: _____
City Attorney

ATTEST:

City Clerk



To: Statesville City Planning Board

From: Sherry Ashley, AICP, Planning Director

Date: February 28, 2023

Subject: Zoning Consistency Statement

Case: CASE ZC23-03 - Dependable Development (Agent), on behalf of JT Sellers Properties and Phillip H. Barkley (Petitioners)

Address: Parcels off Barkley Road and Dallas Lane - Tax Map Numbers 4743-97-1381, 4743-86-1381, and 4743-76-9300.

☒ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because:

As depicted on the Land Use Character Map of the 2045 Land Development Plan, the parcels are within the *Complete Neighborhood 2* land use area, which identifies areas where high density residential growth and a mixture of housing types (i.e., single-family, duplex, multi-family) is encouraged. The request represents the logical extension of existing higher intensity residential development, specifically the Hope Crossing neighborhood approved by the City of Statesville in 2022 with rezoning CASE ZC22-24. Is a good transition between Industrial uses and lower density residential uses.

☐ 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 Planning Board 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 _____

2/28/2023
Date: Todd Lange, Chairman

Sherry Ashley 2/28/2023
Date: Sherry Ashley, Planning Director



To: Statesville City Council

From: Sherry Ashley, AICP, Planning Director

Date: March 20, 2023

Subject: Zoning Consistency Statement

Case: CASE ZC23-03 - Dependable Development (Agent), on behalf of JT Sellers Properties and Phillip H. Barkley (Petitioners)

Address: Parcels off Barkley Road and Dallas Lane - Tax Map Numbers 4743-97-1381, 4743-86-1381, and 4743-76-9300.

☒ The zoning amendment is **approved** and is consistent with the City's comprehensive land use plan, is reasonable, and in the public interest because:

As depicted on the Land Use Character Map of the 2045 Land Development Plan, the parcels are within the *Complete Neighborhood 2* land use area, which identifies areas where high density residential growth and a mixture of housing types (i.e., single-family, duplex, multi-family) is encouraged. The request represents the logical extension of existing higher intensity residential development, specifically the Hope Crossing neighborhood approved by the City of Statesville in 2022 with rezoning CASE ZC22-24; Is a good transition between Industrial uses and lower density residential uses.

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☐ 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



To City Council:

Subject: Adjacent Property Owner Mailing Certification

Dear Council members:

The purpose of this letter is to certify that the adjacent property owners of PIN's 4743-97-1381, 4743-86-1381 and 4743-76-9300, located at the end of Barkley Road West/Morland Drive, along Starland Drive and Barkley Road North per case #ZC23-03 Barkley Springs Phase 2, were mailed notice of this rezoning request on February 14, 2023.

Thank you,

A handwritten signature in blue ink that reads "Sherry Ashley". The signature is written in a cursive style with a large, sweeping flourish at the end.

Sherry Ashley, AICP
Planning Director

BARKLEY SPRINGS PHASE 2 MEETING REPORT

Petitioner: Dependable Development, Inc

Property: ± 20.86 acres located at Barkley Rd & Barkley Rd N

This Neighborhood Meeting Report is being shared with the City of Statesville Planning Department.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Neighborhood Meeting was held in person on Thursday, February 16, 2023. POB Engineering mailed a written notice of the date, time, and details of the Neighborhood Meeting to the adjacent owners as required by the Ordinance.

DATE, TIME, AND PLACE OF MEETING:

The Neighborhood Meeting required by the Ordinance was in-person on Thursday, February 16, 2023, from 5:00 PM to 6:00 PM. The meeting was held in the Ramada's Conference room at 1215 Garner Banal Blvd, Statesville, NC 28677.

PERSONS IN ATTENDANCE AT THE MEETING:

POB Engineering documented the list of registered attendees from the Neighborhood Meeting by sign-in sheets. At the required Neighborhood Meeting, the Petitioner's representatives were Denise Rush with Dependable Development, Inc., and Frank Cantrell with POB Engineering. Sherry Ashley with the City of Statesville was also present.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. Overview of Petitioner's Presentation.

Introduction and Overview of Development Plan.

Frank Cantrell welcomed everyone, and introductions were made around the conference table. After briefly introducing the project, he explained why we were having the neighborhood meeting.

Denise Rush gave a brief overview of Dependable Development's development history and its intent to develop a quality residential community on this site.

Frank Cantrell explained that the zoning designation is the change that precipitated this meeting. It was explained that the zoning asked for is R-5 MF CZ and since this is a conditional rezoning request the plan presented is basically what would go before the Planning and City Council Boards for approval

Frank Cantrell closed by saying that this is an informal meeting and please feel free to voice any concerns you may have.

II. Summary of Questions/Comments and Responses:

The following summary is in question (Q) answer (A) format

Q: Several folks started out stating that they did not want Dallas Lane to be connected to the new development.

A: It was explained that Dallas Lane was designed for connectivity to the JT Sellers property, the existing right-of-way of Dallas Lane abuts this property with the intent of connecting for pedestrian and vehicle

traffic and utilities. I also presented that we would look into having Dallas Lane be a fire access route only and not open it up to through traffic. Speaking with planning after the meeting it does not sound like that would be supported since the goal is to provide connectivity in all communities.

Q: Will there be any type of buffer around the new development specifically at the rear of Dallas Lane?

A: Yes, a 15' buffer will be provided in that area.

Q: How soon will construction start for this project?

A: With this zone change, preparing construction documents, and receiving all our permits, it could take up to a year before construction starts.

Q: Will there be construction traffic on Dallas Lane

A: No, we will insure that construction traffic does not use Dallas Lane.

Q: With the connection of Dallas Lane we will have a lot of increased traffic?

A: You will probably get some traffic, however, traffic from the new subdivision should use Starland Dr. since that is the most direct route to Barkley Rd. N or to Morland Dr.

Q: What will be the price of the homes:

A: Dependable has not set home prices at this time.

Q: Are these new homes all rentals?

A: At this time Dependable is still doing an internal review of what the market will be for this development.

Q: Will construction traffic hinder school bus traffic along Barkley Rd. N?

A: There may be some congestion.

RESULTS OF THE MEETING:

Neighborhood meeting attendees were split, some were not averse to the development some were against any development, and some were very against having Dallas Lane connect to Starland Drive.

Sign-in sheet for the attendees is attached to this meeting report.

cc: Sherry Ashley, Planning Director, City of Statesville
Denise Rush, Dependable Development, Inc.
Frank Cantrell, POB Engineering

Barkley Springs Phase 2
Neighborhood Meeting
February 16, 2023

Sign-in Sheet

Print Name

Address

E-mail

Robby Wells	120 Dallas Lane	Investment@pine86@gmail.com
Kaelue Gersich	117 Rockwood Lane	Kgerndadley@yahoo.com
Liz Bertoncini	Barkley Road	lizbbiz@yahoo.com
Sherry Ashley	City of Statesville	
Lucas McCarthy	106 Rockwood Ln	Lucasmccarthy93@gmail.com
Bd Bohn	101 Dallas Lane	
Stacy Lackey	165 Rock Lane	
* Katie Graham	101 Dallas	Kathedidntam@yahoo.com
* Joshua Leslie Simon	1710 N Barkley Rd	Hossob09@yahoo.com
* Lori & Joey Rerigan	1714 N Barkley	* I jake/junk
* Kim Trueman + Brian Levy	124 Deal Lane	Kimpijalyssa@yahoo.com
Bethany Fisher	105 Dallas Lane	* Settleen12@gmail.com
Peggy Volk Johnson	142 Dallas Lane	PeggyVjohnson@gmail.com
Misti Smith	1628 N Barkley Rd	SMITHMISTIL6@gmail.com
* Josh Sigmon	1710 N Barkley Rd	Jsigmon@statesvillenc.net
Frank Cantrell	POB Engineering	

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Mark Taylor, PE, Director of Public Works and Engineering
DATE: March 7, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Conduct a public hearing and consider passing the first reading of TA23-03: Text Amendments to the Unified Development Code filed by the City of Statesville (Public Works & Engineering) to amend Article 8. Public Facilities Requirements, Section 8.06—Streets. Also, to amend Article 6. Density and Dimensional Standards, specifically pertaining to cul-de-sacs.

- 1. Summary of Information:** In December 2021, City Council approved text amendment TA21-06 which removed several of the subsections of Article 8 and amended the text to direct the reader to the Engineering Roadway Specifications and Standard Drawings. After further review of the Unified Development Code and the City Code, additional references to specific street specifications were found in Article 8 and Article 6 of the UDC. To be consistent with TA21-06, TA23-03 removes these specifications from the UDC and references the Engineering Roadway Specifications instead. TA23-03 also includes an amendment to allow roads less than 150 feet in length that stub to adjacent properties to forego the temporary cul-de-sac in order to allow the developers to utilize that space for lots.

The attached ordinance reflects Public Works staff's recommendations for amending Sections 8.06 and Section 6.02 of the UDC:

Remove 8.06.E.10.A., B., C., and D.; Amend 8.06.B.6.A.,B.,C.; Amend 8.06.B.5.D; Amend 6.02.G.

Strikethroughs represent removal and highlighted text represents amendments.

2. Previous Council or Relevant Actions:

- February 28, 2023: The Planning Board voted unanimously to recommend approval of TA23-03
- December 20, 2021: City Council approved text amendment TA21-06 removing street specifications from the City Code and placing them in the Street Construction

Specifications & Details.

3. **Budget/Funding Implications:** There are no budget implications based on this request.
4. **Consequences for Not Acting:** The current code will remain as is and will not align with NCDOT standards where appropriate. Also, there will remain no remedy for short stub roads to adjacent properties that don't need a large temporary cul-de-sac at the end. Any updates to the street specifications per NCDOT and FHWA would require a text amendment to the UDC.
5. **Department Recommendation:** Staff recommends approving the text amendment as presented. This will correct the code and streamline the process to update street specifications.
6. **Manager Comments:** Recommend for approval.
7. **Next Steps:** If first reading of the Ordinance is passed, the second reading will be on April 3, 2023.

Attachments:

1. Ordinance – TA23-03

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ARTICLE 8. PUBLIC FACILITIES REQUIREMENTS, SECTION 8.06 STREETS, E. ACCESS STANDARDS, 10., A, B, C, D., AND ARTICLE 6. DEVELOPMENT STANDARDS, SECTION 6.02 DENSITY AND DIMENSIONAL STANDARDS, G. CUL-DE-SACS, AND ARTICLE 8. PUBLIC FACILITIES REQUIREMENTS, SECTION 8.06 STREETS, B. STREET DESIGN, 6. CUL-DE-SAC STREET, A, B, C, AND ARTICLE 8. PUBLIC FACILITIES REQUIREMENTS, SECTION 8.06 STREETS, B. STREET DESIGN, 5. GENERAL STREET ARRANGEMENT, D.

TA23-03

WHEREAS there is a need to clarify the minimum horizontal alignment and vertical profile design standards for new street construction; and

WHEREAS there is a need to modify the design standards for permanent and temporary cul-de-sacs to provide consistency in construction and increased safety for pedestrians; and

WHEREAS there is a need to clarify the design standards for temporary dead-end streets; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Statesville that the Unified Development Code, Article 8. Public Facilities Requirements and Article 6. Development Standards be amended as follows:

- **Amend the Unified Development Code, Article 8. Public Facilities Requirements, Section 8.06 Streets, E. Access Standards, 10., A, B, C, D, deleting it in its entirety as follows and updating the language in the Street Specifications to provide consistency with state design criteria:**

~~10. Sight Distance and Alignment: All driveways shall be located and streets aligned so as to provide at least the horizontal and vertical sight distances listed below. All sight distances shall be determined by methods found in the latest edition of A Policy on Geometric Design of Highways and Streets (AASHTO). The developer shall cut such ground or vegetation (including trees) to the extent necessary to provide adequate sight distance.~~

~~——— a. Horizontal sight distance refers to the ability to detect objects in the roadway while negotiating a horizontal curve. The distance is measured from a point at which the height of the driver's eye is three and one-half (3.50) feet above the roadway to a stationary object having a height of six (6) inches above the roadway.~~

Arterial streets	500 feet
Collector streets	350 feet
Local streets	200 feet

~~——— b. Vertical sight distance refers to the ability to detect an object in the roadway while negotiating the crest of a hill. The distance is measured the same as for horizontal curves.~~

20 mph design	150 ft. sight distance
25 mph design	175 ft. sight distance
30 mph design	200 ft. sight distance
35 mph design	240 ft. sight distance
40 mph design	275 ft. sight distance
50 mph design	350 ft. sight distance

~~In approaches to intersections, there shall be a leveling of the street grade at a grade not exceeding four percent (4%) for a distance of not less than fifty (50) feet from the nearest right-of-way.~~

~~c. Horizontal curve design shall be in accordance with good engineering practice considering probable traffic speed, traffic volume, and other appropriate factors. In no event shall horizontal curves have a radius of less than one hundred fifty (150) feet. Super-elevation of curves shall be limited to high-speed thoroughfares. There shall be provided a tangent of at least one hundred (100) feet between reverse curves.~~

~~d. Vertical curve design shall be in accordance with good engineering design, considering traffic and drainage factors. In general, vertical curves shall not be less than one hundred (100) feet in length.~~

- **Amend the Unified Development Code, Article 6. Development Standards, Section 6.02 Density and Dimensional Standards, G. Cul-De-Sacs, deleting it in its entirety as follows and updating the language in the Street Specifications to provide consistent design criteria:**

~~Permanent dead-end streets shall not exceed one thousand (1,000) feet in length and shall have a turnaround with a thirty-five (35) foot paving radius and a forty-five (45) foot right-of-way radius. Temporary dead-end streets shall be provided a turnaround having a forty (40) foot paving and right-of-way radius, which shall be removed upon extension of the street.~~

- **Amend the Unified Development Code, Article 8. Public Facilities Requirements, Section 8.06 Streets, B. Street Design, 6. Cul-de-sac Street, A, B, C, as follows:**

6. Cul-de-sac Street: See ~~Detail ST-2 Cul-de-sac of~~ the City of Statesville's Street Construction Specifications and Details manual.

~~a. Cul-de-sac Approaches: Cul-de-sac approaches shall have a minimum right-of-way width of fifty (50) feet. Development on cul-de-sacs longer than three hundred (300) feet shall not generate more than three hundred (300) vehicle trips per day as projected using the current Institute of Transportation Engineers Trip Generation Manual. A cul-de-sac street shall not exceed (1,000) feet in length.~~

~~b. Cul-de-sac Turnarounds: Cul-de-sac turnarounds shall have a minimum paved diameter of seventy (70) feet and a minimum ninety (90) foot diameter right-of-way to include sufficient area for easements needed for utilities, drainage and mail service.~~

~~c. Temporary Cul-de-sac: A temporary dead-end street in a phased development may be constructed without a turnaround if it is less than one hundred twenty (120) feet in length. A street constructed in a phased development that is longer than one hundred twenty (120) feet shall have a temporary turnaround.~~

- **Amend the Unified Development Code, Article 8. Public Facilities Requirements, Section 8.06 Streets, B. Street Design, 5. General Street Arrangement, D. as follows:**

d. Dead End Streets. If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the right-of-way shall be extended to the property line. A temporary cul-de-sac shall be provided on all temporary dead-end streets, **greater than one hundred fifty (150) feet in length**, with the notation on the subdivision plat that the land outside the normal street right-of-way shall revert to abutters whenever the street is continued. ~~The City may limit the length of temporary dead-end streets in accordance with these regulations.~~ **Temporary dead-end streets one hundred fifty (150) feet or less are not required to provide a cul-de-sac and may not have any driveway connections. Permanent dead-end streets, of any length, shall provide a cul-de-sac in accordance with Appendix A, Section 8.06 Streets, B. Street Design, 6. Cul-de-sac Street.**

This ordinance was introduced for first reading by Council member _____, seconded by Council member _____, and unanimously carried on the _____ day of _____, 2023.

AYES:

NAYS:

The second and final reading of this ordinance was heard on the _____ day of _____, 2023, and upon motion of Council member _____, seconded by Council member _____, and unanimously carried, was adopted.

AYES:

NAYS:

This ordinance is to be in full force and effect from and after the _____ day of _____, 2023.

CITY OF STATESVILLE

Constantine H. Kutteh, Mayor

APPROVED AS TO FORM

ATTEST:

Leah Gaines-Messick, City Attorney

Brenda Fugett, City Clerk

CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Richard Griggs, Recreation and Parks Director
DATE: Tuesday, March 07, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Consider a proposed maintenance agreement between First Presbyterian Church and the City of Statesville for routine maintenance of Fourth Creek Burial Ground (FCBG).

1. **Summary of Information:** First Presbyterian Church presented the Recreation and Parks Department with a proposal to enter into a maintenance agreement to take over routine maintenance of FCBG. The proposal states that the church would coordinate standard maintenance (i.e., mowing, weed control, fertilization, etc.), while the City would oversee extraordinary maintenance (i.e., large tree removal). The proposal suggests that the City would fund all maintenance of FCBG with a budget allocated to the Church to use for the performance of routine maintenance. If approved, this arrangement would take effect on July 1, 2023.
2. **Previous Council or Relevant Actions:** The Church deeded FCBG to the City in 1934. More detail on the transfer can be found on the attached Maintenance Agreement in the "Recitals of History and Background" section.
3. **Budget/Funding Implications:** An increase in the Park Maintenance and Public Grounds/Cemeteries operating budget of \$12,000 for contracted services would be required to fund the Maintenance Agreement.
4. **Consequences of Inaction:** The City will continue to maintain FCBG on the current 10-day cycle along with the rest of the City maintained cemeteries.
5. **Staff Recommendation:** Staff is comfortable turning over routine maintenance of Fourth Creek Cemetery to First Presbyterian Church if routine maintenance includes all regular grounds maintenance activities that Public Grounds/Cemeteries Division performs, and operating budget is increased as suggested. Cemetery grounds maintenance includes, but is not limited to mowing, weed trimming, fertilization, pest control, leaf and tree limb removal, trimming trees, trash pickup, etc. Not having Fourth Creek Cemetery to maintain would help Public Grounds & Cemeteries Division to better maintain other cemeteries and other properties as the workload at open cemeteries continually increases due to the installation of approximately 200 new markers annually. Staff does not recommend the development of a FCBG Maintenance Board.

6. Manager Comments: Concur with staff recommendation.

7. Next Steps: Approve a maintenance agreement with First Presbyterian Church

Attachments:

1. FPC – City Maintenance MOU

**FOURTH CREEK MEMORIAL BURYING GROUND MAINTENANCE AGREEMENT
BETWEEN THE
CITY OF STATESVILLE, NORTH CAROLINA
AND
FIRST PRESBYTERIAN CHURCH, STATESVILLE, NORTH CAROLINA,
PRESBYTERIAN CHURCH (U.S.A.), INC.,**

The City of Statesville, North Carolina (the "City") and First Presbyterian Church, Statesville, North Carolina, Presbyterian Church (U.S.A.), Inc. ("First Presbyterian"), in consideration of the mutual promises made herein, enter into this FCBG Maintenance Agreement as of the date of approval by each party's respective governing bodies as shown in the attestation below, in order to

- Maintain and preserve Fourth Creek Memorial Burying Ground ("FCBG") was;
- Establish and implement guidelines for preservation of FCBG
- Resolve issues involving the supervision of regular City maintenance crews for FCBG;
- Address and implement extra-ordinary maintenance expenses for FCBG
- Establish a governance procedure for maintaining and preserving FCBG, and
- Create an atmosphere of "Good Faith" between the City and First Presbyterian so as to guide both present and future boards in communication, policy setting, and decision making.

RECITALS OF HISTORY AND BACKGROUND

History. FCBG was established by deeds of January 7, 1758, 1786 and 1860. FCBG's northeast corner and then-newly built eastern stone wall formed part of the boundary of the Town of Statesville when it was originally deeded and platted in 1790 and later when the Town was incorporated in 1847. In 1888, Statesville declared that FCBG was full and closed FCBG except for burials by special permission granted by the Mayor. Only two burials have occurred in FCBG since 1888, the last being in the 1950's and none are anticipated in the foreseeable future.

In 1934, due to the deterioration of the FCBG Wall and in order to gain eligibility for federal WPA funds to rebuild the Wall and maintain FCBG, First Presbyterian deeded FCBG to the Town of Statesville subject to reversion if the Town failed to properly maintain FCBG. In 1953, Statesville requested and received permission to move the Southern FCBG wall back 15 feet at the corner of North Meeting, Debow, West Water and West End to more safely accommodate vehicle traffic flow.

Since 1934, the City has maintained FCBG using its regular parks maintenance crews. The City and FCBG have worked together to establish protocols for historic preservation on an *ad hoc* basis. The trees and shrubs in FCBG have become overgrown and present a threat to the markers in some cases. There are multiple massive trees which will likely require extra-ordinary costs to safely remove.

In 2017, the Session of First Presbyterian formed a FCBG Committee to work with Statesville on maintenance issues and to establish policies for new markers, site and marker maintenance and other matters involving FCBG. Internally, FCBG is maintained by the City's Parks and Recreation Department.

In 2018, with City permission, the First Presbyterian conducted a Ground Penetrating Radar survey of FCBG with the result showing that FCBG was full. The City and First Presbyterian have worked well together on maintenance issues.

In 2021, First Presbyterian approached the City of Statesville with the suggestion of a Public Private Partnership or a Maintenance Agreement between Statesville and the Church.

A more complete history of the relationship of the FCBG, its Wall and the City of Statesville is attached as Exhibit A hereto along with map of FCBG attached as Exhibit B.

Legal Authority. The City is authorized by the State of North Carolina and has Ordinances regulating cemeteries, whether open or closed, which from time to time may be amended, repealed or added onto and include as of the execution of this Agreement:

City Ordinance	Description
Chapter 6 Cemeteries	§6-3 & §6-8. The City regulates ingress and egress into all Cemeteries within the City and established a speed limit of no more than twenty-five (25) miles per hour within the City.
	§6-4. The City requires that no person may disturb graves nor mark a grave without permission.
	§6-5. The City regulates the picking and cutting down of plants and flowers.
	§6-6 & 6-7. The City regulates the burial of animals, and trapping and killing of animals or birds within the cemeteries of the City.
	§6-22. The City's Enforcement Officer shall have the cemeteries kept in good order, see that all lots receive equal maintenance attention, maintain a log of all monies received, and maintain entries of interments.
	§6-26. <i>Fourth Creek Burying Ground closed to interments; exceptions.</i> The old cemetery near the First Presbyterian Church, known as the Fourth Creek Burying Ground, shall be and remain closed against the interment of bodies and no other interments shall be allowed therein without special permission of the city council.
	§ 6-29 – 6-34. The City regulates the sale of lots within municipal owned cemeteries.
	§6-35. <i>Specifications for lots, markers, monuments.</i> (1) Lots are to be kept flat and level at all times; (2) All markers must be kept flush with the ground; (3) No mounds or coping shall be allowed; (4) There shall be but one (1) monument to each lot or part of lot and it shall not be higher than the average mean height of surrounding monuments; (5) Mausoleums shall not be permitted in any city-operated cemetery, and (6) It shall be unlawful for any person to build any curb, wall or fence of any kind on or around any lot in any city cemetery.
	§6-36. The City regulates the foundation of monuments.
	§6-37. <i>Trespassing.</i> It shall be unlawful for any person to trespass by entering upon the premises of ... Fourth Creek Burying Grounds between the hours of 9:00 p.m. and 6:00 a.m
	§6-38. <i>Pruning or removal of shrubs, trees creating obstruction or injury to facilities.</i> Any shrub, plant, tree or other item that causes an obstruction, injures an area, monument, structure or adjoining lot or

	becomes a safety hazard to persons or vehicles will be removed or pruned as necessary without notice to the lot owner
Chapter 24. Trees.	§24-6. Trimming, pruning, planting and removal of trees. Forbidden without permit.
	24-9. City may treat or remove trees or shrubbery.
N.C.Gen.Stat. Chapter 65	<i>Cemeteries.</i> North Carolina provides for private citizen access to public cemeteries that have not been abandoned (no maintenance or intent to maintain).
N.C.Gen.Stat. Chapter §160A	Article 17: Cemeteries: Cities have authority to establish, operate, and maintain cemeteries either inside or outside its corporate limits. It also gives the City to transfer or convey cemeteries, together with any accumulated perpetual care trust funds set aside for the maintenance of the cemetery to any religious organization.
	§160A-352. <i>Recreation.</i> "Recreation" means activities that are diversionary in character and aid in promoting entertainment, pleasure, relaxation, instruction, and other physical, mental, and cultural development and leisure time experience.
	§160A-356. Each county and city is authorized to expend for its parks and recreation system any of its revenues not otherwise limited as to use by law.
	§160A-349.12. The board of trustees of any cemetery shall have the power to accept gifts, either by devise or otherwise, and hold the same for the purposes expressed in the gift, and any monies coming into the hands of such board by devise or otherwise shall be by the board used exclusively for the purposes for which

Financial Resources Available for the Operation, Maintenance, and Construction of City of Statesville Cemeteries

Each fiscal year, the City of Statesville passes a Budget which provides monetary funds to the Statesville Recreation and Parks Department to be used, in relevant part, to the preservation and maintenance of the cemeteries owned by the City. The amount of funds budgeted for use by the Statesville Recreation and Parks Department is determined at the discretion of the Statesville City Council, on a yearly basis. The City does not guarantee that a certain sum of money will be budgeted for cemetery maintenance and preservation of Fourth Creek Cemetery. However, during the fiscal year associated with the execution of this Agreement, ____ has been budgeted for the preservation and maintenance of the FCBG.

MAINTENANCE AGREEMENT

The City and First Presbyterian agree as follows:

Joint Maintenance. The City and First Presbyterian shall work together to maintain FCBG with the City continuing funding as each Statesville City Council determines appropriate in the adoption of the Fiscal Budget and First Presbyterian implementing regular maintenance pursuant to the Preservation Plan.

FCBG Maintenance Board. FPC and the City Council shall each appoint two (2) people to serve on the FCBG Maintenance Board (the "Board") for a term of three years to serve at the

pleasure of the appointing authorities. Appointees from FPB shall be members of the congregation of FPB, and appointees from the City Council shall either be members of the Statesville City Council or employees of the City of Statesville. The Board shall meet _____ times each year. Decisions shall be made by majority vote with each Board Member having one (1) vote. In the event of a tie, the City Council will appoint a fifth person to serve to break the tie, selecting a person with both experience in Preservation and in municipal finance. To any decision involving the expenditure of funds not budgeted by the Statesville City Council during the fiscal year in which the funds would need to be expended, the decision will not become binding until approved by a majority vote of the Statesville City Council along with approval of a Budget Amendment.

Preservation Plan. The Board will prepare a Preservation Plan to be approved by the appointing bodies. The Preservation Plan shall follow an outline suggested by the North Carolina Archeological agency and shall take into consideration the fiscal realities of the City's ability to finance the Preservation in both requested funding and the timing of such funding. The topics for the Preservation may include:

- FCBG History; and
- Terminology used in Preservation Plan; and
- Location and Boundary Information; and
- Conditions Assessment Report; and
- Recommendations for stabilization, repair, conservation, cleaning, or restoration treatments; and
- Project information including estimates and timetables for extra-ordinary maintenance; and
- Analysis of mapping done and needed; and
- Recordation of inventory and catalogues of markers and related materials; and
- Routine Maintenance Plan; and
- Cemetery management plan including day to day administration, security, safety, use of vendors and other related longer-term matters; and
- Interpretation, public outreach and education plan; and
- Supplemental information; and
- References and bibliography.

Annual Maintenance Budget. The Board will submit an Annual Maintenance Budget to the appointing bodies for approval. It is anticipated that the Budget will consist of operational costs associated with landscaping. It is also anticipated that the FPC Members will take primary responsibility for engaging vendors to do routine maintenance within the annual maintenance budget.

Extraordinary Maintenance Budget. The Board will, as a part of the Preservation Plan, develop a Project information plan which will include longer range estimates and timetables for extra-ordinary maintenance. It is anticipated that there will be unforeseen situations in which extra-ordinary work will be needed in order to preserve FCBG including falling trees, storm damage, and excessive vandalism. This information shall be provided to the Statesville City Council prior to the Council's consideration of the annual budget.

Both the City and FPC agree to jointly submit this agreement to the North Carolina Attorney General, Division of Archaeology, and the City Attorney for review and endorsement before this FCBG Maintenance Agreement takes effect.

In Witness Whereof, the parties have executed this Agreement the day and year above first written.

ATTEST:

CITY OF STATESVILLE,
A North Carolina Municipal Corporation

By: _____
Constantine H. Kutteh, Mayor

By: _____
Brenda Fugett, Clerk of the City of Statesville

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

Finance Officer
City of Statesville

Approved as to form on behalf of the City of Statesville.

Leah Gaines Messick, City Attorney

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CITY COUNCIL ACTION REQUEST

TO: Ron Smith, City Manager
FROM: Matthew L. Pierce, Assistant to the City Manager
DATE: March 9, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED: Receive a report on the state of housing in our community and discuss tools to address housing affordability.

1. Summary of Information:

This report includes four (04) sections that provide the background necessary for a discussion of housing in the City of Statesville. The first section provides a report on the study of housing inventory performed in 2020, the second provides a synopsis of a regional study on housing, the third looks at the role of subsidized housing in our city, and the last provides a list of common tools used to address housing affordability.

2. **Previous Council or Relevant Actions:** Request from council for an update on housing at the council retreat in January 2023.
3. **Budget/Funding Implications:** TBD
4. **Department Recommendation:** Review report on housing in our community and weigh potential responses to housing affordability within Statesville.
5. **Manager Comments:** No comments.
6. **Next Steps:** To be determined by council upon receipt of the report.

Attachments:

1. "Housing in Statesville 2023" (Report)
2. "City of Statesville Housing Information" (Infographic)
3. "The 2023 Housing Need in Iredell County" (North Carolina Housing Coalition) (Infographic)
4. "SHA, ISCEC, LIHTC Properties" (Map)
5. "SHA, ISCEC, LIHTC Properties" [Southern Statesville] (Map)

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Housing in Statesville 2023 / City Council Report

March 20, 2023

This report includes four (04) sections that provide the background necessary for a discussion of housing in the City of Statesville. The first section provides a report on the study of housing inventory performed in 2020, the second provides a synopsis of a regional study on housing, the third looks at the role of subsidized housing in our city, and the last provides a list of common tools used to address housing affordability.

1. Housing Study (2020)

Per a request from the City Council on January 23, 2020, city staff conducted a study of all 9,120 residences within the City of Statesville in 2020 during the COVID pandemic. The planning department conducted the study between April 2020 and June 2020. There were at least 8 staff members from Planning, Recreation & Parks, & IT who helped with the project. There were several reasons for conducting this study:

1. determine how many homes were below minimum housing code standards,
2. determine how many homes were condemnable & needed to be torn down or foreclosed,
3. reach a rough estimate how many homes were owner-occupied or rentals, and
4. determine how much back taxes and liens owed.

The study divided all residences into 4 categories: 1. "Beyond Repair", 2. "Clear Indications", 3. "Some Deteriorations, but only Aesthetic," and 4. "No Visible Signs". Those put on the "Beyond Repair" ("Red") list fall below minimum housing code standards AND the cost associated with repairing the dwelling exceeds 50% the value of the dwelling (Sec 5-81). Those on the "Clear Indications" ("Orange") list are those with clear indications of violations but are not condemnable.

Total number of residences included in the study: 9,120

1. Houses "Beyond Repair": 38 (0.42%)
2. Houses with "Clear Indications" List: 159 (1.74%)
3. Houses having "Some Deterioration but only Aesthetic" List: 778 (8.53%)
4. Houses with "No Visible Signs" List: 8,145 (89.31%)

Of the homes on the "Beyond Repair" ("Red") list,

1. 12 Houses demolished
2. 8 Houses completed renovations
3. 7 Houses being renovated
4. 6 Houses in foreclosure
5. 5 Houses still in process

Planning staff continuously work to with homeowners to bring properties into compliance and to identify new properties of concern.

2. Housing Affordability in the Charlotte Region

The Childress Klein Center for Real Estate at the University of North Carolina-Charlotte provides an annual report on the state of housing in the region.¹ The report focuses on Mecklenburg County and the seven adjacent counties, including Iredell. The report explores the rising costs of homebuying and renting as well as providing some of the reasons why both have become so expensive in recent years.

- From 2014 to 2021, the region ADDED 188,743 households but only BUILT an additional 166,009 housing units, resulting in a shortage of 22,743 units.
- During the pandemic, the median house price in the region increased from \$273,500 in January 2020 to \$420,000 in September 2022, a 54% increase in the course of 32 months. This is a significant climb in so short a period, though prices have begun to come down somewhat.
- Between 2019 and 2022, average monthly effective rents increased in the region by \$320 per unit per month.
- [T]he increase in rental rates is broadly consistent with changes in single-family homes in the owner-occupied market, in that the largest increases have happened *in the lower-priced segment of the market*.
- Rising interest rates combine with higher priced homes to make home buying significantly more expensive.
- Homebuying has become a problem for middle income families in the region as well.
- The median price of a home in the region has shifted from around \$150K to \$300K since 2014.

Per the report: “Before 2011, it was reasonable for a household transitioning into first-time homeownership to assume they would be able to find a home priced under \$150,000—the typical “starter home” price. By 2022, however, that same household would realistically need to assume that starter homes are those with prices of \$300,000 or higher.”

Rising home prices and rents in our region (and our community) have posed a particular challenge for our partners working to transition families out of local hotels. Those 25-30 families once had opportunities to rent apartments in the area for \$400-800/month. Rents have now increased at some of these units to \$1,200 or more in just over a few years.

3. Subsidized Housing in Statesville

There are three major forms of subsidy to those looking to rent: public housing, Low-Income Housing Tax Credit units, and Section 8 vouchers. Public housing is the most visible form of subsidy. Typically supported by funding from the U.S. Department of Housing & Urban Development, public housing provides rental housing for eligible low-income families, the elderly, and persons with disabilities. In our community, the Statesville Housing Authority (SHA) manages public housing.

¹ The report may be found at <https://inside.charlotte.edu/news-features/2022-11-15/2022-state-housing-charlotte-report-high-prices-still-affecting-region#:~:text=The%20median%20home%20prices%20in,unaffordable%20in%20the%20Charlotte%20region.>

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The Low-Income Housing Tax Credit (LIHTC, pronounced LIE-tek) program provides tax credits to private developers willing to guarantee that rental units are kept affordable for a period between 15 and 30 years for families and individuals with incomes at or below 80% of the local median income. The North Carolina Housing Finance Agency manages the LIHTC program within the state of North Carolina.²

The Statesville Housing Authority has a non-profit instrumentality, Iredell Statesville Community Enrichment Corporation (ISCEC, pronounced ISS-ik). ISCEC has rental units for qualifying families within the community.

The City of Statesville has approximately 1,211 subsidized housing units:

- 538 Public Housing units,
- 75 ISCEC units, and
- 598 LIHTC units.

In 2021, the City of Statesville had an estimated 12,483 housing units, 54% (6,741 units) of those owner-occupied and 46% (5,742) of those renter-occupied. Subsidized housing thus accounts for over one-fifth (21.1%) of the rental housing market in Statesville and 9.1% of all housing units.

The Housing Authority currently has a waiting list of approximately 2,600 persons.

Section 8 vouchers, also known as “Housing Choice” vouchers, allow qualifying households to choose any housing that a) meets the requirements of the program and b) where the landlord or property managers are willing to accept them. The Statesville Housing Authority administers the 732 vouchers for our community. Generally, a voucher holder pays 30% of their monthly income in rent, and the voucher makes up the difference and covers the rental deposit.

The table below shows housing tenure (whether people own or rent their dwellings), total housing units, and then housing subsidies available in Statesville and seven comparison cities within the region. (The three highlighted cells indicate cities that have converted Public Housing units to a voucher program that utilizes those former public housing units. As such, these have been counted here as public housing units.)

² <https://www.nchfa.com/rental-housing-partners/rental-developers/rental-development-financing-options/low-income-housing-tax-credits>

Housing in Statesville 2023 / City Council Report March 20, 2023

	Housing Tenure			Subsidy				
	Owner	Renter	Total	PH	LIHTC	Total	% All	Voucher
Concord	70.6%	29.4%	42,877	174	992	1166	2.7%	562
Gastonia	54.0%	46.0%	35,696	1749	1177	2926	8.2%	1749
Hickory	54.3%	45.7%	19,421	551	777	1328	6.8%	551
Kannapolis	62.2%	37.8%	21,357	N/A	772	772	3.6%	N/A
Lexington	39.1%	60.9%	9,322	796	637	1433	15.4%	796
Mooresville	59.5%	40.5%	19,839	106	531	637	3.2%	0
Salisbury*	49.6%	50.4%	15,017	194	1034	1228	8.2%	694
Statesville	53.7%	46.3%	12,483	538	598	1136	9.1%	732

Table 1. Housing Tenure, Units, and Subsidy in Comparison Cities. Numbers for the City of Salisbury are approximate: the Rowan County Housing Authority oversees public housing and vouchers; specific numbers for Salisbury could not be obtained.

4. Tools for Addressing Housing Affordability and Stability

There are approximately three kinds of tools related to housing affordability:

1. tools focused on providing/sustaining opportunities to *rent* within a community,
2. tools that focus on providing/sustaining opportunities for homeownership within a community, and
3. tools to ensure that current homeowners and tenants continue to live in a safe and affordable place.

Rental Opportunities

- Rental Assistance—Rental assistance provides potential or current renters with funds to help cover their monthly rent. This enables households with insufficient income to find and keep stable housing. Section 8/ “Housing Choice” vouchers are the best-known form of *ongoing* rental assistance. A key challenge with housing vouchers is finding landlords willing to accept them.
- Building Rental Properties—Ensuring a stock of affordable rental units for a community sometimes requires building (and then managing) *additional rental units*. The development of affordable rental units almost always involves money from the federal government (typically from the Department of Housing and Urban Development). Both Concord and Salisbury (via its community development corporation) have built rental units. Statesville Housing Authority, via ISCEC, has also developed rental properties.

Homeownership Opportunities

- Home Buyer Training—Home buyer training helps those looking to purchase their first homes understand the basics of household budgeting, credit building, investing, retirement, and more. Federal guidelines now require that those receiving federal funds toward homeownership take such a class. Such classes can also assist potential homebuyers improve their credit. “Money Matters” is the financial literacy program

Housing in Statesville 2023 / City Council Report

March 20, 2023

utilized by Habitat for Humanity of the Charlotte Region. The Town of Mooresville partners with Habitat to provide homebuyer training to citizens.

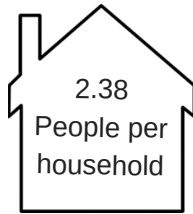
- Downpayment Assistance—Even when monthly rent and monthly mortgages are comparable, the “start up” costs of homebuying—closing costs, downpayment, etc.—prohibit many households from making the transition. One form of assistance to potential homebuyers is to supplement their downpayment. This can be structured in a variety of ways, including forgivable loans and deferred second mortgages. Downpayment assistance, like “paying points” and other financial tools, requires staff with specialized skills and often certifications. Mooresville provides a non-profit partner, Community Foundations, \$7,500 to assist qualified participants with closing costs.
- Pay Points—Rising interest rates have brought paying down points again to the fore as a tool to help homebuyers. Essentially, a homebuyer puts down additional up-front money to get a lower-interest rate on the mortgage, resulting in lower monthly mortgage payments. This helps the homebuyer save each month, enabling her to have more money for essentials and save some for long-term needs.
- Home Repair/Rehabilitation (Major)—Major home repair takes two forms. Some communities take homes that have been seized through foreclosure for code violations and rehabilitate them to get them back into use as a residential unit. Often communities transfer such properties to partners who then oversee their rehabilitation. This adds to the local stock of housing *generally* and to the stock of affordable housing when the municipality or community partner works to ensure the home has appropriate controls for affordability (deeds of trust, etc.) going forward. The City of Salisbury has budgeted \$350,000 for the past few years for *exterior* rehabilitation in target neighborhoods to complement federal funding that could address *interior* rehabilitation.
- Community Land Trust (CLT)—Nonprofit organizations that steward land for affordable housing. The CLT is a tool that makes purchasing a home *less expensive by* separating the cost of the land (ownership of which remains with the CLT) from the cost of the home. CLTs also maintain properties as affordable in perpetuity. This is an important tool for addressing gentrification pressures in a community, though the cost to operate them is significant. Cities can support CLTs through land donations, technical assistance (including setting one up), and by deploying other tools (like paying points and downpayment assistance). There are several communities in North Carolina with CLTs, including Asheville, Boone, and Charlotte.
- Build Homes—Some communities opt to build homes to be sold as affordable housing. Frequently this takes place on land acquired by the city through foreclosures or on land no longer suitable municipal use. Salisbury constructs approximately two homes a year through the Salisbury Community Development Corporation with federal funds.
- Donate Land—North Carolina law allows for the transfer of real property for certain public goods, including use in affordable housing. Transfer of lands to partner organizations like Habitat for Humanity saves them money which can then be allocated toward homebuyer education, downpayment assistance, etc. Hickory, Gastonia, Salisbury, and Mooresville have all transferred land at no- to low-cost for the purpose of developing affordable housing.

Housing in Statesville 2023 / City Council Report
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Housing Stability

- Weatherization—"Drafty" homes are hard to heat and cool, raising utility bills on households that may already have thin margins. Weatherization tests homes for "leaks" and then addresses them, saving families on average \$372 per year once their home has become more energy efficient. Anecdotal data suggests the program helps the bottom line of households and allows participants (most of whom are elderly) to buy food and medicine and stay warm in the winter and cool in the summer. Currently, I-CARE provides weatherization services in our community to roughly 21 homes per year with an average cost per home of \$7,785.
- Foreclosure prevention/mortgage assistance—As with reverse mortgages, foreclosure prevention (and funding to support it) was a more commonly used tool in the midst of the Great Recession. Those facing foreclosure because of sudden disruptions in income or unexpected costs are given funds to avoid foreclosure. Non-profit partners of local communities most frequently provide foreclosure/mortgage assistance.
- Emergency Home Repairs—Households sometimes face significant damage to their homes or failure of key appliances like water heaters. In some circumstances, households cannot afford to fix their home or replace the appliances, making their homes uninhabitable. Emergency Home Repair programs help stabilize households by making the repairs for qualifying families. The Urgent Repair Program funded by the NC Housing Financing Agency "finances emergency home repairs for North Carolina homeowners who are elderly or have special needs and whose incomes are below 50% of the median for their area." Organizations like I-Care apply for such funds and perform the repairs.
- Emergency Utility Assistance—Often provided by partner non-profits, Emergency Utility Assistance helps prevent loss of utilities at a home by helping in-need families pay for utilities. The city currently lists partner organizations who provide utility assistance on its "Utility and Revenue Collections" page.
- Reverse Mortgage—Popular as a tool in the midst of the Great Recession, reverse mortgages allow homeowner to take equity from their home in order to have the cash to meet on-going needs, like medicine, food, and utilities. Reverse mortgages require significant technical and administrative support from partner agencies.

CITY OF STATESVILLE HOUSING INFORMATION



POPULATION

2021: 28,884

2010: 24,532

SUBSIDIZED HOUSING



Public Housing
Units (SHA): 538



Housing Choice
Vouchers: 732

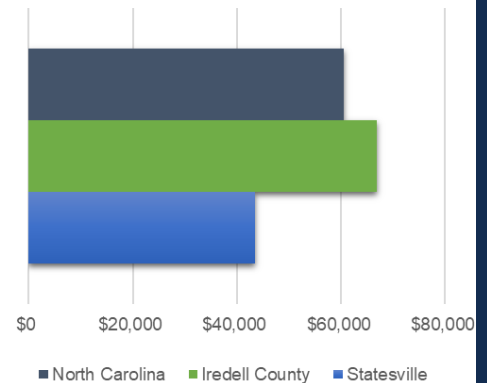


Additional Units
(ISCEC): 75

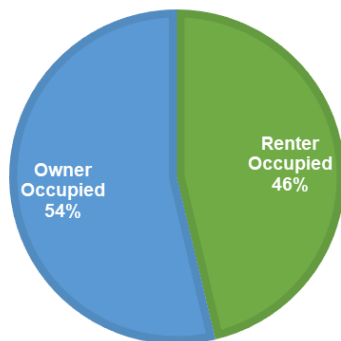


LIHTC
Units: 587

Median Household Income



■ Renter Occupied ■ Owner Occupied



FAMILIES LIVING IN POVERTY

2011: 18.7%



2016: 25.3%



2021: 19.6%



HOUSING UNITS



Occupied
Housing Units:
11,327

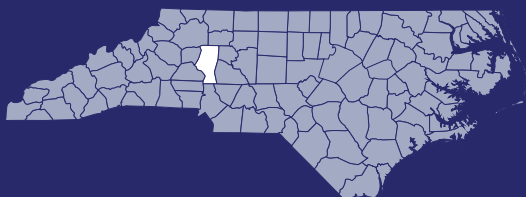


Vacant Housing
Units: 1,156



Total Housing
Units: 12,483

The 2023 Housing Need in Iredell County



24%

of Iredell County are
cost-burdened

16,131 households

Renters who have difficulty affording their homes:



42%

7,498 households

Homeowners who have difficulty affording their homes:



17%

8,633 households

Families that spend more than 30% are considered **cost-burdened**, more than 50%, are considered **severely cost-burdened**.



\$1,034 monthly Fair Market Rent*:

An income of **\$41,360 per year** is needed to afford the Fair Market Rent.



\$19.88 hour Housing Wage:

The hourly wage needed to afford a Fair Market Rent apartment.

Average Annual Salaries



Healthcare
\$29,690



Childcare
\$23,490



Police officer
\$60,040



Farming labor
\$29,850

**Fair Market Rents, regularly published by HUD, represent the cost to rent a moderately-priced dwelling unit in the local housing market. The above FMR is for a two-bedroom unit.*

When Housing Costs Too Much

When housing costs become too much, a family can lose their home. This takes an incredible toll not only on a family, but also on the entire community.



119 families in Iredell County faced a foreclosure this year...

1.38% of all cost-burdened homeowners.



1,146 families in Iredell County faced an eviction filing this year...

15.28% of all cost-burdened renters.

Ranks

#41

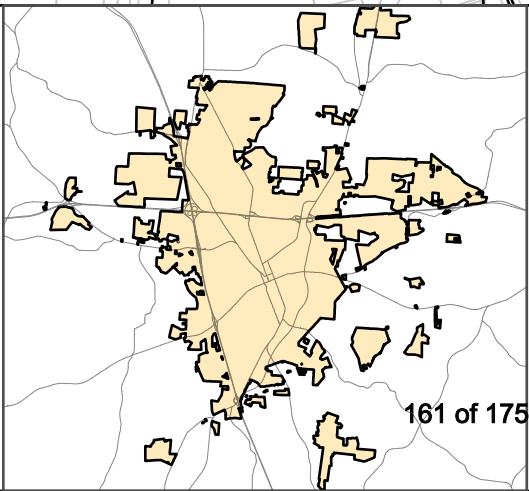
for evictions among renter households.

(1 = highest and 100 = lowest)

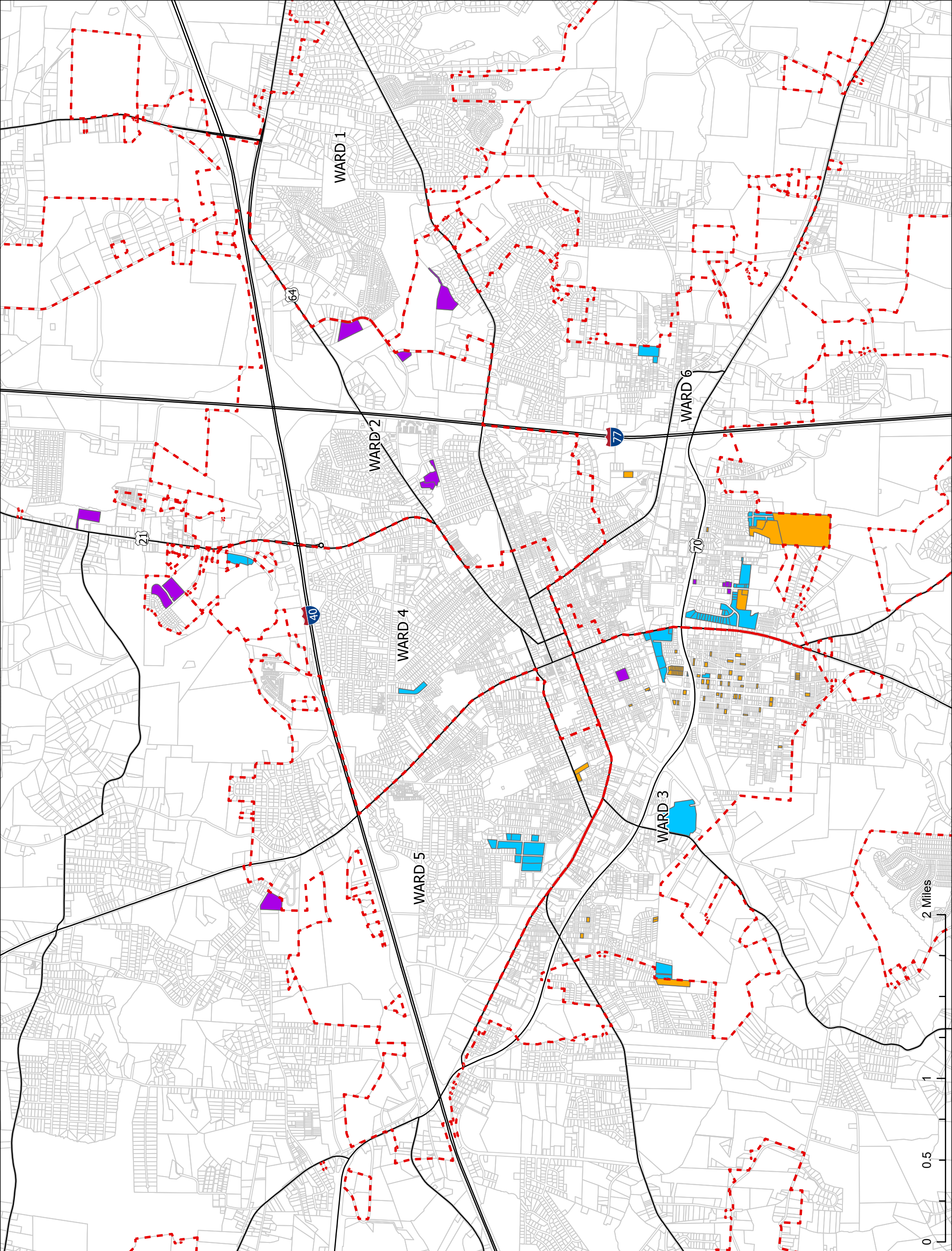
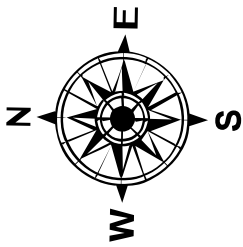
The mission of the North Carolina Housing Coalition is to lead a movement to ensure that every North Carolinian has a home in which to live in dignity and opportunity.

Join the movement:  160 of 175 Online | nchousing.org

Subsidized Housing Units

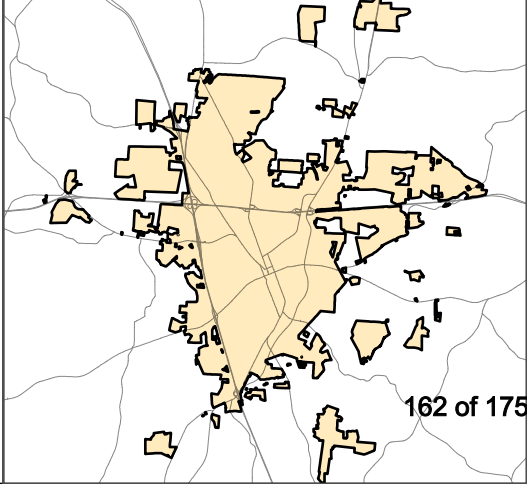


- ISCEC Parcels
- SHA Parcels
- LIHTCParcels
- Wards

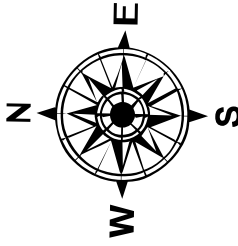




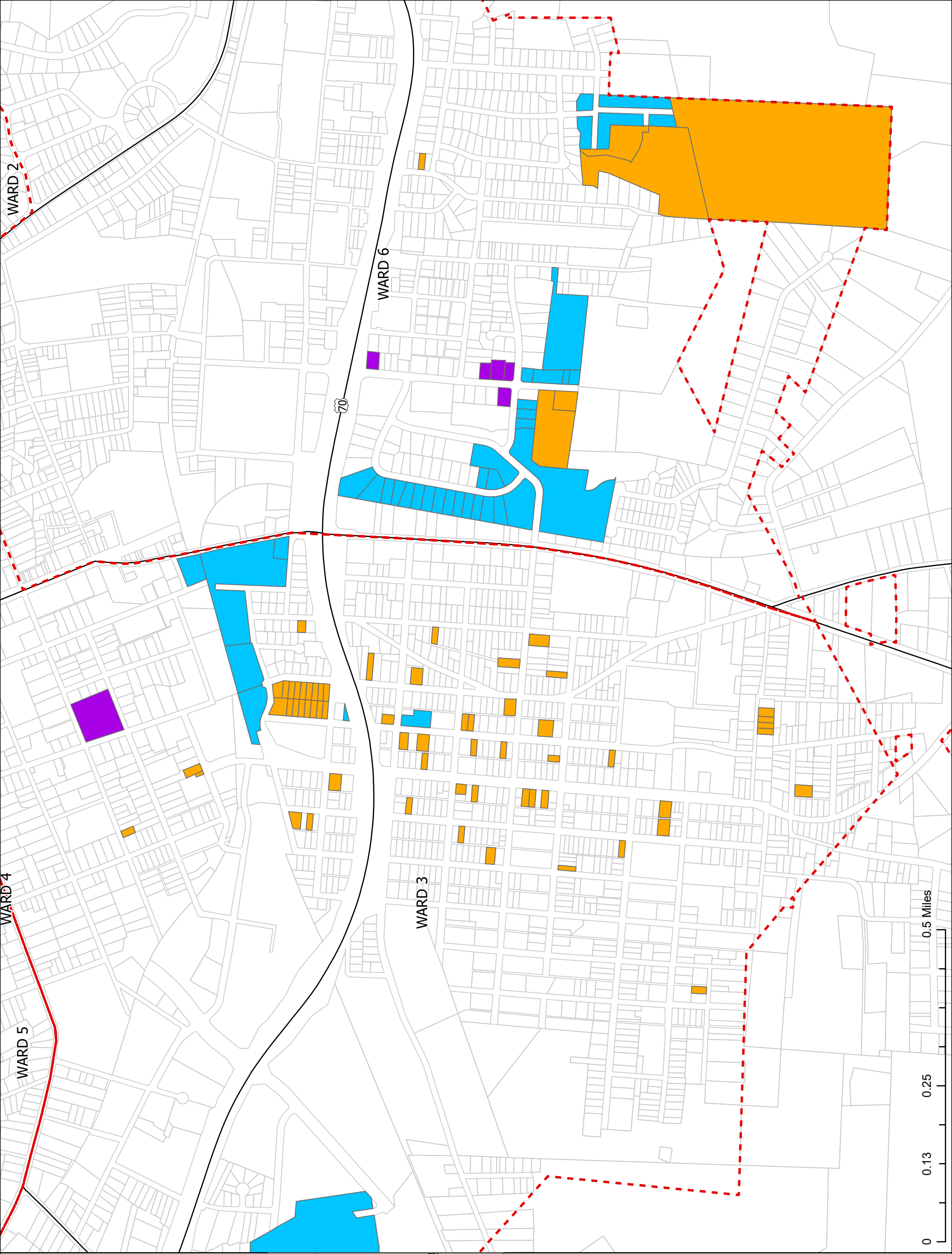
Subsidized Housing Units



- ISCEC Parcels
- SHA Parcels
- LIHTCParcels
- Wards



Date: March 8, 2023
Source: City of Statesville GIS
Department



CITY COUNCIL ACTION REQUEST

TO: Mayor and City Council
FROM: Ron Smith, City Manager
DATE: March 13, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Councilmen Foster and Hudson have requested a discussion about how to move forward on a request to increase Fire Department Salaries.

- 1. Summary of Information:** This topic was originally discussed at the Winter Planning Retreat on January 16, 2023. It was not a formal action item at the time but was introduced as a topic for inclusion in the budget process.

The Fire Department leadership have made a proposal to Administration to increase fire pay, similar to what was done for Police last year. The proposal, which is attached, has several components, including:

- Increase the starting fire fighter pay from \$36,587 to \$44,470, and cascade similar increases throughout the remaining positions.
 - Add a 401k contribution of 5% to all fire personnel, regardless of the employee's contribution. Currently, the City offers a 401K match to all employees, up to 2.5%. This does not apply to Police, as we are statutorily required to provide 5%.
 - Add a separation allowance, like what is statutorily required for law enforcement officers.
- 2. Previous Council or Relevant Actions:** The Fire Department was included in the Public Safety pay study in 2021, which was the first phase of the current study we are participating in. They were also part of a career advancement effort that was done concurrently with the Police Department in 2019.
 - 3. Budget/Funding Implications:** If approved, based on the totals provided by the Fire

Department, the yearly impact of this entire proposal is over \$906,000 annually. To fund just the salary portion of the plan is just over \$662,000 annually. The impact on the current year budget, as proposed, is less than \$200,000 for the salary portion.

4. **Consequences for Not Acting:** Regionally, we are one of the lowest, if not the lowest, paying department. It is likely that over time we will lose staff if a change is not made. Currently, the department has only one vacancy.
5. **Department Recommendation:** Fire Administration recommends approving the proposed compensation plan as presented.
6. **Manager Comments:** Although I firmly believe there should be an increase in salaries to be competitive with the region, I am not as firm in my belief that we should treat the Fire Department differently than other employees when it comes to 401k and separation allowance. Those benefits are available to the Police Department in large part due to legislative requirements. In January we agreed to review this through the budget process, and we are in the process of doing so. Any across-the-board increase would have an impact on this process, and it would be valuable to know what that will look like before making a decision.

A mid-year change is difficult, and out of the ordinary. The changes made to police salaries last year were due to being down almost 25% of the force, which had a direct impact on officer and citizen safety. So, although I do not disagree with the overall need in the Fire Department, the timing and circumstances are different and would still request it be part of the bigger budget discussion.

7. **Next Steps:** If first reading of the Ordinance is passed, the second reading will be on April 3, 2023.

Attachments:

1. Pay Proposal for Recruitment and Retention
2. Regional Salary Comparison
3. Gastonia and Mooresville Recruitment Flyers
4. Separation Allowance Explanation

Pay Proposal for Statesville Fire Department Recruitment and Retention (amounts based on full staffing of 84 personnel on July 1, 2023)

Position	Current Paygrade	Proposed Paygrade	Current Starting Pay	Proposed Starting Pay	Difference in FF Starting Pay	Amount by 84 Positions	401K - 5% to all SFD regardless of contribution	Sep. Allowance (per year) based on a \$70,000 base salary
Firefighter Recruit	14	18	\$34,840.00	\$42,348.80				
Firefighter	15	19	\$36,587.20	\$44,470.40	\$7,883.20	\$662,188.80	\$162,542.89	\$17,850.00
Firefighter I (2.5% in same paygrade)	15	19	\$36,587.20	\$44,470.40				\$14,875.00
Fire Office Manager	15	19	\$36,587.20	\$44,470.40				
Master Firefighter	16	20	\$38,417.60	\$46,696.00				
Fire Lieutenant	19	23	\$44,470.40	\$54,059.20				
Master Fire Lieutenant	20	24	\$46,696.00	\$56,763.20				
Assistant Fire Marshal	21	25	\$49,025.60	\$59,592.00				
Deputy Fire Marshal	23	27	\$54,059.20	\$65,686.40				
Fire Captain	23	27	\$54,059.20	\$65,686.40				
Fire Battalion Chief	26	30	\$62,566.40	\$76,044.80				
Fire Accreditation Manager	26	30	\$62,566.40	\$76,044.80				
Assistant Fire Chief (Training and Safety)	27	31	\$65,686.40	\$79,851.20				
Fire Marshal	27	31	\$65,686.40	\$79,851.20				
Deputy Fire Chief	29	33	\$72,425.60	\$88,046.40			Total approximate increase w/out separation allowance included FY 2023-2024;	\$824,731.69
Fire Chief	31	35	\$79,851.20	\$97,073.60			Total approximate increase with S.S.A. but doesn't consider a higher salary being replaced with a lower and based on July 1st as retirement date;	\$906,731.69

Top number is based on employee with 30 years of service at any age before 62 and 2nd number is based on 25 years of service at the same \$70K base salary but minimum of 55 years old.

LEOs qualify by retiring with an unreduced pension, before age 62. In order for the SSA to be payable, at least 50 percent of an LEO's creditable service must be service as a LEO. The SSA is equal to 0.85% times # of years of creditable service, then times the most recent base pay rate. It is payable during an LEO's retirement until age 62. These amounts are not included in figure below.

Amount is the based on the approximate base salary budget of \$4,958,668.80 for FY 23-24, assuming the \$662,188.80 increase. That amount multiplied by 5% is a total cost of \$247,933.44 and subtract approximately \$86,501 that is already matched by C.O.S., in the 22-23 budget, for current contributors. Amount based on current and not full staffing of 84 personnel.

Increase starting firefighter salary to be competitive for recruitment. Give all employees same equal dollar amount and increase all positions by 4 pay grades to combat future pay compression.

City	Starting Pay	Bonus for Military	Bonus for Sign on	Bonus/FF/ EMT	AAS 2yr	BAS 4yr	401k	Lateral	Certification Incentives	Separation Allowance or Health Insurance
Monroe	\$46,766.72									
Greensboro	\$43,214.00	\$2,500.00		\$2,500.00	yes	yes				
Winston-Salem	\$39,469.50				5%	10%				
Salisbury	\$39,948.00		\$2,000.00		2.50%	5%		1% per year service	yes	
Kannapolis	\$38,428.00				yes	yes		yes	yes	TBD
Newton	\$40,012.00									
Mocksville	\$38,474.00							yes	yes	H.I.
Pineville	\$45,890.00						yes			
Moorestville	\$46,149.00		\$3,000.00		yes	yes	5%	yes	yes	
Hickory	\$42,919.00						4%			
Charlotte	\$48,319.00				5%	10%	yes			
Concord	\$37,543.80				yes	yes	3.50%	yes	yes	H.I.
Gastonia	\$43,324.00						yes			S.A.
Denver	\$41,000.00				5%		10%	yes	yes	
Average	\$42,246.93									
Average of Accredited Depts.	\$45,405.93									



GASTONIA FIRE DEPARTMENT

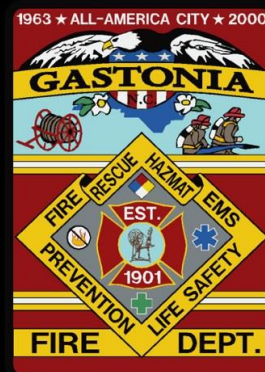
IS HIRING NEW FIREFIGHTERS

STARTING SALARY:

\$43,324-\$45,388

BENEFITS

- ✓ FREE INDIVIDUAL HEALTH CARE
- ✓ PAID HOLIDAYS, SICK LEAVE, & VACATION
- ✓ SEPARATION ALLOWANCE
- ✓ 401K PLAN
- ✓ 24/48 SCHEDULE
- ✓ LIFE INSURANCE



APPLY ONLINE

**DEADLINE: TUESDAY
JANUARY 31 2023**

WEBSITE:

www.governmentjobs.com/careers/gastoniand

MORE INFO:

Phone: (704) 866-6807

Email: BAgastoniafirefighter@cityofgastonia.com

@gastoniafire

Recruitment



RECRUITMENT

[Sign up](#) to receive notifications when Mooresville Fire-Rescue jobs are posted.

If you are interested in applying for a position with Mooresville Fire-Rescue (MFR), review the basic requirements listed below. Eligibility requirements for applicants seeking a firefighter position with MFR include:

STARTING ANNUAL SALARY (WITH NO EXPERIENCE/DEGREE) - \$46,149

Entry Level Firefighter

- Must be 18 years of age or older
- Have a high school diploma or GED
- Have a valid driver’s license and a good driving record
- Successful completion of the background check process
- Have no illegal drug use within the last 12 months
- Meet the medical requirements set forth in NFPA 1582

Experienced Firefighter

- All entry-level requirements plus:
- North Carolina/IFSAC/ Pro board or equivalent Firefighter I and II Certification
- North Carolina or National Registry Emergency Medical Technician certification with reciprocity In North Carolina

The following is a step-by-step overview of the hiring process for all applicants applying with Mooresville Fire-Rescue. Candidates can expect multiple visits over a 20-week process from MPAT to Conditional offer.

THE RECRUITMENT AND HIRING PROCESS

The following is a step-by-step overview of the hiring process for all applicants applying with Mooresville Fire-Rescue. Candidates can expect multiple visits over a 20-week process from MPAT to Conditional offer.

[Receive notifications when Mooresville Fire-Rescue jobs are posted](#)

[Application](#) (applications only accepted for posted positions)

BENEFITS FOR NEWLY-HIRED FIRE

- 401k Plan with Contributions Made by the Town (5% annual salary)

- 10 - 20 Paid Vacation Days per Year (based on years of service)
- 11 - 12 Paid Holidays per Year
- 12 Paid Sick Leave Days per Year (accumulated indefinitely)
- Previous Fire/Emt Service Experience/relevant degree recognized
- Bilingual incentive
- Fitness Center Within the Town
- Free Medical/Dental/Vision Coverage for Employee
- Local Government Retirement System
- Local Relief Fund Supplemental Retirement Account
- Paid Life Insurance Equal to Annual Salary/supplemental life available
- Tuition Reimbursement (up to \$4,000 per year)
- Uniforms and Equipment Furnished by Mooresville Fire-Rescue

MOORESVILLE FIRE-RESCUE PHYSICAL ABILITY TEST (MPAT)

All applicants who submit an application will be scheduled to complete a MPAT examination.

WRITTEN EXAM

Upon successfully passing the MPAT, a candidate will be given the date, time, place, and type of written exam that MFR will administer.

PA RVIEW

As become available, candidates who have passed the written exam may be called for a panel interview with MFR and other Town staff. Applicants who successfully complete the panel interview become eligible for an Interview with the Chiefs.

CONDITIONAL OFFER OF EMPLOYMENT

As MFR has vacancies, candidates are scheduled for a conditional offer of employment.

Background Check: Once a conditional offer has been made, candidates must complete a background check. Background information will be reviewed by MFR Administration.

Drug Test Screening: Following a conditional offer of employment, a drug-screening test must be conducted and produce negative results.

RECRUIT TRAINING

Entry Level Recruit Training Academy, recruits receive, 24 weeks of initial training in five disciplines: Firefighting, Rescue, Hazardous Material, EMT and Emergency Vehicle Driving. The candidate must maintain passing grades per NFPA 1001, 2019 Edition Standard for Fighter Professional Qualifications on written/practical exams during the academy process. Failure to meet these minimum requirements may result in termination.

Experienced Level Recruit Training Academy, recruits receive, 6 weeks of refresher/advanced training in five disciplines: Firefighting, Rescue, Hazardous Material, EMT and Emergency Vehicle Driving. The candidate must maintain passing grades per NFPA 1001, 2019 Edition Standard for Fighter Professional Qualifications on random written/practical exams chosen during the academy process. Failure to meet these minimum requirements may result in termination.

After successfully completing Recruit Training, each recruit is assigned to a fire company (either Ladder Company or Engine Company) as a Firefighter.

"Explain separation allowance retirement for municipality for fire fighters"

Separation allowance retirement is a type of retirement benefit that may be available to firefighters who work for a municipality, which is a local government entity like a city or town. This benefit is designed to provide additional financial support to firefighters who retire after a certain number of years of service, usually after they have reached a specific age or completed a certain number of years on the job.

The separation allowance retirement benefit typically works by providing a certain amount of money to the firefighter each month after they retire. The exact amount of the benefit can vary depending on a number of factors, including the length of service, the salary level of the firefighter at the time of retirement, and the specific policies of the municipality.

To be eligible for separation allowance retirement, firefighters usually need to meet certain requirements, such as completing a certain number of years of service or reaching a specific age. These requirements are often set by state or local laws, and can vary depending on the municipality.

In addition to separation allowance retirement, firefighters may also be eligible for other retirement benefits, such as a pension or other types of retirement savings plans. These benefits can provide additional financial security for firefighters after they retire, and help to ensure that they are able to enjoy a comfortable retirement after dedicating their careers to serving their community as firefighters.

"Can it save a municipality money"

Providing separation allowance retirement benefits to firefighters can actually help a municipality save money in the long run. This is because these benefits can help to reduce turnover and retain experienced firefighters, which can lead to a more effective and efficient fire department.

When experienced firefighters retire, they take with them valuable knowledge, skills, and experience that can be difficult to replace. By offering separation allowance retirement benefits, municipalities can encourage firefighters to stay with the department for a longer period of time, which can help to reduce the costs associated with hiring and training new firefighters.

In addition, separation allowance retirement benefits can help to improve morale among firefighters, who may be more likely to stay with the department if they feel valued and appreciated. This can help to reduce absenteeism and other issues that can affect the overall effectiveness of the department.

Overall, while separation allowance retirement benefits do come with a cost, they can actually help municipalities save money in the long run by reducing turnover, retaining experienced firefighters, and improving the overall effectiveness of the fire department.

"Does replacing retiring employees with new hires save money by offsetting salaries"

If replacing retiring employees with new hires can be done at lower salary and benefit levels, it could potentially save the municipality money in the long run, assuming that it does not affect the effectiveness of the fire department.

One way to reduce costs is to set salaries for new hires at a level that is lower than the salaries of experienced employees. This can help to offset the costs associated with retirement benefits, which tend to be higher for experienced employees.

Additionally, new hires may be willing to accept lower salaries in exchange for the opportunity to gain experience and build their careers in the fire service. This can create a win-win situation, where the municipality saves money on salaries and benefits, while new hires are able to gain valuable experience and training.

However, it is important to note that setting salaries too low could also have a negative impact on the effectiveness of the fire department. If new hires are not compensated at a level that is commensurate with their skills and experience, they may be less motivated and less committed to their jobs. This could lead to higher rates of turnover and absenteeism, which could ultimately impact the effectiveness of the department.

Overall, while setting salaries for new hires at a lower level can potentially save the municipality money, it is important to ensure that salaries are set at a level that is fair and competitive, and that new hires are compensated at a level that is commensurate with their skills and experience. By doing so, the municipality can attract and retain qualified firefighters, while also managing its costs effectively.

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CITY COUNCIL ACTION REQUEST

TO: Mayor and City Council
FROM: Ron Smith, City Manager
DATE: March 13, 2023

ACTION NEEDED ON: March 20, 2023
(Date of Council Meeting)

COUNCIL ACTION REQUESTED:

Councilman Foster and Councilwoman Allison have requested a discussion about establishing a committee to oversee the preservation of properties in the Green Street and Garfield Street area.

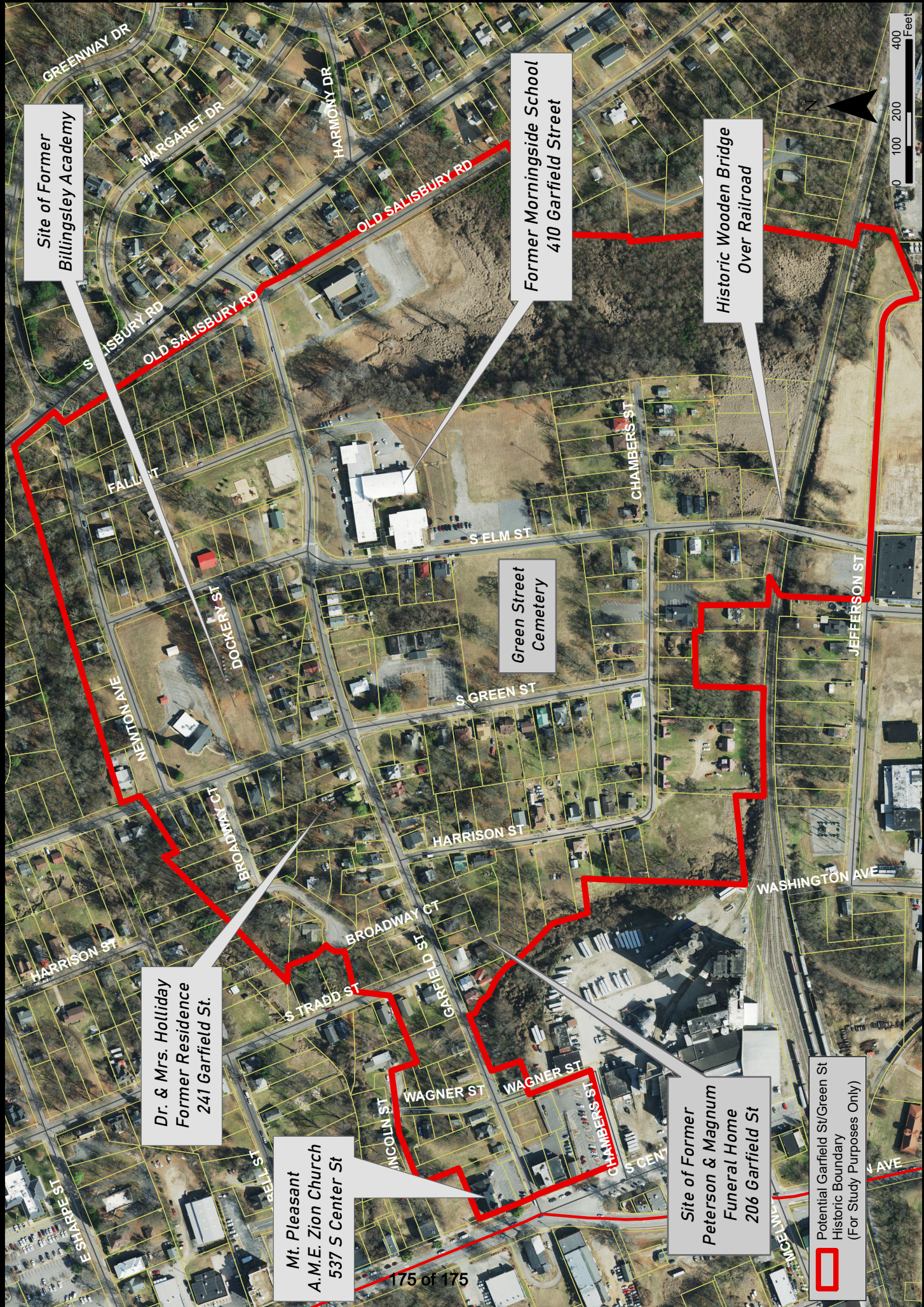
- 1. Summary of Information:** There has been quite a bit of discussion about this area over the last year. The City is preparing to apply for a State Historic Preservation grant to identify significant properties and architecture within the area, and once completed will pursue, with Council's blessing, additional grant funding for monuments or signs. The request is to identify a group of interested parties that would help to achieve these preservation efforts.
- 2. Previous Council or Relevant Actions:** A proclamation was issued in 2022 supporting a ground penetrating radar project that is currently being undertaken by the County at the Green Street Cemetery.
- 3. Budget/Funding Implications:** None known.
- 4. Consequences for Not Acting:** City staff will be responsible for any preservation activities.
- 5. Department Recommendation:** No comments.
- 6. Manager Comments:** No comments.
- 7. Next Steps:** If approved, an application process would be undertaken to identify interested parties. It will be the decision of the Council as to whom appoints the group once applications are accepted.

Attachments:

1. Map of the Garfield and Green Street Area

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Garfield Street/Green Street Area - Aerial Photography



Site of Former
Billingsley Academy

Former Morningside School
410 Garfield Street

Historic Wooden Bridge
Over Railroad

Green Street
Cemetery

Dr. & Mrs. Holliday
Former Residence
241 Garfield St.

Mt. Pleasant
A.M.E. Zion Church
537 S Center St

Site of Former
Peterson & Magnum
Funeral Home
206 Garfield St

Potential Garfield St/Green St
Historic Boundary
(For Study Purposes Only)

