

Welcome and Call to Order by Mayor O. Stanhope Anthony III

~ Invocation ~

~ Pledge of Allegiance ~

A. Approval of agenda:

Discussion and revision of the proposed agenda, including consent agenda; adoption of an agenda

- 1) Motion to adopt the agenda as proposed or amended

B. Special Presentation:

- 1) Recognition of Lawrence Evans Cox, II on the occasion of his retirement from employment with the City of Shelby:
Resolution No. 15-2018

1

C. Public Comment:

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In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

D. Public Hearings:

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 19-2018

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- 2) Consideration of a resolution and order permanently closing an unopened right-of-way at the south end of Woodside Drive: Resolution No. 17-2018

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- 3) Consideration of a resolution granting a Special Use Permit to Zimmerman Properties SE, LLC for 1016 Sue Lane: Resolution No. 18-2018

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- 4) Consideration of a resolution granting a Special Use Permit to KRP Investments, LLC for 600 Earl Road: Resolution No. 19-2018 46

E. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion and vote.

- 1) Approval of the Minutes of the Regular Meeting of April 2, 2018 66
- 2) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 15: Ordinance No. 20-2018 71
- 3) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 16: Ordinance No. 21-2018 82
- 4) Adoption of an ordinance authorizing the demolition of a dwelling: Ordinance No. 22-2018 94
- 5) Approval of a resolution supporting the City of Shelby's application for trail construction funds for the Carolina Thread Trail: Resolution No. 20-2018 101
- 6) Approval of a resolution supporting the City of Shelby's application for North Carolina Department of Transportation (NCDOT) State Planning and Research Program Funds: Resolution No. 21-2018 105

F. Unfinished Business: None 108

G. New Business: None 108

H. City Manager's Report 109

I. Council Announcements and Remarks 109

J. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

- 1) Motion to adjourn 109

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: B-1

Special Presentations

- 1) Recognition of Lawrence Evans Cox, II on the occasion of his retirement from employment with the City of Shelby: Resolution No. 15-2018

(Comments: Stan Anthony, Mayor)

Summary of Available Information:

- Resolution No. 15-2018

City Manager's Recommendation / Comments

This time is scheduled on your agenda to recognize Lawrence Cox on the occasion of his retirement from employment. In keeping with policy City Council previously adopted Resolution No. 15-2018 to recognize him for having served the City faithfully for the past 30 years with the City of Shelby's Police Department. He is to be congratulated!

Larry is a dedicated employee who has provided excellent service over the past several years in the performance of his duties. He has been a vital part of the team in the Shelby Police Department. Larry possessed a keen ability to relate to people from all walks of life and could be tough if the situation required it. He will be missed both personally and professionally.

As is in keeping with current policy Larry Cox will be presented with a framed resolution, a city lapel pin and a key to the City. It is customary and appropriate to recognize Larry for his many years of service to the City.

Please join me in wishing him a healthy and happy retirement.

RESOLUTION NO. 15-2018

**A RESOLUTION HONORING LAWRENCE EVANS COX, II
ON THE OCCASION OF HIS RETIREMENT
FROM EMPLOYMENT WITH THE CITY OF SHELBY**

WHEREAS, on the occasion of his retirement from employment on February 1, 2018, it is fitting and proper for the City Council to express its sincere appreciation to Lawrence Evans Cox, II for his loyal, dedicated, and committed service to the City of Shelby from August 31, 1988 to February 1, 2018; and,

WHEREAS, Mr. Cox has been a loyal team member in the continuing development of the Shelby Police Department, especially for his strength, courage, and bravery exhibited in providing protection and service to the City of Shelby and to all of its citizens; and,

WHEREAS, during his tenure of service, Mr. Cox has been a loyal employee for the City of Shelby, beginning as a part-time Reserve Police Officer in July 1988, then to a full-time Police Officer in August 1988; receiving a promotion to Police Sergeant in January 1998, and has been an outstanding example of the quality of employee necessary to the development of the good of the City; and,

WHEREAS, Mr. Cox completed over 2,000 hours of advanced law enforcement training and is a successful graduate of the North Carolina Law Enforcement Executive Program in March 2006, having received his Law Enforcement Advanced Certificate in January 2000, which is the highest certification that a Law Enforcement Officer can receive from the State of North Carolina; and,

WHEREAS, Mr. Cox's commitment, leadership, laudatory work effort, and devotion to duty has helped create a winning attitude within the Shelby Police Department of the City of Shelby; and,

WHEREAS, the City of Shelby is most grateful for the devoted, community, and personal contributions Mr. Cox has given to all the citizens, organizations, and businesses within the greater Shelby community; and,

WHEREAS, the City Council of the City of Shelby wishes to acknowledge and express its appreciation to Mr. Cox for his dedicated and devoted duty to law enforcement service to its citizens, noting that Mr. Cox will be missed both professionally and as a fellow co-worker.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council publicly express their sincere appreciation to Lawrence Evans Cox, II for his performance of duty to the City of Shelby, and extend the very best wishes for a successful retirement.

BE IT FURTHER RESOLVED that this Resolution be entered upon the permanent Minutes of the City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shelby to be affixed this the 19th day of March 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NCCMC, MMC
City Clerk

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

C. Public Comment:

In accordance with City Council's policy, public comment is only taken at the second regular meeting each month. Any citizen who wishes to address Council must register with the City Clerk prior to 6:00 p.m. on the meeting night. The Mayor will call upon each individual during this portion of the meeting and will allow three (3) minutes to speak.

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

D. Public Hearing (LEGISLATIVE)

Agenda Item: D-1

- 1) Consideration of a proposed ordinance amending the zoning map of the City of Shelby, North Carolina: Ordinance No. 19-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 3, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Deed from Mary D. Beam to Cleveland County Water
- Survey showing property
- Staff Report
- Location Map
- Zoning Map
- Certified Recommendation
- Planning and Zoning Board Minutes
- Notice of Public Hearing
- Ordinance No. 19-2018

City Manager's Recommendation / Comments

This time is scheduled on the agenda for City Council to conduct the required public hearing in accordance with the NC General Statutes. Following the conclusion of the hearing the Council may act on the item under consideration. After a careful review of the proposed rezoning application it appears to be prudent and reasonable for Council to approve the recommendations from staff and the Planning and Zoning Board. I would call attention to Mr. Scharer's memorandum noting that the zoning map amendment is in conformance with the City's current land use plan.

The following excerpt from the NC General Statutes is provided as a reminder as to the statutory guidance provided to Council when considering changes in zoning and development regulations.

§ 160A-383. Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan. When adopting or rejecting any zoning amendment, the governing board shall also approve a statement describing whether its action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable, and briefly explaining why the board considers the action taken to be reasonable and in the public interest. That statement is not subject to judicial review.

After the conclusion of the public hearing City Council may act upon Ordinance No. 19-2018



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: April 3, 2018
Subject: Requested zoning map amendment from R20 to General Business 2(GB2) at 715 Polkville Road

Executive Summary of Issue – Background

This property is approximately 17.58 Acres in area and lies just south of the future US 74 Bypass Interchange with Polkville Road. This site is currently vacant and is designated as the future site of the Cleveland County Water Administrative Building.

Review and Comments

The Polkville Road Small Area Plan which serves as the Comprehensive Land Use Plan for this area designates this site as Commercial.

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. The Planning and Zoning Board recommends this proposed zoning amendment.

Please schedule a public hearing for this proposed zoning amendment at the next City Council meeting on April 16, 2018.

Attachments: Application, Staff Report, Zoning Map, Notice of Public Hearing, Planning and Zoning Board February 15, 2018 minutes, Certified P&Z Recommendation, and Ordinance



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

To Be Assigned by City of Shelby

Applicant(s) Name: Cleveland County Water
Address: PO Box 788, Lawndale, NC 28090
(Physical: 439 Casar Lawndale Road, Lawndale, NC 28090)
Email: brad.cornwell@clevelandcountywater.com
Phone: (704) 538-9033

Owner(s) Name: Cleveland County Water
Email: brad.cornwell@clevelandcountywater.com
Phone: (704) 538-9033

Relationship to Property: [X] Owner [] Developer, Contractor, etc. [] Other:

Request for (Check all that apply):

- [] Annexation (Contiguous & Satellite)
[] Change in Tenant/Building Use
[] Site Plan Review & Zoning Permit
[] Street Name Change
[] Street/ROW Closing
[] Conditional Use Permit or Special Use Permit
[] UDO Text Amendment
[X] Zoning Map Amendment
[] Conditional Use Map Amendment
[] Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 28311
Proposed Zoning: General Business
Proposed Land Use:
Approx. Building Sq. Ft.: Unknown
Approx. Project Acreage: 17.58
Business Name: Cleveland County Water

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.
Requesting rezoning of subject property to General Business.

Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council to revoke the permit.

Cleveland County Water by:
Brad L. Cornwell, General Manager
Signature of Applicant

2/19/2018
Date

[Signature]
Received by:

2/23/2018
Date

3
RECORDING FEE 26⁰⁰ REVENUES 400⁰⁰


Doc No: 200009553
Recorded: 01/26/2018 02:56:02 PM
Fee Amt: \$26.00 Page 1 of 3
Transfer Tax: \$400.00
Cleveland County North Carolina
Betsy S. Harnage, Register of Deeds
BK 1759 PG 2036 - 2038 (3)

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Excise Tax: \$ 400.00

Recording Time, Book and Page

Tax Map No.

Parcel Identifier No. **Portion of 28311**

Mail after recording to: ~~X~~ The Schweppe Law Firm, P.A.

This instrument was prepared by: The Schweppe Law Firm, P.A., John V. Schweppe, Jr.

THIS DEED made this 26th day of January, 2018, by and between

GRANTOR

Mary D. Beam (unmarried)

408 Leander Street
Shelby, NC 28152

GRANTEE

Cleveland County Water

439 Casar Lawndale Road
Lawndale, NC 28090

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land and more particularly described as follows:

**See Exhibit "A" attached hereto and
incorporated herein by reference.**

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 1759, Page 607, Cleveland County Registry.

A map showing the above described property is recorded in Plat Book _____, Page _____, and referenced within this instrument.

The above described property does does not include the primary residence of the Grantor.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:
Easements, rights of way and restrictions of record, if any.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officer(s), the day and year first above written.

Mary D. Beam (SEAL)
Mary D. Beam

NORTH CAROLINA - CLEVELAND COUNTY

I certify that the following persons personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: **Mary D. Beam**

Witness my hand and official stamp or seal, this the 26th day of January 2018.

My Commission Expires: 12/06/2020

Ginger L. Fletcher
Notary Public
Print Notary Name: Ginger L. Fletcher



Exhibit "A"

Being located on the West side of Polkville Road (Highway 226) and being that 17.58-acre tract as shown on that survey for Cleveland County Water, by D. Dobbins Lattimore, R.L.S., dated October 25, 2017 recorded in Book of Plats 40, Page 80, in the Office of Register of Deeds, Cleveland County, N.C., reference being made to said plat for further description of the foregoing property.

Title Reference: See deed recorded in Book 1759, Page 607, of the Cleveland County Registry.

Staff Report



To: Shelby Planning & Zoning Board
From: Lucas A. Shires, MUD, PLA
Planner

Date: March 02, 2018
Meeting: March 15, 2018
File: #1082

OWNER: Cleveland County Water **APPLICANT:** Cleveland County Water (Brad Cornwell)

LOCATION: Polkville Road **PARCEL ID #:** 28311

PRESENT ZONING: R20 **REQUESTED ZONING:** GB

SURROUNDING ZONING: **North:** R20 **South:** R20 **East:** R20 **West:** LI

UTILITIES: **Water:** No **Sewer:** Yes **Floodplain:** No

ANALYSIS: The subject property fronts Polkville Road (HWY 2226) South Dekalb just east of the Walmart Distribution Center site and is currently vacant and undeveloped.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings. Manufactured home parks are permitted within the R20 District by conditional use permit. Nonresidential uses permitted within this district include customary accessory, recreational, educational, and institutional land uses that are compatible with the low density residential character of the R20 District.

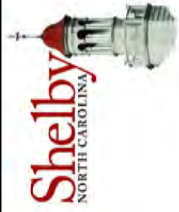
The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

STAFF COMMENTS:

The Polkville Road Interchange Small Area Plan, which serves as the Comprehensive Land Use Plan for this area designates the site as Commercial. The City of Shelby's GB Business District zoning classification is an appropriate district for this use area.

The zoning amendment is consistent with the Polkville Road Interchange Small Area Plan.

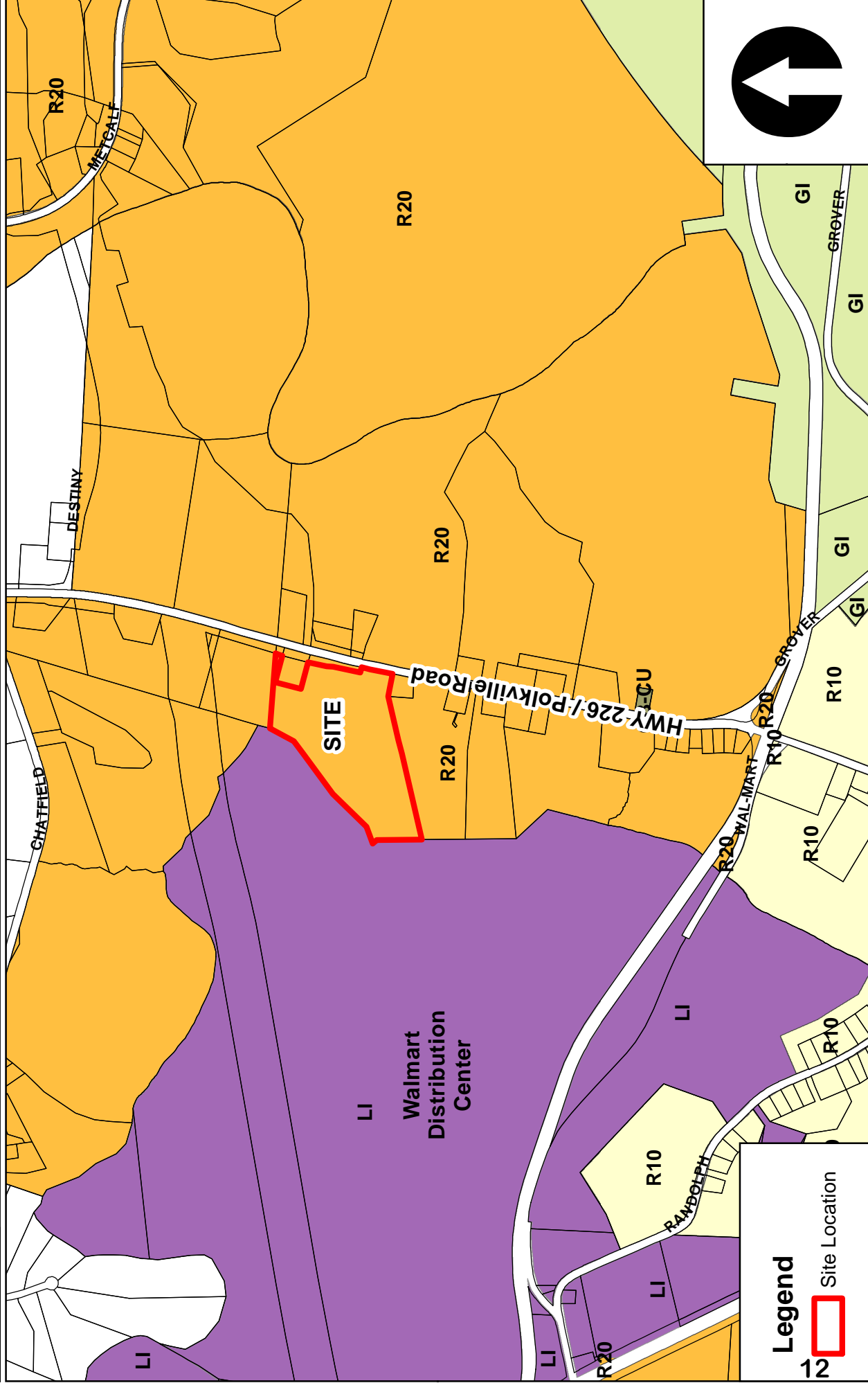
Staff recommends approval of this zoning map amendment.



Polkville Road Zoning Map

Map Information:
 Datum: NAD 1983
 Coordinate: State Plane
 Projection: Lambert Conformal Conic

US National Grid
 Grid Zone Designation (GZD): 17S
 100,000m. Square ID: MV/MU

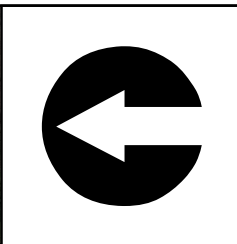




Polkville Road Location Map

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic

US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Scale: 1 IN = 1,000 FT or 1:12,000(GIS)

Legend
13  Site Location

Date: 2/26/2018



CITY OF SHELBY PLANNING AND ZONING BOARD MINUTES
March 15, 2018
City of Shelby Utilities Operations Center
Utilities Operations Assembly Room 824 W. Grover St., Shelby, NC

Item 1. Call to Order/Roll Call

Vice Chairman Washburn called the meeting to order at 12:15 PM and noted that a quorum was present.

Board Present: Rick Washburn, Charles Hamrick, Mark Carter, Mike Royster, Greg Taylor, Jim Martin, Jeff Aderholt, and Scott Bankhead.

Staff Present: Walt Scharer (Planning and Development Services Director), Lucas Shires (Planner), and Darin Hallman (Planner)

Item 2. Approval of the Minutes for the February 15, 2018 meeting

Vice Chairman Washburn asked if there were any questions or comments about the February 15, 2018 minutes. The minutes were approved as submitted.

Item 3. Proposed Zoning Map Amendment Polkville Road

Mr. Shires presented this proposed zoning map amendment.

The R20 Residential District is primarily intended to accommodate very low density single-family detached dwellings, modular homes, two-family dwellings, and manufactured homes on individual lots in areas that generally do not have access to public water supplies and are dependent upon septic tanks for sewage disposal. Maximum densities within the R20 District are approximately 2 dwelling units per gross acre for single-family and two-family dwellings.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

Mr. Shires asked if there were any questions concerning the proposal. Brief discussion followed. Mr. Hamrick suggested General Business 2 rather than General Business in an effort to follow the recommendations of the Polkville Road Small Area Plan to limit the use of Off Premise Signs (Bill Boards) along the new 74 By Pass.

Mr. Scharer noted the only difference between GB and GB2 is the allowance of Off Premise signs and Video Gaming Arcades.

Motion: Mr. Royster made the motion to recommend to City Council approval of this proposed zoning map amendment from R20 and GB2.

Second: Mr. Martin.

Action: This motion passed unanimously.

Item 4. Motion to adjourn.

Being no other business, Vice Chairman Washburn adjourned the meeting at 12:23 pm.



Certified Recommendation

City of Shelby Planning & Zoning Board

Case File: 1085

Amendment: A Zoning Map Amendment for property located at 715 Polkville Road with PIN #: 28311 from R20 to General Business 2 (GB2).

Recommendation: **The Planning and Zoning Board recommends approval of the proposed zoning map amendment for property located at 715 Polkville Road PIN #: 28311 from R20 to General Business 2 (GB2).**

Findings &

Reasons: 1. The proposed zoning map amendment is consistent with the Comprehensive Land Use Plan.

Motion: Mr. Royster made the motion to recommend to City Council approval of this proposed zoning map amendment from R20 to GB2.

Second: Mr. Martin.

Action: This motion passed unanimously.

Signatures: Walter Scharer
Planning and Development Director

Marlene Peeler
Planning and Zoning Board Chair

Date: 3/16/2018

Date: 3/16/2018

**NOTICE OF PUBLIC HEARING
APPLICATION #: 1085-2018
ZONING MAP AMENDMENT**

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, April 16, 2018 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina. City Council will consider a proposed zoning map amendment from R20 Zoning District to General Business 2 (GB2) Zoning District for a portion of the property located at 715 Polkville Road with the Cleveland County Parcel Number 28311.

A more detailed description and map of this property are available for public inspection in the Planning and Development Services Department located at 315 South Lafayette Street, Shelby, North Carolina, during regular business hours, 8:00 AM until 5:00 PM. Also, you can call (704) 484-6829 for more information.

The City Council may change the existing zoning classification of the entire area covered by the petition or any part thereof, without the withdrawal or modification of the petition or further publication of notice.

Persons interested in being heard on this matter are invited to comment on the proposed rezoning at the hearing, whether for or against. Comments may be presented orally at the hearing, in writing prior to the hearing, or both.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

Bernadette A. Parduski, NC-CMC, IMC-MMC
City Clerk

The Shelby Star:

Please publish this notice as a legal line ad on FRIDAY, April 6, 2018 and repeat the same ad on THURSDAY, April 12, 2018.

Mail invoices with affidavits to Walter Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

ORDINANCE NO. 19-2018

**A PROPOSED ORDINANCE AMENDING THE ZONING MAP OF
THE CITY OF SHELBY, NORTH CAROLINA**

WHEREAS, the City of Shelby has received an application requesting the rezoning of property located within the City or its Area of Extraterritorial Jurisdiction; and,

WHEREAS, the Shelby Planning and Zoning Board has reviewed said application for a zoning change and has made its findings and recommendations to City Council; and,

WHEREAS, the Shelby Planning and Zoning Board found that the zoning change is consistent with the Comprehensive Land Use Plan; and,

WHEREAS, in accordance with GS 160A-364, a public hearing on this proposed rezoning was held by City Council on April 16, 2018 after due publication of said hearing as required by law; and,

WHEREAS, after hearing all who wished to be heard on this matter and upon review of the findings and recommendations of the Planning and Zoning Board, City Council now desires to act on this matter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. This zoning change is consistent with the City of Shelby Comprehensive Land Use Plan as the General Business 2 District is consistent with the Polkville Road Interchange Small Area Plan.

Section 2. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the Shelby Unified Development Ordinance and Shelby Zoning Map (Appendix A of the Shelby City Code), 715 Polkville Road is hereby amended from Residential 20 (R20) to General Business 2 (GB2) Zoning District. Said area of zoning is more fully described as the parcels listed by the Cleveland County Tax Office as Parcel Identification Numbers 28311.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause the provisions of Section 2 of this ordinance to be properly codified, and the City Clerk is further authorized and directed to cause her official records and the Official Zoning Map of the City of Shelby to be properly amended to reflect the approved zoning changes.

Ordinance No. 19-2018

April 16, 2018

Page 2

Section 4. This ordinance shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 16th day of April 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: D-2

- 2) Consideration of a resolution and order permanently closing an unopened right-of-way at the south end of Woodside Drive: Resolution No. 17-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 9, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Location Map
- Survey of property
- Copy of Resolution No. 16-2018
- Notice of Public Hearing
- Resolution No. 17-2018

City Manager's Recommendation / Comments

This public hearing is being conducted in accordance with NCGS 160A-299 and is a required step prior to Council taking formal action on the petition. The purpose is to allow any member of the public to offer comment either for or against the proposed closure. Resolution No. 17-2018 is presented for your consideration and if approved would permanently close this unopened right of way returning ownership to the abutting property owners. In this case it is a single property owner a Mr. Michael A. Mancinelli.

After the conclusion of the public hearing City Council may act upon Resolution No. 17-2018



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: April 9, 2018
Subject: Request to close an unopened right-of-way at the south end of Woodside Drive

Executive Summary of issue – Background

A portion of the Woodside Drive right-of-way was never officially closed when the current US 74 Bypass was built. To get clear title to the entire property, the property owner adjacent to this unopened right of way at the south end of Woodside Drive has requested that the City close the right-of-way. A location map and surveyor's plat showing this site is attached.

Review and Comments

On March 19, 2018 City Council approved Resolution No. 16-2018, declaring the intent to close an unopened right-of-way at south end of Woodside Drive and establish a public hearing for this right of way closing on April 16, 2018. The resolution of intent was published once a week for 4 weeks in the Shelby Star and the abutting property owners were notified of this right-of-way closing by certified mail and the notice of public hearing was posted in two places in the affected area.

Recommendation

Staff has no objection to this proposed right-of-way closing. Please schedule a public hearing for this right of way closing on the April 16, 2018 Council agenda.

Attachments: Public Hearing Notice, Resolution of Intent to Close an unopened right-of-way at the south end of Woodside Drive, Location Map, Resolution Order to Close an unopened right-of- way at the south end of Woodside Drive, and Plat.



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

905 W Elm Street

Applicant(s) Name: Michael A Mancinelli

Address: 204 Cedar Street
Shelby NC 28102

Email:

Phone: 204-482-2454 Terry Paek Attorney

Owner(s) Name: John Mancinelli & Michael Mancinelli

Email:

Phone:

Relationship to Property: Owner Developer, Contractor, etc. Other:

Request for (Check all that apply):

- Annexation (Contiguous & Satellite)
- Change in Tenant/Building Use
- Site Plan Review & Zoning Permit
- Street Name Change
- Street/ROW Closing
- Conditional Use Permit or Special Use Permit
- UDO Text Amendment
- Zoning Map Amendment
- Conditional Use Map Amendment
- Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 23083

Proposed Zoning: NA

Proposed Land Use: NA

Approx. Building Sq. Ft.: NA

Approx. Project Acreage: NA

Business Name: NA

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.

Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council to revoke the permit.

Michael A. Mancinelli
Signature of Applicant

02-23-18
Date

Lucas A. Shires
Received by:

2/27/18
Date

To the City of Shelby

I am writing in reference to 905 W. Elm St.

I am selling this house and I am requesting that the Southern portion of Woodside Dr., which runs through the property and had never been opened, please abandoned and close this portion of the road permanently

Thank you very much!

Sincerely,

Micheal A. Mancinelli

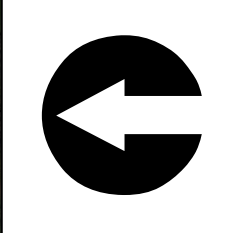
A handwritten signature in cursive script that reads "Micheal A. Mancinelli". The signature is written in black ink and is positioned below the typed name.



WOODSIDE DRIVE Location Map

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic

US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend
23 Site Location

Date: 3/12/2018
Scale: 1 IN = 150 FT or 1:1,800 (GIS) 0 75 150 300 Feet

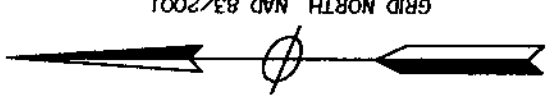
STATE OF NORTH CAROLINA
COUNTY OF CLEVELAND

DATE _____ REVIEW OFFICER _____

REQUESTING CLOSURE/ABANDONMENT OF STREET
RIGHT OF WAY AND PROPOSED PROPERTY ALLOCATION

JOHN A. MANCINELLI, MARIE A. MANCINELLI, ET AL.

SIGNATURE _____ DATE _____



IRON MONUMENT "LM"
N 84°33'42"E 84.79'
N 17°52'30"E 17.98'
N 82°56'42"E 82.95'
MONUMENT "TM" TO MONUMENT "CONCRETE"
S 82°56'42"E 82.95'

- GENERAL NOTES**
- AREAS CALCULATED BY CROSS-DATE COMPUTATION
 - THE PROPERTY SHOWN HEREON MAY BE SUBJECT TO EASEMENTS OF RECORD OR UNRECORDED EASEMENTS WITH ANY TITLE EXCEPTIONS
 - ROAD R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED
 - UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED
 - THOSE SHOWN HEREON ARE ESTIMATED INCLUDING UTILITIES, *1/2" LOCATED EXCEPT THOSE SHOWN HEREON
 - ALL DISTANCES SHOWN HEREON ARE HORIZONTAL DISTANCES

EASEMENT NOTE

- THE CITY OF SHELBY RETAINS A 30' UTILITY EASEMENT AS SHOWN HEREON CROSS THE UNDEVELOPED ROAD RIGHT OF WAY SHOWN HEREON

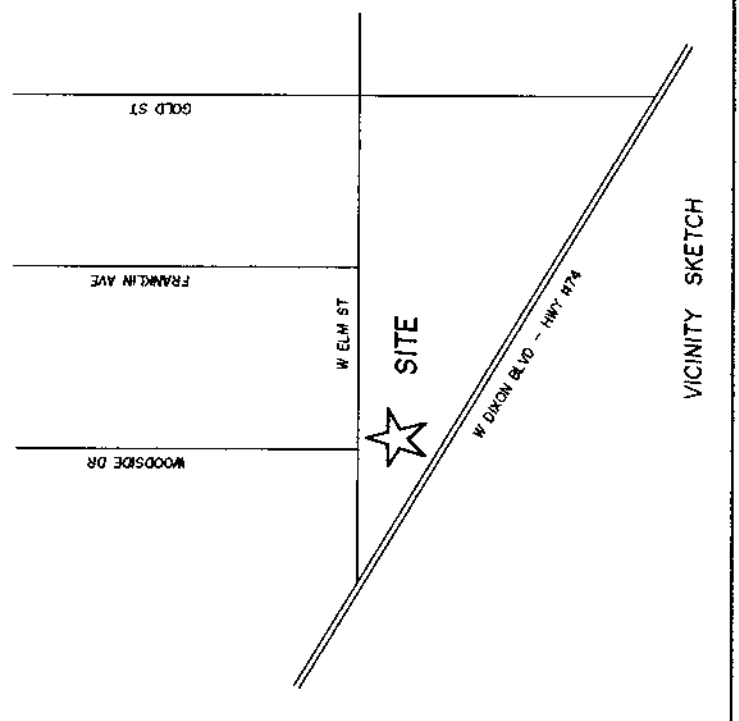
- LEGEND**
- IRON MONUMENT
 - IRON REBAR SET
 - UNMARKED POINT
 - UTILITY POLE
 - ROAD RIGHT OF WAY LINE
 - DEREGULATED UTILITY LINE
 - LINE PLOTTED PER DEED (UNLESS SHOWN WITH BEARING AND DISTANCE)

THIS IS TO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXCEPTION TO THE DEFINITION OF SUBDIVISION.

T. SCOTT BANKHEAD (PLS)

I, T. SCOTT BANKHEAD, PROFESSIONAL LAND SURVEYOR CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY DIRECTION AND SUPERVISION (DEED REFERENCE DEED # 84 PAGE 87 P. 2). THAT THE BOUNDARIES AND DIMENSIONS SHOWN HEREON ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 97-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS

5th day of April 2018
T. Scott Bankhead
Professional Land Surveyor - License No. L-3001



PREPARED IN ACCORDANCE WITH:
LOCAL-2981 PROCEDURE FOR PERMANENTLY CLOSING STREETS AND ALLEYS

SUBSECTION (C) UPON THE CLOSING OF A STREET OR ALLEY IN ACCORDANCE WITH THIS SECTION IN THE RIGHT-OF-WAY PROVISIONS OF THIS SECTION, ALL RIGHTS, TITLE AND INTEREST IN THE RIGHT-OF-WAY OF THE STREET OR ALLEY, INCLUDING ANY EASEMENTS, RIGHTS OF WAY OR PARCELS OF LAND ADJACENT TO THE STREET OR ALLEY, AND THE TITLE OF SUCH OWNERSHIP, SHALL BE TRANSFERRED TO THE ADJUTING LAND OWNED BY THEM, SHALL EXTEND TO THE CENTERLINE OF THE STREET OR ALLEY.

THE PROVISIONS OF THIS SUBSECTION REGARDING DIVISION OF RIGHT-OF-WAY IN STREET OR ALLEY CLOSINGS MAY BE ALTERED AS TO A PARTICULAR STREET OR ALLEY CLOSING BY THE ASSENT OF ALL OWNERS OF THE ADJUTING LANDS AND THE PORTION OF THE CLOSED STREET OR ALLEY TO BE TAKEN BY THE STREET OR ALLEY CLOSING AND THE PORTION OF THE CLOSED STREET OR ALLEY TO BE TAKEN BY THE ADJUTING LANDS SHALL BE DETERMINED BY EACH PROPERTY OWNER WHO, UNDER THIS SECTION, HAS AN OWNERSHIP RIGHT IN THE CLOSED STREET OR ALLEY.

West Elm Street 40' R/W

West Dixon Blvd - Hwy #74

0.381 Acres
INCL. AC EXCEPTION AREA
NOT INCLUDING CUST AC IN R/W

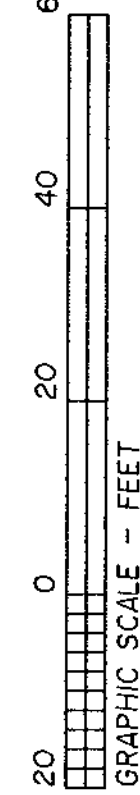
JOHN A. MANCINELLI, ET AL.
DB 15M PG 510

LOVANDA L. HUSKEY
DB 1732 PG 725
REF: PG 6 PG 61

PROPOSED STREET CLOSING/ABANDONMENT
FOR
The City of Shelby

REFERENCE: LOTS 1 & 2 PLAT BOOK 6 PAGE 83
(REVISED PORTION OF THE REID YOUNG PROPERTY)

CLEVELAND COUNTY, NORTH CAROLINA
TAX MAP REFERENCE: S43-1-1
PARCEL NUMBER: 23083
SCALE 1" = 20' DATE 02/02/18
REVISED 04/05/18



SURVEY BY
BANKHEAD SURVEYING, PA
407 EAST MARION STREET
SHELBY, N.C. 28150
(704) 481-1040
FIRM LICENSE NUMBER: C-0972

RESOLUTION NO. 16-2018

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF AN UNOPENED RIGHT OF WAY AT THE SOUTH END OF WOODSIDE DRIVE

WHEREAS, North Carolina General Statute 160A-299 authorizes the City Council of the City of Shelby to permanently close public streets and alleys within its jurisdiction; and,

WHEREAS, the City has received a request and petition from abutting property owners to permanently close an unopened right of way at the south end of Woodside Drive; and,

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to this proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 16th day of April, 2018 in the Council Chamber at the City Hall in Shelby, North Carolina to consider and order closing an unopened right of way at the south end of Woodside Drive.

Section 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks prior to the public hearing in *The Shelby Star*.

Section 3. The City Clerk is further directed to transmit by certified mail, return receipt requested, to each owner of property abutting on said street a copy of this Resolution of Intent and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the subject street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval.

Adopted and approved this the 19th day of March, 2018.



O. Stanhope Anthony, III
Mayor

ATTEST:


Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

NOTICE OF PUBLIC HEARING TO CLOSE THE RIGHT-OF-WAY AT THE SOUTH END OF WOODSIDE DRIVE

The City Council of Shelby, North Carolina will conduct a public hearing during its regular meeting at 6:00 p.m., Monday, April 16, 2018 in the City Council Chambers, City Hall located at 300 South Washington Street, Shelby, North Carolina to discuss the closure of a portion of the right-of-way on Woodside Drive.

Additional information regarding this proposed right-of-way closure is on file and available for inspection at the City of Shelby Planning & Development Services office, 315 South Lafayette Street, Shelby, North Carolina.

Members of the public with special needs wishing to attend this meeting should call the City Clerk (704 484-6800) at least 24 hours prior to the meeting to request assistance.

North Carolina General Statute 160A-299 requires that a copy of the City’s resolution of intent to permanently close a street or alley be published once a week for four (4) successive weeks prior to the hearing. A copy of Resolution No. 16-2018 adopted by City Council on March 19, 2018 follows:

RESOLUTION NO. 16 – 2018

A RESOLUTION DECLARING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SHELBY TO CONSIDER THE PERMANENT CLOSURE OF AN UNOPENED RIGHT OF WAY AT THE EAST SOUTH END OF WOODSIDE DRIVE

WHEREAS, North Carolina General Statute 160A-299 authorizes the City Council of the City of Shelby to permanently close public streets and alleys within its jurisdiction; and,

WHEREAS, the City has received a request and petition from abutting property owners to permanently close an unopened right of way at the south end of Woodside Drive; and,

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to this proposal;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. That a public hearing on the matter will be held at 6:00 PM, on the 16th day of April, 2018 in the Council Chamber at the City Hall in Shelby, North Carolina to consider and order closing an unopened right of way at the south end of Woodside Drive.

Section 2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four (4) successive weeks prior to the public hearing in *The Star*.

Section 3. The City Clerk is further directed to transmit by certified mail, return receipt requested, to each owner of property abutting on said street a copy of this Resolution of Intent and shall cause a notice of the Public Hearing to be prominently posted in at least two places along the subject street.

Section 4. This Resolution of Intent shall become effective upon its adoption and approval.
Adopted and approved this the 19th day of March, 2018.

The Shelby Star:

Please publish this notice as a legal line ad on THURSDAY, March 29, 2018 and repeat the same ad on WEDNESDAY, April 4, 2018; WEDNESDAY, April 11, 2018; and MONDAY, April 16, 2018.

Mail invoices with affidavits to Walt Scharer, City of Shelby, PO Box 207, Shelby, NC 28151. Thank you.

RESOLUTION NO. 17-2018

**A RESOLUTION AND ORDER PERMANENTLY CLOSING
AN UNOPENED RIGHT OF WAY AT THE SOUTH END OF WOODSIDE DRIVE**

WHEREAS, on March 19, 2018 the City Council of the City of Shelby directed the City Clerk to publish a Resolution of Intent of the City Council to consider closing an unopened right of way at the south end of Woodside Drive; and,

WHEREAS, said publication was to be accomplished in The Shelby Star once a week for four (4) successive weeks advising the public that a public hearing would be conducted in the Council Chambers of Shelby City Hall on April 16, 2018; and,

WHEREAS, the City Clerk was further instructed to notify all persons owning property abutting the affected portion of said street if the scheduled public hearing by copy of the Resolution of Intent, and that said notice of public hearing be posted in two places on the affected portion of Woodside Drive; and,

WHEREAS, the City Clerk has advised the City Council that on the date directed, she sent notice to each of said abutting property owners advising them of the date, time, and place of the public hearing by copy of the City Council's Resolution of Intent and advising said abutting property owners that the question as to the closing of said street would be acted upon, said notice having been mailed by certified mail with return receipt requester; and,

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street; and,

WHEREAS, it now appears to the satisfaction of the City Council the closing of said right of way is not contrary to the public interest and that no individual owning property abutting the street, will as a result of said closing, be thereby deprived of a reasonable means of ingress and egress to their property; and,

WHEREAS, it appears to the satisfaction of the City Council that the closing of said right of way will not be in conflict with the public interest;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. That the unopened right of way on the south end of Woodside Drive as displayed on the plat titled proposed street/closing abandonment for City of Shelby, as situated within the City of Shelby is hereby permanently closed and all rights, title, and interest that may be vested in the public to said area for street purposes is hereby released to the abutting property owners in accordance with Chapter 160A-299, as amended, of the North Carolina General Statutes.

Section 2. A permanent utilities easement of fifteen feet in all directions from the Overhead Power Line as shown on the attached Proposed Street Closing/Abandonment for City of Shelby shall be maintained.

Section 3. The City Clerk is hereby authorized and directed to file in the Office of the Register of Deeds in Cleveland County a certified copy of this resolution ordering the closing of the unopened right of way at the south end of Woodside Drive.

Section 4. This Resolution shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of April 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: D-3 (*Quasi-Judicial*)

- 3) Consideration of a resolution granting a Special Use Permit to Zimmerman Properties SE, LLC for 1016 Sue Lane: Resolution No. 18-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 9, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- General Application
- Site Plan and Landscape Plan
- Staff Report
- Location Map – 1016 Sue Lane
- Zoning Map
- Special Use Permit Approval Process
- Resolution No. 18-2018

City Manager's Recommendation / Comments

This hearing must be conducted in a quasi-judicial fashion by the Mayor and Council. By nature decisions conducted as such involve two key elements 1) there must be a written finding of facts regarding the specific proposal and 2) the exercise of judgment and discretion must apply existing policies to the situation.

As a reminder these hearings must be evidentiary in nature and the decision of Council must be based upon that evidence. The purpose of the hearing is to establish facts, not to gather opinions about the desirability or popularity of the proposed development. Any person offering testimony must do so under oath and cross examination must be allowed. The gathering of evidence outside the hearing by individual members is not permitted and as noted previously a written finding of facts is required.

Information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of your decision making policy. It should be noted that your decision may only be appealed to NC Superior Court within the prescribed time frame in the statute.

Following the hearing City Council may take action either in favor or opposition to Resolution No. 18-2018.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: April 9, 2018

Subject: Special Use Zoning Permit and Zoning Amendment – Multi Family Development at 1016 Sue Lane

Executive Summary of Issue – Background

This property at 1016 Sue Lane and is approximately 4.2 acres in size. Currently, the property is vacant. The applicant is proposed a 60 unit multi-family development.

Review and Comments

The Comprehensive Land Use Plan currently has this area depicted as a Corridor Revitalization area.

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. Staff recommends this proposed amendment and associated Special Use Permit. More information can be found in the Staff Report attached.

Also attached is a white paper describing the SUP approval process here in Shelby as amended in November 2015. This proposal does require a quasi-judicial public hearing because of the Special Use Permit. The rules of procedure for a quasi-judicial public hearing should be followed.

Please schedule a quasi-judicial public hearing for this proposed zoning amendment at the next City Council meeting on April 16, 2018.

Attachments: Application, Site Plan, Staff Report, SUP Approval Process, Zoning Map, Location Map, and Ordinance/Special Use Permit



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property: 1016 Sue Lane

Applicant(s) Name: Zimmerman Properties SE, LLC
Address: 4691 S. Atlanta Road, Suite 250
Atlanta, GA 30339
Email: tbullard@wilhoitproperties.com
Phone: 770-314-3544

Owner(s) Name: County Home Road Development, LLC
Email:
Phone:

Relationship to Property: [X] Owner [X] Developer, Contractor, etc. [] Other:

- Request for (Check all that apply):
[] Annexation (Contiguous & Satellite)
[] Change in Tenant/Building Use
[] Site Plan Review & Zoning Permit
[] Street Name Change
[] Street/ROW Closing
[X] Conditional Use Permit or Special Use Permit
[] UDO Text Amendment
[] Zoning Map Amendment
[] Conditional Use Map Amendment
[] Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):
Parcel Number: 53518
Proposed Zoning:
Proposed Land Use: M/F apartment community
Approx. Building Sq. Ft.: 73,111
Approx. Project Acreage: 4.2
Business Name: The Overlook at Sue Lane

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary.
The proposed development is a 60-unit independent senior living community comprised of a 3- story, all inclusive, fully enclosed apartment building of 1 and 2 BR units. All communal space will be located within the building, except for a covered picnic area and outdoor sitting areas along the internal walking paths.

Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council to revoke the permit.

Signature of Applicant

2/13/2018
Date

Received by:

2/16/2018
Date

SITE SUMMARY

APPROXIMATE SITE AREA	4.25	ACRES
DENSITY (60 UNITS)	14	UNITS PER ACRE
EXISTING ZONING PARCEL 'GB'	GENERAL BUSINESS MULTIFAMILY IS AN ACCEPTABLE USE BY ZONING PERMIT COMPLYING WITH R6 ZONING DISTRICT DENSITY AND DIMENSIONAL REQ.	
REQUIRED PARKING (ZONING)	98 SPACES	
(1.5/1-BED - 1.75/2-BED)		
REQUIRED PARKING (NC GAP 1 SPACES/UNIT)	60 SPACES	
MINIMUM PARKING PROVIDED (1.63 SPACES/UNIT)	98 SPACES	
PARKING AND DRIVE AREA	54,401 SF	
MINIMUM NUMBER OF MATURING TREES REQUIRED (RE: PRELIMINARY LANDSCAPE PLAN)	28	

GENERAL NOTES

REQUIRED AMENITIES FOR SENIOR COMMUNITIES:
INDOOR OR OUTDOOR SITTING AREAS (3-LOCATIONS MINIMUM)
MULTI-PURPOSE ROOM (250 SF MINIMUM)
TENANT STORAGE AREAS

ADDITIONAL AMENITIES FOR FAMILY COMMUNITIES:
COVERED DRIVE-THRU DROP-OFF AT ENTRY
EXERCISE ROOM WITH NEW EQUIPMENT
RESIDENT COMPUTER CENTER WITH 2 COMPUTERS MINIMUM

THIS PROJECT SHALL COMPLY WITH ALL GENERAL STANDARDS DICTATED BY 2018 APPENDIX B DESIGN QUALITY STANDARDS AND REQUIREMENTS ARE APPLICABLE

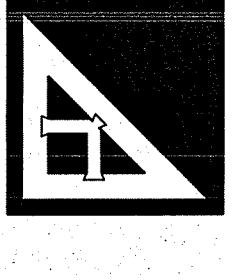
UNIT SUMMARY

UNIT TYPE	NET SF (1) (PAINT-PAINT)	NET SF (2)	PATIO/ BALCONY	EXTERIOR STORAGE
A5 (1-BED 1-BATH)	768 SF	820 SF	69 SF	42 SF
A6 (1-BED 1-BATH)	746 SF	789 SF	88 SF	17 SF
B6 (2-BED 2-BATH)	1,031 SF	1,086 SF	88 SF	17 SF
NET SF (1) -	CONDITIONED AREA DOES NOT INCLUDE PERIMETER WALL FRAMING (PAINT-TO-PAINT).			
NET SF (2) -	CONDITIONED AREA INCLUDES PERIMETER WALL FRAMING.			
UNIT TYPE	TOTAL UNITS			
A5	18			
A6	12			
B6	30			
TOTAL UNITS	60			

UNIT TYPE	TOTAL NET SF(1)	TOTAL NET SF(2)	TOTAL GROSS SF
A5	13,824 SF	14,760 SF	16,758 SF
A6	8,952 SF	9,468 SF	10,728 SF
B6	30,930 SF	32,580 SF	35,730 SF
TOTAL	53,706 SF	56,808 SF	63,216 SF
TOTAL NET SF(1)	6,024 SF	6,238 SF	7,327 SF
TOTAL NET SF(2)	10,065 SF	10,208 SF	10,208 SF
BLDG. TOTAL	59,730 SF	73,111 SF	80,751 SF

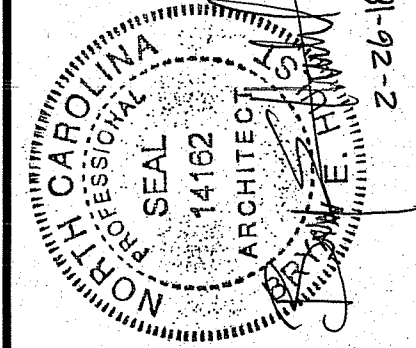
The Overlook at Sue Lane

A 60-Unit Senior Community in
Shelby, North Carolina



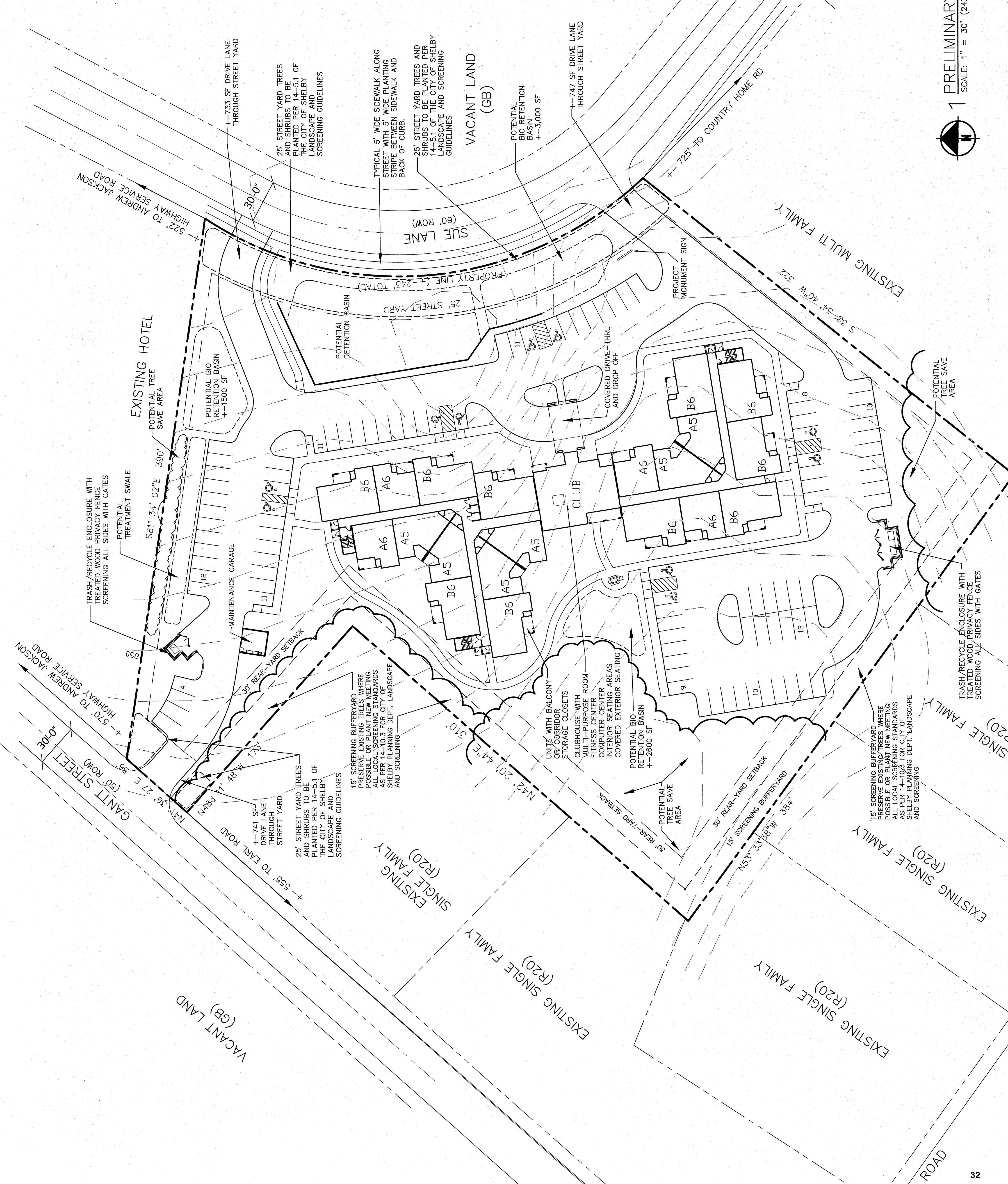
Zimmerman Properties LLC
BRYAN E. HALEY - ARCHITECT OF RECORD
NORTH CAROLINA LICENSE # 14182
Parlet Associates
2202 East State Street, 200 South
Springfield, MO. 65808
(417)-742-2485

JOB NUMBER: 218003
DRAWN BY: BJA
DATE: 02/27/2018



SEAL
14182
ARCHITECT
BRYAN E. HALEY

SITE PLAN
SHEET NUMBER S1 OF 2



1 PRELIMINARY SITE PLAN
SCALE: 1" = 30' (24x36 SHEET)

SITE SUMMARY

APPROXIMATE SITE AREA	4.25	ACRES
DENSITY (60 UNITS)	14	UNITS PER ACRE
EXISTING ZONING PARCEL "GB"	GENERAL BUSINESS	
MULTIFAMILY IS AN ACCEPTABLE USE BY ZONING PERMIT COMPLYING WITH R6 ZONING DISTRICT DENSITY AND DIMENSIONAL REQ.		
REQUIRED PARKING (ZONING) (1.5/1-BED - 1.75/2-BED)	98 SPACES	
REQUIRED PARKING (NC OAP 1 SPACES/UNIT)	60 SPACES	
MINIMUM PARKING PROVIDED (1.63 SPACES/UNIT)	98 SPACES	
PARKING AND DRIVE AREA	54,401 SF	
MINIMUM NUMBER OF MATURING TREES REQUIRED	28	

GENERAL NOTES

REQUIRED AMENITIES FOR SENIOR COMMUNITIES:
 INDOOR OR OUTDOOR SITTING AREAS (3-LOCATIONS MINIMUM)
 MULTI-PURPOSE ROOM (≥50 SF MINIMUM)
 TENANT STORAGE AREAS

ADDITIONAL AMENITIES FOR FAMILY COMMUNITIES:
 COVERED DRIVE-THRU DROP-OFF AT ENTRY
 EXERCISE ROOM WITH NEW EQUIPMENT
 RESIDENT COMPUTER CENTER WITH 2 COMPUTERS MINIMUM

THIS PROJECT SHALL COMPLY WITH ALL GENERAL STANDARDS DICTATED BY 2018 APPENDIX B DESIGN QUALITY STANDARDS AND REQUIREMENTS ARE APPLICABLE

UNIT SUMMARY

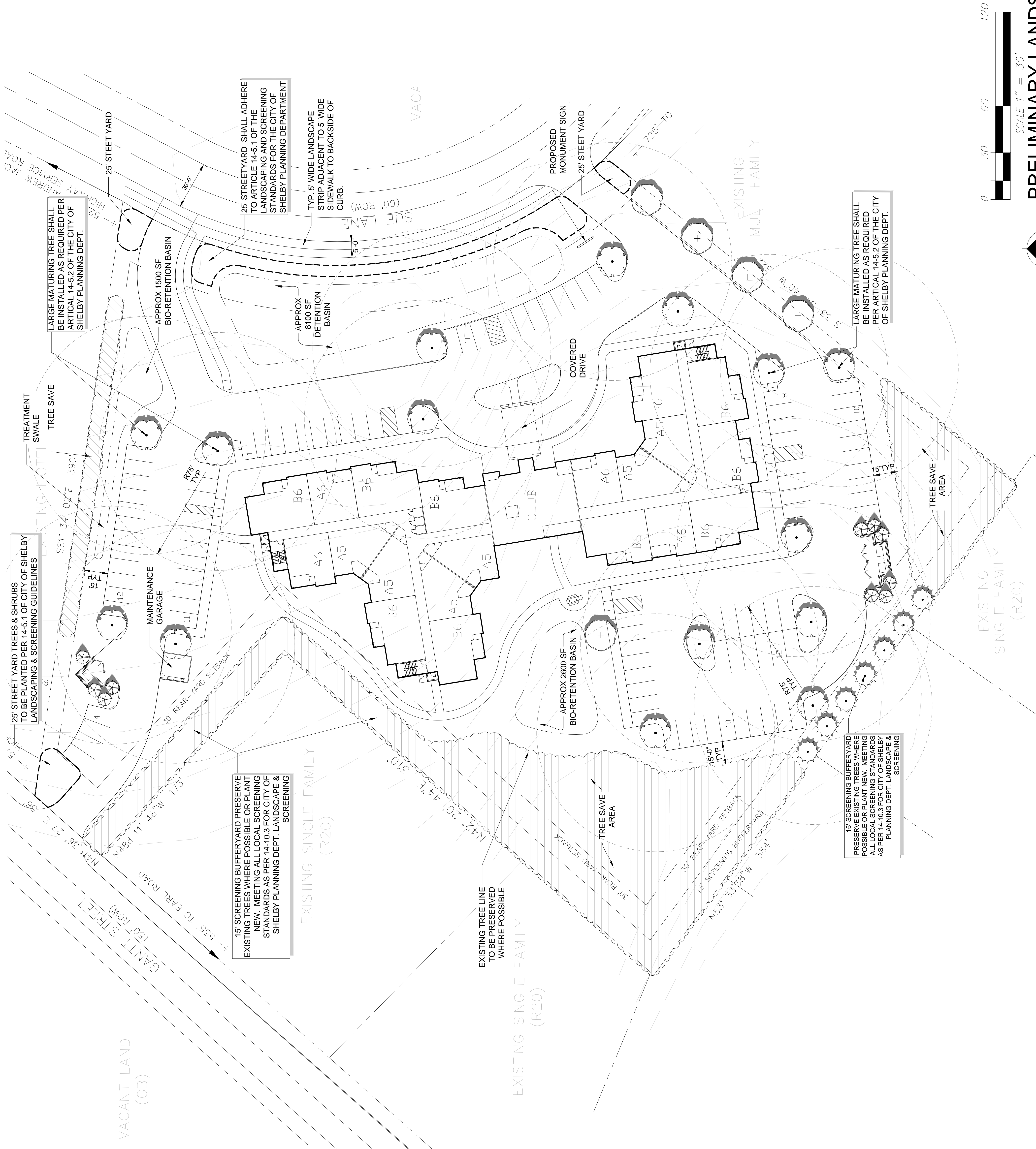
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B6 (2-BED 2-BATH)	1,031 SF	1,086 SF	88 SF	17 SF

NET SF (1) - CONDITIONED AREA DOES NOT INCLUDE PERIMETER WALL FRAMING (PAINT-TO-PAINT).
 NET SF (2) - CONDITIONED AREA INCLUDES PERIMETER WALL FRAMING.

UNIT TYPE	TOTAL UNITS
A5	18
A6	12
B6	30
TOTAL UNITS	60

UNIT TYPE	TOTAL NET SF(1)	TOTAL NET SF(2)	TOTAL GROSS SF
A5	13,824 SF	14,760 SF	16,758 SF
A6	8,952 SF	9,468 SF	10,728 SF
B6	30,930 SF	32,580 SF	35,730 SF
TOTAL	53,706 SF	56,808 SF	63,216 SF

CLUBHOUSE COMMUN AREA	TOTAL NET SF(1)	TOTAL NET SF(2)	TOTAL GROSS SF
	6,024 SF	6,238 SF	7,327 SF
		10,065 SF	10,208 SF
BLDG. TOTAL	59,730 SF	73,111 SF	80,751 SF



The Overlook at Sue Lane
 A 60-Unit Senior Community in
 Shelby, North Carolina

ADA ARCHITECTURE ASSOCIATES
 LANDSCAPE ARCHITECTS
 3008 W. 10TH ST., SUITE 100
 TAMPA, FL 33618
 FAX: 813-241-4779
 WWW.ADA-ARCH.COM

Zimmerman Properties LLC
 1730 E. Republic Rd.
 P.O. Box 3737
 Springfield, MO 65808

JOB NUMBER: 218000
 DRAWN BY: BH
 DATE: 02/27/2018

SHEET NUMBER: S1 OF 1

Staff Report



To: City Council
From: Walter Scharer
Planning Director

Date: April 3, 2018
Meeting: April 16, 2018
File: #1081

OWNER: County Home Road Development, LLC

APPLICANT: Zimmerman Properties SE, LLC (Tab Bullard)

LOCATION: 1016 Sue Lane **PARCEL ID #:** 53518

PRESENT ZONING General Business **REQUESTED ZONING:** General Business (GB)

SURROUNDING ZONING: **North:** GB **South:** R20 & GB **East:** GB **West:** R20

UTILITIES: **Water:** Available **Sewer:** Yes **Floodplain:** No

ANALYSIS: The subject property currently is vacant and zoned General Business (GB).

The applicant is proposing a sixty (60) unit multi-family development comprised of a three (3) story, all inclusive, fully enclosed apartment building of one (1) and two (2) bedroom units. All communal space will be located within the building, except for a covered picnic area and outdoor seating areas along the internal walking paths.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

For multi-family developments located within the General Business (GB) District with 25 or more units, a Special Use Permit is required.

When considering a Special Use Permit application, City Council should use the process found in the attached document titled "City of Shelby Special Use Permit Approval Process."

STAFF COMMENTS:

- The requested permit is within the jurisdiction of the City of Shelby according to the UDO; and
- The application is complete; and
- If completed as proposed in the application, the proposed development will comply with all the requirements of the UDO.

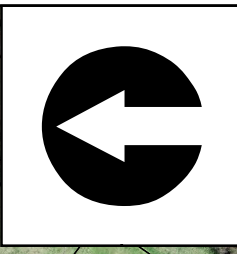
- The Comprehensive Land Use Plan designates this property as Corridor Revitalization. Corridor Revitalization areas are portions of heavily traveled corridors that either, have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads.
- The proposed Special Use Permit application is consistent with the Comprehensive Land Use Plan.
- City Council must now also consider the following standards when considering a Special Use Permit:
 1. If completed as proposed in the application, will the proposal not materially endanger the public health or safety; and
 2. If completed as proposed in the application, will the proposal not substantially injure the value of adjoining or abutting property; and
 3. If completed as proposed in the application, will the proposal be in harmony with the area in which it is to be located; and
 4. If completed as proposed in the application, will the proposal be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The Comprehensive Land Use Plan designates this property as a Corridor Revitalization Area.
- This proposed Special Use Permit application is consistent with the Comprehensive Land Use Plan.
- Please see the attached “City of Shelby Special Use Permit Approval Process.”



1016 Sue Lane Location Map

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic

US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend
36  Site Location

Date: 2/19/2018

Scale: 1 IN = 300 FT or 1:3,600 (GIS)

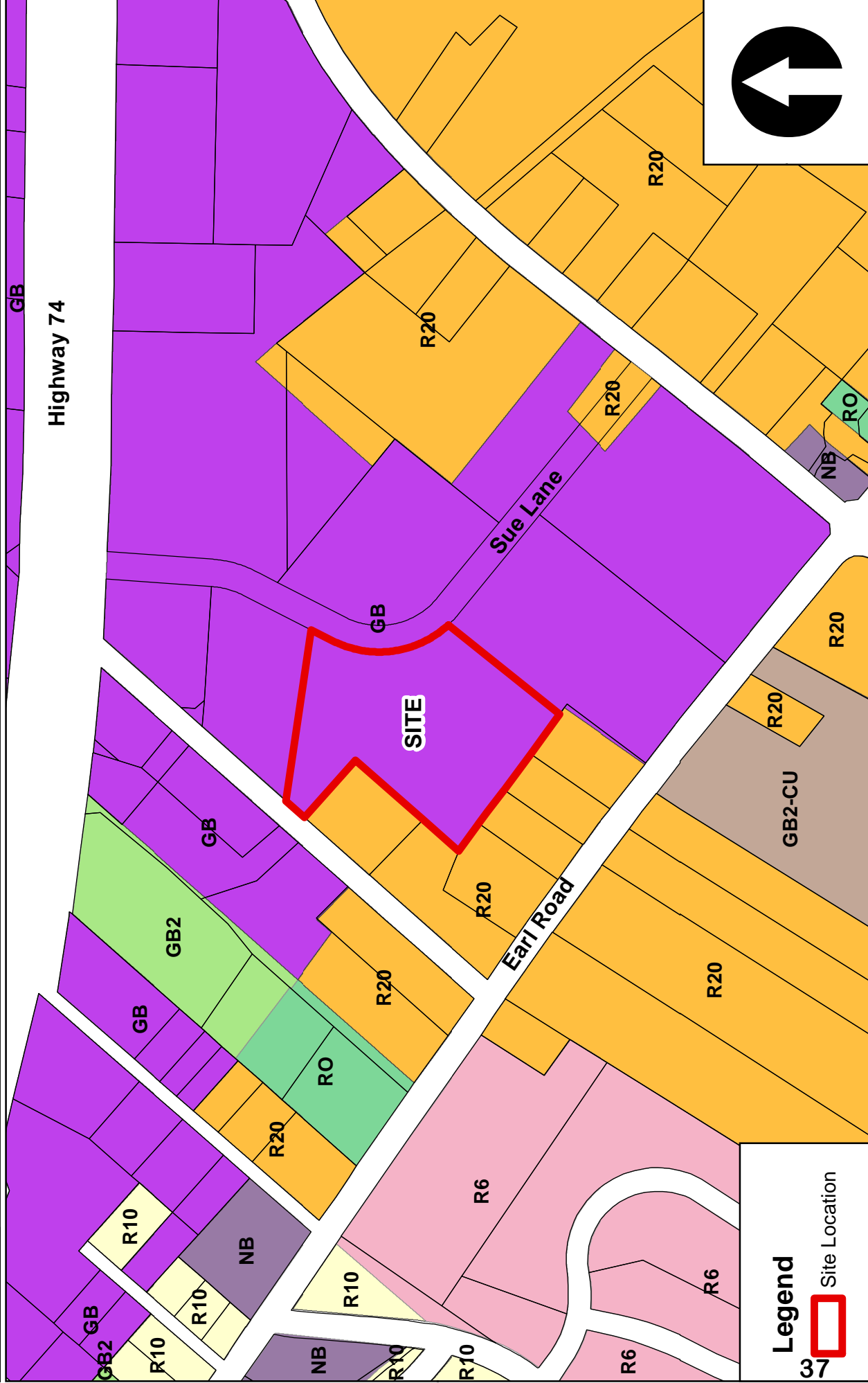
0 155 310 620 Feet



1016 Sue Lane Zoning Map

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic

US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend
[Red Outline] Site Location

Date: 2/19/2018

Scale: 1 IN = 300 FT or 1:3,600 (GIS)

0 155 310

620 Feet

City of Shelby Special Use Permit Approval Process

A Special Use Permit application may be submitted to the City Council by filing a copy of the application with the Planning Department. Applications may be taken no later than 25 days prior to the City Council meeting at which the request will be reviewed. The review process for a Special Use Permit includes:

- Planning Department review and recommendation.
- Public hearing held by the City Council; and
- City Council review and action.

Recommendations on Special Use Permit Applications

- When presented to the City Council, the Special Use Permit application will be accompanied by a report setting forth the Planning & Development Department's proposed findings concerning the application's compliance to the City's UDO, as well as any staff recommendations for additional requirements to be imposed by the City Council.
- If the staff report proposes a finding or conclusion that the application fails to comply with any requirement of the Ordinance, the report will identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.
- The City Council may, on a case-by-case basis, refer applications to the Planning and Zoning Board to obtain its recommendations.

Public Hearing Requirements and Procedures

- A public hearing is required in order for City Council to approve a Special Use Permit.
- The Planning Department will mail written notice of the public hearing to the owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request.
- The Planning Department will also post Zoning Hearing signs in the vicinity of the property involved in the permit request and take any other action deemed necessary to be useful or appropriate to give notice of the public hearing.
- At the conclusion of the public hearing, the City Council may proceed to vote on the permit request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- City Council is not required to take final action on a permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.
- The City Council should approve the requested permit unless it concludes, based upon the information submitted at the hearing, that:
 - (1) The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or
 - (2) The application is incomplete; or

- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance; or
- (4) Will not materially endanger the public health or safety; and
- (5) Will not substantially injure the value of adjoining or abutting property; and
- (6) Will be in harmony with the area in which it is to be located; and
- (7) Will be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.

- The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements seven standards listed above remains at all times on the applicant.
- Even if City Council finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, **based upon the information submitted at the hearing**, the development, more probably than not:
 - (1) Will materially endanger the public health or safety; or
 - (2) Will substantially injure the value of adjoining or abutting property; or
 - (3) Will not be in harmony with the area in which it is to be located; or
 - (4) Will not be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The burden of persuasion on the issue of whether the application should be turned down for any of the reasons above rests on the party or parties urging that the requested permit should be denied.

City Council Voting Procedure on Special Use Permits

- Upon receipt of a recommendation from the Planning Department, City Council will review the Special Use Permit application and will hold a public hearing.
- Following the public hearing, the City Council may proceed to vote on the permit request, refer it to committee for further study.
- In considering whether to approve Special Use Permit application, City Council should proceed according to the following format:
 - (1) The City Council shall consider whether the application is complete. If no member moves that the application be found incomplete then this shall be taken as an affirmative finding by the City Council that the application is complete.
 - (2) The City Council shall consider whether the application complies with all of the applicable standards of the UDO. If a motion to approve fails or is not made then a motion should be made that the application be found not in compliance with one or more of the standards of the UDO. A motion to disapprove should specify the particular standard the application fails to meet. Separate votes may be taken with respect to each standard not met by the application.

- (3) If the City Council concludes that the application fails to comply with one or more standards of the UDO, the application shall be denied. If the City Council concludes that all such standards are met, it shall issue the permit unless it adopts a motion to deny the application. Such a motion shall propose specific findings, based upon the competent evidence submitted, justifying such a conclusion.

RESOLUTION NO. 18-2018

**A RESOLUTION GRANTING A SPECIAL USE PERMIT
TO ZIMMERMAN PROPERTIES SE, LLC
1016 SUE LANE**

WHEREAS, the City of Shelby has received an application requesting a Special Use Permit for property located within the City or its area of Extraterritorial Jurisdiction; and,

WHEREAS, the Staff has reviewed said application for a special use zoning permit and has made its findings and recommendations to City Council; and

WHEREAS, Section 4-7.2 of the City of Shelby Unified Development Ordinance authorizes the establishment of “special use permit” as a means by which special conditions can be imposed on the use of property to assure compliance with the Unified Development Ordinance, promote the welfare of adjacent property owners and the protection of the general public interest; and

WHEREAS, in accordance with GS 160A-364, the City Council has considered a special use permit request by Zimmerman Properties SE, LLC in a public hearing on this date following quasi-judicial hearing procedures as outlined in Section 4-7.2 of the City of Shelby Unified Development Ordinance; and

WHEREAS, after hearing all who wished to present testimony on this special use permit request and consideration of the facts presented in this cause, the Council made the Findings of Fact and Conclusions of Law which are stated on Attachment “A” which is incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve a Special Use Zoning Permit according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at 1016 Sue Lane and lying within the City of Shelby in the General Business District (GB). Said area is more fully described as follows; PIN #s 53518.

Section 2. In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, a Special Use Zoning Permit is hereby granted to Zimmerman Properties SE, LLC for construction of a multi-family development of more than 25 dwelling units with accessory uses. The terms and conditions of such permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause resolution and recording of this Special Use Zoning Permit with the Cleveland County Register of Deeds.

Section 4. This Special Use Zoning Permit shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 16th day of April 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, MMC
City Clerk

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

ATTACHMENT "A"

Prepared by and return to the City of Shelby, PO Box 207 Shelby, North Carolina 28151

NORTH CAROLINA

FILE #: 1084

CLEVELAND COUNTY

**THE CITY OF SHELBY, NORTH CAROLINA
SPECIAL USE ZONING PERMIT**

On the date(s) listed below, the City Council of the City of Shelby met and held a public hearing to consider the following application:

Record Owner(s): Zimmerman Properties SE, LLC (Tab Bullard)

Property Location: 1016 Sue Lane

Tax Map, Block, and Lot#: 53518

Deed Reference: **BOOK** 1262, **PAGE** 1490 **Acreage:** 4.2 acres

Type and Intensity of Use: Multi-family development of 60 dwelling units.

Meeting Date(s): April 16, 2018

Approval Date: April 16, 2018

SECTION 1. FINDINGS: Having heard all of the evidence and arguments presented at the hearing, the City Council, at its regular meeting, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made:

1. The owner of the property Zimmerman Properties SE, LLC submitted the required application and site plan for special use permit; and
2. According to Article 9-3-1, multifamily dwellings of more than 25 units are permitted in the General Business (GB) Zoning District with a Special Use permit issued by City Council; and
3. The subject parcels lie within the City of Shelby fronting at 1016 Sue Lane in the GB District; and
4. Land Use in the surrounding area is a mixture of Commercial and Institutional uses; and
5. The Comprehensive Land Use Plan designates this area as a Corridor Revitalization Area and part of one of three Major Activity Centers; and
6. The petitioner has declared that the intended use of the property is for a multi-family complex of more than 25 dwelling units with customary accessory uses; and
7. Other than what is shown on the site plan, no other changes to the site are planned; and
8. To the best of staff's knowledge, no non-conformities currently exist on the property and none will be created by the requested special use permit; and
9. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; and

10. The use will not substantially injure the value of adjoining or abutting property; and
11. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Comprehensive Land Use Plan.

SECTION 2. CONDITIONS: Now, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved and granted, subject to all applicable provisions of the Unified Development Ordinance, Sections 3 and 4 of this permit, and the following special condition(s), which the City Council finds to be in the public interest:

1. The development of the tract shall proceed in conformity to all plans and design features submitted as part of the special use permit application and kept on file by the City of Shelby Planning Services Department; and
2. Stormwater detention above Phase II Stormwater requirements is required for this site due to historical downstream flooding.

SECTION 3. VESTED RIGHTS. Approval of this permit confers upon the property the right to develop with the type and intensity of use as herein described and as shown on the approved site plan in accordance with section 4-15 of the Unified Development Ordinance.

SECTION 4. SEVERABILITY AND RECORDATION. Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before April 16, 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

CERTIFICATE

I, Bernadette A. Parduski, the duly appointed, qualified, and City Clerk of the City of Shelby do hereby certify that the attached Extract from the Minutes of the Regular Meeting of the City Council of said City held on April 16, 2018 at 6:00 PM, is a true and correct copy of the original minutes of said meeting on file and of record in my office insofar as said original minutes relate to the matters in said attached extract. I further certify that the copy of the special use zoning permit appearing in said attached Extract is a true and correct copy of said permit adopted at said meeting and on file and of record in my office.

IN WITNESS THEREOF I have hereunto set my hand and official seal of the City of Shelby on this the 16th day of April 2018.

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

(City Seal)

_____, appointed agent of the subject property, do hereby acknowledge receipt of this special use zoning permit and agree to the conditions stated within. I further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon me and my successors in interest and shall run with the land in perpetuity.

ATTEST:

ZIMMERMAN PROPERTIES SE, LLC

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: D-4 (*Quasi-Judicial*)

- 4) Consideration of a resolution granting a Special Use Permit to KRP Investments, LLC for 600 Earl Road: Resolution No. 19-2018

(Presenting: Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 9, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Staff Report
- Location Map
- Zoning Map
- General Application
- Survey of property
- Site plan
- Special Use Permit Approval Process
- Resolution No. 19-2018

City Manager's Recommendation / Comments

This hearing must be conducted in a quasi-judicial fashion by the Mayor and Council. By nature decisions conducted as such involve two key elements 1) there must be a written finding of facts regarding the specific proposal and 2) the exercise of judgment and discretion must apply existing policies to the situation.

As a reminder these hearings must be evidentiary in nature and the decision of Council must be based upon that evidence. The purpose of the hearing is to establish facts, not to gather opinions about the desirability or popularity of the proposed development. Any person offering testimony must do so under oath and cross examination must be allowed. The gathering of evidence outside the hearing by individual members is not permitted and as noted previously a written finding of facts is required.

Information provided by Mr. Scharer within the agenda packet is to be considered evidence to be factored in as part of your decision making policy. It should be noted that your decision may only be appealed to NC Superior Court within the prescribed time frame in the statute.

Following the hearing City Council may take action either in favor or opposition to Resolution No. 19-2018.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: April 9, 2018

Subject: Special Use Zoning Permit and Zoning Amendment – Multi Family Development at 600 Earl Road

Executive Summary of Issue – Background

This property at 600 Earl Road and is approximately 7 acres in size. Currently, the property is vacant. The applicant is proposed a 60 unit multi-family development.

Review and Comments

The Comprehensive Land Use Plan currently has this area depicted as a Corridor Revitalization Area.

Recommendation

This proposed zoning map amendment is consistent with the Comprehensive Land Use Plan. Staff recommends this proposed amendment and associated Special Use Permit. More information can be found in the Staff Report attached.

Also attached is a white paper describing the SUP approval process here in Shelby as amended in November 2015. This proposal does require a quasi-judicial public hearing because of the Special Use Permit. The rules of procedure for a quasi-judicial public hearing should be followed.

Please schedule a quasi-judicial public hearing for this proposed zoning amendment at the next City Council meeting on April 16, 2018.

Attachments: Application, Site Plan, Staff Report, SUP Approval Process, Zoning Map, Location Map, and Ordinance/Special Use Permit



City of Shelby
Planning and Development Services Department

General Application

Address of Subject Property:

Earl Road, Shelby, NC,(Portion of PIN: 2546442112)

Applicant(s) Name: KRP Investments, LLC
Address: 6749 Lake Dale Way
Clemmons, NC 27012
Email: davis.ray@wynnfieldproperties.com
Phone: 336-822-0765

Owner(s) Name: The Partnership Alliance Company, LLC
Email: williegreen86@yahoo.com
Phone: 704-913-0506

Relationship to Property: [] Owner [X] Developer, Contractor, etc. [] Other:

Request for (Check all that apply):

- Annexation (Contiguous & Satellite)
Change in Tenant/Building Use
Site Plan Review & Zoning Permit
Street Name Change
Street/ROW Closing
[X] Conditional Use Permit or Special Use Permit
UDO Text Amendment
Zoning Map Amendment
Conditional Use Map Amendment
Zoning Permit or Home Occupation Permit

Project Information (Fill in applicable information):

Parcel Number: 20806
Proposed Zoning: GB - Commercial (Special Use)
Proposed Land Use: Multifamily
Approx. Building Sq. Ft.: 63,742 sq ft
Approx. Project Acreage: 7.00 +/- acres
Business Name: Broadstone Place Apartments

Provide a detailed description of the proposed project. Attach additional pages or documentation if necessary. See Attached additional documentation

Oath: By signing, I hereby certify that all information that I have provided in this application is correct and complete to the best of my knowledge. I understand that providing false or incomplete information may be grounds for denial of my request or may result in future action by the City Council to revoke the permit.

Signature of Applicant (Handwritten signature)

Date: 2/12/18

Received by: (Handwritten initials)

Date: 2/16/18

ATTACHMENT TO SPECIAL USE PERMIT CHECKLIST
Applicant: KRP Investments, LLC
EARL ROAD, SHELBY, NC (Portion of PIN: 2546442112)

1. Description of Proposed Project

- Our firm respectfully requests a Special Use Permit for the above mentioned property to permit the development of a 60 unit multifamily community, Broadstone Place apartments. Our planned community will consist of a mix of one, two and three bedroom apartments. Our community will include two 3-story residential buildings and a community building including an exercise room, computer center and manager's office. Some of the site and apartment amenities include: plantation blinds, walk in closets, dishwasher, range, refrigerator and ceiling fans. Our construction design consists of mostly brick veneer construction with fiber cement board accents including steel frame exterior stairs.

8. Statement of Reasonableness

- We feel that our proposed development, Broadstone Place, is consistent with the surrounding uses in the area. The property is currently vacant with surrounding uses including residential, Holly Oak Park, and commercial/retail. Our proposed use would provide an extension of the transition between commercial/retail to residential while providing our future residents with close access to life amenities, in addition to those provided on site. The proposed location would be a benefit to not only our residents but to Shelby by strengthening the transition from commercial/retail to residential.

10. Findings:

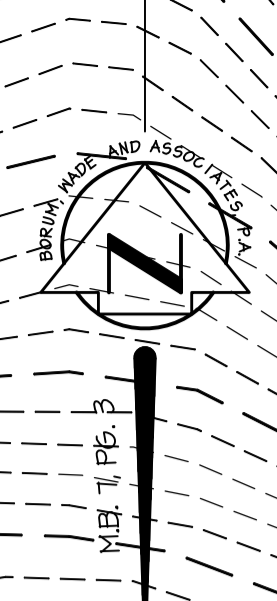
- **The use will not materially endanger the public health or safety:** *Our site is located off Earl Road adjacent to a vacant property and Holly Oak Park. Additionally, within close proximity (less than 1 mile) there are multiple existing multifamily communities. Our plan for a transitional use of multifamily housing will provide high quality workforce housing to the citizens and families for Shelby, NC. As we move forward with the development of Broadstone Place we will comply with all requirements set forth by the City of Shelby, Cleveland County and the North Carolina Department of Transportation. Should any additional action such as, any traffic improvements or mitigation design requirement need to be made we will adhere to those requirements. In the event further action is required, further correspondence will be provided.*
- **The use will not substantially injure the value of adjoining or abutting property:** Attached are copies of two federally recognized reports "Affordable Housing and Property Values" and "Don't Put it Here!" These reports conclude (in multiple studies) that multifamily housing (like we are proposing) either has a neutral or in most cases a positive impact on adjoining and/or abutting properties.

- **The use will be in harmony with the area in which it is to be located:** *Our Broadstone Place community location and design will be in harmony with the area. Broadstone Place would be a dynamic addition to the community and meet the general conformity of Shelby’s future development goals. Our use along with its quality materials used and architectural character should have a positive impact and serve as a great transitional use in this location. As mentioned in 1)(A) there are multiple multifamily communities in close proximity to the subject property.*
- **The use will be in general conformity with the land development plan and other plans officially adopted by the City Council:** *The adopted Comprehensive Land Use Plan details both the current and future land use desires of the City of Shelby. The current state of the property is vacant. The current zoning of the property (GB-Commercial) allows for multifamily development with a Special Use Permit. The Future Land Use map within the Comprehensive Land Use Plan, shows the subject property as “Corridor Revitalization” district which is detailed (per section 3.4.2) as “revitalizing underutilized land and appropriate land uses”. While our plan is in conformity with current zoning it also a natural fit and addresses the desires of the City of Shelby’s future goals.*

**REZONING LEGAL DESCRIPTION FOR
WYNNEFIELD PROPERTIES
EARL ROAD
SHELBY, NORTH CAROLINA 28150
TOWNSHIP #6, CLEVELAND COUNTY**

PIN: 2546442112
PARCEL NO.: 20806

Beginning at a point in the recorded southern margin of Earl Road / N.C. Hwy. 26, as shown on a map entitled "Duke Power Company map of Rights of Way" and recorded in Map Book 7, Page 3 in the Office of the Register of Deeds of Cleveland County, N.C., said point being the recorded northeastern property corner of Grantor (now or formerly) Alliance Partnership as described and recorded in Deed Book 1722, Page 337 and the recorded northwestern corner of a tract referenced as "Park Property" as shown on a map entitled "Part of Holly Oak Park Property, Annexed by City of Shelby, N.C." as shown on said map recorded in said Plat Book 8, Page 26 in said Lee County Registry, said point also being the recorded northwestern lot corner of (now or formerly) Shelby Parks & Recreation as described and recorded in Deed Book 11S, Page 539 in said Lee County Registry; thence, from said point of beginning, along Grantor's recorded eastern property line and the recorded western property line of said Shelby Parks & Recreation, South 55°51'00" West 879.54 feet to a point on the centerline of the 68' Duke Power Right-of-way; thence along Grantor's proposed new western property line and the center of the 68' Duke Power Right-of-way line North 11°47'00" East 984.20 feet to a point in recorded southern margin of Earl Road / N.C. Hwy. 26; thence along the recorded southern margin of Earl Road / N.C. Hwy. 26 South 48°17'00" East 705.87 feet to the point of beginning, containing an area of 6.91 acres, more or less.



SEALS:

PROJECT:

EARL ROAD
SHELBY, NORTH CAROLINA 28150
TOWNSHIP #6, CLEVELAND COUNTY

OWNER/DEVELOPER:

DRAWN BY: WD.J
DATE: FEBRUARY 13, 2016
REVISIONS:

SHEET TITLE:

FILE NO.: F:\WINNFELDFEAR_R\REZONING EXHIBIT
DRAWING SCALE: 1"=60'
PLAN SHEET NO.:

BROADSTONE PLACE

SHELBY, NC

2-28-2018



SITE INFORMATION:

SITE: 7.1 +/- ACRES
 DENSITY: 8.45 UNITS/ACRES
 BUILDINGS: (1) 1 STORY CLUBHOUSE
 (2) 3-STORY APARTMENT BUILDING
 SPRINKLERS: 13R
 PARKING SPACES: 120 SPACES PROVIDED @ 2 SPACES PER UNIT

UNIT INFORMATION:

Unit Type	Unit Heated Area	Unit Net Area	No. of Units	Heated Total	Net Total
1 BEDROOM "A1"	705	742	6	4,230	4,452
1 BEDROOM w/ DEN "A2"	967	1,015	3	2,901	3,045
2 BEDROOM "B1"	967	1,015	33	31,911	33,495
3 BEDROOM "C1"	1,124	1,177	18	20,232	21,186
Total			60	59,274	62,178

REQUIRED SITE AMENITIES:

- A. PLAYGROUND - (W/ MIN. 1 BENCH)
- B. MULTI-PURPOSE ROOM (MIN. 250 SQ. FT.)
- C. COVERED PICNIC AREA - (150 SQ.FT. W/ 2 TABLES & GRILL)

ADDITIONAL AMENITIES:

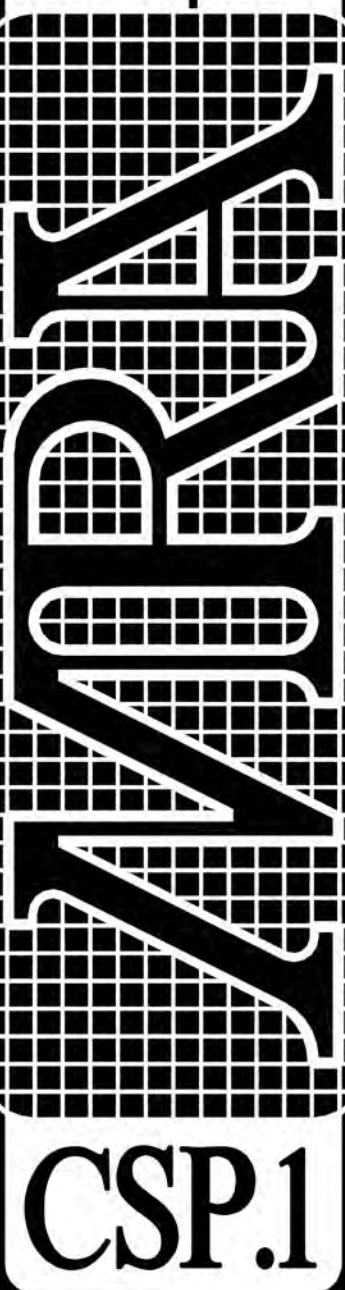
- D. OUTDOOR SITTING AREAS W/ BENCHES - (MIN. 3 LOCATIONS)
- E. EXERCISE ROOM - (W/ NEW EQUIPMENT)
- F. RESIDENT COMPUTER CENTER - (MIN. 2 COMPUTERS)



SCALE: 1:40

PROJECT	2018-003
DATE	2-28-2018
DRAWN BY / CHECKED BY	MRL

MARTIN RILEY ASSOCIATES - ARCHITECTS, P.C.
 215 CHURCH STREET SUITE 200 DECATUR GEORGIA 30030-3329 404-373-2800
 BROADSTONE PLACE
 SHELBY, NC



NOT RELEASED FOR CONSTRUCTION

Staff Report



To: City Council
From: Walter Scharer
Planning Director

Date: April 3, 2018
Meeting: April 16, 2018
File: #1084

OWNER: County Home Road Development, LLC

APPLICANT: Zimmerman Properties SE, LLC (Tab Bullard)

LOCATION: 600 Earl Road **PARCEL ID #:** 53518

PRESENT ZONING General Business **REQUESTED ZONING:** General Business (GB)

SURROUNDING ZONING: **North:** GB **South:** R20 & GB **East:** GB **West:** R20

UTILITIES: **Water:** Available **Sewer:** Yes **Floodplain:** No

ANALYSIS: The subject property currently is vacant and zoned General Business (GB).

The applicant is proposing a sixty (60) unit multi-family development comprised of a three (3) story, all inclusive, fully enclosed apartment building of one (1) and two (2) bedroom units. All communal space will be located within the building, except for a covered picnic area and outdoor seating areas along the internal walking paths.

The GB Business District is established as a district in which to accommodate a wide range of retail; business, professional, and personal services; office; and limited wholesale and warehousing uses. Areas zoned as GB are generally located on the fringe of the central business district and along major highway corridors. Residential uses are permitted at the same density and according to the same dimensional requirements as the R6 Residential District.

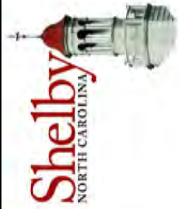
For multi-family developments located within the General Business (GB) District with 25 or more units, a Special Use Permit is required.

When considering a Special Use Permit application, City Council should use the process found in the attached document titled "City of Shelby Special Use Permit Approval Process."

STAFF COMMENTS:

- The requested permit is within the jurisdiction of the City of Shelby according to the UDO; and
- The application is complete; and
- If completed as proposed in the application, the proposed development will comply with all the requirements of the UDO.

- The Comprehensive Land Use Plan designates this property as Corridor Revitalization. Corridor Revitalization areas are portions of heavily traveled corridors that either, have a large presence of automobile oriented retail uses or declining uses that leave these areas as blighted or under-utilized. Land uses in such areas could include a mix of retail, office, and residential with higher intensity uses close to the intersection of major roads.
- The proposed Special Use Permit application is consistent with the Comprehensive Land Use Plan.
- City Council must now also consider the following standards when considering a Special Use Permit:
 1. If completed as proposed in the application, will the proposal not materially endanger the public health or safety; and
 2. If completed as proposed in the application, will the proposal not substantially injure the value of adjoining or abutting property; and
 3. If completed as proposed in the application, will the proposal be in harmony with the area in which it is to be located; and
 4. If completed as proposed in the application, will the proposal be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The Comprehensive Land Use Plan designates this property as a Corridor Revitalization Area.
- This proposed Special Use Permit application is consistent with the Comprehensive Land Use Plan.
- Please see the attached “City of Shelby Special Use Permit Approval Process.”



Earl Road Location Map

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meter)
Projection: Lambert Conformal Conic

US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend

56  Site Location

Date: 2/26/2018

Scale: 1 IN = 400 FT or 1:4,800 (GIS)

0 205 410

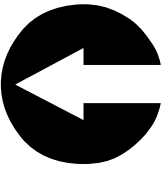
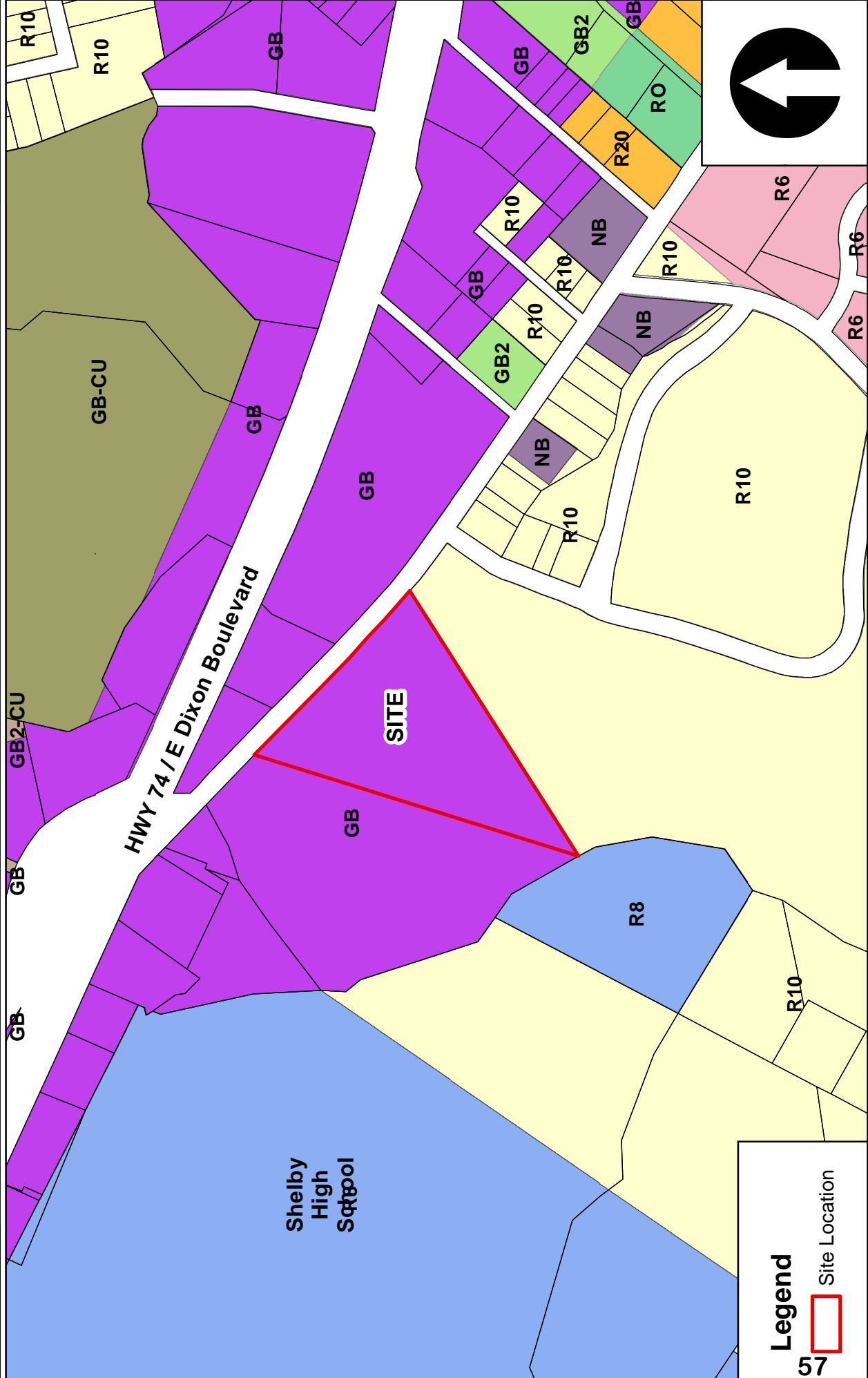
820 Feet




Earl Road Zoning Map

Map Information:
 Datum: NAD 1983
 Coordinate: State Plane
 North Carolina (Meter)
 Projection: Lambert Conformal Conic

US National Grid
 Grid Zone Designation (GZD): 17S
 100,000m Square ID: MV/MU



Legend

57  Site Location

Date: 2/26/2018

Scale: 1 IN = 400 FT or 1:4,800 (GIS)

0 205 410 820 Feet

City of Shelby Special Use Permit Approval Process

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- Planning Department review and recommendation.
- Public hearing held by the City Council; and
- City Council review and action.

Recommendations on Special Use Permit Applications

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- The City Council may, on a case-by-case basis, refer applications to the Planning and Zoning Board to obtain its recommendations.

Public Hearing Requirements and Procedures

- A public hearing is required in order for City Council to approve a Special Use Permit.
- The Planning Department will mail written notice of the public hearing to the owners of all properties involved in the permit request as well as the owners of all properties any portion of which is within 100 feet of the property involved in the permit request.
- The Planning Department will also post Zoning Hearing signs in the vicinity of the property involved in the permit request and take any other action deemed necessary to be useful or appropriate to give notice of the public hearing.
- At the conclusion of the public hearing, the City Council may proceed to vote on the permit request, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- City Council is not required to take final action on a permit request within any specific period of time, but it should proceed as expeditiously as practicable on permit requests since inordinate delays can result in the applicant incurring unnecessary costs.
- The City Council should approve the requested permit unless it concludes, based upon the information submitted at the hearing, that:
 - (1) The requested permit is not within its jurisdiction according to the Table of Permissible Uses; or
 - (2) The application is incomplete; or

- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this Ordinance; or
- (4) Will not materially endanger the public health or safety; and
- (5) Will not substantially injure the value of adjoining or abutting property; and
- (6) Will be in harmony with the area in which it is to be located; and
- (7) Will be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.

- The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements seven standards listed above remains at all times on the applicant.
- Even if City Council finds that the application complies with all other provisions of this Ordinance, it may still deny the permit if it concludes, **based upon the information submitted at the hearing**, the development, more probably than not:
 - (1) Will materially endanger the public health or safety; or
 - (2) Will substantially injure the value of adjoining or abutting property; or
 - (3) Will not be in harmony with the area in which it is to be located; or
 - (4) Will not be in general conformity with the Comprehensive Land Use Plan or other plans officially adopted by the City Council.
- The burden of persuasion on the issue of whether the application should be turned down for any of the reasons above rests on the party or parties urging that the requested permit should be denied.

City Council Voting Procedure on Special Use Permits

- Upon receipt of a recommendation from the Planning Department, City Council will review the Special Use Permit application and will hold a public hearing.
- Following the public hearing, the City Council may proceed to vote on the permit request, refer it to committee for further study.
- In considering whether to approve Special Use Permit application, City Council should proceed according to the following format:
 - (1) The City Council shall consider whether the application is complete. If no member moves that the application be found incomplete then this shall be taken as an affirmative finding by the City Council that the application is complete.
 - (2) The City Council shall consider whether the application complies with all of the applicable standards of the UDO. If a motion to approve fails or is not made then a motion should be made that the application be found not in compliance with one or more of the standards of the UDO. A motion to disapprove should specify the particular standard the application fails to meet. Separate votes may be taken with respect to each standard not met by the application.

- (3) If the City Council concludes that the application fails to comply with one or more standards of the UDO, the application shall be denied. If the City Council concludes that all such standards are met, it shall issue the permit unless it adopts a motion to deny the application. Such a motion shall propose specific findings, based upon the competent evidence submitted, justifying such a conclusion.

RESOLUTION NO. 19-2018

**A RESOLUTION GRANTING A SPECIAL USE PERMIT
TO KRP INVESTMENTS, LLC
600 EARL ROAD**

WHEREAS, the City of Shelby has received an application requesting a Special Use Permit for property located within the City or its area of Extraterritorial Jurisdiction; and,

WHEREAS, the Staff has reviewed said application for a special use zoning permit and has made its findings and recommendations to City Council; and

WHEREAS, Section 4-7.2 of the City of Shelby Unified Development Ordinance authorizes the establishment of “special use permit” as a means by which special conditions can be imposed on the use of property to assure compliance with the Unified Development Ordinance, promote the welfare of adjacent property owners and the protection of the general public interest; and

WHEREAS, in accordance with GS 160A-364, the City Council has considered a special use permit request by KRP Investments, LLC in a public hearing on this date following quasi-judicial hearing procedures as outlined in Section 4-7.2 of the City of Shelby Unified Development Ordinance; and

WHEREAS, after hearing all who wished to present testimony on this special use permit request and consideration of the facts presented in this cause, the Council made the Findings of Fact and Conclusions of Law which are stated on Attachment “A” which is incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. In accordance with Chapter 160A, Article 19 of the North Carolina General Statutes, as amended, the City of Shelby may approve a Special Use Zoning Permit according to the requirements of the Unified Development Ordinance (Appendix A of the Shelby City Code) at 600 Earl Road and lying within the City of Shelby in the General Business District (GB). Said area is more fully described as follows; PIN #s 20806.

Section 2. In accordance with Section 4-7.7 of the City of Shelby Unified Development Ordinance, a Special Use Zoning Permit is hereby granted to KRP Investments, LLC for construction of a multi-family development of more than 25 dwelling units with accessory uses.

The terms and conditions of such permit are stated in Attachment, "A" which is attached hereto and incorporated herein by this reference.

Section 3. The City Clerk of the City of Shelby is hereby authorized and directed to cause resolution and recording of this Special Use Zoning Permit with the Cleveland County Register of Deeds.

Section 4. This Special Use Zoning Permit shall become effective upon its adoption and approval.

ADOPTED AND APPROVED this the 16th day of April 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, MMC
City Clerk

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

ATTACHMENT "A"

Prepared by and return to the City of Shelby, PO Box 207 Shelby, North Carolina 28151

NORTH CAROLINA

FILE #: 1084

CLEVELAND COUNTY

**THE CITY OF SHELBY, NORTH CAROLINA
SPECIAL USE ZONING PERMIT**

On the date(s) listed below, the City Council of the City of Shelby met and held a public hearing to consider the following application:

Record Owner(s): KPR Investments, LLC (Davis Ray)

Property Location: 600 Earl Road

Tax Map, Block, and Lot#: 20806

Deed Reference: **BOOK** 1623, **PAGE** 1051 **Acreage:** 0.24 acres

Type and Intensity of Use: Multi-family development of 60 dwelling units.

Meeting Date(s): April 16, 2018

Approval Date: April 16, 2018

SECTION 1. FINDINGS: Having heard all of the evidence and arguments presented at the hearing, the City Council, at its regular meeting, finds and determines that the application is complete, and subject to the conditions imposed below, the following findings are made:

1. The owner of the property KRP Investments, LLC submitted the required application and site plan for special use permit; and
2. According to Article 9-3-1, multifamily dwellings of more than 25 units are permitted in the General Business (GB) Zoning District with a Special Use permit issued by City Council; and
3. The subject parcels lie within the City of Shelby fronting at 600 Earl Road in the GB District; and
4. Land Use in the surrounding area is a mixture of Commercial and Institutional uses; and
5. The Comprehensive Land Use Plan designates this area as a Corridor Revitalization Area and part of one of three Major Activity Centers; and
6. The petitioner has declared that the intended use of the property is for a multi-family complex of more than 25 dwelling units with customary accessory uses; and
7. Other than what is shown on the site plan, no other changes to the site are planned; and
8. To the best of staff's knowledge, no non-conformities currently exist on the property and none will be created by the requested special use permit; and

9. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan; and
10. The use will not substantially injure the value of adjoining or abutting property; and
11. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Comprehensive Land Use Plan.

SECTION 2. CONDITIONS: Now, therefore, the application to make use of the above-described property for the purpose indicated is hereby approved and granted, subject to all applicable provisions of the Unified Development Ordinance, Sections 3 and 4 of this permit, and the following special condition(s), which the City Council finds to be in the public interest:

1. The development of the tract shall proceed in conformity to all plans and design features submitted as part of the special use permit application and kept on file by the City of Shelby Planning Services Department; and
2. The development shall provide a paved greenway/sidewalk to the existing trail system at Holly Oak Park; and
3. Any utility relocations are the responsibility of the developer at the developer's expense.
4. A Transportation Impact Analysis (TIA) must be performed prior to site plan approval. The TIA will be based on a scope developed by the applicant, the City of Shelby, and NCDOT. Any recommended transportation improvements recommended by the TIA are the responsibility of the applicant.

SECTION 3. VESTED RIGHTS. Approval of this permit confers upon the property the right to develop with the type and intensity of use as herein described and as shown on the approved site plan in accordance with section 4-15 of the Unified Development Ordinance.

SECTION 4. SEVERABILITY AND RECORDATION. Invalidation of any one or more of the conditions set forth herein shall not adversely affect the balance of said conditions, which shall remain in full force and effect. This permit shall become null and void if not recorded in the office of the Register of Deeds, Cleveland County, North Carolina, on or before April 16, 2019.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

CERTIFICATE

I, Bernadette A. Parduski, the duly appointed, qualified, and City Clerk of the City of Shelby do hereby certify that the attached Extract from the Minutes of the Regular Meeting of the City Council of said City held on May 1, 2017 at 6:00 PM, is a true and correct copy of the original minutes of said meeting on file and of record in my office insofar as said original minutes relate to the matters in said attached extract. I further certify that the copy of the special use zoning permit appearing in said attached Extract is a true and correct copy of said permit adopted at said meeting and on file and of record in my office.

IN WITNESS THEREOF I have hereunto set my hand and official seal of the City of Shelby on this the 16th day of April, 2018.

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

(City Seal)

_____, appointed agent of the subject property, do hereby acknowledge receipt of this special use zoning permit and agree to the conditions stated within. I further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon me and my successors in interest and shall run with the land in perpetuity.

ATTEST:

KRP INVESTMENTS, LLC

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

E. Consent Agenda:

Prior to approval and adoption of the agenda, a Council Member may move an item from the Consent Agenda to the regular agenda. Items remaining on the Consent Agenda will be considered collectively through a single motion, second, and vote.

Agenda Item: E-1

- 1) Approval of the Minutes of the Regular Meeting of April 2, 2018

Consent Agenda Item: (Bernadette Parduski, City Clerk)

Summary of Available Information:

Please read and offer changes as you deem necessary.

- Minutes of the Regular Meeting of April 2, 2018

City Manager's Recommendation / Comments

Approve the minutes as presented or as amended by the Mayor and City Council via the Consent Agenda.

MINUTES

Regular Meeting
City Hall Council Chamber

April 2, 2018
Monday, 6:00 p.m.

Present: Mayor O. Stanhope Anthony III, presiding; Council Members David W. White, David Causby, Violet Arth Dukes, and Ben Kittrell, Jr.; City Manager Rick Howell, ICMA-CM, City Attorney Lacey Beam, City Clerk Bernadette A. Parduski, Director of Finance Justin S. Merritt, MPA, Police Chief Jeffrey H. (Jeff) Ledford, Fire Chief William P. Hunt, MPA, EFO, Director of Public Works Daniel C. (Danny) Darst, Jr., Director of Parks and Recreation Charlie Holtzclaw, and Director of Planning and Development Services Department Walter (Walt) Scharer, AICP

Absent: Council Members Eric B. Hendrick and Dicky Amaya

Mayor Anthony called the meeting to order at 6:00 p.m. and welcomed all who were in attendance. The Mayor gave the invocation and Mr. Kittrell led the *Pledge of Allegiance*.

A. Approval of agenda:

- 1) Motion to adopt the proposed agenda

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to approve the agenda as presented.

B. Special Presentations:

- 1) Presentation of Advanced Law Enforcement Certificate awarded to Shelby Police Detective Seth Michael Treadway

Mayor Anthony called upon Detective Seth Michael Treadway. He formally read and presented the Advanced Law Enforcement Certificate awarded by the North Carolina Criminal Justice Education and Training Standards Commission to Detective Treadway, adding his congratulations.

- 2) Presentation of Advanced Law Enforcement Certificate awarded to Shelby Police Detective Sherdala Cinquette Wimbush

Mayor Anthony called upon Detective Sherdala Cinquette Wimbush. He formally read and presented the Advanced Law Enforcement Certificate awarded by the North Carolina Criminal Justice Education and Training

Standards Commission to Detective Wimbush, adding his congratulations.

3) **Presentation of Advanced Law Enforcement Certificate awarded to Shelby Police Patrol Officer Phillip Ryan Laughridge**

Mayor Anthony called upon Officer Phillip Ryan Laughridge. He formally read and presented the Advanced Law Enforcement Certificate awarded by the North Carolina Criminal Justice Education and Training Standards Commission to Officer Laughridge, adding his congratulations.

Referring to a career milestone, the Mayor noted this Advanced Law Enforcement Certificate is the highest recognition awarded to a dedicated law enforcement officer by the State of North Carolina. It is earned based on a combination of education, professional training, and on-the-job experience as exemplified by these three law enforcement officers.

C. Consent Agenda:

ACTION TAKEN: Mayor Anthony presented the consent agenda. Mr. Causby made a motion to approve the consent agenda. The consent agenda and following items were unanimously approved:

- 1) Approval of the Minutes of the Regular Meeting of March 19, 2018
- 2) Approval of Special Event Permit Application:
 - a. June Bug Jam 5K Run and Walk, requested date: June 2, 2018
- 3) Adoption of an ordinance authorizing demolition of a dwelling: Ordinance No. 17-2018
- 4) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 14: Ordinance No. 18-2018

END CONSENT AGENDA

D. Unfinished Business: None

E. New Business: None

F. City Manager's Report:

- 1) With regard to Council's request for a report of un-sewered neighborhoods, Mr. Howell stated a preliminary report has been prepared

and is under review. He anticipates the report will be presented to Council within a month.

- 2) Mr. Howell announced the dedication and grand opening of the All Aboard Playground at City Park is tentatively scheduled for Thursday, April 12, 2018, at 4:00 p.m. The rain date is April 13, 2018.
- 3) In the upcoming fiscal year, Mr. Howell informed Council that staff will be preparing utility service plans in order to provide the most cost-effective City services along the US Highway 74 Bypass Interchanges at Highway 18, Highway 150, and Highway 226 in the future.
- 4) With regard to the East Gateway Improvements Project, the gateway sign at East Marion Street and East Dixon Boulevard is the last item for Council's consideration which will include the final design, a budget amendment, award of bid, and execution of a contract.

Mr. Howell noted the signs at City Pavilion have recently been installed.

- 5) Mr. Howell provided an update with regard to the Fallen Hero Memorial Park Project at Raper Roark Plaza to be funded by grant funding sources as well as additional funding streams. He will make a conceptual drawing available for Council's consideration in the near future.
- 6) Mr. Howell is preparing a resolution authorizing a partnership between the City of Shelby and Cleveland County for the construction of Shell Building No. 3 at the Foothills Commerce Center for Council's consideration in the near future.
- 7) Mr. Howell and Council discussed and confirmed the scheduling of budget sessions as follows:
 - April 20, 2018 at 4:00 p.m., City Hall Council Chamber
 - April 27, 2018 at 4:00 p.m., City Hall Council Chamber
- 8) Due to scheduling conflicts, Mr. Howell informed Council he continues to work with Cleveland County staff to set a joint meeting with the Cleveland County Commissioners possibly in May 2018.
- 9) Mr. Howell announced the City's insurance open enrollment meetings begin next week, April 9 through April 12, 2018, at various times throughout those days, in City Hall Council Chamber. The make-up date is April 18, 2018.

G. Council Announcements and Remarks:

1) Mayor Anthony made the following announcements:

- **The Keep Shelby Beautiful Commission and Uptown Shelby Association will sponsor a litter sweep on April 7, 2018 from 9:00 a.m. to 11:00 a.m. behind the City Pavilion**
- **The Keep Shelby Beautiful Commission will also sponsor a trail maintenance day and litter sweep on April 21, 2018 from 9:00 a.m. to 11:00 a.m. at 940 West Grover Street.**
- **The 2018 Don Gibson Singer Songwriter Symposium events will be held on April 6 and April 7, 2018 at the Don Gibson Theatre.**

H. Adjournment:

1) Motion to adjourn

ACTION TAKEN: Upon a motion made by Mr. White, City Council voted unanimously to adjourn the meeting at 6:14 p.m.

Respectfully submitted,

Bernadette A. Parduski, NCCMC, MMC
City Clerk

O. Stanhope Anthony III
Mayor

Minutes of April 2, 2018

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: E-2

- 2) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 15:
Ordinance No. 20-2018

**Consent Agenda Item: (Bryan Howell, Housing Director and Justin Merritt,
Finance Director)**

Summary of Available Information:

- Memorandum dated April 9, 2018 from Justin Merritt, Finance Director to Rick Howell, City Manager
- Copy of \$12,400.00 check
- Truck information
- Ordinance No. 20-2018

City Manager's Recommendation / Comments

Ordinance No. 20-2018 is presented for Council consideration via the Consent Agenda. If approved this ordinance would appropriate \$14,600 from the Housing Fund Balance (non city funds) for the purpose of replacing a city owned 2009 Ford F150 pickup truck that was involved in a traffic accident. The vehicle was totaled and the City has received a check in the amount of \$12,400 from the insurance company of the at fault driver. This vehicle is being purchased through a group purchasing contract (NC Sheriffs Association).

It is recommended that Ordinance No. 20-2018 be adopted and approved via the Consent Agenda.



To: Rick Howell, City Manager
From: Justin Merritt, Finance Director
Date: April 9, 2018
Subject: Department of Housing Vehicle Replacement

Background:

In February 2018 a Department of Housing maintenance truck, a 2009 Ford F-150, was involved in a traffic accident that resulted in the vehicle being damaged to the extent that repair was not feasible. The City employee was not found to be at fault, so our insurance carrier has subrogated the claim against the at-fault driver. The City has received \$12,400 in insurance proceeds for the damaged vehicle. The quote for a replacement truck is \$24,935.36, which is a base model F-150 XL including a lift gate, toolbox, side box, which is the same configuration as the damaged truck and we will also need to budget for NCDMV fees. The balance of funds needed, if approved, will be appropriated from Housing Fund Balance. The amount of that appropriation will be \$14,600. The total cost to replace the vehicle will be approximately \$27,000.

Recommendation:

The recommendation from staff is to approve the attached budget amendment.

Interlocal Risk Financing Fund of NC
IRFFNC
150 Fayetteville St
Suite 300
Raleigh, NC 27601

COPY

Date: 03/27/2018
Check #: 76340
Payment Amount: 12,400.00
Claim #: 3170087165



000010 R3K3S1A
CITY OF SHELBY
PO BOX 207
SHELBY NC 28151



Remittance Advice

Incident Date	Invoice #	Date of Service	Payment Amount
03/07/2018	2009 Ford F150, Vin #9496		0.00
Auto/commercial - afp-1Shelby, City offinal payment			

PLEASE DETACH BEFORE DEPOSITING CHECK

SHADED AREA MUST GRADUALLY CHANGE FROM BLUE AT TOP TO GREEN AT BOTTOM

Interlocal Risk Financing Fund of NC
IRFFNC
150 Fayetteville St
Suite 300
Raleigh, NC 27601

11-24/1210

Date: 03/27/2018
Check #: 76340

Pay Exactly **Twelve Thousand Four Hundred and 00/100 -US Dollars **

Amount
\$***12,400.00

TO THE ORDER OF
CITY OF SHELBY

VOID AFTER ONE YEAR

WELLS FARGO BANK, N.A.

Memo: final payment

[Signature]
Authorized Signer

73



Asheville Ford Lincoln
611 Brevard Rd., Asheville, North Carolina, 288062201
Office: 828-253-2731
Fax: 828-258-6012

Customer Proposal

Prepared for:

City of Shelby

Prepared by:

Jeffrey Williams
Office: 828-279-4933
Email: jwilliams@ashevilleford.com

Date: 03/31/2018

Vehicle: 2018 F-150 XL
4x2 Regular Cab Styleside 6.5' box 122"
WB

Quote ID: 0331201801





Asheville Ford Lincoln
 611 Brevard Rd., Asheville, North Carolina,
 288062201
 Office: 828-253-2731
 Fax: 828-258-6012

2018 F-150, Regular Cab Styleside
 4x2 Regular Cab Styleside 6.5' box 122" WB
 XL(F1C)
 Price Level: 815 Quote ID: 0331201801

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Selected Options

Code	Description
Base Vehicle	
F1C	Base Vehicle Price (F1C)
Packages	
100A	Equipment Group 100A Base <i>Includes:</i> - Engine: 3.3L V6 PDFI - Includes auto start-stop technology and flex-fuel capability. - Transmission: Electronic 6-Speed Automatic - Includes selectable drive modes: normal/tow-haul/sport. - 3.55 Axle Ratio - GVWR: 6,100 lbs Payload Package - Tires: P245/70R17 BSW A/S - Wheels: 17" Silver Steel - Cloth 40/20/40 Front Seat - Includes 2-way manual driver/passenger adjustment and armrest. - Radio: AM/FM Stereo w/4 Speakers - Includes auxiliary audio input jack (not available with SYNC).
Powertrain	
99B	Engine: 3.3L V6 PDFI <i>Includes auto start-stop technology and flex-fuel capability.</i>
446	Transmission: Electronic 6-Speed Automatic <i>Includes selectable drive modes: normal/tow-haul/sport.</i>
X19	3.55 Axle Ratio
STDGV	GVWR: 6,100 lbs Payload Package
Wheels & Tires	
STDTR	Tires: P245/70R17 BSW A/S
64C	Wheels: 17" Silver Steel
Seats & Seat Trim	
C	Cloth 40/20/40 Front Seat <i>Includes 2-way manual driver/passenger adjustment and armrest.</i>
Other Options	
122WB	122" Wheelbase
PAINT	Monotone Paint Application
STDRD	Radio: AM/FM Stereo w/4 Speakers <i>Includes auxiliary audio input jack (not available with SYNC).</i>
53B	Class IV Trailer Hitch Receiver Ordering the Trailer Tow Package does not include Integrated Brake Controller (67T). Integrated Brake Controller (67T) is a standalone option and must be ordered separately.

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Asheville Ford Lincoln
 611 Brevard Rd., Asheville, North Carolina,
 288062201
 Office: 828-253-2731
 Fax: 828-258-6012

2018 F-150, Regular Cab Styleside
 4x2 Regular Cab Styleside 6.5' box 122" WB
 XL(F1C)
 Price Level: 815 Quote ID: 0331201801

Selected Options (cont'd)

Code	Description
<i>Includes towing capability up to 5,000 lbs. on 3.3L V6 PFDI engine (99B) and 2.7L EcoBoost engine (99P) or up to 7,000 lbs. on 3.5L EcoBoost engine (99G) and 5.0L V8 engine (995), smart trailer tow connector and 4-pin/7-pin wiring harness.</i>	
Interior Colors	
CG_01	Dark Earth Gray
Primary Colors	
YZ_01	Oxford White
Upfit Options	
Tool Box	Single Lid Crossover Toolbox
LD 1300 39	LiftDogg Liftgate <i>Lift Gate with 1300 lbs capacity, 39" depth platform, and remote</i>
Side Box	Side Mount Pickup Toolbox

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Asheville Ford Lincoln
 611 Brevard Rd., Asheville, North Carolina,
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2018 F-150, Regular Cab Styleside
 4x2 Regular Cab Styleside 6.5' box 122" WB
 XL(F1C)
 Price Level: 815 Quote ID: 0331201801

Pricing - Single Vehicle

	MSRP
<i>Vehicle Pricing</i>	\$33,542.00
<i>Pre-Tax Adjustments</i>	
Code	Description
Fleet	Fleet Concession
	-\$5,600.00
DISCOUNT	DEALER DISCOUNT
	-\$3,006.64
<hr/>	
Total	\$24,935.36

 Customer Signature

 Acceptance Date

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Asheville Ford Lincoln
 611 Brevard Rd., Asheville, North Carolina, 288062201
 Office: 828-253-2731
 Fax: 828-258-6012

2018 F-150, Regular Cab Styleside
 4x2 Regular Cab Styleside 6.5' box 122" WB XL(F1C)
 Price Level: 815 Quote ID: 0331201801

Major Equipment

(Based on selected options, shown at right)

3.3L V-6 DOHC w/port/direct injection 290hp
 6 speed automatic w/OD

- * Auto stop-start feature
- * Brake assistance
- * Traction control
- * Battery with run down protection
- * Air conditioning
- * AM/FM stereo with seek-scan, auxiliary audio input
- * Dual manual mirrors
- * 17 x 7.5 steel wheels
- * Driver and front passenger seat mounted side airbags
- * SecuriLock immobilizer
- * Reclining front split-bench seats
- * Class IV hitch
- * Rear axle capacity: 4800 lbs.
- * Rear spring rating: 3350 lbs.
- * Frame Yield Strength 49300 psi

Exterior:Oxford White
 Interior:Dark Earth Gray

- * 4-wheel ABS
- * Electric parking brake
- * P 245/70R17 BSW AS S-rated tires
- * Advance Trac w/Roll Stability Control
- * Tinted glass
- * Daytime running
- * Variable intermittent wipers
- * Dual front airbags
- * Airbag occupancy sensor
- * Tachometer
- * Steering-wheel mounted audio controls
- * Front axle capacity: 3750 lbs.
- * Front spring rating: 3000 lbs.
- * Frame section modulus: 5 cu.in.



City
20 mpg

Hwy
25 mpg

Fuel Economy

Selected Options

- STANDARD VEHICLE PRICE\$27,380.00
- Equipment Group 100A BaseN/C
- 122" WheelbaseSTD
- Monotone Paint ApplicationSTD
- Oxford WhiteN/C
- Dark Earth GrayN/C
- Engine: 3.3L V6 PDFIIncluded
- Transmission: Electronic 6-Speed AutomaticIncluded
- 3.55 Axle RatioIncluded
- GVMR: 6,100 lbs Payload PackageIncluded
- Tires: P245/70R17 BSW A/SIncluded
- Wheels: 17" Silver SteelIncluded
- Cloth 40/20/40 Front SeatIncluded
- Radio: AM/FM Stereo w/4 SpeakersIncluded
- Class IV Trailer Hitch Receiver\$95.00

SUBTOTAL\$27,475.00

Destination Charge \$1,295.00

TOTAL\$28,770.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

ORDINANCE NO. 20-2018

CITY OF SHELBY
FISCAL YEAR (FY) 2017-2018 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2017-2018; and,

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. Ordinance No. 41-2017, the City's FY 2017-2018 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 15 for the year:

(A) The City of Shelby Department of Housing has identified a need to replace a maintenance vehicle, due to the existing vehicle being damaged beyond repair in a traffic accident. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following Housing Fund line items are amended:

(a) Increase 34006000-38950	\$12,400
Other Income	
Increase 34006000-39900	\$14,600
Fund Balance Appropriated	
(b) Increase 340530-54000	\$27,000
Capital Outlay -Vehicles	

Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 15</u>
General Fund	\$ 23,091,947	\$ 23,091,947
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	654,750	654,750
Economic Dev. Fund	1,251,383	1,251,383
Housing Fund	1,641,409	1,668,409
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,175,797	5,175,797
Utilities-Sewer Fund	5,461,315	5,461,315
Utilities-Electric Fund	21,894,427	21,894,427
Utilities-Gas Fund	17,151,911	17,151,911
Utilities – Stormwater Fund	962,000	962,000
FY 2017-2018 Budget Total:	<u>\$ 77,421,939</u>	<u>\$ 77,448,939</u>

Ordinance No. 20-2018
April 16, 2018
Page 2

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

Section 4. This ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of April 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: E-3

- 3) Adoption of Fiscal Year (FY) 2017-2018 Budget Ordinance Amendment No. 16:
Ordinance No. 21-2018

**Consent Agenda Item: (Bryan Howell, Housing Director and Justin Merritt,
Finance Director)**

Summary of Available Information:

- Memorandum dated April 9, 2018 from Justin Merritt, Finance Director to Rick Howell, City Manager
- Ordinance No. 21-2018

City Manager's Recommendation / Comments

Ordinance No. 21-2018 is presented for Council consideration via the Consent Agenda. If approved this ordinance would appropriate \$207,000 from the Housing Fund Balance capital reserve (non city funds) for the purpose of repairing the storm drainage system at two Housing Department locations. The damages to these systems were identified by city staff upon routine inspection after a heavy rainfall. This funding is set aside specifically for capital projects within the Housing Fund.

It is recommended that Ordinance No. 21-2018 be adopted and approved via the Consent Agenda.



To: Rick Howell, City Manager
From: Justin Merritt, Finance Director
Date: April 9, 2018
Subject: Department of Housing Stormwater Conveyance System Repairs

Background:

The City of Shelby Department of Housing, in concert with the City's Stormwater Department, have examined issues related to the stormwater conveyance systems at the Logan Street and Grover Street housing locations. It is being recommended that these systems be repaired immediately in order to avoid further damage to the grounds. If approved, the funding for the projects will be appropriated from Department of Housing Fund Balance, in the amount of \$207,000.

Recommendation:

The recommendation from staff is to approve the attached budget amendment.



**DEPARTMENT OF HOUSING
STORMWATER CONVEYANCE SYSTEM
REPAIRS SUMMARY**

Pipe #1

This pipe is located within City right-of-way. This pipe is in good condition. Only one fracture was noted.

Pipe #2

Approximately the first 48ft. is located on housing property, the rest of pipe lies on private property. A few minor fractures were noted on housing property. The pipe transitions to newer corrugated metal pipe on private property. This pipe is in good condition.

Pipe #3

This pipe is in good condition. A few minor cracks and fractures were noted during the survey.

Pipe #4

This pipe could not be accessed due to a stuck grate. We attempted to lift the grate with a backhoe, but stopped because the frame started to come up along with the grate, which would cause damage to the surrounding area.

Pipe #5

This pipe could not be accessed due to a stuck grate. We attempted to lift the grate with a backhoe, but stopped because the frame started to come up along with the grate, which would cause damage to the surrounding area.

Pipe #6

This pipe is in excellent condition. An angular joint was noted, but it doesn't seem to be causing any issues.

Pipe #7

This pipe could not be accessed due to a stuck grate. We attempted to lift the grate with a backhoe, but stopped because the frame started to come up along with the grate, which would cause damage to the surrounding area.

Pipe #8

This pipe could not be accessed due to a stuck grate. We attempted to lift the grate with a backhoe, but stopped because the frame started to come up along with the grate, which would cause damage to the surrounding area.

Pipe #9

This pipe is in good condition. A separated joint was noted, but looks to have been repaired with bricks. There is rusting occurring in the invert of the pipe.

Pipe #10

This pipe is in good condition. An offset joint was noted. Rusting is occurring but doesn't appear to be causing any structural issues at this time.

Pipe #11

This pipe had to be surveyed from both directions due to a large root through the pipe from the large oak tree along the road. A few cracks were found in the pipe, but this pipe's main issue is the roots, especially the large one blocking about 60% of the pipe. Ideally the tree needs to be removed, but at a minimum the pipe should be replaced. The root is too large to remove with jetting or rodding.

Pipe #12

This pipe is located within the City right-of-way. Due to the large holes in the bottom of the pipe, this pipe should be replaced soon. The Engineering Department will coordinate this.

Pipe #13

This pipe couldn't be inspected due to a stuck grate.

Pipe #14

The pipe is in good condition. Minor cracks and one broken section were found during the inspection, but no major structural issues were noted.

Pipe #15

The pipe is in poor condition. Pipe is severely rusted and has large holes in the bottom. A separated joint that was patched with bricks is causing a small sinkhole in the parking lot. Pipe should be replaced soon.

Pipe #16

The pipe is in good condition. It is unknown where the pipe goes. Survey was abandoned due to plastic bottles in the pipe. Pipe was jetted numerous times to try to camera the entire pipe and dozens of plastic bottles were removed, but we were still unable to video the entire pipe.

Pipe #17

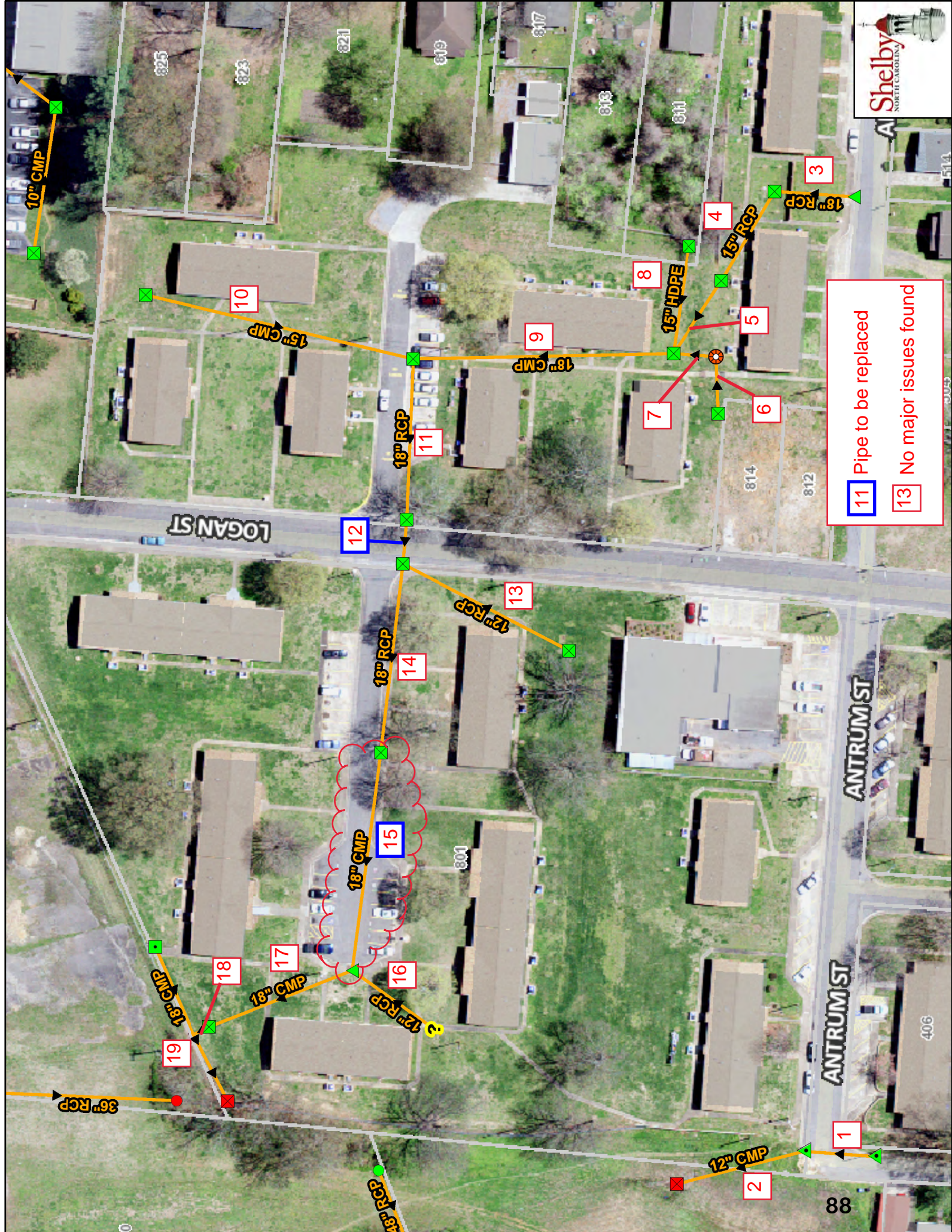
This pipe is in fair condition. A hole was noted in the side of the pipe. The pipe is rusted and is holding water. Monitor the pipe condition and repair at a later date.

Pipe #18

The pipe is in good condition. One minor separated joint was found during the inspection.

Pipe #19

This pipe is in good condition. The camera was unable to make it to the end of the pipe due to sediment. Rip Rap needs to be placed at the discharge to stabilize the soil.



11 Pipe to be replaced
13 No major issues found

Pipe #1

This pipe is in good condition. One small area of surface spalling was noted in the survey, but this is not causing any issues.

Pipe #2

This pipe section could not be surveyed the entire length due to the bottom being rusted out. The survey started at the downstream catch basin and several holes were encountered where soil was visible. At approximately 61 feet into the survey, a large hole and void were encountered where the bottom of the pipe was rusted out and soil had washed away. This pipe should be replaced.

Pipe #3

The bottom of this pipe is rusted and several holes have formed. Larger holes and a void were encountered on the downstream end of the pipe. This pipe should be replaced.

Pipe #4

This pipe section could not be surveyed the entire length due to the bottom being rusted out. The survey started at the downstream catch basin and several holes were encountered where soil was visible. At approximately 68.5 feet into the survey, a large hole and void were encountered where the bottom of the pipe was rusted out and soil had washed away. This pipe should be replaced.

Pipe #5

This is the pipe section causing the sinkhole. We were not able to camera the line from either direction. Manhole inspections revealed that the bottom of the pipe has rusted out and bare soil is exposed. Water is infiltrating from around the pipe causing the sinkhole. This pipe should be replaced.

Pipe #6

This pipe is in good condition. It is concrete and two small cracks were noted in the survey. The pipe is undersized for the drainage coming into it. The pipe coming into the upstream catch basin is a 24" pipe and this pipe is a 15" pipe. It is recommended that this pipe be replaced with the others with a 24" pipe (the final discharge pipe (Pipe #1) is a 24" pipe so without replacing it as well, there is no reason to go any larger).

Pipe #7

The invert of the pipe is rusted but hasn't formed holes yet. This pipe can be replaced at a later date.

Pipe #8

This pipe is in good condition. There is no need to replace it.

Pipe #9

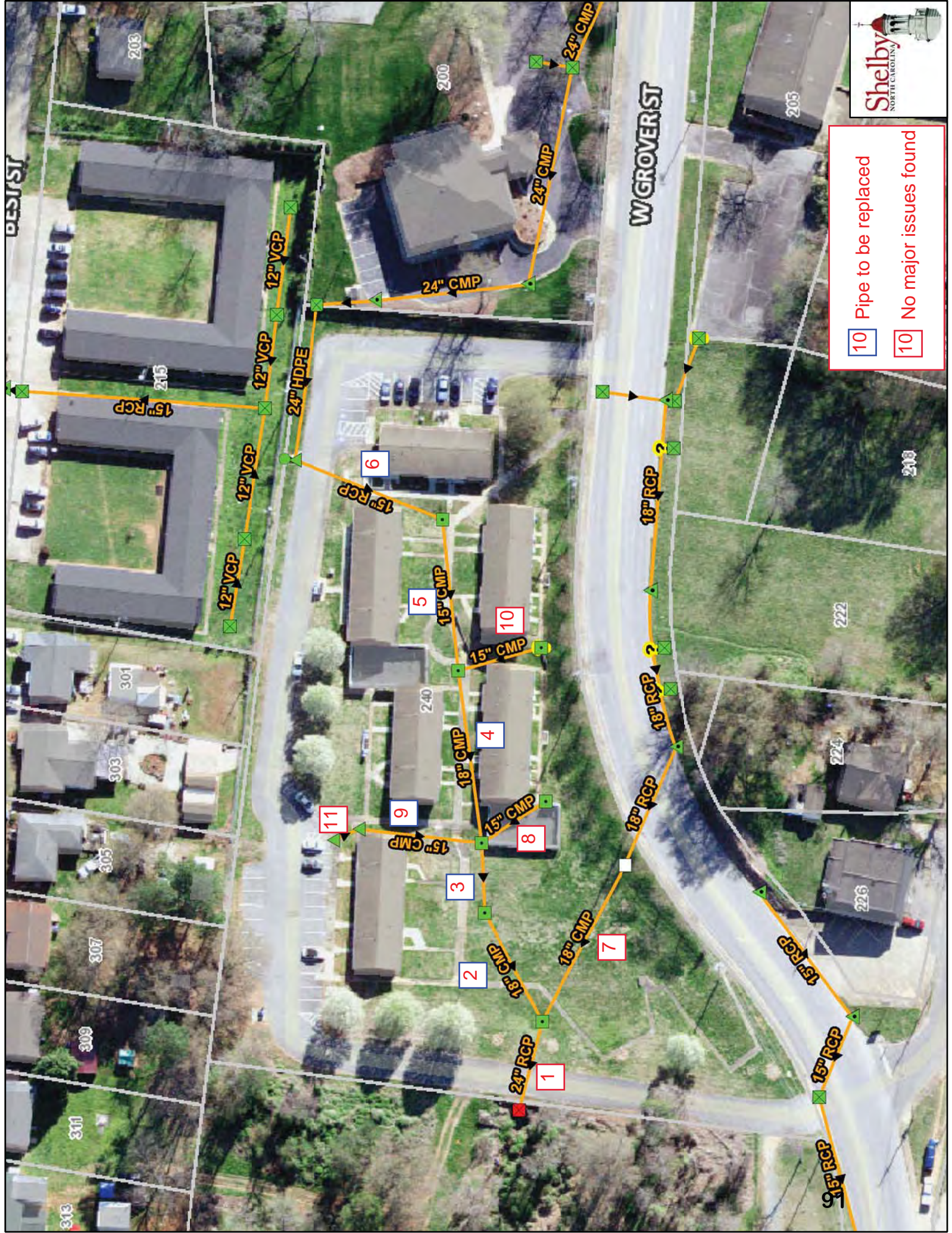
The bottom of this pipe is rusted and several holes have formed. Larger holes and a void were encountered on the downstream end of the pipe. This pipe should be replaced.

Pipe #10

The invert of the pipe is rusted but hasn't formed holes yet. This pipe can be replaced at a later date.

Pipe #11

This pipe is in good condition. There is no need to replace it.



10	Pipe to be replaced
10	No major issues found

Map labels include street names: WEST ST, W GROVER ST, and house numbers: 200, 203, 205, 213, 215, 222, 224, 226, 240, 301, 303, 305, 307, 309, 311, 313.

ORDINANCE NO. 21-2018

CITY OF SHELBY
FISCAL YEAR (FY) 2017-2018 BUDGET ORDINANCE AMENDMENT

WHEREAS, in accordance with applicable provisions of the North Carolina Budget and Fiscal Control Act, the City of Shelby finds it advisable and necessary to revise and amend its annual budget for FY 2017-2018; and,

WHEREAS, the City Manager (Budget Officer) has recommended certain amendments to the budget which the governing body finds acceptable; and,

WHEREAS, City Council now desires to act on the recommended budget amendments and approve same for implementation and compliance with the Fiscal Control Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. Ordinance No. 41-2017, the City’s FY 2017-2018 Budget Ordinance, is hereby amended as follows to provide for Budget Amendment No. 16 for the year:

(A) The City of Shelby Department of Housing has identified a need to replace certain storm water conveyance systems due to deterioration over time. Accordingly, the following budget modifications are approved in accordance with the chart of accounts heretofore established for the City of Shelby.

(1) The following Housing Fund line items are amended:

- (a) Increase 34006000-39900 Fund Balance Appropriated \$207,000
- (b) Increase 340530-59000 Capital Outlay -Other \$207,000

Section 2. That the revenues, expenditures and amendments set forth in Section 1 of this ordinance are hereby summarized as follows:

	<u>Current Budget</u>	<u>Amendment No. 16</u>
General Fund	\$ 23,091,947	\$ 23,091,947
Emergency Telephone System Fund	107,000	107,000
Powell Bill Fund	654,750	654,750
Economic Dev. Fund	1,251,383	1,251,383
Housing Fund	1,668,409	1,875,409
Cemetery Fund	30,000	30,000
Utilities-Water Fund	5,175,797	5,175,797
Utilities-Sewer Fund	5,461,315	5,461,315
Utilities-Electric Fund	21,894,427	21,894,427
Utilities-Gas Fund	17,151,911	17,151,911
Utilities – Stormwater Fund	962,000	962,000
FY 2017-2018 Budget Total:	<u>\$ 77,448,939</u>	<u>\$ 77,655,939</u>

Section 3. Copies of this Budget Ordinance Amendment shall be furnished to the City Manager as Budget Officer and to the Finance Director to be kept on file by them for their direction in the collection and disbursement of funds. Said officials are hereby authorized to receive and expend funds as herein set forth in accordance with the Shelby City Code, the General Statutes of North Carolina, and the provisions of the original budget ordinance; inclusive of GS 159-28 governing budgetary accounting of appropriations.

Section 4. This ordinance shall become effective upon its adoption and approval.

Adopted and approved this the 16th day of April 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: E-4

- 4) Adoption of an ordinance authorizing the demolition of a dwelling: Ordinance No. 22-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 2, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Photo of property
- Location Map – 716 Earl Road
- Tax Card for 2018
- Ordinance No. 22-2018

City Manager's Recommendation / Comments

Please note that the Building Inspector has duly conducted enforcement of the minimum housing code in accordance with the NC General Statutes and City Code. I do want to emphasize that it is the common practice of the City to err on the side of the property owner in most all cases giving them the benefit of the doubt when action is initiated. A thorough and fair due process is followed in all cases. Demolition of these homes is always the last resort after efforts to persuade a property owner to make these minimum standards have failed. As you all know once this ordinance is passed the City is empowered to enter onto the property to demolish the building. All associated demolition costs and administrative costs are then filed by the City Attorney as a lien against the property. This lien is normally only satisfied to the City's benefit upon the sale of the property.

Excerpt from Strategic Growth Plan

4. Community Appearance & Image

POLICY 4.4: Vacant and abandoned sites and buildings shall be properly cared for or removed, thereby preventing a blighting impact on the area in which they are located.

Action 4.4.1: Examine and implement standards for maintaining undeveloped or vacant lots and for repairing or removing abandoned structures and sites.

It is my recommendation Ordinance No. 22-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning & Development Director
Date: April 2, 2018
Subject: **Demolition of Structure at 716 Earl Road.**

Executive Summary of issue – Background

The dwelling associated with this proposed demolition action is in a dilapidated condition and should be removed for the safety of the citizens of Shelby. Initial complaints came from residents, the Shelby Police Department and City Code Enforcement. The property owner has been given due process and has failed to comply with the City’s Minimum Housing Code.

Review and Comments

Due to dilapidation this dwelling is unfit for human habitation and has the potential of increasing the hazards of fire, accident, and other calamities; it is dangerous and detrimental to the health, safety, and welfare of the citizens of the City of Shelby. The estimated cost of demolition and removal is \$6,000.00. Budgeted minimum housing funds will be used for this demotion.

Removal of this structure is in compliance with the City of Shelby Minimum Housing Code pursuant to N.C.G.S. 160A-441.

Removal of this structure is supported by the following Strategic Growth Plan Policy:

POLICY 9.2: Consistent, reliable enforcement of well written housing and nuisance abatement codes shall be employed to eliminate instances of unlawful activity and urban blight within the planning area of Shelby.

Recommendation

Please place this item on the consent agenda for the next City Council meeting on April 16, 2018. Staff recommends this minimum housing action.

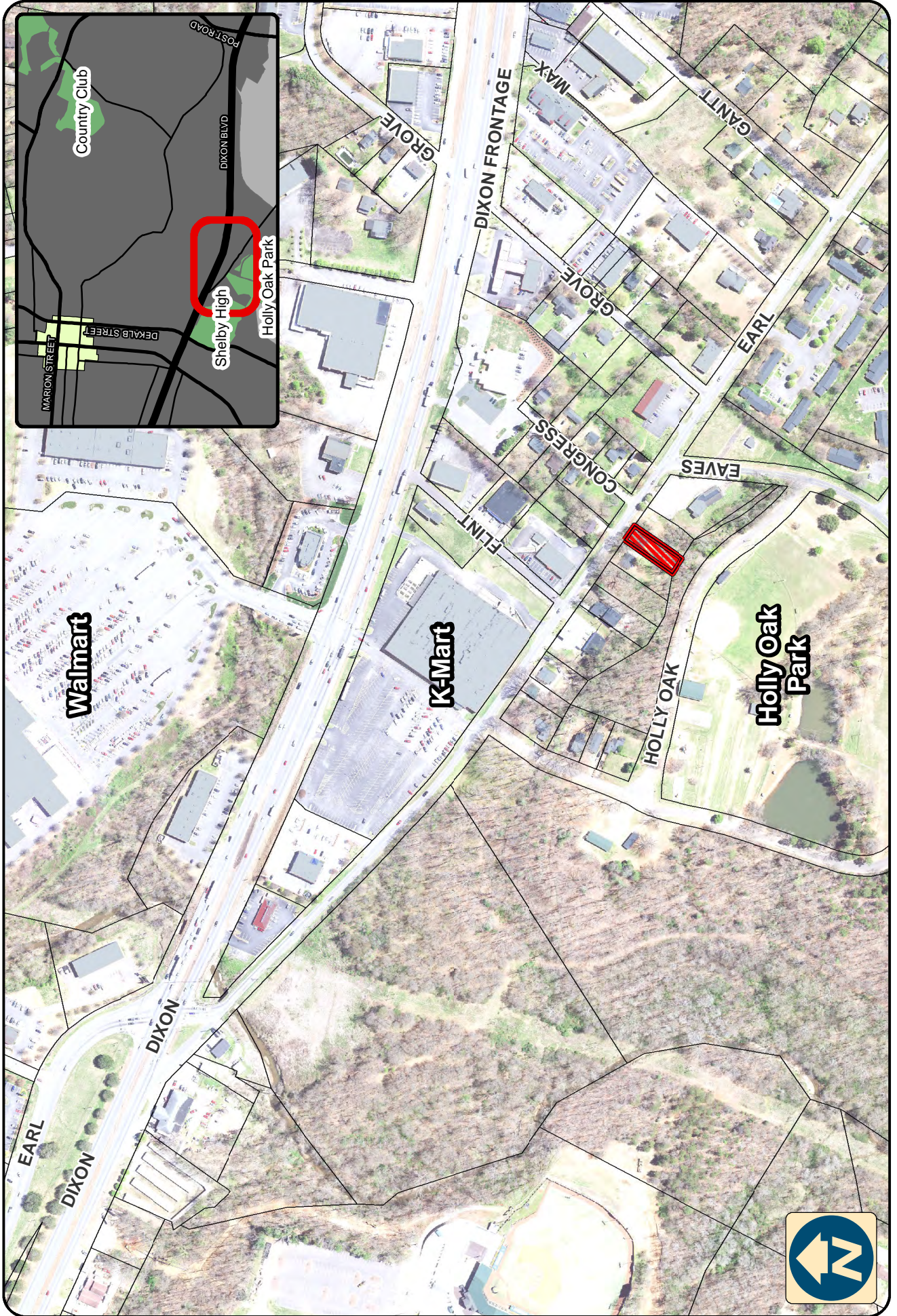
Attachments: Photo of Structure, Location Map, Tax Card and Ordinance





Location Map 716 Earl Road

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meier)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Date: 3/29/2018

750
Feet

187.5 375

0 1 inch = 375 feet

Scale 1:4,500

USER ALAN

FOR YEAR 2018

FRONEBERGER DELIA HEIRS

PARCEL ID.. 20891
 LOCATION... 716 EARL RD
 DEED YEAR/BOOK/PAGE.. 1951 6U 323
 PLAT BOOK/PAGE..
 LEGAL DESC:716 EARL RD

PIN... S52 6 11
 SHELBY
 ASSESSMENT RECY
 OWNER ID.. 7537101
 DISTRICT.. 6 CITY OF SHELBY

716 EARL RD

TOWNSHIP... 6 SHELBY
 NC 28150-

NEIGHBORHOOD... 211 S50 S52 06
 RESIDENTIAL

SHELBY
 DESCRIPTION

MAINTAINED.. 5/17/2017 BY MAYES VALUED.. 9/14/2016 BY MAYES

ROUTING#..
 CATEGORY.. Real & Personal

VISITED..... 9/16/1998 BY
 PARCEL STATUS... ACTIVE

SALES HISTORY						
DEED BK/PAGE	SALE DATE	SALES INSTRUMENT	DISQUALIFIED	SALE AMOUNT	STAMP AMOUNT	DEED NAME
6U 323	1/01/1953	SALE	QUALIFIED			

LAND SEGMENTS													
LND #	ZONE	STRAT CODE	LAND TYPE/CODE	LAND QTY	LAND RATE	DPT%	SHP%	LOC%	SI2%	OTH%	TOP%	TOT ADJ	CURRENT FMV
1		02	FF P	50.000	117.00	106.00	.00	100.00	.00	.00	.00	106.00	5,201
TOTAL ACRES..				168	.000	OTHER ADJ...		.00	.00	.00	.00	TOTAL LAND FMV..	6,201

IMPROVEMENT # 1 MAJOR IMPR-M

MAIN FIN AREA.. 750.00 ACT/EFF YR/AGE.. 1957 1980 36 VISITED.. BY
 STRAT..... 02 DESCRIPT.... SINGLE FAMILY DWELLING-WF MAINTAINED.. 5/17/2017 BY MAYES
 MAIN PERIM..... 110.00 MAIN GROUND SF.... 750.00
 LOCATION #..... EARL RD

COMPONENT	TYPE/CODE/DESC	PCT	UNITS	RATE	STR#	STR%	SI2%	HGT%	PER%	CDS%	COST	%CMPL
AC 06	COVERED PORCH	100	24.00	13.19			143.00					452
AC 06	COVERED PORCH	100	20.00	13.19			145.00					382
MA 37W	SINGLE FAMILY DWELLI	100	750.00	62.11	1.00		105.00			100		48,911
EW 06	WOOD SIDING	100	110.00	.00								0
- FD 04	PERIMETER FOOTING	100	750.00	.00								0
- HC 05	FORCED HOT AIR	100	750.00	.00								0
- PL R	RES PLUMB-EXTRA FIXT	100	5.00	717.00								0
RCN... PCT COMPLETE 100 x 49,745 QUAL.. QG D3 D+ 85.00 x 42,283 DEPR.. D6 36 YEARS OLD 59.00 - 24,947 T												
--FMV... 17,336												

DATE 7/31/17
 TIME 7:35:16
 USER ALAN

CLEVELAND COUNTY
 PROPERTY CARD
 FOR YEAR 2018

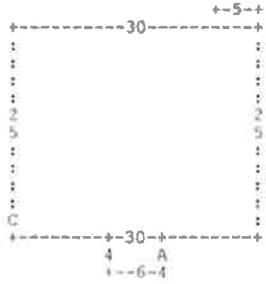
PAGE 2
 PROG# AS2006

FRONEBERGER DELIA HEIRS

PARCEL ID.. 20891

PIN... S52 6 11

IMPROVEMENT # 1 MAJOR IMPR-M



		AC 06 COVERED PORCH				TRAVERSE					
M R	18.00	D D	4.00	D L	6.00	D U	4.00	D R	6.00		
		AC 06 COVERED PORCH				TRAVERSE					
M U	25.00	M R	30.00	D U	4.00	D L	5.00	D D	4.00	D R	5.00
		MA 37W SINGLE FAMILY DWELLI FLOOR: 1.00				TRAVERSE					
D U	25.00	D R	30.00	D D	25.00	D L	30.00				

TOTAL PARCEL VALUES----	LAND / OVR	IMPROVEMENTS / OVR	TOTAL LAND/IMPROVE	2017 VALUE
FMV.....	6,201	17,336	23,537	23,537
APV.....	6,201	17,336	23,537	23,537

COMMENTS

ORDINANCE NO. 22-2018

AN ORDINANCE AUTHORIZING DEMOLITION OF A DWELLING

WHEREAS, pursuant to the provisions of Chapter 160A, Article 19, Part 6, of the North Carolina General Statutes, the single family dwelling located at 716 EARL RD, Shelby, North Carolina, has been inspected and found to be unfit for human habitation and to otherwise constitute a danger to persons and a threat to the health and welfare of the citizens within the City; and,

WHEREAS, according to the procedure provided by law, the owner(s) of said property, DELIA FRONEBERGER HEIRS, has or have been given notice of the aforesaid inspection, determination, and orders to bring said property into compliance with the housing standards of the City of Shelby by appropriate repair or removal of said dwelling; and,

WHEREAS, no action of any kind has been taken or initiated by the owner(s), or any party on behalf of said owner(s), to achieve compliance with said ordinances within the periods allowed by law; and,

WHEREAS, the said dwellings remain at this time unfit for human habitation, dilapidated, and a danger to the health and safety of the citizens of the City of Shelby, and should be removed by demolition in order to prevent and alleviate such continuing danger and dilapidated conditions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The dwellings on the property known as 716 EARL RD, Shelby, and described in the Cleveland County records as Tax Parcel No. 20891 be vacated and secured forthwith until such time all Minimum Housing Defects are abated, and a lien for the costs of such closure, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 2. The dwellings on the property known as 716 EARL RD, Shelby, and described in the Cleveland County records as Tax Parcel No. 20891 be demolished forthwith, the remnants thereof disposed, and a lien for the costs of such demolition and removal, less any credits due the owner(s), be filed against the property and collected pursuant to the provisions of North Carolina General Statutes § 160A-443, et seq.; and,

Section 3. Said lien bear interest until paid, as allowed in Article 10 of Chapter 160A of the N.C. General Statutes, at the rate of eight percent (8.0%) per annum.

Adopted and approved this 16th day of April 2018.

O. Stanhope Anthony, III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

APPROVED AS TO FORM:

Robert W. Yelton
City Attorney

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: E-5

- 5) Approval of a resolution supporting the City of Shelby's application for trail construction funds for the Carolina Thread Trail: Resolution No. 20-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 4, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Route Map
- Resolution No. 20-2018

City Manager's Recommendation / Comments

Resolution No. 20-2018 is presented for City Council consideration via the Consent Agenda. If approved this resolution would simply authorize staff to submit a grant application to the Carolina Thread Trail program for a grant in the amount of \$75,000 for the widening of the existing First Broad River Trail from the US Hwy 74 bridge to the current trail terminus. The construction would simply widen the existing 5' wide natural surface trail to 10' to accommodate increased trail traffic. There is no local cash match and any required match would be provided with "in kind" resources.

This entire trail segment from the Twin Trestle Trailhead parking lot to the current terminus has received an amazing amount of use. The widening is necessary to accommodate that foot traffic and will ultimately make the trail more useable for all.

It is my recommendation Resolution No. 20-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: April 4, 2018
Subject: Carolina Thread Trail Construction Grant

Executive Summary of issue – Background

The Carolina Thread Trail is a regional network of greenways and trails that will reach 15 counties and 2.3 million citizens. It will link people, places, cities, towns and attractions. The trail will also preserve natural areas and will be a place for exploration of nature, culture, science and history, for family adventures and celebrations of friendship that will give so much, to so many, for so long.

In June of 2016 the City of Shelby officially opened the First Broad River Trail as part the Carolina Thread Trail. Trail use has been greater than staff expected.

Review and Comments

The Carolina Thread Trail Master Plan for Cleveland County Communities establishes the City of Shelby as the central focal point of the plan. One of the initial priority routes is along the First Broad River, part of which will be within the corporate limits of Shelby and possibly have connection to City Park. This route will be approximately 11 miles in length. The total length of the Carolina Thread Trail greenway within Cleveland County is approximately 106 miles with an additional 86 miles of greenway as alternate routes. The plan’s goal is for 1.5 miles of trail to be developed each year in Cleveland County.

City of Shelby staff has recognized considerable amount of trail users since it’s inception. In the fall of 2016 the City widened the northern end of the First Broad River Trail to accommodate the number of users. Since that time usage has continued to increase and staff now feels it’s time to widen the southern end of the trail. The goal is to widen the trail from 5 feet to 10 feet. This trail will be constructed as a natural surface trail as it is today.

Staff continues to search for ways to continue the length of the trail. The West Grover Street multi-use path is nearing completion at which time the First Broad River Trail will be connected to Uptown Shelby.

The Carolina Thread Trail is consistent with the policies and recommendations found in the Parks and Recreation Master Plan, the Comprehensive Pedestrian Plan as well as the Comprehensive Land Use Plan.

The Carolina Thread Trail Governing Board has invited the City of Shelby to apply for construction funds to widen the southern section of the First Broad River Trail.

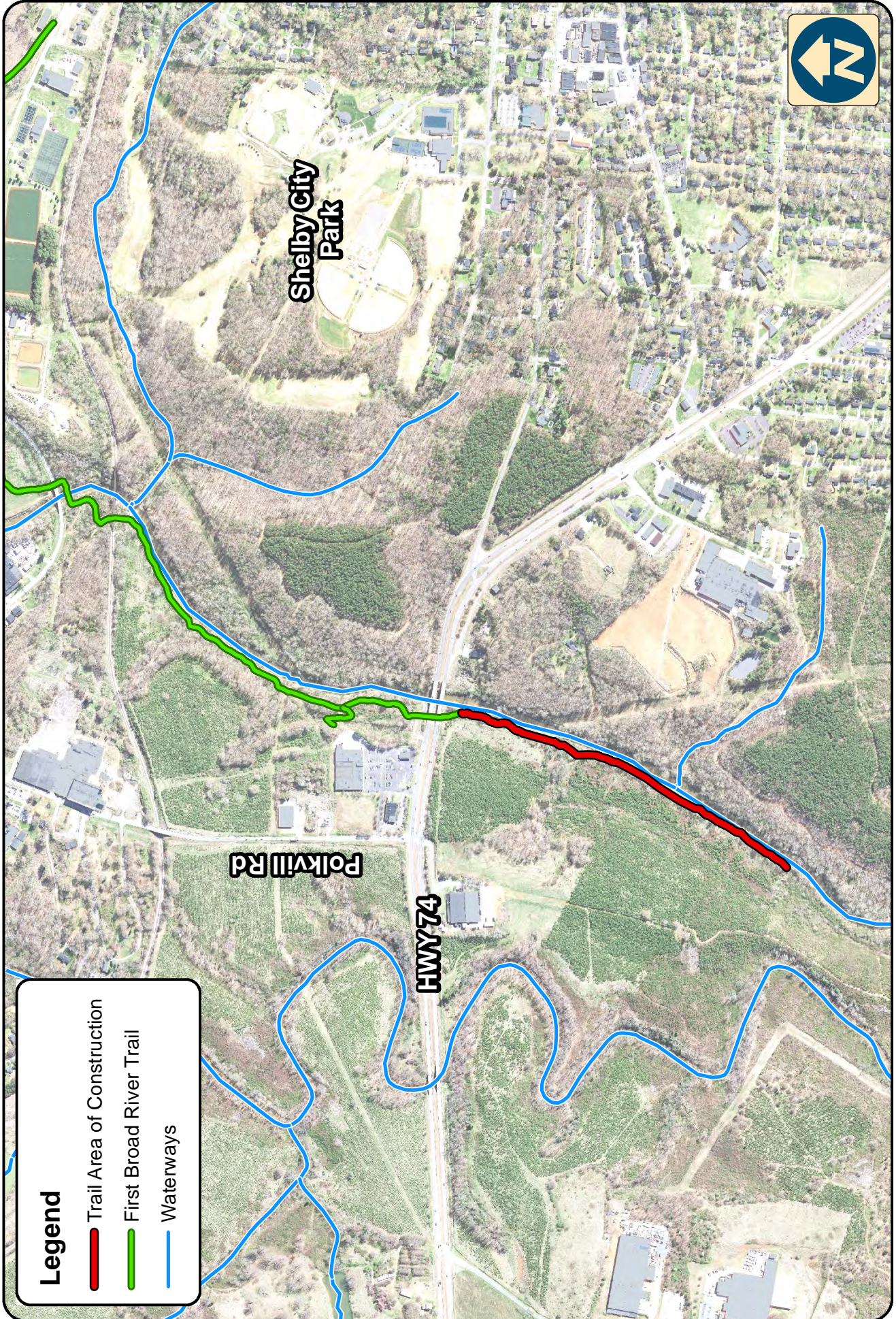
Please place this item on the consent agenda for the April 16, 2018 City Council work session. A match is not required for this grant. Staff recommends pursuing this grant opportunity.

Attachment: Route Map and Resolution






First Broad River Trail Carolina Thread Trail

Map Information:
Datum: NAD 1983
Coordinate: State Plane
North Carolina (Meier)
Projection: Lambert Conformal Conic
US National Grid
Grid Zone Designation (GZD): 17S
100,000m Square ID: MV/MU



Legend

-  Trail Area of Construction
-  First Broad River Trail
-  Waterways

Scale 1:12,000 1 inch = 1,000 feet 0 500 1,000 2,000 Feet

Date: 4/4/2018

RESOLUTION NO. 20-2018

A RESOLUTION SUPPORTING THE CITY OF SHELBY'S APPLICATION FOR TRAIL CONSTRUCTION FUNDS FOR THE CAROLINA THREAD TRAIL

WHEREAS, the Carolina Thread Trail's mission is to bring resources to the 15-county region in the south-central piedmont of North Carolina and the north-central portion of South Carolina in order to create an interconnected trail system with major regional trails designated as the Carolina Thread Trail; and,

WHEREAS, the Carolina Thread Trail Master Plan for Cleveland County Communities outlines a means for long-term coordination of greenway and trail development within the county, cities and towns in Cleveland County to help promote the preservation and improvement of residents' quality of life; and,

WHEREAS, the City of Shelby has adopted the **Carolina Thread Trail Master Plan for Cleveland County Communities**; and,

WHEREAS, the Master Plan outlined a priority route along the First Broad River that will ultimately connect City Park with the Broad River Greenway; and,

WHEREAS, the City of Shelby has established the First Broad River Trail along the First Broad River; and,

WHEREAS, funding requests may be for trail construction up to \$75,000; and,

WHEREAS, staff recognizes that trail improvements are needed at the southern section of the First Broad River Trail; and,

WHEREAS, it is the desire of the Shelby City Council to make application for said grant and to authorize same for submittal to the Carolina Thread Trail Governing Board.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The City's trail construction grant application to the Carolina Thread Trail Governing Board is hereby approved and authorized for submittal.

Section 2. The City Manager of the City of Shelby is hereby authorized and directed to execute and submit all applicable documents and make assurances as required by said grant program.

Adopted and approved this the 16th day of April 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: E-6

- 6) Approval of a resolution supporting the City of Shelby's application for North Carolina Department of Transportation (NCDOT) State Planning and Research Program Funds: Resolution No. 21-2018

Consent Agenda Item: (Staff Resource, Walter Scharer, Planning Director)

Summary of Available Information:

- Memorandum dated April 6, 2018 from Walter Scharer, Planning Director to Rick Howell, City Manager
- Resolution No. 21-2018

City Manager's Recommendation / Comments

Resolution No. 21-2018 is presented for City Council consideration via the Consent Agenda. If approved this resolution would simply authorize staff to submit a grant application to the NCDOT State Planning and Research Program for a grant in the amount up to \$64,000 for the Bicycle Plan and to update the existing Pedestrian Plan which was completed in 2007. The required local match is 20% of the total project cost.

It is my recommendation Resolution No. 21-2018 be adopted and approved by City Council at this time via the Consent Agenda.



Memorandum

To: Rick Howell - City Manager
From: Walter Scharer – Planning Director
Date: April 6, 2018
Subject: NCDOT State Planning and Research Funds

Executive Summary of issue – Background

Communities throughout North Carolina have begun to place more emphasis on providing facilities for biking. A desire for alternative modal choices, the demand for more bikeable communities and a focus on smart growth initiatives have combined to highlight the need for better, more complete bicycle transportation systems. Comprehensive planning documents are an integral part of developing these systems, and can guide both local and state efforts to improve conditions for bicycling and walking.

As part of the Gaston Lincoln Cleveland MPO, Shelby is eligible for State Planning and Research Program (SPR) funds. SPR funds planning and research activities across North Carolina. These funds are used to establish a cooperative, continuous, and comprehensive framework for making transportation investment decisions. Staff submitted a request to be considered for the SPR program to fund a Bicycle and Pedestrian Plan to compliment the planning efforts surrounding the future rail trail. MPO staff recently notified the City of Shelby SPR funds are now available.

Review and Comments

Since 2007 the City of Shelby has established bicycle lanes on several of its streets and provided space for bicycle lanes on several NCDOT maintained streets. The potential of the rail trail on the current Norfolk-Southern rail ROW provides an even greater opportunity to incorporate bicycle and pedestrian facilities into the transportation thread of the community.

The Strategic Growth Plan (2005) supports bicycle facility planning through the policy and action below:

POLICY 1.7: Pedestrian and bikeway facilities shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile. Designs for all future road construction and expansion within the city shall consider opportunities for the inclusion of bikeways and pedestrian ways within the project.

Action 1.7.1: Prepare a pedestrian and bicycle transportation plan, which inventories existing facilities and sets forth priorities for future improvements.

Both a Bicycle Plan and a Pedestrian Plan is also consistent with the policies and recommendations found in the Parks and Recreation Master Plan, the Comprehensive Pedestrian Plan as well as the Comprehensive Land Use Plan.

Staff recommends adoption of the resolution authorizing an application for NCDOT SPR Funds to complete a City Wide Bicycle Plan and to update the 2007 Pedestrian Plan.

Please place this item on the consent agenda for the April 16, 2018 City Council meeting.

Attachment: Resolution

RESOLUTION NO. 21-2018

A RESOLUTION SUPPORTING THE CITY OF SHELBY'S APPLICATION FOR
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)
STATE PLANNING AND RESEARCH PROGRAM FUNDS

WHEREAS, Policy 1.2 of The City of Shelby Strategic Growth Plan states: A system of local streets shall be designed and implemented that allows for convenient circulation within and between neighborhoods and encourages mobility by pedestrians and bicyclists; and,

WHEREAS, Action 1.2.1 of The City of Shelby Strategic Growth Plan states: Within transportation planning, local streets, sidewalks, bike paths, and walking trails should be considered in how they tie into neighborhoods; and,

WHEREAS, Policy 1.7 of The City of Shelby Strategic Growth Plan states: Pedestrian and bikeway facilities shall be encouraged as energy-efficient, healthful, and environmentally sound alternatives to the automobile. Designs for all future road construction and expansion within the city shall consider opportunities for the inclusion of bikeways and pedestrian ways within the project; and,

WHEREAS, Action 1.7.1 of The City of Shelby Strategic Growth Plan states: Prepare a pedestrian and bicycle transportation plan, which inventories existing facilities and sets forth priorities for future improvements; and,

WHEREAS, funding requests may be for up to \$64,000 with a recommended local match; and,

WHEREAS, the local match for the NCDOT State Planning and Research Program Fund is 20%; and,

WHEREAS, it is the desire of the Shelby City Council to make application for said program and to authorize same for submittal to the NCDOT.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHELBY, NORTH CAROLINA:

Section 1. The City's grant application to NCDOT for State Planning and Research Program funds is hereby approved and authorized for submittal.

Section 2. The City Manager of the City of Shelby is hereby authorized and directed to execute and submit all applicable documents and make assurances as required by said grant program.

Section 3. The City Manager of the City of Shelby is hereby authorized to match this State Planning and Research Program funds with up to 20% of the project cost.

Adopted and approved this the 16th day of April 2018.

O. Stanhope Anthony III
Mayor

ATTEST:

Bernadette A. Parduski, NC-CMC, IIMC-MMC
City Clerk

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: F

Unfinished Business

None

Agenda Item: G

New Business

None

City of Shelby
Agenda Item Summary
April 16, 2018
City Hall Council Chamber

Agenda Item: H

City Manager's Report

1. Uptown Water and Sewer Project
2. Hanna Park Project
3. Mark Drive Water, Sewer and Stormwater
4. Hanna Park – Official Naming

Agenda Item: I

Council Announcements and Remarks

J. Adjournment:

To adjourn a meeting of City Council, a majority of the Council members must vote for a motion to adjourn.

- 1) Motion to adjourn