



November 25, 2013
Council Work Session Meeting

Mayor Bryan Hough
Mayor Pro-Tem David Moore
Councilman Jerry Bishop
Councilwoman Carolyn Breyare
Councilman J. Jason Gowen
Councilman Jim Hope
Councilman Perry Toomey
Kemp Michael, City Attorney
Danny Jackson, City Manager

CITY OF MOUNT HOLLY
MOUNT HOLLY CITY COUNCIL WORK SESSION
Location: Council Chambers



November 25, 2013
6:30 P.M.

CALL TO ORDER BY THE MAYOR

INVOCATION

SET THE AGENDA

1. Public Hearing on petition to close streets or portions of streets as requested by Caromont Health, Inc. and related entities at the location of the proposed emergency complex to be constructed along highway 27 *Marie Anders*
2. Presentation of the Audit *Martin and Starnes*
3. Public Hearing, regarding a request made by the Arnold Companies, to rezone a 10.9-acre tract of land, located at 1000 Marina Village Drive, identified as Tailrace Marina, Tax Parcel ID # 207541 from Conditional District Multifamily/Commercial, approved on April 12, 2010, to Conditional District Multifamily/Commercial, based on a new development plan. *Greg Beal*
4. Public Hearing to amend Article 12 of the Zoning Ordinance, concerning the rules, regulations and decision-making powers of the Board of Adjustment, as required by Session Law 2013-126, effective October 1, 2013. *Greg Beal*
5. Public Hearing to amend Article 13 of the Zoning Ordinance, concerning the membership of the Planning Commission, which is proposed to be reflective of representation and therefore, composed of 8 members, who reside in the city limits, and one representative who resides in the ETJ. *Greg Beal*
6. Public Hearing to amend Section 5.18 Historic Overlay District, to establish a Historic District for Downtown Mount Holly, based on its placement on the National Register of Historic Places. *Greg Beal*
7. Public Hearing to amend Article 9 Signs of the Zoning Ordinance *Greg Beal*
8. Presentation of the 2014 Road Improvement Projects *Brian DuPont*
9. Discussion of the 2014 Council Retreat *Danny Jackson*
10. Closed Session (*pursuant to NCGS 143-318.11 (a) (5)*)
11. Adjourn

Michael, Lopez, & Anders, PLLC

*Attorneys at Law
124 W. Catawba Ave.
Mount Holly, NC 28120*

*Kemp A. Michael
Brooke E. Shepherd Lopez
Marie Michael Anders*
also licensed in South Carolina

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fax 704/827-2230
Email: office@mounthollylaw.com
www.mounthollylaw.com*

October 25, 2013

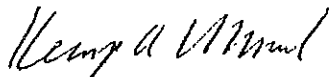
Caromont Health, Inc.
2525 Court Dr.
Gastonia, NC 28054

RE: Wilson Street closing, affecting your tax parcel #123388

Dear Caromont Health, Inc.,

I am writing to inform you that the City of Mount Holly is having a public hearing on November 25, 2013, at 6:30 PM in the Mount Holly Municipal Complex to consider closing the portion of Wilson Street between Charlotte Avenue (Highway 27) and Elm Street. Enclosed is a Resolution of Intent which the City Council passed on October 14, 2013. If the City Council orders the closing of this street segment after the public hearing, then pursuant to N.C.G.S. 160A-299(c), the property owners adjoining the closed portion of the street will gain title over the street to the centerline. If you have any comments about the possible closing of this street segment for the City Council to consider, then you may speak at the public hearing.

Yours very truly,



Kemp A. Michael
City Attorney
City of Mount Holly

MEMORANDUM

TO: City Manager, Mayor, and City Council of the City of Mount Holly

FROM: Marie Michael Anders, Office of Kemp A. Michael, City Attorney

SUBJECT: Caromont Street Closing Order

DATE: November 22, 2013

Attached is a proposed Street Closing Order pursuant to a petition by Caromont as part of its efforts to construct the new ER in Mount Holly. In early October, Caromont petitioned the City to close the following streets: 1) that portion of Wilson Street from Highway 27 to Elm Street, 2) that portion of Elm Street from the former Hill Street to Wilson Street, and 3) two small areas located within the former Hill Street. In response to this petition, the City Council passed a Resolution of Intent to close these streets on October 14, 2013. The Resolution provided that in accordance with N.C.G.S. 160A-299, a public hearing would be set for the council meeting on November 25, 2013, and the required notices would be advertised in the newspaper, posted along the streets, and mailed to adjoining property owners.

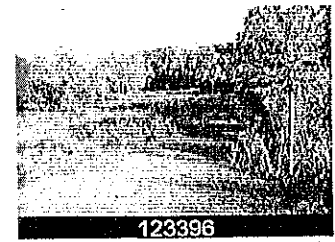
The required notices have been given and the next step is to hold a public hearing during the November 25, 2013, council meeting. This public hearing would allow any person the opportunity to be heard that feels the street closing would be detrimental to the public interest or the property rights of any individual. After the public hearing, if Council feels that closing the streets is not contrary to the public interest and that no individual owning property in the vicinity of the street would be deprived of reasonable means of access to his property, then Council may approve the Street Closing Order.

The portions of streets to be closed in the Street Closing Order are highlighted on the attached tax map. The streets that Caromont petitioned to be closed were never paved. Research showed that Hill Street was already closed in its entirety, and therefore the two small areas located within the former Hill Street in Caromont's petition do not need to be closed. These areas have been omitted from the Street Closing Order. Once a street is closed, the statute provides that the adjoining property owners become owners of the street to the centerline. Because Caromont now owns the property on either side of the streets, if they are closed Caromont will then own those portions of the streets that are closed. The City is reserving an easement for any utilities that are located within these streets. These streets, once closed, will join the property that Caromont has already acquired in this area to become the site of the new ER.

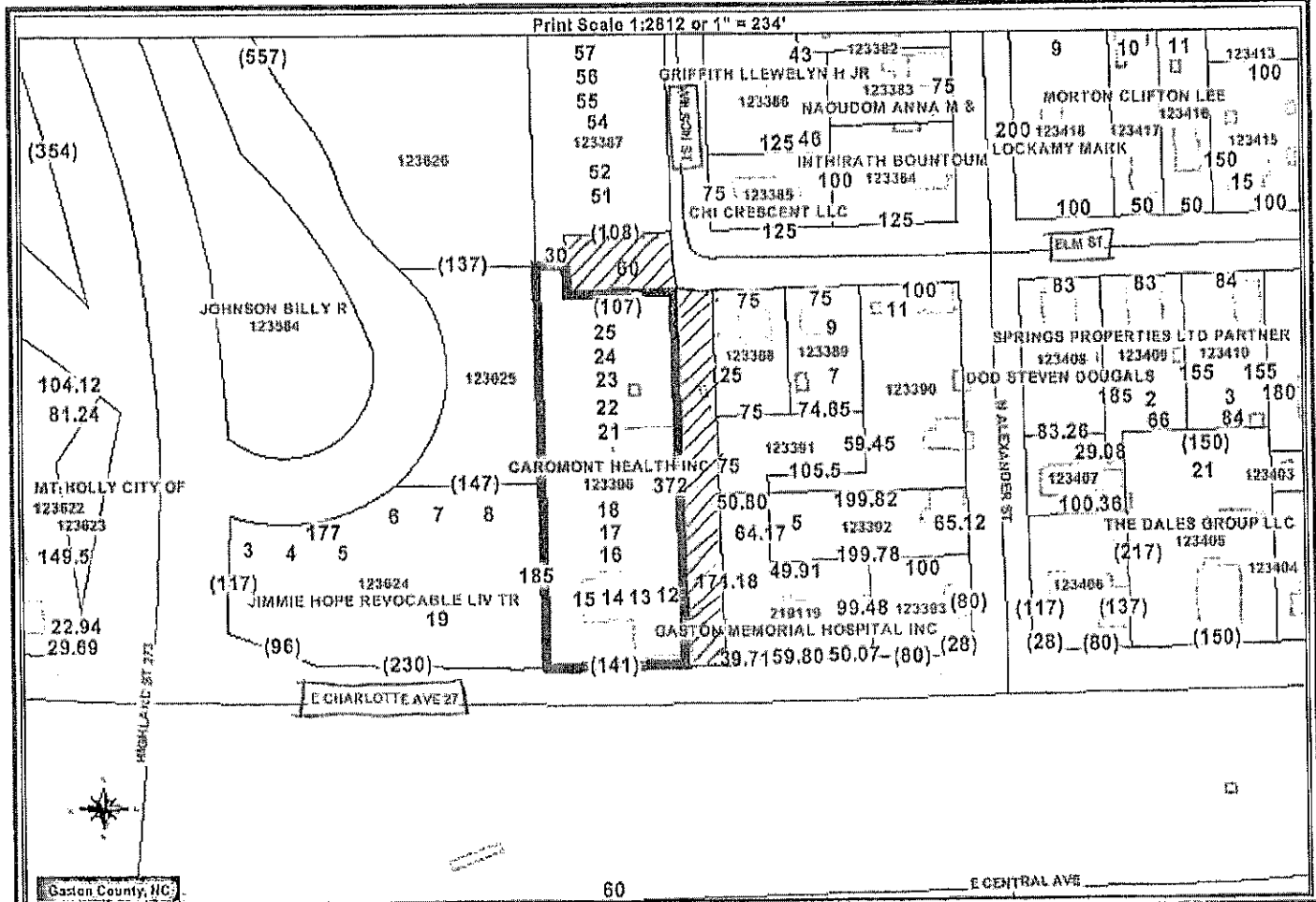


Gaston County, NC

Office of the Director of Revenue, GIS Division
 Disclaimer: The information provided is not to be considered as a Legal Document or Description. The Map and Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy.
 Values based on last general reappraisal - 2007
 Print Date: 11/22/13



123396



PARCEL INFORMATION

PID #: 123396
 PIN #: 4508090421
 NEIGH. HOOD #: MH005
 NEIGH. HOOD NAME: CLARIANT INDUSTRIAL

OWNER ID #: 1578162
 CURRENT OWNER 1: CAROMONT HEALTH INC
 CURRENT OWNER 2:
 MAILING ADDRESS 1: P O BOX 1747
 MAILING ADDRESS 2:
 CITY: GASTONIA

STATE: NC
 ZIP CODE: 28054-0000
 JAN1 OWNER 1: CAROMONT HEALTH INC
 JAN1 OWNER 2:

PROPERTY ADDRESS: 417 E CHARLOTTE AVE
 DEED BOOK: 4544
 DEED PAGE: 2389
 DEED TYPE: WD
 SALES AMOUNT: \$454,000
 DEED RECORDING DATE: 12/20/2010
 PLAT BOOK: 002
 PLAT PAGE: 047
 LEGAL DESC 1: S Q MCGRAW
 LEGAL DESC 2: BLK 26 L 12

STRUCTURE CODE #:
 STRUCTURE TYPE:
 YEAR BUILT: 0
 SQ FT: 0

BASEMENT: NO
 # BEDROOMS: 0
 # BATHS: 0
 MULTI-STRUCTURES: NO
 ACREAGE: 1.21

TAX DISTRICT: MOUNT HOLLY CITY
 TOWNSHIP CODE: 14
 TOWNSHIP DESC: RIVER BEND TOWNSHIP
 VOLUNTARY AG DIST: No

LAND VALUE: \$128,437
 IMPV. VALUE: \$0
 TOTAL VALUE: \$128,437
 PRESENT USE VALUE ASSESSMENT: NO

STREET CLOSING ORDER

A Resolution Ordering the Closing of those portions of certain public roads known as Elm Street (formerly Fourth Street) and Wilson Street, both located in Mount Holly, North Carolina, as hereinafter described.

WHEREAS, on the 14th day of October, 2013, the City Council of Mount Holly directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing certain streets in the City of Mount Holly in the Banner News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Mount Holly Municipal Complex on November 25, 2013; and

WHEREAS, the City Council on the 14th day of October, 2013, ordered the City Clerk to notify all person owning property adjoining said streets as shown on the county tax records by registered or certified mail of the proposed street closings by enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the City Council that she caused the appropriate advertisement to run in the Banner News and has sent a letter to each of said adjoining property owners advising them of the day, time, and place of the meeting, enclosing a copy of the Resolution of Intent, and advising said adjoining property owners that the question as to closing the portions of the public streets as shown would be acted upon, said letters having been sent by registered or certified mail; and

WHEREAS, the City Clerk has advised the City Council that adequate notices were posted on the applicable streets as required by G.S. 160A-299; 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 streets in the public hearing held on November 25, 2013, it now appears to the satisfaction of the City Council that the closing of the portion of said streets is not contrary to the public interest and that no individual owning property, either abutting the streets or in the vicinity of said streets or in the subdivision in which said streets are located, will as a result of said closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE, subject to the reservation of a 15 feet easement to the City of Mount Holly for any existing utilities as may exist (the center of said 15 feet being the center of any utility installation), those portions of those certain streets described below are hereby ordered closed, and all right, title, and interest that may be vested in the public to said areas for street purposes are hereby released and quitclaimed to the adjoining property owners in accordance with the provisions of G.S. 160A-299. Said portions of public streets hereby closed are described as follows:

- A. Wilson Street from Charlotte Avenue to Elm Street: BEGINNING at a point in the northern margin of the right-of-way of N.C. Highway 27

(a/k/a East Charlotte Avenue) at the southeastern corner of a lot identified with a Gaston County Tax Parcel Identification #123396 (Tax Maps Book 3, Page 8, Parcel 22) and runs thence with the western margin of the right-of-way of Wilson Street (as the westerly margin of the 40-foot wide road being closed) north approximately 372.21 feet to the southern margin of the right-of-way of Elm Street (formerly Fourth Street), said right-of-way being forty (40) feet in width.

- B. Elm Street from Hill Street to Wilson Street: BEGINNING at a point in the southern margin of the right-of-way of Elm Street and the western margin of the right-of-way of Wilson Street at the northeastern corner of a lot identified with a Gaston County Tax Parcel Identification #123396 (Tax Map Book 3, Page 8, Parcel 22) and runs thence with the southern margin of the right-of-way for Elm Street (as the southerly margin of the 60-foot road being closed) west to the easterly margin of the (now or former) margin of the right-of-way of Hill Street (formerly Second Street), said right-of-way being sixty (60) feet in width.

The City Clerk is hereby ordered and directed to file with the Office of the Register of Deeds of Gaston County a certified copy of this resolution and order.

Upon motion duly made by Councilperson _____ and duly seconded by Councilperson _____, the above resolution as duly adopted by the City Council at a meeting held on the 25th day of November, 2013, in the Mount Holly Municipal Complex.

Upon call for a vote the following Councilpersons present voted in the affirmative:

This the 25th day of November, 2013.

Mayor

Attest:

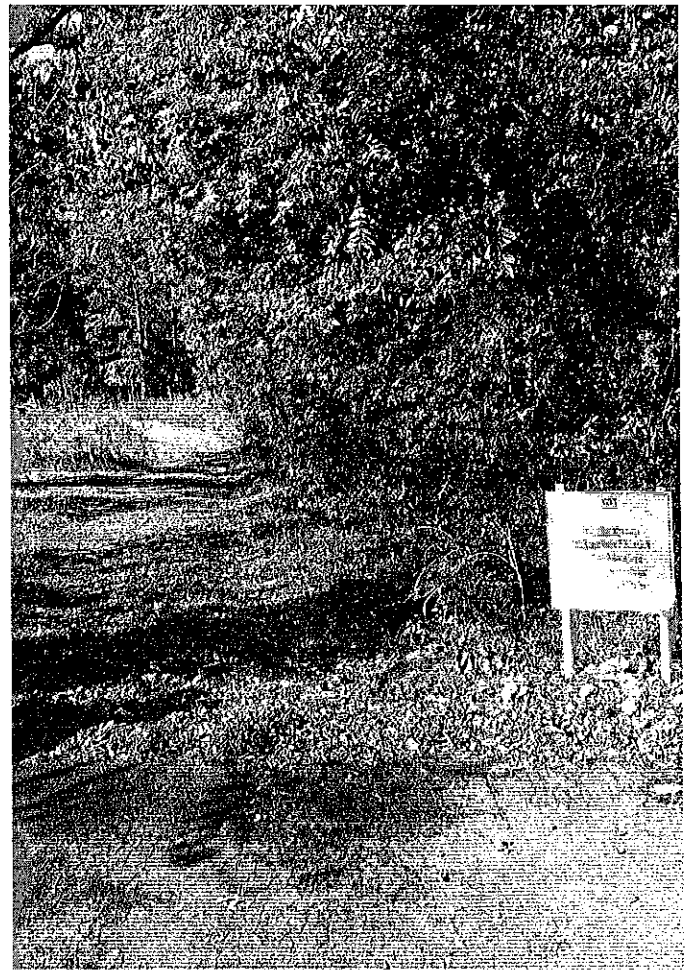
City Clerk

NORTH CAROLINA
GASTON COUNTY

I, _____, a Notary Public, do hereby certify that Bryan Hough, Mayor, personally appeared before me this day and acknowledged the due execution of the foregoing document for the purposes therein expressed.

WITNESS my hand and notarial seal this _____ day of _____, 2013.

Notary Public



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Caromont Health, Inc.
P.O. Box 1747
Gastonia, NC 28054

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent☐ Addressee

B. Received by (Printed Name)

Billy Stiles

C. Date of Delivery

10-28

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Artl

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102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Caromont Health, Inc.
2525 Court Dr.
Gastonia, NC 28054

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent☐ Addressee

B. Received by (Printed Name)

Billy Stiles

C. Date of Delivery

10-28

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

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102595-02-M-1540

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gaston Memorial Hospital, Inc.
2525 Court Dr.
Gastonia, NC 28054

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☐ Agent☐ Addressee

B. Received by (Printed Name)

Billy Stiles

C. Date of Delivery

10-28

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Artl

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102595-02-M-1540

Classified Ads

Legals

RESOLUTION OF INTENT

A RESOLUTION declaring the intention of the City Council of the City of Mount Holly to consider the closing of portions of Elm Street, Hill Street, Hermes Avenue, and Wilson Street.

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and,

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of those portions of Elm Street, Hill Street, Hermes Avenue, and Wilson Street, as shown and described in a certain Petition, filed by Caromont Health Inc. and others dated October 10, 2013.

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1. A public hearing will be held at 6:30 PM on November 25, 2013, in the Mount Holly Municipal Complex to consider a resolution closing those portions of Elm Street, Hill Street, Hermes Avenue, and Wilson Street described in the Petition.

2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Banner News, or another newspaper of general circulation in the area.

3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon those portions of Elm Street, Hill Street, Hermes Avenue, and Wilson Street a copy of this Resolution of Intent.

4. The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Upon motion duly made of Councilperson Bishop and duly seconded by Councilperson Toomey, the above resolution was duly adopted by the City Council at the meeting held on October 14, 2013, at the Mount Holly Municipal Complex. Upon a call for a vote the votes were unanimous in the affirmative.
BN10552. (10/23, 30/2013 & 11/06, 13 & 20/13)

RESOLUTION OF INTENT

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MARTIN•STARNES
& ASSOCIATES, CPAs, P.A.

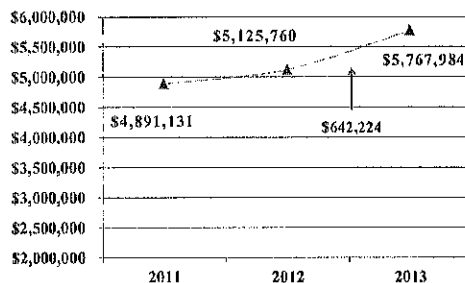
City of Mount Holly
2013 Audited Financial
Statements

MARTIN•STARNES
& ASSOCIATES, CPAs, P.A.

Audit Highlights

- ☐ Unmodified opinion on financial statements
- ☐ Cooperative staff

Total Fund Balance - General Fund



Fund Balance

- ☐ Serves as a measure of the City's financial resources available.
 - Assets – Liabilities – Deferred Inflows of Resources = Fund Balance/Net Position
- 5 Classifications:**
 - **Non spendable** - not in cash form
 - **Restricted** - external restrictions (laws, grantors)
 - **Committed** - internal constraints at the highest (Council) level-do not expire, requires Council action to undo
 - **Assigned** - internal constraints, lower level than committed
 - **Unassigned** - no external or internal constraints

Fund Balance

Available fund balance as defined by the Local Government Commission (LGC) is calculated as follows:

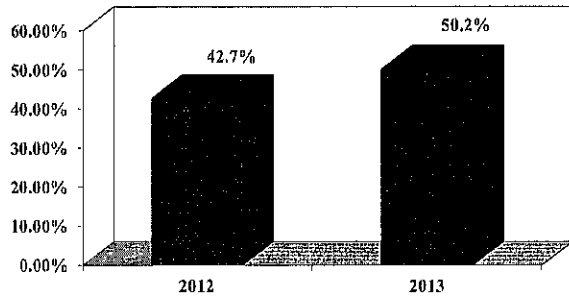
Total Fund Balance
Less: Non spendable (not in cash form, not available)
Less: Stabilization by State Statute (by state law, not available)
Available Fund Balance

This is the calculation utilized as the basis for comparing you to other units and calculating your fund balance percentages.

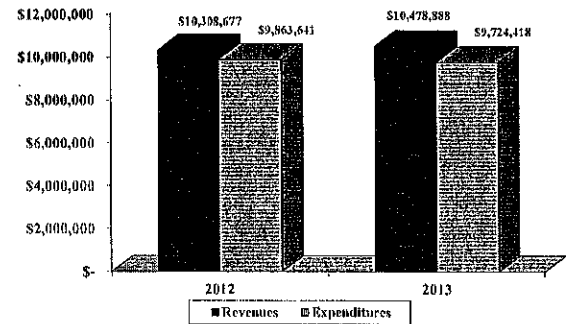
Fund Balance Position-General Fund

☐ Total Fund Balance	\$ 5,767,984
☐ Non spendable	- 77,420
☐ Stabilization by State Statute	- 679,691
☐ Available Fund Balance	\$ 5,010,873
☐ Available Fund Balance 2012	\$ 4,354,124
☐ Increase in Available FB	656,749

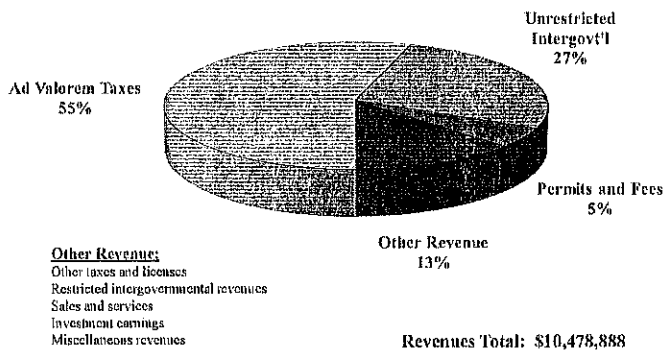
Available Fund Balance as a Percent of Expenditures and Transfers to Other Funds - General Fund



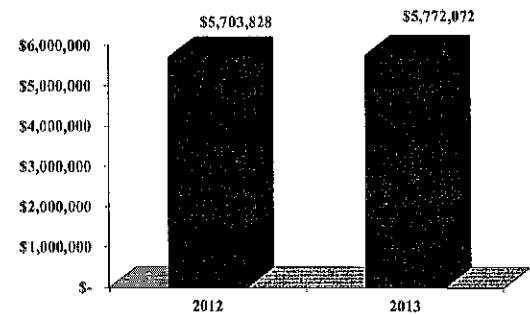
General Fund Summary



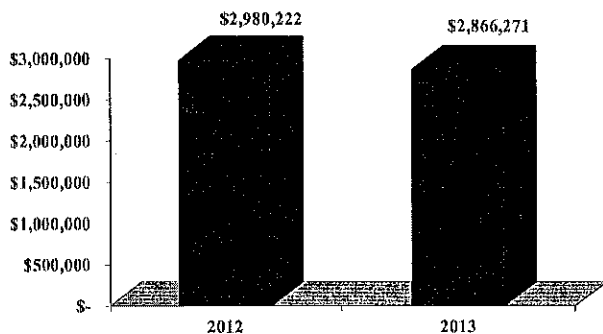
Top 3 Revenues: General Fund



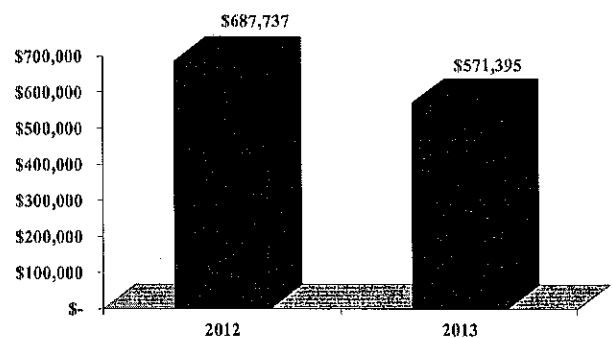
Ad Valorem Taxes



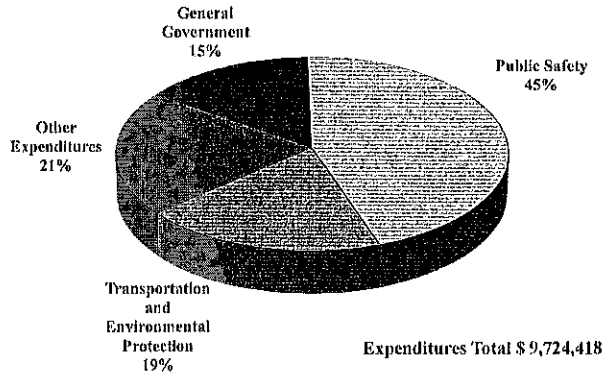
Unrestricted Intergov't'l



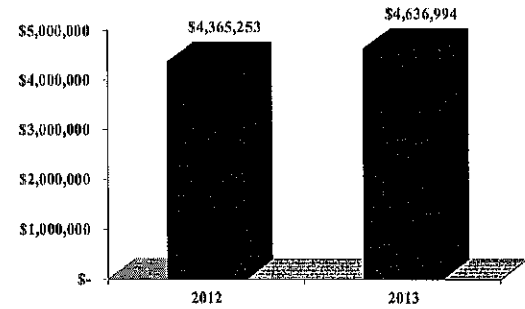
Permits and Fees



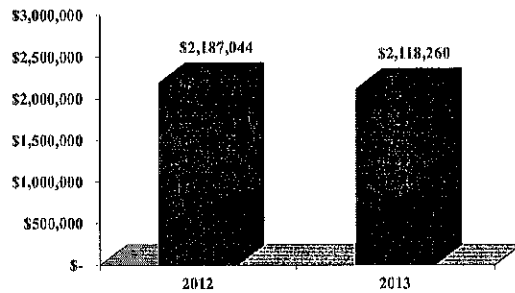
Top 3 Expenditures: General Fund



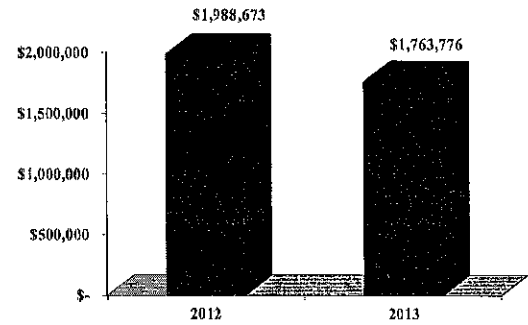
Public Safety



Transportation and Environmental Protection



General Government



Water and Sewer Fund - Results

	2013	2012	Variance	
			\$	%
Budgetary:				
Operating revenues	\$ 5,794,150	\$ 6,037,063	\$ (242,913)	-4%
Non-operating revenues	213,851	52,156	161,695	310%
Capital outlay	(375,378)	(234,011)	(141,367)	60%
Debt service, including interest	(281,430)	(445,964)	164,534	-37%
Other expenditures	(4,152,099)	(3,963,270)	(188,829)	5%
Revenues over (under) expenditures	\$ 1,199,094	\$ 1,445,974	\$ (58,051)	
Full Accrual:				
Operating income (loss)	\$ 660,648	\$ 899,541		
Unrestricted Net Position	7,295,047	6,576,687		

Housing Assistance Enterprise Funds - Budgetary Results

	2013	2012	Variance	
			\$	%
Housing Assistance Fund - Rollins Square				
Operating revenues, including operating grants	\$ 223,505	\$ 246,600	\$ (23,095)	-9%
Non-operating revenues	202	178	24	13%
Expenditures	(138,821)	(146,176)	7,355	-5%
Debt service, including interest	(24,995)	(27,938)	2,943	-11%
Revenues over (under) expenditures	\$ 59,891	\$ 72,664	\$ (12,773)	
Housing Assistance Fund - Holly Hills				
Operating revenues, including operating grants	\$ 226,123	\$ 219,891	\$ 6,232	3%
Non-operating revenues with capital grants	232,637	43,282	189,355	437%
Expenditures	(210,488)	(177,131)	(33,357)	19%
Capital outlay	(232,591)	(32,412)	(200,179)	618%
Revenues over (under) expenditures	\$ 15,681	\$ 53,630	\$ (37,949)	

Discussion & Questions

MARTIN•STARNES
& ASSOCIATES, CPAs, P.A.

MARTIN•STARNES
& ASSOCIATES, CPAs, P.A.



City of Mount Holly Action Agenda Item

To: City Council

Date: November 22, 2013

From: Greg Beal, Planning Director

Meeting Date: November 25, 2013

Agenda Item to be considered: Public hearing, regarding a request made by Ben D. Arnold of BOI, LLC, to consider rezoning a 10.9-acre tract of land, located at 1000 Marina Village Drive, identified as Tailrace Marina, Tax Parcel ID # 207541 from Conditional District Multifamily/Commercial, approved on April 12, 2010, to Conditional District Multifamily/Commercial, based on a new development plan

Will this require a public hearing?

☒ YES

☐ NO

Background/Purpose of Request: The applicant has the property under contract and is proposing a new development plan based on a market study of the site. This would involve a restaurant and additional multifamily units on the site. 124 multifamily units are proposed. 34 condos and 25,000 square feet of commercial space, in addition to the completed docks and including the completing ship store, is currently allowed under the Conditional Use Permit, issued on April 12, 2010. The restaurant is proposed to be nearly 8,000 square feet, but due to the restrictive nature of Conditional District Zoning, it was neither advertised nor applied for, to be a specific size. Obviously, we would want a bigger restaurant, so staff recommends flexibility. The current standard of 5,000 sq ft minimum size should be enforced. A traffic impact analysis has also been completed as well. Staff recommends that improvements to the intersection at Marina Village Drive and Riverfront Parkway be installed for safety, such as a 4-way stop and crosswalks for pedestrians. Staff will comment further on the traffic study on Monday night.

Rowboat Dock and Dredge will retain ownership of the ship store and docks if the rezoning is approved. Mr. Arnold will own the luxury apartments and restaurant, which is proposed to be operated by the same group that runs the restaurant Liberty on Lake Murray.

A market analysis was completed as well by Kimley Horn and Associates. The applicant will present its findings at the meeting on Monday. After working on this site for years and hearing different development proposals, real estate and market experts have relayed the same thing to us, 25,000 sq ft of commercial space will be very hard to accomplish in a residential neighborhood, on a dead-end street, with absolutely no road frontage. However, a destination restaurant, which can be reached by water, by walking and by car, should be successful, the higher rental rates are looking to draw residents, who work jobs at such locations as the airport, to the luxury apartments proposed on this site.

Staff has been working on this proposal for several months, and has worked through several revisions with Mr. Arnold, the applicant. The Public Involvement Meeting was held on Wednesday, October 30th from 3:30 PM until 6:30 PM. 22 residents, all residing in the Riverfront Subdivision, attended the drop-in, informational meeting at the Municipal Complex. The applicant, Ben Arnold, his marketing director and architect were present, along with Planning staff, to answer questions. Concerns focused on and ranged from blocking residents' view of the River, to traffic and

has given to the HOA, which I have included in this attachment. Some of the concerns fall outside the City's jurisdiction, such as boat traffic on Lake Wylie and enforcement of a No Wake Zone. Others are not essential to the rezoning, as there is no correlation between this development and improved lighting throughout Riverfront for instance. There are several other reasonable concerns, which the developer has addressed through his response.

This development represents a \$16 million investment to the City of Mount Holly if approved. Additionally, a destination restaurant is supported by the Strategic Vision Plan, in developing an attractive waterfront and a destination point for the future greenway system.

Fiscal Impact:

Will Item affect current budget	☐ YES	☐ NO	☒ N/A
Reviewed by Finance Director	☐ YES	☐ NO	☒ N/A
Preaudit Certification required	☐ YES	☐ NO	☒ N/A
Capital Project Ordinance required	☐ YES	☐ NO	☒ N/A
Budget Transfer required	☐ YES	☐ NO	☒ N/A
Total City Dollars:	\$		
Budget Code			
Reviewed by City Attorney	☐ YES	☐ NO	☒ N/A

Manager/Staff Recommendation: The Planning Commission, by a 3-2 vote, recommended that Council take public comment and table their decision on the rezoning until their December 9th meeting. The Board stated that they would like more time to study the proposal to give a proper recommendation. Under State law, Council has to give 30 days for the Planning Commission to make a recommendation on the rezoning. I expect a recommendation to be made at the December 2nd meeting before the Planning Commission. Staff supports taking public comment on the marina rezoning before Council on Monday night. We also recommend closing the public hearing and tabling your decision on the matter until December 9th. The developer and his staff has been working with the HOA in Riverfront on addressing their concerns in the meantime. Please refer to his responses, as this gives valuable insight into the relationship between the existing development and the proposed marina development.

Result of City Council Decision:

Attachments: *Application for CD Zoning*

Section 14.5 Zoning Ordinance, Conditional District Zoning

Site Schematics (separate attachment due to color)

Order for Conditional District Rezoning from April 12, 2010

Site Plan from April 12, 2010

Response from Developer on HOA concerns

PAID

OCT 03 2013

REZONING APPLICATION
CITY OF MOUNT HOLLY, NORTH CAROLINA

Date Filed: 10-3-13 Application Number: 10-3-13A City of Mount Holly

The undersigned does (do) hereby respectfully make the application and request to the City of Mount Holly to amend the Zoning Map of Mount Holly as hereinafter requested and in support of this application the following facts are shown:

1. The real property, sought to be rezoned, is owned in fee simple by:
Ben D. Arnold of BOI, LLC (Property Currently Under Contract)

Address: 720 Lady Street, Columbia, SC 29201 as
evidenced by Deed Book _____ on Page _____ in the Gaston County Registry. There are no
restrictions or covenants of record appearing in the chain of title, which would prohibit the
property from being put to the use specified in Paragraph five (5) of this application.

2. The real property sought to be rezoned is located at/on
1000 Marina Village Drive on the Left or Right side of the _____
(physical address) (circle one) (street)
between _____ and _____, and has a Tax
(street) (street)

Listing of: Tax Parcel # 207541 Said lot(s) has (have) a frontage of _____ feet and is
approximately 10.9 acres in size.

3. A complete legal description of the boundaries of said realty (to be completed by an
attorney) is attached to this application along with a survey or tax map of said realty.

4. It is desired and requested that the real property herein described be rezoned from
Cond. Dist. Multi Comm Zone to Cond. Dist. Multi Comm Zone.

5. If Conditional Use rezoning is requested, a site specific plan (see Appendix) is hereby
attached (check) ✓ Yes or N/A.
Under a new site-specific plan

6. If the Conditional Use Rezoning is requested, it is proposed that the real property be put
to the following use, with the following specific improvements including building sizes and
proposed screening in accordance with the attached site plan as mentioned in Paragraph five (5).

7. Attached is a list of all the properties adjacent to the subject property including the
owners' name(s) and address and tax book, map, and parcel number of each lot as shown on the
Gaston County Tax Maps. Adjacent properties are considered all those immediately or
diagonally adjacent to the subject property, including any properties immediately across any
creeks, rivers, railroads, highways or other natural or man-made barriers.

Ben D. Arnold

Name of Applicant(s)
BOI, LLC

Interest of Applicant in Subject Realty:
(Must be the owner if requesting
Conditional Use Rezoning)

Applicant's Address: 720 Lady Street, Columbia, SC 29201

Phone Number: 803-391-3222

Signature: Ben D. Arnold

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of
Mount Holly Planning and Zoning Department, together with the application fee in the amount
of \$ 800.00 (See Fee Schedule) at least 15 days prior to the Planning Commission meeting for
initial consideration.

deemed necessary to permit the city to determine the sufficiency and accuracy of the petition.

SECTION 14.5 **CONDITIONAL DISTRICTS (CD)**

A. Application

1. Petitioning for a CD zoning district is a voluntary procedure and can be initiated only by the owner(s) of the property (ies) in question or by his/her authorized agent. Every application for the rezoning of property to a CD district shall be accompanied by a site plan, drawn to scale containing all of the information outlined in Section 14.5 (B) of this Ordinance. The Administrator shall schedule a meeting with the applicant, prior to any public involvement meeting (PIM) being advertised and/or held to review the rezoning application and site plan to make sure that it meets, at a minimum, all minimum requirements of this Ordinance.
2. Furthermore, no application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to a CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the City of Mount Holly or the State of North Carolina.
3. The Administrator may require the petitioner to submit more than one copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Commission and/or City Council may request additional information [in addition to that required above], as they deem necessary.

B. Procedures

A pre-application meeting between the applicant and the Administrator shall be required in order to familiarize the applicant of the procedure for securing approval of a conditional use permit. The Administrator shall accept no conditional use permit application for review without such meeting having first occurred unless the Administrator determines that such meeting would not serve any meaningful purpose and waives the meeting requirement.

Procedures for application submittal are as follows:

- A. A complete conditional use permit application that is signed by the

applicant and which is accompanied by a submittal fee (in accordance with a fee scheduled approved by City Council) shall be filed with the Administrator.

- B. The application shall be accompanied by a drawing or plan, drawn to scale, that includes or is accompanied by the following:
1. Name, address and phone number of the property owner (or his agent) and the property identification number of the property. (Note: The property owner or his authorized agent are the only two parties who may initiate a request for a conditional use permit).
 2. A boundary survey and vicinity map, showing the property's total acreage, general location in relation to adjoining streets, railroads and/or waterways, date and north arrow. The zoning classification of the property in question and contiguous properties shall also be shown. (In lieu of the boundary and survey maps, one or more up-to-date tax maps depicting the area in question may be submitted. Any required drawing or depiction of the proposed development or use shall not appear on the tax maps but rather shall appear on the drawing or plan.)
 3. The name and addresses of all owners, tax parcel numbers and existing land use(s) of all contiguous properties.
 4. Proposed use of all land and structures including the number of residential units proposed, if any, and total square footage of nonresidential development.
 5. Location of all proposed structures, their approximate area and exterior dimensions, height, and proposed number of structures.
 6. A description of all screening and landscaping required by the Zoning Ordinance and/or proposed by the applicant; the delineation of any wooded, landscaped or grassed areas existing prior to development and proposed to remain on the property once the development is completed.
 7. All existing easements, reservations and rights-of-way.
 8. Proposed phasing, if any, and approximate completion time for the project.
 9. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) flood hazard boundary maps for Gaston County.

10. Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.
11. A list, if any, of all additional development conditions or standards that differ from those that would normally apply to that use. Only conditions that exceed the Zoning and Subdivision Ordinance minimum standards can be considered and listed by the applicant.
12. The Administrator reserves the right to waive the depiction of some or all of the information contained in paragraphs (5) through (10) when, in his opinion, such information is not a requirement of this Ordinance for the particular conditional use being requested. Notwithstanding, if either the Planning Commission or City Council determines that additional information as set forth in paragraphs (5) and (10) of this subsection is needed to render a recommendation or decision on the application, they may require the applicant to submit such additional information.
13. In lieu of showing all of the information in paragraphs (5) through (11) of this subsection, the applicant may submit a general development plan which shows on the proposed site, by land use type, the areas to be developed for buildings and parking and shall show all points of ingress and egress onto thoroughfares and collector streets.

C. Public Involvement Meeting

1. Once the requisite number of complete applications has been submitted to the Administrator and the requisite fees have been paid, and prior to the public hearing on the rezoning request, a Public Involvement Meeting (PIM) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning Board and approval by the City Council. The PIM is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:
 - a. The applicant shall provide an agenda, schedule, location, and list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the PIM in cooperation with the Administrator.
 - b. It is recommended that the PIM last 2-4 hours, depending on the nature of the proposed development and its location. A

minimum of one (1) hour should be scheduled during normal business hours to allow service providers and other public agencies (such as public works officials, NCDOT, NCDENR, QNRC, etc) to participate as needed and to allow for citizens to drop in at a convenient time throughout the period. It is recommended (but not mandated) that this portion of the PIM take place at the proposed development site. In addition, a second one (1) hour (minimum) meeting should be scheduled at a conveniently located meeting site agreed upon by the applicant and the Administrator.

Notwithstanding the above, a PIM may last for different amounts of time, depending on the nature of the development, its location, and the number of parties involved and/or attending the meeting.

- c. Notice of the PIM shall at a minimum, be given as follows:
- i. A public notice shall be sent by the City of Mount Holly to a newspaper having general circulation in the City of Mount Holly not less than 10 days or more than twenty-five (25) days prior to the date of the PIM.
 - ii. A notice shall be sent by first class mail by the City of Mount Holly to the applicant and to the owners of all properties that lie in Gaston County within two hundred fifty (250) feet as measured from the exterior boundaries of the proposed development and which are located within an annexation agreement boundary that such City/Town has with any other municipality. The applicant shall furnish the City of Mount Holly with mailing labels that depict the names and addresses of the owners of all properties within said two hundred fifty (250) foot area. Such notice shall be sent not less than ten (10) days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal.
 - iii. With respect to Subsection (c) above, the applicant shall reimburse the City of Mount Holly for all postage and advertising expenses incurred for such notifications.
 - iv. A PIM notification sign shall be posted by the City of Mount Holly in a conspicuous place at the property

not less than 10 days prior to the PIM. The sign shall indicate date, time, and location(s) of the PIM. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the PIM.

- d. The Administrator will keep notes of comments received during the PIM. A summary of the comments made shall be included in any staff report prepared by the Administrator relative to the rezoning request.
2. Following the PIM, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. One or more revised copies of the application shall be submitted to the Administrator for review. No additional fee shall be required to be paid for making such changes provided the Administrator receives the revised application within thirty (30) days following the PIM. If a revised application is not received during said thirty (30) day period, the Administrator shall review the original application submitted.

D. Administrator Approval

The Administrator shall have up to thirty (30) days following any revision of the application to make comments. If the Administrator forwards no comments to the applicant by the end of any such thirty-day period, the application shall be submitted to the Planning Board for their review without any further comment.

E. Plans and Other Information to Accompany Petition

1. Every application for the rezoning of property to a CD district shall be accompanied by a site plan, drawn to scale containing all of the information outlined in Section 14.5 (B) of this Ordinance.
2. Furthermore, no application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to a CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the City of Mount Holly or the State of North Carolina

F. Public Hearing Notification Requirements

1. Before any property is rezoned to a CD district, the Planning Commission and City Council must hold a public hearing after the

public information meeting has been concluded. Any complete application shall be submitted to the Administrator at least thirty (30) days prior to the first public hearing before the Planning Commission. This shall be sufficient time period for the staff to review the application and produce a staff report and to ensure that all applicable notification requirements can be met. The second public hearing shall take place before City Council after the Planning Commission has been given an opportunity to review and make a recommendation on the application. Notification of the public hearing shall be as follows:

- a. A notice shall be published in a newspaper having general circulation in the City of Mount Holly once a week, for two successive weeks; the first notice to be published not less than ten (10) days or more than twenty-five (25) days prior to the date established for the first public hearing.
 - b. The Administrator shall post at least one notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the governing board public hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the City of Mount Holly shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the nature of the public hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on the conditional use permit requested.
 - c. A notice of the public hearing shall be sent by first class mail by the Administrator to the applicant and to all adjacent property owners at least ten (10) days prior to the first public hearing.
2. Any public hearing notice published or mailed shall state the nature of the public hearing, the date, time, and place at which the hearing is to occur, and who to call and/or see for more information.

G. Planning Commission Review

The Planning Board shall have at least forty-five (45) days to make a recommendation on the proposed change, said forty-five (45) days being

measured from the date of the date of initial referral of the amendment by staff to the Planning Commission. If a recommendation is not made during said time period, the application shall be forwarded to City Council without a recommendation. Any such Planning Commission recommendation shall be accompanied by statements that address (1) whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the governing board and any other officially adopted plan that is applicable, and (2) other matters that the Planning Commission deems appropriate and (3) why it considers the action taken to be reasonable and in the public interest.

H. Action by City

Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standard of review as apply to general use district zoning decisions. Once the public hearing has been held, City Council shall take action on the petition. The public hearing, once opened, can be continued to a later date and action take at that time. City Council shall have the authority to:

1. Approve the application as submitted.
2. Deny approval of the application
3. Approve the application with modifications that are mutually agreed to by the applicant and the governing board. Such conditions shall be in compliance with Subsection F herein.
4. Submit the application to the Planning Commission for further study. The Planning Commission shall have up to thirty (30) days from the date of such submission to make a report to the governing board. If no report is issued, the governing board can take final action on the petition. City Council reserves the right to schedule and advertise a new public hearing based on the Planning Commission's report.

I. Conditions to Approval of Petition

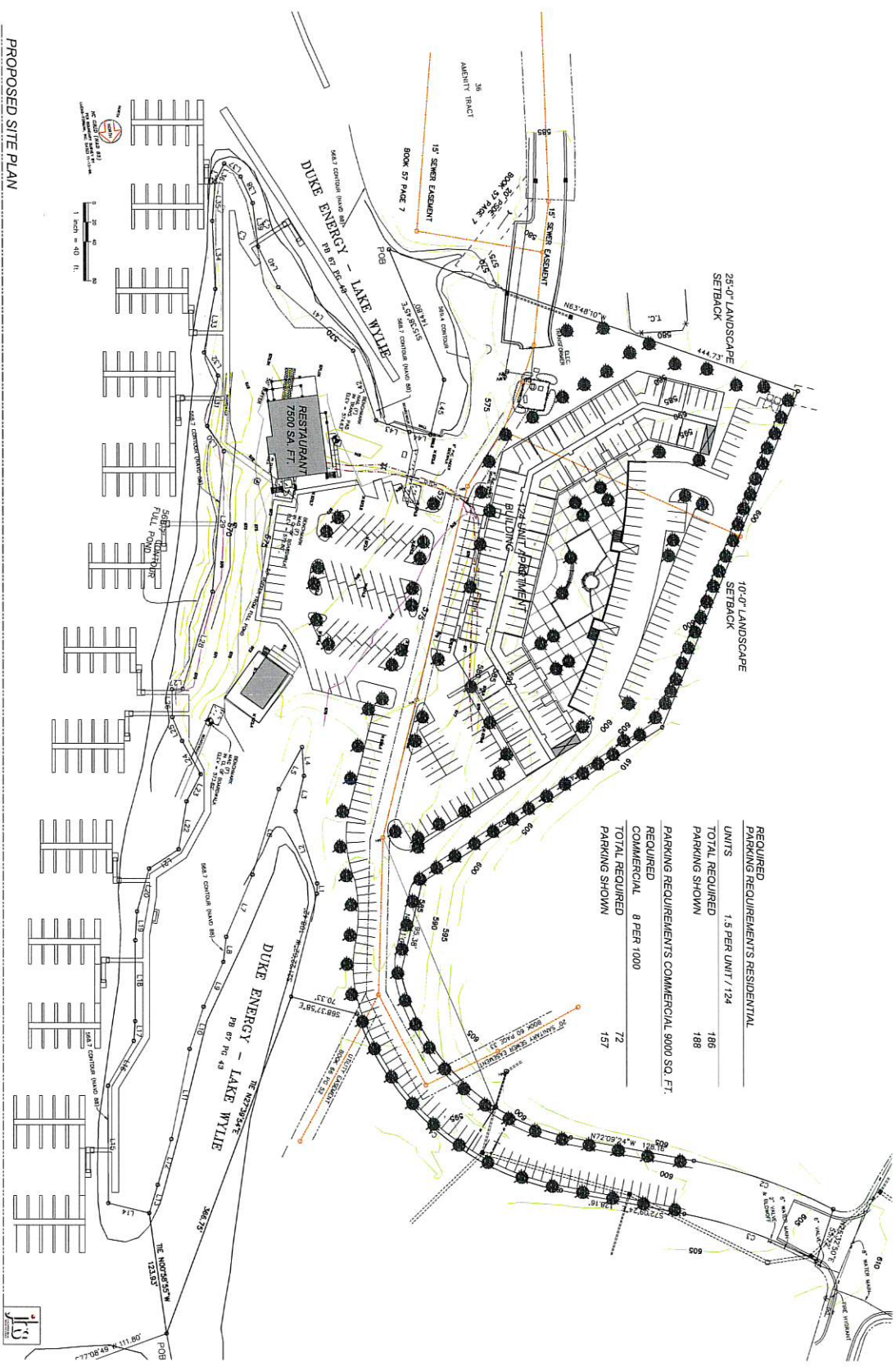
In approving a petition for the reclassification of a piece of property to a CD district, the Planning Commission may recommend, and City Council may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to City of Mount Holly ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the governing board. In no instance shall any of these conditions be less restrictive than any

requirements that would otherwise pertain to that particular development if it were located in a general or parallel conditional use zoning district. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development. Statements that (1) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (2) other matters that the City Council deems appropriate and (3) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request

J. Effect of Approval; Zoning Map Designation

If a petition for a CD district is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a CD district, the subject property shall be identified on the Zoning Map by the appropriate district designation followed by the letters CD (i.e., CD-RSF.) Notwithstanding, the Administrator may make minor changes to the approved site plan administratively without necessitating a need to rezone the property to a different conditional district classification.

PROPOSED SITE PLAN



REQUIRED PARKING REQUIREMENTS RESIDENTIAL	
UNITS	1.5 PER UNIT / 124
TOTAL REQUIRED	186
PARKING SHOWN	188
PARKING REQUIREMENTS COMMERCIAL 9000 SQ. FT.	
REQUIRED COMMERCIAL	8 PER 1000
TOTAL REQUIRED	72
PARKING SHOWN	157

**ORDER GRANTING CONDITIONAL DISTRICT
REZONING & CONDITIONAL USE PERMIT**

WHEREAS, Skipjack Marine Development, LLC has filed a petition for rezoning of a vacant tract of land, approximately 11.9 acres in size, known as Parcel ID # 207541 by the Gaston County Tax Department, with a deed recording date of April 5, 2006, in Deed Book 4211, Page 1422, located in the Riverfront Subdivision, said tract being identified by the address of 1000 Marina Village Drive; and

WHEREAS, Skipjack Marine Development, LLS is requesting that the property be zoned Conditional District (CD) zoning, comprising commercial and multifamily uses; and

WHEREAS, in 2005, the General Assembly amended the zoning statutes to explicitly authorize the city use of conditional zoning as a legislative decision under G.S. 160A-382 (a) to provide that zoning ordinances may include, "conditional districts, in which site plans and individualized development conditions are imposed."

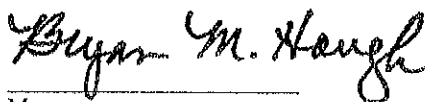
WHEREAS, the Mount Holly Planning Commission and City Council have conducted public hearings to consider the rezoning request, said hearings being held on April 5, 2010 and April 12, 2010, respectively.

NOW, THEREFORE, based upon authority granted by the General Statutes and the Zoning Ordinance, the City Council hereby grants a Conditional Use Permit under the guidelines of a Conditional District Rezoning for the herein described property, contingent upon the following conditions:

1. That the property be developed according to plan, as originally prepared by James Dudley, architect for TobinDudleyStar, PLLC dated October 2, 2008, File 3D-1.01, File 3D-1.03 through 3D-1.10. Changes in original site plan SP-1.01, dated October 2, 2008 by TobinDudleyStar, PLLC, are depicted on Site Plan 07-516 dated March 9, 2010 by Rowboat Dock & Dredge and include the following:
 - a. Ship's Store location has been moved from the south side to the north side of the parking lot.
 - b. The retail flex space (including ship's store, marina office, mixed retail and restaurant space) is approved for a maximum of 25,000 sq ft.
 - c. The maximum footprints of the retail flex space buildings is depicted, however the exact location and orientation of retail flex space will be determined during final design and construction.
 - d. The minimum size of the full-service restaurant shall be 5,000 sq ft. Planning Comm.
2. That there be no vinyl, metal or aluminum siding used on-site.
3. That the conditions on prohibited uses from the 1997 Conditional Use Permit be added to the development plan.
4. That the development connects to the future Catawba River Greenway as a destination point.
5. That the proposed development adheres to all the standards set forth in the Mount Holly Standard Detail.
6. That the developer use capped, decorative lighting throughout the development to reduce light pollution, which would affect adjoining property owners.
7. That the proposed, 34 residential condominium units be owner-occupied.
8. That all amenities, as defined as Phase 1 Marina, Phase 2 Ship Store and Phase 3 Full-Service Restaurant be constructed prior to any construction of the proposed, 34 residential condominium units. Planning Comm. addition

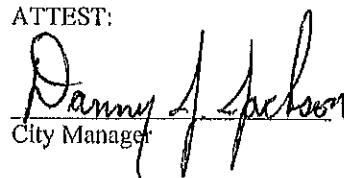
IN WITNESS WHEREOF, the City of Mount Holly has caused this instrument to be executed in its name as evidence of granting said Conditional Use Permit.

CITY OF MOUNT HOLLY



Mayor

ATTEST:



City Manager

**RIVERFRONT DEVELOPMENT STANDARDS from 1997 APPROVED
REZONING**

1. STATEMENT OF INTENT

THE PETITIONERS DESIRE TO IMPOSE THE FOLLOWING CONDITIONS WITH RESPECT TO ANY DEVELOPMENT TAKING PLACE ON THE +/- 148 ACRE SITE KNOWN AS RIVERFRONT.

2. GENERAL PROVISIONS

EXCEPT AS OTHERWISE PROVIDED HEREINAFTER, ALL DEVELOPMENT STANDARDS ESTABLISHED UNDER THE ZONING ORDINANCE OF THE CITY OF DISTRICT CLASSIFICATION SHALL BE FOLLOWED IN CONNECTION WITH DEVELOPMENT TAKING PLACE ON THE SITE.

3. PLACEMENT OF BUILDING AND PARKING SPACES

NO BUILDING OR PARKING SPACES MAY BE CONSTRUCTED ON THE SITE OUTSIDE THE PERIMETER OF THE BUILDING ENVELOPE WHICH IS ESTABLISHED ON THE SITE PLAN.

4. USE LIMITATIONS

THE SITE MAY BE USED ONLY FOR ONE OR MORE OF THE USES PERMITTED UNDER THE B-3 DISTRICT CLASSIFICATION OF THE ORDINANCE. EXCEPT THAT IN NO EVENT WILL ANY OF THE FOLLOWING USES BE PERMITTED:

EDUCATIONAL AND INSTITUTIONAL USES

CEMETERY

BUSINESS, PROFESSIONAL AND PERSONAL SERVICES

ANIMAL CLINICS AND HOSPITALS

AUTOMOBILE REPAIR AND SERVICES

DRIVE-IN THEATERS

EXTERMINATING SERVICES

FUNERAL HOMES

GARDEN CENTERS AND RETAIL NURSERIES

REFRIGERATOR OR LARGE APPLIANCE REPAIR

SEPTIC TANK SERVICES

SERVICES STATIONS (NOT INCLUDING TRUCK STOPS)*

TAXI TERMINALS

TAXIDERMISTS

TIRE RECAPPING

TRUCK DRIVING SCHOOL
TRUCK AND UTILITY TRAILER RENTAL, SALES AND LEASING
(LIGHT)
UPHOLSTERING AND FURNITURE REFINISHING
VETERINARY SERVICES

RETAIL TRADE USES

AUTOMOBILE AND TRUCK DEALERS, NEW AND USED
FARM MACHINERY SALES AND SERVICES
FLEE MARKET
FUEL OIL SALES*
MOBILE HOME SALES AND SERVICES
MOTOCYCLES SALES
RECREATION VEHICLE SALES AND SERVICES*
SERVICE STATIONS, GASOLINE*
TIRE DEALERS AND SERVICES
TRUCK STOP

WHOLESALE TRADE

AGRICULTURAL PRODUCTS, OTHER
BAKERIES; WHOLESALE
BEER, WINE, DISTILLED ALCOHOLIC BEVERAGES
CHEMICALS AND ALLIED PRODUCTS
FARM SUPPLIES, OTHER
LUMBER AND OTHER CONSTRUCTION MATERIALS
MACHINERY, EQUIPMENT AND SUPPLIES
MARKET SHOWROOMS (FURNITURE, APPAREL, ETC.)
MOTOR VEHICLES, PARTS AND SUPPLIES*
MOVERS AND STORAGE OPERATIONS
PETROLEUM AND PETROLEUM PRODUCTS*
RESINS
TRUCKING AND FREIGHT TERMINALS

OTHER USES

AGRICULTURAL PRODUCTIONS (CROPS)
FORESTRY
HORTICULTURAL SPECIALTIES
PRIVATE GREENHOUSES

* EXCEPT THOSE USES PERTAINING TO NORMAL AND CUSTOMARY
OPERATION OF A MARINA FACILITY.

5. BUILDING EXTERIORS

ALL BUILDINGS AND IMPROVEMENTS CONSTRUCTED OR ERECTED
UPON THE SITE SHALL CONFORM TO THE MINIMUM STANDARDS
SPECIFIED UNDER THE ORDINANCE.

6. OFF STREET PARKING

OFF STREET PARKING SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF THE ORDINANCE.

7. SETBACK REQUIREMENTS

SETBACK REQUIREMENTS, NO STRUCTURE, BUILDING OR ANY PART THEREOF MAY BE LOCATED ON ANY LOT NEARER THAN 25 FEET FROM THE ADJOINING RESIDENTIAL USES.

8. SCREENING

ALL SCREENING SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

9. SIGNS

ALL SIGNS SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

10. STORMWATER DRAINAGE

ALL DEVELOPMENT SHALL COMPLY WITH THE STORMWATER DRAINAGE REGULATIONS CONTAINED IN THE ORDINANCE.

11. WATERSHED REGULATIONS

ALL DEVELOPMENT SHALL COMPLY WITH ANY APPLICABLE WATERSHED REGULATIONS CONTAINED IN THE ORDINANCE.

12. SQUARE FOOTAGE LIMIT (B-3 CU)

TOTAL SQUARE FOOTAGE OF ALL STRUCTURES BUILT WITHIN THE B-3 CU ZONING SITE SHALL NOT EXCEED 50,000 SQUARE FEET.

Tailrace Home Owners Association – Questions & Concerns

1. Traffic, 4 way stop, cross walks, etc. & approval by Rf BOD
 - Per the traffic study recommendation, a 4 way stop is to be added with the stamped cross walk.
2. Signage matching sign to our neighborhood sign; lighting and approval from Rf BOD.
 - We will work to design signage with that of the neighborhood and comply with the city of Mt. Holly's sign ordinance.

Community signage within the apartment homes will be designed by the property management team and the construction company. Interior and on-site signage would not affect the HOA or homes in the neighborhood.

3. Respect and try to "fit" or continue with By Laws of HOA Master, Condos and homes (3 sets).
 - We are a private community on property not owned and controlled by the association and therefore, will not be subject to the rules of the association. We will however, be a good neighbor and work with the association as problems arise to ensure a mutually beneficial outcome.
4. Additional lighting into neighborhood and down Marina Drive.
 - We will work with the City of Mt. Holly to meet lighting standards. The City's standard is one light for every 200 feet. Light deflectors will be use to prohibit light from shinning into adjacent homes.
5. Trees on marina Drive.
 - While a complete landscape plan has not been prepared, current canopy trees are in place.
6. Paved walkway and fencing between tennis courts and playground and restaurant.
 - The private HOA property, with the tennis court and playground on it, is private property. Apartment Residents will not be allowed to use your private amenities including the tennis courts, playground and pool. No paved walkways or fencing has been planned for the HOA's property. In addition, we do not have money budgeted for off-site improvements. We will look into a walkway to connect HOA residents to the restaurant on our site.
7. Pool parking lot completely deed back to RF HOA and any other common areas.
 - The amount of acres effects unit density and the overall planned development. We will consider it if it does not adversely affect the number of planned units or parking.

8. Better location/coverage for trash bin.

- We are in the process of relocating the trash bin area on the opposite side of the apartments (on the water side not the townhome side), so it will not be seen by townhome owners. The trash bin will also be nicely done with stacked stone, wood and landscaping.

9. Barriers between Apt homes/townhomes sight and lighting.

- Various landscaping buffers are planned as barriers between parking, the apartments and the townhomes. Please see slide 52 in the presentation for example pictures.

10. Safety of wall and fencing

- Structural engineers are designing the retaining wall to insure safety and a quality design. We currently use black, aluminum fencing at our Marina Bay property (Irmo, SC). We have never had any issues with safety by using them. Please refer to page 52 as well for visual.

11. Construction timeline

- Construction on the restaurant will begin first and it is planned to start construction in the 2nd quarter of 2014. The apartments will follow and take 12-14 months to build.

12. Has EIS or EA study been done?

- *Greg Beal, Planning and Development Director with the City of Mt. Holly, helped us answer this question. "To my knowledge an Environmental Impact Study or Environmental Assessment has not be done for this project since its inception and approval in 1997. I do not believe that we have ever required a developer to conduct an environmental study for various reasons. First off, the City is not an environmental review agency. NCDENR is the agency in charge of environmental regulations for the State of North Carolina. NCDENR reviews wetland encroachments, stream crossings, adherence to buffers along the River and other environmental impacts. Gaston County QNRC administers a Soil, Sedimentation and Erosion Control Ordinance for Gaston County for disturbances of more than an acre.*

Secondly, the City enforces watershed regulations, which supersede Phase 2 Stormwater Requirements, through comprehensive engineering review of construction plans. Tailrace Marina is in the Lake Wylie WS-IV Critical Watershed Area, meaning that impervious surface is allowed at 24% onsite under the Low Density Option. Once impervious surface goes above 24%, High Density Option requirements must be followed and Best Management Practices must be installed to treat 85% of Total Suspended Solids for the first inch of rainfall in a 24-hour period must be utilized. In no way can impervious surface ever exceed 50% in the Lake Wylie Critical Watershed Area. There are also watershed regulations, which deal with buffer requirements for this site as well.

Thirdly, Duke Energy administers a Shoreline Management Plan for the Federal Energy Regulatory Commission (FERC). During permitting of the marina, over a dozen agencies had the opportunity to review the site plans and offer comment. Such agencies involved were US Fish and Wildlife, the Lake Wylie Marine Commission and the Army Corps of Engineers. As one can see, some of these agencies would look at potential environmental impacts.

Lastly, Session Law 2013-413, commonly referred to as the Regulatory Reform Act of 2013, prohibits cities and counties from adopting stricter environmental requirements than State or Federal Law, among other things. If a State or Federal Agency would not require an EIS or EA, I don't believe the City could do so under the new law.

As you can see, there are other things in place for the marina site from an environmental standpoint. In March 2011, residents of Riverfront complained of an alleged oil spill at Tailrace Marina, running into the River. After an environmental study of the runoff, it was determined that it was ordinary ground water with organic traces that had given it a "sheen." Bob Wilson may provide you with more details, but this conclusion was backed up by the Division of Water Quality, which had tested the runoff as well."

13. Signage on Beatie Road

- No designs have been made yet, but the sign will be within the city's sign ordinances of Mt. Holly. We are subject to the city government's sign regulations.

14. Water runoff issues – now and in the future. What safe guards are in place when you start removing dirt from the hill and put new support wall? Where will the water go? Will dirt removal make townhomes settle?

- In the future, Storm water will continue to drain away from the townhomes toward our development. We will design a storm drain system that will capture and transport the runoff through our property such that the neighboring properties will not be affected by our project.

Grading activities will be monitored and tested by a Geotechnical Engineer to ensure stability of all slopes for this project and neighboring properties. If retaining walls are required, they will be designed by a Professional Engineer, installed by a Licensed Contractor and the construction will be monitored and tested by a Geotechnical Engineer.

Due to the location of the townhomes and the distance they are located away from our anticipated construction zone, the foundations of the townhomes would be outside of the zone of influence of the earthwork activities performed for our development and would not be impacted.

Additionally, the City of Mt. Holly will be reviewing storm water control and runoff per their building engineers.

15. Pool hours at the apartments?

- Current pool hours at Marina Bay are from 6 am – 10 PM. The apartments at Tailrace will ideally operate on the same schedule.

16. Gated apartment parking?

- Yes, all parking for the apartments is separate from the marina and restaurant parking, and has gated access.

17. 24 Supervisor at the apartments?

- Currently, Marina Bay operates with a full leasing and management staff Monday – Friday 9am-6pm, Saturday 10am-5pm, and Sunday 1pm-5pm. There is a Securitas guard on site from Thurs-Sun nights from 8pm-2am. In the winter, we scale back to Saturday nights from 8pm-2am. We also have a courtesy officer, who lives onsite, to assist with any disturbances that may arise. We plan to structure the Tailrace apartments very similarly.

18. Noise ordinance for the restaurant?

- We will be compliant with the City of Mt. Holly's current noise ordinance. The current ordinance prohibits loud noise after 11 PM. Additionally, the trash cannot be picked up before 6 AM.

19. Assistance with getting wake zone on River

- Per Greg Beal, the City's Planning & Development Director, who attended the October Lake Wylie Marine Commission meeting, they discussed marine traffic on the river and several agency representatives were present at the meeting. Representatives included law enforcement and the Fish and Wildlife Federation. Representatives that were present stated they would not support the wake zone. They feel the current signage is appropriate.

20. Role/Relationship between Tailrace and development

- Tailrace marina is a separate business than the restaurant and the apartments, but we plan on working together to help benefit the entire community and neighborhood as a whole.

21. Make whole marina look as if it was always planned and part of the neighborhood.

- We completely agree and would like to work with you all to make this happen. We would like all signage to be nice, quality work and tasteful. We also want all signage to complement the other signs in the neighborhood.

22. Working with RF HOA BOD throughout process

- Yes, we would like to work together throughout the entire process, but we do not have money in our budget for off-site improvements.

23. Can we put all agreement in writing for the record?

- That is up to the City of Mt. Holly. We are seeking approval for the right to develop 124 units and up to an 8,400 square foot restaurant. The design of

the project is conceptual at this time. If the council wants to include items that are mutually agreeable in the zoning document, that is fine with us.

24. Can you assist Tailrace with a ramp?

- A ramp for the marina is already in the plans. The marina would be in charge of constructing and managing ramp access.

Name Ideas:

1. Village at Riverfront
2. Villas at Riverfront
3. The Residence at Riverfront



City of Mount Holly Action Agenda Item

To: City Council	Date: November 22, 2013
From: Greg Beal, Planning Director	Meeting Date: November 25, 2013
<u>Agenda Item to be considered:</u> Public hearing to consider amending Article 12 of the Zoning Ordinance, concerning the rules, regulations and decision-making powers of the Board of Adjustment, as required by Session Law 2013-126, effective October 1, 2013.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>Through this new law, effective October 1, 2013, our State legislature has adopted sweeping changes to rules, regulations and decision making powers of the Board of Adjustment. For instance, under Special Use Permits, the Board is no longer allowed or required to go through the five findings of fact in order to approve a use; the Board followed the new procedure at the October hearing. There are significant other changes to the appeals process, filing an application for an appeal, variance or special use, advertising and notification criteria, and variance procedures. Another example, under variance procedures, the applicant no longer has to prove that he/she cannot make reasonable use of his/her property without a variance being granted. The applicant only has to prove that there is a peculiar hardship present on his/her property. I attended a workshop on the new changes and have copied verbatim the required regulations from the Statutes as recommended by Dave Owens, Professor of Public Law at the School of Government and-UNC Chapel Hill.</u>	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: <u>The Planning Commission made a unanimous recommendation to Council that they amend Article 12 of the Zoning Ordinance as presented. The proposed (and required) changes are underlined in the attachment. Strikethrough text will be deleted from the Ordinance. The changes are actually for the better and are welcomed by staff.</u>	
Result of City Council Decision: 	
Attachments: Article 12 of the Zoning Ordinance	

Article XII **Establishment of the Board of Adjustment**

Section 12.1 **Board Established**

There shall be and is hereby created a Board of Adjustment (hereafter referred to as the Board), consisting of five (5) regular members and four (4) alternate members, each to be appointed for three-year terms. In appointing the original members or in the filling of vacancies caused by the expiration of the terms of existing members, the City Council may appoint certain members for less than three years so that the terms of all the members shall not expire at the same time. Four (4) regular members shall reside within the Mount Holly city limits and be appointed by the City Council from the regular membership of the Planning Commission. One (1) regular member shall reside in the extraterritorial planning jurisdiction (ETJ) and be appointed by the Gaston County Board of Commissioners from the regular membership of the Planning Commission. The Board shall also consist of four (4) alternate members, which shall be appointed from the remaining membership of the nine (9) member Planning Commission. The length of terms and the manner of appointment for members of the Board shall coincide with their terms on the Planning Commission. Alternate members may attend all meetings of the Board but shall serve, participate and vote only in the absence of a regular member, except for procedural matters as described in the Rules of Procedure. During the absence of any regular member an alternate member regardless of his/her residency, shall serve and may exercise all the powers and duties of a regular member.

Section 12.2 **Meetings and Procedures**

The Board shall adopt and abide by rules of procedure which shall govern the meeting schedule, election of officers, voting, quorums, attendance and general conduct of meetings. The rules of procedure shall be in accord with the North Carolina General Statutes and shall be kept in the office of the Zoning Enforcement Officer for public information. All meetings are open to the public.

Section 12.3 **Powers and Duties**

The Board shall hear and decide special use and ~~conditional-use~~ permits, requests for variances, appeals of decisions of administrative officials charged with enforcement of the Ordinance, herein referred to as the Zoning Enforcement Officer, and appeals as outlined in Chapter 4 Buildings, and Chapter 9 Housing of the City of Mount Holly Code of Laws. The term "decision" as used in this section, includes any final and binding order, requirement or determination. The Board shall follow quasi-judicial procedures when deciding appeals and requests for variances and special use permits. The Board shall hear and decide all

matters, upon which it is required to pass under any statute or ordinance that regulates land use or development.

Section 12.4 Notice of Hearing

Notice of hearings conducted, pursuant to this section, shall be mailed to the person or entity whose appeal, application or request is the subject of the hearing; to the owner of the property that is the subject of the hearing, if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other person entitled to receive notice as provided by the Zoning Ordinance. In the absence of evidence to the contrary, the City may rely on the Gaston County tax listing to determine owners of property entitled to mail notice. The notice must be deposited in the mail At least fifteen (15) days at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing. Within that same time period, the City shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. In addition, the City of Mount Holly shall place a notice of such hearing in a newspaper published in the City of Mount Holly prior to the date of the public hearing.

Section 12.5 Filing and Notice for an Appeal

- A. The Board shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Enforcement Official, the official charged with the enforcement of this Ordinance. The Board may also hear appeals arising out of any other ordinance that regulates land use or development, pursuant to the conditions outlined in this section.
1. Any person who has standing as defined under § 160A-393(d) may appeal a decision to the Board. Appeals from the enforcement and interpretation of this Ordinance, including requests for variances, shall be filed with the Zoning Enforcement Officer City Clerk, specifying the grounds thereof for the appeal.
 2. The Zoning Enforcement Official, who made the decision, shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail or by first-class mail.
 3. The owner of other party shall have thirty (30) days from receipt of the written notice, within which to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source or constructive notice of the decision, within which to file an appeal.

4. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words, "Zoning Decision" or "Subdivision Decision," in letters at least six (6) inches in height and identifying the means to contact a Zoning Enforcement Official for information about the decision is prominently posted on the property that is the subject of the decision, provided that the sign remains on the property for at least ten (10) days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. The posting of the property for constructive notice is not a requirement of the Ordinance, but it shall serve as a form of constructive notice by following the procedures outlined herein.
5. The Zoning Enforcement Official who made the decision shall transmit to the Board all documents and exhibits constituting the record, upon which the action appealed from is taken. The Zoning Enforcement Official shall also provide a copy of the record to the appellant and to the owner of the property that is subject of the appeal, if the appellant is not the owner.
6. An appeal of a notice of violation or other enforcement order stays all enforcement of the action appealed from unless the Zoning Enforcement Official, who made the decision, certifies to the Board after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, lasting a short-time or temporary, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the Zoning Enforcement Official, a request for an expedited hearing of the appeal, and the Board shall meet to hear the appeal within fifteen (15) days after such request is filed. Notwithstanding the foregoing appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance, shall not stay the further review of an application for permits or permissions to use such property; in these situations, the appellant may request and the Board may grant a stay of a final decision of permit applications or zoning compliance or building permits affected by the issue being appealed.
7. Subject to Section 12.5(A)(6) above, appeals shall be taken within times prescribed by the Board. The Board shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time.

8. The Zoning Enforcement Official, who made the decision, shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the City would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision or determination that ought to be made. The Board shall have all of the powers of the Zoning Enforcement Official who made the decision.
9. When hearing an appeal pursuant to § 160A-400.9, concerning the designation of a landmark or historic district and certificate of appropriateness, or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in § 160A-393(k).
10. The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution. The Ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

Section 12.6 Special Use Permits

The Board shall hear and decide, in particular cases, and subject to appropriate conditions and safeguards, special use permits as authorized by the District Regulations in Article VI. Reasonable and appropriate conditions may be imposed upon these permits by the Board. ~~In granting a special use permit the Board shall make the following affirmative findings:~~

- ~~1. The Use requested is among those listed as an eligible Special Use in the District in which the subject property is located;~~
- ~~2. That the Special Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;~~
- ~~3. That the Special Use meets all required conditions and specifications;~~
- ~~4. That the Special Use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,~~
- ~~5. That the location and character of the Special Use if developed according to the plan as proposed will be in~~

~~harmony with the area in which it is to be located and in general conformity with the plan of development of Mount Holly and its environs.~~

~~In granting a Special Use Permit, the Board may impose such additional restrictions and requirements upon such Permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board shall authorize the issuance of the Special Use Permit, otherwise the Permit shall be denied.~~

~~Any Special Use Permit so authorized shall be perpetually binding upon the property included in such Permit unless subsequently changed or amended by the Board, as provided for in this Article.~~

~~The Board may change or amend any Special Use Permit, after a public hearing and subject to the same consideration as provided for in this Article for the original issuance of a Special Use Permit.~~

~~No proposal to amend or change any Special Use Permit shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of hearing of any previous proposal to amend or change any such Permit.~~

Section 12.7 **Variances**

When unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board shall vary any of the provisions of the Ordinance, upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose and intent of the Ordinance, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by a variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this section.

In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance.

Section 12.8 **Variances from Watershed Overlay District Requirements**

The Board of Adjustment may authorize variances from the specific requirements of the Watershed Overlay Districts in the same manner and subject to the same procedures and requirements of this Article for authorizing other variances, provided that:

1. The notice required in Subsection 12.4 shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption; and,
2. If the variance request is for a major variance as defined herein, the following procedure shall apply. If the Board of Adjustment decides in favor of granting the major variance, the Board shall then prepare a preliminary record of the hearing and submit it to the North Carolina Environmental Commission (EMC) for review and action. If the Board does not decide in favor of granting the major variance such unfavorable action shall constitute denial.

In the event of favorable action by the Board on a major variance, the Board shall cause the record of their hearing to be promptly submitted to the EMC. The record of the hearing shall include but not be limited to:

- a. The variance application;
- b. The hearing notice;

- c. The evidence presented;
- d. Motions, offers of proof, objections to evidence and rulings on them;
- e. Findings and exceptions;
- f. The action of the Board including any conditions proposed.

If the EMC approves the major variance or approves with conditions or stipulations added, the EMC shall prepare a decision which authorizes the Board of Adjustment to issue a final decision which would include any conditions or stipulations added by the EMC. If the EMC denies the major variance, then the EMC shall prepare a decision and transmit it to the Board of Adjustment. The Board shall then prepare a final decision denying the major variance.

Section 12.9 **Interpreting Watershed Overlay District Boundaries**

The Board of Adjustment, in addition to its authority in deciding appeals, shall have the power to make adjustments to the exterior boundary of Watershed Overlay Districts by removing all or part of a piece of property from a Watershed Overlay District where it finds that all or part of such property actually lies outside the drainage area of such Watershed. In any case where there is a dispute as to whether a property or any part of a property that is shown on the Official Zoning Map as being in a Watershed Overlay District actually drains to that Watershed, the Board of Adjustment shall, upon appeal by the owner, make a determination as to the facts of the matter as it affects the subject property.

In determining whether a property or part of a property drains to the Watershed as indicated on the Map, the Board of Adjustment shall base its determination on actual field conditions of the property as determined by topographical conditions. In making its determination, the Board of Adjustment may require the appellant to produce relevant expert testimony and exhibits. After hearing such appeal, the Board shall find that the subject property (all or part) is either in the designated Watershed or out of the designated Watershed. If the Board shall find that the subject property is out of the designated Watershed, the Board shall order the Map to be adjusted to show the subject property to be outside the designated Watershed. In making such order, the Board of Adjustment shall designate the Watershed in which the subject property is located. If such designation causes the subject property to be located in another Watershed Overlay District, the order shall cause the Map to be adjusted to show the same. Any such map adjustments shall be maintained and reported as required by Subsection 5.13.

Section 12.10 Zoning Permits with Vested Rights

To hear and decide Zoning Permits with Vested Rights in accordance with Section 15.3 of this Ordinance.

Section 12.11 Voting

1. The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
2. A member of any board exercising quasi-judicial functions, pursuant to this Article, shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business or other associated relationship with an affected person or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority, vote rule on the objection.

Section 12.12 Quasi-Judicial Decisions and Judicial Review

The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the City Clerk. The decision of the Board shall be delivered by personal delivery, electronic mail or by first-class mail to the applicant, property owner and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

Section 12.13 **Appeal from the Board of Adjustment**

Every quasi-judicial decision shall be subject to review by Gaston County Superior Court by proceedings in the nature of certiorari pursuant to § 160A-393. A petition for review shall be filed with the Gaston County Clerk of Superior Court within thirty (30) days after the decision is effective or after a written copy thereof is given in accordance with Section 12.12 above. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

Section 12.6 —

~~Any appeal from the decision of the Board of Adjustment shall be to the Gaston County Superior Court within thirty (30) days of the Board's decision.~~

Section 12.14 **Oaths**

The Chair of the Board or any other member acting as chair, and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

Section 12.15 **Subpoenas**

The Board of Adjustment through the Chair, or in the Chair's absence, anyone acting as Chair, may subpoena witnesses and compels the production of evidence. To request issuance of a subpoena, person with standing under § 160A-393(d) may make a written request to the Chair, explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena, issued pursuant to this section, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the Court shall have jurisdiction to issue these orders after notice to all proper parties.



City of Mount Holly Action Agenda Item

To: City Council	Date: November 22, 2013
From: Greg Beal, Planning Director	Meeting Date: November 25, 2013
<u>Agenda Item to be considered:</u> Public hearing to consider amending Article 13 of the Zoning Ordinance, concerning the membership of the Planning Commission, which is proposed to be reflective of representation and therefore, composed of 8 members, who reside in the city limits, and one representative who resides in the ETJ.	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>Due to the significant reduction of the City's ETJ, through relinquishment to the County, and the fact that there is currently a Planning Commission representative for every 2,000 citizens in Mount Holly, having two ETJ representatives for a population of ETJ residents that is estimated to be less than 400 persons is not practical or required. Also, it is very difficult having an ETJ resident fill the position on the Planning Commission, and we thank Mr. Springs for his valued service. Under this scenario, the Council would then appoint a citizen of Mount Holly as the additional inside-city member to the Planning Commission. We would retain the one outside member resident of the ETJ through Mr. Springs, which is required by Statutes. I have had conversations with Mr. Ducker with the School of Government, and he feels that this proposal is legal and appropriate, as do I.</u>	
<i>Fiscal Impact:</i>	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: <u>Staff recommends that the Planning Commission recommend to Council, that they amend Article 13 of the Zoning Ordinance, concerning the membership of the Planning Commission to be reflective of representation and have 8 inside-city limits members and one ETJ representative.</u>	
Result of City Council Decision: _____	
Attachments: Article 13	

Article XIII **Establishment of the Planning Commission**

There shall be and is hereby created a Planning Commission consisting of nine (9) regular members. ~~Seven (7)~~ Eight (8) members shall reside within the Mount Holly city limits and shall be appointed by the City Council. ~~Two (2)~~ One (1) members shall reside within the extraterritorial planning jurisdiction and shall be appointed by the Gaston County Board of Commissioners. The members shall serve three (3) year overlapping terms initially established as follows: three (3) members appointed for a term of three (3) years; three (3) members appointed for a term of two (2) years; and three (3) members appointed for a term of one (1) year. At completion of initial terms of office each new appointment or re appointment shall be for a term of three (3) years. In addition, the Planning Commission shall consist of up to three (3) alternate members which shall vote and participate only in the absence of a regular member. Alternate members shall also serve three (3) year overlapping terms. During the absence of any regular member, an alternate member regardless of his/her residency, shall serve and may exercise all the powers and duties of a regular member.

Section 13.1 **Purpose**

The purpose of the Planning Commission shall be to:

- A. Prepare studies and plans for the provision of orderly growth within the city limits and the extraterritorial planning jurisdiction.
- B. Develop and recommend to City Council policies, ordinances, and administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- C. Review and make recommendations on matters including rezoning petitions, subdivision plats and planned unit developments.
- D. Perform any other related duties that the City Council may direct pursuant to G.S. 160A-361.

Section 13.2 **Meetings and Procedures**

The Planning Commission shall adopt and abide by rules of procedure which shall govern the meeting schedule, election of officers other than Chairman, voting, quorums, attendance and general conduct of meetings. All meetings are open to the public.



City of Mount Holly Action Agenda Item

To: City Council

Date: November 22, 2013

From: Greg Beal, Planning Director

Meeting

Date: November 25, 2013

Agenda Item to be considered: Public hearing to consider amending Section 5.18 Historic Overlay District, to establish a Historic District for Downtown Mount Holly, based on its placement on the National Register of Historic Places.

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request: The City currently has the language to establish and govern a historic district in Mount Holly in our Zoning Ordinance. We have had that language in the Ordinance since 1996, and there was obviously hope to one day establish a historic district when certain requirements were met. However, until recently, there has been no need to establish a historic district because of 1) the lack of recognition by a State or National board, 2) there was no significant investment in downtown Mount Holly by property owners until the past three years, and 3), the City had a Downtown Development Manual, adopted in 2005, which helped govern downtown projects. It is my strong opinion that the City needs to adopt an official Historic District, reflective of what has been placed on the National Register of Historic Places for Downtown Mount Holly. The Downtown Development Manual will be the governing document for the established Downtown Mount Holly Historic District, when and IF a Historic Preservation Commission is enacted. State statutes make it impossible to prevent demolition of a building and require only a year denial of a demolition permit. However, having an official district map will be a starting point if Council decides to proceed further.

Fiscal Impact:

Will Item affect current budget	☐ YES	☐ NO	☒ N/A
Reviewed by Finance Director	☐ YES	☐ NO	☒ N/A
Preaudit Certification required	☐ YES	☐ NO	☒ N/A
Capital Project Ordinance required	☐ YES	☐ NO	☒ N/A
Budget Transfer required	☐ YES	☐ NO	☒ N/A

Total City Dollars:

\$

Budget Code

Reviewed by City Attorney ☒ YES ☐ NO ☐ N/A

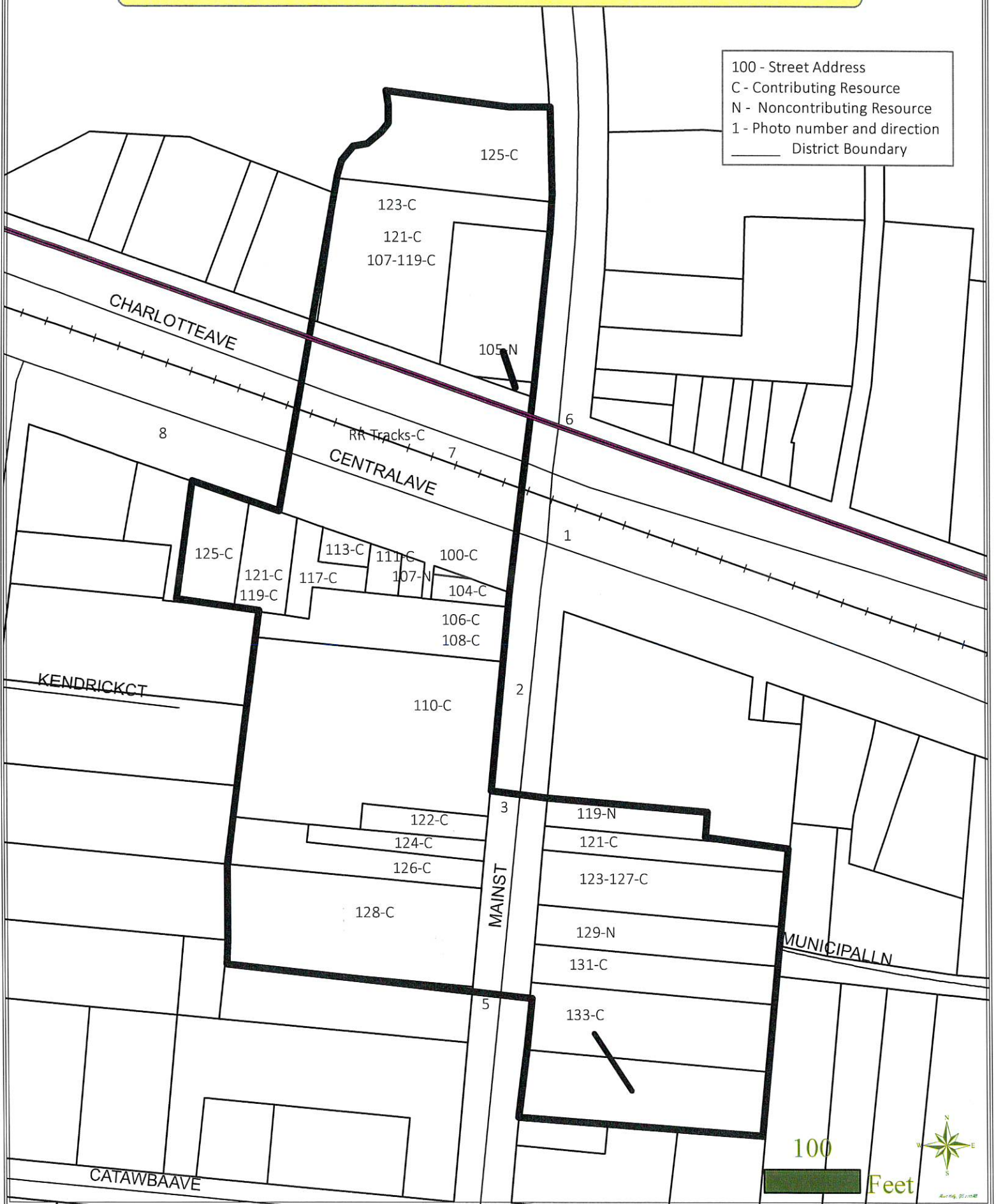
Manager/Staff Recommendation: The Planning Commission made a unanimous recommendation to adopt only the established district map (see attached). We can then at any time proceed with establishing Historic Preservation Commission to assist in reviewing development activity in downtown. If Council chooses to never appoint a Historic Preservation Commission, we still would have a map, reflective of Historic Downtown Mount Holly per the National Register, which could assist us in other projects, such as grants.

Result of City Council Decision:

Attachments: Historic District Map based on National Register

Downtown Mount Holly Historic District

100 - Street Address
C - Contributing Resource
N - Noncontributing Resource
1 - Photo number and direction
—— District Boundary





City of Mount Holly Action Agenda Item

To: City Council

Date: November 22, 2013

From: Greg Beal, Planning Director

Meeting Date: November 25, 2013

Agenda Item to be considered: Public hearing to consider amending Article 9 Signs of the Zoning Ordinance

Will this require a public hearing? ☒ YES ☐ NO

Background/Purpose of Request: The City made several changes to the Sign Ordinance, adopted in August 2009, last November. However, we have been approached, particularly by one business in town, to consider allowing banner signs. While staff was doing research into this matter, we have found that Mooresville, Cornelius, Huntersville, Belmont and Gastonia have almost the same wording as the City of Mount Holly Zoning Ordinance in that these towns only allow banners for commercial businesses in the case of grand openings. During the grand opening event, which is a one-time occurrence, the businesses in these cities can display the banner on average, for a two-week period. We certainly don't have to follow the same wording as other towns, but our Ordinance is not uncommon language. Now, whether or not these cities are enforcing their sign ordinances is a different matter.

Regardless of the banner question, there has been a request to allow 100 square feet of signage for multitenant shopping centers over 25,000 square feet in size at 12 feet in height. Our current Sign Ordinance allows 64 square feet of signage with a maximum height of 8 feet. I support this proposal as Creekside Shopping Center and Springs Crossing will be the only businesses affected, and the effect will be positive. Both of these shopping centers are currently undergoing design for new monument signs to conform to the City's amortization of pole and portable signs. All businesses are required to comply by the end of the year. We have had 19 businesses to comply by erecting monument signs on their property and/or removing their pole sign. There are still 33 businesses that have not complied, but most of these businesses are going through design of a new sign or have removed signs but not the poles.

Fiscal Impact:

Will Item affect current budget	☐ YES	☐ NO	☒ N/A
Reviewed by Finance Director	☐ YES	☐ NO	☒ N/A
Preaudit Certification required	☐ YES	☐ NO	☒ N/A
Capital Project Ordinance required	☐ YES	☐ NO	☒ N/A
Budget Transfer required	☐ YES	☐ NO	☒ N/A
Total City Dollars:	\$		
Budget Code			
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

Manager/Staff Recommendation: The Planning Commission made a unanimous recommendation to Council that they approve the text amendment for multitenant signs for shopping centers over 25,000 sq ft be amended to allow 12 feet of height and 100 square feet of sign area for the monument yard sign. This would be found in Section 9.19(C) General Business Signs to read, "In the event of a shopping center, in which the building is over 25,000 square feet, the monument sign shall not exceed 100

square feet and 12 feet in height.”

The Planning Commission also recommended that Section 9.13 N be amended to allow one, professionally-made banner, 32 square feet in size for commercial purposes, located on the interior of the commercially-zoned property on a structure, which is defined as a fence or wall. The Planning Commission recommended that flying banners, wing banners and banners on self-supporting poles be prohibited, per Section 9.13 (N).

We researched scrolling message board signs as there has been some interest from the Board, but no municipality that we have found allows this, except Gastonia. The Planning Commission recommended that we hold off on adopting language allowing scrolling message board signs until more interest is gained on use of these signs from the public.

Result of City Council Decision:

***Attachments: Monument Sign Schematic
Article 9 Signs, two proposed amendments***

- J. Portable Signs. Any sign that is intended to be portable or any sign that was initially constructed and designed to be placed on and/or transported on wheels or legs regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said sign as a "free- standing" sign as herein defined. It shall be noted that the property owner has until December 31, 2013, to remove any and all portable signs from said property as classified herein. Upon adoption of this Ordinance the Zoning Administrator shall not issue any permits for portable signs.
- K. Inflatable signs and balloons. Any sign that is inflatable and is intended for advertisement.
- L. Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- M. Pole Signs. Any sign that is attached to the ground by a pole constructed of any material. It shall be noted that the property owner has until December 31, 2013, to remove any and all pole signs from said property as classified herein. Upon adoption of this Ordinance the Zoning Administrator shall not issue any permits for pole signs.
- N. Banners. Any temporary sign made of cloth, vinyl, nylon, plastic or similar material used to display a commercial or civic message, or used for decorative purposes, including flying banners or wing banners attached to the ground by a flexible pole. One, professionally-made banner of 32 square feet in size may be utilized by a business on its commercially-zoned property, and must be placed on a permanent structure, which is defined as a fence or wall. Banners for special events may be utilized, so long as said banners conform to Section 9.12(7), as outlined in this Ordinance. Similarly, on-premise, grand-opening signs, including banners may be utilized, so long as said sign conforms to Section 9.12(8), as outlined in this Ordinance.

Section 9.14 **General Provisions for Signs**

1. The scale of the signs should be appropriate for the building on which they are placed.
2. Signs should not obscure architectural features and should be integrated with the design of the building.
3. Buildings should provide signage that is pedestrian-oriented.
4. All buildings may provide incidental wall signs such as tenant identification, historical markers or bulletin boards on any wall face provided that they do not exceed six (6) square feet in area.

square feet. Neighborhoods may be allowed two monument signs provided that each does not exceed thirty-two (32) square feet in area or six (6) feet in height.

Section 9.16 **Office / Institutional (O-I) Signs**

Allowable sign area shall not exceed one (1) square foot per linear foot of the front of the building for signage on front of building face. One (1) monument sign may be utilized providing it does not exceed thirty-two (32) square feet and shall not exceed six (6) feet in height. In the event the building has walls facing a side street or rear street, then those areas are allowed one-half (1/2) square foot per each linear foot of building abutting said side or rear street.

Section 9.17 **Downtown (B-1) Signs**

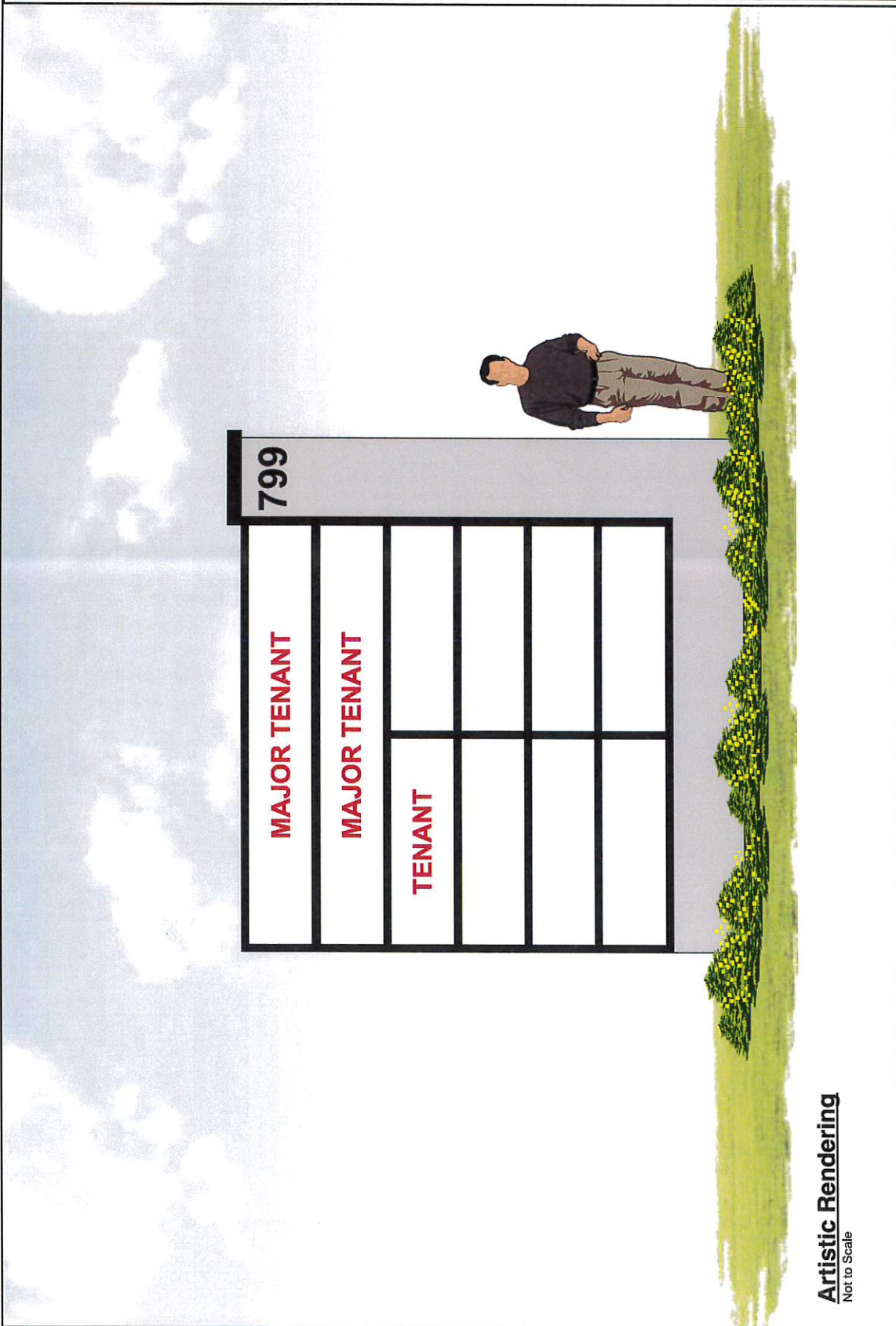
Allowable wall sign area on the front of a business shall not exceed two square feet per linear foot of the building facing a public street. If a monument sign is utilized, then said monument sign shall not exceed thirty-two (32) square feet and shall not exceed six (6) feet in height. Projecting Signs may be utilized provided that there is no room for a monument sign. Projecting signs cannot be combined with a wall sign.

Section 9.18 **Neighborhood (B-2) Signs**

Allowable wall sign area on the front of a business shall not exceed two square feet per linear foot of the building facing a public street. If a monument sign is utilized, then said monument sign shall not exceed thirty-two (32) square feet and shall not exceed six (6) feet in height. In the event the building has walls facing a side street or rear street, then those areas are allowed one (1) square foot per each linear foot of building abutting said side or rear street.

Section 9.19 **General Business (B-3) Signs**

- A. Allowable sign area on the front of building shall not exceed two (2) square feet per linear foot of building facing a public street. If a monument sign is utilized, then said monument sign shall not exceed forty-eight (48) square feet or eight (8) feet in height. In the event the building has walls facing a side or rear street, then those areas are permitted to have one (1) square foot per linear foot of said building with public street facing.
- B. In the event of a shopping center; the monument sign shall not exceed sixty-four (64) square feet and eight (8) feet in height.
- C. In the event of a shopping center, in which the building is over 25,000 square feet, the monument sign shall not exceed 100 square feet and 12 feet in height.



Artistic Rendering
Not to Scale

Note: All illuminated signs are manufactured for 120 volt circuits. Letter strokes may be modified as required to accept light source.

RITELITE
SIGNS, INC.
1000 Biscayne Drive 704.788.7097
Concord, NC 28027 fax: 704.788.7091

Client: _____

**Creekside
Center**

Job Location: Mount Holly, NC

Database: CFB Salesperson: DF

Project #: 11470 Date: 5 September 13

Revision Date:
13 September 13cib
18 September 13gpc

Drawings & File Location:
13.334 abc/Creekside Center - Mt. Holly, NC

Customer Approval: _____ Date: _____

Lead Lead Approval: _____ Date: _____

Production Approval: _____ Date: _____

This original design is the exclusive property of Rite Lite Signs, Inc. and is protected by federal copyright laws. Any reproduction or construction of a sign similar to the one embodied herein is expressly forbidden. Should such construction occur, Rite Lite Signs, Inc. is due \$500 as compensation for their time & effort in creating each drawing.



**UNDERWRITERS
LABORATORIES**



City of Mount Holly Action Agenda Item

To: City Council	Date: 11-14-13
From: Brian DuPont	Meeting Date: 11-25-13

Agenda Item to be considered: Presentation of 2014 Road Improvement Projects

Will this require a public hearing? ☐ YES ☒ NO

Background/Purpose of Request : Staff completed the 2012 Road Improvement Projects, which included resurfacing of South Hawthorne Street and West Walnut Avenue. At this time, staff proposes two road projects for 2014:

Project 1: Resurfacing of Rankin Avenue from Oak Grove Street to West Catawba Avenue and to include a new sidewalk segment from Scott Street to West Catawba Avenue. The City Engineer has estimated this project at \$236,000.00 to include milling, paving, and sidewalk with no drainage improvements. Based on the 2011 Pavement Condition Survey this area of road averages a 63.5 rating out of 100 and is in the Poor category. The sidewalk is identified as a priority section in the adopted 2013 Comprehensive Pedestrian Plan.

Project 2: Intersection improvement of Ferstl Avenue & Beaty Road. In 2011, the City received funding from the Metropolitan Planning Organization to develop construction documents for the upgrade of this intersection based on accident reports and the City's Strategic Vision Plan. At the September 12, 2011 Council meeting, the attached option was approved by Council as the recommended design for an intersection improvement. The City Engineer has estimated this improvement at \$240,000.00. Based on the 2011 Pavement Condition Survey this area of road averages a 42.2 rating out of 100 and is in the Very Poor category. The intersection was also identified as a priority intersection in the 2013 Pedestrian Plan.

Based on discussion with the Streets Director and Finance Department there is a remaining fund balance for Powell of roughly \$943,000. This amount is separate from what has been allocated in the Powell Budget for this fiscal year, which has a remaining balance of \$245,000 for roadwork and \$90,000 for sidewalk construction. At this time, the current budget and fund balance does allow for adequate funding of these two projects with a remaining amount of \$802,000.00 $[(943,000 + 245,000 + 90,000) - 476,000]$, which is at a significant level for other unforeseen projects or needs as required by the City. These numbers do not account for what the City will also receive from this year's Powell allocation, which is around \$300,000.

The timeline that staff is proposing is to have Council approval of both projects as a consent agenda item in December. Then the City Engineer will put a bid document together and staff will bring these projects back to Council for awarding a bid in February. The timeline is set up in order to allow as much time within this FY to finish these projects. However, any remaining work that should carry into July 1 would be included in next year's budget.

Fiscal Impact:

Will Item affect current budget	☒ YES	☐ NO	☐ N/A
Reviewed by Finance Director	☐ YES	☐ NO	☒ N/A
Preaudit Certification required	☐ YES	☐ NO	☒ N/A
Capital Project Ordinance required	☐ YES	☐ NO	☒ N/A
Budget Transfer required	☐ YES	☐ NO	☒ N/A
Total City Dollars:	\$ 476,000.00		
Budget Code			
Reviewed by City Attorney	☒ YES	☐ NO	☐ N/A

Manager/Staff Recommendation:

Recommend approval of both projects for 2014 Road Improvements.

Result of City Council Decision:

Attachments:

- 1. Ferstl Intersection Design**
- 2. Aerial of Rankin Avenue Project Area**
- 3. Copy of Right-of-Way Encroachment Agreement by NCDOT for Ferstl Intersection**



City of Mount Holly

INTERSECTION IMPROVEMENT PROJECT
Option 3 - Preliminary Sketch Plan
 Mount Holly, North Carolina



WEBBST

LANEST

PARKAVE

LOYAST

CATAWBAVE

RANKINAVE

RICKST

PARKAVE

MADORAST

GLENDALAVE

MILLST
BRIGHT STARLN

ADRIANST

HUTTS

WOODST

SCOTTST

SLADEST

HAWTHORNEST

HICKSCIR

COSTNERST

STATEST

OAK GROVEST

CRESTST

CLINEST

Legend

Proposed Sidewalk 2014

Street Centerlines





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

BEVERLY EAVES PERDUE
GOVERNOR

EUGENE A. CONTI, JR.
SECRETARY

June 5, 2012

COUNTY: Gaston
SUBJECT: Right of Way Encroachment Agreement
NC 273

City of Mount Holly
P.O. Box 408
Mount Holly, NC 28120

Attached is an approved Right of Way Encroachment Agreement covering the intersection improvement at Beaty Rd and NC 273 in Mt. Holly.

The encroaching party shall comply with all applicable state and federal environmental regulations, and shall obtain all necessary state and federal environmental permits, including but not limited to, those related to sediment control, storm water, wetland, streams, endangered species, and historical sites.

Approval is given subject to provisions in the Agreement and attachments thereto which are made a part of the Agreement.

It would be appreciated if you would advise Wesley Clary (704)480-2085 at least forty-eight (48) hours prior to the date of beginning work on installation of this encroachment. Furthermore, it will be necessary for you to notify the District Office in writing when work is completed on this installation.

The Department of Transportation does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought by any property owner by reason of the installation.

Respectfully yours,

A handwritten signature in black ink, appearing to read "G. R. Spangler".

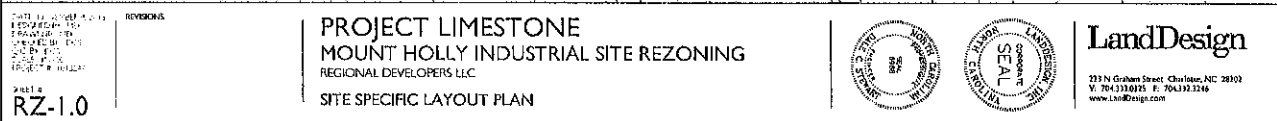
Gary Spangler
District Engineer

:WSC



City of Mount Holly Action Agenda Item

To: City Council	Date: November 22, 2013
From: Danny Jackson, City Manager	Meeting Date: November 25, 2013
Agenda Item to be considered: #9 – Discussion of the 2014 City Council Retreat	
Will this require a public hearing? ☐ YES ☒ NO	
Background/Purpose of Request : <i>If you all will recall, at the last City Council meeting in October I spoke to you about the upcoming 2014 City Council Retreat. More specifically, I was seeking input regarding discussion topics and possible options for a location to hold the retreat. On Monday night I will follow-up with you to see if you all have any additional input, in particular a possible location. As you know, the date for the retreat has been set, which is February 6 and 7, Thursday and Friday, respectively.</i>	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☒ NO ☐ N/A
Reviewed by Finance Director	☐ YES ☒ NO ☐ N/A
Preaudit Certification required	☐ YES ☒ NO ☐ N/A
Capital Project Ordinance required	☐ YES ☒ NO ☐ N/A
Budget Transfer required	☐ YES ☒ NO ☐ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☐ YES ☐ NO ☒ N/A
Manager/Staff Recommendation: N/A	
Result of City Council Decision: 	
Attachments:	

[illegible]



City of Mount Holly Action Agenda Item

To: City Council	Date: November 22, 2013
From: Greg Beal, Planning Director	Meeting Date: November 25, 2013
Agenda Item to be considered: <u>Call for a public hearing, regarding a request by Regional Developers, LLC to consider rezoning 20.59-acres of land, located at 210 Beatty Drive, Parcel ID #'s 209095, 184769 and 184771, from B-3 General Business South Gateway Overlay District to Conditional District Office/Manufacturing.</u>	
Will this require a public hearing? ☒ YES ☐ NO	
Background/Purpose of Request: <u>Crescent Resources is the current owner of the properties in question. However, the proposed office and manufacturing project will be by Regional Developers, LLC, the applicant. More information will be available at the public hearing before the Planning Commission and City Council. This is proposed to be a mix of office and manufacturing of +/- 265,000 square feet.</u>	
Fiscal Impact:	
Will Item affect current budget	☐ YES ☐ NO ☒ N/A
Reviewed by Finance Director	☐ YES ☐ NO ☒ N/A
Preaudit Certification required	☐ YES ☐ NO ☒ N/A
Capital Project Ordinance required	☐ YES ☐ NO ☒ N/A
Budget Transfer required	☐ YES ☐ NO ☒ N/A
Total City Dollars:	\$
Budget Code	
Reviewed by City Attorney	☒ YES ☐ NO ☐ N/A
Manager/Staff Recommendation: <u>The Planning Commission made a unanimous recommendation that Council set the hearing dates for December 2nd and December 9th, 2013, the first before the Planning Commission and the second before City Council, for the proposed rezoning. A Public Involvement Meeting is scheduled for November 26th from 3:00 PM until 6:00 PM, and you are encouraged to attend anytime between those hours if you would like more information. This project represents over a \$10 million investment to Mount Holly, if approved.</u>	
Result of City Council Decision: 	
Attachments: <u>Rezoning Application</u> <u>Proposed Site Plan</u>	

**REZONING APPLICATION
CITY OF MOUNT HOLLY, NORTH CAROLINA**

Date Filed: NOVEMBER 1, 2013 Application Number: 11-1-13A

The undersigned does (do) hereby respectfully make the application and request to the City of Mount Holly to amend the Zoning Map of Mount Holly as hereinafter requested and in support of this application the following facts are shown:

1. The real property, sought to be rezoned, is owned in fee simple by:

CRESCENT RESOURCES
Address: 227 W. TRADE ST., STE. 1000, CHARLOTTE, NC 28202
as evidenced by Deed Book 1022 on Page 772 in the Gaston County Registry. There are no restrictions or covenants of record appearing in the chain of title, which would prohibit the property from being put to the use specified in Paragraph five (5) of this application.

2. The real property sought to be rezoned is located at/on
210 BEATTY DRIVE on the Left or Right side of the BEATTY DRIVE
(physical address) (circle one) (street)

between CALDWELL DRIVE and YMCA DRIVE, and has a Tax
(street) (street)

Listing of: Tax Book _____, Map _____, Parcel _____. Said lot(s) has (have) a frontage of 2,320 feet and is approximately 20.59 acres in size. PORTIONS OF
PARCELS
209095
184769
184771

3. A complete legal description of the boundaries of said realty (to be completed by an attorney) is attached to this application along with a survey or tax map of said realty.

4. It is desired and requested that the real property herein described be rezoned from B-3 Zone to OFFICE/MANUFACTURING zone.
CONDITIONAL DISTRICT

5. If Conditional Use rezoning is requested, a site specific plan (see Appendix) is hereby attached (check) X Yes or _____ N/A.

6. If the Conditional Use Rezoning is requested, it is proposed that the real property be put to the following use, with the following specific improvements including building sizes and proposed screening in accordance with the attached site plan as mentioned in Paragraph five (5).

PROPOSED USE: A MIX OF OFFICE AND MANUFACTURING
PROPOSED BUILDING SIZES: +/- 265,000 SF

7. Attached is a list of all the properties adjacent to the subject property including the owners' name(s) and address and tax book, map, and parcel number of each lot as shown on the Gaston County Tax Maps. Adjacent properties are considered all those immediately or diagonally adjacent to the subject property, including any properties immediately across any creeks, rivers, railroads, highways or other natural or man-made barriers.

REGIONAL DEVELOPERS LLC
Name of Applicant(s)

CRESCENT RESOURCES
Interest of Applicant in Subject Realty:
(Must be the owner if requesting
Conditional Use Rezoning)

Applicant's Address: 16202 MARVIN ROAD, CHARLOTTE, NC 28277

Phone Number: (704) 996-2847

Signature: _____

INSTRUCTIONS: Applications must be TYPED or LEGIBLE and filed with the City of Mount Holly Planning and Zoning Department, together with the application fee in the amount of \$ 800 (See Fee Schedule) at least 15 days prior to the Planning Commission meeting for initial consideration.

REPORTS

PUBLIC WORKS REPORT

	SEPTMBER	2013	2012	2011
Water				
Daily Average (mgd)		2.676	2.613	2.670
Daily Maximum (mgd)		3.470	3.450	3.690
Daily Minimum (mgd)		2.200	2.000	2.090
Monthly Total (mg)		80.270	78.380	80.100
Customers				
Inside City Limits		5409	5312	5289
Outside City Limits		482	489	489
TOTAL		5891	5801	5778
Wastewater				
Daily Average (mgd)		1.652	2.240	1.974
Daily Maximum (mgd)		2.468	2.922	2.509
Daily Minimum (mgd)		0.741	1.643	0.810
Monthly Total Flow (mg)		49.545	67.198	59.231
American & Efird Total Flow (mg)		16.087	16.483	15.474
Customers				
Inside City Limits		5066	4990	5136
Outside City Limits		55	49	50
TOTAL		5121	5039	5186
Sanitation				
Number of Customers				
Residential		4744	4669	4674
Commercial / Industrial		145	146	141
Recycling		4819	4632	0.00
Garbage Collected (tons)		336.95	313.61	347.84
General Yardwaste (tons)		65.99	47.20	58.14
Chipping (tons)		0.00	0.00	0.00
Leaves (tons)		0.00	0.00	0.00
Total Yardwaste (tons)		65.99	47.20	58.14
White Goods (tons)		0.00	0.00	0.00
Recycling (tons)		110.50	99.70	0.00

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(10/01/2013 - 10/31/2013)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
0510 - Burglary - Forcible Entry	0	0	0	0	0	0	0	0	4	4	2
0520 - Burglary - Non-Forced Entry	0	0	0	0	0	0	0	0	1	1	1
0630 - Larceny - Shoplifting	0	0	0	0	0	0	0	0	2	2	1
0640 - Larceny - From Motor Vehicle	1	3	0	0	0	0	0	0	9	9	2
0650 - Larceny - Auto Parts & Accessories	0	0	0	0	0	0	0	0	2	2	2
0690 - Larceny - All Other Larceny	2	1	0	0	0	0	0	0	11	11	7
0710 - Motor Vehicle Theft - Automobile	0	0	0	0	0	0	0	0	2	2	2
0790 - Motor Vehicle Theft - All Other Motor Vehicles	0	0	0	0	1	0	0	0	1	1	0
0810 - Simple Physical Assault	2	0	0	0	0	0	0	0	4	4	1
0820 - Simple Non-Physical Assault	1	0	0	0	0	0	0	0	1	1	0
1015 - Forgery - Using/Uttering	0	0	0	0	0	0	0	0	1	1	1
1120 - Fraud - Obtaining Money/Property by False Pretense	1	0	0	0	0	0	0	0	3	3	2
1150 - Fraud - Credit Card/Automated Teller Machine	0	0	0	0	0	0	0	0	1	1	1
1180 - Fraud - Wire/Computer/Other Electronic Manipulation	0	0	0	0	0	0	0	1	1	0	0
1290 - Embezzlement - All Other Embezzlement	0	0	0	0	0	0	0	1	1	0	0
1330 - Possessing/Concealing Stolen Property	1	0	0	0	0	0	0	0	1	1	0
1400 - Criminal Damage to Property (Vandalism)	2	4	0	0	1	0	0	1	23	22	7
1810 - Drug Violations	2	0	0	0	0	0	0	0	14	14	11
1832 - Drug Violations - Equipment/Paraphernalia - Manufacturing	0	0	0	0	0	0	0	0	1	1	0
1833 - Drug Violations - Equipment/Paraphernalia - Selling	0	0	0	0	0	0	0	0	2	2	2

Incident Disposition Totals by Offense

MOUNT HOLLY POLICE

(10/01/2013 - 10/31/2013)

Offense:	Arrest/No Supp.:	Arrest/Oth. Agency:	Death of Offender:	Vic. Ref. to Cooper.:	Prosecut. Declined:	Extradit. Declined:	Located Missing:	Unfound.:	Reported:	Actual:	Further Invest.:
1834 - Drug Violations - Equipment/Paraphernalia - Possessing/Concealing	2	0	0	0	0	0	0	0	2	2	0
1835 - Drug Violations - Equipment/Paraphernalia - Transporting	0	0	0	0	0	0	0	0	2	2	2
1890 - Drug Violations - All Other Drug Violations	0	0	0	0	0	0	0	0	5	5	5
2650 - Escape From Custody or Resist Arrest	0	1	0	0	0	0	0	0	1	1	0
2690 - All Other Offenses	1	0	0	0	0	0	0	1	4	3	1
4020 - Suicide	0	0	0	0	0	0	0	1	1	0	0
9910 - Calls for Service	0	0	0	0	0	0	0	0	7	7	2
Totals:	15	9	0	0	2	0	0	5	107	102	52

Arrest Status/Disposition Totals by Offense

MOUNT HOLLY POLICE

(10/01/2013 - 10/31/2013)

Offense:	Further Invest.:	Inactive:	Closed/Cleared:	Arrest/No Supp.:	Arrest/No Invest.:	Felony:	Misd.:	Juvenile:	Adult:	Offense:
0510 - Burglary - Forcible Entry	0	0	1	0	1	1	0	0	1	1
0520 - Burglary - Non-Forced Entry	0	0	2	2	0	2	0	0	2	2
0690 - Larceny - All Other Larceny	0	0	7	4	3	1	6	0	7	7
0710 - Motor Vehicle Theft - Automobile	0	0	3	3	0	2	1	0	3	3
0790 - Motor Vehicle Theft - All Other Motor Vehicles	0	0	2	2	0	2	0	0	2	2
0810 - Simple Physical Assault	0	0	2	2	0	0	2	0	2	2
0820 - Simple Non-Physical Assault	0	0	2	1	1	0	2	0	2	2
0890 - Simple Assault- All Other Simple Assault	0	0	1	0	1	0	1	0	1	1
1120 - Fraud - Obtaining Money/Property by False Pretense	0	0	2	2	0	2	0	0	2	2
1330 - Possessing/Concealing Stolen Property	0	0	1	1	0	0	1	0	1	1
1400 - Criminal Damage to Property (Vandalism)	0	0	3	3	0	2	1	0	3	3
1770 - Statutory Rape (Under Age of 12)	0	0	1	1	0	1	0	0	1	1
1780 - Child Molestation (Non-Assaultive)	0	0	3	3	0	3	0	0	3	3
2100 - DWI - Alcohol and/or Drugs	0	0	1	1	0	0	1	0	1	1
2640 - Contempt of Court, Perjury, Court Violations	0	0	5	0	5	0	5	0	5	5
2660 - Parole & Probation Violations	0	0	2	1	1	1	1	0	2	2
2670 - Trespassing	0	0	2	1	1	0	2	0	2	2
2690 - All Other Offenses	0	0	2	1	1	1	1	0	2	2
4010 - All Traffic (except DWI)	0	0	1	1	0	0	1	0	1	1
Totals:	0	0	43	29	14	18	25	0	43	43

Citation Totals by Charge

MOUNT HOLLY POLICE

(10/01/2013 - 10/31/2013)

Charge:	Number of Charges:
Speeding (Misdemeanor)	9
Speeding (Infraction)	14
Seat Belt	2
Passenger Seat Belt - Juvenile	1
No Operator License	2
Driving While License Revoked	4
Inspection	4
Unsafe Movement	2
No Insurance	1
Failure To Reduce Speed	5
Other (Misdemeanor)	5
Other (2nd Charge - Misdemeanor)	10
Total:	59

Calls By Department

October 2013

MOUNT HOLLY POLICE

SPECIAL CHECK	170	16.85%
TRAFFIC STOP	77	7.63%
ALARM R	45	4.46%
SUSPICIOUS PERSON	37	3.67%
FOLLOW UP INVESTIGATION	35	3.47%
CHECK THE WELFARE	29	2.87%
NOISE VIOLATION	28	2.78%
SUSPICIOUS VEH OCCUP	28	2.78%
FOOT PATROL	26	2.58%
MV COLLISION PD	26	2.58%
SUSPICIOUS VEH UNOCCUP	25	2.48%
ALARM B	23	2.28%
ASSIST FD/EMS	21	2.08%
BANK ESCORT	21	2.08%
INFORMATION ONLY	21	2.08%
DISCHARGE FIREARM	20	1.98%
SERVE WARRANT	19	1.88%
CHECK ROADWAY	18	1.78%
DOMESTIC ARGUMENT	17	1.68%
SCHOOL RES OFFICER	16	1.59%
LARCENY AL OCC	15	1.49%
ASSIST LE AGENCY	14	1.39%
B & E TO VEHICLE ALR OCC	14	1.39%
STRANDED MOTORIST	14	1.39%
CIVIL DISPUTE	12	1.19%
FIGHT MULTIPLE SUBJ	11	1.09%
COURT	10	0.99%
DAMAGE TO PROPERTY	10	0.99%
PROWLER	10	0.99%
VERBAL ARGUMENT	10	0.99%
DRUGS	9	0.89%
INTOXICATED DRIVER	8	0.79%
SPECIAL ASSIGNMENT	8	0.79%
ASSIST OTHER	7	0.69%
B & E RES AL OCC	7	0.69%
COMMUNICATING THREATS	7	0.69%
ASSIST CITY DEPARTMENT	6	0.59%
FUNERAL ESCORT	6	0.59%
JUVENILE	6	0.59%
SCHOOL PROGRAM	6	0.59%
SCHOOL TRAFFIC	6	0.59%
TRAFFIC OTHER	6	0.59%
ASSAULT AL OCC	5	0.50%
FRAUD	5	0.50%
HARRASSMENT	5	0.50%
HIT & RUN PD	5	0.50%
INTOXICATED PEDESTRIAN	5	0.50%
OBTAINING WARRANT	5	0.50%
STOLEN VEHICLE AL OCC	5	0.50%
ANIMAL COMPLAINT	4	0.40%
FOUND PROPERTY	4	0.40%
MISC CALL	4	0.40%
PERSONAL ESCORT	4	0.40%
PUBLIC NUISANCE	4	0.40%
BIKES/SKATEBOARDS/ATV/DIRT BIKES	4	0.40%

DOMESTIC ASSAULT	3	0.30%
MV COLLISION PI	3	0.30%
SOLICITATION	3	0.30%
SUBJECT WITH A GUN/WEAPON	3	0.30%
TRESPASS	3	0.30%
ATTEMPTED B & E	2	0.20%
CHILD CUSTODY	2	0.20%
DEATH INV UNATTENDED	2	0.20%
DISTURBANCE NATURE UNK	2	0.20%
DOMESTIC ESCORT	2	0.20%
HANGUP 911	2	0.20%
PARKING VIOL	2	0.20%
RECOVER STOLEN PROPERTY	2	0.20%
SPEC ASSIGNMENT TRAFFIC	2	0.20%
VANDALISM AL OCC	2	0.20%
ASSAULT IN PROG	1	0.10%
B & E BUSINESS AL OCC	1	0.10%
B & E OF BUSINESS IN PROGRESS	1	0.10%
B & E RES IN PROG	1	0.10%
CHILD ABUSE AL OCC	1	0.10%
FORGERY	1	0.10%
IDENTITY THEFT	1	0.10%
K9 DEPLOYMENT	1	0.10%
KIDNAPPING AL OCC	1	0.10%
LARCENY IN PROG	1	0.10%
MISSING PERSON JUVENILE	1	0.10%
PICK UP PROPERTY	1	0.10%
STOLEN VEH IN PROGRESS	1	0.10%
SUICIDAL SUBJECT	1	0.10%
VANDALISM IN PROG	1	0.10%
	0	0.00%
Total Records For MOUNT HOLLY POLICE	1009	100.00%
Total Records	1009	

SIGN UP TO SPEAK AT THE

11/25/2013

Tailrace Marina

NAME	ADDRESS	TOPIC
✓ Misty Rae	212 Riverfront Pkwy	Riverfront Subdivision
✓ MICHAEL J. PETRUSKA	152 LIGHTHOUSE RD.	MT. HOLLY
✓ ZELDA LAWRENCE	241 Riverfront Pkwy	mt Holly
✓ Jim Barber, Jr.	161 Lighthouse Rd	MT HOLLY
✓ Dao Phuppr	121 Huckleberry Ln	MT HOLLY
✓ Michael Hauert	133 Lighthouse Rd	MT HOLLY
✓ Donna Ledoux	225 Rock Ridge La	MT HOLLY
✓ Jeff Meadows	140 Tom Sawyer Ln	mt Holly
✓ John Chesser	120 Huckleberry Ln	MT. HOLLY
✓ Kelvin Smith	284 Riverfront Pkwy	MT HOLLY
✓ Adam Desautels	124 Huckleberry Ln	MT. HOLLY
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