



STALLINGS TOWN COUNCIL
A G E N D A
January 8, 2018 7:00 p.m.

Invocation, Pledge of Allegiance and meeting called to order

Public Comment

Council will consider and take possible action on the following:

Suggested
starting time

- 7:15 1. Reports
- A. Report from the Mayor
 - B. Reports from Council Members/Town Committees
 - C. Report from Town Manager/Town Departments
- 7:40 2. Agenda Approval
- Action Requested:** Motion to approve agenda as written
(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)
- 7:42 3. RZ17.11.01 – 629 Stallings Road
Request to rezone a 1.16-acre tract located in parcel #07126269 from OLR – Office Light Retail to LI – Light Industrial.
- A. Open the Public Hearing
 - B. Information from Staff
 - C. Public Comment
 - D. Close Public Hearing
 - E. Council Vote
- Action Requested:** Approve/Deny RZ17.11.01
- 7:50 4. Parks and Recreation Committee Application Consideration
- Action Requested:** Appoint applicant to committee
- 7:55 5. Potters/Pleasant Plains Intersection Improvements Land Acquisition
- A. Resolution for Condemnation – Parcel 10, Barry Stallings, 3901 Pleasant Plains Road
 - B. Attorney Stan Abrams
 - (1) Parcel 6, PEF & KFF, 4616 Potter Road
 - (2) Parcel 10, Barry Stallings, 3901 Pleasant Plains Road

- 8:20 6. Sidewalk Construction
Action Requested: Approve contract for sidewalk construction at Stallings Elementary School and Chestnut Lane
- 8:30 7. Annexation 50 – Idlewild Road
Resolution to Direct the Clerk to Investigate
Action Requested: Adopt resolution
- 8:35 8. Town Manager Contract
Action Requested: Approve Town Manager Contract
- 8:45 9. Adjournment

STALLINGS TOWN COUNCIL
Motion Page Addendum
January 8, 2018

Agenda Item	Motion Options
2	I make the motion to: (1) Approve the Agenda as presented; or (2) Approve the Agenda with the following changes: _____.
3	I make the motion to approve/deny RZ17.11.01 – 629 Stallings Road.
4	I make the motion the motion to appoint (<u>names</u>) as full members to the Parks and Recreation Committee term ending 03-31-19.
6	I make the motion to authorize the Interim Town Manager to execute the Chestnut Lane and Stallings Elementary sidewalk extensions project to Privette Enterprises for \$160,498.78
7	I make the motion to adopt the Resolution Directing the Clerk in Investigate the Annexation Petition for Annexation 50 – Idlewild Road.
8	I make the motion to approve the Town Manager’s Contract.
9	I make the motion to adjourn.



Town of
Stallings

315 Stallings Road • Stallings, North Carolina 28104

Zoning Staff Report

Case: RZ17.11.01			
Reference Name	Harris Development		
Request	Proposed Zoning	LI	
	Proposed Use	Mixed-Residential	
Existing Site Characteristics	Existing Zoning	OLR	
	Existing Use	Vacant Building	
	Site Acreage	1.045 Acres	
Applicant	William F. Harris		
Property Owner(s)	W F Harris Development LLC		
Submittal Date	November 9, 2017		
Location	629 Stallings Road		
Parcel Tax ID #	#07126269		
Plan Consistency	Land Use Plan	Designation	Office Light Retail
		Consistent with request	No
Recommendation	Planning Staff	Approve	
	Planning Board	Approve	

Request:

Harris Development has submitted a rezoning request that will allow the property located at 629 Stallings Road to be rezoned from OLR (office light retail) to LI (light industrial). The request is being sought to allow the existing building on site to be used for a moving and storage company.

Zoning and Use of Adjacent Property:				
North	Heavy Industrial (HI)	Town of Stallings	American Store & Lock	Storage Facility
South	Single Family Residential, High Density (SFR – 5)	Town of Indian Trail	Sandy Valley	Trailer Park
East	Office Light Retail & Light Industrial	Town of Stallings	Caleb's Garage & Matthews Imports	Automotive Repair Shops
West	Office Light Retail	Town of Stallings	Tulloch Automotive	Automotive Repair Shop



Aerial View



Street View

Future Land Use Designation

The *Future Land Use Map* shows the property as office light retail. Adjacent properties and the property to the south show on the map as office light retail. Properties to the north show as light industrial.

Zoning Requirements/Site Plan Analysis:

Permitted uses:

Light Industrial (LI). An area of primarily light industrial and manufacturing uses, warehousing, etc. Heavy Industrial uses not allowed.

Development Standards:

The development standards for Light Industrial, are as follows:

ZONING CATEGORY:	LI
Minimum Lot Width	100'
Minimum Lot Area	None
Front Yard Setback	50'
Rear Yard Setback	50'
Side Yard Setback	15'

Staffs Comments

Approve as requested

- The proposed rezoning will allow the property owner to lease his building to a moving and storage company. The building on site will remain, no new structures are proposed as a part of the requested zoning change.
- Staff believes the proposed use is in keeping with the land use pattern of surrounding properties.
- The current OLR category was placed on the property to encourage office users to locate along Stallings Road. This has not happened because the buildings and uses along this corridor are automotive in nature making it difficult for property owners to attract office tenants.
- Current UDO regulations for LI will apply to the property, including the table of uses.
- New zoning regulations have been drafted and will change the zoning definition on this property; however, moving and storage will be a permitted use. Other LI uses will not be.

Planning Board Recommendation

Approve as Requested



Vicinity Map (NTS)

Flood Certification
 I have examined the Flood Insurance Rate Map for Union County North Carolina, Community Panel Number 379044900K dated 2-19-2014, and hereby certify that this property is not located in a special flood hazard area as determined by the Federal Emergency Management Agency.

Use of land within a Roadway or Roadside is substantially restricted by Article XXIV of the Union County Land Use Ordinance.

Certificates of Survey and Accuracy
 State of North Carolina, Union County
 I, David Lawrence, certify that this plat was drawn under my supervision from an actual survey made under my supervision (and recorded in Book and Page as shown, that the boundaries not surveyed are clearly indicated as dashed lines drawn from adjoining corners as shown; that the ratio of precision as calculated is 1:10,000 or better; that this plat was prepared in accordance with G.S. 47-30 as amended. This survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 Witness my original signature, registration number and seal this the

1 day of October, A.D. 2017
David Lawrence, NOLS L-1290



Todd Tullock
 Bk 5018 Pg 541
 Lot 5 PB 7 Pg 09
 Zoning OLR

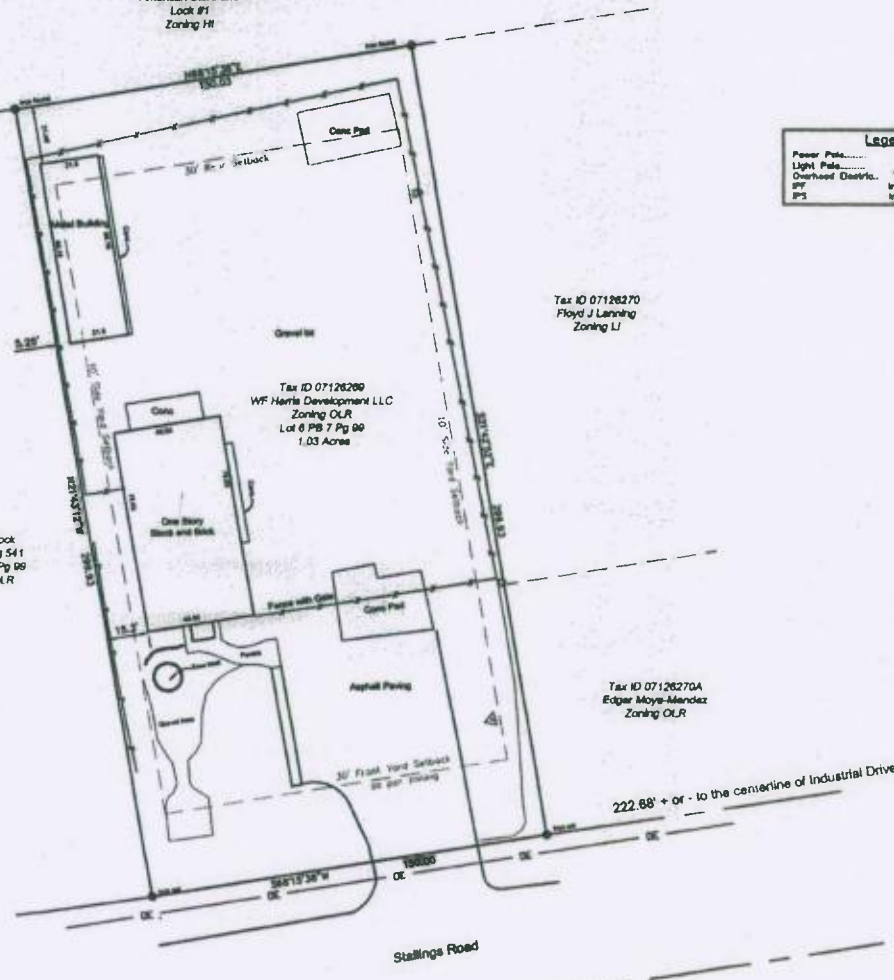
Tax ID 07126271
 American Stone and
 Lock #1
 Zoning HI

Tax ID 07126270
 Floyd J Lanning
 Zoning LI

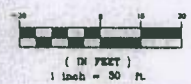
Tax ID 07126269
 WF Harris Development LLC
 Zoning OLR
 Lot 6 PB 7 Pg 09
 1.03 Acres

Tax ID 07126270A
 Edger Moya-Mendez
 Zoning OLR

Legend	
Power Pole.....	○
Light Pole.....	□
Overhead Electric	—
by	Iron Pin Found
PS	Iron Pin Set



222.68' + or - to the centerline of Industrial Drive



- NOTES**
1. Areas computed using coordinate geometry.
 2. Street Address: 629 Stallings Road Stallings NC
 3. This property may be subject to right of way, easements, restrictions and covenants either recorded or implied.
 4. All distances shown are horizontal ground distances.
 5. Rubber seal at all corners unless otherwise noted.
 6. Broken lines indicate property lines not surveyed.
 7. All adjoining property owner information is taken from current deeds and tax records and are considered as "Now or Formerly".
 8. Lawrence Associates makes no guarantee to the completion or to the maintenance of spots areas.
 9. Other underground utilities may exist but their locations are not known.

LAWRENCE ASSOCIATES
 106 W. Jefferson St.
 Morris, North Carolina 28112
 P 704-289-1013
 F 704-283-8035
 www.lawrenceurveying.com
 Firm License Number: C-7954

Boundary and Physical Survey
 Lot 6 Stallings Industrial Park
 WF Harris Development LLC (Owner)
 City of Stallings Vance Twp Union County NC

Orig. scale: 1" = 30' Date: 11/30/2017 Drawn By: RLK

REVISIONS	

Job No 719 Drawing No: 0719 Work 11-22-17.dwg Drawing no 171.247



Town of
Stallings

RECEIVED
NOV 09 2017
Town of
Stallings

315 Stallings Road • Stallings, North Carolina 28104

PB- 12/19
TC - 1/8

Zoning Map Amendment/Rezoning Application

Application # (Staff): RZ 17.11.01

Date Filed: 11-9-2017

Hearing Date: 01/8/17

Planning Board Date: 12/14/17

Town Council/Final Decision Date:

Zoning Map Amendment - Conventional	
Less than 2 acres	\$150.00
2-10 acres	\$300.00
Greater than 10 acres	\$900.00
Zoning Map Amendment - Conditional Zoning	
Less than 2 acres	\$300.00
2-10 acres	\$600.00
Greater than 10 acres	\$1200.00
Conditional Use Permit Request	\$300.00
Zoning Text Amendment - UDO	\$500.00

To the Planning Board and Town Council of Stallings, NC:

I (we) the undersigned do hereby respectfully make application and request the Planning Board and Town Council to amend the zoning map of the Town of Stallings: In support of this application, the following facts are shown:

Current Zoning (Circle One)	R-20	R-15	R-10	MFR	TC	NRD	GR	<u>OLR</u>	BC
	MR	LI	HI						
Proposed Zoning (Circle One)	R-20	R-15	R-10	MFR	TC	NRD	GR	OLR	BC
Conditional District? (CD) <input checked="" type="checkbox"/>	MR	HI	HI	MUC-1	MUC-2	OC	RSF		

Physical Property Address: <u>629 Stallings Rd</u>	
Physical Description of Location: 	
Tax Parcel Number(s) (PID Number): <u>#07126269</u>	Total Acreage: <u>1.045</u>

Property Owner(s): <i>WF Harris Development LLC</i>		
Owner's Address:		
<i>Charlotte</i>	<i>NC</i>	<i>28277</i>
City:	State:	Zip:
Phone Number : <i>7042920369</i>	Email Address <i>WFHarris@WFHarris.com</i>	
Applicant Name if different than owner:	Applicant's Address:	
Applicant Email Address :	Applicant's Phone Number:	

MAP REQUIREMENTS

This application shall be accompanied by two (2) maps drawn to scale. Such maps shall be produced at 18' x 24". An electronic version of the map shall also be submitted. The maps shall contain the following information:

- The subject property plus such property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature identifiable on the ground.
- All properties which abut the property.
- If the property is in a subdivision of record, a map of such portion of the subdivision that would relate to the subject property to the closest street intersection.
- A written metes and bounds description of the property or properties.
- The present and proposed zoning classification of the lot(s) in question.
- The property identification number(s) of the lot(s) in question as issued by the Union County Tax Department.
- Full schematic design/site plan as described in Article 10.10 of the Stallings Unified Development Ordinance (*only if the application is for a conditional district*).

MAP AMENDMENT REQUIRMENTS

If a straight rezoning (not a CD) is requested, then please leave the space below blank.

* If a Conditional District (CD) is requested, you must list the specific sections of the Unified Development Ordinance from which you seek changes. You may list these on a separate sheet of paper.

- Whenever there is a zoning map amendment, the Town of Stallings is required to notify the owner of said parcel of land as shown on the county tax listing, and the owner of all parcels of land abutting that parcel of land as shown on the county tax listing. The required notice shall be mailed by first class mail at least 10 days but not more than 25 days prior to the date of the public hearing.



A RESOLUTION AUTHORIZING CONDEMNATION TO ACQUIRE CERTAIN
PROPERTY OR INTEREST IN PROPERTY FOR ROAD AND INTERSECTION
IMPROVEMENTS AND SIDEWALK CONSTRUCTION

WHEREAS, the governing body of the Town of Stallings hereby determines that it is necessary and in the public interest to acquire certain property or interest in property owned by the following person(s) (now or formerly):

1. Barry M. Stallings

For the following public purposes:

- a. Fee simple Right of Way
- b. Temporary Construction Easement
- c. Permanent Drainage Utility Easement
- d. Permanent Utility Easement

WHEREAS, the proper officials or representatives of the Town of Stallings have been unable to acquire the needed interest in these properties by negotiated conveyance.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Stallings, that:

1. The Town of Stallings shall acquire by condemnation, for the purposes stated above. The property or interest in property is described as follows:

Easement and right of way in and over and across certain land, located in the Town of Stallings and more particularly described on the attached surveys.

2. The attorney representing the Town of Stallings is directed to institute the necessary proceeding under Chapter 40A of the North Carolina General Statutes to acquire property or interest in property hereinabove described.

ADOPTED: This the ____ January, 2018.

Wyatt Dunn, Mayor

ATTEST:

Erinn Nichols, Town Clerk

APPROVED AS TO FORM:

Melanie D. Cox, Town Attorney



Memo

To: Mayor and Town Council
From: Kevin P. Parker, E.I, Assistant Town Engineer
Date: January 3, 2018
Re: Contract Execution Concurrence
 Chestnut Lane and Stallings Elementary Sidewalk Extensions

In accordance with the Stallings Bid Policy and NCGS §143-131 for road construction, staff informally advertised for the Chestnut Lane and Stallings Elementary sidewalk extensions project on November 1, 2017. The project was advertised to two contractors with a deadline of January 3, 2018. This project has already been budgeted for the 2017-2018 fiscal year and therefore has been previously approved.

The bids were reviewed by staff for clarity and completeness. The apparent low bidder for the contract is Privette Enterprises. The bid tabulation is below.

Bid Tabulation

	Privette Enterprises	B&N Grading. Inc.
Chestnut Lane	\$22,866.21	\$19,775.00
Stallings Elementary	\$105,532.81	\$111,850.00
Subtotal	\$128,399.02	\$131,625.00
25% Contingency	\$32,099.76	\$32,906.25
Total	\$160,498.78	\$164,531.25

Action Requested:

Requesting motion to authorize the Interim Town Manager to execute the Chestnut Lane and Stallings Elementary sidewalk extensions project to Privette Enterprises for \$160,498.78.

**Resolution Directing the Clerk to Investigate
a Petition Received under N.C.G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition (Parcel Nos.: 07-075-017A; 07-075-017; 07-075-020) on Idlewild Road was received on January 3, 2018 by the Town of Stallings; and

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

WHEREAS, the Town Council of the Town of Stallings deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Stallings that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of her investigation.

Approved this the 8th day of January, 2018.

Wyatt Dunn, Mayor

Attest:

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC