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Regular Meeting
Monday, October 4, 2021
6:30 PM
Council Chambers
Meeting Agenda

Call Meeting To Order:

1. Mayor Michael

Invocation:

2. Mayor Michael

Approval Of Minutes:

3. Consider Approval of the Minutes from the September 8, 2021 Special and Closed Meeting and September 20, 2021 Regular and Closed Meeting

Public Hearings:

4. Conduct a Public Hearing and Consider Ordinance 21-44 - ZMA 21-11 to Rezone a 0.171 Acre Vacant Parcel on Crowell Avenue from GHBD to R-6
5. Conduct a Public Hearing and Consider Ordinance 21-45 - ZMA 21-12 to Rezone a .377 Acre Portion of a Parcel Located at 2117 W. Main Street from LID to GHBD

Agenda Adjustments:

Unannounced Delegations:

Administrative Reports:

6. Marilyn Wells, Waste Management - WM Update & Discuss Loose Leaf Collection Season

Municipal Calendar:

7. Municipal Calendar

Consent Agenda:

8. Consider Closing Pee Dee Ave on 10-31-21 for Trick or Treating

New Business:

9. Introduction of Police Chief Jason Bollhorst
10. Closed Session Pursuant to N.C.G.S. 143-318.11(a)(6) - Personnel

Adjournment:

11. Adjourn until Monday, October 18, 2021 at 6:30 pm

Print

Title – Mayor Michael

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
No Attachments Available	

APPROVALS:

Date/Time:	Approval:	Department:	
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Print

Title – Mayor Michael

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
No Attachments Available	

APPROVALS:

Date/Time:	Approval:	Department:	
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Print

Title – Consider Approval of the Minutes from the September 8, 2021 Special and Closed Meeting and September 20, 2021 Regular and Closed Meeting

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:	
Name:	Description:
<input type="checkbox"/> September 8 2021 special meeting.docx	September 8 Special Meeting
<input type="checkbox"/> September 20 2021 REGULAR.docx	September 20, 2021 regular minutes

APPROVALS:			
Date/Time:	Approval:	Department:	

SPECIAL MEETING CITY COUNCIL

September 8, 2021

The City Council of the City of Albemarle met in a special session for a closed session for a personnel item, on Wednesday, September 8th at 6:00 p.m. in Council Chambers of City Hall. Mayor Ronnie Michael and the following Councilmembers were present, to-wit: Mayor Pro Tem Martha Sue Hall and Councilmembers Martha E. Hughes, Dexter Townsend, Christopher Whitley, Shirley D. Lowder, Benton Dry, and Bill Aldridge.

Mayor Michael called the meeting to order.

Request for Use of City Equipment

Mr. Stephen Hartsell, Public Works Street Superintendent, is volunteering his time with the South Stanly High School Booster Club. The Booster Club is performing maintenance to the South Stanly football facility. One project is to paint the football goal posts.

South Stanly, along with Stephen Hartsell, are requesting the use of the Public Works bucket truck to assist in the painting the goal posts. This work will take place on a Saturday and no labor cost will be associated to the City. Stephen Hartsell will be the only person operating the truck while the work is taking place. The City Attorney has indicated a simple hold harmless agreement can be drafted for the situation. Council has approved similar requests in the past.

Upon a motion by Councilmember Hall, seconded by Councilmember Whitley and unanimously carried, Council approved the use of the Public Works bucket truck for Mr. Hartsell to help paint football goalposts at South Stanly High School.

Discussion – Exception for Electronic Meeting Policy

Council discussed granting a one-time exception to the City’s electronic meeting policy for tonight’s meeting with Sorenson Consulting. Dr. Lisa Sorenson will participate in a Zoom Meeting with Council regarding 360 review information.

Upon a motion by Councilmember Dry, seconded by Councilmember Whitley, and unanimously carried, Council approved granting a one-time exception to the City’s electronic meeting policy for tonight’s meeting with Sorenson Consulting.

CLOSED SESSION

Upon a motion by Councilmember Aldridge, seconded by Councilmember Hughes, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Whitley, seconded by Councilmember Townsend and unanimously carried, Council returned to open session. The Mayor stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(6) Personnel.

There was nothing to report.

Upon a motion by Councilmember Lowder, seconded by Councilmember Aldridge and unanimously carried, the meeting was adjourned until Monday, September 20, 2021 at 6:30 p.m. in Council Chambers of City Hall.

REGULAR MEETING CITY COUNCIL

September 20, 2021

The City Council of the City of Albemarle met in a regular session on Monday, September 20, 2021 at 6:30 p.m. in the Council Chambers of City Hall. Mayor Ronnie Michael presided, and the following members were present, to-wit: Mayor Pro Tempore Martha Sue Hall and Councilmembers Bill Aldridge, Martha E. Hughes, Chris Whitley, Benton Dry, Dexter Townsend, and Shirley D. Lowder.

Mayor Michael called the meeting to order.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, unanimously carried, the minutes of the August 23, 2021 special and closed meeting, the August 30, 2021 special and closed meeting, and the September 7, 2021 regular and closed meeting as submitted were approved.

ANNOUNCED DELEGATIONS

John Scardina et al – To Discuss Sidewalk Ordinance in Neighborhoods

Mr. Scardina, residing at 1514 Holbrook Court in Albemarle, came in front of Council to make his request regarding the City’s sidewalk ordinance. He thanked Council for agreeing to hear his request to them tonight. He stated that he was building a house on Holbrook Court in an older existing subdivision where no sidewalks were installed. He then read aloud the sidewalk portion of the City’s Code of Ordinances and commented that if the purpose of sidewalk installation was for public safety, how could disconnected sidewalks in that area including his neighborhood be considered safe? He added that he thought disconnected sidewalks did not look good either.

Mr. Scardina then noted that he had interacted with Planning and was informed of the fee in lieu program for sidewalk installation at his new home. He questioned why he should pay \$3,000 for sidewalks that would be built in other parts of the City. He requested that Council consider waiving or at least delaying payment for fee in lieu sidewalk installation for his property.

The Mayor responded by stating that Council had adopted the fee in lieu option for sidewalk installation a few years ago. The intent was to have a property owner pay less with the fee in lieu amount than normally would be required to pay if having the installation done as a homeowner, with the benefit of building pedestrian safety throughout the City.

Planning and Development Services Director Kevin Robinson came to the podium to elaborate more on the fee in lieu program. A total of 48 residential and 9 commercial properties have paid fee in lieu for sidewalk installation from that time until the present. The amount collected so far could fund installation of ½ mile in District 3 or ¼ mile in District 1.

The Mayor noted that Marshall Rogers residing at 1520 Holbrook Court had signed in wishing to speak on this issue and asked him to come forward. Mr. Rogers stated that he came here tonight in support of his new neighbor and would be interested to see a City policy that made sense. He agreed with Mr. Scardina that only having the 1 sidewalk installed in the neighborhood would be an eyesore. He would be in favor of Council tweaking the sidewalk ordinance.

Council took no action on Mt. Scardina's request.

Council thanked Mr. Rogers and Mr. Scardina for coming in front of Council tonight.

AGENDA ADJUSTMENT

Mayor Pro Tem Hall noted that three members of the state's Wildlife Resources Commission were in attendance tonight to present about the deer hunting ordinance and made a motion to move the New Business item relating to it to next on the agenda. The Mayor asked for a second to the motion. Councilmember Aldridge seconded the motion, and upon a unanimous vote, Council approved the agenda adjustment.

Discussion of Rules Related to Deer Hunting in the City Limits

This item was placed on the agenda at the request of Mayor Pro Tem Hall. Council received a copy of the most recent ordinance prior to the meeting for review. Mayor Pro Tem Hall asked if the 3 representatives of the state's Wildlife Commission would come forward to dialogue with Council about the deer population and methods to reduce it here in the City. She noted that she asked for this to be on the meeting agenda because she has had some residents come to her about the large deer population that has grown within the City limits and are not sure about the City's requirements in the ordinance about whether they can hunt deer they see with bow and arrow.

Mayor Pro Tem Hall introduced Brandon Barbee, master officer in the Stanly district, Ken Knight, regional supervisor for the Piedmont Region, and Rupert Medford, wildlife biologist for Region 6 which includes Stanly County. For settings like Albemarle, deer culling through hunting is a practical way of keeping the population in control. Archery hunting in hunting seasons like deer hunting season and urban archery season is permissible and encouraged within the requirements established by the state and City of Albemarle Code of Ordinances. The only other measure would be a lot by lot measure such as repellents which is not as effective.

For bow and arrow hunting in a more populated area like Albemarle there are stipulations relating to distance between structures, acreage, and height off the ground the arrow is allowed to be shot. For instance a bow and arrow hunter in Albemarle would need to be 250 feet away from occupied dwellings in order to use that method to hunt deer. For the distance/acreage requirement, a bow and arrow hunter would be able to hunt deer over a distance of 2 acres, but that acreage could allow for 2 lots each an acre but next to each other to satisfy the requirement. So if 2 or

more property owners have the minimum acreage combined side by side they could partner together to remove deer via bow and arrow.

How long is deer season? Deer season lasts for 30 days. Are there any other municipalities doing anything different? Municipal requirements are highly variable with Matthews having the most restrictive deer hunting policy. A recommendation could be for Albemarle to remove all bow and arrow hunting requirements. Another recommendation would be to consider a high density program, which would entail extending the deer season and providing more tags to hunters. However this kind of approach would need to be done by a community rather than a municipality.

Council took no action on the topic.

Council thanked the Wildlife Commission contingency for their presence at tonight's meeting.

ADMINISTRATIVE REPORTS

Stormwater Plan Project Update

WK Dickson provided an update to Council on the status of the stormwater program development project. Discussion around program recommendations, public outreach, cost of service, rate base and potential rate structure, and next steps occurred.

Tom Murray with WK Dickson detailed the different aspects of the prospective stormwater program: program management, operation and maintenance, and capital improvement. Inga Kennedy with WK Dickson then summarized how they sought public input on flooding and stormwater management and what residents would like to see in terms of stormwater management. Results of public input were shared with Council.

Council asked questions directed to Mr. Murray and Ms. Kennedy. Mayor Pro Tem Hall asked what the total number of completed surveys was so far and which method provided the largest volume of surveys. The total number of surveys completed to date are 105 with the bulk coming from canvassing at the most recent Food Truck Friday event.

Mayor Pro Tem Hall then asked about how WK Dickson computed personnel effort needed for managing and executing the stormwater management tasks identified in the presentation. Mr. Murray and Public Works Director Ross Holshouser explained how they estimated tasks throughout the year by cycles in order to obtain the number of personnel needed to handle the program. In response to another question of Mayor Pro Tem Hall's, Mr. Murray clarified that for the prospective program the total number of full time employees includes an extra 5 fulltime employees on top of the current 4 full time employees estimated working on the current program.

Katie Crowell with Raftelis shared with Council current costs for how the City handles stormwater management and the new prospective program's cost which would enhance the current efforts. She discussed how the rate structure would work, by calculating impervious surface on a lot to obtain the base unit of cost, the "equivalent residential unit" or ERU. Ms. Crowell then described how

the overall rate structure would be computed. The total ERU divided by the total stormwater program cost per year would equal the potential fee rate. She took Questions from Council.

Mr. Murray closed the presentation by describing next steps in the development of the program.

The Mayor asked if there were comparable rates. Mr. Murray replied that there is variation and variability in how a municipality can structure funding a stormwater program. Noting that there are municipalities that fund their program from their General Fund rather than a rate structure. Also relevant to program cost is whether the City of Albemarle would just comply with a MS4 designation only, which would cost less to fund. However local variables could impact the cost of the program, such as crumbling infrastructure and the level of local flooding. Mayor Pro Tem Hall followed up by asking when at the state level would the decision to designate MS4 status occur. That decision is likely to be made in 2022 considering Census data release was delayed.

Council took no action on the topic.

Council thanked the team for their presentation.

Public Housing Door Project Final Update

Public Housing Director Lee Staton came forward to provide the update to Council. In the midst of a pandemic, the Public Housing Staff, contractor (HEMCO) and architect (Stogner Architecture) worked very well together to complete the Exterior/Interior Door Replacement Project in a timely manner and under budget. The contractors worked in occupied units during COVID to get the project done. All interior and exterior doors in both locations were completed, which included new hardware and hinge installation, new locks, and in some cases painting.

The original contract amount was \$1,361,217.00 and the final adjusted contract amount is \$1,306,507.99 (\$54,709.01). There was a savings due to 2 change orders resulting in reductions in cost.

Mr. Staton noted that he is appreciative of Kyle Marks, President of HEMCO Properties, LLC, Davis Best, Contract Administrator with Stogner and Tony Poplin, City of Albemarle Maintenance Supervisor for their ability to remain professional, flexible and dedicated to the scope of work, schedule and cost of the project. He also thanked Council for their support of the project.

The Mayor announced that this is Mr. Staton's last Council meeting before he leaves for his new job. He noted that Council has appreciated everything he has done for Public Housing. Mr. Staton thanked Council, the Leadership Team and City colleagues for their support and help during his time here. He noted the Public Housing residents are wonderful.

Recommendation to Change the Retirement Contribution Policy

Human Resources Director Dana Chaney came forward to present the request to Council. The Human Resources team is recommending that the City not require a 90-day waiting period for employees to begin their retirement contribution. This has been the historical practice of our organization but other municipalities do not employ this practice. It creates confusion for employees and also an administrative burden on HR staff.

Upon a motion by Councilmember Aldridge, seconded by Councilmember Lowder, unanimously carried, Council approved the recommendation to change the retirement contribution policy so that employees can begin to contribute on the first day of the month following their date of hire effective for new hires from this date moving forward.

Departmental Spotlight Presentation – Fire Department

Fire Chief Pierre Brewton came in front of Council to present. Chief Brewton noted that when he came on board he asked Fire Department personnel to help build a vision/mission/values foundation for the department. The Fire Department's vision is: The City of Albemarle Fire Department is dedicated to being a progressive and innovative Fire Department focusing on providing a safe community through effective emergency response and intentional community risk reduction.

The departmental overview is as follows:

- AFD is an Insurance Service Office (ISO) Class 3
- Budget for FY2021-2022 \$5,081,858

There are 3 locations: 1610 E. Main Street, 607 Concord Road, and 209 Northeast Connector.

In terms of vehicles AFD has:

- 3 Front Line Pumpers
- 1 Reserve Pumper
- 1 75' Aerial
- 3 Command Vehicles
- 3 Support Vehicles
- 1 Soft Bottom Rescue Boat
- 1 ATV w/Trailer

For personnel AFD has 43 sworn fire personnel working 24/7/365, as well as 1 civilian. There are 39 personnel in suppression function, 3 personnel in the Office of Community Education and Prevention, and 2 in administration.

Future goals include: Fire Department classification from ISO 3 to ISO 2, Fire Department National Accreditation (CPSE), Fire Officer credentialing (CPSE), Firefighter Advanced certification, and continuation of enhancement of all-hazards community risk reduction efforts.

Council thanked Chief Brewton for his presentation.

Information – Trespassing and Litter on Private Lot

This issue originated with a comment at a recent Council meeting and the Mayor Pro-Tem has requested it be placed on the agenda. To recap, the City determined the issue was actually on the private driveway for Lowe's Home Improvement and involved trespassing on private property. The Police Department was working with the property owner to gain consent to help manage the property. The Police Department is working with Planning to determine the next steps.

The Mayor asked City Manager Michael J. Ferris to provide an update. Mr. Ferris noted that the problem stemmed from a private drive off of Bird Road and from a clearing near a wooded area where a homeless camp was set up. Planning and Development Services Director Kevin Robinson then came forward and added that he spoke with the business owner who committed to removing debris there. The homeless camp has been moved and is no longer an issue. There has been some movement by the owner to begin a cleanup and some of the trash has been gathered.

Council took no action on the topic.

Departmental Monthly Reports

The Mayor and Council received monthly departmental reports for August 2021 prior to the meeting. The Mayor asked if any Council members had any questions or comments.

CONSENT AGENDA

The Mayor asked if Council wanted to move any items on the consent agenda.

Ordinance 21-40 – To Consider Ordinance Changes for Code Enforcement

The City previously approved the engagement of Parker Poe to assist in a comprehensive review of the City's code enforcement practices. Following their review, Parker Poe suggested revisions to our ordinance to better assist us with code enforcement actions. The revisions are summarized in the attached memo and detailed in the ordinance.

[Ordinance 21-40 – To Consider Ordinance Changes for Code Enforcement]

Ordinance 21-41 – To Receive Public Housing 2021 Capital Funds

The City has received its annual capital funds appropriation from HUD. These funds have not been obligated to any specific project(s), yet are designated for capital needs. There is the potential the funds will be used toward rehabilitation of the burned units, but this depends ultimately on the insurance payout. Typically, these funds are obligated and expended for items on the Department's 5-year capital plan.

[Ordinance 21-41 – To Receive Public Housing 2021 Capital Funds]

Ordinance 21-42 – Renaming Rebel Road to Unity Drive

At the September 7th Council Meeting, Council approved the renaming of Rebel Road to Unity Drive. Staff has confirmed that Unity Drive is an available street name and is not in conflict with existing street names.

[Ordinance 21-42 – Renaming Rebel Road to Unity Drive]

Upon a motion by Councilmember Aldridge, seconded by Councilmember Dry, unanimously carried, Council approved the following:

- Ordinance 21-40 providing ordinance changes to enhance code enforcement;
- Ordinance 21-41 to receive annual HUD Capital Funds appropriation; and
- Ordinance 21-42 formally renaming Rebel Road to Unity Drive.

NEW BUSINESS

McAlister Street Abandonment Request Revisited

At the August 2nd meeting Council considered the item and voted unanimously to deny Resolution 21-22 to set a public hearing to consider abandonment of McAlister Street. This item has been added back to the agenda at the request of Mayor Pro Tem Hall.

Background: Tony Lamonds & Ashley Crisco came before City Council at the June 7th, 2021 Council meeting to speak on perceived safety concerns and to request abandonment of the McAlister Street right of way. On June 7th, the City Council held off making any decision until the NCDOT could comment on what the future of the intersection of Reeves and Morgan Road (NCDOT) may look like. Following this meeting the City received feedback from the NCDOT District Engineering who indicated the potential for change on our end does not impact their plans as McAlister is a City maintained street.

Mayor Pro Tem Hall commented that she requested this item be placed back on the agenda because she was contacted after the August 2nd meeting asking about whether the NCDOT report had been received before Council considered the vote. City Manager Michael J. Ferris confirmed that it had been received by City staff, and that the analysis of that report was provided in the agenda item summary in the meeting packet for the August 2nd meeting.

The Mayor added he understands that NCDOT could possibly be adding in a stoplight there for better traffic control.

Council took no action on the topic.

COMMENTS

Councilmember Townsend:

- He recognized the Nehemiah Project's new community garden at the EE Waddell Center.
- He announced that Pfeiffer University's Falcon Night Out is this coming Saturday and that Mayor Pro Tem Hall could provide more details.

Councilmember Hughes:

- She thanked Public Housing Director Lee Staton for his time and service to the City of Albemarle.

- Re: last week's Fire Department recruitment graduation – it moved her to hear them speak, and she is proud of them. She agrees with Councilmember Dry's suggestion to recognize them publicly.

Councilmember Aldridge:

- He recognized the Planning and Development Services Department and Mr. Robinson. That department has to carry out the decisions of Council and that can be difficult. When a citizen like Mr. Scardina compliments the department even though he is unhappy with the policy, it speaks volumes about the department and its leadership.

Mayor Pro Tem Hall:

- Re: Public Housing – with the Public Housing item tonight it reminded her that an email about HUD training for local Councils who manage Public Housing sites is still waiting for a reply from Council members and noted she needs to reply with her training interests.
- She noted that there is a scheduled litter clean up on September 25th and October 2nd at Rock Creek Park.
- This weekend is Pfeiffer University's homecoming weekend and Falcon Night Out.
- She noted that Halloween is coming up and called on Mr. Robinson to think about whether streets needed to be closed off for that night.
- She noted the flyer at Council member's seats and on social media that the Autumn Extravaganza is coming up next month. She gave Parks and Recreation Director Lisa Kiser an "attaboy" for teaming up with the Historical Society for co-hosted events

Councilmember Whitley:

- Re: community garden ribbon cutting at EE Waddell – he is sorry he missed it.
- Re: upcoming litter pick up events – litter pick up will start at 9 am both Saturdays at Rock Creek Park along with Keep Stanly Beautiful.
- The Dinner of Main event last Saturday night was a perfect night. This year the event benefitted ADDC.

Councilmember Dry:

- He congratulated Lee Staton on his new position and noted that people speak highly of him over at Public Housing.
- The last Food Truck Friday will be on October 1st at City Lake Park with a live band.

Councilmember Lowder:

- She had hoped that her colleagues would have been a bit more efficient with the time to conduct business tonight.

CLOSED SESSION

Upon a motion by Councilmember Dry, seconded by Councilmember Hughes, unanimously carried, Council approved moving into closed session pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney, N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel.

RETURN TO OPEN SESSION

Upon a motion by Councilmember Hughes, seconded by Councilmember Aldridge, and unanimously carried, Council returned to open session. The Mayor stated that a closed session was held pursuant to N.C.G.S. 143-318.11(a)(3) consultation with the City Attorney, N.C.G.S. 143-318.11(a)(5) Real Estate, and N.C.G.S. 143-318.11(a)(6) Personnel. There was nothing to report.

Upon a motion by Councilmember Whitley, seconded by Councilmember Aldridge, unanimously carried, the meeting was adjourned to October 4, 2021 at 6:30 pm in City Council Chambers.

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Print

Title – Conduct a Public Hearing and Consider Ordinance 21-44 - ZMA 21-11 to Rezone a 0.171 Acre Vacant Parcel on Crowell Avenue from GHBD to R-6

Description:

Council is being asked to consider a request by Lasanukanami Doyin Ogunyomi to rezone a vacant parcel located on Crowell Avenue (Tax Record 24079) from GHBD/General Highway Business District to R-6/Urban Residential District.

Is this item budgeted?

Not Applicable

Fiscal Impact:

There is no fiscal impact.

Management Recommendation:

Planning Board unanimously recommended that the property be rezoned to R-6 as proposed. Council should consider the proposed map amendments and decide to approve or deny with the relevant statement of (in)consistency.

Note: The application states the proposed rezoning to be R-8. The property owner changed this to R-6 after submitting his application and speaking with Staff.

ATTACHMENTS:	
Name:	Description:
<input type="checkbox"/> ZMA21-11_Crowell_Ave_complete.pdf	ZMA 21-11 Staff Presentation
<input type="checkbox"/> Ord_21-44_(ZMA21-11).docx	Ordinance 21-44

APPROVALS:			
Date/Time:	Approval:	Department:	

CITY OF ALBEMARLE
ZONING MAP CHANGE APPLICATION
(Submit in Duplicate)

Application # 21-11

Date of Application 07/28/2021

I. Applicant / Owner Information

- A. Applicant's Name: Lasunkanmi DOYIN Ogunyomi
Address: 646 Central Dr NW Concord NC 28027
Phone: 704-777-8792
Connection to Property if not Owner _____
- B. Owner's Name: All Goodness Enterprises LLC
Address: P.O. Box 1944 Concord NC 28026
Phone: 704-777-8792

II. Property Information

- A. Property Location:

Lot 7 Map Number 655803141184 Crowell Avenue
--
- B. Tax Record Number: 24079
- C. Deed Book 1750 Page 531(3)
- D. Existing Zoning GHBD Proposed Zoning R -8
- E. Existing Use Vacant Proposed Use Single Family Residential
- F. Property Size ~7,500sqft (Sq. Ft./Acres)

III. Other Required Information (Attach the Following)

- A. The application shall be accompanied by two (2) copies of a map, drawn to an appropriate scale. The map shall contain the following:
1. All property lines with dimensions, including a north arrow.
 2. Adjoining streets with rights-of-way and paving widths.
 3. The location of all structures and the use of all land.
 4. Zoning classification of all abutting zoning districts.
 5. Comprehensive site plan if the application is for commercial, industrial, or multi-family development.

- B. A statement regarding the changing conditions, if any, in the area or in the city generally, that makes the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

Due to increasing in demand for housing in North Carolina especially Albemarle, Concord and Mt Pleasant, a nice Single Family Residence will be a plus for the City of Albemarle instead leaving the land empty for more decades. On the Crowell Ave, this is only Lot zoned commercial, both side of this Lot 7 has a residential home each side, a brand new Single Family Home of 1250sq would be home to one of the thousands of buyers struggling to find homes in the Carolinas. It is factual that pandemic moved more people from other states into the Carolinas. We are building a 1250sq Single Family Residential Home there. The rezoning is hereby requested to house one more resident in the loving City of Albemarle.

- C. Does this zone change request also contain a request for a conditional use permit? Yes No. If yes, please attach Conditional Use Permit application.
- IV. Application processing fee. Attach check, payable to the City of Albemarle in the amount of \$500.
- V. Applicant must attend all meetings.

I, the undersigned owner or authorized representative, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

07-28-2021

DATE



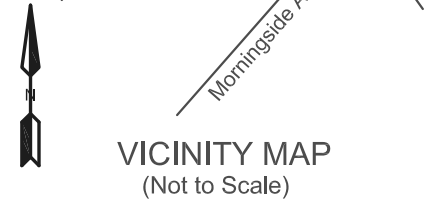
SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

I, R. Scott Dyer, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 1613, page 217, etc.); that the boundaries not surveyed are clearly indicated as drawn from information found in Book a/s, page a/s; that the ratio of precision as calculated exceeds 1:10,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56, 1600). Witness my original signature, registration number and seal this 17th day of August, A.D., 2021.

R. Scott Dyer, PLS #4444

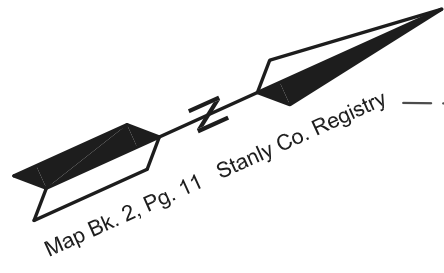
PRELIMINARY

Not for Conveyances,
Sales or Recordation



VICINITY MAP
(Not to Scale)

LEGEND
R/W - RIGHT OF WAY
(F) - FOUND
CP - CALCULATED POINT
a/s - AS SHOWN



Map Bk. 2, Pg. 11
Stanly Co. Registry

NOW OR FORMERLY
Amplify Properties, LLC
Deed Bk. 1669, Pg. 1360
Lots #8-9, Map Bk. 2, Pg. 11
PIN #655803141048
Stanly Co. Registry

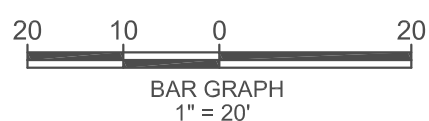
Lot #7
PIN #655803141184
7451.34 sf
0.171 AC
Vacant Lot

NOW OR FORMERLY
Donald L. Swink
Deed Bk. 1370, Pg. 919
Lots #2 & 6, Map Bk. 2, Pg. 11
PIN #655803142258
Stanly Co. Registry

NOW OR FORMERLY
Desi T. Shine Heirs
Deed Bk. 1613, Pg. 217
Lots #31-33, Map Bk. 2, Pg. 11
PIN #655803142083
Stanly Co. Registry

NOW OR FORMERLY
Timothy J. Palge
Deed Bk. 1330, Pg. 409
Lot #30, Map Bk. 2, Pg. 11
PIN #655803143144
Stanly Co. Registry

Area In
Proposed
Utility Easement
1500.27 sf
0.034 AC



Line	Bearing	Distance
L1	S 24°17'29" W	10.01'

NOTES:

- * Deed Reference - Deed Bk. 1613, Pg. 217 Desi T. Shine Heirs Dated June 16, 2017 Recorded in Stanly Co. Registry
- * Map Reference - A.A. Crowell Property Dated December 1, 1923 Map Bk. 2, Pg. 11 Recorded in Stanly Co. Registry Performed by James A. Johnson, CE
- * 1/2" rebar located at all corners unless otherwise noted.
- * Property subject to recorded and unrecorded rights of way, easements and agreements as may appear.

Prepared for: All Goodness Enterprises, LLC

0.171 AC - Crowell Avenue

City of Albemarle

Stanly County, NC

LOT SURVEY

NorSTAR LAND SURVEYING, INC.
552-B Newell Street NW
Concord, NC 28025
Ph 704 721 6651
Fax 704 721 6653
Firm Lic. # C-2294



DATE	REVISION	BY

SHEET
1 OF 1

CHECKED BY
S. Dyer

DRAWN BY
S. Kinney

NLS NO.
21064

SCALE
1" = 20'

DATE
August 17, 2021

PAYMENT SUMMARY RECEIPT

CITY OF ALBEMARLE
144 NORTH SECOND STREET
ALBEMARLE NC 28001

DATE: 08/19/21 CUSTOMER#:
TIME: 12:06:29
CLERK: cpooler

RECPT#: 53379 PREV BAL: 500.00
TP/YR: P/2022 AMT PAID: 500.00
BILL: 53379 ADJSTMNT: .00
EFF DT: 08/19/21 BAL DUE: .00

Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 500.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 500.00
AMT APPLIED: 500.00
CHANGE: .00

PAID BY: ALL GOODNESS ENT
PAYMENT METH: CHECK
PAYMENT REF: 1754

TOT PREV BAL DUE: 500.00
TOT BAL DUE NOW : .00



City Council: MAP AMENDMENT STAFF ANALYSIS

Prepared by: Ashlie Jones

Case: ZMA21-11

Ordinance # 21-XX

Date: September 27, 2021

APPLICATION

Location: a vacant parcel located between 1708 E Main Street and 125 Crowell Avenue (Tax Record 24079)

Parcel Size: 7,451.34 square feet

APPLICANT(S)

Applicant: Lasunkanmi Doyin Ogunyomi

Owner: All Goodness Enterprises LLC

REQUESTED ZONING CHANGE

Existing: GHBD/General Highway Business District

Proposed: R-6/Urban Residential District

APPLICANT STATEMENT FOR PROPOSED REQUEST

“Due to increasing demand for housing in North Carolina, especially Albemarle, Concord, and Mount Pleasant, a nice Single-Family Residence will be a plus for the City of Albemarle instead of leaving the land empty for decades to come. On Crowell Avenue, this is the only lot zoned commercial. There are residential homes on either side of this parcel.”

PROPERTY INFORMATION

Background and Existing Use: The property is vacant.

Proposed Use: Single Family Dwelling permitted per 92.096(B)(1)

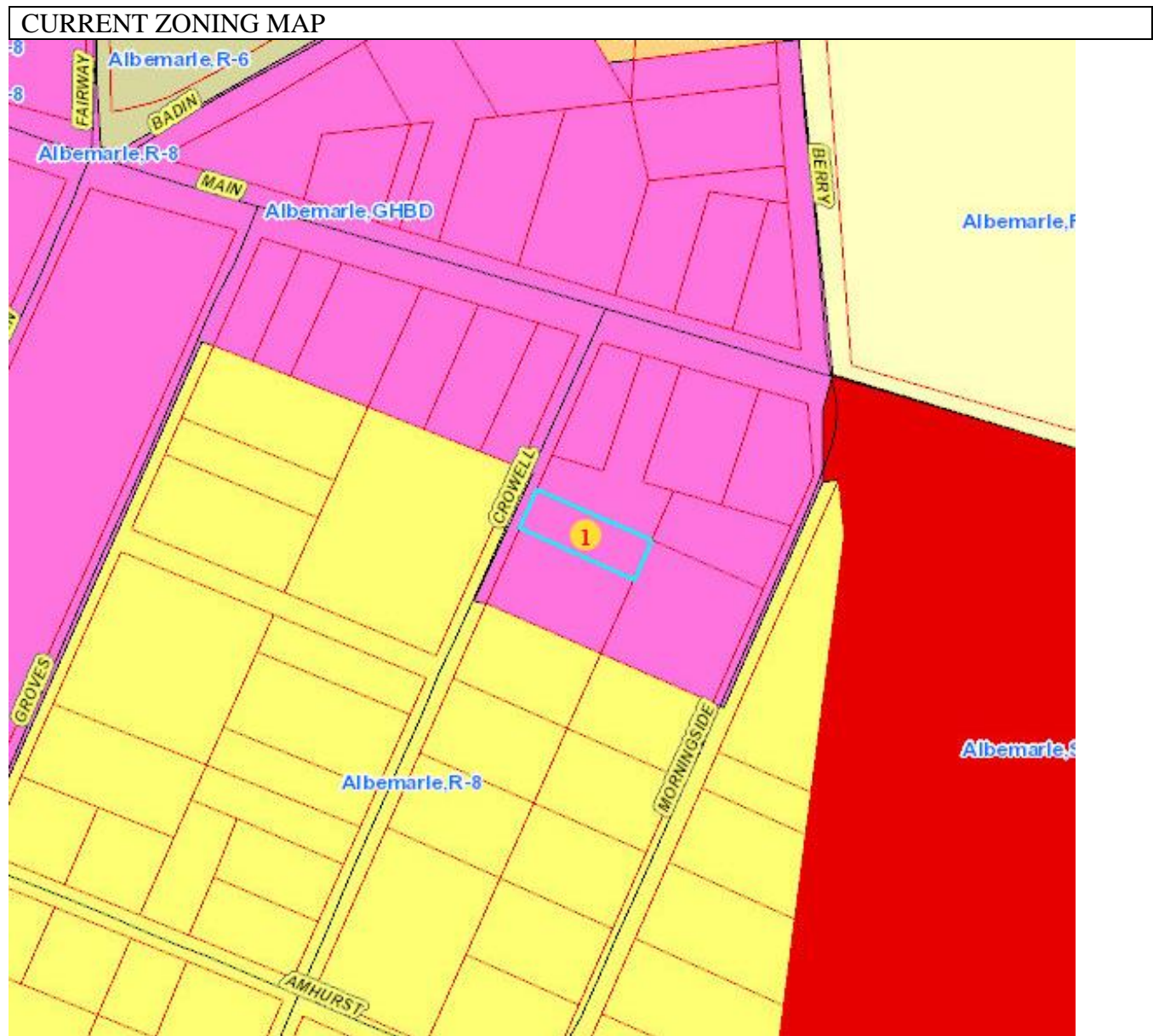
Adjacent Zoning:

North: GHBD	East: GHBD
South: R-8/Neighborhood Residential	West: R-8/Neighborhood Residential

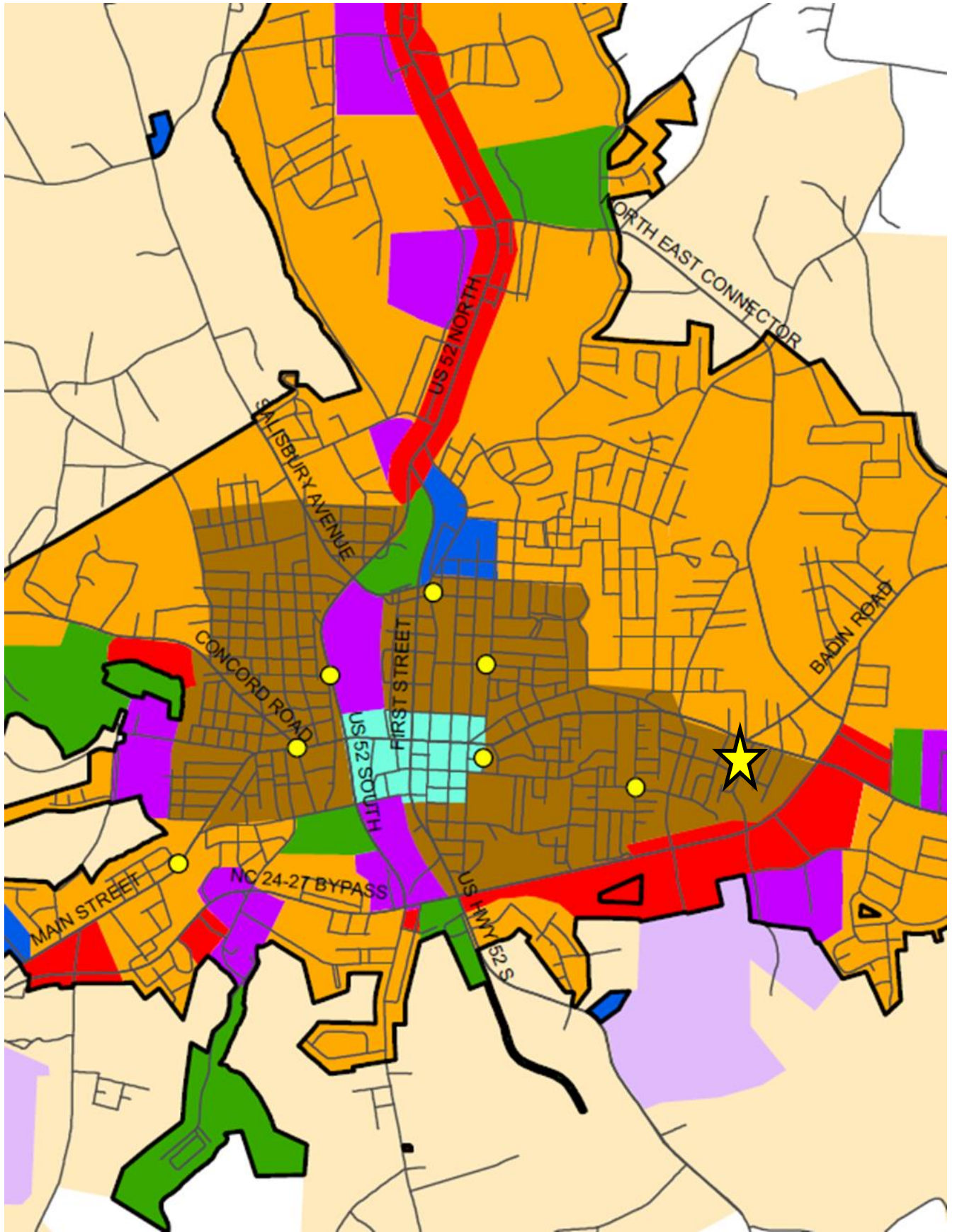
Utilities: No services are currently provided for the parcel but are available nearby.

2028 Land Use Plan: Future Land Use Map classifies this parcel and surrounding area as Neighborhood Residential. Neighborhood Residential is defined as “areas are located within the City’s corporate limits and include many mature neighborhoods. Public utilities are available and an extensive road and sidewalk network already exists. These areas are intended to provide for residential infill development with a wide range of housing types surrounding the Town Center area. Low intensity business uses located in mixed-use buildings or buildings designed and constructed at a residential scale and appearance are also appropriate. Development considerations include the compatibility of infill development with existing building patterns.”

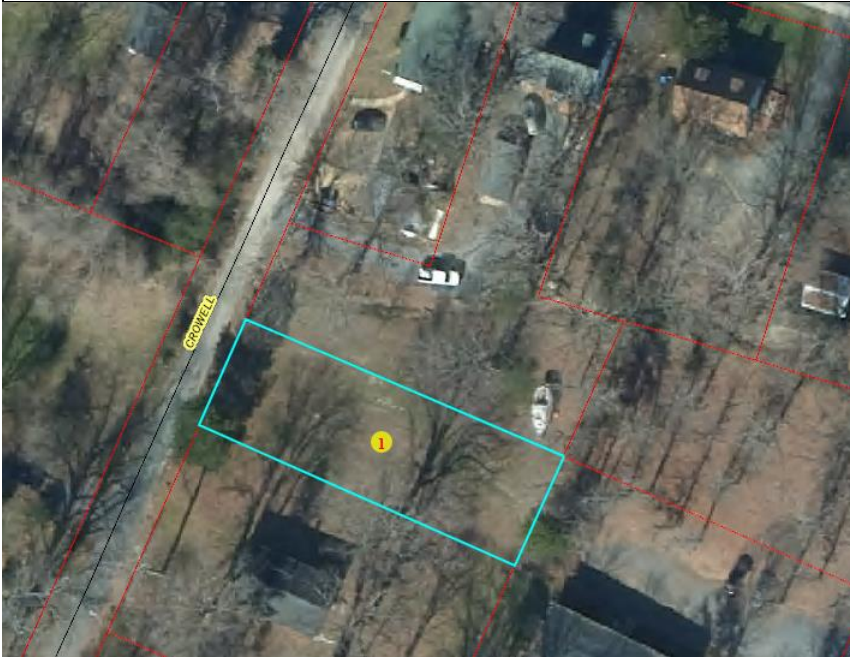
Environment: This property is not located in any regulated floodplain or watershed.



FUTURE LAND USE MAP



Additional Photos for Reference



STAFF COMMENTS

All public hearing notice requirements have been met for the 9/2 Planning Board Meeting and the 10/4 City Council Meeting.

While the surrounding residential parcels are currently zoned R-8/Neighborhood Residential, many of the parcels are nonconforming with the current R-8/Neighborhood Residential ordinance requirements. The applicant had the lot surveyed to determine which zoning district would allow development while still meeting the minimum lot size and setback requirements established by City ordinance. Due to the lot being under the requirements for minimum lot size per dwelling in the Neighborhood Residential Zoning District, the applicant is requesting a rezoning to R-6/Urban Residential District in an effort to be in conformance with current ordinance requirements.

“The R-6 Urban Residential District is intended to emphasize a high-density district similar to Albemarle’s oldest neighborhoods, areas adjacent to downtown and in close proximity to its neighborhood and commercial centers. The district remains residential in character, but allows for a broad range of housing types and densities allowing for easy access to amenities and services and a community for those persons desiring small residences and multi-family structures in relatively high-density, but functional neighborhoods.”

R-6 will allow for all uses currently permitted by right or with conditional use permits in the R-8 district. R-6 allows by right for Multi-family dwellings; provided, however, that the site plan for eight or more multi-family units must be approved by the Planning Board and City Council; that two driveways are required where property fronts on two public streets; and that a traffic study is required for all properties over four acres lying in R-6 District. Bed and breakfast homes, battered group care facilities, and fraternity and sorority houses are permitted with Conditional Use Permits in R-6 with locational requirements.

Rezoning to R-6 will no longer allow commercial uses outlined in the General Highway Business District and will begin to allow residential uses with the following area/yard and height standards respectively.

R-6 - Urban Residential District (former R-8A)							
Single Family Detached Unit	6,000	7.26	10	*8	25	35	*May be reduced to 5' with alley access to rearyard
Duplex or 2nd Detached Unit	4,500	9.68	10	*8	25	35	*May be reduced to 5' with alley access to backyard
Single Family Attached Unit	3,000	14.52	10	*8	25	35	*0' shared lot lines, End unit setbacks may be reduced to 5' w/ alley access to rearyard
Multi-Family Unit	1,500	29.04	10	*10	35	50	*May be reduced to 0 if abutting non-residential or multifamily structures with 12" masonry
Detached Accessory Dwelling Unit	6,000		*	5**	5***	25	*Only located entirely in the rearyard **May be reduced to 0 when primary structures have no side setback ***May be reduced to 0' if on alley
Accessory Structures			*	5**	5***	25	*Only located entirely in the rearyard or sideyard **May be reduced to 0 when primary structures have no side setback ***May be reduced to 0' if on alley

Given the proposed use, the parcel’s proposed use under the future land use plan, and its proximity to existing Neighborhood Business District and R-6 zoned parcels; there are merits for the proposed rezoning to be consistent with the City’s future land use plan.

Planning and Zoning Board held a public hearing at the September 2nd meeting and unanimously recommended City Council approve ZMA 21-11 with the Future Land Use Map Amendment Statement.

STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS

Per G.S.160D-605 Governing Board Statement (Ref. City Ordinance §92.140)

(a) Plan Consistency. - When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(b) Additional Reasonableness Statement for Rezoning. - When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

(c) Single Statement Permissible. - The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

CONSISTENCY STATEMENT

The Albemarle City Council finds the action to amend Tax Record 24079 from GHBD/General Highway Business District to R-6/Urban Residential District to be consistent with the adopted 2028 Land Use Plan. Council finds the urban residential district zoning on this parcel to be reasonable and in the public interest.

INCONSISTENCY STATEMENT

The Albemarle City Council finds the action to amend Tax Record 24079 from GHBD/General Highway Business District to R-6/Urban Residential District to be inconsistent with the adopted 2028 Land Use Plan. Council finds the urban residential district zoning on this parcel not to be reasonable and in the public interest.

FUTURE LAND USE MAP AMENDMENT STATEMENT

The Albemarle City Council finds the action to amend Tax Record 24079 from GHBD/General Highway Business District to R-6/Urban Residential District to be inconsistent with the adopted 2028 Land Use Plan; however, rezoning the property will achieve the public interest and shall be deemed reasonable. The aforementioned map amendment shall amend the City's Land Use Plan.



Certificate of Service

I hereby certify that on September 16, 2021 I served a copy of the foregoing notice of a Zoning Map Amendment request for ZMA21-11 property tax record 24079, upon the following persons by depositing a true and correct copy thereof in an envelope bearing sufficient postage in the United States mail at Albemarle, North Carolina, addressed as follows:

Tax Record	Owner Name	Owner Name 2	Mailing Address	City	State	Zip	Physical Address	Deed Acres
24371	AARON MCDONALD		950 UNDERHILL AVE 12A	BRONX	NY	10473	1712 E MAIN ST	0
26768	AMPLIFY PROPERTIES LLC		10025 ENCLAVE CIRCLE	CONCORD	NC	28025	125 CROWELL AVE	0
10864	ANTHONY KUKIELKA ET AL		PO BOX 1063	BURLINGTON	NC	27216	1704 E MAIN ST	0
24759	BARBARA H BURLESON LER	TRACIE S SANDERS	592 MORGANTON RD	JACKSON SPRINGS	NC	27281-9514	1718 E MAIN ST	0
17414	CARL D RIVERS	BOBBIE L RIVERS	PO BOX 1124	ALBEMARLE	NC	28002	135 CROWELL AVE	0
24074	DONNIE L SWINK		48189 CLODFELTER RD	ALBEMARLE	NC	28001	1708 E MAIN ST	0.37
23016	LARRY NEIL SPRINGER		126 CROWELL AVE	ALBEMARLE	NC	28001	126 CROWELL AVE	0
6096	SAMMIE D LILLY		120 MORNINGSIDE AVE	ALBEMARLE	NC	28001	120 MORNINGSIDE AVE	0
24079	SHINE DESI T HEIRS		116 MORNINGSIDE AVE	ALBEMARLE	NC	28001	CROWELL AVE	0
7781	TIMOTHY J PAIGE		15689 FIVE POINT RD	LOCUST	NC	28097	MORNINGSIDE AVE	0
14728	WALTER T TARLTON III	SHARON TARLTON	5216 WOODRUN ON TILLERY	MT GILEAD	NC	27306	1646 E MAIN ST	0

Ashlie Tolliver Jones
City of Albemarle

P | 704.984.9424
F | 704.984.9435



ALBEMARLE
NORTH CAROLINA
Water. Air. Land. Opportunity.

www.albemarlenc.gov
PO Box 190
Albemarle, NC 28002

Planning and Development Services

September 16, 2021

PUBLIC NOTICE

There will be a meeting to consider a request by Lasaunkanmi “Doyin” Ogunyomi to rezone a .171 acre property located on Crowell Avenue (Tax Record 24079) from GHBD/General Highway Business District to R-6/Urban Residential District.

The meetings are as follows:

- City Council public hearing to consider approval of those items will be held in the City Hall Council Chambers, 144 North Second Street, on **Monday, October 04, 2021, at 6:30 p.m.**

The application and associated information may be reviewed at Planning and Development Services Department, 144 North Second Street, second floor, between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays. If you have any interest in this matter you should appear at the meeting and present your views.

Due to COVID-19, we ask that you contact staff prior to attending meeting so we can make safe accommodations. Please let us know if we may be of any assistance.

Please let us know if we may be of any assistance.

Planning and Development Services
704-984-9424

ORDINANCE 21-44

AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY CHANGING THE BOUNDARIES OF A CERTAIN DISTRICT ESTABLISHED UNDER THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, SO AS TO TRANSFER FROM GHBD GENERAL HIGHWAY BUSINESS DISTRICT TO CITY R-6 URBAN RESIDENTIAL DISTRICT A +/- 7,451.34 SQ FOOT (0.171 ACRE) PARCEL ON CROWELL AVENUE ALSO DEFINED AS TAX PARCEL 24079.

BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, as follows:

SECTION 1. TITLE IX: Planning and Regulation of Development, Chapter 92, of the City of Albemarle, North Carolina, Code of Ordinances, shall be and the same is hereby amended as follows:

That tax record 24079 is transferred from GHBD/General Highway Business District to R-6/ Urban Residential District.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be effective as of the date of final adoption.

This ordinance was introduced and signed by Councilmember _____,
a member of the Council of the City of Albemarle, North Carolina.

Member of Council

At the meeting of the Council held on October 4, 2021 this ordinance was introduced, adopted and ordered published as by law provided.

Dated October 4, 2021.

Mayor

Attest:

Clerk

Print

Title – Conduct a Public Hearing and Consider Ordinance 21-45 - ZMA 21-12 to Rezone a .377 Acre Portion of a Parcel Located at 2117 W. Main Street from LID to GHBD

Description:

Council is being asked to consider a request by South Central Oil Company, Inc. to rezone a portion of a parcel located at 2117 W. Main Street (Tax Record 22899) from LID/Light Industrial District to GHBD/General Highway Business District to accompany a subdivision approval.

Is this item budgeted?

Not Applicable

Fiscal Impact:

No fiscal impact

Management Recommendation:

Planning Board unanimously recommended to rezone the property to GHBD as proposed considering it's proximity to Neighborhood Commercial Center future land use.. Council should consider approval or denial of the proposed rezoning with the relevant statement of (in)consistency.

Note: In order to prevent a split zoned property the property owner will be submitting to staff a minor subdivision consistent with the extent of this rezoning for administrative approval.

ATTACHMENTS:	
Name:	Description:
<input type="checkbox"/> ZMA21-12_NOVUS.pdf	ZMA 21-12 Staff Presentation
<input type="checkbox"/> Ord_21-45_(ZMA21-12).docx	Ordinance 21-45 ZMA 21-12

APPROVALS:			
Date/Time:	Approval:	Department:	

CITY OF ALBEMARLE
ZONING MAP CHANGE APPLICATION
(Submit in Duplicate)

Application # ZMA 21-12

Date of Application 8-3-21

I. Applicant / Owner Information

A. Applicant's Name: South Central Oil Co., Inc.
Address: 2121 West Main St., Albemarle, NC 28001
Phone: 704-982-2173

Connection to Property if not Owner owner

B. Owner's Name: _____
Address: _____
Phone: _____

II. Property Information

A. Property Location: 2117 West Main St., Albemarle

B. Tax Record Number: 22899

C. Deed Book 235 Page 64

D. Existing Zoning L1D Proposed Zoning GHBD

E. Existing Use Salon Proposed Use Salon

F. Property Size 1400 sq. ft. (Sq. Ft./Acres)

III. Other Required Information (Attach the Following)

A. The application shall be accompanied by two (2) copies of a map, drawn to an appropriate scale. The map shall contain the following:

1. All property lines with dimensions, including a north arrow.
2. Adjoining streets with rights-of-way and paving widths.
3. The location of all structures and the use of all land.
4. Zoning classification of all abutting zoning districts.
5. Comprehensive site plan if the application is for commercial, industrial, or multi-family development.

- B. A statement regarding the changing conditions, if any, in the area or in the city generally, that makes the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.

Needs to be rezoned so a salon

- C. Does this zone change request also contain a request for a conditional use permit? Yes No. If yes, please attach Conditional Use Permit application.

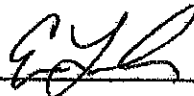
IV. Application processing fee. Attach check, payable to the City of Albemarle in the amount of \$500.00.

V. Applicant must attend all meetings.

I, the undersigned owner or authorized representative, hereby submit this application with the attached information. The information and documents provided are complete and accurate to the best of my knowledge.

8-3-21

DATE



Eric Lowder

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

PAYMENT SUMMARY RECEIPT

CITY OF ALBEMARLE
144 NORTH SECOND STREET
ALBEMARLE NC 28001

DATE: 08/19/21 CUSTOMER#:
TIME: 12:04:51
CLERK: cpoole

RECPT#: 53378 PREV BAL: 500.00
TP/YR: P/2022 AMT PAID: 500.00
BILL: 53378 ADJSTMNT: .00
EFF DT: 08/19/21 BAL DUE: .00

Misc Cash Receipts

-----TOTALS-----

PRINCIPAL PAID: 500.00
INTEREST PAID: .00
ADJUSTMENTS: .00
DISC TAKEN: .00

AMT TENDERED: 500.00
AMT APPLIED: 500.00
CHANGE: .00

PAID BY: SOUTH CENTRAL OIL
PAYMENT METH: CHECK
PAYMENT REF: 1139

TOT PREV BAL DUE: 500.00
TOT BAL DUE NOW : .00



City Council: MAP AMENDMENT STAFF ANALYSIS

Prepared by: Ashlie Jones

Case: ZMA21-12

Ordinance # 21-

Date: September 27, 2021

APPLICATION

Zoning map amendment request for 2117 West Main Street, a portion tax record 22899 (Deed 235 Book Page 64) from LID/Light Industrial District to GHBD/General Highway Business District upon subdivision.

Location: 2117 W. Main Street

Parcel Size: Approximately 16,410 square feet upon subdivision

APPLICANT(S)

Applicant & Owner: South Central Oil Company, Inc.

REQUESTED ZONING CHANGE

Existing: LID/Light Industrial District

Proposed: GHBD/General Highway Business District

APPLICANT STATEMENT FOR PROPOSED REQUEST

“Petitioner requests zoning change because 2117 W. Main has been leased as a salon in prior years, with the most recent use discontinuing in December 2020. Petitioner has a tenant interested in leasing the space for use as a salon.”

PROPERTY INFORMATION

Background and Existing Use: The property is currently zoned Light Industrial and is currently used as the offices and warehouse space for South Central Oil. A tenant is interested in leasing 2117 W. Main for use as a salon. This address has been used as a salon, with the most recent use ceasing in December 2020. The salon use ended in December 2020 when the power to 2117 W. Main was disconnected at the request of a previous tenant. The salon use was a nonconforming use within the Light Industrial District. Per 92.022 (C), use as a salon may not be reestablished because the use was discontinued for 180 days or more.

Proposed Use: Beauty Salon permitted per 92.102 (B)(12).

Adjacent Zoning:

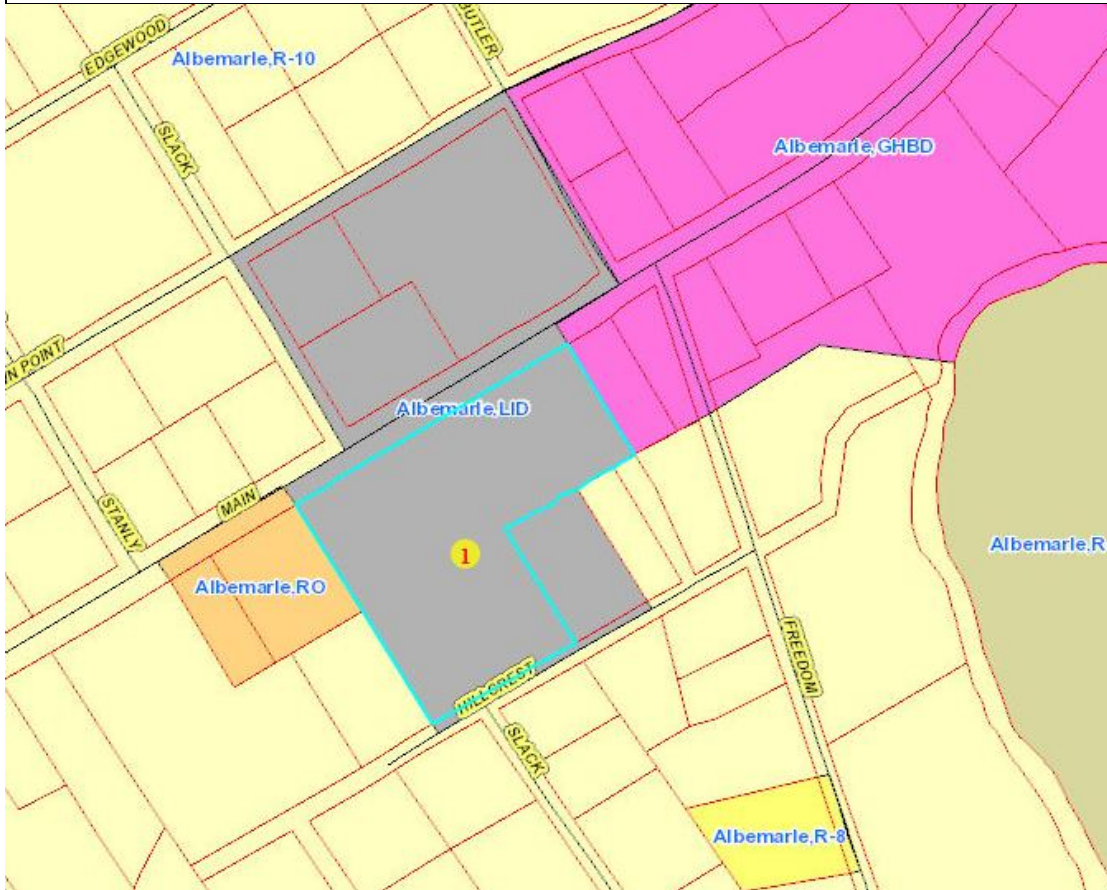
North: LID/Light Industrial	East: GHBD/General Highway Business District
South: R-8/Neighborhood Residential	West: RO/Residential Office District

Utilities: Utilities are currently provided to the parcel.

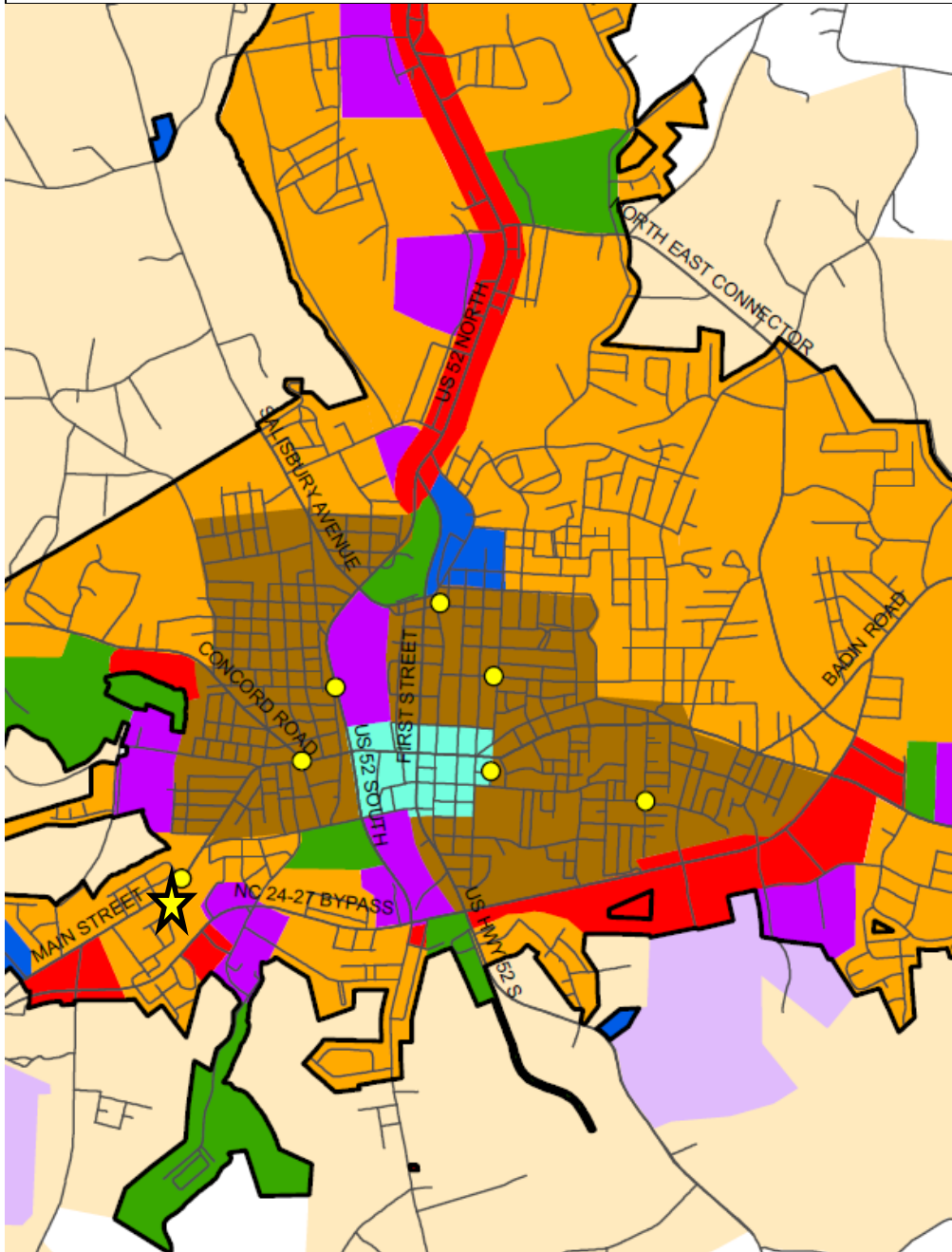
2028 Land Use Plan: The Future Land Use Map classifies this parcel and surrounding area as General Residential, which is defined as areas located within the City’s corporate limits and public utilities are provided. Areas classified as general residential typically consist of lots ranging from one-quarter to one-half acre in size and have an established network of roads that are well-connected, but often lack sidewalks. The General residential classification also features areas of low-density development with roads that are not well connected and frequently terminate in cul-de-sacs. Compact residential neighborhoods that set aside significant natural vistas, parkland, landscape features and other rural heritage features for permanent conservation are encouraged. Development considerations include environmental impacts, urban sprawl, road connectivity, impact on adjoining neighborhoods, protection of natural features and vistas, and the availability of adequate infrastructure.

Environment: This property is not located in any regulated floodplain or watershed.

CURRENT ZONING MAP



FUTURE LAND USE MAP



Additional Photos for Reference



STAFF COMMENTS

All public hearing notice requirements have been met for the September 2, 2021 Planning Board meeting and the October 4, 2021 City Council meeting.

While the Future Land Use Map designates this parcel and the surrounding area as General Residential, staff believes there are merits for the rezoning request. The parcel and several surrounding parcels are zoned for commercial use, and the rezoning request and subsequent subdivision of the parcel will provide the applicant with the opportunity to continue to utilize the property as a commercial use. There is a mix of use in the area, including residential, residential office, light industrial, and high-intensity commercial use.

Current Zoning District Description: 92.106 LID

The LID Light Industrial District is designed to accommodate industries and warehousing operations which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential and business districts.

LID permits by right: storage facilities, recycling collection/crushing/distribution, automobile sales, automobile parking lots and structures, bakeries, boat works and sales, building materials and equipment sales, contractors offices and storage yards, industrial supplies and equipment, service stations and automobile repair garages, wholesale and warehousing establishments. Uses permitted with a CUP include: educational facilities, automobile towing and temporary storage services, go-cart tracks, flea market – outdoor, and telecommunications towers

Proposed Zoning District Description: 92.102 GHBD

The GHBD General Highway Business Districts are designed to serve those commercial activities which function relatively independent of intense pedestrian traffic and which should not be located in the Central Business District or in the Neighborhood Business District. The General Highway Business Districts shall be located along state and federal highways or other highways designated as major streets, and should be established in zones of two acres or larger.

§92.102 GHBD currently permits high-intensity commercial uses, including offices, retail establishments, hotels/motels, restaurants, beauty salons, medical and dental facilities and laboratories, theaters, and other similar establishments. The following uses are permitted with Conditional Use Permits (CUPs): wholesale and warehousing establishments, pilot plant manufacturing, coal and wood sales, self-storage facilities, telecommunication towers, flea markets, donation drop boxes, emergency temporary housing, go-cart tracks, and billiard halls.

Given the proposed use, the parcel's proposed use under the future land use plan, the proposed rezoning is consistent with the City's future land use plan.

Planning and Zoning Board held a public hearing at its September 2nd meeting and unanimously recommended City Council approve ZMA 21-11 upon subdivision with the Future Land Use Map Amendment Statement.

STATEMENT OF ZONING CONSISTENCY WITH ADOPTED PLANS
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Per G.S. §160A-383 Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest
- (3) A statement approving the zoning amendment and containing at least all of the following
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

Following are three statements for City Council to consider. Any of the statements may be used, partially or in their entirety, by City Council.

CONSISTENCY STATEMENT

The Albemarle City Council finds the action to amend tax record 22899 from LID/Light Industrial District to GHBD/General Highway Business District to be consistent with the adopted 2028 Land Use Plan. Council finds the urban residential district zoning on this parcel to reasonable and in the public interest.

INCONSISTENCY STATEMENT

The Albemarle City Council finds the action to amend tax record 22899 from LID/Light Industrial District to GHBD/General Highway Business District to be inconsistent with the adopted 2028 Land Use Plan. Council finds the urban residential district zoning on this parcel to reasonable and in the public interest.

ZONING AMENDMENT STATEMENT

The Albemarle City Council finds the action to amend tax record 22899 from LID/Light Industrial District to GHBD/General Highway Business District to be inconsistent with the adopted 2028 Land Use Plan; however, rezoning the property will achieve the public interest and shall be deemed reasonable. The aforementioned map amendment shall amend the City's Land Use Plan.



Certificate of Service

I hereby certify that on September 16, 2021 I served a copy of the foregoing notice of a Zoning Map Amendment request for ZMA21-12 property tax record 22899, upon the following persons by depositing a true and correct copy thereof in an envelope bearing sufficient postage in the United States mail at Albemarle, North Carolina, addressed as follows:

Tax Record	Owner Name	Owner Name 2	Mailing Address	City	State	Zip	Physical Address	Deed Acres
4172	ALBEMARLE LIONS CLUB		2105 W MAIN ST	ALBEMARLE	NC	28001	2105 W MAIN ST	0
22069	C LESTER SMITH HEIRS		2120 WEST MAIN ST	ALBEMARLE	NC	28001	2124 W MAIN ST	0
7355	CALVIN OTIS CAGWIN JR	SHELBY BAILEY CAGWIN	2104 HILLCREST AVE	ALBEMARLE	NC	28001	HILLCREST AVE	0
7357	CALVIN OTIS CAGWIN JR	SHELBY BAILEY CAGWIN	2104 HILLCREST AVE	ALBEMARLE	NC	28001	2104 HILLCREST AV	0
22470	EUDY PROPERTIES & SERVICES INC		32521 GUARD RD	ALBEMARLE	NC	28001	2211 W MAIN ST	0
32656	EUDY PROPERTIES & SERVICES INC		32521 GUARD RD	ALBEMARLE	NC	28001	HILLCREST ST	0
15784	JAMIE T POPLIN	JEANNA P POPLIN	2107 HILLCREST AVE	ALBEMARLE	NC	28001	2107 HILLCREST AV	0
1366	JEREMIAS GASGA	JULIA R GASGA	2203 HILLCREST AVE	ALBEMARLE	NC	28001	2203 HILLCREST AV	0
13474	JEREMIAS R GASGA	JULIA R GASGA	2201 HILLCREST AVE	ALBEMARLE	NC	28001	2201 HILLCREST AV	0
24541	MARY A TROUTMAN		PO BOX 194	NORWOOD	NC	28128	HILLCREST AVE	0
21758	PRESTON R MEIKLE	SARA E MEIKLE	2210 WEST MAIN STREET	ALBEMARLE	NC	28001	2210 W MAIN ST	0
7443	RANDY DWAIN FURR		2204 W MAIN ST	ALBEMARLE	NC	28001	2204 W MAIN ST	0
22499	SMITH NOVELTY CO INC		2120 W MAIN ST	ALBEMARLE	NC	28001	2120 W MAIN ST	0
22897	SOUTH CENTRAL OIL CO	C/O MCDONALD S CORP	2121 W MAIN ST	ALBEMARLE	NC	28001	2113 W MAIN ST	0
22899	SOUTH CENTRAL OIL CO	ABP OFFICE 100	2121 W MAIN ST	ALBEMARLE	NC	28001	2121 W MAIN ST	0
33448	STACY MAULDIN ALMOND		321 CULP RD	RICHFIELD	NC	28137	2103 HILLCREST AV	0

Ashlie Tolliver Jones
City of Albemarle

P | 704.984.9424
F | 704.984.9435



ALBEMARLE
NORTH CAROLINA
Water. Air. Land. Opportunity.

www.albemarlenc.gov
PO Box 190
Albemarle, NC 28002

Planning and Development Services

September 16, 2021

PUBLIC NOTICE

There will be a meeting to consider a request by South Central Oil Company to rezone a portion of a property located at 2117 W Main Street (Tax Record 22899) from LID/Light Industrial District to GHBD/General Highway Business District.

The meetings are as follows:

- City Council public hearing to consider approval of those items will be held in the City Hall Council Chambers, 144 North Second Street, on **Monday, October 04, 2021, at 6:30 p.m.**

The application and associated information may be reviewed at Planning and Development Services Department, 144 North Second Street, second floor, between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays. If you have any interest in this matter you should appear at the meeting and present your views.

Due to COVID-19, we ask that you contact staff prior to attending meeting so we can make safe accommodations. Please let us know if we may be of any assistance.

Please let us know if we may be of any assistance.

Planning and Development Services
704-984-9427

ORDINANCE 21-45

AN ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, PROVIDING THAT ITS CODE OF ORDINANCES BE AMENDED BY CHANGING THE BOUNDARIES OF A CERTAIN DISTRICT ESTABLISHED UNDER THE ZONING ORDINANCE OF THE CITY OF ALBEMARLE, NORTH CAROLINA, SO AS TO TRANSFER A PORTION OF TAX PARCEL 22899 FROM LID LIGHT INDUSTRIAL DISTRICT TO CITY GENERAL HIGHWAY BUSINESS DISTRICT A +/- 16,410 SQ FOOT (0.377 ACRE) PARCEL ON WEST MAIN STREET ALSO DEFINED AS TAX PARCEL 22899 UPON SUBDIVISION.

BE IT ORDAINED by the Council of the City of Albemarle, North Carolina, as follows:

SECTION 1. TITLE IX: Planning and Regulation of Development, Chapter 92, of the City of Albemarle, North Carolina, Code of Ordinances, shall be and the same is hereby amended as follows:

That a portion of tax record 22899 is transferred from LID/LIGHT INDUSTRIAL DISTRICT to GHBD/GENERAL HIGHWAY BUSINESS DISTRICT upon subdivision.

SECTION 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall be effective as of the date that the subdivision of Parcel 22899 is approved.

This ordinance was introduced and signed by Councilmember _____,
a member of the Council of the City of Albemarle, North Carolina.

Member of Council

At the meeting of the Council held on October 4, 2021, this ordinance was introduced, adopted and ordered published as by law provided.

Dated October 4, 2021.

Mayor

Attest:

Clerk

Print

Title – Marilyn Wells, Waste Management - WM Update & Discuss Loose Leaf Collection Season

Description:

Marilyn Wells with Waste Management will be present to review preparations for the upcoming loose leaf collection season. Public Works staff has already met with Waste Management to review the upcoming season. A copy of the loose leaf collection map and schedule is attached and will be posted to our website, social media outlets, and distributed as a utility bill stuffer.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> FY21-22_Leaf_Season.pdf	FY 21-22 Leaf Season Schedule

APPROVALS:

Date/Time:	Approval:	Department:	

ALBEMARLE LEAF PICKUP

TO: All Residents of Albemarle

It's that time of year again! The leaves are falling and the days are getting shorter. Leaf pickup will begin on Monday, October 19th. We will use the zones on the map below and the corresponding days of collection on the calendar. **Please do not mix leaves with limbs, sticks, brush and other debris as this will result in delays. This should help us to maintain our schedule better and enhance the service provided to the citizens of Albemarle.**

Please clip out this map and keep it for future reference. A map will also be available on the city website at www.albemarlenc.gov

Please have leaves ready on your pickup day. We cannot wait for you to rake, or come back to the same street until your next scheduled day, so please have all your leaves to the curb by the morning of pickup. **DO NOT MIX YARD WASTE WITH LEAVES.**

OCTOBER 2021						
SUN.	MON.	TUE.	WED.	THU.	FRI.	SAT.
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18 (1)	19 (2)	20 (3)	21 (4)	22 (5)	23
24	25 (6)	26 (7)	27 (8)	28 (9)	29 (10)	30
31						

NOVEMBER 2021						
SUN.	MON.	TUE.	WED.	THU.	FRI.	SAT.
	1 (11)	2 (12)	3 (1)	4 (2)	5 (3)	6
7	8 (4)	9 (5)	10 (6)	11 (7)	12 (8)	13
14	15 (9)	16 (10)	17 (10)	18 (11)	19 (11)	20
21	22 (12)	23 (1)	24 (2)	25 (OFF)	26 (3)	27
28	29 (4)	30 (5)				

DECEMBER 2021						
SUN.	MON.	TUE.	WED.	THU.	FRI.	SAT.
			1 (6)	2 (7)	3 (8)	4
5	6 (9)	7 (10)	8 (10)	9 (11)	10 (11)	11
12	13 (12)	14 (1)	15 (2)	16 (3)	17 (4)	18
19	20 (5)	21 (6)	22 (7)	23 (8)	24 (9)	25
26	27 (10)	28 (10)	29 (11)	30 (11)	31 (12)	



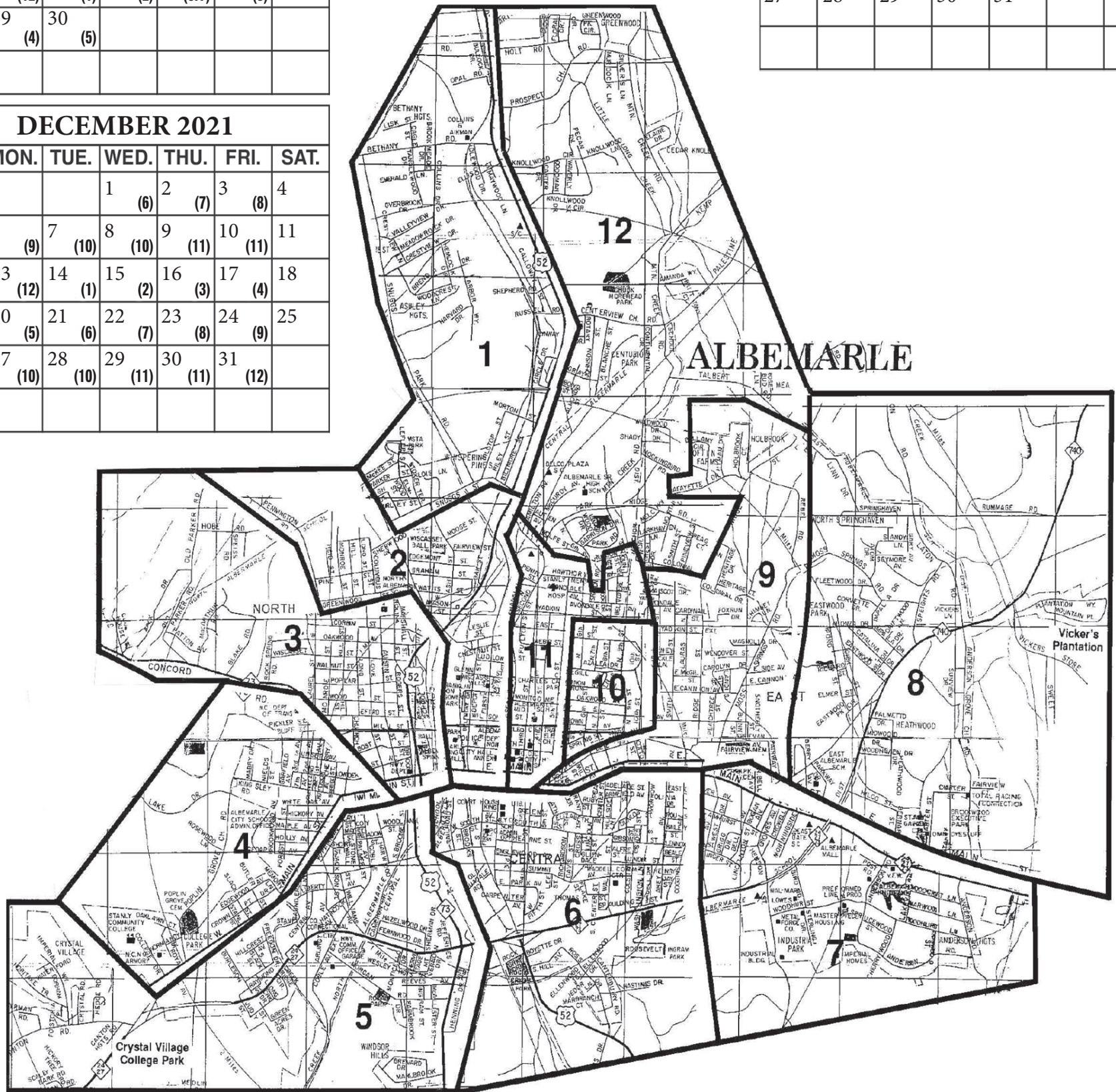
Waste Management of Carolinas

Call for more information (704) 982-1224

JANUARY 2022						
SUN.	MON.	TUE.	WED.	THU.	FRI.	SAT.
						1
2	3 (1)	4 (2)	5 (3)	6 (4)	7 (5)	8
9	10 (6)	11 (7)	12 (8)	13 (9)	14 (10)	15
16	17 (11)	18 (12)	19 (1)	20 (2)	21 (3)	22
23	24 (4)	25 (5)	26 (6)	27 (7)	28 (8)	29
30	31 (9)					

FEBRUARY 2022						
SUN.	MON.	TUE.	WED.	THU.	FRI.	SAT.
		1 (10)	2 (11)	3 (12)	4 (1)	5
6	7 (2)	8 (3)	9 (4)	10 (5)	11 (6)	12
13	14 (7)	15 (8)	16 (9)	17 (10)	18 (11)	19
20	21 (12)	22 (1)	23 (2)	24 (3)	25 (4)	26
27	28 (5)					

MARCH 2022						
SUN.	MON.	TUE.	WED.	THU.	FRI.	SAT.
		1 (6)	2 (7)	3 (8)	4 (9)	5
6	7 (10)	8 (11)	9 (12)	10 (1)	11 (2)	12
13	14 (3)	15 (4)	16 (5)	17 (6)	18 (7)	19
20	21 (8)	22 (9)	23 (10)	24 (11)	25 (12)	26
27	28	29	30	31		



LEAF COLLECTION

- Leaves will be collected year-round if placed in bags weighing no more than 50 pounds.
- Loose leaves will be collected during the period of October 18 - March 25. During this period, leaves should be raked to the curb prior to 7:00 AM on the advertised collection day.
- Loose leaves should not be mixed with other yard wastes.
- Rocks, bricks, etc., should never be placed in loose leaves.

HOLIDAYS

Waste Management will observe the following holidays in the City of Albemarle: Thanksgiving Day, Christmas Day and New Year's Day. Please save this schedule and check the newspaper for other holiday service schedules.

THANK YOU



Waste Management of Carolinas

Print

Title – Municipal Calendar

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> Municipal_Calendar_2021_October_4_2021.docx	Municipal Calendar

APPROVALS:

Date/Time:	Approval:	Department:	

CITY OF ALBEMARLE
MUNICIPAL CALENDAR – 2021

October 2021



- 4 Regular Meeting City Council – 6:30 pm
- 7 Planning/Zoning Board – 6:30 pm
- 9 Albemarle Police Department Community Night Out – 4:00 pm downtown
- 11 ADDC Board of Directors – 12 Noon
Parks and Recreation Advisory Board – 6:00 pm
- 12 Charters of Freedom Dedication Ceremony – 5:30 pm Second Street side City Hall
Historic Resources Commission – 6:00 pm
- 18 Regular Meeting City Council – 6:30 pm
- 28 Downtown Fall Festival – 5:00 to 7:00 pm / Jeepers Creepers 5K 6:30 pm
- 29 Friday Night Frights – Ghost tours 5 & 6 pm; Snuggs House tour 6:30 – 9:30 pm;
Movie Night @ City Lake Park 7:15 pm
- 30 Street Festival & Farmer’s Market and Craft Fair – noon to 4 pm

November 2021



- 1 Regular Meeting City Council – 6:30 pm
- 4 FY 2022 Council strategic planning session – TBD at 4:00 pm
- 4 Planning/Zoning Board – 6:30 pm
- 8 ADDC Board of Directors – 12 Noon
- 9 Historic Resources Commission – 6:00 pm
- 11 City Holiday – Veteran’s Day
- 15 Regular Meeting City Council – 6:30 pm

- 18 Rocky River RPO TAC meeting – 6:00 pm
- 25-26 City Holiday – Thanksgiving Day and the day after
- 27 City of Albemarle Christmas Parade/Christmas Open House – 3:00 pm
- 30 Stanly County COG meeting – 6:30 pm in Misenheimer



- 2 Planning/Zoning Board – 6:30 pm
- 6 Regular Meeting City Council – 6:30 pm
- 13 FY 2022 Council strategic planning session – TBD at 4:00 pm
- 14 Historic Resources Commission – 6:00 pm
- 20 Regular Meeting City Council – 6:30 pm
- 23, 24, 27 City Holiday – Christmas



- 3 Regular Meeting City Council – 6:30 pm
- 6 Planning/Zoning Board – 6:30 pm
- 10 ADDC Board of Directors – 12 Noon
- 11 Historic Resources Commission – 6:00 pm
- 17 City Holiday – Martin Luther King Jr. Day
- Regular Meeting City Council – 6:30 pm
- 26,27 Council strategic planning sessions – 4:00 pm in Council Chambers

Print

Title – Consider Closing Pee Dee Ave on 10-31-21 for Trick or Treating

Description:

Council should consider closing Pee Dee Ave on Halloween from 5-9pm in accordance with the provided map.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

Approve street closure

ATTACHMENTS:

Name:	Description:
<input type="checkbox"/> 2021_Halloween_Road_Closure_on_Pee_Deer_for_Trick_or_Treating.pdf	Pee Dee Ave Road Closure Map 10-31-21

APPROVALS:

Date/Time:	Approval:	Department:	
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Halloween Road Closure on Pee Dee Ave. for Trick or Treating

In order to improve safety for trick-or-treaters the City of Albemarle will be closing residential blocks of Pee Dee Ave. to thru traffic on Halloween night, Sunday, October 31st 2021, from 5:00pm to 9:00pm. Please see the map showing road closure points in orange, thru traffic routes in green and parking areas in blue.

Thru-Traffic – Vehicles will be allowed to cross Pee Dee Ave. at Miller, Sixth, Seventh, Ninth/Cotton and Ridge streets, but will not be allowed on Pee Dee Ave. Please find a different route during these hours.

Residents – Thank you for your patience. If need to get in or out please use the closest cross street and place all cones or barricades back once you are through. Please drive slowly to avoid pedestrians.

Parents & Trick or Treaters – While these blocks will be pedestrian only, please pay attention to children and watch for vehicles as you normally would, especially when crossing streets with cones or barricades. If you need to park and walk with children parking is available at City lots across Pee Dee Ave from Lillian Mill, the private lot East of Lillian Mill, and at the grass lot at Morrow and Pee Dee Ave.

The City of Albemarle asks residents and trick-or-treaters alike to be attentive of children and vehicles, practice social distancing and have a safe and fun evening. Happy Halloween!!



PLEASE FLIP OVER FOR NCHHS RECOMMENDATIONS FOR SAFE TRICK OR TREATING



Recommendations for Safer Trick or Treating

The City of Albemarle is not sponsoring or endorsing trick or treating. Anyone participating in any Halloween activities is doing so at their own risk. Road closures and recommended precautions are being provided only to increase safety and awareness for those who choose to participate.

The NC Department of Health and Human Services list trick-or-treating as a moderate risk activity. In order to lower risks the following precautions are recommended:

- Encourage no or low touch trick-or-treating
- Line up individually wrapped goodie bags for families to grab and go while continuing to social distance (such as at the end of a driveway or at the edge of a yard). If you prepare goodie bags, wash your hands with soap and water for at least 20 seconds before and after preparing bags
- Place individual pieces of candy spaced out on a table for families/children to take
- Gently toss candy to trick or treaters from 6 feet away
- Use a “candy chute” or tube to pass along candy to trick or treaters 6 feet away
- If screaming will likely occur, greater distancing is advised. The greater the distance, the lower the risk of spreading a respiratory virus.

More information about trick or treating and other Halloween activities can be found here: <https://files.nc.gov/covid/documents/guidance/NCDHHS-Interim-Guidance-for-Halloween.pdf>

Additionally, the City of Albemarle encourages everyone who will be participating in Halloween events to:

- Avoid touching or handling other’s costumes and decorations.
- Wear masks over their nose and mouth
- Stand at least 6 feet apart in lines. Taped markings or small signs may help.
- Encourage the use of closed streets, lawns, driveways and other open spaces to social distance and prevent crowding
- Inspect candy and consider wiping wrappers before giving to children

[PLEASE FLIP OVER FOR MAP AND ROAD CLOSURE INFORMATION](#)

Print

Title – Introduction of Police Chief Jason Bollhorst

Description:

Chief Bollhorst's first official day with the City is October 4.

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:

Description:

No Attachments Available

APPROVALS:

Date/Time:

Approval:

Department:

Print

Title – Closed Session Pursuant to N.C.G.S. 143-318.11(a)(6) - Personnel

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
No Attachments Available	

APPROVALS:

Date/Time:	Approval:	Department:	
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Print

Title – Adjourn until Monday, October 18, 2021 at 6:30 pm

Description:

Is this item budgeted?

Not Applicable

Fiscal Impact:

Management Recommendation:

ATTACHMENTS:

Name:	Description:
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No Attachments Available

APPROVALS:

Date/Time:	Approval:	Department:	
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