

AGENDA



CITY OF LENOIR
CITY COUNCIL MEETING
CITY/COUNTY CHAMBERS
905 WEST AVENUE
TUESDAY, MAY 3, 2016
6:00 P.M.



I. CALL TO ORDER

- A. Moment of Silence & Pledge of Allegiance
- B. Special Recognition; National Public Works Week: Mayor Gibbons will present a proclamation to Public Works Director Charles Beck proclaiming the week of May 15-21 as “*National Public Works Week*” throughout the City of Lenoir and Caldwell County.
- C. Special Recognition; Drinking Water Week: Mayor Gibbons will present a proclamation to Radford Thomas, Public Utilities Director, proclaiming the week of May 1-7 as “*Celebrate Drinking Water Week*” throughout the City of Lenoir and Caldwell County.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

III. CONSENT AGENDA ITEMS

- A. Minutes: Approval of minutes from the City Council Meeting of Tuesday, April 19, 2016 as submitted.
- B. Proclamation; National Public Works Week: Approval of a proclamation proclaiming the week of May 15-21 as “*National Public Works Week*” throughout the City of Lenoir and Caldwell County.
- C. Proclamation; Celebrate Drinking Water Week: Approval of a proclamation proclaiming the week of May 1-7 as “*Celebrate Drinking Water Week*” throughout the City of Lenoir and Caldwell County.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

- A. Items of Information
 - 1. The annual Mayor’s Prayer Breakfast held in conjunction with the National Day of Prayer is scheduled for Thursday, May 5 at 8:00 a.m. at First United Methodist Church located at 309 Church Street NW. The speaker for this year’s event is Mr. Brian Tracy, Senior Associate Athletics Director/Development, Appalachian State University. Tickets for the event are \$10.00 and are available at City Hall. The public is invited to attend.

2. A Cruise-In Event will be held on Saturday, May 7 from 4-9:00 p.m. in downtown Lenoir.
3. The City/County Services Committee will meet on Monday, May 9 at 11:45 a.m.
4. The Caldwell County Economic Development Commission will meet on Tuesday, May 10 at 8:00 a.m.
5. The ABC Board will meet on Tuesday, May 10 at 5:30 p.m. at Lenoir Store #1 located at 123 ABC Court.
6. The Sister Cities Committee will meet on Thursday, May 12 at 1:15 p.m. at the Uptown Café & Bakery.
7. The Lenoir Business Advisory Board will meet on Thursday, May 12 at 6:00 p.m. at City Hall, Third Floor, former Council Chambers.
8. The annual Bloom Blast Event is scheduled for Saturday, May 14 at 8:00 a.m. in downtown Lenoir.
9. Peace Officers' Memorial Week will be observed during the week of May 15 – 21. An "Officer Down Memorial Service" has also been scheduled for Thursday, May 19 at 7:00 p.m. at First Baptist Church.
10. National Public Works Week will be observed during the week of May 15 – 21. A breakfast is scheduled on Wednesday, May 18 at the 1841 Restaurant beginning at 7:30 a.m. to honor all Public Works employees.
11. The City/County Coordinating Committee will meet on Monday, May 16 at 11:30 a.m. at the City/County Chambers.

B. Items for Council Action

1. Communities in Schools of Caldwell County/City of Lenoir Land Exchange Request: The City of Lenoir has received a request from Communities in Schools to exchange property to facilitate the relocation of the Rankin House. If City Council wishes to proceed with the land exchange as described in the background information on the Council Action Form, City Staff requests approval to advertise the submitted public notice for a minimum of ten (10 days.) **Note:** City Council can then authorize the exchange of properties described in the background information at its regular City Council Meeting on Tuesday, May 17, 2016 by adopting the submitted resolution.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

- A. Closed Session: Pursuant to N.C.G.S. §143-318.11(a), (4), City Council will enter into closed session to discuss economic development.

X. ADJOURNMENT



CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
K. P. EDMISTEN
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

**PROCLAMATION
NATIONAL PUBLIC WORKS WEEK**

- WHEREAS,** Public Works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the people of this nation; and
- WHEREAS,** Such facilities and service could not be provided without the dedicated efforts of public works professionals, engineers and administrators, representing federal, state, and local units of government, who are responsible for and must design, build, operate, and maintain the transportation, and refuse disposal systems, public buildings, and other structures and facilities essential to serve our citizens; and
- WHEREAS,** Public Works professionals provide critical response capabilities, experience and support to all levels of government in times of natural and man-made disasters; and
- WHEREAS,** It is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in the public works needs and programs of the respective communities;

NOW, THEREFORE, I Joseph L. Gibbons, Mayor, and on behalf of the Lenoir City Council urge all our citizens to join with representatives of governmental agencies and the American Public Works Association in proclaiming the week of May 15 through May 21 as “**National Public Works Week**” in activities and ceremonies designed to pay tribute to our public works professionals, engineers and administrators and to recognize the substantial contributions they have made to our national health and welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 3rd day of May, 2016.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley M. Cannon, City Clerk





CITY MANAGER
SCOTT E. HILDEBRAN

CITY OF LENOIR
NORTH CAROLINA

MAYOR
JOSEPH L. GIBBONS

CITY COUNCIL
K. P. EDMISTEN
T. H. PERDUE
J. I. PERKINS
T. J. ROHR
D. F. STEVENS
C. D. THOMAS
B. K. WILLIS

**PROCLAMATION
IN CELEBRATION OF
DRINKING WATER WEEK**

WHEREAS, water is our most valuable natural resource; and

WHEREAS, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, any measure of a successful society - low mortality rates, economic growth and diversity, productivity, and public safety are in some way related to access to safe water; and

WHEREAS, we are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS, each citizen of the City of Lenoir and Caldwell County is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water;

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of Lenoir, North Carolina, and on behalf of the Lenoir City Council, I do hereby proclaim the week of May 1 – 7, 2016 as “*Celebrate Drinking Water Week*” throughout the City of Lenoir and Caldwell County.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Lenoir to be affixed this the 3rd day of May, 2016.

SEAL

Joseph L. Gibbons, Mayor

ATTEST:

Shirley Cannon, City Clerk



**LENOIR CITY COUNCIL
TUESDAY, APRIL 16, 2016
6:00 P.M.**

PRESENT: Mayor Gibbons presiding. Councilmembers present were Edmisten, Perdue, Perkins, Rohr, Stevens, Thomas and Willis. Also in attendance were City Manager Hildebran, City Clerk Cannon and City Attorney Blair.

I. CALL TO ORDER

A. The meeting was opened by a moment of silence followed by the Pledge of Allegiance led by Mayor Gibbons.

**SPECIAL RECOGNITION; MOTORCYCLE
SAFETY & AWARENESS MONTH:**

B. On behalf of City Council, Mayor Gibbons presented a proclamation to Scott Brown, Police Chief, proclaiming the month of May as "*Motorcycle Safety and Awareness Month*" throughout the City of Lenoir and Caldwell County.

Chief Brown thanked City Council for the recognition and challenged everyone to drive carefully and be more aware of motorcycles on the highway.

**SPECIAL RECOGNITION; PEACE OFFICERS'
MEMORIAL WEEK:**

C. On behalf of City Council, Mayor Gibbons presented a proclamation to Scott Brown, Police Chief, proclaiming the week of May 15-21 as "*Peace Officers' Memorial Week*" and further called upon all citizens to observe Sunday, May 15 as "*Peace Officers' Memorial Day*" throughout the City of Lenoir and Caldwell County.

Chief Brown thanked City Council on behalf of all police officers and commented this was a tough time to be in this profession. He stated each officer takes his/her job seriously and serve because of their love for the City and community. In addition, Chief Brown commented he is humbled and honored to serve the citizens of Lenoir as well as other agencies across the state. He encouraged the general public to take a moment to thank an officer during "*Peace Officers' Memorial Week*" and also invited everyone to attend an Officer Down Memorial Service on Thursday, May 19 at 7:00 p.m. at First Baptist Church in Lenoir.

On behalf of City Council, Mayor Gibbons thanked Chief Brown

and his Staff for everything they do in order to protect the City and all its citizens.

**COMMENDED; MACIE BOLICK;
LENOIR FIRE DEPARTMENT:**

D. Mayor Gibbons commended Macie Bolick, Lenoir Firefighter, for the recent article about her and her family's history as firefighters that was recently published in the *News-Topic*. Ms. Bolick currently serves part-time at the Lenoir Fire Department and is also a volunteer at the Kings Creek Volunteer Fire Department.

Mayor Gibbons stated that Ms. Bolick completed training at the Fire Academy at Hibriten High School and noted that City Council was proud of all of her accomplishments.

II. MATTERS SCHEDULED FOR PUBLIC HEARINGS

**CONDITIONAL ZONING DISTRICT;
675 BLOWING ROCK BOULEVARD:**

A. A public hearing was held to consider a Conditional Zoning District for property located at 675 Blowing Rock Boulevard, north of Hospital Avenue, east of Woodland Place and south of Aaron's Rental to allow construction for an approximately 80 room hotel, up to four stories in height. Note: Planning Staff and the Planning Board recommends approval of the Conditional Zoning District Ordinance subject to the Special Conditions (1-9) as listed on Page 4 of the Staff Report. Mayor Gibbons read the list of conditions for the general public.

A copy of the conditional zoning district ordinance and special conditions are hereby incorporated into these minutes by reference. (Refer to pages 81-84.)

Mayor Gibbons opened the public hearing to receive public comments regarding the Conditional Zoning District request.

Taylor Gupton, Planning Department, referred to the list of special conditions and reiterated the conditional zoning request addresses the height limitation and the preservation of an existing vegetative buffer and wall located between the subject property and the single family residential district on Woodland Place.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Councilmember Rohr wished the developers of the proposed hotel well, but expressed his opposition against conditional zoning because he feels it defeats the purpose of zoning in general. Mr. Rohr commented that, if the property was simply being rezoned as General Business (B-2) which allows

hotels, he would be in favor of the applicant's request.

Mayor Pro-Tem Willis commented the proposed hotel is a much needed asset for the community and a great project. He stated it also allows the City to be more flexible with how it uses the limited property that is available within the City limits.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 1 to approve the Conditional Zoning District Ordinance for property located at 675 Blowing Rock Boulevard subject to the Special Conditions (1-9) as recommended by the Planning Board and City Staff. Councilmember Rohr voted against this motion.

**CONDITIONAL USE PERMIT;
205 GREENHAVEN STREET:**

- B. A public hearing was held to consider a Conditional Use Permit with the Special Conditions for property located at 205 Greenhaven Drive at the corner of the intersection with the Walmart Shopping Center & Bo's Family Entertainment for a 60 unit multi-family senior-living development in the General Business (B-2) Zoning district. Note: Planning Staff and the Planning Board recommends approval of the Conditional Use Permit subject to the Special Conditions (1-10) as listed under IV. Staff Recommendation on the submitted Council Action Form and on Page 7 of the Staff Report for the proposed 60 unit multi-family senior-living development, known as Crescent Pointe.

A copy of the special conditions as listed on the Council Action Form and a copy of the Staff Report is hereby incorporated into these minutes by reference. (Refer to pages 85-101.)

Mayor Gibbons opened the public hearing to receive public comments regarding the Conditional Use Permit.

Harris B. Gupton, PE, Gardner Capital Development, Taylor Gupton, Planning Staff, and Andy Wells, Prism Development, were sworn in by the City Clerk. As information, Ms. Gupton informed Council that she and Mr. Harris Gupton were not related.

Taylor Gupton, Planning Department, reviewed the proposed project's specifications and pointed out it would be located at the corner of Walmart and Bo's along with being within walking distance of the shopping center. She noted this project is a desirable candidate for a multi-family housing project.

In addition, Ms. Gupton reported that, following the Planning Board meeting, the applicant has made modifications to the site plan to address concerns raised by the Planning Board. Additionally, conversations with the adjacent property owner have progressed since the Planning Board

meeting, and Staff has made minor modifications to the recommended conditions that the Planning Board voted to approve. These modifications were approved by the Planning Board and indicated by the strike-throughs as noted on page 7, Item 2 of Staff's Recommendations as outlined in the Staff Report and as listed below:

2. The developer must continue to work to secure an easement and/or maintenance agreement for greenspace and a sidewalk connection ~~see end point of ingress and egress~~ through the adjacent parcel located on the corner of Greenhaven Drive to the existing sidewalk along the commercial center driveway. This parcel is identified as NCPIN 2850123985. A pedestrian connection and landscaping must be provided if an agreement ~~for an easement or purchase~~ is reached.

Ms. Gupton stated a clean copy of these special conditions is also listed on the Council Action Form submitted by Staff. She further clarified the developer has begun negotiations with the property owner in order to come to an agreement for a direct access from the proposed hotel to the Walmart shopping center. Ms. Gupton then requested that the Council Action Form and the Staff Report be entered as evidence into the record for this public hearing for the conditional use permit.

Councilman Rohr remarked that the recommendation of Condition #2 stating the developer must continue to seek for an easement is completely meaningless and does not have any legal merit. He stated there is no legal way to require it of the applicant.

City Attorney Blair disagreed, by stating that Condition #2 is not entirely unenforceable because if the City is aware that the other party (the property owner of the adjacent parcel) is willing to negotiate, then the applicant/developer must make a good faith effort to engage in negotiations to achieve the agreement that would provide for a sidewalk connection and additional landscaped green space.

Ms. Gupton stated they recognize there is no way to enforce the recommendation, but reiterated this request is directly related to obtaining direct pedestrian access to the shopping center for the senior residents.

Councilmember Rohr then referred to items 4 and 5 that relate to how the elevation of all four (4) sides of the building having to be resubmitted, with revisions to meet the standards of Section 714 of the Zoning Ordinance and asked if Staff has had an opportunity to review the ordinance.

Ms. Gupton replied Staff has not and that's why it is included as a requirement, but reiterated the developer is required to resubmit this information. Note: At this point in the hearing, Mayor Gibbons directed each Councilmember to review the list of Staff's recommendations for any additional questions or comments before proceeding with the public

hearing.

Councilmember Perdue inquired if there were any other items that needed to be clarified with Ms. Gupton responding there were not.

Councilmember Stevens referred to the proposed easement and asked if the developer would have the same sidewalk requirements as the adjacent property owners.

Ms. Gupton replied they would and reiterated that the existing public sidewalk would require an additional access from the proposed apartment complex.

Next, Mr. Andy Wells, Prism Development, addressed Council and reported that he represents the Robinson family and deals with specialty housing development. Mr. Wells commented that he does not develop these properties, but has sold a number of these sites over the years. He noted this location is the best possible site for this project and commented that, based on his experience; sixty-six parking spaces are too many according to demographics. Mr. Wells further reported that, according to a study in the Spring 2016 *Economic Indicator's Newsletter* published by the Western Piedmont Workforce Development Board, seniors are a demographic that are growing rapidly in Caldwell County and further reported that Caldwell County has a need for twelve (12) of these type of multi-family housing projects. Mr. Wells stated this current project will address 8% of the community's future housing needs.

In addition, Mr. Wells noted the developments are regulated on how they are managed and maintained. He emphasized these apartments continue to look great after several years because of how well they are continually maintained. Mr. Wells acknowledged that applicants are highly screened and have to meet all criteria including a background check and criminal check prior to being approved for an apartment.

Mr. Harris Gupton, addressed City Council and stated this was a challenging piece of property that has land impediments, but reiterated it was a great site for this project for senior citizens. He also commended the Planning Staff for working with him regarding the land impediments in order to develop the best plan for this project. Mr. Gupton restated it would be an asset to be able to construct a sidewalk on the small piece of property located at the intersection to Bo's as well as have the opportunity to landscape the area. In addition, Mr. Gupton stated they previously asked for an access for a driveway, but explained the property owner thought the location was too close to the entrance to the intersection. However, Mr. Gupton related the owner has agreed to revisit the site to review their proposal for a sidewalk connection and landscaping which would be a win-win situation for both parties. Mr. Gupton expressed his support of this project and commented it was a beautiful project.

There being no further public participation, Mayor Gibbons closed the public hearing and asked Council for action.

Councilmember Rohr stated that Staff recently amended their parking requirements for businesses and noted that Staff may want to revisit this issue regarding these types of projects.

Upon a motion by Councilmember Rohr, Council voted to 7 to 0 to approve the Conditional Use Permit for a multi-family senior living development known as Crescent Pointe for property located on 205 Greenhaven Drive subject to the Special Conditions (1-10) as recommended by the Planning Board and Planning Staff.

III. CONSENT AGENDA ITEMS

A. Upon a recommendation by City Manager Hildebran, the following Consent Agenda items were submitted for approval:

1. Minutes: Approval of minutes from the City Council Meeting of Tuesday, April 5, 2016 **as amended to correct the date under Item V. Reports of Board and Commissions, Section D, page 64, from May 3 to April 19.**
2. Caldwell Railroad Commission Appointments: Approval of the re-appointment of Councilmembers Todd Perdue and David Stevens to the Caldwell Railroad Commission. Councilmembers Perdue and Stevens currently serve as the City's elected officials on this Board and Mr. Stevens serves as Chairperson.

Upon a motion by Councilmember Edmisten, Council voted 7 to 0 to approve the above listed items on the Consent Agenda as amended and as recommended by City Manager Hildebran.

IV. REQUESTS AND PETITIONS OF CITIZENS

V. REPORTS OF BOARDS AND COMMISSIONS

FY2016-2017 UNIFOUR CONSORTIUM CONSOLIDATED PLAN & FY2016 ACTION PLAN FOR THE CITY OF LENOIR:

- A. Rick Oxford, Plan Administrator, Western Piedmont Council of Governments, held the second of two public meetings to receive public comments regarding the proposed FY2016 Action Plan of the City of Lenoir and the Unifour HOME Consortium as part of the five-year Consolidated Plan. This Plan, as required by the U.S. Department of Housing and Urban Development (DHUD), outlines goals and action plans of the City of Lenoir and the Unifour HOME Consortium and its use of Community Development Block Grant (CDBG) and HOME funds for fiscal year 2016, beginning July 1, 2016 and ending June 30, 2017. The City of Lenoir serves as the Lead Entity for the Unifour Consortium, which expands four counties consisting

of twenty-eight local governments.

Copies of the two plans are on file in the City Clerk's office.

Mr. Oxford reported funding for the HOME Program for FY2016 is \$789,477 with a total estimated program income of \$230,000 for a total funding amount of \$1,019,577. He noted this program began in 1996 and they are required to fund affordable housing activities within the four County area. These funds will be allocated as follows:

Down Payment Assistance Program for potential homebuyers	\$292,184
Program Income Expenditure (Downpayment Assistance)	\$230,000
HOME CHDO's (Community housing development organizations)	\$118,436
Development of Multi-Family Housing	\$300,000
General Program Administration	<u>\$78,957</u>
	\$1,019,577

Mr. Oxford explained the down payment assistance program assists all applicants that are below 80% of the area's medium income. He acknowledged first time homebuyers may apply for a zero percent, zero payment loan of either \$5,000 or \$7,500 for new construction which may be used for a down payment or for closing costs. Mr. Oxford stated that half of this loan is forgiven at the ten-year mark and stated the program may be able to assist around ninety (90) first time homebuyers in 2016. He further clarified that the City of Lenoir averages between twenty-five to thirty down payment assistance applicants each year and reported that overall 2,500 homeowners have been assisted to date.

Mr. Oxford reported that 15% of this funding is used for community housing development organizations (CHDO's) such as Habitat for Humanity. He stated that multi-family housing developers may apply for funding for their housing projects which helps them score better when applying for any available tax credits.

In addition, Mr. Oxford related that the Community Development Block Fund Grant (CDBG) in the amount of \$140,272 will be appropriated as follows:

Public Facilities Improvements	\$112,218
Program Administration	<u>\$28,054</u>
	\$140,272

Mr. Oxford reported the funds allocated this year will be applied towards the North Main Street Area Plan and will consist of sidewalk repairs, sidewalks, bridges, and decks in and around the J.E. Broyhill Park in addition to a connector from the Park to the Over Mountain Victory Trail which will cross over North Main Street. Mr. Oxford further stated any leftover funding

would be applied towards lighting and landscaping at the Park.

Mr. Oxford respectfully asked City Council for approval of these two plans for submittal to HUD.

Councilmember Rohr referred to how the HOME program allows 10% for program administration and the Community Development Block Grant allows for 20% and remarked he would like to see this money go back to the taxpayers.

Upon a motion by Councilmember Perdue, Council voted 6 to 1 to approve the FY2016-2017 Unifour Consortium HOME Plan & FY2016 Action Plan for the City of Lenoir as presented and for submittal to HUD as recommended by Rick Oxford, Plan Administrator. Councilmember Rohr voted against this request.

VI. REPORT AND RECOMMENDATIONS OF THE CITY MANAGER

A. Items of Information

SPRING TRASH BASH

WEEK: 1. The Sanitation Division's annual Spring Trash Bash Week begins on Monday, April 18 and ends on Friday, April 22.

NC GOOGLE GRAVITY

GAMES: 2. The annual NC Google Gravity Games are scheduled for Saturday, April 23 beginning at 9:30 a.m. in downtown Lenoir. Registration for this event begins at 8:30 a.m.

PLANNING

BOARD: 3. The Planning Board will meet on Monday, April 25 at 5:30 p.m.

COMMITTEE OF THE

WHOLE: 4. The Committee of the Whole will meet on Tuesday, April 26 at 8:30 a.m. at City Hall, Third Floor, former Council Chambers.

FOOTHILLS REGIONAL AIRPORT

AUTHORITY: 5. The Foothills Regional Airport Authority will meet on Wednesday, April 27 at noon.

YOUTH

BASEBALL: 6. The opening day of Youth Baseball is scheduled for Saturday, April 30 at 10:00 a.m. at Mulberry Recreation Center.

NCDOT'S ANNUAL LITTER

SWEEP CAMPAIGN:

7. The NCDOT's annual Litter Sweep Campaign ends on Saturday, April 30.

MAYOR'S PRAYER

BREAKFAST: 8. The annual Mayor's Prayer Breakfast held in conjunction with the National Day of Prayer is scheduled for Thursday, May 5 at 8:00 a.m. at First United Methodist Church located at 309 Church Street NW. The guest speaker is Mr. Brian Tracy, Senior Associated Athletics Director/Development, Appalachian State University. Tickets for the event are \$10.00 and are available at City Hall. The public is invited to attend.

B. Items for Council Action

**RESOLUTION; WATER SYSTEM ASSET
INVENTORY & ASSESSMENT GRANT**

APPLICATION: 1. City Staff recommends approval of the proposed resolution authorizing the City Manager to execute and file the Water System Asset Inventory and Assessment Grant Application resolution on behalf of the City of Lenoir with the Division of Water Infrastructure.

Mr. Hildebran stated the amount of the grant is \$150,000 and requires a 10% City match.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to pages. 102-103.)

Upon a motion by Councilmember Stevens, Council voted 6 to 1 to approve the resolution as described above and as recommended by City Staff. Councilmember Rohr voted against this request.

**RESOLUTION; WASTEWATER SYSTEM ASSET
INVENTORY & ASSESSMENT GRANT APPLICATION:**

2. City Staff recommends approval of the proposed resolution authorizing the City Manager to execute and file the Wastewater System Asset Inventory and Assessment Grant Application resolution on behalf of the City of Lenoir with the Division of Water Infrastructure.

A copy of the resolution is hereby incorporated into these minutes by reference. (Refer to pages 104-105.)

Mr. Hildebran stated the amount of the grant is \$150,000 and requires a 10% City match.

Upon a motion by Mayor Pro-Tem Willis, Council voted 6 to 1 to approve the resolution as described above and as recommended by City Staff. Councilmember Rohr voted against this request.

VII. REPORT AND RECOMMENDATIONS OF THE CITY ATTORNEY

VIII. REPORT AND RECOMMENDATIONS OF THE MAYOR

BOARD RE-APPOINTMENTS:

- A. Mayor Gibbons recommends the following individuals for re-appointment to the City's Authorities/Boards/Commissions. Notification of these re-appointments were listed on the April 5 City Council Agenda and announced to the general public.

Lenoir Housing Authority

Sandy Rossborough

Lenoir Business Advisory Board

Mark Transou
Barbara Weiller
Glenda Wilson

Foothills Regional Airport Authority

Charles Thomas

Upon a motion by Councilmember Thomas, Council voted unanimously to re-appoint all of the above listed individuals to these Boards as recommended by Mayor Gibbons.

IX. REPORT AND RECOMMENDATIONS OF COUNCILMEMBERS

CLOSED

- SESSION:** A. Pursuant to N.C.G.S. §143-318.11(a), (3), and upon a motion by Councilmember Edmisten, which carried unanimously, City Council entered into closed session to discuss attorney/client privilege.

OPEN

- SESSION:** B. Upon a motion by Councilmember Perdue, Council voted unanimously to return to open session.

X. ADJOURNMENT

- A. There being no further business, the meeting was adjourned at 7:42 p.m.

Joseph L. Gibbons, Mayor

Shirley M. Cannon, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF LENOIR, NORTH CAROLINA, DESIGNATING CERTAIN LAND GENERALLY LOCATED SOUTH OF GREENHAVEN DRIVE, NORTH OF HOSPITAL AVENUE, EAST OF WOODLAND PLACE AND WEST OF BLOWING ROCK BOULEVARD, AND COMPRISED OF 3.04 ACRES, MORE OR LESS, AS CONDITIONAL ZONING DISTRICT #3 (CZ-3) ON THE CITY'S OFFICIAL ZONING MAPS; DIRECTING AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Whereas, at its regularly scheduled meeting of March 28, 2016, the Lenoir Planning Board considered zoning application case number CZ-3, requesting the Conditional Zoning district designation, for approximately 3.04 acres of land, described by NC PIN numbers 2850109427, 2850201324, 2850201163 and shown on Exhibit "A" (hereinafter the "Property"); and

Whereas, the property owner desires to develop the property with a hotel, necessitating the need for Conditional Zoning; and

Whereas, based upon the evidence presented to the Lenoir Planning Board, including the information and analysis contained in the staff report for application case number CZ-3, and subject to certain conditions, the Lenoir Planning Board recommended that the Lenoir City Council approve said conditional zoning application and adopt an ordinance in accordance therewith; and

Whereas, the Lenoir Planning Board has found that approval of the application is consistent with the City's adopted Comprehensive Plan; and

Whereas, the Lenoir City Council hereby finds that this ordinance is consistent with the intent and purpose of the Conditional Zoning designation as established by Appendix A, Article V, Section 502, Lenoir City Code; and

Whereas, the Lenoir City Council hereby finds and declares that this ordinance and these amendments are in the best interest of the public health, safety, and welfare; and

NOW, THEREFORE, LET IT BE ENACTED BY THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA, AS FOLLOWS:

SECTION 1. ZONING. After due notice and public hearing, and pursuant to Appendix A, Article XIV of the Lenoir City Code, and other relevant portions of the Lenoir City Code, the zoning designation for the Property is hereby changed from the B-6 district to Conditional Zoning district on the City's Official Zoning Map (to be denoted as "CZ-3").

SECTION 2. OTHER DEVELOPMENT LAWS. Except as expressly provided otherwise by this ordinance, the CZ-3 zoning district remains subject to all applicable federal, state, and local laws, and nothing in this ordinance shall be construed to exempt the Property from the lawful authority or jurisdiction of any federal, state, or local agency.

SECTION 3. DEFAULT ZONING DISTRICT. Except as expressly provided otherwise by this ordinance, the Property shall be governed by the land development regulations of the General Business (B-2) zoning district.

SECTION 4. SPECIAL CONDITIONS. The Conditional Zoning district for the Property is subject to the following special conditions:

1. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.

2. **Amendments/Modifications of Conditions.** The special conditions specific to the CZ-3 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.

3. **Permitted Uses.** The property may be developed with the permitted uses as follows:

Hotels, Accounting & Bookkeeping Offices, Advertising Agencies, Antique Shops, Apparel Shops, Architects Offices, Art Galleries, Art & Drafting Supply Sales, Automatic Teller Machines, Bakeries, Banks, Barber & Beauty Shops, Book Stores, Candy Stores, Computer Sales & Service, Copying Services, Craft & Hobby Shops, Credit & Finance Offices Drug Stores, Single-family Detached Dwellings, Electronics Sales & Service, Fabric Stores, Florist Shops, Gift Shops, Government Offices, Greenways, Grocery Stores, Hardware Stores, Home Furnishing Stores, Insurance Offices, Interior Design Studios, Jewelry Sales & Repair, Lighting Stores Medical & Dental Offices, Clinics and Laboratories, Music Stores, Musical Instrument Sales & Services, Office Equipment & Supply Stores, Photography Studios, Photography Supply Stores, Public Utility Offices, Real Estate Offices, Rent-to-Own Stores, Restaurants, excluding drive-through and drive-in service, Seamstress and dressmaking shops, Studios and Specialty Schools, Surveyors Offices, Travel Agencies

4. **Maximum Height.** The maximum permitted height of the CZ-3 district is 55 feet for hotel uses and 35 feet for all other permitted uses.

5. **Preservation of Existing Vegetative Buffer and Wall.** The existing planted buffer and wall located between the CZ-3 district properties and Woodland Place shall remain intact and receive adequate care and maintenance to ensure function as an effective buffer.

6. **Fencing.** All fencing visible from the public street or adjacent properties must be open CPTED wrought-iron style aluminum fencing.

7. **Lighting.** All lighting must be fully cut-off and shielded to prevent light trespass on adjacent residential properties.

8. **Vehicular Access.** The main point of ingress/egress for the site must be at the existing driveway on the northern portion of the site. Any secondary access required off of Woodland Place for emergency access, shall be designed in such a way as to minimize the impact of traffic on the residential neighborhood, by restricting access to emergency response vehicles only.

9. **Sidewalks.** Sidewalks must be installed along US 321. Minimum sidewalk width is 5 ft., and must meet all NCDOT standards. Additionally, a 5 ft. wide pedestrian connection must be provided between the main entrance of the hotel and the public sidewalk. Where sidewalks cross vehicular areas, crosswalks must be provided in a contrasting material or pavement type, as required by Sec. 714 of the Lenoir Zoning Ordinance.

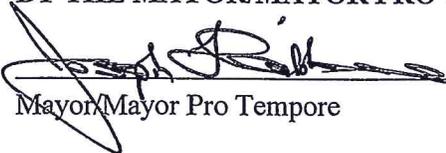
SECTION 5. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Lenoir, North Carolina, by the City Clerk of the City of Lenoir, North Carolina, this 8th day of April and this 15th day of April, 2016.

DONE, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of the a majority of a quorum present of the City Council of the City of Lenoir, North Carolina, at a regular meeting, this 19th day of April, 2016.

BY THE MAYOR/MAYOR PRO TEMPORE OF THE CITY OF LENOIR, NORTH CAROLINA:

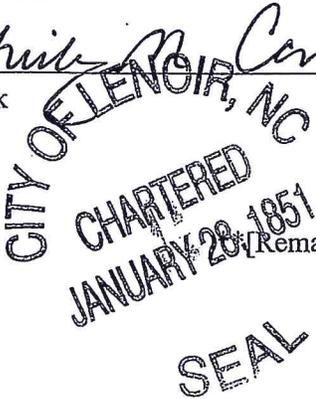


Mayor/Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF THE CITY OF LENOIR, NORTH CAROLINA:



City Clerk



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SPECIAL CONDITIONS

1. **Variances.** Zoning variances to the standards of the default zoning district not modified by this ordinance may be approved pursuant to the procedures set forth in Appendix A, Article XIII, Section 1312.1 of the Lenoir City Code.
2. **Amendments/Modifications of Conditions.** The special conditions specific to the CZ-3 zoning district may only be modified by application for a zoning map amendment following the procedures outlined in Appendix A, Article VIII, Section 820 of the Lenoir City Code.
3. **Permitted Uses.** The property may be developed with the permitted uses as follows:

Hotels, Accounting & Bookkeeping Offices, Advertising Agencies, Antique Shops, Apparel Shops, Architects Offices, Art Galleries, Art & Drafting Supply Sales, Automatic Teller Machines, Bakeries, Banks, Barber & Beauty Shops, Book Stores, Candy Stores, Computer Sales & Service, Copying Services, Craft & Hobby Shops, Credit & Finance Offices Drug Stores, Single-family Detached Dwellings, Electronics Sales & Service, Fabric Stores, Florist Shops, Gift Shops, Government Offices, Greenways, Grocery Stores, Hardware Stores, Home Furnishing Stores, Insurance Offices, Interior Design Studios, Jewelry Sales & Repair, Lighting Stores Medical & Dental Offices, Clinics and Laboratories, Music Stores, Musical Instrument Sales & Services, Office Equipment & Supply Stores, Photography Studios, Photography Supply Stores, Public Utility Offices, Real Estate Offices, Rent-to-Own Stores, Restaurants, excluding drive-through and drive-in service, Seamstress and dressmaking shops, Studios and Specialty Schools, Surveyors Offices, Travel Agencies
4. **Maximum Height.** The maximum permitted height of the CZ-3 district is 55 feet for hotel uses and 35 feet for all other permitted uses.
5. **Preservation of Existing Vegetative Buffer and Wall.** The existing planted buffer and wall located between the CZ-3 district properties and Woodland Place shall remain intact and receive adequate care and maintenance to ensure function as an effective buffer.
6. **Fencing.** All fencing visible from the public street or adjacent properties must be open CPTED wrought-iron style aluminum fencing.
7. **Lighting.** All lighting must be fully cut-off and shielded to prevent light trespass on adjacent residential properties.
8. **Vehicular Access.** The main point of ingress/egress for the site must be at the existing driveway on the northern portion of the site. Any secondary access required off of Woodland Place for emergency access, shall be designed in such a way as to minimize the impact of traffic on the residential neighborhood, *by restricting access to emergency response vehicles only.*
9. **Sidewalks.** Sidewalks must be installed along US 321. Minimum sidewalk width is 5 ft., and must meet all NCDOT standards. Additionally, a 5 ft. wide pedestrian connection must be provided between the main entrance of the hotel and the public sidewalk. Where sidewalks cross vehicular areas, crosswalks must be provided in a contrasting material or pavement type, as required by Sec. 714 of the Lenoir Zoning Ordinance.

STAFF RECOMMENDATIONS

Staff recommends approval of Conditional Zoning District CZ-3 with the special conditions as agreed upon by the applicant and listed above.

PLANNING BOARD RECOMMENDATIONS

Planning Board recommends approval of Conditional Zoning District CZ-3 with the special conditions as agreed upon by the applicant and listed above.

CITY OF LENOIR
COUNCIL ACTION FORM

I. Agenda Item:

Conditional Use Permit for a 60 unit multi-family senior housing development in the General Business (B-2) zoning district.

II. Background Information:

Staff report is attached.

III. Planning Board Recommendation:

Planning Board recommended approval of the request, subject to the conditions recommended by staff, with 7 members voting for the motion and 2 voting against.

IV. Staff Recommendation:

Since the Planning Board meeting, the applicant has made modifications to the site plan to address concerns raised by the Planning Board. Additionally, conversations with the adjacent property owner have progressed since the Planning Board meeting, and staff has made minor modifications to the recommended conditions that Planning Board voted to approve.

Staff recommends approval of the requested Conditional Use Permit subject to the following conditions:

1. Approval of this conditional use permit request is only valid for the development of senior apartments. Such certification shall be made by an agency, such as the North Carolina Housing Finance Agency, and must be obtained prior to applying for construction permits.
2. The developer must continue to work to secure an easement and/or maintenance agreement for greenspace and a sidewalk connection through the adjacent parcel located on the corner of Greenhaven Drive to the existing sidewalk along the commercial center driveway. This parcel is identified as NCPIN 2850123985. A pedestrian connection and landscaping must be provided if an agreement is reached.
3. Parking shall be provided as required by the Lenoir Parking Code, plus an additional 10 percent of the required parking shall be provided as guest parking. (For example, the project as proposed requires a minimum of 60 spaces. An additional 6 spaces – 10 percent – must be provided, bringing the total required parking for this project to 66 spaces). The additional 10% for guest parking may be provided using any combination of the following methods:
 - a. Site plan modifications to provide additional parking on the subject property
 - b. Additional parking may be provided on the adjacent property discussed in condition #2, through an easement, agreement, or purchase of the land.
 - c. A remote parking agreement may be negotiated to share existing parking on one of the

nearby parcels in the Walmart shopping center and outparcels.

d. Modifications to Greenhaven Drive to provide on-street parking (if the existing sidewalks are impacted, they must be replaced with sidewalks that conform to the design requirements of Sec. 714). Please note this option may require additional approvals by the Lenoir Planning Department, Public Works Department, and the Lenoir City Council.

4. A dedicated pick-up/drop-off lane, with a portico or similar structure, must be provided at the main entrance (see examples on page 11.) The main entrance must be oriented towards and visible from Greenhaven Drive.

5. Elevations for all 4 sides of the building must be resubmitted, with revisions to meet the standards of Sec. 714 of the zoning ordinance. Because all 4 sides of the building are located in the "public visibility zone," all sides of the building must meet the standards.

6. Any fencing visible from a public right of way, or adjacent property shall be open-style CPTED style fencing (such as, open picket or wrought iron). Chain Link fencing is prohibited.

7. Maximum height permitted is 50 ft. or four stories, whichever is shorter.

8. Dumpsters shall be screened on all sides using the same materials as found on the residential buildings, and shall be located behind the building, not visible from Greenhaven Drive.

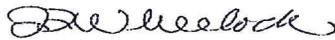
9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.

10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void

V. **Reviewed by:**

City Attorney: _____

Finance Director: _____



Planning Director: _____

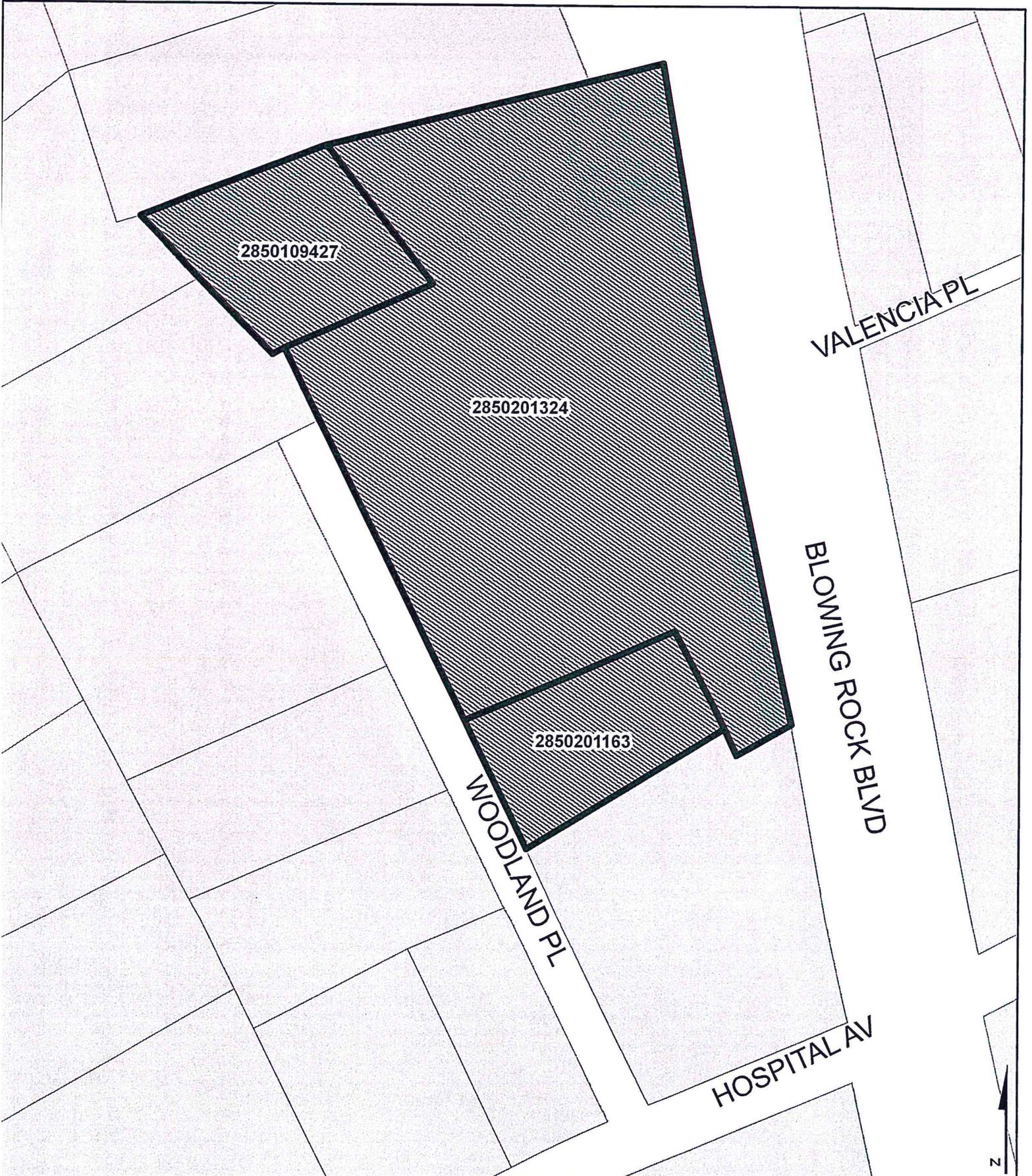
CZ-3 EXHIBIT A

Minutes-City of Lenoir Council Meeting

Tuesday, April 16, 2016

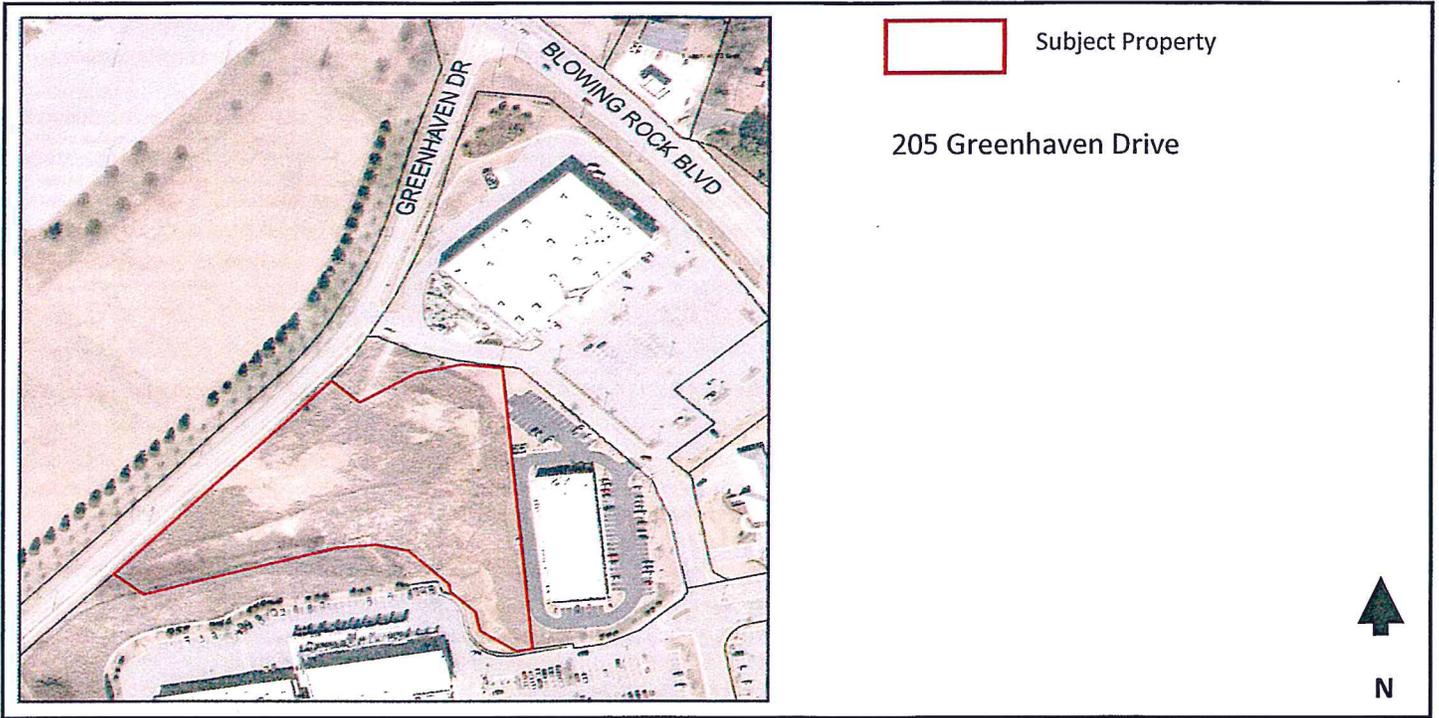
CONDITIONAL ZONING DISTRICT #3 (CZ-3)

 SUBJECT PROPERTY IDENTIFIED BY NC PIN





LOCATION MAP/AERIAL PHOTOGRAPH



SUMMARY

Owner

Robinson GLK Investment Grp.

Applicant

Gardener Capital Development

Location

Located at 205 Greenhaven Dr. at the corner of the intersection with the Walmart Shopping Center & Bo's Family Entertainment (+/- 3.62 acres).

NC PIN

2850120714

Project Planner

Taylor Gupton

Updated April 11, 2016

Applicant's Request:

The applicant is requesting a Conditional Use Permit for a 60 unit multi-family senior-living development in the General Business (B-2) zoning district.

Staff Recommendation:

Approval of the request, subject to the modified conditions in this report.

Planning Board Recommendation:

Approval of the request, subject to the conditions in this report.

Public Comment:

Planning Board Meeting: March 28, 2016 Notices were mailed to property owners within 100 ft. of the subject property on March 18th, 2016.

City Council (Public Hearing): April 19th, 2016. Notices were mailed to property owners within 100+ ft. of the subject property on April 7th, 2016. Notice of the meeting was published in the News-Topic on April 8th and 15th, 2016. Notice has been posted on the property at least ten days in advance of the public hearing.

*****This request is considered quasi-judicial. You should not discuss this case with decision makers outside of the scheduled public meeting*****

BACKGROUND

Intent of Conditional Use Permits

Conditional uses are recognized in the zoning ordinance as uses which may be compatible with an area depending on the specific details of the project, its surroundings, and the level of services available to the site, but are not permitted "by right" in the zoning district. The conditional use permit process gives the City sufficient flexibility to determine whether a specific land use on a given site will be compatible with the environment and the Comprehensive Plan. Through the approval of a Conditional Use Permit, the Planning Board and City Council may set conditions or use limitations, thereby establishing a realm of acceptability for the particular use that will be neither arbitrary nor capricious, and will promote the spirit and character of the surrounding neighborhood. The process requires the Planning Board to review and make a recommendation to the City Council on the request. The City Council must then decide whether or not to issue a Conditional Use Permit following a quasi-judicial hearing.

Subject and Surrounding Properties

The subject property is located in the B-2 zoning district across Greenhaven Drive from Exela Pharmaceutical and abuts Walmart to the south. Adjacent properties to the immediate north and east of the subject property are a single parcel that contains a multi-tenant commercial building. The subject property is located across the access driveway from Bo's Family Entertainment. The subject property is currently undeveloped. The applicant proposes an 18,160 square foot, four-story building containing a total of 60 dwelling units with additional indoor amenities for resident use.

Intent of the Zoning District

Multifamily developments over 3 units are permitted as Conditional Uses in the B-2 district. The General Business (B-2) zoning district is intended to provide areas along major and minor thoroughfares for activities which require larger tracts of land and ideal vehicular access. As a higher intensity residential use, multifamily developments require and benefit from much of the same site features as commercial uses. Vehicular access to the project site is limited to Greenhaven Drive.

Consistency with the Comprehensive Plan

All decisions of the Planning Board and City Council should be based on consistency of the proposal with the comprehensive plan and any other officially adopted plan that is applicable. The comprehensive plan encourages the development of affordable housing for citizens in all stages of life. Proximity of the site to grocery and retail shopping makes the location a desirable candidate for multifamily –senior housing.

STAFF ANALYSIS

Low Income Housing Tax Credits

This project is proposed to be financed using Low Income Housing Tax Credits (LIHTC). LIHTC projects are owned and operated privately, and the tax credits are made available to these projects in exchange for the units being reserved as affordable to residents whose incomes are no higher than 60% of Area Median Income (AMI — \$53,200 for a family of four is Caldwell County's AMI). Rent rates are based on the AMI, not on individual's income, and as such these types of apartments tend to target individuals in the upper range of the "low income" brackets more than other types of affordable housing, such as public housing provided through the Lenoir Housing Authority or Section 8 vouchers. LIHTC projects are highly competitive and must be submitted to the housing finance agency with all approvals from local governments by May 13, 2016.

Compatibility with Surrounding Uses

Generally, multi-family residential uses make good transitional uses to "step down" from the intensity of commercial districts to lower density single family residential neighborhoods. As such, the location of the subject property between Bo's and Walmart and the historic Freedman residential neighborhood makes it an ideal location for a use like multi-family apartments, office, hotel/motel, or similar uses. However, the proposed density of the project raises concerns for staff. The Lenoir Zoning ordinance does not regulate density for any type of residential development, other than setting minimum lot standards. Density relates to the number of units per acre, and offers a standard to compare different developments. As proposed, the density of the project is approximate-

STAFF ANALYSIS, CONT.

ly 17 dwelling units/acre. However, the development is clustered onto the north and western portions of the site, due to steep terrain.

Parking and Vehicular Traffic

The ITE Trip Generation Handbook (7th Edition) establishes an average daily trip generation rates for apartments at 6.72 trips/unit,

Comparison of Density: Recent LIHTC Projects in Lenoir				
Proposed Project	Trillium	Arbor Glen	Viridian	
	(approved, undeveloped)	(Senior Housing — under construction)	(now open)	
Density	17 du/acre	9.2 du/acre	8.2 du/acre	10.6 du/acre

or 403 trips in an average weekday for the proposed project. Because of the intensity of commercial uses allowed “by right” in the B-2 zoning district, this trip generation rate is relatively low impact.

Lenoir’s parking code requires 2 spaces/multifamily unit and 1 space/unit for units specifically restricted for occupancy by seniors (age 60 and up). The project, as proposed, has 60 senior units — 40 2-bedroom units and 20 1-bedroom units. The minimum required parking spaces to accommodate a 60 unit senior apartment complex is 60 spaces. The project, as proposed, will have 66 spaces.

Vehicular Flow & Site Design

The subject site poses many site planning challenges. Major elevation changes, limited opportunities to connect to the adjacent developed commercial properties, and an odd shaped parcel all limit the flexibility in arranging the buildings and parking facilities on the site. As proposed, the parking layout uses three separate dead-end parking aisles. At staff’s request, the applicant has amended the site plan to provide back-up/turn around areas and a clearly designated pick/up drop aisle with a portico structure to provide sun and rain protection.

Architecture

As submitted, the elevations do not conform to the design standards of Sec. 714. Conditional Use Permits require that the use meet all standards of the code and revisions to the elevations must conform to the design standards of Sec. 714 prior to receiving a zoning permit from the City.

FINDINGS

No Conditional Use Permit shall be approved unless the Planning Board and City Council find that:

1. The proposed conditional use will comply with all height, yard, lot and area requirements and other regulations of the district in which it is located unless otherwise specified. *The project site is a single parcel which meets all lot and yard requirements for the district and multifamily developments. The height of the proposed residential structure is 48' (four stories). This is below the maximum permitted height for the general business district. Revisions to the site plan and architecture will be required prior to the project receiving zoning or building permits.*
2. All driveways will be designed with respect to such matters as proper ingress and egress for automobiles in order to minimize traffic congestion and increase pedestrian safety and conveniences. *The proposed driveway location is on Greenhaven Drive, providing the development with limited means of ingress and egress however, the existing public sidewalk system and a proposed direct pedestrian connection from the development to the internal sidewalks of the Walmart shopping center provide adequate pedestrian facilities as a viable alternative to vehicular travel for daily trips. Existing public sidewalk is located along the parcel's frontage on Greenhaven Drive and the private driveway adjacent to Bo's Family Entertainment. Traveling southwest along Greenhaven, existing public sidewalks and pedestrian facilities provide a connection to the MLK Center. Internal sidewalks will be constructed from the parking areas to the building and along the structure's perimeter. In order to improve site circulation and ingress/egress to the site, staff recommends that the applicant continue to work with the adjacent property owner to negotiate an easement for a sidewalk connection and landscaping to provide additional greenspace.*
3. Off-street parking and loading areas will be provided in compliance with the Zoning Ordinance. *One parking space per dwelling unit is required by the zoning ordinance for senior apartments. Sixty-six spaces will be provided to meet this requirement.*
4. The establishment of the conditional use will not hinder the normal and orderly development and improvement of surrounding property for uses already permitted in the district. *As a higher density residential use, a multi-family development in this location serves to transition from the commercial orientation of Blowing Rock Boulevard and to the single-family neighborhoods located off Greenhaven Drive. The height of the proposed building, while in compliance with the zoning district, will be significantly taller than surrounding homes and commercial centers given its location.*
5. Any required screening and landscaping will be designed or planted with full consideration of the effectiveness of individual plant types, dimensions, and characteristics in minimizing the noise, glare, visual impacts and other economic effects on adjoining properties. *Given that the development site does not abut residential property, no screening is required by the zoning ordinance. Street trees and landscaped planting areas within the parking lots are proposed by the applicant and must meet the requirements of the zoning ordinance upon installation. In response to concerns raised by the Planning Board, the applicant also proposes to install a vegetative buffer at the top of the existing berm situation between the development site and Walmart.*
6. Any permitted signs and proposed exterior lighting will be designed to reduce glare and to mitigate any adverse effects of sign size and height; so as to make the signs aesthetically pleasing and compatible with adjoining properties. *Any proposed signage must be permitted in compliance with the dimensional standards of the B-2 district.*
7. The exterior architectural appearance and functional plan of any proposed building or structure will not vary greatly from any buildings or structures already in construction or in the course of construction in the immediate vicinity or from the character of the applicable district, so as to cause a substantial depreciation in the property values of the immediate vicinity. *The applicant is proposing a single four-story building. The applicant submitted a front (northwest facing) eleva-*

FINDINGS CONTINUED

tion and images of existing developments designed by the project architect. Those examples are included in this report. However, staff was not provided adequate detail or time for review to ensure that the proposed features comply with the architectural standards as required by section 714 of the zoning ordinance. All elevations of this project will be required to comply with the architectural standards of the B-2 zoning district as required by section 714 of the zoning ordinance.

8. The type, size, hours of operations, location of the use upon the site, and intensity of the proposed conditional use will not be harmful or annoying to surrounding properties. *The proposed use of the property is residential in nature, and although it is a higher intensity residential use, impacts of the development will be substantially similar to those produced by nearby single family neighborhoods . The proposed use is a lower intensity use than the adjacent commercial and retail development.*

DEVELOPMENT FEATURES REGULATED BY CITY, COUNTY, OR STATE CODE

The following features of the proposed Conditional Use are addressed and regulated by City Ordinance or State Code. Plans are reviewed for compliance prior to issuance of zoning and construction permits and progress is monitored prior to occupation of the development by tenants:

1. *HEIGHT-Section 810 of the Zoning Ordinance*-Maximum height in B-2 district: 65ft.; height of the proposed residential structures is 48', below the maximum permitted height for the general business district, but significantly taller than surrounding structures.
2. *OFF-STREET PARKING-Article X of the Zoning Ordinance*- One parking space per dwelling unit is required by the zoning ordinance for senior housing developments. Sixty-six spaces will be provided to meet this requirement. §1002 requires landscaping of parking areas and review of a landscape plan prior to permitting. Interior parking area landscaping shall be provided in accordance with §1002.3 (1 Tree/20 spaces = 3.2 Trees required). Street yards along Greenhaven Drive shall be landscaped in accordance with §1002.4 (1Tree/100' frontage = 4.57 street trees required). All trees and shrubs must be selected from §714.22, List of Approved Trees and Shrubs.
3. *BUFFERING AND SCREENING-Section 712 of the Zoning Ordinance*- Multi-family uses are only required to provide vegetative screening when sharing a boundary with single-family homes (§712.2). The subject property does not abut any residential uses. No screening or buffering is required, but the applicant is proposing that trees be planted along the perimeter of the property, with specific attention to the berm at the rear of the property between the development site and Walmart.
4. *STORMWATER/FLOODPLAIN-Caldwell County Phase II Stormwater Ordinance*- Plans for stormwater infrastructure must be reviewed and permitted in accordance with the Caldwell County Phase II ordinance. The site plan indicates that the southern portion of the lot will be used for a stormwater management facility. The property is not located in a floodzone.
5. *GRADING-North Carolina Department of Environment & Natural Resources, Division of Energy, Mineral and Land Resources, Asheville Regional Office*-Per the North Carolina Sedimentation Control Act (1973), Construction of the project will require approximately six (6) feet of cut and fill. Land disturbing activity over one acre requires erosion and sedimentation control plan approval. A copy of the permit and plan approval must be submitted to the Lenoir Planning Department.
6. *FIRE AND EMERGENCY RESPONSE-North Carolina State Fire Prevention Code (adopted §8-57, City of Lenoir Code)* is enforced by the City of Lenoir Fire Marshal. The Fire Code does permit a single point of ingress and egress for multifamily development with fewer than 100 units. Detailed plans are required to be reviewed prior to issuance of building permits to ensure adequate drive aisles, turn radii, and access for emergency response vehicles, and building construction among numerous other considerations aimed at fire prevention.
7. *BUILDING CONSTRUCTION and ADA COMPLIANCE*-The North Carolina General Building Code, Uniform Residential Building Code, and National Electric Code are enforced by the Caldwell County Inspections Department delegated authority in §4-26 of the City of Lenoir Code.
8. *WATER AND SEWER SERVICES-Chapter 21 of the City of Lenoir Code of Ordinances*-The development will be served by public water and sewer. Installation or relocation of water and sewer lines will be provided in accordance with the specifications and oversight of the City of Lenoir Department of Public Utilities.
9. *DRIVEWAY ACCESS*-Driveway permit for the development will be issued and regulated by the Street Division of the City's Public Works Department subject to the standards required by Chapter 18, Article V of the City of Lenoir Code of Ordinances.
10. *SIGNS-Article XI of the Zoning Ordinance, §1117 Sign Regulations Table*-Any proposed signage must comply with the standards for the B-2, General Business District.

STAFF RECOMMENDATIONS

Staff recommends approval of the requested Conditional Use Permit for the proposed 60 unit multi-family senior-living development, known as **Crescent Pointe at Greenhaven, with the following conditions:**

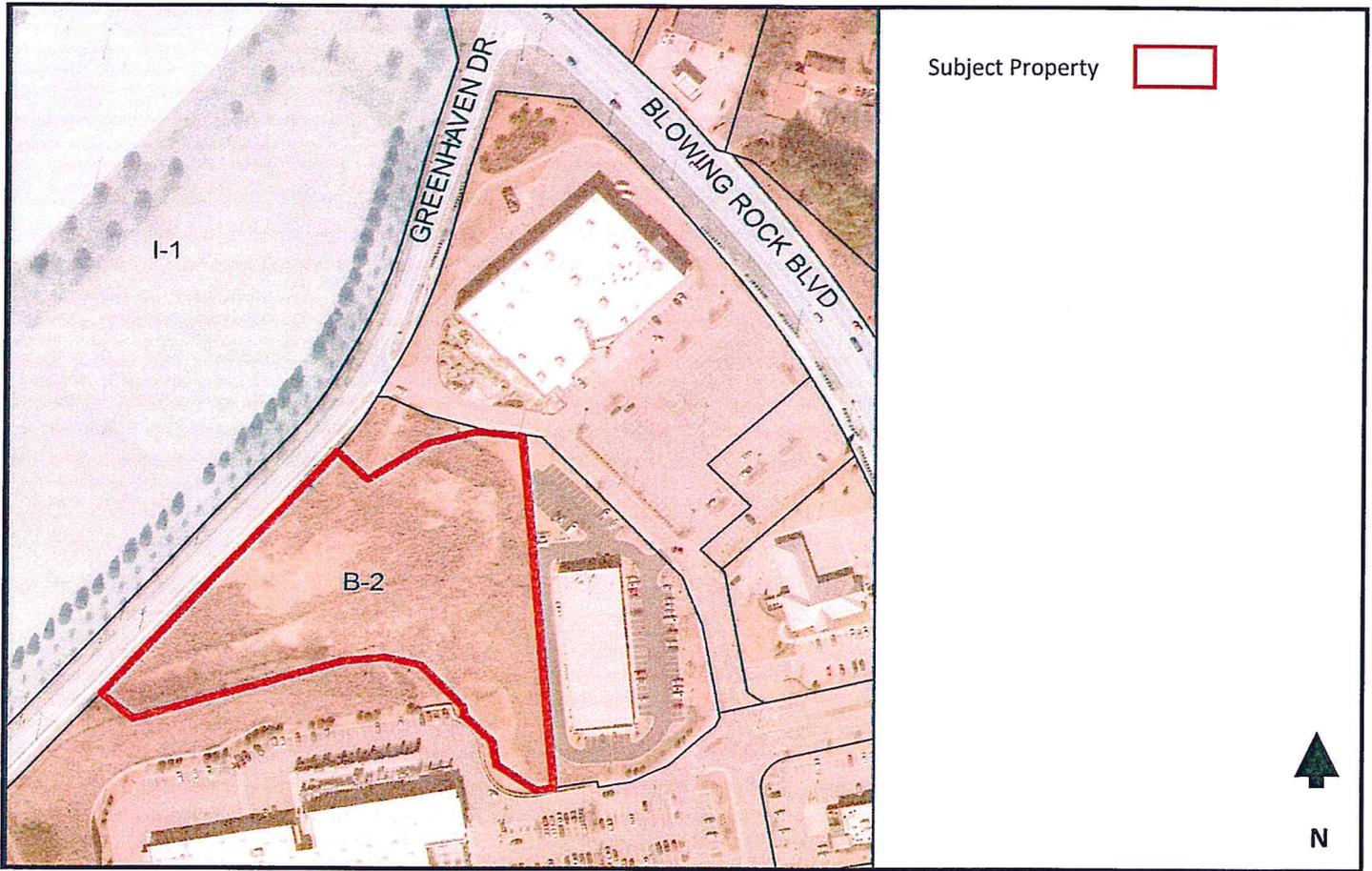
1. Approval of this conditional use permit request is only valid for the development of senior apartments. Such certification shall be made by an agency, such as the North Carolina Housing Finance Agency, and must be obtained prior to applying for construction permits.
2. The developer must continue to work to secure an easement and/or maintenance agreement for greenspace and a sidewalk connection ~~second point of ingress and egress~~ through the adjacent parcel located on the corner of Greenhaven Drive to the existing sidewalk along the commercial center driveway. This parcel is identified as NCPIN 2850123985. A pedestrian connection and landscaping must be provided if an agreement ~~for an easement or purchase~~ is reached.
3. Parking shall be provided as required by the Lenoir Parking Code, plus an additional 10 percent of the required parking shall be provided as guest parking. (For example, the project as proposed requires a minimum of 60 spaces. An additional 6 spaces – 10 percent – must be provided, bringing the total required parking for this project to 66 spaces). The additional 10% for guest parking may be provided using any combination of the following methods:
 - a. Site plan modifications to provide additional parking on the subject property
 - b. Additional parking may be provided on the adjacent property discussed in condition #2, through an easement, agreement, or purchase of the land.
 - c. A remote parking agreement may be negotiated to share existing parking on one of the nearby parcels in the Walmart shopping center and outparcels.
 - d. Modifications to Greenhaven Drive to provide on-street parking (if the existing sidewalks are impacted, they must be replaced with sidewalks that conform to the design requirements of Sec. 714). Please note this option may require additional approvals by the Lenoir Planning Department, Public Works Department, and the Lenoir City Council.
4. A dedicated pick-up/drop-off lane, with a portico or similar structure, must be provided at the main entrance (see examples on page 11.) The main entrance must be oriented towards and visible from Greenhaven Drive.
5. Elevations for all 4 sides of the building must be resubmitted, with revisions to meet the standards of Sec. 714 of the zoning ordinance. Because all 4 sides of the building are located in the “public visibility zone,” all sides of the building must meet the standards.
6. Any fencing visible from a public right of way, or adjacent property shall be open-style CPTED style fencing (such as, open picket or wrought iron). Chain Link fencing is prohibited.
7. Maximum height permitted is 50 ft. or four stories, whichever is shorter.
8. Dumpsters shall be screened on all sides using the same materials as found on the residential buildings, and shall be located behind the building, not visible from Greenhaven Drive.
9. Valid permits must be obtained for this project and all construction must meet the requirements of the City of Lenoir Code of Ordinances, the North Carolina State Building Code, the North Carolina State Fire Code, and any other federal, state, or local regulation that applies.
10. If a building permit has not been issued within 24 months of the adoption of the Conditional Use Permit, the approval shall be considered null and void.

PLANNING BOARD RECOMMENDATIONS

Planning Board recommended approval of the request, subject to the conditions recommended by staff, with 7 members voting for the motion and 2 voting against. Concerns raised at Planning Board related to height, neighborhood compatibility, providing greenspace and landscaping, pedestrian connections, and buffering/fencing the top of the ridge for safety of residents.

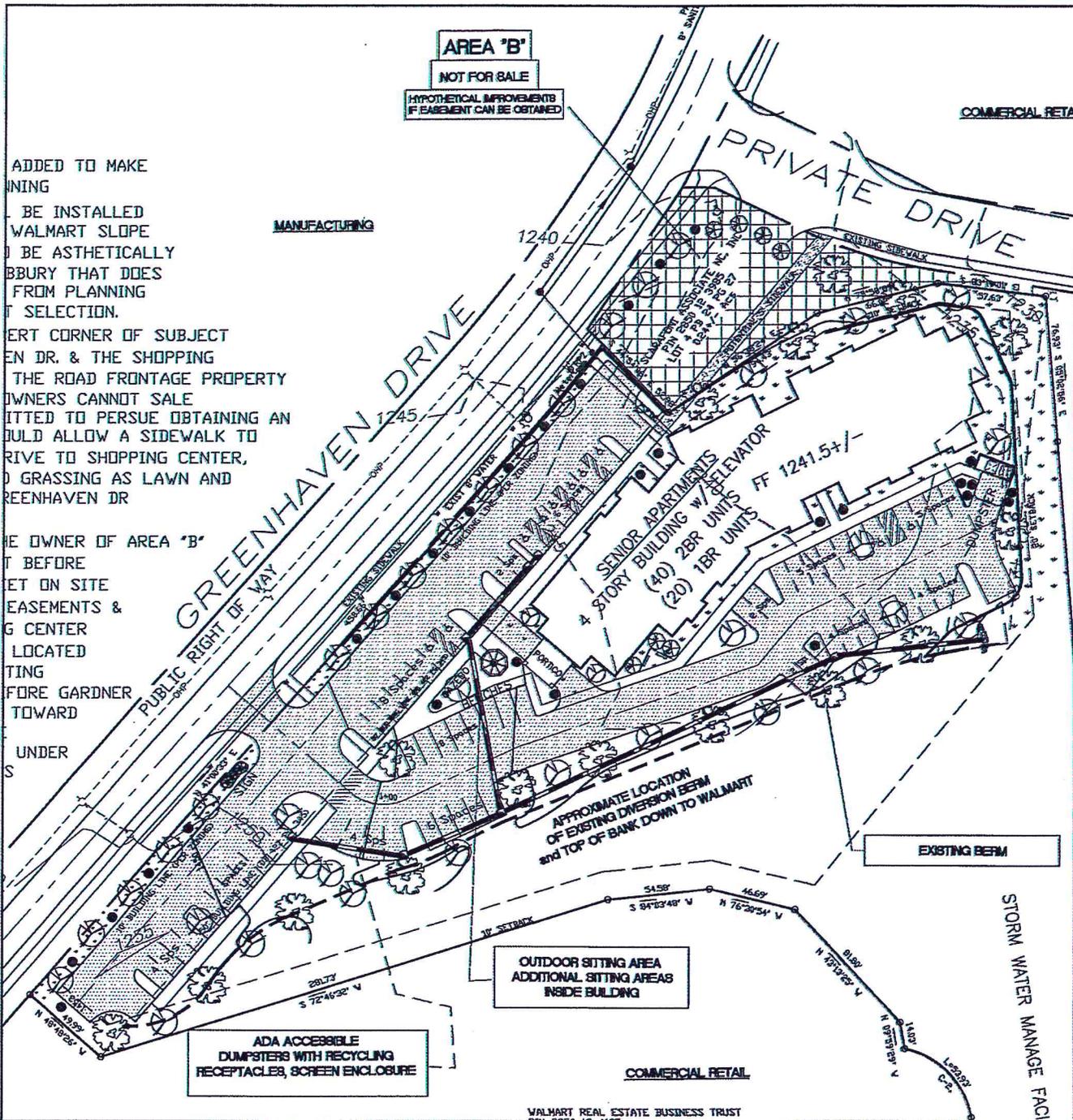
The applicant has since made modifications to the site plan to address concerns raised at the Planning Board meeting. Additionally, conversations with the adjacent property owner have progressed since the Planning Board meeting, and staff has made minor modifications to the recommended conditions that Planning Board voted to approve. These modifications are indicated by the strike-throughs shown above.

ZONING MAP



Development Standards in B-2 Zoning District					
	Minimum Lot Size	Minimum Lot Width	Setbacks	Maximum Building Height	Uses
B-2 Zoning & Article XII	None	None	Front: 35' from ROW Side: 15' Rear: 30'	65 ft.	Wide range of commercial, retail, and professional services; range of conditional uses including multifamily dwellings (See Sec. 600 and Sec. 810 for full list)

SITE PLAN



NOTES:

- (1) AN ADDITIONAL PARKING SPACE HAS BEEN ADDED TO MAKE A TOTAL OF 66 AS RECOMMENDED BY PLANNING
- (2) AN ATTRACTIVE LANDSCAPE BUFFER SHALL BE INSTALLED ALONG THE TOP OF THE BERM ALONG THE WALMART SLOPE SAID LANDSCAPING SHALL BE DESIGNED TO BE ASTHETICALLY ENHANCING, BUT UTILIZE TREES AND SHRUBBURY THAT DOES IMPARE THE MOUNTAIN SCENE. INPUT FROM FROM PLANNING SHALL BE UTILIZED IN DETERMINING PLANT SELECTION.
- (3) **AREA "B"** IS LOCATED AT NORTHERN PROPERT CORNER OF SU SITE AT THE INTERSECTION OF GREENHAVEN DR. & THE SHOPPING CENTER ENTRANCE AND IS DESIGNATED AS THE ROAD FRONTAG FOR THE SHOPPING CENTER, HENCE THE OWNERS CANNOT SAL SAID AREA "B". GARDNER CAPITOL IS COMMITTED TO PERSUE O EASEMENT ACROSS SAID SITE "B" THAT WOULD ALLOW A SIDE TIE TO THE EXISTING WALK ALONG THE DRIVE TO SHOPPING ALLOW CLEARING & GRADING AREA "B" AND GRASSING AS LAW INSTALLING LANDSCAPING TREES ALONG GREENHAVEN DR AS HYPOTHETICALLY SHOWN HEREON.

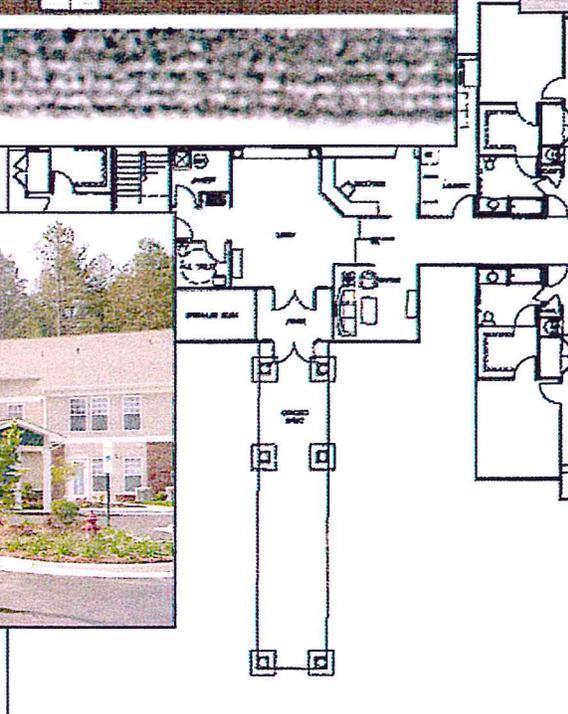
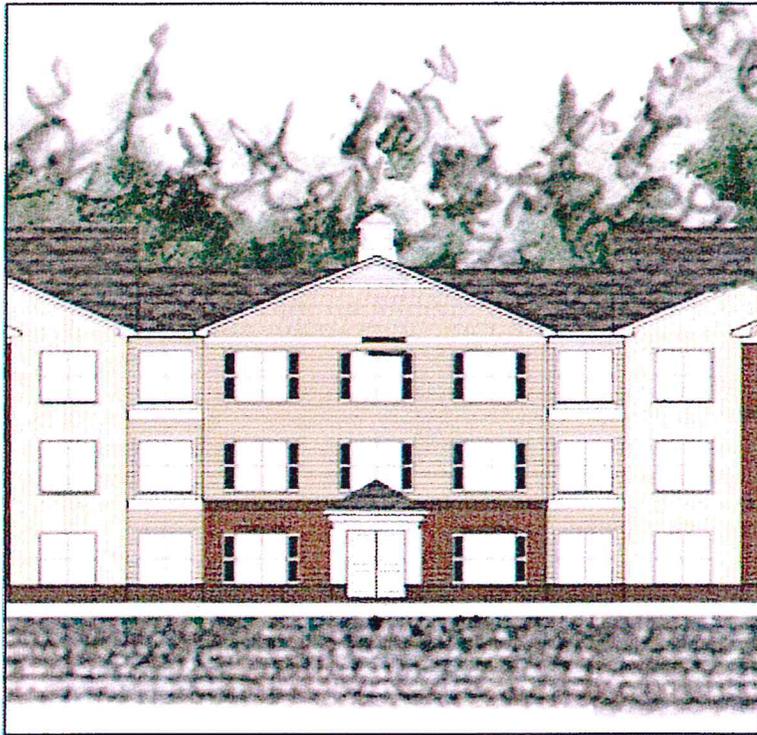
NOTE: BASED ON RECENT DISCUSSIONS, THE OWNER OF AREA "B" SEEMS RECEPTATIVE TO THE CONCEPT, BUT BEFORE MAKING A COMMITMENT HE DESIRES TO MEET ON SITE AND PHYSICALLY SEE HOW THE PROPOSED EASEMENTS & IMPROVEMENTS WILL AFFECT THE SHOPPING CENTER ENTRANCE. UNFORTUNATELY HIS OFFICE IS LOCATED OUT OF STATE AND HE WILL NOT BE VISITING LENOIR AREA UNTIL EARLY SUMMER, THEREFORE GARDNER CAPITAL COMMITTS TO CONTINUE TO WORK TOWARD OBTAINING THE EASEMENT AND MAKING THE IMPROVEMENTS AS DISCUSSED HEREIN, BUT UNDER NO CIRCUMSTANCES MAKES ANY GUARANTEES THESE GOALS CAN BE ACCOMPLISHED.

PROPOSED FRONT ELEVATION



Note: Revisions and additional elevations for the other sides of the building must be submitted — as shown, this project does not meet the standards for design of multi-family buildings.

EXAMPLES: FRONT ENTRANCES WITH PORTICOS AT SENIOR APTS



EXISTING SITE PHOTO

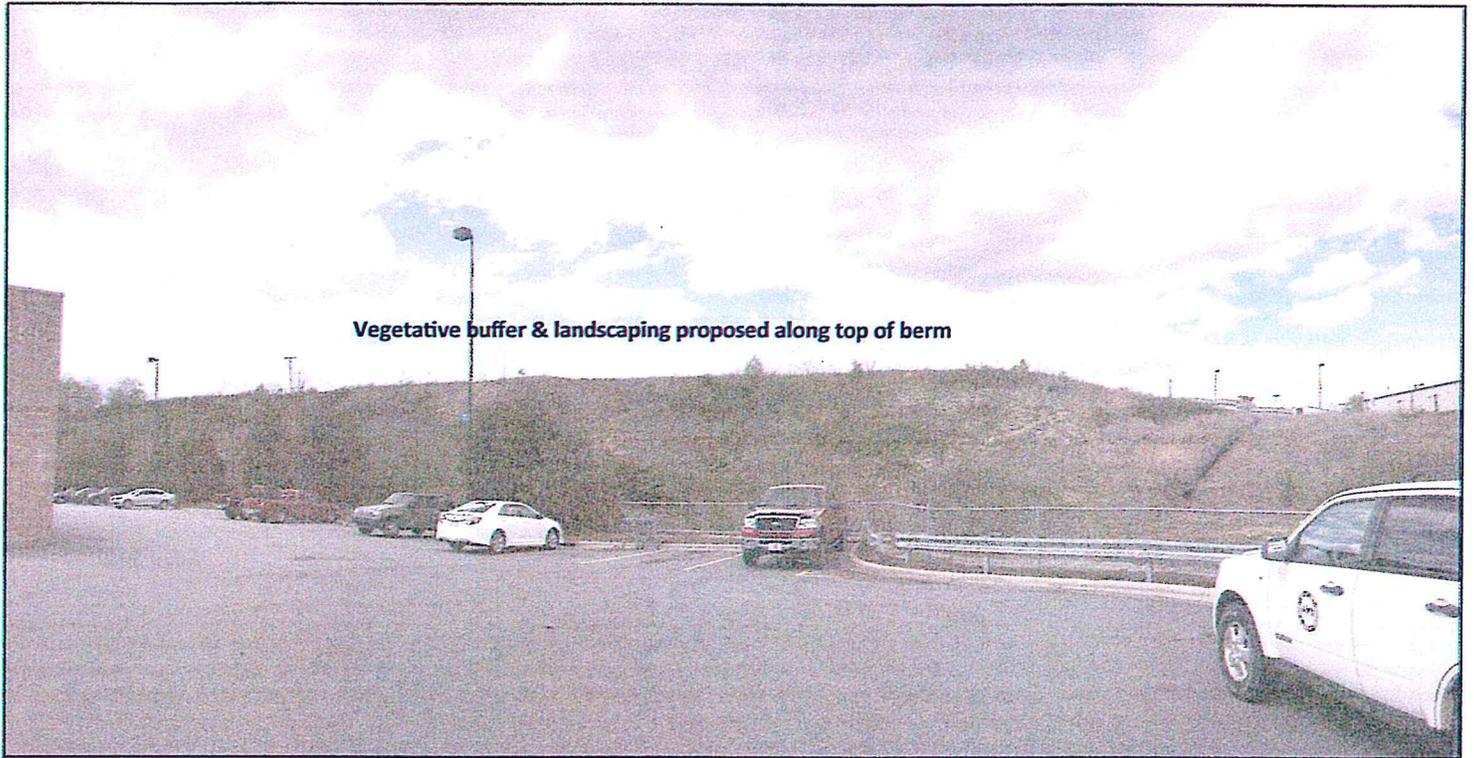


APPLICANT'S RENDERING

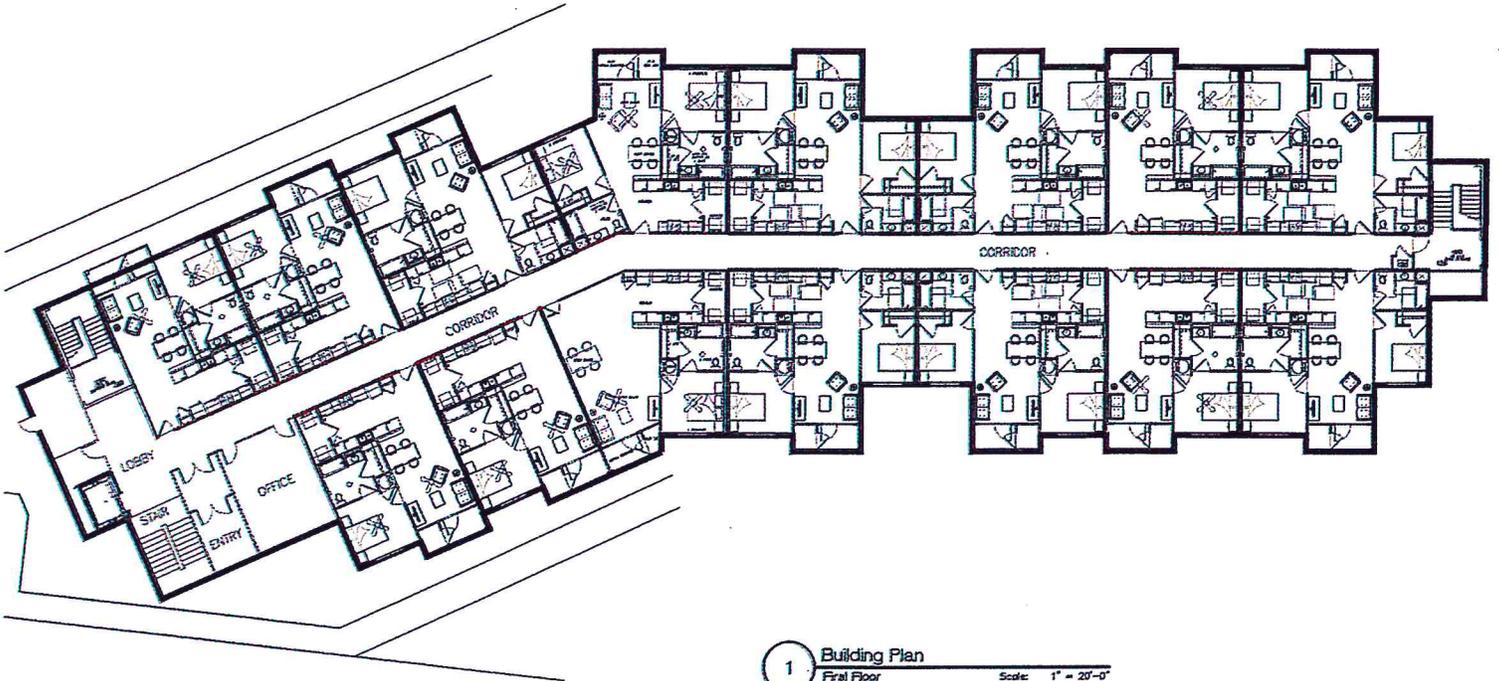


Note: Concept rendering only; not to scale.

EXISTING SITE PHOTO — REAR

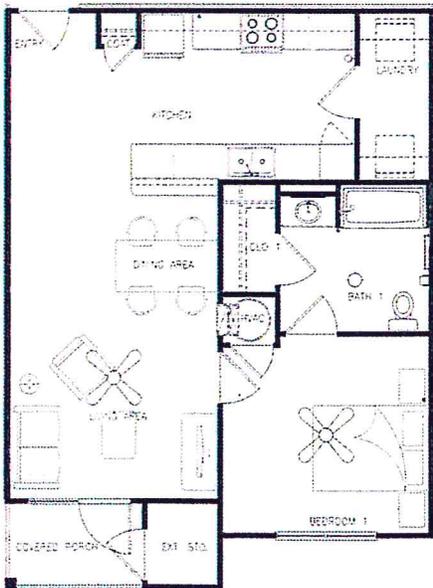


BUILDING FLOOR PLAN



1 Building Plan
First Floor Scale: 1" = 20'-0"

UNIT PLAN



Typical 1-Bedroom Unit



Typical 2-Bedroom Unit



PROCLAMATION

Motorcycle Safety and Awareness Month



WHEREAS, the growth in popularity of motorcycle riding and touring, combined with the many scenic destinations in our state and the year-long riding season, have led to North Carolina having one of the largest populations of motorcycle enthusiasts in the nation; and

WHEREAS, more and more residents of the City of Lenoir are taking up this mode of transportation to commute to and from their places of employment; and

WHEREAS, many motorcyclists undergo specialized training by attending professionally taught motorcycle operator training courses with emphasis on skills, traffic laws, and proper safety equipment; and

WHEREAS, it is the responsibility of all motorists to be aware of motorcyclists and extend to them the same courtesy as any other vehicles on our roadways.

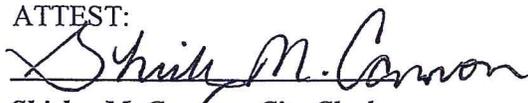
***NOW, THEREFORE, BE IT RESOLVED,** that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim the month of May as "Motorcycle Safety and Awareness Month" throughout the City of Lenoir.*

WITNESS, my hand and seal this the 1st day of May, 2016.

SEAL:


Joseph L. Gibbons, Mayor

ATTEST:


Shirley M. Cannon, City Clerk



PROCLAMATION

In Recognition of

Peace Officers' Memorial Week

May 15 – 21, 2016



Whereas, the Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police Week; and

Whereas, the members of the law enforcement agency of the Lenoir Police Department play an essential role in safeguarding the rights and freedoms of those inside the City of Lenoir; and

Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the law enforcement agency of the Lenoir Police Department unceasingly provide a vital public service;

Now Therefore, Be It Resolved, that I, Joseph L. Gibbons, Mayor of the City of Lenoir, and on behalf of the Lenoir City Council, do hereby proclaim and call upon all citizens of Lenoir and upon all patriotic, civic and educational organizations to observe the week of May 15 – May 21, 2016, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

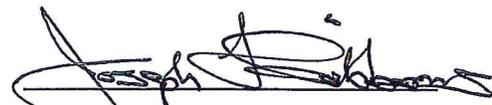
Furthermore, I proclaim and call upon all citizens of the City of Lenoir to observe May 15, 2016, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty. Let us recognize and pay respect to the survivors of our fallen heroes.

Witness, my hand and seal this the 19th *day of* April, 2016.

SEAL

ATTEST:


Shirley M. Cannon, City Clerk


Joseph L. Gibbons, Mayor

**RESOLUTION BY THE LENOIR CITY COUNCIL FOR THE
CITY OF LENOIR**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of projects related to wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project, and

WHEREAS, City of Lenoir has need for and intends to develop asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for water, and

WHEREAS, City of Lenoir intends to request state grant assistance for an Asset Inventory and Assessment Grant,

NOW THEREFORE BE IT RESOLVED, BY THE LENOIR CITY COUNCIL OF THE CITY OF LENOIR:

That Scott Hildebran, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 19th of April, 2016 at Lenoir, North Carolina.

Scott S. Hildebran
(Signature of Chief Executive Officer)

City Manager
(Title)



SEAL

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Manager of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Lenoir duly held on the 19th day of April, 2016; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of April, 2016.

Shirley M. Cannon
(Signature of Recording Officer)

City Clerk
(Title of Recording Officer)

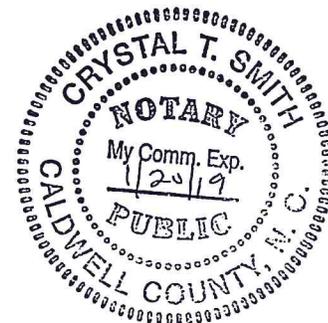
Notary

North Carolina, Caldwell County

I, Crystal T. Smith a Notary Public for Caldwell County, North Carolina, do hereby certify that Shirley M. Cannon personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 20th day of April 2016.

Crystal T. Smith
(Signature of Notary)

My commission expires: 1/20/19



**RESOLUTION BY THE LENOIR CITY COUNCIL FOR THE
CITY OF LENOIR**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of projects related to wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project, and

WHEREAS, City of Lenoir has need for and intends to develop asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for sewer, and

WHEREAS, City of Lenoir intends to request state grant assistance for an Asset Inventory and Assessment Grant,

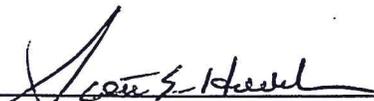
NOW THEREFORE BE IT RESOLVED, BY THE LENOIR CITY COUNCIL OF THE CITY OF LENOIR:

That Scott Hildebran, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 19th of April, 2016 at Lenoir, North Carolina.



(Signature of Chief Executive Officer)

City Manager

(Title)

CITY OF LENOIR, NC
CHARTERED
JANUARY 28, 1851

SEAL

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Manager of the City of Lenoir does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City of Lenoir duly held on the 19th day of April, 2016; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 20th day of April, 2016.

Shirley M. Cannon
(Signature of Recording Officer)

City Clerk
(Title of Recording Officer)

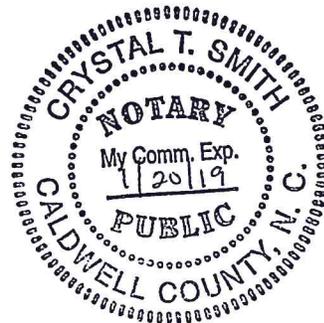
Notary

North Carolina, Caldwell County

I, Crystal T. Smith a Notary Public for Caldwell County, North Carolina, do hereby certify that Shirley M. Cannon personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal this the 20th day of April 2016.

Crystal T. Smith
(Signature of Notary)

My commission expires: 1/20/19



CITY OF LENOIR
COUNCIL ACTION FORM

- I. **Agenda Item:** D.1. Communities in Schools of Caldwell County/City of Lenoir Land Exchange Request
- II. **Background Information:** The City received a request from Communities in Schools to exchange property to facilitate the relocation of the Rankin House. The proposed exchange would convey approximately 0.2310 acres of land (a portion of NCPIN 2749881547) that would be owned by CIS pursuant to the option with Rankin Ridge, Inc. to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land (NCPIN 2749882314) both located on Ridge Street NW. Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure (Rankin House) and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is willing to allow public parking to continue on the parking lot surface that remains after relocation of the Rankin House, and to provide the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future.
- III. **Staff Recommendation:** If Council wishes to proceed with the land exchange as described, please direct staff to advertise the attached public notice for a minimum of 10 days.

City Council can then authorize the exchange of properties described above at your regular meeting on May 17, 2016 by adopting the enclosed resolution.

IV. Reviewed by:

City Attorney

City Manager:

**PUBLIC NOTICE
EXCHANGE OF REAL ESTATE**

Pursuant to North Carolina General Statute §160A-271, the Lenoir City Council states its intention to authorize the exchange of certain city-owned property for certain property currently owned (or will be owned) by Communities in Schools of Caldwell County (CIS).

The exchange involves the following:

The proposed exchange would convey approximately 0.2310 acres of land (a portion of NCPIN 2749881547) that would be owned by CIS pursuant to the option with Rankin Ridge, Inc. to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land (NCPIN 2749882314) both located on Ridge Street NW. Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure (Rankin House) and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is willing to allow public parking to continue on the parking lot surface that remains after relocation of the Rankin House, and to provide the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future. The Lenoir City Council intends to authorize the exchange of properties described above at their regular meeting on May 17, 2016.

This the 3rd day of May, 2016.

Resolution Authorizing Exchange of Property

WHEREAS, the City of Lenoir owns approximately 0.4305 acres of land in the County of Caldwell, North Carolina, (NCPIN 2749882314), located in the 300 block of Ridge Street, with an estimated tax value of \$42,900.00; and

WHEREAS, Communities in Schools of Caldwell County (CIS) are under contract to purchase from Rankin Ridge, Inc. approximately 0.2310 acres of land in the County of Caldwell, North Carolina, (a portion of NCPIN 2749881547), located in the 400 block of Ridge Street, with an estimated tax value of \$16,900.00; and

WHEREAS, the City of Lenoir and CIS wish to make an exchange of the above-described properties subject to the following negotiated terms and conditions:

- (1) The City of Lenoir will convey approximately 0.4305 acres of land to CIS in fee simple.
- (2) Communities in Schools of Caldwell County (CIS) will convey approximately 0.2310 acres of land to the City of Lenoir in fee simple.
- (3) CIS will allow public parking to continue on the parking lot surface that remains after relocation of the Rankin House.
- (4) CIS will provide the City with a right of first refusal on the parcel in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future.

WHEREAS, the exchange is considered to provide a full and fair compensation to the City as both tracts are similar in location and value, and will continue to permit public parking on a portion of city-conveyed tract and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City;

WHEREAS, North Carolina General Statute 160A-271 authorizes the City of Lenoir to make such an exchange if authorized by the City Council by a resolution adopted at a regular meeting of the City Council upon at least 10 days' public notice; and

WHEREAS, the City of Lenoir has given the required public notice, and the City Council is convened in a regular meeting.

THEREFORE, THE CITY COUNCIL OF THE CITY OF LENOIR RESOLVES THAT:

1. The exchange of properties is authorized subject to the approved negotiated terms and conditions as stated above.
2. The appropriate City officials are directed to execute the instruments necessary to carry out the exchange.

Adopted this the 17th day of May, 2016.



Communities
In Schools
Caldwell County

P.O. Box 959
616 Ashe Ave., NW
Lenoir, NC 28645
828-759-2852
828-759-2853 fax
www.ciscaldwell

April 20, 2016

Honorable Mayor and City Council
City of Lenoir
P.O. Box 958
Lenoir, NC 28645-0958

RE: Communities in Schools of Caldwell County/City Land Exchange

Mayor and City Council,

The purpose of this letter is to respectfully request a land exchange between Communities in Schools of Caldwell County (CIS) and the City of Lenoir.

As you are aware, the CIS Administrative Office is currently located in the Rankin House located behind the First Baptist Church of Lenoir and adjacent to Koinonia Apartments, at 616 Ashe Avenue NW in Lenoir. The Rankin House is believed to be one of the oldest remaining houses in the City of Lenoir and one of the oldest in Caldwell County. Over the past year, CIS has worked to acquire full ownership of the Rankin House, with the desire to restore the building and relocate it to a more prominent location in downtown Lenoir. The restoration project has received generous community contributions of over \$200,000, donated by businesses, foundations, individuals, our Board of Directors, and the City.

Recently, CIS received from Rankin Ridge, Inc., an option to purchase the Rankin House (Parcel A on the enclosed Exhibit 1) and a 0.231 acre tract of land (Parcel B on Exhibit 1) located in the 400 block of Ridge Street which is adjacent to the city-owned JE Broyhill Park. A copy of the recorded Memorandum of Option to Purchase Real Estate between Rankin Ridge, Inc. and CIS is enclosed as Exhibit 2. The City of Lenoir is the owner of a 0.4305 acre tract of land (Parcel C on Exhibit 1) currently used as a parking lot located in 300 block of Ridge Street, which has been identified as an ideal site for the relocation of the Rankin House.

Visit Communities In Schools of Caldwell County at: www.ciscaldwell.org
Email CIS at: ciscaldwell@bellsouth.net



This proposed exchange would convey approximately 0.231 acres of land that would be owned by CIS pursuant to the option with Rankin Ridge, Inc. (Parcel B) to the City of Lenoir in exchange for approximately 0.4305 acres of city-owned land (Parcel C) both located on Ridge Street NW. Parcel B was purchased by Koinonia, Inc. in 1986 for \$35,000 and was later conveyed to Rankin Ridge, Inc.

Both tracts are similar in location and value, and would further a public purpose in providing a prominent downtown location for siting a restored historic community treasure and the opportunity to expand a downtown public park space, fostering tourism and historic preservation in the City. Consistent with the spirit of this transaction, CIS is willing to allow public parking to continue on the parking lot surface that remains on Parcel C after relocation of the Rankin House, and to provide the City with a right of first refusal on Parcel C in the event that CIS should elect to sell the property to an unaffiliated entity at some point in the future.

On behalf of Communities in Schools of Caldwell County, thank you for your consideration of our request. We look forward to discussing this potential land exchange and the mutual benefits with the City Council at your earliest convenience.

Sincerely,



Lee Layton

President, Communities in Schools of Caldwell County

- Exhibits:
- #1 – Aerial Map Outlining Parcels and Current Location of Rankin House
 - #2 – Memorandum of Option to Purchase Real Estate between Rankin Ridge, Inc. and CIS
 - #3 – Parcel B: legal description/plat (optioned by CIS)
 - #4 – Parcel C: legal description/plat (owned by City)





March 29, 2016

Legend

- A - Current Location of Rankin House
- B - Current Rankin Ridge Parcel adjoining JE Broyhill Park
- C - Current City of Lenoir Parcel

Transaction Synopsis - CIS will acquire lots A and B from Rankin Ridge; CIS will trade Lot B to the City of Lenoir for Lot C; and CIS will relocate the Rankin House from Lot A to Lot C.

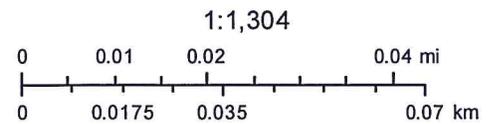


Exhibit 2

Workflow No. 0000093319-0001



Doc ID: 009708850003 Type: CRP
Recorded: 03/23/2016 at 11:29:47 AM
Fee Amt: \$26.00 Page 1 of 3
Workflow# 0000093319-0001
Caldwell County, NC
WAYNE L RASH Register of Deeds
BK 1892 PG 202-204

Jason Hensley
Prepared by: Wilson, Lackey & Rohr, P.C.

NORTH CAROLINA

MEMORANDUM OF
OPTION TO PURCHASE REAL ESTATE

CALDWELL COUNTY

PLEASE TAKE NOTICE that RANKIN RIDGE, INC., a North Carolina corporation, (hereinafter referred to as "Seller"), has conveyed unto COMMUNITIES IN SCHOOLS OF CALDWELL COUNTY, a North Carolina non-profit corporation, an exclusive option to purchase certain real estate owned by Seller.

The real estate that is the subject of the option to purchase is two parcels located in the City of Lenoir, Caldwell County, North Carolina, and described as follows:

1) all of NCPIN 2749880314, Caldwell County Tax Parcel No. 09 7 1 17A, more particularly described in that deed to Seller which is recorded in Deed Book 1625, at Page 710, Caldwell County Registry; and

2) a portion of NCPIN 2749881547, Caldwell County Tax Parcel No. 09 7 1 34, which was conveyed to Seller by that deed which is recorded in Deed Book 1625, at Page 714, Caldwell County Registry, the portion which is the subject of this Option being described in the attached Exhibit A;

and includes all improvements constructed on and all fixtures affixed to both parcels.

The term of the Option ends on the 31st day of October, 2016.

IN WITNESS WHEREOF Seller has executed this Memorandum on this 24 day of February, 2016.

SELLER:
RANKIN RIDGE, INC.

By: *James J. Danisic*
Printed Name: James J. Danisic
Office: President

STATE OF NORTH CAROLINA, COUNTY OF CALDWELL

I, the undersigned Notary Public of the County and State aforesaid, certify that James L. Darsie MD personally came before me this day and acknowledged that s/he is President of RANKIN RIDGE, INC., a North Carolina corporation, and that by authority duly given and as the act of the corporation, s/he signed the foregoing instrument in its name on its behalf, as its act and deed. Witness my hand and Notarial Stamp or seal, this 24 day of February, 2016.

Paula Booth
Notary Public

Paula Booth
Notary's Typed or Printed Name

My Commission Expires: 10-21-20



EXHIBIT A

BEGINNING at an existing 1/2" pipe on the western right of way of Ridge Street, said pipe also being the northeast corner of William G. Suddreth (Deed book 1396, Page 1769); thence with the line of Suddreth, **South 62 degrees- 03 minutes- 05 seconds West, 71.18 feet** to a 1/2" rebar set; thence with a new line of Koinonia, **North 24 degrees- 49 minutes- 29 seconds West, 12.13 feet** to an existing 1/2" pipe; thence **North 24 degrees- 49 minutes- 29 seconds West, 97.88 feet** to an existing 1/2" pipe; thence **North 24 degrees- 49 minutes- 29 seconds West, 37.95 feet** to a 1/2" rebar set in the line of the City of Lenoir (Deed book 551, Page 526); thence with the line of the City of Lenoir, **North 69 degrees- 23 minutes- 22 seconds East, 69.59 feet** to an existing 1/2" rebar on the western right of way of Ridge Street; thence with the western right of way of Ridge Street, **South 25 degrees- 30 minutes- 50 seconds East, 138.98 feet** to the place and point of **BEGINNING**, containing 0.231 Acre by coordinate computation and same description being the same as surveyed by Miller Surveying, Inc. (Drawing H3-1227) dated December 8, 2015.

Exhibit 3

EXHIBIT A

BEGINNING at an existing 1/2" pipe on the western right of way of Ridge Street, said pipe also being the northeast corner of William G. Suddreth (Deed book 1396, Page 1769); thence with the line of Suddreth, **South 62 degrees- 03 minutes- 05 seconds West, 71.18 feet** to a 1/2" rebar set; thence with a new line of Koinonia, **North 24 degrees- 49 minutes- 29 seconds West, 12.13 feet** to an existing 1/2" pipe; thence **North 24 degrees- 49 minutes- 29 seconds West, 97.88 feet** to an existing 1/2" pipe; thence **North 24 degrees- 49 minutes- 29 seconds West, 37.95 feet** to a 1/2" rebar set in the line of the City of Lenoir (Deed book 551, Page 526); thence with the line of the City of Lenoir, **North 69 degrees- 23 minutes- 22 seconds East, 69.59 feet** to an existing 1/2" rebar on the western right of way of Ridge Street; thence with the western right of way of Ridge Street, **South 25 degrees- 30 minutes- 50 seconds East, 138.98 feet** to the place and point of **BEGINNING**, containing 0.231 Acre by coordinate computation and same description being the same as surveyed by Miller Surveying, Inc. (Drawing H3-1227) dated December 8, 2015.

Exhibit 4

VOL 746 PAGE 808

NORTH CAROLINA - CALDWELL COUNTY

Presented for registration at 3:46
o'clock P M, this 19 day of
May 19 80, and recorded in

the office of Register of Deeds of Caldwell County
N. C. in Book 746 Page 808

Patsy Thomas Fowler ✓
Register of Deeds, Deputy

Excise Tax

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19
by

Mail after recording to City of Lenoir, 206 S. Main, Lenoir, N.C.

This instrument was prepared by Wilson, Palmer & Cannon, P.A., Attorneys at Law, Box 638
Lenoir, NC

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 13 day of May, 1980, by and between

GRANTOR

GRANTEE

FIRST BAPTIST CHURCH OF LENOIR

CITY OF LENOIR, a Municipal Corporation

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Lower Creek Township,

Caldwell County, North Carolina and more particularly described as follows:

BEGINNING at an iron pin located in the Western margin of Ridge Street (the old B.H. Dula southeast corner) and runs thence South 62°54' West 137.71 feet to an iron pin, a new corner; thence South 26°15' East 147.58 feet to a point in the present City of Lenoir property line; thence with said line North 63°45' East 137.71 feet to an iron pin in the western margin of said Ridge Street; thence with said margin of Ridge Street North 26°15' West 150.00 feet to the point of BEGINNING, containing 0.470 acres, more or less.

Reference is made to the following deeds recorded in the Caldwell County Registry: Deed to the Grantor from Ellen Hamby, et al, dated October 22, 1956, recorded in Book 318 at Page 425; Deed to the Grantor from Mrs. Sadie Barlow, widow, dated February 20, 1958, recorded in Book 334 at Page 72; Deed to the Grantor from Broyhill Educational Fund, Inc., dated May 8, 1980, which deed is intended to be recorded.