

**MINUTE BOOK 25, PAGE 360
CITY OF STATESVILLE COUNCIL MEETING – February 16, 2015
CITY HALL COUNCIL CHAMBERS– 7:00 P.M.
STATESVILLE, NORTH CAROLINA**

Mayor Costi Kutteh presiding:

Council Present: J. Johnson, Watt, Morgan, Schlesinger, M. Johnson

Council Absent: Phifer, West, Williams

Staff Present: Pressley, Fugett, Davis, Currier, Anderson, Hutchens

Visitors: 1

Media Present: Jim McNally-Statesville Record & Landmark

I Call to Order

II Invocation

III Pledge of Allegiance

IV Public Comment - During the second meeting of each month citizens are invited to speak about matters **not** on the current agenda.

There were no speakers.

V Consent Agenda

Mayor Kutteh stated that all items below are considered to be routine by City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered with the other items listed in the Regular Agenda.

A. Consider approving the minutes of the January 29, 2015 Pre-Agenda meeting and the February 02, 2015 City Council meeting.

B. Consider an annual request from the Statesville ABC Board to approve the Board's adopted Travel Policy.

C. Consider approving a request from the Recreation & Parks Department to apply for a grant from the Statesville Convention and Visitors Bureau in the amount of \$6,500 for the design and purchase of a kiosk for the Statesville Soccer Complex.

D. Consider approving the low bid from Stuart C. Irby Co. for purchase of three voltage regulators and regulator controls in the amount of \$51,660.

Mayor Kutteh asked if there were any items on the Consent Agenda that Council wished to be moved to the Regular Agenda. There being none, he asked for a motion.

Council member Morgan made a motion to approve the Consent Agenda, seconded by Council member Watt. The motion carried unanimously.

Regular Agenda

VI Conduct a public hearing and consider approving first reading of ZC15-01 filed by the City of Statesville on behalf of Earl and Charlene Koester for the property located at 2184 Salisbury Road; Tax Map 4753-85-7975 from Iredell County R-A to the City of Statesville's R-A.

David Currier stated this property was recently annexed on December 15, 2014 due to an immediate need for municipal water. As with all annexations, the City must apply it's zoning to the property once it is annexed into the City's jurisdiction. Therefore staff is

requesting on the Koester's behalf to rezone the parcel located 2184 Salisbury Road from Iredell County R-A (Residential Agricultural) to the City of Statesville's R-A (Residential Agricultural). The City's R-A District is the most similar to the county's R-A District in regards to dimensional requirements and permitted uses. Currently the site contains a two story house and would continue to be used as residential.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who came to speak in favor or in opposition of this item. There being no speakers, Mayor Kutteh declared the public hearing closed.

Council member J. Johnson made a motion to approve first reading of ZC15-01 filed by the City of Statesville on behalf of Earl and Charlene Koester for the property located at 2184 Salisbury Road; Tax Map 4753-85-7975 from Iredell County R-A to the City of Statesville's R-A, seconded by Council member Schlesinger. The motion carried unanimously.

VII Conduct a public hearing and consider approving first reading of TA15-01 filed by the City of Statesville to Amend Article 7 Alternate Development Patterns, Section 7.01 Cluster Subdivisions, G.

Mr. Currier stated cluster sub-divisions allow you to reduce the required square footage of a lot from the particular zone it is in to a lower square footage as long as the savings are converted into open space. The previous code you did not have to pay attention to lot width, you had to consider side, front and rear yard setbacks, but not lot width because when you shrink a lot you have to give somewhere and lot width is where you would give. The new code requires only a minimum of a 5 ft. side yard in any of the districts. Mr. Currier said he would like to add to this amendment for clarification that the setbacks requirements in Table 6.1 must be followed, and add that "except for lot width" and "Section 7.01 G. (2)" which is a reference to the 5' minimum side yard setbacks. He said the current staff knows how to apply this, but he is concerned that without this additional language future employees might not understand this that is would not be as clear. The purpose of this text amendment is to correct the reference to Table 6-1 to be "setback requirements" instead of "dimensional requirements" for Cluster Subdivisions due to an error in codification. The Planning Board's unanimous recommendation is favorable as presented and no one from the public spoke at the courtesy hearing.

Council member Schlesinger asked why staff is doing this. Mr. Currier stated this is a corrective ordinance because the previous ordinance that allowed clustering allowed you to reduce the required lot width and the new ordinance in the transfer from the old to the new dropped that segment so you really have to be able to alter your lot width to achieve clustering. The current code says you have to have the minimum lot width which is a prescription for each district so it is really just a corrective action.

Council member M. Johnson asked if when Council approved Larkin if they were given 3 on 3's under cluster. Mr. Currier said he did not recall exactly what requirements Larkin had but Larkin would be under a totally different section of the code, as would architecturally integrated cluster sub-divisions. Council member M. Johnson said that under state law it is permissible to do 3 on 3's in that type setting, provided they have the correct fire rating on the adjacent walls. Mr. Currier said he did understand that, but the difference here is just for a straight cluster sub-division. When you go to an architecturally integrated cluster you have a fairly clean palate where you can do just about anything. Council member M. Johnson said under North Carolina building code state law it is permissible in straight zoning if the walls are fire rated. Council member M. Johnson asked Mr. Currier to present a report to Council regarding the ability to do 3 ft. side yards and the requirements thereof.

Mayor Kutteh declared the public hearing open and asked if there is anyone present who came to speak in favor or in opposition of this item. There being no speakers, Mayor Kutteh declared the public hearing closed.

Council member M. Johnson made a motion to approve first reading of TA15-01 filed by the City of Statesville to Amend Article 7 Alternate Development Patterns, Section 7.01 Cluster Subdivisions, G., seconded by Council member J. Johnson. The motion carried unanimously.

VIII Consider approving site plan P14-20, The Retreat at Statesville located off North Pointe Boulevard and Solstice Drive; Tax Map 4745-28-3585 pt.
Mayor Kutteh swore in Mr. Currier for the quasi-judicial hearing.

Mr. Currier stated the site is located off North Pointe Boulevard behind Lowes Hardware and is zoned R-5MF. The property is approximately 11.644 acres with 5.281 acres being developed for the apartments. The site plan indicates 80 apartment units to be housed in 4 buildings with 151 parking spaces (141 required). Amenities such as a community center, playground, picnic shelter, and sidewalks are also proposed to be provided. Because this is a multi-family district, 10% active open space is required (which would be 23,087 sq. ft.). The site plan exceeds this requirement. In addition, the sidewalk has been extended along the driveway to North Pointe Boulevard since North Pointe Boulevard is designated on the draft Comprehensive Transportation Plan and Master Greenway Plan for pedestrian access. The landscaping requirements have also been met and access to the site will be off North Pointe Boulevard and Solstice Drive. The final phase of the project will be required to extend Solstice Drive. The Technical Review Committee reviewed the site plan on December 17, 2014 with several corrections and approved the site plan on January 7, 2015. Staff recommended two additional corrections prior to Planning Board. The site plans were corrected prior to the Planning Board meeting in which the open space calculations were revised and the sidewalk was extended to North Pointe Boulevard. Therefore the Planning Board's recommendation was favorable with a unanimous vote as presented based on the fact that the site plan met all the ordinance requirements.

There were no others who wished to testify during the quasi-judicial hearing.

Council member M. Johnson made a motion to approve site plan P14-20, The Retreat at Statesville located off North Pointe Boulevard and Solstice Drive; Tax Map 4745-28-3585 pt. based on the testimony Council heard with regard to the site plan's conformity to the City Code requirements and the site's compatibility with the surrounding residential properties, seconded by Council member J. Johnson.

Council member J. Johnson asked if this is close to the water line. Mr. Currier replied it is not.

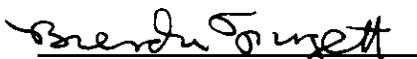
The motion carried unanimously.

Council member Schlesinger made a motion to adjourn the meeting, seconded by Council member Morgan. The motion carried unanimously.




Constantine H. Kutteh, Mayor

Attest:


Brenda Fugett, City Clerk