



May 13, 2019
 Stallings Town Hall
 315 Stallings Road
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

	Time	Item	Presenter	Action Requested/Next Step
	7:00 p.m.	Invocation Pledge of Allegiance Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	7:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	7:15 p.m.	Consent Agenda Approval A. Basketball Goal Code of Ordinance Amendment B. Resolution Approving the Updated NC Records and Retention Schedule	Wyatt Dunn, Mayor	Approve Consent Agenda <i>(All items on the Consent Agenda are considered routine, to be enacted by one motion. If a member of the governing body requests discussion on of an item, the item will be removed from the Consent Agenda and considered separately.)</i> Motion: I make the motion to: 1) Approve the Consent Agenda as presented; or 2) Approve the Consent Agenda with the following changes: _____
2.	7:17 p.m.	Reports A. Report from Mayor B. Report from Council Members/Town Committees C. Report from Town Manager/Town Departments	Council and Staff	NA
3.	7:40 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written. <i>(ADD, IF APPLICABLE: with changes as described by Mayor Dunn)</i> Motion: I make the motion to: 1) Approve the Agenda as presented; or 2) Approve the Agenda with the following changes: _____
4.	7:45 p.m.	CZ19.03.01 – Arant/Northeast Tool A. Open Public Hearing B. Information from Staff C. Close Public Hearing D. Council Vote	Lynne Hair, Town Planner	Approve/Deny conditional zoning Motion: I make the motion to approve/deny CZ19.03.01.

5.	8:15 p.m.	Annexation 51 – Funderburk A. Open Public Hearing B. Information from Staff C. Close Public Hearing D. Council Vote	Erinn Nichols, Deputy Town Manager	Approve/Deny annexation. <i>Motion: I make the motion to approve/deny Annexation 51.</i>
6.	8:20 p.m.	RZ19.04.01 – Funderburk Property A. Open Public Hearing B. Information from Staff C. Close Public Hearing D. Council Vote	Lynne Hair, Town Planner	Approve/Deny rezoning <i>Motion: I make the motion to approve/deny RZ19.04.01.</i>
7.	8:30 p.m.	Idlewild Mixed Use Project Development Agreement A. Open Public Hearing B. Information from Staff C. Close Public Hearing D. Council Vote	Lynne Hair, Town Planner	Approve/Deny development agreement. <i>Motion: I make the motion to approve/deny Idlewild Mixed Use Project Development Agreement.</i>
8.	9:00 p.m.	Amended Budget Ordinances A. ABO 5 – Sidewalks B. ABO 6 – 329 Stallings Road Purchase C. ABO 7 – Zoning Fee Revenue D. ABO Capital Project – New Facilities Capital Project Fund (HVAC Automation)	Marsha Gross, Finance Officer	Approve budget ordinances. <i>Motion: I make the motion to approve (insert Amended Budget Ordinance).</i>
9.	9:10 p.m.	Police Radios	Minor Plyler, Interim Police Chief	Approve/Deny police radios. <i>Motion: I make the motion to approve/deny the purchase of new police radios.</i>
10.	9:20 p.m.	Employee Safety Bonus (<i>Martin</i>)	John Martin, Council Member	Discussion and Possible Action.
11.	9:30 p.m.	ETJ Legal Research Request (<i>Martin</i>)	John Martin, Council Member	Discussion.
12.	9:40 p.m.	Traffic Impact Analysis Ordinance	Lynda Paxton, Council Member	Discussion.
13.	9:50 p.m.	Closed Session Pursuant to NCGS143-318.11(a)(3) and (6)	Wyatt Dunn, Town Manager	
14.	10:15 p.m.	Adjournment		



Ordinance Amending Code of Ordinances, Title IX *General Regulations*, Chapter 94 *Streets and Sidewalks*, Section 94.01 *Certain Activities in Streets Prohibited*

WHEREAS, the Stallings Town Council encourages activities which foster community; and

WHEREAS, the Stallings Council wished to allowed basketball goals in certain circumstances in neighbors in order to encourage community relationships;

NOW, THEREFORE, BE IT ORDAINED that the Town Council of the Town of Stallings, North Carolina amend the Code of Ordinances, Title IX, Chapter 94, Section 94.01 to the following:

94.01 CERTAIN ACTIVITIES IN STREETS PROHIBITED.

- (A) It shall be unlawful for any person to put, keep or maintain any **basketball goal**, football goal, soccer goal, baseball or softball bag or diamond, or any other similar team sports equipment on or over any public street, sidewalk or street right-of-way within the corporate limits of the town.
- (B) **Basketball goals are allowed on residential streets in accordance with following conditions:**
- (1) **Goals must be removeable and not a permanent structure.**
 - (2) **Goal base structure must be placed off the road and clear of utility boxes, light poles, sidewalks, or any other permanent structure.**
 - (3) **The speed limit on the road where the Goal is located must be 25 mph or lower.**
 - (4) **Goal must be in clear sight with no obstructions preventing drivers from identifying the goal from a safe distance away.**
 - (5) **If at any time, the Stallings Police Department or Stallings Code Enforcement Officer view the goal to be a health and safety risk or a nuisance to the community for any reason, the Goal must be removed.**
- (C) In addition to criminal penalties, violators of this section may be subject to a civil penalty. Unless otherwise provided, civil penalties shall be in the following amounts:
- (1) First citation: warning;
 - (2) Second citation for same or similar violation: \$100; and
 - (3) Third and subsequent citation for same or similar violation: \$500.

(Ord. passed 8-7-2000; Am. Ord. passed 2-9-2009; Am. Ord. passed 05-13-19) Penalty, see § 10.99

Adopted this the 13th day of May, 2019.

Wyatt Dunn, Mayor

Attest:

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



**RESOLUTION ADOPTING THE
MUNICIPAL RECORDS RETENTION
AND DISPOSITION SCHEDULE**

The Records Retention and Disposition Schedule governing the records series listed herein are hereby approved: General Records Schedule for Local Government Agencies – Issued April 17, 2019.

In accordance with the provision of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement.

It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated by the Department of State Archives of North Carolina.

Approved this 13th day of May 2019.

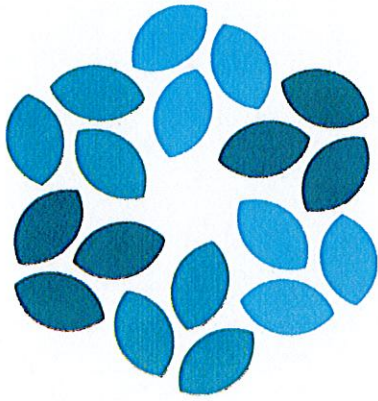
Wyatt Dunn, Mayor

SEAL

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



PLANNING & ZONING

TOWN of STALLINGS

Zoning Staff Report

Case: CZ19.03.01	
Reference Name	Rusty Arant – Northeast Tool
Request	Proposed Zoning CZ-IND
	Proposed Use Expansion of Manufacturing Facility
	Number of Buildings One(1) Existing, Two(2) new buildings proposed
Existing Site Characteristics	Existing Zoning MU-2
	Existing Use Manufacturing
	Site Acreage 10.36
Applicant	Rusty Arant
Property Owner(s)	Larry and Ruth Arant
Submittal Date	March 13, 2019
Location	15200 Idlewild Road
Tax ID(s) #	K7075014, M7075014
Plan Consistency	Land Use Plan Designation Expansion of Manufacturing Facilities
Recommendation	Planning Board Town Council

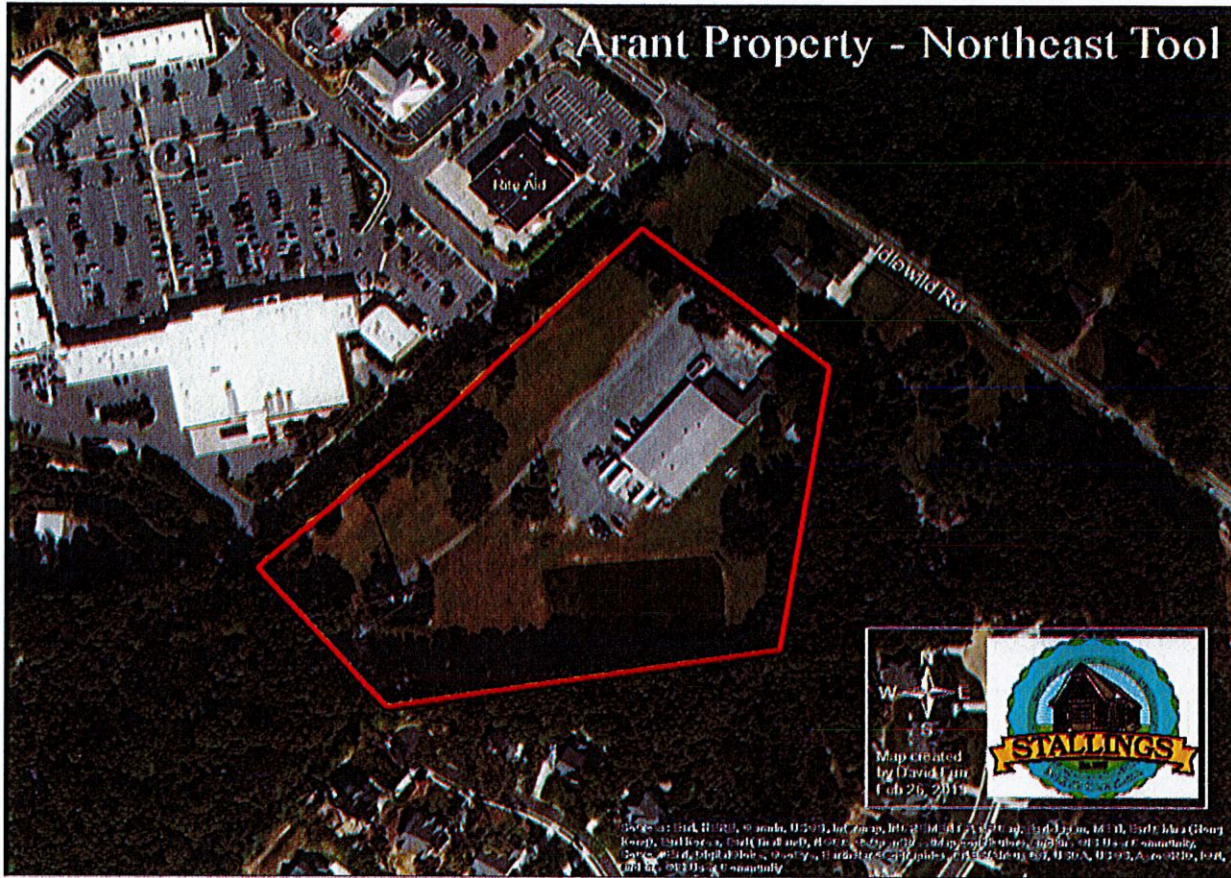
Request:

Northeast Tool has submitted a conditional zoning application that will allow the following property to be rezoned from MU-2 (mixed use) to CZ-IND (conditional zoning - Industrial): PID# 07075014, 15200 Idlewild Road.

The applicant’s intent is to expand his manufacturing facilities from one (1) existing building to three (3) buildings in total.

The property was zoned R-20 for many years and was recently rezoned MU-2 as a part of the adoption of the Idlewild Corridor Small Area Plan. The property has been used for industrial purposes and considered legally non-conforming for many years. Industrial use is not a permitted use in the MU-2 district and the plan to expand on the site has triggered the need for a rezoning.

Property Location/ Existing Conditions:



The subject property is located on Idlewild Road northwest of Stevens Mill Road and southeast of I-485 and is outside of the Town limits. The property is located within the Town's ETJ, meaning that it is within the town's zoning jurisdiction and must comply with all town land use ordinances. The parcel abuts residences in the Vickery subdivision, which is zoned SFR-1.

North	MU-2/Mixed Use	Town of Stallings	Multiple large undeveloped parcels (proposed for development of a mixed-use apartment/townhome project)
South	SFR1/Residential Low Density	Town of Stallings	A single-family subdivision (Vickery). Minimum lot size 20,000 sq. feet.
East	MU-2/Mixed Use	Town of Stallings	Sizable mixed use parcels with existing residences
West	MU-2/Mixed Use	Town of Stallings	Shopping center with Harris-Teeter, Mochie's Tavern, Anytime Fitness, etc.

Future Land Use Designation

The Stallings Comprehensive Land Use Plan has identified the future land use of the subject properties as *Walkable Neighborhood*. A walkable neighborhood offers residents the ability to live, play, and often shop and work in one connected community. These neighborhoods include a mixture of housing types and residential densities integrated with goods and services. Goods and services can be within or adjacent to the neighborhood, but connectivity is the key. The design and scale of the development encourages active living through a comprehensive and interconnected network of walkable streets. Walkable neighborhoods support multiple modes of transportation.

Small Area Plan Compliance

The subject property is located within the Idlewild Corridor Small Area Plan. Land uses identified for the property are Multi Family and commercial, assuming the future redevelopment of the property.

Community Meeting

A requirement of the Conditional Zoning process is a community meeting be held by the applicant and a report of this meeting submitted to the Town and presented to the Planning Board and Town Council. Northeast Tool held the required community meeting on March 27, 2019 at 6:00 pm. A copy of the required community meeting report is attached.

At this meeting several members of the community were present to speak concerning the proposal. These concerns were related to buffering and screening, noise suppression, dust control, stormwater impact, and impact on neighboring property values.

ZONING REQUIREMENTS/SITE PLAN ANALYSIS

Requested Zoning:

CZ-IND. The Industrial District is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities. The requested conditional zoning will allow the business to become a conforming use, allowing expansion of facilities.

Proposed Development Standards	
Number of Buildings	Two(2) new buildings, Three(3) buildings total
Lot Area	10.36 acres
Front Yard Setback	20'
Rear Yard Setback	48'
Side Yard Setback	128'; 208'
Open Space	0.78 acres / 7.5%

Building Type

Buildings will comply with Highway Lot Type Standards per Section 9.8-2 of the Town of Stallings UDO.

Open Space/Dedication of Land for Park, Recreation and Open Space

Article 21 of the Stallings DO require 7.5% open space for the proposed project. When applied to the subject site; a minimum of 0.78 acres would need to be set aside as open space.

Street Trees/Project Boundary Buffers/Tree Save Requirements

Street trees are required along all street frontages for all new developments. One large maturing tree required for every 80 linear feet of street frontage

The applicant will be required to construct a "Type A" buffer to separate all adjacent uses. A type a buffer shall be an average of 40' wide with a 90% opacity.

The Stallings UDO Article 11.8-3 requires a tree conservation area of 6% with requirements that encourage saving trees that are 4" DBH or greater and located in buffer yards. The required 6% equates to 0.62 acres of the subject property.

STAFF RECOMMENDATION

PROS:

- Increase the mixed-use character of the area.
- Job creation
- If annexed, will provide tax dollars to Town
- Clean industry

CONS:

- Does not comply with CLUP or SAP
- Limits redevelopment potential of property

PLANNING BOARD RECOMMENDATION

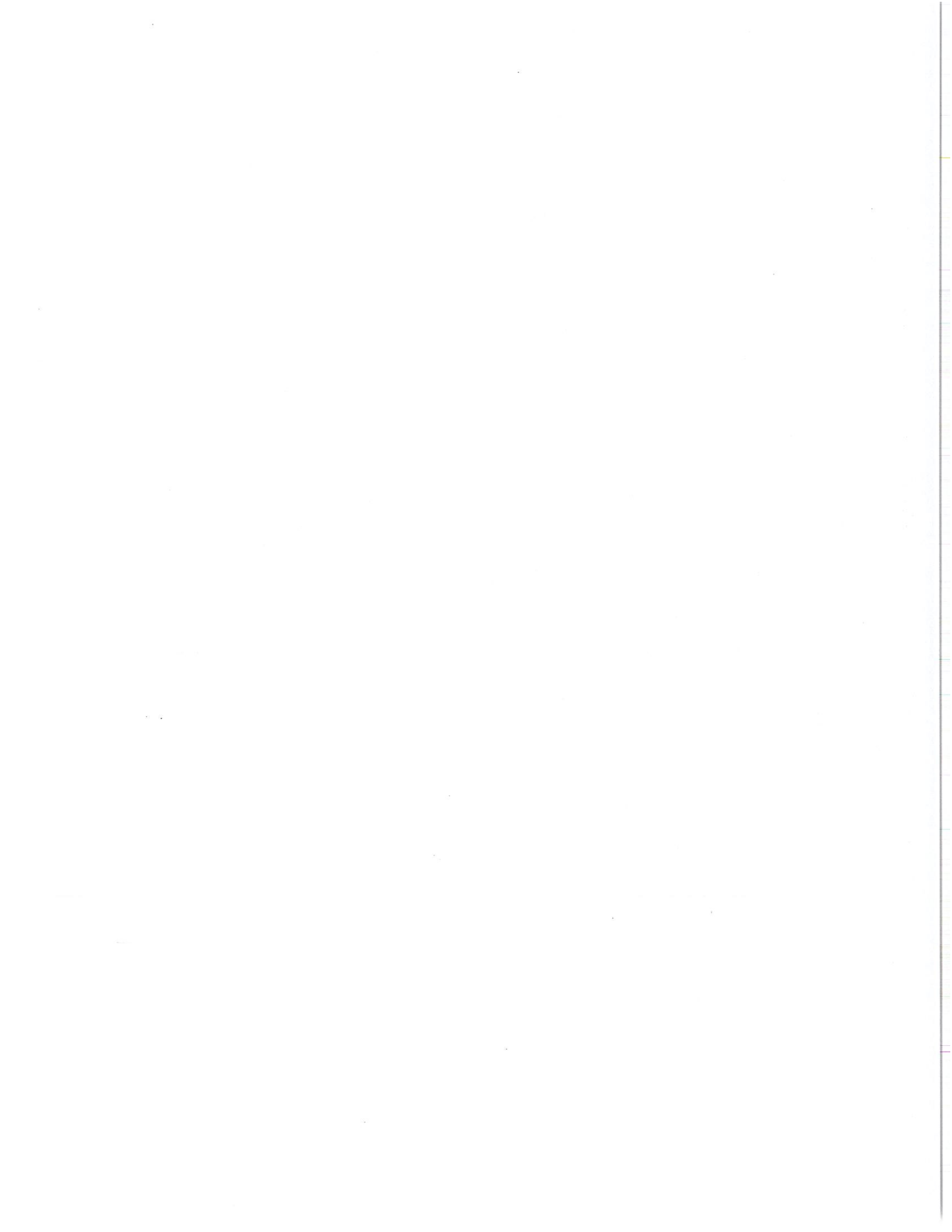
The Planning Board heard this item at their April 16, 2019 meeting. Issues raised were the potential impact to adjoining property owners and consistency with the Small Area Plan. After discussion the Board voted to recommend approval of the request based on the potential tax base the business will bring to the town once annexed.

The recommended approval included the staff recommended conditions. After the meeting the Town Attorney reviewed and made suggestions that were added and included below. The applicant also presented building elevations and requested architectural requirements be included in the conditions list that are specific to their proposed building.

If approval is considered by the Board, Staff would recommend the following conditions:

1. The applicant or responsible party shall obtain all permits required for development with the Town and outside agencies in compliance with applicable regulations. The submitted sketch plan must meet all requirements as established by permitting agencies.
2. Development of the property will be limited to two buildings; 1) Phase I/II no greater than 110,000 square feet; 2) Phase III no greater than 40,000 square feet. Total building square footage on the site will not exceed 180,000.
3. Property shall be annexed into Town Limits prior to issuance of a grading permit for phase 1.
4. The 2.02-acre residential portion of the parcel be subdivided from the Industrial portion of the site.

5. Buffers will be provided along the sites southern, southeastern, and western property lines where adjacent to parcels #07075321, 07075308, 07075309, 07075353, 07075015 and 07075013B at an average of 40' and will comply with all standards established by Stallings Development Ordinance Article 11.
6. A vegetated berm six (6) feet in height shall be constructed in the 40' buffer zone adjacent to the following parcels: 07075013B, 07075321, 07075308, 07075353, and 07075015. The berm shall be constructed within ~~three (3)~~ **six (6) months** of issuance of grading permit.
7. **A temporary construction easement necessary to widen the signalized entry road at Idlewild Market will be donated to the Town within 30 days of rezoning approval. Width of said easement will be a minimum of 10'.**
8. Lighting from buildings will be designed to have minimal impact on adjacent residences. A lighting plan will be submitted as a part of the preliminary plan review process and reviewed for compliance.
9. **Architecture to be approved by Development Administrator and Planning Board. Buildings will be of permanent materials not vinyl siding or EIFS/Dryvit. Entry facades facing Idlewild (shaded green) will be a mix of concrete and glass. Buildings facing neighboring property (shaded yellow) will be of concrete and metal. These facades will modulate at a minimum of 50 feet with either change or depth or change or material articulation. The North façade facing the retail will have accents within the modulation that mimic windows, using a change of material, paint schemes and/or reveals.**
10. An 8' high, decorative security (wrought iron with arched top) fence will be located along the northwest property line. Location of this fence, relative to the property line may vary depending on final grade of the road shoulder. Fencing to be located along the property's western property line, where adjacent to the signalized road at the Idlewild Market entrance, will be decorative and landscaped to provide an attractive view from the street and on-street greenway trail.
11. A curb cut and driveway apron will be provided from the signalized entry road at the location shown on the submitted site plan by the developer of the mixed-residential development to the northwest of the site for future development by the applicant/owner **only when the requested temporary construction easement is granted to the Town for the necessary road improvements.** It will be the applicant's responsibility to construct the site drive onto their property.
12. Dumpsters will be located at a minimum, 100' from any property line adjoining residential property. All dumpster screening requirements established in the Stallings Development Ordinance will be met.

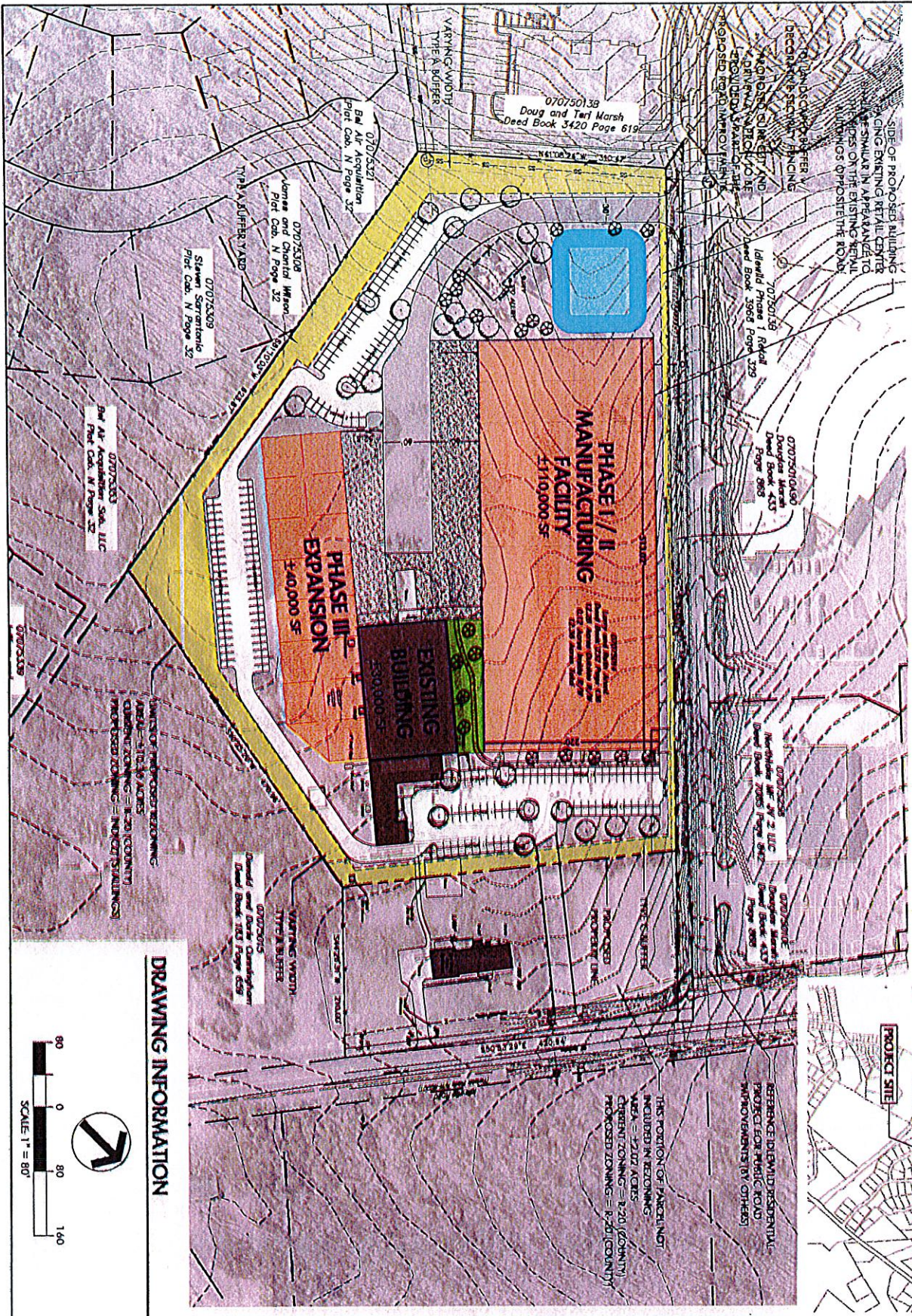


SITE DATA

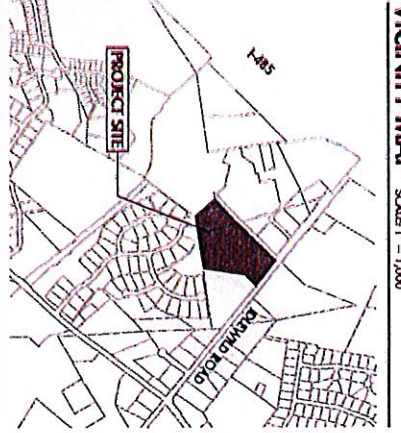
PARCEL ID: 07075014 (PORTION OF)
 AREA TO BE REZONED: ±10.36 ACRES
 CURRENT ZONING: R-20 (UNION COUNTY)
 PROPOSED ZONING: INDUSTRIAL / MANUFACTURING (IND(CI))
 EXISTING USE: INDUSTRIAL / MANUFACTURING
 PROPOSED USE: INDUSTRIAL / MANUFACTURING
 EXISTING BUILDINGS: ±30,000 SF (±27%)
 PROPOSED BUILDINGS: ±180,000 SF (±167%)
 PROPOSED PARKING: 160 PARKING SPACES (MAX)
 MAX BUILDING HEIGHT: 50'

SITE DEVELOPMENT STANDARDS:

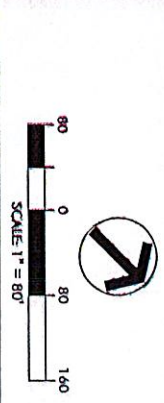
1. LANDSCAPE BUFFERS SHALL COMPLY WITH SECTION 11.4.4 OF THE TOWN OF STANLIX'S ZONING ORDINANCE ALONG THE NORTHWEST AND NORTHWEST FRONTAGE.
2. THE C BUFFER SHALL BE PROVIDED ALONG THE PROPOSED NORTHWEST FRONTAGE LINE AS DESCRIBED ON THE REZONING PLAN. THE PERIMETER SHALL BE A 10-FOOT UNPAVED BUFFER SHALL BE PROVIDED ALONG THE NORTHWEST FRONTAGE LINE AS DESCRIBED ON THE REZONING PLAN. THE PERIMETER SHALL BE A 10-FOOT UNPAVED BUFFER SHALL BE PROVIDED ALONG THE NORTHWEST FRONTAGE LINE AS DESCRIBED ON THE REZONING PLAN. THE PERIMETER SHALL BE A 10-FOOT UNPAVED BUFFER SHALL BE PROVIDED ALONG THE NORTHWEST FRONTAGE LINE AS DESCRIBED ON THE REZONING PLAN.
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VICINITY MAP SCALE: 1" = 1,000'



DRAWING INFORMATION



NORTHEAST TOOL
 15200 IDLEWILD ROAD
 MATTHEWS, NORTH CAROLINA 28104
 NORTHEAST TOOL & MANUFACTURING
REZONING PLAN

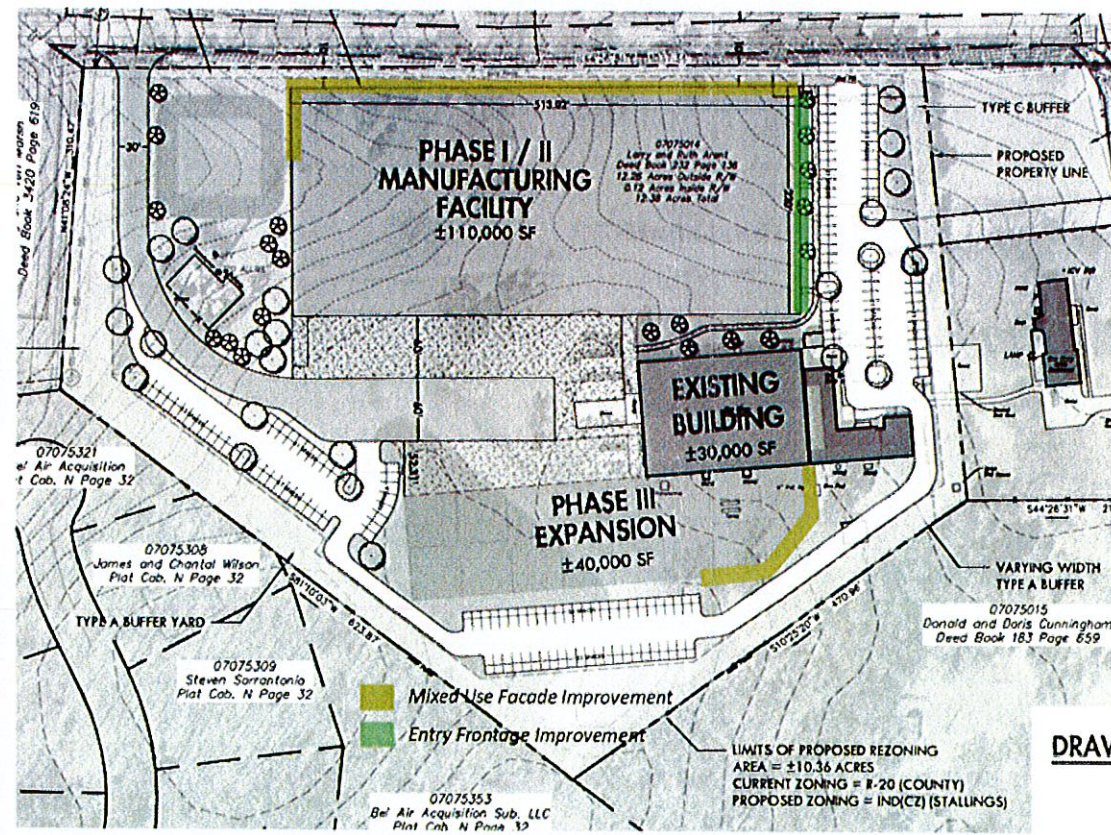
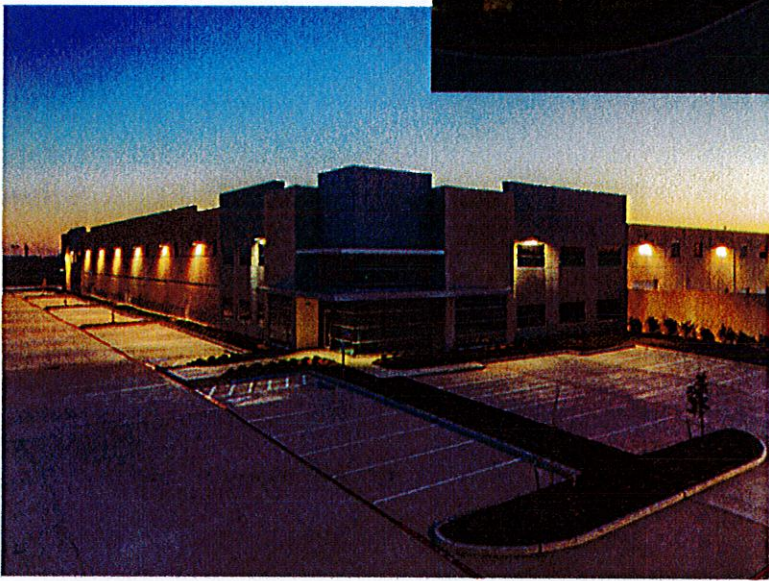


OAK ENGINEERING
 828 EAST BLVD - CHARLOTTE, NC 28203
 NORTH CAROLINA FIRM LICENSE #P1742
 oak.engineering

ENGINEER: GTW
 DRAWN BY: GTW
 CHECKED BY: LJK
 PROJECT #: 019.009
RZ.0
 SHEET 1 OF 1

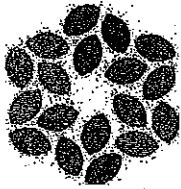
REVISIONS:

NO.	DESCRIPTION

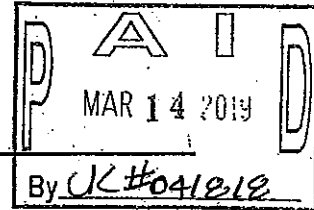


Exteriors Zoning Board





Town of
Stallings



315 Stallings Road • Stallings, North Carolina 28104

Zoning Map Amendment/Rezoning Application

Application # (Staff): CZ19.03.01

Date Filed: 3/13/19

CM Hearing Date: 3/27/19

Planning Board Date: 4/16/19

Town Council/Final Decision Date:

5/13/19

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

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

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

Current Zoning (Circle One)	<i>SFR-1 SFR-2 SFR-3 MU-1 MU-2 MFT AG TC</i> <i>CIV C-74 CP-485 VSR IND</i>
Proposed Zoning (Circle One)	<i>SFR-1 SFR-2 SFR-3 MU-1 MU-2 MFT AG TC</i> <i>CIV C-74 CP-485 VSR (IND)</i>
Conditional District Zoning?	(Yes) No

Physical Property Address:
15200 Idlewild Road

Description of Rezoning:
Request rezone from County zoning R-20 to Town of Stallings zoning CZ-IND to support the expansion of an existing industrial/manufacturing facility

Tax Parcel Number(s) (PIN Number): 07075014		Total Acreage: 12.38 (Total) Request rezoning of 10.36 acres
Property Owner(s): Larry and Ruth Arant		
Owner's Address: PO Box 98		
City: Indian Trail	State: NC	Zip: 28079
Contact Phone Number: 704-519-9709	Property Owner Email Address: RARANT@NETOOLNC.COM	
Applicant Name (if different than owner): RUSTY ARANT - NORTHEAST TOOL	Applicant's Address: PO Box 55 Indian Trail, NC 28079	
Applicant Email Address: RARANT@NETOOLNC.COM	Applicant's Phone Number: 704-882-1187	

MAP REQUIREMENTS

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

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

MAP AMENDMENT REQUIREMENTS

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

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

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



Town of
Stallings

315 Stallings Road • Stallings, North Carolina 28104



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Conditional District Zoning?	(Yes) No

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

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

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



Ordinance to Extend the Corporate Limits of the Town of Stallings, North Carolina

WHEREAS, the Town Council has been petitioned under N.C.G.S. 160A-31 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Town Hall of the Town of Stallings at 7:00 p.m. on May 13, 2019, after due notice by the Enquirer-Journal on April 16, 2019; and

WHEREAS, the Town Council finds the petition meetings the requirements of N.C.G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED be the Town Council of the Town of Stallings, North Carolina that:

Section 1. By virtue of the authority granted by N.C.G.S. 160A-31, the area proposed for voluntary annexation encompasses parcel number 07075013 on Funderburk Road is hereby annexed and made part of the Town of Stallings effective immediately:

Parcel number: 07075013; 3.378 ACRES

Commencing at a found concrete monument, said monument being along the southerly right-of-way of Boyd Funderburk Drive, thence along said right-of-way, S 78° 34' 19" E 20.90' to a computed point, said point being at the county line of Mecklenburg and Union County and the POINT OF BEGINNING;

Thence along said right-of-way, S 78° 34' 19" E 75.76' to a found iron pipe;

Thence leaving said right-of-way, S 47° 01' 13" W 131.47' to a found iron pipe;

Thence, S 36°41' 44" E 287.96' to a set iron rebar;

Thence, S 63°32' 52" W 25.56' to a found iron rebar;

Thence, S 63°32' 52" W 620.90 to a found iron rebar;

Thence, N 07°42' 01" W 195.61 to a computed point, said point being at the county line of Mecklenburg and Union County;

Thence, along said county line, N 46° 37' 53" E 625.68' to a computed point, and the POINT AND PLACE OF BEGINNING containing 147,127 square feet or 3.378 acres, more or less.

Section 2. Immediately, the above described territory and its citizens and property shall be subject to all debts, laws, and ordinances and regulations in force in the Town of

Stallings and shall be entitled to the same privileges and benefits as other parts of the Town of Stallings. Said territory shall be subject to municipal taxes according to N.C.G.S. 160A-58.10.

Section 3. The Mayor of the Town of Stallings shall cause to be recorded in the office of the Register of Deeds Union County, and in the office of the Secretary of State at Raleigh, North Carolina, as accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Union County Board of Elections, as required by N.C.G.S 163-288.1.

Adopted this the 13th day of May, 2019.

Wyatt Dunn, Mayor

Attest:

Erinn E. Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC



Town of
Stallings

Agenda Item # 6

315 Stallings Road ▪ Stallings, North Carolina 28104

MEMO:

TO: Town Council
FROM: Lynne Hair, Development Administrator
SUBJECT: RZ19.04.01 – Funderburke Property Rezoning
DATE: May 8, 2019

RZ19.04.01 – Funderburke Property. Rezoning of 3.68 acres of property from Union County AG to Town of Stallings MU-2. The subject property is located at 14916 Boyd Funderburke Drive in PID#07075013.

To change the zoning of the property when annexed a public hearing must be held. This property will be included in the Idlewild Mixed Use project.

Staff is recommending approval of the requested zoning change.

GoMaps



May 9, 2019

1:14,145
0 0.1 0.2 0.4 mi
0 0.175 0.35 0.7 km
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS



Town of
Stallings

Agenda Item # 7

315 Stallings Road ▪ Stallings, North Carolina 28104

MEMO:

TO: Town Council
FROM: Lynne Hair, Development Administrator
SUBJECT: DA18.08.01 – Idlewild Mixed Use Development
DATE: May 8, 2019

Attached please find a copy of the final Development Agreement document for the Idlewild Mixed Use project located off Idlewild Road behind the Idlewild Market Shopping Center.

The public hearing for this item will be held Monday night, this is the final step in the Development Agreement process and staff is seeking council approval of the document.

If you have any questions, please do not hesitate to contact me.

DEVELOPMENT AGREEMENT
BY AND AMONG
DOUGLAS I. MARSH AND TERI THOMAS MARSH,
DANNY E. PRICE AND ROBIN C. PRICE,
DEE L. RITTENOUR AND PATRICIA A. RITTENOUR
AND GERALD LEE FUNDERBURK AND ROBIN FUNDERBURK
AND
TOWN OF STALLINGS

Prepared by and Return to:
John H. Carmichael
Robinson, Bradshaw & Hinson, P.A.
101 N. Tryon Street, Suite 1900
Charlotte, NC 28246

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procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after a duly noticed public hearing.

BACKGROUND

1. Douglas I. Marsh and Teri Thomas Marsh are the owners of an approximately 21.014 acre parcel of land located generally on the southwest quadrant of the Interstate 485 – Idlewild Road interchange in Stallings, Union County, North Carolina that is designated as Parcel No. 07075013B on the Union County Tax Maps (the “**Stallings-Marsh Property**”), and an approximately .455 acre parcel of land located generally on the southwest quadrant of the Interstate 485 – Idlewild Road interchange in unincorporated Union County, North Carolina in the Town’s extraterritorial jurisdiction that is designated as Parcel No. 07075010A90 on the Union County Tax Maps (the “**ETJ-Marsh Property**”). The Stallings-Marsh Property is more particularly depicted on Exhibit A attached hereto and incorporated herein by reference, and the ETJ-Marsh Property is more particularly depicted on Exhibit B attached hereto and incorporated herein by reference. The Stallings-Marsh Property and the ETJ-Marsh Property are hereinafter collectively referred to as the “**Marsh Property.**”
2. Danny E. Price and Robin C. Price are the owners of an approximately 7.517 acre parcel of land located generally on the southwest quadrant of the Interstate 485 – Idlewild Road interchange in Stallings, Union County, North Carolina that is designated as Parcel No. 07075011 on the Union County Tax Maps (the “**Price Property**”), which parcel of land is more particularly depicted on Exhibit C attached hereto and incorporated herein by reference.
3. Dee L. Rittenour and Patricia A. Rittenour are the owners of an approximately 7.462 acre parcel of land located generally on the southwest quadrant of the Interstate 485 – Idlewild Road interchange in Stallings, Union County, North Carolina that is designated as Parcel No. 07075011B on the Union County Tax Maps (the “**Rittenour Property**”), which parcel of land is more particularly depicted on Exhibit D attached hereto and incorporated herein by reference.
4. Gerald Lee Funderburk and Robin Funderburk are the owners of an approximately 3.6949 acre parcel of land located generally on the southwest quadrant of the Interstate 485 – Idlewild Road interchange in unincorporated Union County, North Carolina that is designated as Parcel No. 07075013 on the Union County Tax Maps (the “**Funderburk Property**”), which parcel of land is more particularly depicted on Exhibit E attached hereto and incorporated herein by reference.
5. Prior to the public hearing on and the approval of the Agreement by the Town of Stallings Town Council (the “**Town Council**”), the Funderburk Property was annexed into the corporate limits of the Town and zoned to the MU-2 zoning district.
6. The Marsh Property, the Price Property, the Rittenour Property and the Funderburk Property are hereinafter collectively referred to as the “**Property.**” The Property contains approximately 40.1429 acres and is subject to the terms and conditions of this Agreement. The Property is more particularly depicted on Exhibit F attached hereto and incorporated herein by reference.

7. On November 27, 2017, the Town adopted the Town of Stallings Comprehensive Land Use Plan (the “**Land Use Plan**”). The Land Use Plan contains, among other things, small area plans for three key areas within the Town’s corporate limits, one of which is the Idlewild Road corridor. The Idlewild Road Corridor Small Area Plan (the “**Small Area Plan**”) provides land use recommendations and guiding principles for the development of the parcels of land within the area subject to the Small Area Plan. The Property is located within the area subject to the Small Area Plan.

8. Among other things, the Small Area Plan recommends single family attached homes, multi-family residential uses and commercial uses on the Property.

9. Douglas I. Marsh and Teri Thomas Marsh, Danny E. Price and Robin C. Price, Dee L. Rittenour and Patricia A. Rittenour and Gerald Lee Funderburk and Robin Funderburk and their successors in interest are hereinafter collectively referred to as “**Developer**.”

10. Developer desires to develop a multi-use project (the “**Project**”) on the Property in accordance with the terms of this Agreement, the Concept Plan (defined below) and the Town of Stallings Development Ordinance (the “**Ordinance**”) that will contain single family attached dwelling units, multi-family dwelling units and commercial uses.

11. After careful review and deliberation, the Town has determined that the Project is consistent with the Small Area Plan, and that it would further the Town’s land use planning objectives and policies as set out in the Small Area Plan, as well as the health, safety, welfare and economic well-being of the Town.

12. The Town has also determined that the Project will secure quality planning and growth, strengthen the tax base and provide public amenities and infrastructure.

Accordingly, Developer and the Town desire to enter into this Agreement for the purposes of coordinating the construction of infrastructure that will serve the Project and the community at large; confirming the phasing of the construction of the Project; and providing assurances to Developer and its successors in interest that Developer may proceed with the development of the Project in accordance with the terms of this Agreement and the approvals set forth herein without encountering future changes in ordinances, regulations or policies that would affect Developer’s ability to develop the Project under the terms of this Agreement.

TERMS

NOW, THEREFORE, based upon the terms and conditions set forth herein and in consideration of the mutual promises and assurances provided herein, the parties do hereby agree as follows:

1. Public Hearing. Pursuant to Section 160A-400.24 of the North Carolina General Statutes, the Town Council conducted a public hearing on May 13, 2019 in accordance with the procedures set out in N.C.G.S. § 160A-364, and it approved the subsequent execution of this Agreement by the Town. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed on the Property and a place where a copy of the Agreement can be obtained. The approval of this

Agreement by the Town Council included the approval of the concept site plan for the Project (the “**Concept Plan**”) attached hereto as **Exhibit G** incorporated herein by reference.

2. Permitted Uses/Maximum Densities/Development Limitations. Subject to the limitations described in this Section 2, the Property may be devoted to the uses and to the applicable development densities described below and on the Concept Plan. For purposes of this Agreement and the Concept Plan, the Property is divided into three separate development areas that are designated on the Concept Plan as Development Area A, Development Area B and Development Area C. The Property is located in the MU-2 zoning district.

A. Development Area A

(1) That portion of the Property designated as Development Area A on the Concept Plan may only be devoted to a residential community containing a maximum of 150 for sale single family attached dwelling units, and to any incidental or accessory uses relating thereto that are permitted in the MU-2 zoning district.

B. Development Area B

(1) That portion of the Property designated as Development Area B on the Concept Plan may only be devoted to a multi-family residential community containing a maximum of 270 multi-family dwelling units, and to any incidental or accessory uses relating thereto that are permitted in the MU-2 zoning district. The buildings containing the multi-family dwelling units shall be located in one of the seven building areas on Development Area B depicted on the Concept Plan.

(2) In addition to the buildings containing multi-family dwelling units, a building associated with the amenity area shall be permitted on Development Area B as well as a maintenance building.

C. Development Area C

(1) That portion of the Property designated as Development Area C on the Concept Plan may be devoted to any use or uses allowed in the MU-2 zoning district (including any combination of such uses) and to any accessory and incidental uses relating thereto that are permitted in the MU-2 zoning district.

(2) The total number of principal buildings, accessory buildings and gross floor area permitted on Development Area C shall be governed by the standards of the Ordinance.

(3) All site plans and building elevations for development within Development Area C must be approved by the Development Administrator and Town Council prior to the issuance of building permits. The approval of the site plans and building elevations by the Development Administrator and Town Council shall not be considered to be an amendment to the Agreement

3. Development Schedule. The Project shall be developed in accordance with the schedule set out below, or as may be amended by the agreement of the parties to reflect actual market absorption. Pursuant to N.C.G.S. § 160A-400.25(b), the failure to meet a commencement or completion date shall not, in and of itself, constitute a material breach of this Agreement

pursuant to N.C.G.S. § 160A-400.27 but must be judged based upon the totality of the circumstances, including, but not limited to, Developer's good faith efforts to attain compliance with the relevant development schedule. The development schedule is a budget planning tool and shall not be interpreted as mandating the development pace initially forecast or preventing a faster pace of development if market conditions support a faster pace.

A. Within 5 years of the date of this Agreement, Developer shall commence the development of Development Area A and Development Area B of the Property.

B. Within 10 years of the date of this Agreement, Developer shall complete the development of Development Area A and Development Area B of the Property.

C. Within 15 years of the date of this Agreement, Developer shall commence and complete the development of Development Area C of the Property.

4. Transportation Improvements. The development of the Property shall comply with the following transportation requirements.

A. Vehicular access shall be as generally depicted on the Concept Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site and construction plans and designs and to any adjustments required for approval by the Town and/or the North Carolina Department of Transportation.

B. As depicted on the Concept Plan, the Property will be served by internal public streets and internal private alleys, and adjustments to the locations of the internal public streets and the internal private alleys shall be allowed during the construction permitting process upon the approval of the Development Administrator and the Town Engineer.

C. Subject to the terms of the next following paragraph, prior to the issuance of the first certificate of occupancy for any new building constructed on the Property, Developer shall improve the existing street that will provide the primary vehicular and pedestrian connection from Development Area A to Idlewild Road at the existing traffic signal (the "**Primary Entrance Road**") in accordance with the cross section on Exhibit H attached hereto and incorporated herein by reference. To improve the Primary Entrance Road in accordance with the cross section on Exhibit H, Developer must be provided with a temporary construction easement over and across a portion of the adjacent parcel of land designated as Parcel No. K7075014 on the Union County Tax Maps by the Town.

In the event that the Town does not provide to Developer, at no cost to Developer, a temporary construction easement over and across a portion of Parcel No. K7075014 that is necessary to accommodate the improvement of the Primary Entrance Road in accordance with Exhibit H on or before August 1, 2019, then Developer shall only be required to improve the Primary Entrance Road in accordance with the cross section on Exhibit I attached hereto and incorporated herein by reference prior to the issuance of the first certificate of occupancy for any new building constructed on the Property. Developer shall also pay the sum of Fifty Thousand and No/100 Dollars (\$50,000.00) to the Town prior to the issuance of the first certificate of occupancy for any new building constructed on the Property to be used by the Town to fund

future additional improvements to the Primary Entrance Road or to construct other transportation or pedestrian improvements on the Property or in the vicinity of the Property.

In connection with the improvement of the Primary Entrance Road under either scenario set out above, Developer shall not be required to improve or upgrade the existing pipes located under the Primary Entrance Road since this is an existing condition.

D. Prior to the issuance of the one-hundredth (100th) certificate of occupancy for a single family attached dwelling unit constructed on the Property, the pedestrian and vehicular connection from Development Area C to the adjacent existing shopping center that is depicted on the Concept Plan shall be completed and open to pedestrian and vehicular traffic.

E. Prior to the issuance of the one-hundredth (100th) certificate of occupancy for a single family attached dwelling unit constructed on the Property, Developer shall pay the sum of One Hundred and Twenty Five Thousand and No/100 Dollars (\$125,000.00) to the Town (the "**Crossing Funds**"), which Crossing Funds shall be used by the Town to construct or fund a potential future crossing or bridge and a street connection from the Property to that parcel of land located to the west of the Property that is designated as Parcel No. 07099021 on the Union County Tax Maps. More specifically, Developer shall construct that street segment designated as "**Street Segment A**" on the Concept Plan to that point designated as "**Terminus of Street Segment A**" on the Concept Plan. The Terminus of Street Segment A is located approximately 95 feet from the western boundary line of the Property. Developer shall dedicate right of way from the terminus of Street Segment A to the western boundary line of the Property as generally depicted on the Concept Plan to accommodate the potential future crossing or bridge and a street connection from the Terminus of Street Segment A to Parcel No. 07099021 to be constructed by others. Developer's sole obligation with respect to the construction or funding of the crossing or bridge and the street connection from the Terminus of Street Segment A to Parcel No. 07099021 shall be the donation of the Crossing Funds and the dedication of the relevant right of way. In the event that the crossing or bridge and the street connection from the Terminus of Street Segment A to Parcel No. 07099021 is not permitted for construction within 15 years of the date on which the Crossing Funds are paid to the Town by Developer, the Town may use the Crossing Funds to construct other transportation or pedestrian improvements on the Property or in the vicinity of the Property.

F. The internal streets to be constructed on the Property as depicted on the Concept Plan shall meet the applicable cross section set out on **Exhibit J** attached hereto and incorporated herein by reference. Notwithstanding the foregoing and as described above, the Primary Entrance Road shall meet the requirements of Section 4.C above.

5. Streetscape Treatment.

A. The streetscape treatment along the Property's public street frontages shall comply with the requirements of the Ordinance.

B. The stream crossing located in Development Area B that is more particularly designated on **Exhibit K** attached hereto and incorporated herein by reference will be an enhanced crossing

with a guardrail lined with shrubs and two - 2 foot by 2 foot brick veneer columns and shall be substantially similar in appearance to the crossing design set out on **Exhibit K**.

C. Developer shall install stamped asphalt accent crosswalks at the public street intersection located at the boundary between Development Area A and Development Area B as depicted on **Exhibit K**.

D. Developer shall install a stamped concrete accent crosswalk within Development Area B in the location designated on **Exhibit K**.

E. Decorative street lights will be installed on the public streets on the Property. The decorative street lights to be installed on the public streets on the Property shall be the decorative street lights depicted on **Exhibit L** attached hereto or another type of decorative street light approved by the Development Administrator.

F. Landscape enhancements shall be installed at the entrances to the multi-family parking lots to ensure the screening of the parking lots from the adjacent public streets, and such landscape enhancements will be shown on the landscape plan submitted for permitting.

6. **Greenway and Open Space.**

A. Greenway trails will be constructed on the Property as shown on the trail and sidewalk exhibit attached hereto as **Exhibit M** and incorporated herein by reference. The greenway trails shall meet the applicable standards set out in the Town of Stallings Parks, Recreation and Greenway Master Plan, which standards are set out on **Exhibit M**.

B. An on street trailhead will be constructed by Developer on the Primary Entrance Road at the signalized intersection of Idlewild road and the Primary Entrance Road as depicted on the Concept Plan. The trailhead will be constructed and bonded as part of the widening of the Primary Entrance Road described above.

C. Greenway trails and signage will be built to Town specifications and installed at Developer's expense. Each greenway trail designated as a "Public Greenway Trail" on **Exhibit M** shall be donated to the Town at no cost to the Town and placed into the Town's trail maintenance system. Each Public Greenway Trail shall be constructed and completed by Developer prior to the issuance of the fiftieth (50th) certificate of occupancy for a single family attached dwelling unit constructed on the Property.

D. Open space shown on the Concept Plan to be constructed on the Property shall comply with the open space requirements of the Ordinance.

E. A buffer shall be installed on Development Area B between a multi-family building and the adjacent Vickery neighborhood in the location depicted on **Exhibit N** attached hereto and incorporated herein by reference. The buffer shall comply with the standards set out on **Exhibit N**.

7. Trash Removal

A. Dumpster pick up will occur between the hours of 8:00 am and 6:00 pm only.

8. Architectural standards

A. Height, lot dimensions and densities are established by this Agreement and the Ordinance.

B. Architectural standards for the multi-family buildings to be constructed on the Property are depicted and set out on the building elevation drawings attached hereto as **Exhibit O** and incorporated herein by reference. Minor revisions or modifications to the architectural standards must be approved by the Development Administrator and the Planning Board.

C. The minimum floor to ceiling height for each floor of the multi-family buildings to be constructed on the Property shall be 9 feet.

D. Building elevations for the single family attached dwelling units must be reviewed and approved by the Development Administrator and the Planning Board prior to the approval of preliminary plans for Development Area A to ensure the consistency of such elevations with the standards set out in Section 8.G below.

E. A fountain shall be installed within the storm water pond located on Development Area C to minimize the buildup of algae in such storm water pond and for aesthetic purposes. With respect to the storm water ponds to be located on the remainder of the Property, the buildup of algae may be minimized by stocking such storm water ponds with an appropriate species of fish. In the event that the stocking of a storm water pond with fish does not minimize the buildup of algae in such storm water pond as determined by the Town Engineer during the Town Engineer's annual inspection, then a fountain will be required to be installed in such storm water pond.

F. Single family attached dwelling units may have a maximum height in stories of three stories.

G. Additional architectural requirements for the buildings containing single family attached dwelling units are as follows:

Proposed architectural standards – Idlewild Mixed-Residential	
1.	Stoops, balconies, porches, and bay windows may encroach within front and corner side setbacks. No elements, including steps, shall project over the property line at the ground level.
2.	Corner/end townhome units located at the termination of a view corridor shall contain 4 symmetrical windows and enhanced landscaping. The windows may be faux windows or shutters. The corner/end townhome units to which this requirement applies are designated on Exhibit P attached hereto and incorporated herein by reference and the required enhanced landscaping is depicted on Exhibit P .
3.	Fences, garden walls, and hedges may be built on property lines or as a continuation of building walls. Maximum height 4 feet at street frontage, 8 feet at interior side and rear.
4.	Porch depth shall be a minimum of 5 feet.

5.	First floor minimum elevation shall be 18" above sidewalk as measured at the center of the townhome unit.
6.	A minimum of 18 inches of the base of the building wall shall be clad in brick or stone.
7.	Exterior walls shall be finished in cementitious siding, stucco, brick or stone or combinations of the foregoing.
8.	Walls may be built of no more than two materials and shall only change material along a horizontal line, typically at a floor line or a gable end, with the heavier material below the lighter.
9.	Chimneys shall be finished with brick, stone or stucco and shall be a minimum 2:1 proportion in plan and capped to conceal spark arresters. Fireplace enclosures and chimneys shall extend to the ground.
10.	Porches, columns, posts, spindles, balusters shall be made of wood. Porches may be enclosed with glass or screen of a maximum of 30% of their length.
11.	Stoops will be made of wood, brick or concrete. If concrete, a stoop will have brick, stone or stucco foundation walls.
12.	Decks shall be located in rear yards only and shall be painted or stained.
13.	The following shall be located in rear yards only provided they are not visible from the fronting street or a public right of way: <ul style="list-style-type: none"> a) HVAC equipment b) Utility meters c) Satellite dishes d) Permanent grills e) Permanent play equipment f) Hot tubs HVAC and utility meters may be located in a side yard if screened from view and no closer than 5 feet from side property lines.
14.	Porch piers shall be a minimum of 8" x 8". A wooden porch pier shall have a base cap at the bottom of the wooden pier (e.g., where the wooden porch pier ties into the surface of the porch) that provides protection from the elements.
15.	Wood elements must be painted or stained with an opaque or semi-solid stain, except walking surfaces may be left natural.
16.	Roofs shall be clad in corrugated 5v crimp or standing seam galvanized steel, galvaline, or copper, asphaltic or fiberglass shingles shall be architectural grade.
17.	Principle roofs shall be a symmetrical gable or hip with a solo of 6:12 to 10:12, unless otherwise agreed upon through the development agreement process.
18.	Interior ceilings will have a minimum height of 9' on the first floor of a multi-story townhome unit.
19.	Windows shall be encased. Attached hereto as Exhibit Q and incorporated herein by reference is a representative photograph of a window that meets this requirement. Soffits may be clad in vinyl.
20.	Eaves which overhang less than 8" shall be closed soffit. Eaves which overhang more than 16' shall have exposed rafters. Eaves which overhang 8' and 16' shall have either a closed soffit or exposed rafters. Rafter tails may not exceed 8" in depth.
21.	Doors shall be clad or made of wood, glass, fiberglass or steel. Doors shall be painted or stained.
22.	Bay windows shall be made of trim lumber with corner trim no less than 6".

23.	Shutters shall be fiberglass composite or painted wood.
24.	Storm windows and screens shall be integral with the window.
25.	Front doors, including the entry door to the porch on a side yard shall be located on the frontage line.
26.	Garage doors on each unit shall be carriage style garage door and the garage door will contain hardware. Garage doors shall be painted or stained. Attached hereto as Exhibit R and incorporated herein by reference is a representative photograph of a garage door meets this requirement.

9. Law in Effect at the Time of the Agreement Governs the Development of the Project. The laws, land development regulations and ordinances applicable to the development of the Project are those in force as of the date of this Agreement. Accordingly, Developer and its successors in interest shall have a vested right to develop the Project in accordance with the Concept Plan, the terms of this Agreement and the terms of the Ordinance and any applicable laws, land development regulations and ordinances as they exist as of the date hereof during the entire term of this Agreement. Pursuant to N.C.G.S. § 160A-400.26 and except as provided in N.C.G.S. § 160A-385.1(e), the Town may not apply subsequently adopted laws, land development regulations, ordinances or development policies to the Project or to the Property during the term of this Agreement without the written consent of Developer or its successors in interest. Additionally, no future impact fees shall apply to the Project or to the Property without the written consent of Developer or its successors in interest. This Agreement does not abrogate any rights preserved by N.C.G.S. § 160A-385 or N.C.G.S. § 160A-385.1, or that may vest pursuant to common law or otherwise in the absence of this Agreement. The Town agrees that the specific laws, land development regulations and ordinances in force as of the date of this Agreement are more particularly set out on **Exhibit S** attached hereto and incorporated herein by reference, and are on file with the Town.

10. Term. The term of this Agreement shall commence on the Effective Date and shall expire fifteen (15) years thereafter on _____ unless sooner terminated by the mutual consent of the parties hereto or their successors in interest, or unless extended by the mutual consent of the parties hereto or their successors in interest.

11. Local Development Permits. In accordance with N.C.G.S. § 160A-400.25(6), the following is a description or list of the local development permits approved or needed to be approved for the development of the Project:

- A. Erosion and Sediment Control Permit (Union County).
- B. Water Extension Permit (NCDENR).
- C. Sewer Extension Permit (NCDENR).
- D. NCDOT Encroachment Permit.
- E. NCDOT Entrance Permit.
- F. Zoning Permits.

G. Building Permits.

H. All other local, state or federal permits required for the Project.

The failure of this Agreement to address a particular permit, condition, term or restriction does not relieve Developer of the necessity of complying with the law governing the local permitting requirements, conditions, terms or restrictions.

12. Public Facilities. The following public facilities will serve the Project: Public Sewer and Public Water.

13. Sewer and Water Lines. Developer, at its sole cost and expense, shall engineer, design, permit, construct and install the water and sewer lines to be located within the Project (the "**Internal Water and Sewer Lines**"). The Internal Water and Sewer Lines shall be engineered, designed, constructed and installed in accordance with all applicable federal, state and local laws, regulations, ordinances and policies. The Internal Water and Sewer Lines shall be transferred to Union County for ownership and maintenance after they have been constructed and installed.

14. Amendment. The terms of this Agreement may be amended by the mutual consent of the parties hereto or their successors in interest. A major modification of the terms of this Agreement shall follow the same procedures as required for the initial approval of this Agreement. A minor amendment to the Concept Plan approved by the Town of Stallings Development Administrator shall not be considered to an amendment to this Agreement.

15. Recordation/Binding Effect. Within fourteen (14) days after the Town enters into this Agreement, Developer shall record this Agreement in the Union County Public Registry. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties hereto.

16. Periodic Review.

A. Pursuant to N.C.G.S. § 160A-400.27, the Development Administrator or other Town Manager designee shall conduct a periodic review, (the "**Periodic Review**") at least every 12 months, at which time Developer shall be required to demonstrate good faith compliance with the terms of this Agreement.

B. If, as a result of the Periodic Review, the Town finds and determines that Developer has committed a material breach of the terms or conditions of the Agreement, the Town shall serve notice in writing, within a reasonable time after the Periodic Review, upon Developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing Developer a reasonable time in which to cure the material breach.

C. If Developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the Agreement; provided, however, that the notice of termination or modification or finding of breach may be appealed to the Board of Adjustment in the manner provided by N.C.G.S. § 160A-388(b).

17. Default. The failure of Developer or the Town to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting party to pursue such remedies as allowed under applicable law, provided, however, that no termination of this Agreement may be declared by the Town absent its according to Developer the notice and opportunity to cure set out in N.C.G.S. § 160A-400.27. In addition to any other rights or remedies, either party may institute legal action to cure, correct, or remedy any default or breach, to specifically enforce any covenants or agreements set forth in the Agreement or to enjoin any threatened or attempted violation of the Agreement; or to obtain any remedies consistent with the purpose of the Agreement. Legal actions shall be instituted in the Superior Court of the County of Union, State of North Carolina, or in the Federal District Court in the Western District, and the parties hereto submit to the personal jurisdiction of such courts without application of any conflicts of laws provisions of any jurisdiction. Notwithstanding anything contained herein to the contrary, the violation of any rule, policy, regulation, ordinance or law by a homeowner or builder in the Development shall not be considered to be an event of default under this Agreement. That being said, the Town is not waiving its ability or right to enforce the Ordinance or any other Town regulation in accordance with the terms of the Ordinance or any such regulation.

18. Notices. Any notice, demand, request, consent, approval or communication which a signatory party is required to or may give to another signatory party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such party may from time to time direct by written notice given in the manner herein prescribed, and such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or if by mail on the fifth (5th) business day after the deposit thereof in the United States Mail, postage prepaid, registered or certified, addressed as hereinafter provided. All notices, demands, requests, consents, approvals or communications to the Town shall be addressed to:

The Town at: Town of Stallings
c/o Town Manager
315 Stallings Road
Stallings, North Carolina 28104

Developer at: _____

19. Entire Agreement. This Agreement sets forth, and incorporates by reference all of the agreements, conditions and understandings between the Town and Developer relative to the Property and the Project and there are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among these parties relative to the matters addressed herein other than as set forth or as referred to herein.

20. Construction. The parties agree that each party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.

21. Assignment. After notice to the Town, Developer may assign its rights and responsibilities hereunder to subsequent land owners of all or any portion of the Property, provided that no assignment as to a portion of the Property will relieve Developer of responsibility with respect to the remaining portion of the Property owned by Developer without the written consent of the Town. In the event that Developer sells the Property in its entirety and assigns its rights and responsibilities to a subsequent land owner, then Developer shall be relieved of all of its covenants, commitments and obligations hereunder.

22. Excluded Property. Notwithstanding anything contained herein to the contrary, the following property that is conveyed by Developer to a third party shall not be subject to or encumbered or burdened by this Agreement:

A. A lot containing a single family attached dwelling unit for which a certificate of occupancy has been issued.

23. Governing Law. This Agreement shall be governed by the laws of the State of North Carolina.

24. Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute one and the same instrument.

25. Agreement to Cooperate. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action; provided, however, each party shall retain the right to pursue its own independent legal defense.

26. Agreements to Run with the Land. This Agreement shall be recorded in the Union County Registry. The Agreements contained herein shall be deemed to be a lien upon, binding upon and run with the land and shall be binding upon and an obligation of all successors in the ownership of the Property unless otherwise provided herein.

27. Hold Harmless. Developer agrees to and shall hold the Town, its officers, agents, employees, consultants, special counsel and representatives, harmless from liability for damages, just compensation, restitution, judicial or equitable relief arising out of claims for personal injury, including health, and claims for property damage which may arise from the direct or indirect operations of Developer or their contractors, subcontractors, agents, employees or other persons acting on their behalf which relates to the Project. Developer agrees to pay all costs for the defense of the Town and its officers, agents, employees, consultants, special counsel and representatives regarding any action for damages, just compensation, restitution, judicial or equitable relief caused or alleged to have been caused by reason of Developer's actions in connection with the Project. This hold harmless Agreement applies to all claims for damages, just compensation, restitution, judicial or equitable relief suffered or alleged to have been suffered by reason of the events referred to in this paragraph. The Town may make all reasonable decisions with respect to its representation in any legal proceeding.

Notwithstanding the foregoing, Developer's obligation to indemnify and hold the Town harmless shall not extend to any claims, losses or damages that arise from the acts or omissions of the Town and/or its officers, agents, employees, consultants, special counsel, contractors and

representatives as well as any claims, losses or damages arising from the gross negligence or willful misconduct of the Town and/or its officers, agents, employees, consultants, special counsel, contractors and representatives.

28. Severability. If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions.

29. No Pledge of Taxing Power or Governmental Authority. No provision of this Agreement shall be construed or interpreted as (1) creating a pledge of faith and credit of the Town within the meaning of any constitutional debt limitation, (2) delegating governmental powers, or (3) a donation or a lending of the credit of the Town within the meaning of the Constitution of the State of North Carolina. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of Town monies, or operate beyond its intended scope so as to restrict, to any extent prohibited by law, any future action or right of action on the part of the Town of Stallings Town Council. To the extent of any conflict between this section and any other provision of this Agreement, this section shall take priority. Town has pre-audited this Agreement and the obligations hereunder to ensure compliance with budgetary accounting requirements (if any) that may apply. This Agreement is conditioned upon, and shall not be operative until, any required pre-audited certification is supplied.

30. Authority. Each party represents that it has undertaken all actions necessary for corporate or public approval of this Agreement, and that the person signing this Agreement has the authority to bind the Developer or the County.

[SIGNATURES AND ACKNOWLEDGEMENTS ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the parties hereby set their hands and seals, effective the date first above written.

Developer:

Douglas I. Marsh

Teri Thomas Marsh

Danny E. Price

Robin C. Price

Dee L. Rittenour

Patricia A. Rittenour

Gerald Lee Funderburk

Robin Funderburk

State of North Carolina
County of _____

I certify that the following persons personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Douglas I. Marsh and Teri Thomas Marsh

Date: _____

Notary Public Signature

Notary Public Printed or Typed Name

My Commission Expires: _____

State of North Carolina
County of _____

I certify that the following persons personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Danny E. Price and Robin C. Price

Date: _____

Notary Public Signature

Notary Public Printed or Typed Name

My Commission Expires: _____

State of North Carolina
County of _____

I certify that the following persons personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Dee L. Rittenour and Patricia A. Rittenour

Date: _____

Notary Public Signature

Notary Public Printed or Typed Name

My Commission Expires: _____

State of North Carolina
County of _____

I certify that the following persons personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document:

Gerald Lee Funderburk and Robin Funderburk

Date: _____

Notary Public Signature

Notary Public Printed or Typed Name

My Commission Expires: _____

Town:

TOWN OF STALLINGS, NORTH CAROLINA

By: _____

Name: _____

Title: Mayor _____

ATTESTED BY:

Erinn E. Nichols, Town Clerk

North Carolina
County of Union

I, _____, a Notary Public for _____ County, North Carolina, do hereby certify that Erinn E. Nichols personally appeared before me this day and acknowledged that she is the Clerk of the Town of Stallings, and that by authority duly given, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal, and attested by Erinn E. Nichols as its City Clerk.

Witness my hand and official seal this the _____ day of May, 2019.

Notary Public Signature

Notary Public Printed or Typed Name

My Commission Expires: _____

APPROVED AS TO FORM:

Melanie Cox, Town Attorney

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Marsha Gross, Finance Director

EXHIBIT "A"

Stallings-Marsh Property

EXHIBIT "B"

Union-Marsh Property

EXHIBIT "C"

Price Property

EXHIBIT "D"

Rittenour Property

EXHIBIT "E"

Funderburk Property

EXHIBIT "F"

Description of the Property



DEVELOPMENT SUMMARY

MATTHEWS:

FRONT LOAD: 49

REAR LOAD: 66

TOTAL: 115
A MAXIMUM OF 121
UNITS ARE ALLOWED

STALLINGS:

REAR LOAD: 148

TOTAL: 148
A MAXIMUM OF 150
UNITS ARE ALLOWED

APARTMENTS: 270 TOTAL
IN 7 BUILDINGS

TOTAL NUMBER OF TOWNHOMES

FRONT LOAD (26' WIDTH): 49
REAR LOAD MATTHEWS (22' WIDTH): 66
REAR LOAD STALLINGS (20' WIDTH): 148
TOTAL: 263
MAX TOTAL: 271



BOHLER
ENGINEERING NC, PLLC
197 S. TRENCH STREET, SUITE 200 CHARLOTTE, NC 28203
PHONE: (704) 776-7200 FAX: (704) 776-7242

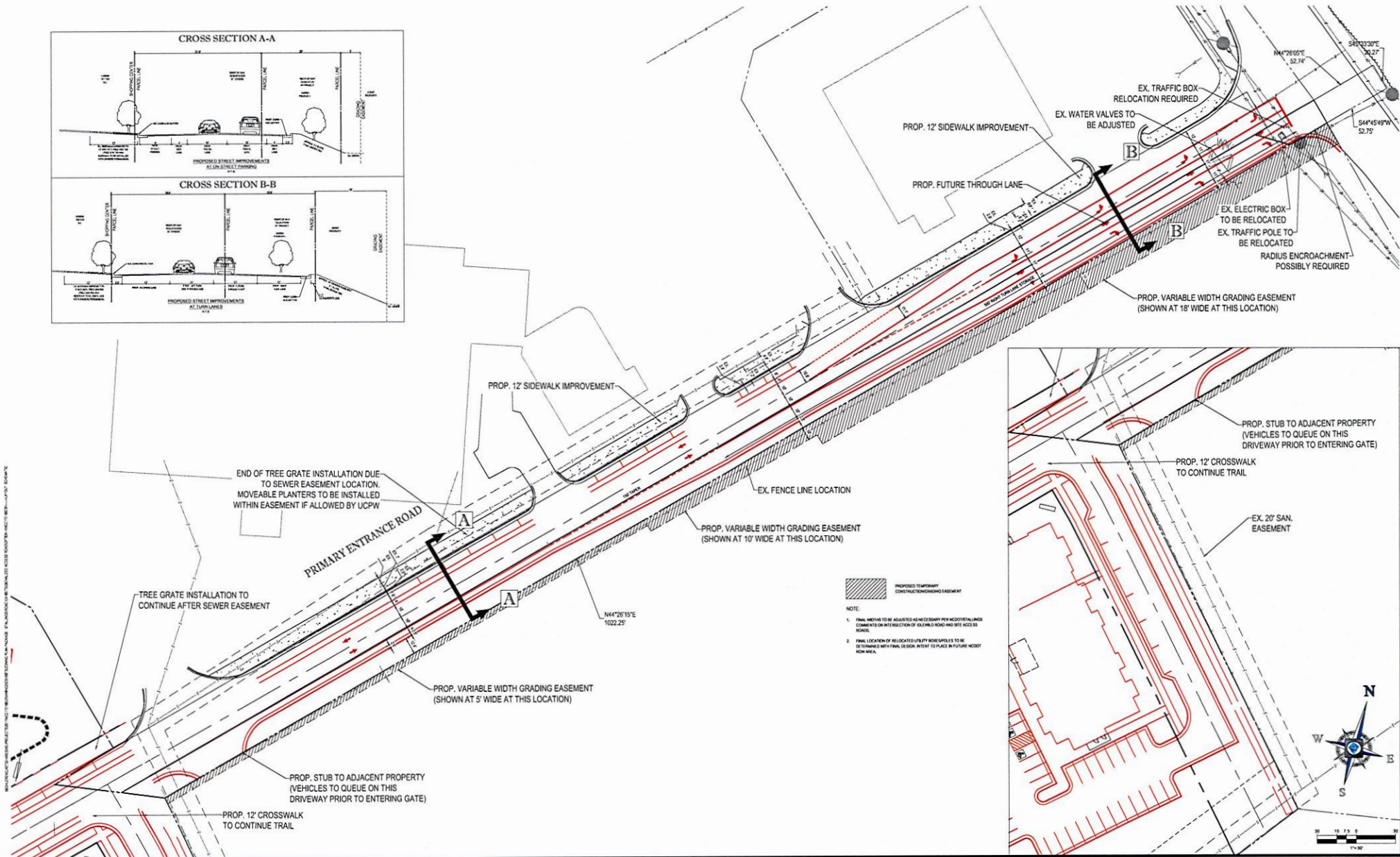
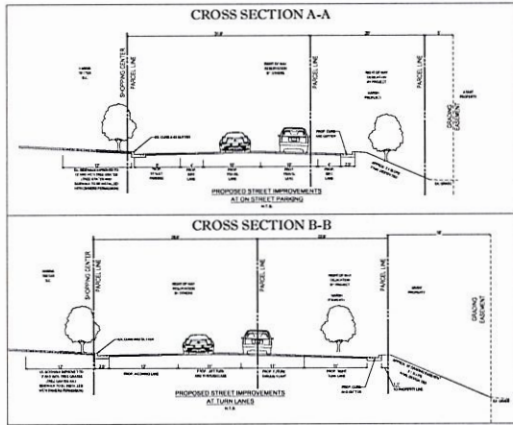
IDLEWILD RESIDENTIAL EXHIBIT G

MATTHEWS/STALLINGS, NC



09/26/18 | OOR | NCC172168

RZ-6



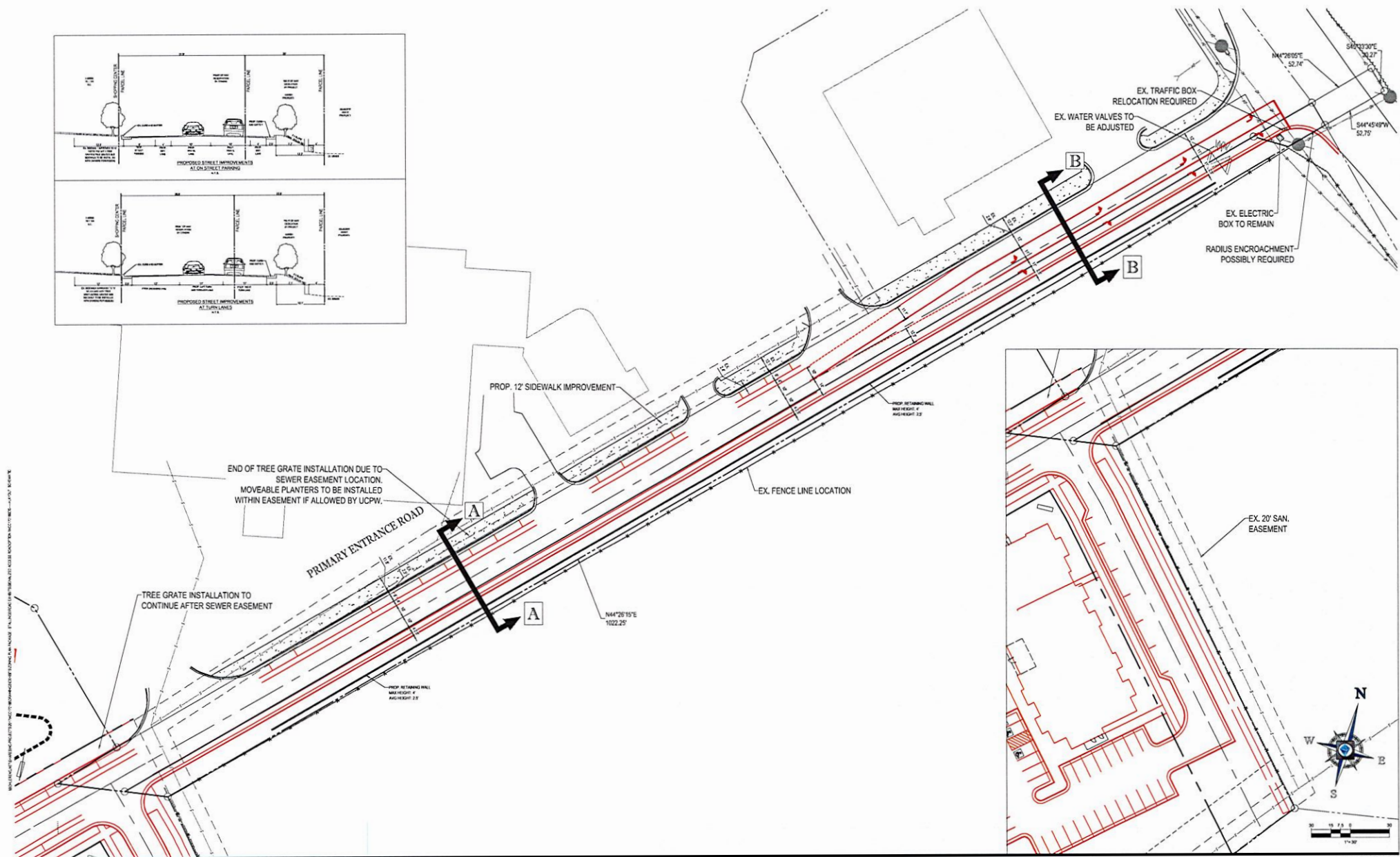
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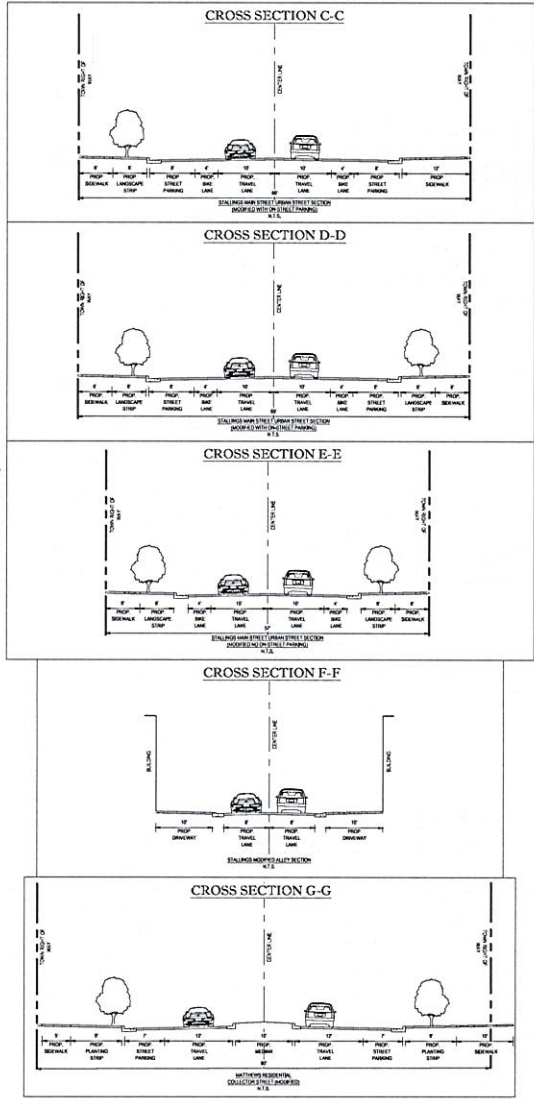
IDLEWILD RESIDENTIAL EXHIBIT H

STALLINGS PRIMARY ENTRANCE EXHIBIT
MATTHEWS/STALLINGS, NC



IDLEWILD RESIDENTIAL EXHIBIT I

STALLINGS PRIMARY ENTRANCE EXHIBIT
MATTHEWS/STALLINGS, NC



LOCATION MAP

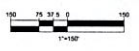
BOHLER
ENGINEERING, P.C., PLLC

1007 S. TROTON STREET, SUITE 310 CHARLOTTE, NC 28203
PHONE: (704) 361-3400 FAX: (704) 361-3401

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IDLEWILD RESIDENTIAL EXHIBIT J

INTERNAL STREET CROSS SECTION EXHIBIT
MATTHEWS/STALLINGS, NC



SW18 (DR) | NOC172166

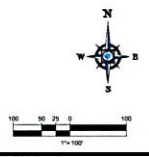


IDLEWILD RESIDENTIAL EXHIBIT K

STALLINGS SITE FEATURES EXHIBIT
 MATTHEWS/STALLINGS, NC

BOHLER
 ENGINEERING NC, PLLC
 1027 S. TRYON STREET, SUITE 310 CHARLOTTE, NC 28203
 PHONE: (800) 777-3468 FAX: (800) 777-3467

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05W19 | COH | NC172186

Streetworks

DESCRIPTION

The ACN/ARC/CLB Generation Series is a marriage of traditional shapes and contemporary styling. Its superior photometrics offer excellent illumination and uniformity for many of today's applications. Its styling blends well in many settings – historic districts, downtown streetscapes, roadways, residential neighborhoods, as well as city parks and educational institutions. The Generation Series sets a new standard for decorative post top luminaires.

Catalog #		Type
Project		
Comments		Date
Prepared by		

SPECIFICATION FEATURES

Construction

HOUSING: Heavy-duty cast aluminum housing and removable door. A single quarter turn fastener on the removable door provides tool-less access to wiring compartment. **CAGE ASSEMBLIES:** Cage assembly uprights and medallions are manufactured of heavy-duty cast aluminum and mounted to the exterior of the base housing via four stainless steel fasteners. Cage rings constructed of extruded aluminum and finished to match housing. **TOPS AND FINIALS:** Choose from multiple spun aluminum or acrylic tops and cast aluminum finials for customized fixture style. All solid tops are made of heavy-duty spun aluminum. **TWISTLOCK GLOBE:** The optional twistlock assembly offers ease of maintenance through instant access to both the lamp and ballast cover by twisting the top refractor assembly and lifting it from the mating lock plate.

Electrical

HID ballast assembly mounted to a tool-less removable tray with quick disconnects for ease of installation and maintenance. Wide tool-less access door provides ample hand and tool room for terminal block and plug-in starter access. Available with HID sources up to 320W pulse start metal halide or 250W high pressure sodium.

Optical

REFRACTIVE GLOBE: High efficiency refractive optical systems constructed of lighting grade acrylic, or optional polycarbonate. Precisely designed utilizing a combination of refractive and reflective prisms to create Type III or Type V distributions while maintaining a consistent exterior form. HID lighting grade acrylic ensures long lasting optical clarity and resistance to the gradual discoloration that results from exposure to sunlight or UV radiating sources.

Mounting

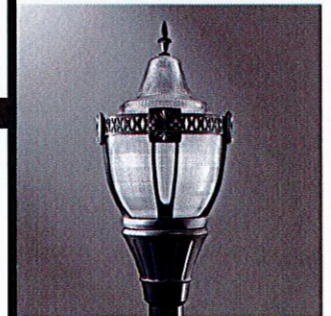
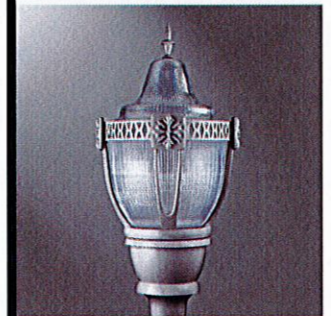
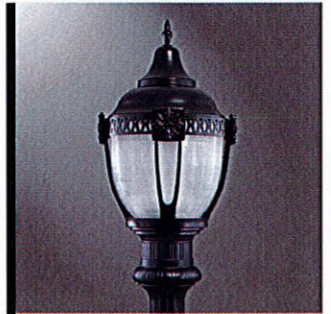
Base casting slipfits over a standard 3" O.D. tenon and secured via four stainless steel allen head fasteners. 3G vibration tested.

Finish

Cast and spun components finished in a five-stage premium TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. Consult your Streetworks representative for a complete selection of standard colors including black, bronze, grey, white, dark platinum, graphite metallic and hartford green. RAL and custom color matches available.

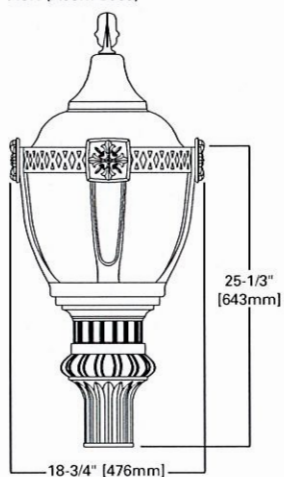
Efficiency Standards Notice

Select luminaires are manufactured to USA and California efficiency regulations. Ordering information for these territories is provided. The installer is responsible for installation to comply with these regulations.

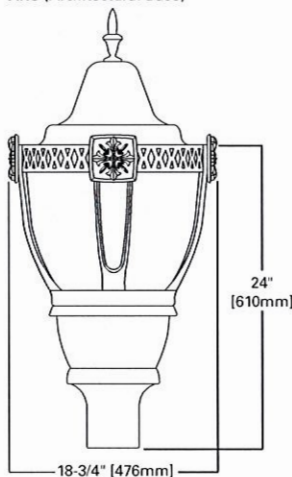


DIMENSIONS

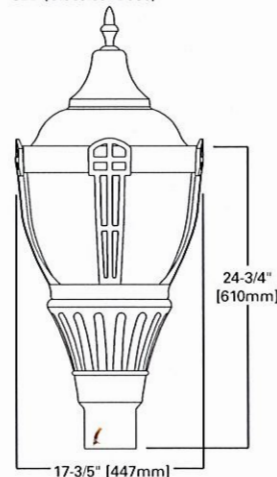
ACN (Acorn Base)



ARC (Architectural Base)



CLB (Classical Base)



ACN/ARC/CLB GENERATION SERIES

70 - 320W
Pulse Start Metal Halide
50 - 250W
High Pressure Sodium

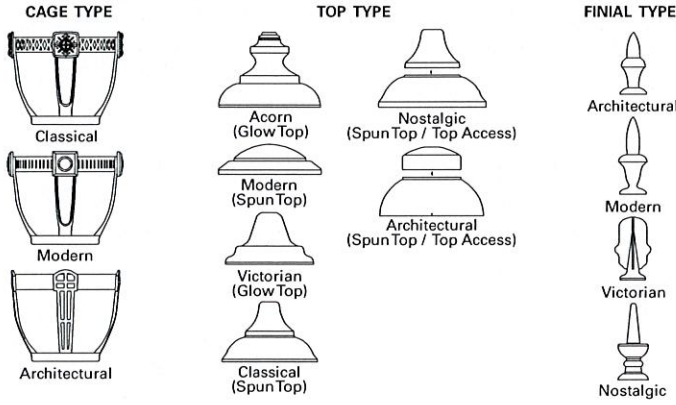
DECORATIVE POST TOP
LUMINAIRE

EPA
Effective Projected Area:
2.1 Square Feet

SHIPPING DATA
Approximate Net Weight:
50 lbs. (23 kgs.)

IDLEWILD RESIDENTIAL EXHIBIT L

CONFIGURATIONS



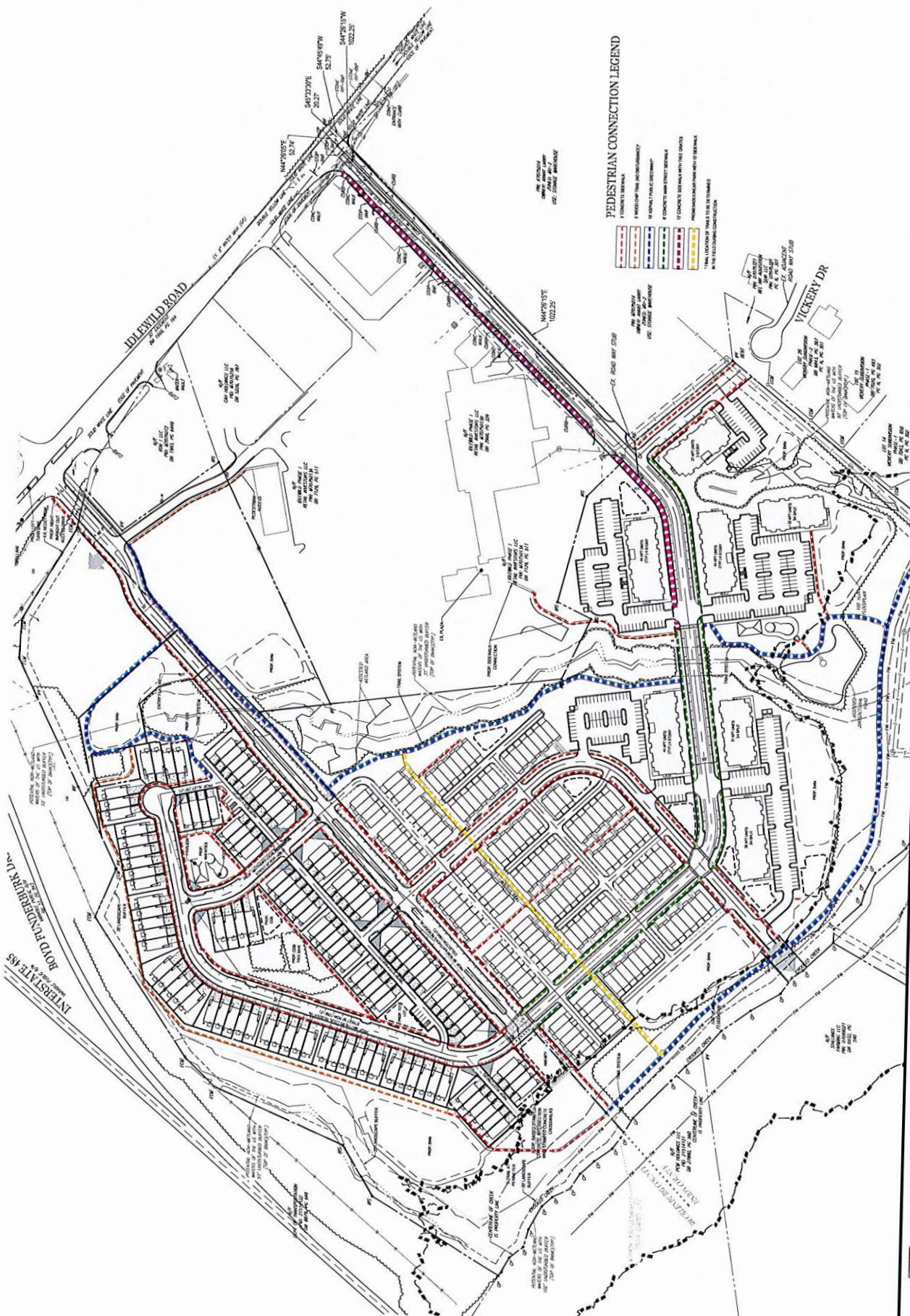
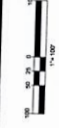
ORDERING INFORMATION

Sample Number: ACN17PWW3322BK

Product Family ¹	Lamp Wattage ²	Lamp Type ³	Ballast Type ³	Voltage ³	Refractor Type	Cage Type ⁹	Top Type	Finial Type
ACN=Acorn Base ARC=Architectural Base CLB=Classical Base	Pulse Start Metal Halide 70=70W 10=100W 15=150W 25=250W 32=320W High Pressure Sodium 50=50W 70=70W 10=100W 15=150W 25=250W	P=Pulse Start Metal Halide S=High Pressure Sodium	H=Reac./HPF K=10kV CWA ⁴ N=Hi.Reac./NPF P=Hi.Reac./HPF ⁵ R=Reac./NPF ⁶ W=CWA ⁷	2=120V 0=208V 4=240V 7=277V 8=480V ⁸ 9=347V W=Multi-Tap wired 120V N=Multi-Tap wired 277V	33=Type III 55=Type V	Classical 1=Classical A=Classical Sun Gold B=Classical Antique Gold C=Classical Colonial Bronze Modern 2=Modern D=Modern Sun Gold E=Modern Antique Gold F=Modern Colonial Bronze Architectural 3=Architectural G=Architectural Sun Gold H=Architectural Antique Gold J=Architectural Colonial Bronze X=None	1=Acorn 2=Modern 3=Victorian 4=Classical 6=Nostalgic (Top Access) 7=Architectural (Top Access)	1=Victorian 2=Modern 3=Architectural 4=Nostalgic X=None
Color	Options (Add as Suffix)				Accessories (Order Separately)			
AP=Grey BZ=Bronze BK=Black DP=Dark Platinum GN=Hartford Green GM=Graphite Metallic WH=White	1=Single Fuse (120, 277 or 347V. Specify Voltage) 2=Double Fuse (208, 240 or 480V. Specify Voltage) 4=NEMA Photocontrol Receptacle A=Twistlock Globe R=Downlight Reflector L=Lamp Included B=Decorative Brass Banding ¹⁰ C=Copper Accents U=UL/CSA Listed				AA2000=House Side Shield - Mogul-base Socket AA2001=House Side Shield - Medium-base Socket			

NOTES:

- Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WP513001EN for additional support information.
- Medium-base pulse start metal halide is standard in 150W and below.
- Consult an Eaton representative for lamp/ballast type/voltage compatibility.
- Available 50-150W, 120/240V or single voltage only.
- Pulse start metal halide EISA compliant high reactance ballasts are available in 70, 100 and 150 watts.
- Available in 120V only.
- Pulse start metal halide EISA compliant constant wattage autotransformer (CWA) ballasts are available in 150, 250 and 320 watts.
- Pulse start metal halide 150W 480V requires high reactance to meet EISA requirements.
- Cage type painted to match housing.
- Available Acorn and Victorian tops only. Finial finished in gold.



PEDESTRIAN CONNECTION LEGEND

- 1 SIDEWALK
- 2 SIDEWALK WITH CURB CUT
- 3 SIDEWALK WITH STREET LIGHTS
- 4 SIDEWALK WITH STREET LIGHTS AND BENCHES
- 5 SIDEWALK WITH STREET LIGHTS AND BENCHES AND BIKEWAY
- 6 SIDEWALK WITH STREET LIGHTS AND BENCHES AND BIKEWAY AND BIKEWAY
- 7 SIDEWALK WITH STREET LIGHTS AND BENCHES AND BIKEWAY AND BIKEWAY AND BIKEWAY
- 8 SIDEWALK WITH STREET LIGHTS AND BENCHES AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
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- 10 SIDEWALK WITH STREET LIGHTS AND BENCHES AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
- 11 SIDEWALK WITH STREET LIGHTS AND BENCHES AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY AND BIKEWAY
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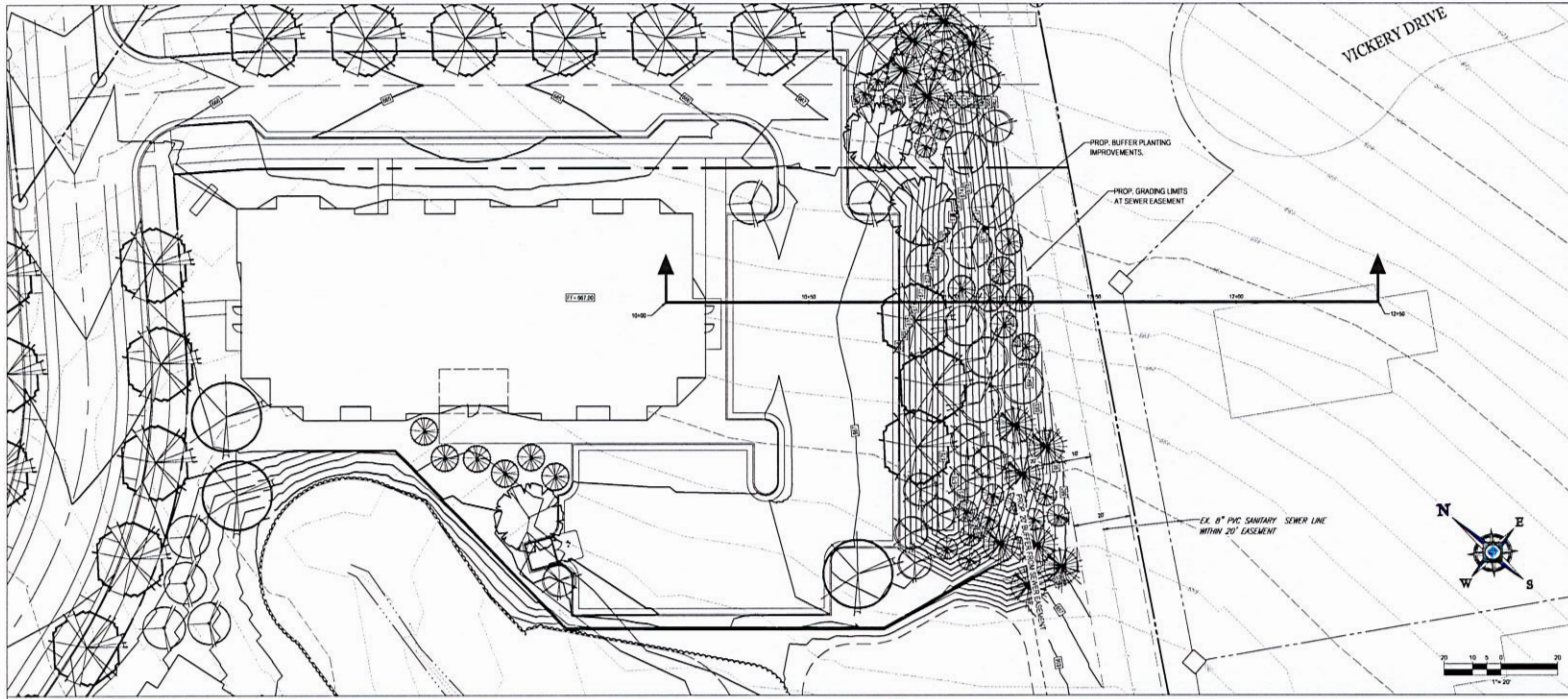
IDLEWILD RESIDENTIAL EXHIBIT M

MATTHEWS/STALLINGS, NC

BOHLER
ENGINEERING, INC., PLLC

101 S. TOWN STREET, SUITE 100, CHARLOTTE, NC 28203
704.375.1234
www.bohler-engineering.com





LARGE EVERGREEN TREES

1. MAGNOLIA GRANDIFLORA, SOUTHERN MAGNOLIA
2. PALMS STROBUS, WHITE PINE
3. PINUS TAEDA, LONGLEAF PINE

MEDIUM EVERGREEN TREES

1. JUNIPUS VIRGINIANA, EASTERN REDCEDAR
2. PINUS ARIEX, NORWAY SPRUCE
3. PINUS PUMILANS, COA. PINNACLES BLUE SPRUCE

SMALL EVERGREEN TREES

1. ILEX OPACA, AMERICAN HOLLY
2. CYTISCEMIA JAPONICA, JAPANESE CYTISCEMIA
3. ILEX ATTENUATA, TOBSTER, FORTYFIVE HOLLY

LARGE DECIDUOUS TREES

1. ACER RUBRUM, RED MAPLE
2. QUERCUS PRINCEPS, WALLOW OAK
3. ILEX AMERICANA, AMERICAN ELM

MEDIUM DECIDUOUS TREES

1. MAGNOLIA MACROPHYLLA, HOGLAY MAGNOLIA
2. QUERCUS PRINCEPS, WALLOW OAK
3. ILEX AMERICANA, AMERICAN ELM

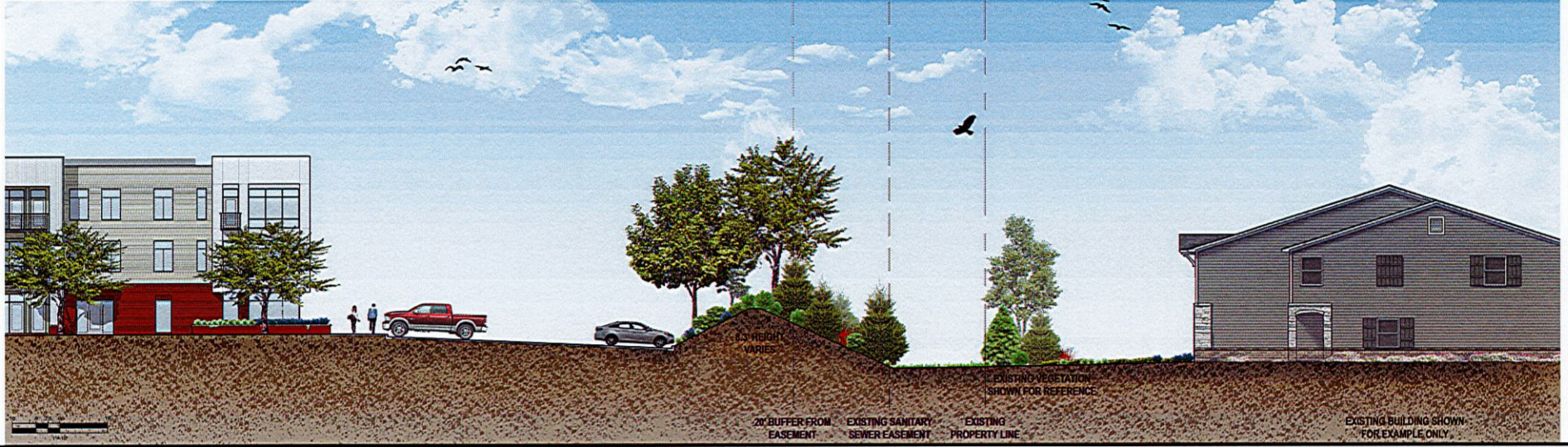
SMALL DECIDUOUS TREES

1. CORNUS KOLPA, ROUBA DOODWOOD
2. AMELANCHIER ALABAMA, ALL-GREEN BERBERIS
3. MAGNOLIA SOUL AMERICANA, SOUL MAGNOLIA

NOTE

OFF SITE EXISTING GRADES DEPICTED FROM UNION COUNTY USE. HEIGHTS AND LOCATIONS OF EXISTING SINGLE FAMILY HOMES APPROXIMATED USING AERIAL IMAGERY. FINAL GRADES ARE APPROXIMATE AND SUBJECT TO MATCH CHANGE. PENDING FINAL ENGINEERING DRAWINGS.

BUFFER OFFSETS (DISTANCES IN FEET)	
APPROXIMATE DISTANCE FROM PROPOSED IMPROVEMENT TO EXISTING TOWNHOME AT CLOSEST POINT	16'
APPROXIMATE DISTANCE FROM PROPOSED IMPROVEMENT TO EXISTING TOWNHOME	85.0'
APPROXIMATE DISTANCE FROM BOTTOM OF 20' BUFFER TO EXISTING TOWNHOME	85.0'
APPROXIMATE DISTANCE FROM CENTER OF PARCEL LOT TO EXISTING TOWNHOME	168.0'



BOHLER
ENGINEERING NC, PLLC

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IDLEWILD RESIDENTIAL EXHIBIT N

STALLINGS RESIDENTIAL BUFFER EXHIBIT
STALLINGS, NC



Side Elevation w/ Stair Tower
3/32" = 1'-0"



Front Elevation
3/32" = 1'-0"

North 44 Property Management, LLC

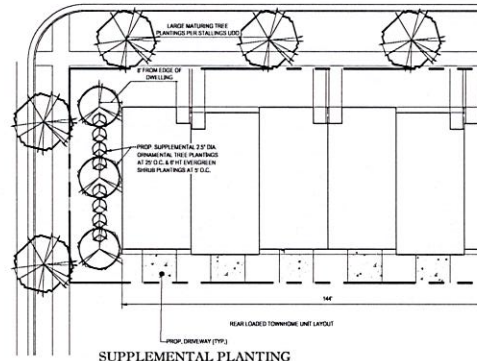
Concept Elevations
January 31, 2019

IDLEWILD RESIDENTIAL EXHIBIT O
Matthews / Stallings, North Carolina



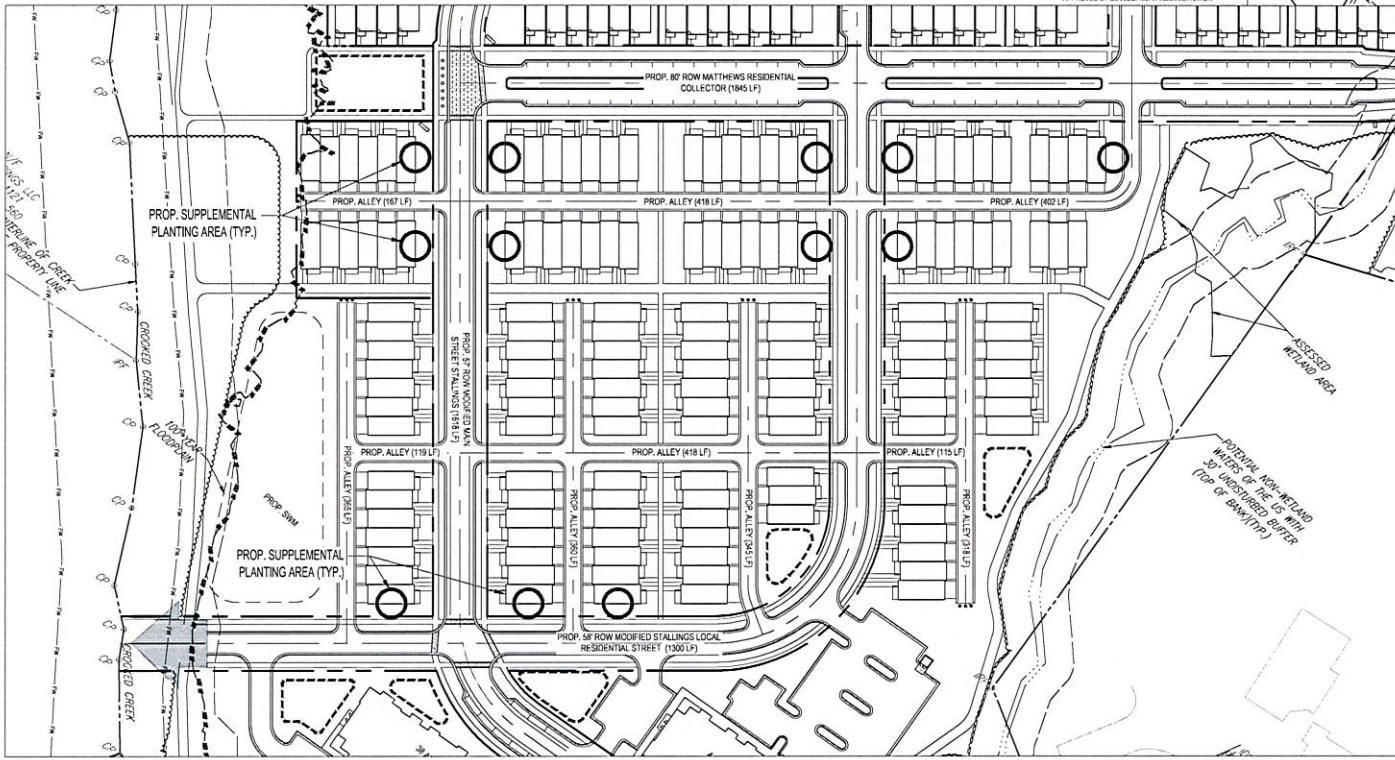
BOHLER
ENGINEERING NC, PLLC
NCBELS P-1132
1927 S. TRYON STREET, SUITE 310 CHARLOTTE, NC 28203
PHONE: (980) 272-3400 FAX: (980) 272-3401





SUPPLEMENTAL PLANTING
TYPICAL DETAIL

NOTE:
DESIGN NOT FINAL, SUBJECT TO ALTERATION AS
APPROVED BY DEVELOPMENT ADMINISTRATOR.



IDLEWILD RESIDENTIAL EXHIBIT P

STALLINGS TREE PLANTING EXHIBIT
STALLINGS, NC



THE INFORMATION, DESIGN AND CONTENT OF THIS PLAN AND PROJECT DATA SHALL NOT BE COPIED OR REPRODUCED FOR ANY PURPOSES WITHOUT THE WRITTEN PERMISSION OF BOHLER ENGINEERING NC, PLLC. ONLY APPROVED SHEETS AND ISSUED PLANS SHALL BE UTILIZED FOR CONSTRUCTION PURPOSES. © BOHLER ENGINEERING, 2017

05/06/19 | OOR | NCD172166

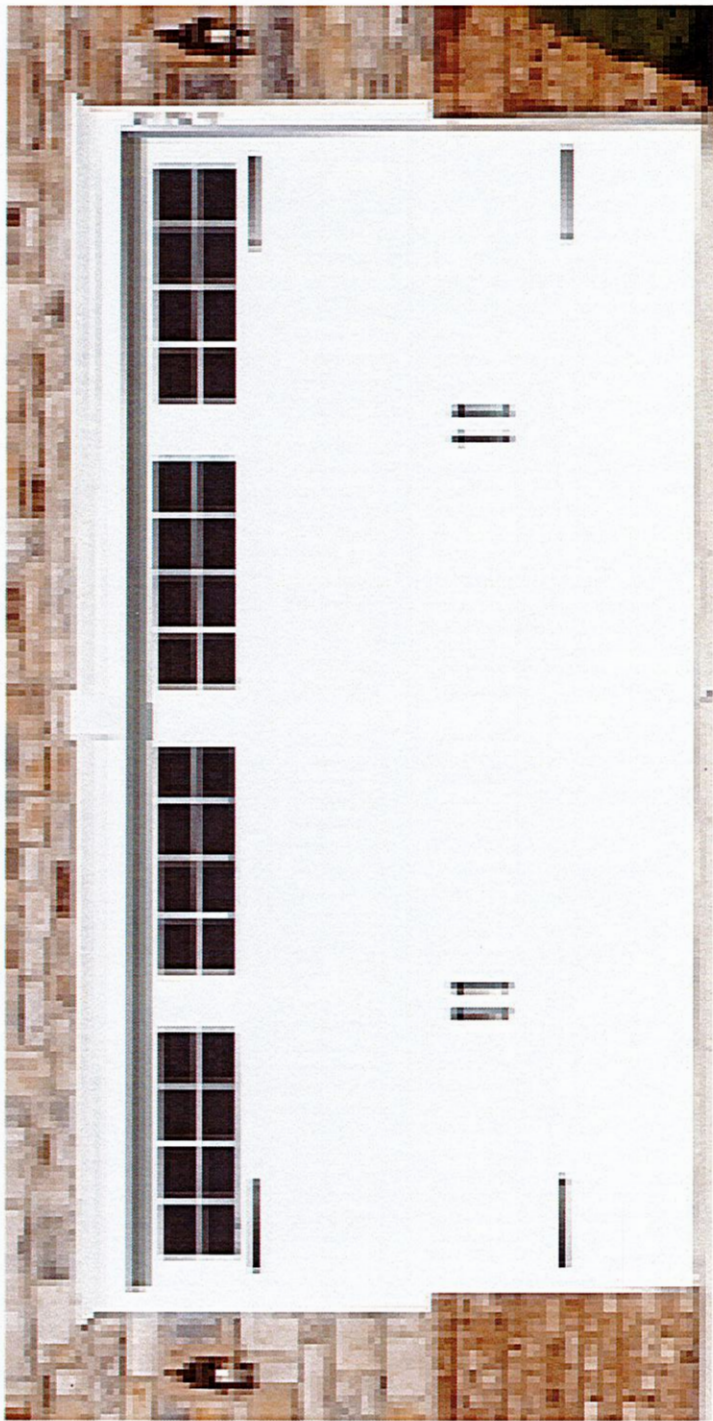
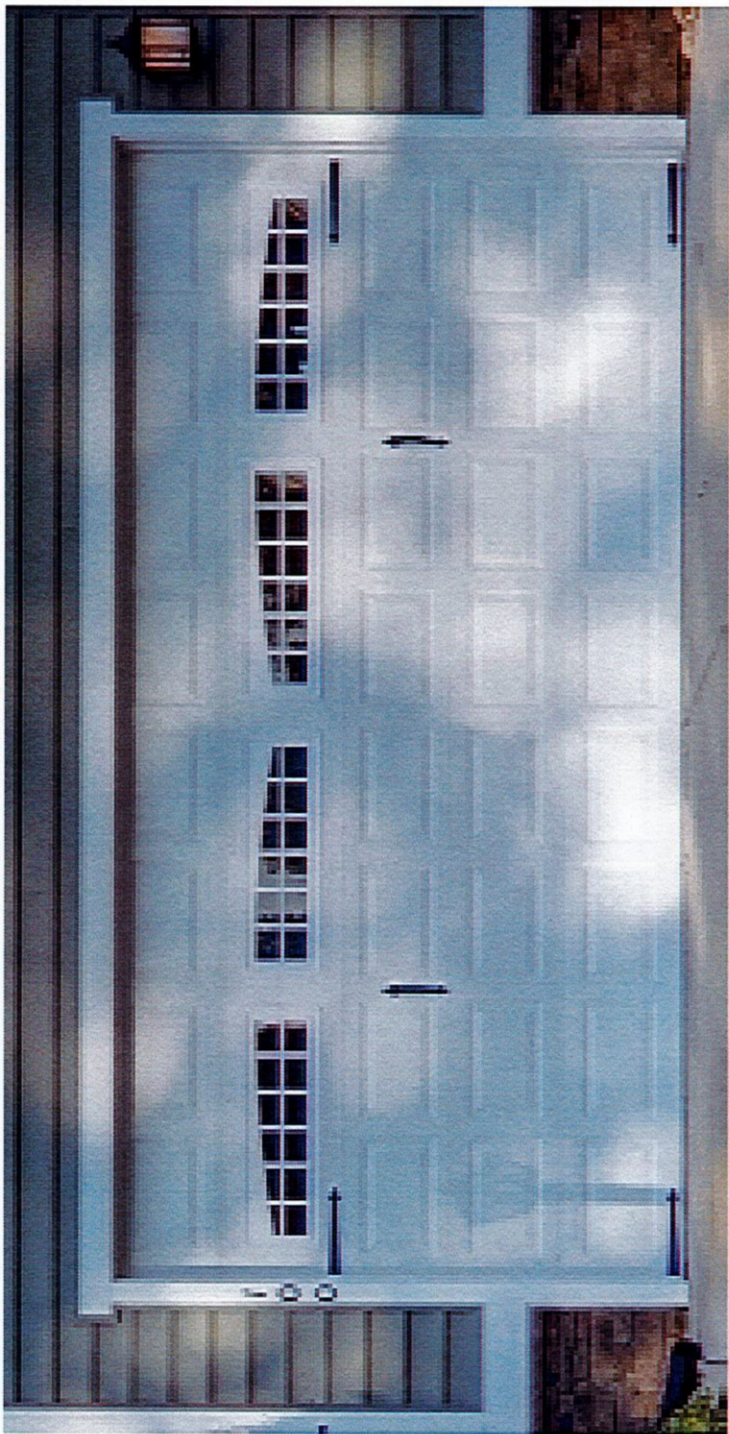


Front Elevation Window Examples



Rear Elevation Windows Example

Exhibit Q
5/06/19
Idlewild Development
Agreement
Stallings, NC



IDLEWILD RESIDENTIAL EXHIBIT R

EXHIBIT "S"

Laws in Effect at the Time of the Agreement

1. Town of Stallings Development Ordinance in force as of the Effective Date of this Agreement.
2. The Development Agreement and Concept Plan approved on May 13, 2019.
3. Town of Stallings Technical Standards and Specifications Manual in force as of the Effective Date of this Agreement.

**AMENDED BUDGET ORDINANCE – NO. 5
TOWN OF STALLINGS, NORTH CAROLINA
FISCAL YEAR 2018-2019**

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2018-2019 are hereby amended as set forth below:

Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
<u>Revenue:</u>				
<u>Expense:</u>				
Transportation Department		\$ 871,600	\$ 947,600	
Sidewalks	10-20-4510-069			\$ 76,000
General Fund Balance Appropriation	10-99-3991-600	\$ 1,665,000	\$ 1,741,000	\$ 76,000

Explanation: amendment is to appropriate funds from the General Fund to the Transportation Department for additional amount needed for the construction of Chestnut Road sidewalks.

This Amendment to the Budget Ordinance shall be effective upon adoption.

The said Budget Ordinance, except as amended, shall remain in full force and effect.

ADOPTED this the 13th day of May, 2019.

Wyatt Dunn, Mayor

Erinn Nichols, Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC

AMENDED BUDGET ORDINANCE – NO. 6
TOWN OF STALLINGS, NORTH CAROLINA
FISCAL YEAR 2018-2019

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2018-2019 are hereby amended as set forth below:

Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
Revenue:				
Expense:				
General Government		\$ 1,074,000	\$ 1,294,000	\$ 220,000
Capital Outlay	10-00-8110-099			\$ 220,000
General Fund Balance Appropriation	10-99-3991-600	\$ 1,741,000	\$ 1,961,000	\$ 220,000

Explanation: amendment is to appropriate funds from the General Fund to the General Government Department for the purchase of 329 Stallings Road, Stallings, NC.

This Amendment to the Budget Ordinance shall be effective upon adoption.

The said Budget Ordinance, except as amended, shall remain in full force and effect.

ADOPTED this the 13th day of May, 2019.

 Wyatt Dunn, Mayor

 Erinn Nichols, Town Clerk

Approved as to form:

 Melanie Cox, Town Attorney, Cox Law Firm, PLLC

AMENDED BUDGET ORDINANCE – NO. 7

Agenda Item # B.C.

TOWN OF STALLINGS, NORTH CAROLINA

FISCAL YEAR 2018-2019

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2018-2019 are hereby amended as set forth below:

Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
<u>Revenue:</u> Zoning Fees	10-40-3491-400	\$ 72,000	\$ 92,000	\$ 20,000
<u>Expense:</u> Economic and Physical Development Outside Services	10-40-4910-039	\$ 124,900	\$ 164,900	\$ 40,000
Contingency	10-99-9910-097	\$ 31,500	\$ 11,500	\$ (20,000)

Explanation: amendment is to appropriate funds from the General Fund Contingency to the Economic and Physical Development Department, increase the Zoning Fee Revenue, and increase Outside Services for the Streetscape design services and consulting services related to Development Agreements.

This Amendment to the Budget Ordinance shall be effective upon adoption.

The said Budget Ordinance, except as amended, shall remain in full force and effect.

ADOPTED this the 13th day of May, 2019.

Wyatt Dunn, Mayor

Erinn Nichols, Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC

TOWN OF STALLINGS
CAPITAL PROJECT BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED by the Stallings Town Council of Stallings, North Carolina, that the following amendments be made to the New Town Hall Building and Public Works Building Capital Project ordinance.

Section 1: To amend the New Town Hall and Public Works Capital Project Fund, the expenditures are to be changed as follows:

Account Number		Increase
42-90-8190-058	Capital Outlay - Construction Costs	\$42,000

This will result in a net increase of \$42,000.00 in the expenditures of the New Town Hall Building and Public Works Building Capital Project Fund. To balance the budget, the following revenues will be increased:

Account Number		Increase
42-00-3990-097	Transfer in from General Fund	\$42,000

Section 2: Copies of this capital project budget amendment shall be furnished to the Town Manager, Town Clerk, and Finance Officer for their direction.

Adopted this 13th day of May, 2019.

Wyatt Dunn, Mayor

Attest:

Erinn Nichols, Town Clerk

Approved as to form:

Melanie Cox, Town Attorney



MEMO

To: Town Council
From: Alex Sewell, Town Manager
Date: 5/8/19
RE: Employee Safety Bonus

Purpose: This memorandum provides background regarding the requested agenda item of Employee Safety Bonus.

Background: There was a request to place employee safety bonus on the agenda for 5/13/19 meeting. Information requested was a cost for doing a bonus similar to last year and whether the Town could use projected unspent funds in the FY 18-19 Budget to cover this potential cost.

To do a 2% bonus:¹

- PD Staff: \$29,400
- Non-PD Staff: \$19,200
- All Staff Combined: \$48,600

After consulting with the Town's Finance Officer, it is projected that the Town will have enough unspent funds in the FY 18-19 Budget at fiscal year-end to cover this cost.

Thank you to the Council for considering rewarding our officers for their service. In addition, I would recommend consideration of providing a bonus to other Town departments too.

¹ For simplicity, cost estimates are rounded up to the nearest hundred.

Memo To: Stallings Town Council

Re: Agenda Item #12 TIA Limitations

From: Lynda Paxton

Date: May 13 Meeting Date

Council recently adopted an ordinance to require new developments to complete a traffic impact analysis in conjunction with other UDO requirements. After reviewing several of these, it appears that some further clarification may be needed to enhance the quality of information acquired from the study and recommendations for mitigation based on the data provided. Discussion of the following points may be needed.

TIA Ordinance Topics

1. The Mixed Use zoning districts were presented as a way to increase the commercial – residential balance. Commercial components generate more traffic and thus, may increase the developer's cost for mitigation. Should council allow a developer to eliminate commercial components to reduce mitigation cost or balance the costs with reduction of residential units also? It may be helpful to review the study by Jeffrey Dorfman of the costs of residential development which included Union County. Residential cost is \$1.30 for each revenue dollar generated while commercial generates a surplus of .59 on the dollar. See "The Fiscal Impacts of Land Uses on Local Government" by Jeffrey Dorfman at www.landuse.uga.edu.
2. Our TIA ordinance calls for the study area to cover a one mile radius of the site. Given the town's one mile width, this will frequently result in the study including intersections outside our jurisdiction. At the time of adoption, this was considered beneficial in the interest of a more regional view and collaborative approach to planning for impacts. Questions have arisen as to whether the town can require mitigation of impacts that fall outside our jurisdiction. Collaboration with the adjoining town regarding mitigation may be useful.
3. The scoping documents for the TIA typically allow the use of data tables from the Institute of Transportation Engineers for determining trip generation. Those data tables are derived from averages in a nationwide study and may not accurately reflect trip generation for our local area. The ITE manuals are now in the recently adopted 10th Edition. A consult with Steve Blakely revealed that there was a big change in the data for multifamily and industrial/warehouse categories compared to the 9th Edition. For some projects trip generation numbers are significantly less than they would be using 9th Edition tables – one recent project was roughly 2/3 of the previous measurement. Should we request traffic counts from a similar local project to supplement rather than relying solely on national averages?
4. With apartment projects the ITE data does not consider the number of bedroom units in the proposed development. Data is based on geographic based categories such as urban, suburban, rural. Should the town require specification of bedroom counts for projects prior to approval?
5. How can we ensure that there is equitable treatment across projects with request for mitigation or developer contribution for future improvements?