

## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, April 11, 2022 at 7:00 PM

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### AGENDA

#### Call to Order, Prayer, Pledge of Allegiance

**Adjustment and Approval of the Agenda** — *Items will only be added or removed with the approval of the Mayor and City Council.*

**Request to Speak/Opportunity for Public Comment** — *This is an opportunity for members of the public to express items of interest to the Mayor and City Council. This is not a time to respond or take action. Any necessary action will be taken under advisement. Speakers are asked to use proper decorum and to limit comments to no more than three minutes.*

**Consent Agenda** — *The items of the Consent Agenda are adopted on a single motion and vote, unless the Mayor and City Council wish to withdraw an item for separate vote and/or discussion.*

1. **Approval of Minutes:** City Council will consider adopting the Regular Meeting Minutes of the March 14th, 2022 meeting.
2. **Approval of Minutes:** City Council will consider adopting the Special Meeting Minutes of the March 25th, 2022 meeting.
3. **Approval of Minutes:** City Council will consider adopting the Work Session Meeting Minutes of the March 29th, 2022 meeting.

#### Business Items

4. **Public Hearing- Osage Mill Redevelopment Revitalization Project Incentive-** City Council will hold a public hearing for those wishing to speak in favor or opposition of the Osage Mill Redevelopment Revitalization Project Incentive.
5. **Resolution- Osage Mill Redevelopment Revitalization Project Incentive -** City Council will consider approving the Osage Mill Redevelopment resolution after hearing those present at the public hearing. If approved, this one time use project incentive will aid the Osage Mill Revitalization team in financing the project.
6. **Public Hearing: Text Amendment to LDC Section 2.7.B -** City Council will hold a public hearing regarding an application to amend text in Section 2.7.B Table of Uses of the City of Bessemer City Land Development Code.

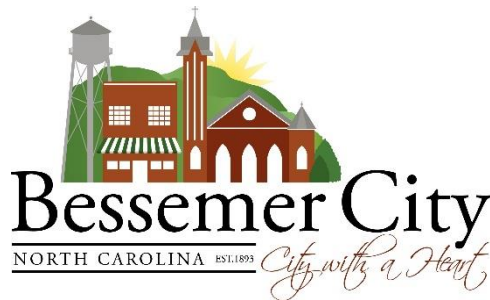
7. **Ordinance for Text Amendment to LDC Section 2.7.B** - City Council will consider adopting an ordinance to amend text in Section 2.7.B Table of Uses of the City of Bessemer City Land Development Code.
8. **Public Hearing: Text Amendment to LDC Table 3-6 of Section 3.5.H** - City Council will hold a public hearing regarding an application to amend text in Table 3-6 of Section 3.5.H Fencing, Walls, and Berms of the City of Bessemer City Land Development Code.
9. **Ordinance for Text Amendment to LDC Table 3-6 of Section 3.5.H** - City Council will consider adopting an ordinance to amend text in Table 3-6 of Section 3.5.H Fencing, Walls, and Berms of the City of Bessemer City Land Development Code.
10. **Public Hearing - Pedestrian Plan Update-** City Council will hold a public hearing to hear public comment regarding the proposed updates to the Pedestrian Plan.
11. **Resolution- Pedestrian Plan Update-** City Council will consider adopting a resolution regarding the proposed updates to the Pedestrian Plan
12. **Public Hearing - Edgewood85 Commerce Park for Major Site Plan:** City Council will hold a public hearing to hear public comment regarding the Edgewood85 Commerce Park major site plan and proposed supplemental action.
13. **Ordinance - Withdrawing & Closing a Portion of Right of Way Named Downey Lane:** City Council will consider adopting an ordinance approving the closure of public right of way called Downey Lane.
14. **Ordinance - Zoning Map Amendment:** City Council will consider adopting an ordinance approving an ordinance to amend the zoning map of the City of Bessemer City to include Tax Parcel #152648 as Business Campus Production (BCP).
15. **Resolution - Edgewood85 Commerce Park for Major Site Plan:** City Council will consider adopting a resolution approving the Edgewood85 Commerce Park major site plan, and proposed supplemental action: install Storz fire hydrant connections on all fire hydrants and construct a deceleration and turn lane for Edgewood Rd. connection.

### **City Manager's Report**

16. **Declare Property Surplus** - City Staff is requesting that a 2003 John Deere backhoe be declared as property surplus.

**Council General Discussion** — *This is an opportunity for the Mayor and City Council to ask questions for clarification, provide information to staff, request staff to report back, or place a matter on a future agenda.*

### **Adjourn**



## CITY COUNCIL REGULAR MEETING

City Council Chambers

Monday, March 14, 2022 at 7:00 PM

### MINUTES

#### Members Present

Mayor, Becky S. Smith, Council Members: Brent Guffey, Kay McCatthen, Brenda Boyd, Dan Boling, Joe Will, and Donnie Griffin were all present. City Manager, James Inman and City Attorney, David Smith were present as well.

#### Call to Order, Prayer, Pledge of Allegiance

Mayor Smith called the meeting to order. First United Methodist Pastor, Tripp Hord led the audience in prayer. Mayor Smith led the audience in the Pledge of Allegiance.

#### Adjustment and Approval of the Agenda

By motion of Brenda Boyd and unanimous vote, the March agenda was approved with no revisions.

#### Request to Speak/Opportunity for Public Comment

Mayor Smith opened the floor for public comment. The following individual came forth:

- Melissa Toye of 109 N. F St. – Mrs. Toye addressed Council regarding the City's emergency response plan. This morning Mrs. Toye's water was shut off, due to a water main break. Mrs. Toye inquired about the process to notify residents.

#### Consent Agenda

The following items on the Consent Agenda were unanimously approved by motion of Dan Boling:

- **Approval of Minutes:** City Council will consider adopting the Regular Meeting Minutes of the February 14, 2022 meeting.
- **Street Closure-Sounds of Summer 2022** - City administration is requesting the temporary closure of the 100 Block of West and East Virginia Avenue and the 100 Block of North and South 12th Street for the 2022 Sounds of Summer Series on the 4th Saturday of each month from April to October from the hours of 2:00PM-10:00PM.
- **Street Closure-34th Annual Down Home Festival Ordinance** - City administration is requesting the temporary closure of the 100 Block of West Virginia, East Virginia, West Pennsylvania Avenue, and the 100 Block of North and South 12th Street for the 34th Annual Down Home Day Festival on Friday, May 6th and Saturday, May 7th, 2022.

### **Resolution – Approving the Sale of Beer and Wine**

City Manager, James Inman reminded Council that said resolution is a yearly requirement for the backpack program. The Bessemer City Crisis Center sales beer at the Summer Concerts & Cruise-Ins as well as Down Home Day Festival to raise funds for the backpack program. However, prior authorization from Mayor and Council is required for the State ABC Board to approve the Crisis Center to sale at City events.

By motion of Joe Will and a 5:1 vote, with Brenda Boyd in opposition, the resolution was adopted. A copy of the resolution is available at City Hall.

### **Public Hearing –Petition for Voluntary Annexation (Trinity Capital):**

City Council held a public hearing regarding a petition for voluntary annexation received from Trinity Capital for property located at 902 Edgewood Rd. Parcel #306415 (Edgewood 85 Commerce Park) 118.84 acres (*recombination of Parcels #152636,152628,153633, 152634, 152647,152631, 153067*).

By motion of Kay McCathen and unanimous vote, the public hearing regarding the petition for voluntary annexation was opened at 7:11 PM.

Mayor Smith asked if there was anyone present to speak in favor of the petition for voluntary annexation. There was none.

Mayor Smith asked if there was anyone present to speak in opposition of the petition for voluntary annexation. There was none.

By motion of Donnie Griffin and unanimous vote, the public hearing regarding the petition for voluntary annexation was closed at 7:12 PM.

### **Ordinance for Zoning Map Amendment:**

City Planner, Nathan Hester addressed Council regarding the petition for voluntary annexation. The City currently has water and sewer on this property. Trinity Capital has agreed to pave the road for the one resident located next to the property on Crescent Lane.

By motion of Joe Will and unanimous vote, the zoning map amendment regarding the extension of the Bessemer City corporate limits to include the Edgewood 85 Commerce Park was approved. A copy of this ordinance is on file at City Hall. This zoning map was adopted along with the plan consistency and statement of reasonableness. The requested rezoning is reasonable and consistent with the Bessemer City Planning & Economic Development Comprehensive Land Use Vision.

### **Resolution Directing Clerk to Investigate- Voluntary Annexation Lennar Homes**

City Clerk Hayes is hereby directed to investigate the petition for voluntary annexation from Lennar Homes to ensure General Statute is followed for contiguous annexation.

Upon motion of Donnie Griffin and unanimous vote, the resolution was adopted. A copy is on file at City Hall.

### **Establish Public Hearing:**

City Staff is requesting the establishment of a public hearing for Council to hear comments from citizens regarding a petition for voluntary annexation from Lennar Homes for property located off of Costner School Rd. Parcel Number #305559. The property is currently zoned Rural (R) and I-2 (Gaston Co. Zoning Jurisdiction).

By motion of Dan Boling and unanimous vote, a public hearing regarding a petition for voluntary annexation from Lennar Homes will be held on Monday, April 11, 2022 at 7:00PM in Council Chambers. Public notice will be given per NCGS.

### **City Manager's Report**

City Manager James Inman, addressed Council regarding the following:

- Budget Amendment: City Manager, James Inman requested a budget amendment to move \$45,000 in the General Fund where property was sold. By motion of Kay McCathen and unanimous vote, the budget amendment was approved.
- Budget Amendment: City Manager, James Inman requested a budget amendment to move \$30,000 in the General Fund where grant funds were received for the Police Department. By motion of Donnie Griffin and unanimous vote, the budget amendment was approved.
- Budget Amendment: City Manager, James Inman requested a budget amendment to move \$15,000 in the General Fund where grant funds were received for the Carolina Thread trail. By motion of Brenda Boyd and unanimous vote, the budget amendment was approved.
- Capital Project Ordinance: City Staff is requesting the approval of a Capital Project Ordinance regarding a \$500,000 grant from the State to rehabilitate property in the downtown area. By motion of Donnie Griffin and unanimous vote, the Capital Project ordinance was approved.
- General: City Manager, James Inman commended the Parks & Recreation, Public Works, and Police Department on working together during a time of need in the City. Mr. Inman reported on general affairs of the City.

### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. Council member, Dan Boling inquired about a sink hole on the 200 Block of E. Tennessee Avenue. Council member, Joe Will inquired about the possibility of a 4 way stop at the intersection of W. Virginia Avenue and 14<sup>th</sup> Street. Council member, Brenda Boyd reported on the status of the Parks & Recreation Advisory Board. Council member, Brent Guffey inquired about a Code Enforcement case regarding property on Costner School Rd. Council member, Donnie Griffin inquired about the CDBG rehabilitation project and City landscaping. It has improved.

### **Adjournment**

Being no further business to come before the board, by motion of Brent Guffey and unanimous vote, the meeting was adjourned at 7:51 PM.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk

**SPECIAL MEETING****March 25, 2022**

The Bessemer City Council met in special session on Friday, March 25<sup>th</sup>, 2022 at 8:00AM in Council Chambers of City Hall. Proper notice was given.

**Members Present**

Mayor Becky Smith, Council Members: Dan Boling, Brenda Boyd, Kay McCathen, Joe Will, Brent Guffey, and Donnie Griffin. Also present were City Manager, James Inman and department heads: Jamie Ramsey, Charlie Harbin, JoD Franklin, Diane Jenkins, Nathan Hester, Joshua Ross, and Hydeia Hayes.

**Call to Order**

Mayor Smith called the meeting to order and explained that this meeting was the 2022 City Council Budget Retreat. This meeting's purpose was to review the City's plans for FY 2022-2023 and discuss future projects.

**Presentations**

City Manager, James Inman led the retreat. Presentations from department heads were given.

Light discussion amongst Council and department heads ensued regarding future year priorities.

Assistant City Manager, Jamie Ramsey addressed Council regarding the possibility of purchasing a brush truck in the upcoming year for the Public Works Department.

Council member, Donnie Griffin made a motion to purchase a brush truck with a boom attachment. This motion failed with a 1:5 vote, with Dan Boling, Kay McCathen, Joe Will, Brent Guffey and Brenda Boyd in opposition.

**Adjourn**

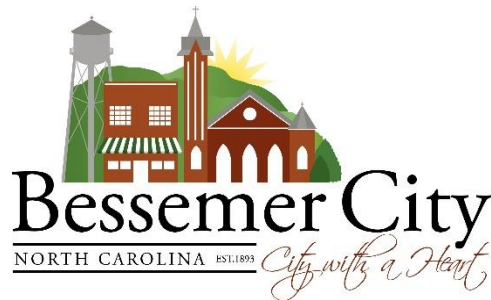
Being no further business to come before the board, by general consensus, the meeting was adjourned at 3:02 PM

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk



## CITY COUNCIL WORK SESSION

City Council Chambers

Tuesday, March 29, 2022 at 3:30 PM

### MINUTES

#### **Call to Order**

Mayor Becky S. Smith called the meeting to order.

#### **Members Present**

Mayor, Becky S. Smith, Council Members: Joe Will, Brent Guffey, Kay McCathen, Brenda Boyd, Dan Boling, and Donnie Griffin were all present. City Manager, James Inman and department heads was present as well. A quorum was present.

#### **Edgewood Commerce Park**

City Planner, Nathan Hester addressed Council regarding the Edgewood85 Commerce Park, Trinity Capital. Trinity has applied to develop 120 acres as phase one (1) of the Edgewood85 Commerce Park on Tax Parcels 152646, 152648, and 306415. The development will consist of new street infrastructure, utility infrastructure, and 1,028,700 square feet of structural space to accommodate future manufacturing ventures. The proposed site will be voluntarily annexed into the City of Bessemer City limits.

Currently Tax Parcels 152646 and 306415 are zoned Business Campus Production. However, Tax Parcel 152648 is zoned Urban Residential, and will need to be rezoned to allow for development.

Exactly 303.95 feet of recorded right of way, referred to as Downey Lane (PB 10, PG 154) will be closed to accommodate future ingress and egress into the development site.

Staff recommends approval of site plan with the following conditions proposed: 1) The driveway between Buildings 1 and Building 2 be recorded as right of way, constructed, and dedicated to the City as a public street with sidewalks and landscaping. 2) Restrictive vehicular access measures be constructed for the points of ingress and egress off of S 8th St., Capps Rd., and Steele Rd.

#### **Approval of Downtown Electric Award Recommendation**

City Manager, James Inman addressed Council about awarding the downtown electric project. After a power outage near the City's LED sign, City Staff acquired an electrician to fix the issue. The electrician noted that substantial work needed to be completed for the City to be compliant. Two bids were received for the project, one from Page Power Systems and Smart Electric.

Contractor	Work location	Work Completed By 4-30-22	Work Completed By 5-31-22
Page Power Systems	N. 13 <sup>th</sup> St	\$11,940.00	\$10,540.00
	W. Virg Ave (13 <sup>th</sup> to 12 <sup>th</sup> )	\$164,992.00	\$148,532.00
	W. Virg Ave (12 <sup>th</sup> to 11 <sup>th</sup> )	\$63,733.00	\$55,953.00
	Pennsylvania Ave	\$75,600.00	\$68,660.00
	<b>Total</b>	<b>\$316,265.00</b>	<b>\$283,685.00</b>
Smart Electric	N. 13 <sup>th</sup> St	NA	\$13,400.00
	W. Virg Ave (13 <sup>th</sup> to 12 <sup>th</sup> )	NA	\$122,430.00
	W. Virg Ave (12 <sup>th</sup> to 11 <sup>th</sup> )	NA	\$56,850.00
	Pennsylvania Ave	NA	\$68,900.00
	<b>Total</b>	<b>NA</b>	<b>\$261,580.00</b>

By motion of Donnie Griffin and unanimous vote, the downtown electrical project was awarded to Smart Electric in the amount of \$261,580.00.

#### **Approval for Purchase of Property**

Mr. Inman informed Council about a request received from a citizen to purchase property from the City located off of S. Pinchback Road. Mr. Inman informed the citizen to submit a formal offer to purchase the property for City Council to consider. Once the offer is received, it will be advertised in accordance with NCGS statutes.

#### **Council General Discussion**

Mayor Smith opened the floor for Council general discussion. There was none.

#### **Adjourn**

Being no further business to come before the board, the meeting was adjourned at 4:32 PM by motion of Brenda Boyd and unanimous vote.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk





## RESOLUTION

### TO AUTHORIZE A ONE-TIME ELIGIBILITY FOR THE OSAGE MILL REDEVELOPMENT PROJECT'S LEGAL ENTITY IN GASTON COUNTY'S LOCAL INVESTMENT GRANT PROGRAM

- WHEREAS,** the Osage Mill Redevelopment Project's Legal Entity is considering an investment of approximately \$43,000,000 to redevelop a former textile mill located at 201 S. Twelfth Street in downtown Bessemer City, into a commercial and residential mixed use project; and,
- WHEREAS,** the Osage Mill Redevelopment Project in downtown Bessemer City will greatly assist the City's revitalization efforts by stimulating the local economy; and,
- WHEREAS,** North Carolina General Statute §158-7.1 authorizes a local government to allow eligibility of an economic development project in a local investment grant program for the purposes of rehabilitation of existing structures; and,
- WHEREAS,** City Council finds that it is in the best interests of the City and County to provide a one-time eligibility of the Osage Mill Redevelopment Project's Legal Entity to participate in the Gaston County Local Investment Grant Program, which the City of Bessemer City also follows; and,
- WHEREAS,** an Economic Development Agreement between the City of Bessemer City, Gaston County and the Osage Mill Redevelopment Project's Legal Entity, to allow a one-time eligibility to participate in the Gaston County Local Investment Grant Program by April 15, 2025, will be written and agreed to by all parties; and,
- WHEREAS,** the City Council of Bessemer City has held a public hearing to consider whether to approve the authorization of a one-time eligibility for the Osage mill redevelopment project's legal entity in Gaston County's local investment grant program to Osage Mill Redevelopment Project's Legal Entity.

### NOW, THEREFORE, BE IT RESOLVED, that the Bessemer City Council:

The City Council and Mayor of Bessemer City is authorized to:

Execute a three party Economic Development Agreement for this one-time eligibility for the Osage Mill Redevelopment Project's Legal Entity to participate in the Gaston County Local Investment Grant Program.

Adopted this the 11<sup>th</sup> day of April, 2022.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, MPA, CMC, City Clerk



## **City of Bessemer City, North Carolina**

### **Text Amendment Staff Report**

Planning Board Recommendation March 7, 2022

City Council Agenda Item April 11, 2022

**Applicant:** Bessemer City Planning Staff

**Request:**

Proposal to amend Section 2.7.B Table of Uses of the City of Bessemer City Land Development Code. Application is to permit the use of Mixed Use Residential in the City Center District by issuance of Special Use Permit. Currently the use of Mixed Use Residential is not permitted at all within any zoning district within the City or ETJ.

There are currently three major residential projects approved and are in final planning stages prior to development within Bessemer City. The Osage Mill Project, located within the City Center zoning district, is a rehabilitation project that will result in approximately 139 multi-family dwelling units. The Lennar Homes development site on Costner School Rd. Was rezoned to UR Urban Residential and will bring 158 single family homes. Design Solutions Group was granted a conditional zoning for 91 townhomes to be constructed along N. 14<sup>th</sup> St. All projects estimate to begin mass grading and infrastructure construction late summer of 2022 or early winter 2022.

There is an overwhelming amount of residential growth currently and potentially more for Bessemer City. The ability to develop new construction and rehabilitate existing historical buildings in the City's City Center zoning district would provide

a unique opportunity to developers and provide more residents the opportunity to reside within an urban center that incorporates pedestrian access to commercial sites.

Staff proposes this land use be permitted by special use permit only. The Special Use application process would allow each and all mixed use development and rehabilitation plans to go through a thorough application process. The intent of a thorough application process is to ensure that the City's goals and vision for the City Center zoning district are achieved. Refer to Attachment A - Special Use Permit Application Process

The desired type of mixed use development within the City Center district would allow for apartments/lofts on the second floor level of buildings whilst the first floor would strictly be used for commercial space. For examples of potential commercial space to be utilized on first floor mixed use developments, please refer to Attachment B – Table of Uses.

**Staff Recommendation:**

Approve as submitted.

**Exhibits:**

1. Plan Consistency Statement
2. Attachment A – Special Use Permit Application Process
3. Attachment B – Table of Uses

Recommended Effective Date: April 11, 2022

*Table Error! No text of specified style in document. -1 Development Approval Chart*

Development Approval	LDC Section	Process Type	Reviewer	Public Notice	Approving Body	Appeal	Valid*	Extension
Zoning Permit	7.1.E.2	Admin	Admin/TRC	N	Admin	BOA	1 year	1 year
Temporary Use Permit	7.1.E.2	Admin	Admin	N	Admin	BOA	Varies	Varies
Minor Site Plan	7.1.E.3	Admin	Admin	N	Admin	BOA	1 year	1 year
Major Site/Master Plan	7.1.E.4/ 7.3.C	Quasi-judicial	Admin/TRC/PB	N	CC	Superior Court	1 year	1 year
Minor Subdivision	7.1.E.5	Admin	Admin	N	Admin	BOA	1 year	Resubmit
Major Subdivision	7.1.E.6	Quasi-Judicial	Admin/TRC/PB	Y	CC	Superior Court	1 year	1 year
Construction Plans	7.2.B.5	Admin	Admin/TRC	N	Admin	BOA	2 years	1 year
Final Plat	7.2.B.6	Admin	Admin/TRC	N	Admin	BOA	30 days to file	Resubmit
Special Use Permit	7.1.E.7 7.3.C	Quasi-Judicial	Admin/PB	Y	CC	Superior Court	1 year	1 year
Appeal of Administrative Decision	7.3.A.	Quasi-Judicial	BOA	Y	BOA	Superior Court	30 days to appeal	N/A
Variance	7.1.E.8 7.3.B	Quasi-Judicial	Admin	Y	BOA	Superior Court	30 days to appeal	N/A
Text Amendment	7.1.E.9 7.4.B	Legislative	PB	Y	CC	Superior Court	N/A	N/A
Map Amendment	7.1.E.9 7.4.B	Legislative	PB	Y	CC	Superior Court	N/A	N/A
Conditional Zoning	7.1.E.10 7.4.C	Legislative	Admin/PB	Y	CC	Superior Court	May be rescinded after 2 years	N/A
Developer Agreement	7.4.D	Legislative	PB	Y	CC	Superior Court	Varies	Varies
Vested Right	7.7	Varies	Varies	Varies	Admin/CC	None	2 years or up to 5 years	N/A
Building Permit	7.1.E.2	Admin	Admin	N	County	Superior Court	6 months	1 year
Certificate of Compliance	7.1.E.11	Admin	Admin	N	Admin	BOA	--	N/A

Admin = Administrator or Administrative  
 PB= Planning Board  
 TRC = Technical Review Committee  
 CC= City Council  
 BOA = Board of Adjustment

All Legislative and Quasi-Judicial Processes require public hearings in accordance with the procedures contained within this Chapter.  
 \* In accordance with NCGS 160D-108(d), unless otherwise specified, development permits expire one year after issuance unless work authorized by the permit has substantially commenced.

7. **Special Use Permit.** A special use which shall only be permitted when meeting a prescribed set of standards in a quasi-judicial process to ensure the project meets the requirements of the *Bessemer City Land Development Code* as well as the protection of the health, safety, and welfare of the community.

- STEP 1: Application  
 Fees  
 Existing Conditions  
 Project Description  
 Site/Master Plan  
 Landscape Plan  
 Trip Generation Report/Traffic Impact Analysis  
 STEP 2: Completeness Review  
 STEP 3: Administrative Review/Public Notice  
 STEP 4: TRC Review  
 STEP 5: Planning Board Review and Recommendation  
 STEP 6: Evidentiary Hearing and City Council Consideration

#### 1.1.A SPECIAL USE PERMITS, MAJOR SITE PLANS, AND MAJOR SUBDIVISIONS

Special uses permits, major site plans, and major subdivisions are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. This process ensures the appropriateness of the use at a particular location within a given zoning district.

1. **Application Procedure.** An application for a Major Site Plan, a Major Subdivision, or a Special Use Permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Each application for a Special Use Permit shall contain legal descriptions, a site plan (Section 7.2.B.3) and other information required by Section **Error! Reference source not found.** or necessary to show that the use or structure complies with the standards set forth in this Code shall also be provided. The Administrator shall review the application to ensure that it is complete and if complete, prepare a report and recommendation on the application, and schedule the matter for review before the Planning Board and for a public hearing before the City Council.
2. **Review Process:**
  - a. **Planning Board Review.** The Planning Board shall review the application, conduct only an informal, preliminary discussion, and make a recommendation to the City Council within forty-five (45) days of its first consideration on the matter. If no recommendation is received from the Planning Board within forty-five (45) days, the City Council shall proceed without a recommendation from the Planning Board. The recommendation must not be used as a basis for the decision of the City Council. The decision of the Council must be based solely on the evidence presented at the evidentiary hearing.
  - b. **Board Hearing and Decision.** The City Council shall hold an evidentiary hearing. The applicant and other property owners likely to be materially affected by the application shall be given an opportunity to be heard. Upon reviewing all of the pertinent information, the City Council may

approve, deny or approve with conditions the Special Use Permit, Major Subdivision, or Major Site Plan, by a majority vote.

- c. **Conditions.** The City Council may place conditions on the approval to assure that mitigation measures are associated with the use. The conditions shall become part of the Special Use Permit, Major Subdivision, or Site Plan approval and shall be included in the final site plan application. However, the Board must not impose conditions on special use permits or approvals that the City does not otherwise have the statutory authority to impose. Further, there must be written consent by the applicant to the related conditions.
- d. **Findings of Fact.** In addition to determining that the application meets all other requirements of this Code, the City Council must find the following in order to grant approval of a Special Use Permit, Major Subdivision, or Major Site Plan:
  - (1) The proposed use, as designed, conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.
  - (2) The proposed use will not cause undue traffic congestion or create a traffic hazard.
  - (3) Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.
  - (4) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
  - (5) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property.
  - (6) The establishment, maintenance or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
  - (7) The proposed use will not substantially injure the value of adjoining or abutting property.
  - (8) The proposed use and its layout and design is consistent with the officially adopted plans and policies of the City.
- e. **Permit Validity.** Special Uses, Major Subdivision, and Major Site Plans that have been granted approval must begin development within one year following approval or the approval becomes invalid.
- f. **Permit Extension.** The City Council may grant one (1) extension of this time period of up to one (1) year, upon submittal by the applicant of sufficient justification for the extension, prior to the actual expiration of the permit. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

PLAN CONSISTENCY & STATEMENT OF REASONABLENESS  
TEXT AMENDMENT 01-2022  
April 11, 2022

Pursuant to N.C. Gen. Stat. §160D-605 the City of Bessemer City Council hereby approves and adopts the following Plan Consistency and Statement of Reasonableness for the text amendment of the Land Development Code of the City of Bessemer City, North Carolina.

- 1) Said text change is **consistent** with the goals and values established by the City Council adopted in 2019.
  - a. The City Council created a mission and vision statement that included the following seven values: 1. Open, Honest and Accessible Government, 2. Fiscal Accountability and Sustainability, 3. Public Safety and Safe and Accessible Neighborhoods, 4. Keeping True to Our Small-Town Character and Traditions, 5. Focused on Quality and Customer Service, 6. Family Oriented, 7. Promote a Healthy Quality of Life. These text amendments are consistent with these values.
  - b. The City Council created a mission and vision statement that included the following eight goals: 1. A desirable place to live and work that is open to growth, 2. A safe and secure community for residents and visitors, 3. A sustainable community with high quality and dependable infrastructure and utilities, 4. A thriving, viable and diverse economy, 5. Provide opportunities for our citizens, 6. Sustainable organizational capacity, 7. Embrace innovation and promote creativity, 8. Promote a healthy quality of life. These text amendments are consistent with these goals.
- 2) The text amendments **would not be detrimental** to the city and ETJ.
  - a. The physical condition that make the text amendments reasonable are:
    - Bessemer City has a need for diverse housing and commercial options.
    - Special Use Permit application processes required by the City of Bessemer City Land Development Code would ensure future mixed use development located within the City Center Zoning District to align properly with the City Council's vision outlined in the Bessemer City Comprehensive Plan.
  - b. The text amendments are in the best interest of the public to increase and maximize property values in order to provide for future infrastructure and amenities.

Therefore, the requested text amendments are **reasonable** and **in the public interest**.

Upon a motion that the application is **consistent** with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Read, approved and adopted this the 11<sup>th</sup> Day of April, 2022.

ATTEST

CITY COUNCIL FOR THE  
CITY OF BESSEMER CITY

\_\_\_\_\_  
Hydeia Hayes, City Clerk

BY \_\_\_\_\_  
Becky S. Smith, Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
David W. Smith, City Attorney





**AN ORDINANCE AMENDING SECTION 2.7.B OF THE CITY OF  
BESSEMER CITY LAND DEVELOPMENT CODE.**

**WHEREAS**, after proper notification a Public Hearing was held before the Bessemer City Council on April 11th, 2022 to consider a proposed amendment to the City of Bessemer City Land Development Code.

**WHEREAS**, after a \_\_\_\_\_ vote, the City Council of Bessemer City approved a text change to the City of Bessemer City Land Development Code reflected in section 2.7.B Table of Uses of the City of Bessemer City Land Development Code.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Bessemer City, that the City of Bessemer City Land Development Code is amended to reflect the adopted changes as written below.

1. Land Use of Mixed Use Residential is now a use permitted within the City Center (CC) zoning district upon issuance of a special use permit by City Council.

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 11<sup>th</sup> Day of April, 2022.

\_\_\_\_\_  
Becky S. Smith, Mayor

\_\_\_\_\_  
Hydeia Y. Hayes, City Clerk



## City of Bessemer City, North Carolina

### Text Amendment Staff Report

Planning Board Recommendation March 7, 2022

City Council Agenda Item April 11, 2022

Applicant: Bessemer City Planning Staff

Request:

Proposal to amend Table 3-6 Height Requirements of Section 3.5.H Fencing, Walls, and Berms. Application is to change the permitted maximum height requirement for front yard fencing from 42" (3.5ft) to 48" (4ft) for single family, attached and detached residential uses.

Currently the maximum height requirement is 42" or 3.5ft. This was a desired height set by staff during the planning and adoption of the Bessemer City Land Development Code. The purpose of the 42" or 3.5ft height requirement was to aid in establishing a pedestrian aesthetic with front yard fencing in new and established residential areas.

Staff within the Bessemer City Planning Department have spoken with several representatives of companies that provide fencing to both commercial and residential customers. All representatives have provided residential fencing within the City of Bessemer City previously and plan to continue offering their company's services to residents of Bessemer City. According to representatives of these fencing companies, decorative fencing comes in the following sizes: 24", 36", 48", 60", and 72". No fence manufacturer makes a fence product that is 42" or

3.5ft in height. This would cause our residents to seek custom fencing options and an unnecessary expense in staff's opinion.

The proposed text change would allow for residents of Bessemer City to purchase pre-fabricated decorative fencing options for their residential properties without having to seek customary fencing options. Customary fencing options is an option that staff supports, but is understandably financially unfeasible for many at the current height requirement standards. This text amendment would increase the maximum height requirement for front yard, single family residential uses, but continue to promote the desired residential aesthetic that Bessemer City strives to achieve.

This text amendment is not proposing and will not change any height requirements for fencing placed within any sight triangle, as stated in section 3.5.H.2.a Placement and Location. Fencing height requirements for fencing placed within any sight triangle will remain at 36”.

**Staff Recommendation:**

Approve as submitted.

**Exhibits:**

1. Plan Consistency Statement
2. Document of proposed text changes

Recommended Effective Date: March 14, 2022

## TA 01-2022 Supporting Document

Key:

Existing Text

Amended Text

**Table Error! No text of specified style in document.-1 Height Requirements**

Use	Front Yard	Side/Rear Yard
Single Family, Attached and Detached, Residential Uses	4' Maximum	6' Maximum
Apartments, Commercial, Mixed-Use, Civic, and Institutional Uses	4' Maximum	8' Maximum
Business Campus Uses	4' Maximum	8' Maximum
Industrial Uses	6' Maximum	8' Maximum

The amended text is what will be changed within the Height Requirements Table, pending the approval of City Council.

PLAN CONSISTENCY & STATEMENT OF REASONABLENESS  
TEXT AMENDMENT 01-2022  
April 11, 2022

Pursuant to N.C. Gen. Stat. §160D-605 the City of Bessemer City Council hereby approves and adopts the following Plan Consistency and Statement of Reasonableness for the text amendment of the Land Development Code of the City of Bessemer City, North Carolina.

- 1) Said text change is **consistent** with the goals and values established by the City Council adopted in 2019.
  - a. The City Council created a mission and vision statement that included the following seven values: 1. Open, Honest and Accessible Government, 2. Fiscal Accountability and Sustainability, 3. Public Safety and Safe and Accessible Neighborhoods, 4. Keeping True to Our Small-Town Character and Traditions, 5. Focused on Quality and Customer Service, 6. Family Oriented, 7. Promote a Healthy Quality of Life. These text amendments are consistent with these values.
  - b. The City Council created a mission and vision statement that included the following eight goals: 1. A desirable place to live and work that is open to growth, 2. A safe and secure community for residents and visitors, 3. A sustainable community with high quality and dependable infrastructure and utilities, 4. A thriving, viable and diverse economy, 5. Provide opportunities for our citizens, 6. Sustainable organizational capacity, 7. Embrace innovation and promote creativity, 8. Promote a healthy quality of life. These text amendments are consistent with these goals.
  
- 2) The text amendments **would not be detrimental** to the city and ETJ.
  - a. The physical condition that make the text amendments reasonable are:
    - Multiple fencing solution companies do not provide the required height in fencing as a possible solution to citizen needs.
    - The increase in height is six inches and will still provide the design characteristic provided by the initial fencing and screening standards that are current within the Land Development Code.
  - b. The text amendments are in the best interest of the public to increase and maximize property values in order to provide for future infrastructure and amenities.

Therefore, the requested text amendments are **reasonable** and **in the public interest**.

Upon a motion that the application is **consistent** with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Read, approved and adopted this the 11<sup>th</sup> Day of April, 2022.

ATTEST

CITY COUNCIL FOR THE  
CITY OF BESSEMER CITY

\_\_\_\_\_  
Hydeia Hayes, City Clerk

BY \_\_\_\_\_  
Becky S. Smith, Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
David W. Smith, City Attorney



**AN ORDINANCE AMENDING SECTION 3.5 OF THE CITY OF  
BESSEMER CITY LAND DEVELOPMENT CODE.**

**WHEREAS**, after proper notification a Public Hearing was held before the Bessemer City Council on April 11th, 2022 to consider a proposed amendment to the City of Bessemer City Land Development Code.

**WHEREAS**, after a \_\_\_\_\_ vote, the City Council of Bessemer City approved a text change to the City of Bessemer City Land Development Code reflected in Table 3-6 Height Requirements of Section 3.5.H Fencing, Walls, and Berms of the City of Bessemer City Land Development Code.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Bessemer City, that the City of Bessemer City Land Development Code is amended to reflect the adopted changes as written below.

*Table 0-1 Height Requirements*

Use	Front Yard	Side/Rear Yard
Single Family, Attached and Detached, Residential Uses	4' Maximum	6' Maximum
Apartments, Commercial, Mixed-Use, Civic, and Institutional Uses	4' Maximum	8' Maximum
Business Campus Uses	4' Maximum	8' Maximum
Industrial Uses	6' Maximum	8' Maximum

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 11<sup>th</sup> Day of April, 2022.

\_\_\_\_\_  
Becky S. Smith, Mayor

\_\_\_\_\_  
Hydeia Y. Hayes, City Clerk



## **RESOLUTION TO ADOPT THE CITY OF BESSEMER CITY 2022 PEDESTRIAN PLAN**

**WHEREAS**, the City of Bessemer City is committed to developing a complete pedestrian network that will accommodate present and future residents, businesses and visitors; and

**WHEREAS**, the City Council adopted the 2010 Bessemer City Pedestrian Plan; and

**WHEREAS**, the 2022 Pedestrian Plan is a multi-faceted plan update which replaces the aforementioned plan; and

**WHEREAS**, in 2019, the City Council approved a Planning and Economic Development Land Use Plan, and in 2021 adopted changes to the Bessemer City Land Development Code and Land Use Map that would aid in fulfilling the goals adopted by Council such as 1. A desirable place to live and work that is open to growth, 2. A safe and secure community for residents and visitors, 3. A sustainable community with high quality and dependable infrastructure and utilities, 4. A thriving, viable and diverse economy, 5. Provide opportunities for our citizens, 6. Sustainable organizational capacity, 7. Embrace innovation and promote creativity, 8. Promote a healthy quality of life; and

**WHEREAS**, after a full study of the plan, providing opportunities for public comments and following a public hearing, the City Council of the City of Bessemer City considers it to be in the best interests of the City of adopt a plan pursuant of the City's Strategic Plan; and

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the City of Bessemer City hereby adopts the City of Bessemer City Pedestrian Plan. The plan should be approved and adopted as a guide in the development of the pedestrian network in the City of Bessemer City.

This the 11<sup>th</sup> day of April, 2022.

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk





## **City of Bessemer City, North Carolina**

### **Planning Department Staff Report**

### **Major Site Plan Application**

Planning Board Recommendation March 7, 2022

**Applicant:** Trinity Capital Advisors

**Request:**

Trinity Capital Advisors, "Applicant", has applied to develop 120 acres as phase one (1) of the Edgewood85 Commerce Park on Tax Parcels 152646, 152648, and 306415. The development will consist of new street infrastructure, utility infrastructure, and 1,028,700 square feet of structural space to accommodate future manufacturing ventures. The proposed site will be voluntarily annexed into the City of Bessemer City limits.

**Background Information:**

Tax Parcel 152646 is currently zoned Business Campus Production (BCP) and within the Bessemer City limits. Tax Parcel 306415 is currently zoned Business Campus Production and predominantly outside of the Bessemer City limits, but within the Extra-territorial jurisdiction. Tax Parcel 152648 is currently zoned Urban Residential (UR), is within the Bessemer City limits, and will be rezoned to Business Campus Production upon approval of the major site plan. Exactly 303.95 feet of recorded right of way, referred to as Downey Lane (PB 10, PG 154) will be closed to accommodate future ingress and egress into the development site. All meets and bounds of the aforementioned parcels will be voluntarily annexed into the City of Bessemer City's city limits by the applicant.

**Business Campus Dimensional Standards:**

BCP										
Duplex	12,000	60	20	15	30	25	35	-	-	
Multi-Family (Townhouse) <sup>(e)</sup>	20,000	100	15	10	15	20	35	-	-	
Multi-Family	43,560	100	30	20	30	30	50	-	-	
All Other Uses	None	70	50	30	30	50	50 <sup>(c)</sup>	-	(a)	

(a) There are no minimum/maximum dimensional requirements for Essential Services, Class 1 and Parks.

(c) The maximum height of the structure may be increased to seventy-five (75) feet, provided that the structure lies 200+ feet from a residentially zoned lot.

**Proposal:**

The applicants submitted a Major Site Plan application on February 15, 2022 proposing to develop the proposed 120 acre site into a Commerce Park. A summary of the proposal is as follows:

**Site Development Data:**

Acreage: 118.84

Tax Parcels: 152646, 152648, 306415

Existing Zoning: Business Campus Production (BCP), Urban Residential (UR) (Bessemer City)

Proposed Zoning: Business Campus Production

Existing Uses: Vacant

Proposed Uses: See Attachment A

Proposed Structural Space: 1,028,700sqft.

Maximum Building Height: 50' (Per Bessemer City Code, unless 200' from residentially zoned lot.)

Minimum Building Height: None

Required Parking - 1 per 250 sq. ft. office space/1 per 1,000 sq. ft. non-office space.

**Proposed Parking:**

Parking Table					
	Pass. Vehicle	Trailer Storage	Total Spaces	Building Sq.ft.	Compliant
Building One	287	125	412	405,600	Yes
Building Two	207	48	255	228,600	Yes
Building Three	165	43	208	253,400	Yes
Building Four	261	42	303	140,600	Yes

**Roads:** The development of the site involves the construction of one main arterial right of way and multiple secondary driveways for traffic circulation within and out of the proposed development. The right of way will serve as the primary point of ingress and egress for tractor trailer traffic and will include five (5) foot wide sidewalks along both sides of the right of way and a six (6) foot green strip along each side. The City will be abandoning exactly 303.95 feet of recorded right of way between Edgewood Rd. and the property line of Parcel # 152645, per PB 10 PG 154. (See Map Appendix)

The applicant is proposing the new right of way connect the site to Edgewood Rd. and to south 8<sup>th</sup> St. with the Edgewood Rd. point of connection meant to serve as the primary point of ingress and egress for tractor trailer traffic. The applicant is also proposing the construction of two connection points for driveway ingress and egress off of South 8<sup>th</sup> St.(Capps Rd.) and Steele Rd. All right of ways and streets will be dedicated to the city upon development completion.

There will be a recorded right of way proposed for future connection to the south of the development, if future development were to become possible. This future right of way connection is in line with the City's Comprehensive Land Use Plan and would potentially connect with the proposed South Ridge Parkway Extension Plan.

- A five (5) foot wide sidewalk shall be constructed alongside all roadways, existing or proposed, as well as a six (6) foot green strip.

**Utilities – Water/Sewer/Gas:** The applicant is proposing the development to be served by City of Bessemer City Water, Sewer, and Natural Gas services.

- Public Works Director has indicated that there is City water and sewer availability for the site.
- Applicants will pay the water, sewer tap fees, and system development fees.

**Stormwater Drainage:** Drainage will be engineered according to the best management practices at the time of construction and will be handled through multiple retention ponds and a curb and gutter system located within the proposed road right-of-way. The property is subject to adopted stormwater management guidelines. Currently, applicant is proposing four stormwater retention ponds.

**Land Use Buffer:** The Preliminary Site Plan indicates there will be a six (6) foot greenstrip along all main roadways within the commerce park. The greenstrip shall have Canopy, Understory, or a combination of both. Number of trees required to be determined at the time of permitting. Applicant will also be required to plant and maintain parking lot landscaping, foundational landscaping, and buffer zones of the development site. There is a fifty (50) foot landscape buffer proposed around the perimeter of the development site. Due to the proposed land use and existing adjacent land use, applicant is required to install a Type A Buffer Yard.

Landscape Buffer A Options: See Attachment B

**Traffic Impact:** As a part of the approval process for major site plan, applicants are required to submit a trip generation report and/or a traffic impact analysis if the peak hour trips are above 100. Applicant has failed to submit either reports.

#### Staff Recommendation:

Staff recommends approval of site plan with the following conditions proposed

1. The driveway between Buildings 1 and Building 2 be recorded as right of way, constructed, and dedicated to the City as a public street with sidewalks and landscaping.
2. Restrictive vehicular access measures be constructed for the points of ingress and egress off of S 8<sup>th</sup> St., Capps Rd., and Steele Rd.

#### Exhibits:

1. Mapping Attachments
2. Attachment A
3. Attachment B
4. Application
5. Plan Consistency & Reasonableness Statement

# Attachment A

## 2.7.B TABLE OF USES

<p>Legend</p> <p>P – Permitted by Right</p> <p>AS – Permitted with Additional Standards</p> <p>SUP – Special Use Permit</p>								
Uses	R	NR	UR	CC	HC	BCP	I	Additional Standards
<b>Residential Uses</b>								
Residential, Single Family	AS	AS	AS					2.8.A
Manufactured Home	AS							2.8.B
Residential, Multi-Family			AS			SUP		2.8.C
Bed and Breakfast	AS	AS	AS					2.8.D
Family Care Home	AS	AS	AS					2.8.E
Residential Care Facility					SUP	SUP		2.8.F
<b>Commercial/Office/Retail</b>								
Adult Establishment					SUP			2.8.G
Arena/Stadium					SUP	SUP		2.8.H
Auto Services/Gasoline Station					AS	AS		2.8.I
Commercial I				P				
Commercial II				AS	P			2.8.J
Commercial III					AS	SUP		2.8.K
Hotel/Inn				P	P	P		
Micro-Brewery/Micro-Distillery				P	P			

## Legend

P – Permitted by Right

AS – Permitted with Additional Standards

SUP – Special Use Permit

Uses	R	NR	UR	CC	HC	BCP	I	Additional Standards
Personal and Professional Services			AS	P	P			<b>Error! Reference source not found.2.8.L</b>
Restaurants and Eateries			SUP	P	P			2.8.M
Retail			SUP	P	P			2.8.N
Institutional/Civic/Educational								
Cemetery	AS				AS			2.8.O
Cultural/Community Center		P	P	P	P			
Day Care			AS	P	P			2.8.P
Educational Facility		SUP	SUP	SUP	SUP			2.8.Q
Fire and Police Station	P	P	P	P	P	P	P	
Government Service			P	P	P	P	P	
Religious Institution	AS	AS	AS	AS	AS	AS	AS	2.8.R
Industrial								
Manufacturing, Heavy						SUP	P	2.8.S
Manufacturing, Light						P	P	
Outdoor Storage/Sales					SUP		AS	2.8.T
Wholesale/Warehouse					AS	P	P	2.8.U
Agricultural								
Agriculture	P					P	P	
Community Garden		P	P					

## Legend

P – Permitted by Right

AS – Permitted with Additional Standards

SUP – Special Use Permit

Uses	R	NR	UR	CC	HC	BCP	I	Additional Standards
Farm Product Sales	P			AS	AS			2.8.V
Stables/Riding Academy	P							
Infrastructure and Transportation								
Essential Services I	P	P	P	P	P	P	P	
Essential Services II	SUP	SUP	SUP	SUP	SUP	SUP	SUP	Appendix D
Essential Services III							SUP	
Transportation Facilities					SUP	SUP	P	
Parking Lot				AS	AS	P	P	2.8.W
Solar Farm							SUP	
Parks and Recreation								
Park	P	P	P	P	P	P	P	
Recreation and Sports Center, Indoor				P	P	SUP		2.8.X
Recreation and Sports Center, Outdoor	P	P	AS	SUP	P	P		2.8.Y
Accessory Uses								
Home Occupation	AS	AS	AS	AS				2.8.Z
Accessory Cottage	AS	AS	AS					2.8.AA
Outdoor Storage	AS				AS	AS	AS	2.8.BB
Conference Center				SUP	P	P		2.8.CC
Drive-thru Facility				AS	AS	AS		2.8.DD

**Legend**

P – Permitted by Right

AS – Permitted with Additional Standards

SUP – Special Use Permit

Uses	R	NR	UR	CC	HC	BCP	I	Additional Standards
Kennels	AS							2.8.EE
Temporary Uses								
Farm Product Sales	P			P				2.8.V

**INDUSTRIAL**Manufacturing, Heavy

- Pickled fruits and vegetables
- Flour and other grain mill products, sugar refining
- Animal feeds and pet foods
- Fats and oils
- Beer/malt beverages, wines, brandy, distilled and blended liquor; roasted coffee
- Non-chocolate Confectionery Manufacturing
- Rice Milling
- Tobacco products
- Dyeing and finishing textiles, except wool fabrics and knot goods
- Coated fabrics, rubberized and not rubberized; canvas and related products
- Sawmills and planing mills, general
- Wood building and manufactured homes
- Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills
- Industrial inorganic chemicals; Plastic materials, synthetic resins, and rubber; cellulosic and other man-made fibers, except glass
- Soaps, detergents, and cleaning preparations; perfumes, cosmetics, and other toilet preparations



- Paints, varnishes, lacquers, enamels, and allied products
- Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.)
- Miscellaneous chemical products (e.g., adhesives, sealants, explosives, printing ink, carbon black, and other chemical and chemical preparations)
- Lubricating oils and greases
- Products of petroleum and coal
- Tires and inner tubes
- Plastic products when resins are made at the same facility
- Leather tanning and finishing
- Flat glass; glass and glassware;
- Cement, hydraulic
- Structural clay products
- Pottery and related products except handmade pottery and arts and crafts operations involving no more than one thousand (1,000) cubic feet of kiln space
- Concrete gypsum and plastic products; cut stone and stone
- Abrasive products; asbestos products; mineral wool;
- Minerals and earth, ground or otherwise treated
- Non-clay refractories
- Miscellaneous nonmetallic mineral products
- Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing, and extruding of nonferrous metals; nonferrous foundries;
- Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services
- Manufacture of other primary metal products
- Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles
- Power, distribution, and specialty transformers
- Electrical industrial carbon and graphic products
- Storage batteries; primary batteries, dry and wet
- Motor vehicles; truck, bus, and passenger car bodies; truck trailers; motor homes;
- Aircraft; guided missiles and space vehicles and parts
- camping trailers

- (Military) tanks (and related armored vehicles) but not tank components
- All photographic supplies but not photographic equipment
- All inks, paints, oils, enamels, and crayons
- Carbon paper and inked ribbons
- Linoleum, asphalt – felt-base, and other hard surface floor covering
- Meat packing plants and poultry dressing plants
- Processing and packing of canned, cured, fresh, or frozen fish and seafood
- Petroleum refining
- Asphalt paving and roofing materials
- Mining

#### Manufacturing, Light

- Anything not classified as Heavy

#### Outdoor Storage/Sales

- Commercial Vehicle/Truck Storage
- Recreational Vehicle Sales
- Heavy Equipment Sales/Storage
- Heavy Machinery Sales/Storage
- Contractor Yard
- Construction Materials Yard
- Junk Yard/Salvage Yard
- Portable Toilet Service
- Boat Sales and Storage
- Manufactured Homes Sales

#### Wholesale/Warehouse

- Warehouses
- Wholesale
- Distribution Facilities
- Cold Storage

### AGRICULTURAL

#### Agriculture

- Growing agricultural and horticultural products

- Riding academies
- Riding corrals and tracks
- Boarding stables
- Animal husbandry
- Dairy barns
- Cattle pens;
- Stock yards
- Poultry houses
- Manure storage
- Hog and rabbit meat production

#### Community Garden

- Urban Farm

#### Farm Product Sales

- Farmers Market
- Winery
- Nurseries
- Greenhouses
- Dairy

### INFRASTRUCTURE/TRANSPORTATION

#### Essential Services I

- Transmission Lines

#### Essential Services II

- Facilities related to:
- Telephone
- Electric
- Steam
- Water
- Cable
- Fiber Optics
- Sewer
- Telecommunication

Essential Services III

- Generation facility
- Sanitary Landfill
- Septic Tank Disposal

Transportation Facilities

- Airport
- Airstrip
- Truck Terminal

Railroad Terminal

## Attachment B

**Table Error! No text of specified style in document.-1 Determination of Buffer Yards**

		Existing/Adjacent Land Use							
		SF Detached Residential	All other Residential, B&B	Civic, Educational	Office, Service	Mixed Use, Lodging, Commercial Entertainment	Industrial, Automotive, Agriculture <sup>2</sup> , Infrastructure	Vacant Land (R, NR, UR)	Vacant Land (HC, BCP, I)
Proposed Land Use	SF, Detached Residential	X	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	B <sup>1</sup>	A <sup>1</sup>	X	C
	All other Residential, B&B	C	X	X	X	X	B <sup>1</sup>	B	C
	Civic/Educational	B	C	X	X	X	C <sup>1</sup>	B	X
	Office/Service	B	B	C	X	X	X	B	X
	Mixed Use Lodging, Commercial, Entertainment	A	B	B	X	X	X	B	X
	Industrial/Automotive/Agriculture <sup>2</sup> /Infrastructure	A	A	A	A	A	X	A	B
	-CD/PUD <sup>3</sup>	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
<b>A = Type A Buffer; B = Type B Buffer; C = Type C Buffer; X = No buffer required</b> <sup>1</sup> Only required where an adjacent, more intense use is pre-existing and no equivalent buffer is provided on the adjacent property. If an adjacent, existing use provides a buffer that is less than the current, required width, the proposed use shall install 50% of the required buffer indicated. <sup>2</sup> Agricultural Uses excluding Backyard pens/coops and Gardens. Nurseries and Garden Centers and Farm Stands shall be considered commercial uses for buffer purposes. <sup>3</sup> -Conditional District and PUD shall determine buffer yards as specified in the concept plan									

### 1. Planting Options for Buffer Yards

The required buffer yard may be established using a selection of yard widths, trees, shrubs, fences, walls, and berms. The following tables illustrates the minimum required elements for each buffer yard type. The applicant may select the best option within each Buffer type based on site conditions, existing vegetation, and site design. Depending on the species selected by the applicant, the Administrator may require additional buffer plantings if buffering intentions are not met.

- a. **Type A Buffer:** The intent of the Type A Buffer is to create a completely opaque buffer, having no horizontal openings from the ground to a height of eight (8) feet within two (2) years of planting. Above eight (8) feet to a height of twenty (20) feet, there is to be intermittent visual obstructions from canopy trees. A Type A Buffer may be achieved in one of four ways:

**Table Error! No text of specified style in document.-2 Type A Buffer**

Type A Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet*	Required Barrier
A.1. Option 1	50 feet	4 Evergreen Trees	Not Required

		2 Canopy Trees 2 Understory Trees 48 Shrubs	
<b>A.2. Option 2</b>	40 feet	3 Evergreen Trees 1 Canopy Tree 2 Understory Trees 36 Shrubs	Berm (See 3.5.J.)
<b>A.3. Option 3</b>	40 feet	2 Evergreen Trees 2 Canopy Trees 1 Understory Trees 24 Shrubs	Fence or Wall (See 3.5.J.)
<b>A.4. Option 4</b>	30 feet	2 Evergreen Trees 1 Canopy Tree 1 Understory 12 Shrubs	Berm with Fence or Wall (See 3.5.J.)

\* A minimum of 50% of required shrubs for all options must be evergreen species

Figure Error! No text of specified style in document.-1 Type A Buffer Option 1

### Type A: Option 1

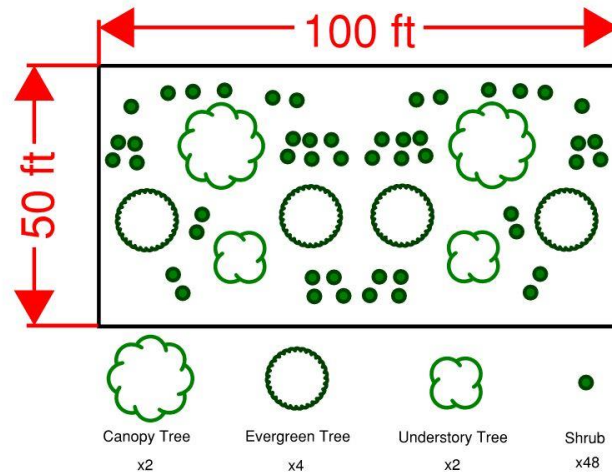


Figure Error! No text of specified style in document.-2 Type A Buffer Option 2

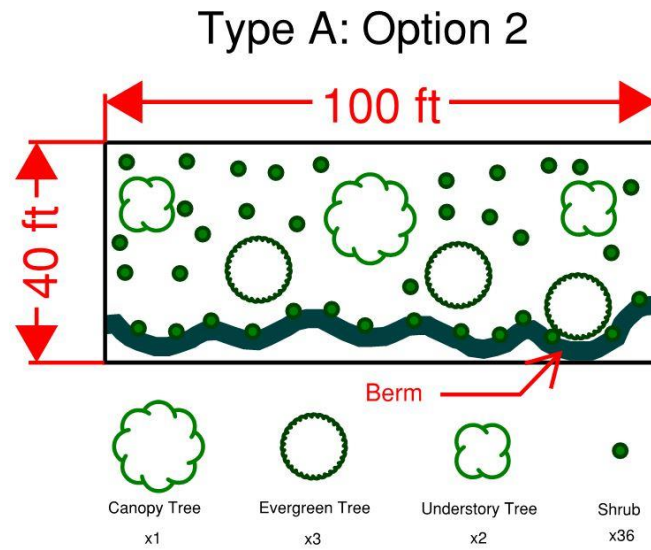


Figure Error! No text of specified style in document.-3 Type A Buffer Option 3

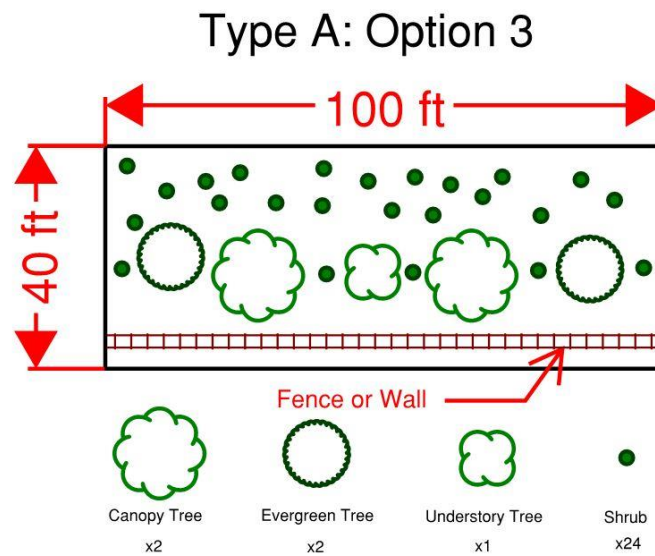
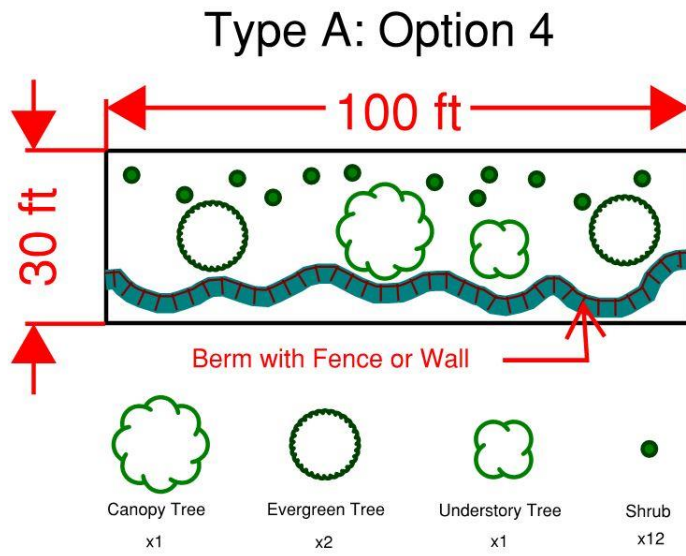


Figure Error! No text of specified style in document.-4 Type A Buffer Option 4





PLAN CONSISTENCY & STATEMENT OF REASONABLENESS  
ZONING MAP AMENDMENT  
April 11, 2022

Pursuant to N.C. Gen. Stat. §160D-605 the City of Bessemer City Council hereby approves and adopts the following Plan Consistency and Statement of Reasonableness for the rezoning of Tax Parcel #152648 within the city limits of Bessemer City, North Carolina as noted and depicted on the proposed Official Zoning Map.

- 1) Said zoning change is **consistent** with the goals and values established by the City Council adopted in 2019.
  - a. The City Council created a mission and vision statement that included the following seven values: 1. Open, Honest and Accessible Government, 2. Fiscal Accountability and Sustainability, 3. Public Safety and Safe and Accessible Neighborhoods, 4. Keeping True to Our Small-Town Character and Traditions, 5. Focused on Quality and Customer Service, 6. Family Oriented, 7. Promote a Healthy Quality of Life. This rezoning is consistent with these values.
  - b. The City Council created a mission and vision statement that included the following eight goals: 1. A desirable place to live and work that is open to growth, 2. A safe and secure community for residents and visitors, 3. A sustainable community with high quality and dependable infrastructure and utilities, 4. A thriving, viable and diverse economy, 5. Provide opportunities for our citizens, 6. Sustainable organizational capacity, 7. Embrace innovation and promote creativity, 8. Promote a healthy quality of life. This rezoning is consistent with these goals.
- 2) Said rezoning is **consistent** with the City of Bessemer City Planning and Economic Development Comprehensive Land Use Vision Map adopted by the City Council in 2019. The proposed rezoning is:
  - a. Consistent with the future land use as designated on the official land use map.
- 3) The proposed map amendment **would not be detrimental** to the city and ETJ.
  - a. The physical conditions that make the rezoning reasonable are:
    - Provides Economic Development growth opportunities with redevelopment and new development in areas that are currently limited due to current zoning.
  - b. The rezoning is in the best interest of the public to increase and maximize property values in order to provide for future infrastructure and amenities.

Therefore, the requested rezoning is **reasonable** and **in the public interest**.

Upon a motion that the application is **consistent** with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Read, approved and adopted this the 11<sup>th</sup> day of April, 2022.

ATTEST

CITY COUNCIL FOR THE  
CITY OF BESSEMER CITY

\_\_\_\_\_  
Hydeia Hayes, City Clerk

BY \_\_\_\_\_  
Becky S. Smith, Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
David W. Smith, City Attorney



**AN ORDINANCE FOR THE WITHDRAWING AND CLOSING OF A PORTION OF A RECORDED  
SECTION OF PUBLIC STREET RIGHT OF WAY NAMED DOWNEY LANE**

**WHEREAS**, G.S. 160A-229 authorizes the Council of Bessemer City to permanently close streets and public alleys:

**WHEREAS**, The City adopted a Resolution of Intent on March 14, 2022 to close and withdraw from dedication a portion of street right-of-way named Downey Lane. A section of right-of-way measuring approximately 303.95 feet by approximately 25 feet located on the 800 block of Edgewood Rd. between Rhyne St. and McCall Dr. This right-of-way section measures approximately 426 feet from Rhyne St. (going south), then approximately 530 feet from McCall Dr. (going north);

**WHEREAS**, after proper notification a Public Hearing was held before the Bessemer City Council at it's regularly scheduled meeting on April 11, 2022;

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Bessemer City, that the above described right-of-way be closed and withdrawn from dedication in favor of Edgewood.

Adopted by City Council this 11<sup>th</sup> Day of April, 2022

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Becky S. Smith, Mayor

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Hydeia Y. Hayes, City Clerk

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**AN ORDINANCE AMENDING OFFICIAL ZONING MAP OF THE CITY  
OF BESSEMER CITY.**

**WHEREAS**, after proper notification a Public Hearing was held before the Bessemer City Council on April 11<sup>th</sup>, 2022 to consider a proposed amendment to the City of Bessemer City Zoning Map. On March 7<sup>th</sup>, 2022 the Bessemer City Planning Board voted to recommend the City Council approve the proposed zoning map amendment.

**WHEREAS**, after a \_\_\_\_\_ vote, the City Council of Bessemer City approved a zoning map change to the Official City of Bessemer City Zoning Map reflected in application MSP 01-2022.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Bessemer City, that the Official City of Bessemer City Zoning Map is amended to reflect the adopted changes as written below.

1. Tax Parcel #152648 is rezoned from Urban Residential (UR) to Business Campus Production (BCP) District.

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 11<sup>th</sup> Day of April, 2022.

\_\_\_\_\_  
Becky S. Smith, Mayor

\_\_\_\_\_  
Hydeia Y. Hayes, City Clerk



**A RESOLUTION APPROVING THE APPLICATION FOR MAJOR SITE  
PLAN DEVELOPMENT**

**WHEREAS**, after proper notification a Public Hearing was held before the Bessemer City Council on April 11<sup>th</sup>, 2021 to consider a proposed major site plan development application. On March 7<sup>th</sup>, 2022 the Bessemer City Planning Board voted to recommend the City Council approve the proposed major site plan development application.

**WHEREAS**, after a \_\_\_\_\_ vote, the City Council of Bessemer City approved a major site plan development application as reflected in application MSP 01-2022.

**NOW THEREFORE BE IT ORDAINED**, by the City Council of the City of Bessemer City, that the Major Site Plan Application referred to as MSP 01-2022 be approved.

Effective Date

This Ordinance shall become effective upon its adoption by the City Council of the City of Bessemer City, North Carolina.

Adopted by City Council this 11<sup>th</sup> Day of April, 2022.

\_\_\_\_\_  
Becky S. Smith, Mayor

\_\_\_\_\_  
Hydeia Y. Hayes, City Clerk

PLAN CONSISTENCY & STATEMENT OF REASONABLENESS  
ZONING MAP AMENDMENT  
April 11, 2022

Pursuant to N.C. Gen. Stat. §160D-605 the City of Bessemer City Council hereby approves and adopts the following Plan Consistency and Statement of Reasonableness for the rezoning of Tax Parcel #152648 within the city limits of Bessemer City, North Carolina as noted and depicted on the proposed Official Zoning Map.

- 1) Said zoning change is **consistent** with the goals and values established by the City Council adopted in 2019.
  - a. The City Council created a mission and vision statement that included the following seven values: 1. Open, Honest and Accessible Government, 2. Fiscal Accountability and Sustainability, 3. Public Safety and Safe and Accessible Neighborhoods, 4. Keeping True to Our Small-Town Character and Traditions, 5. Focused on Quality and Customer Service, 6. Family Oriented, 7. Promote a Healthy Quality of Life. This rezoning is consistent with these values.
  - b. The City Council created a mission and vision statement that included the following eight goals: 1. A desirable place to live and work that is open to growth, 2. A safe and secure community for residents and visitors, 3. A sustainable community with high quality and dependable infrastructure and utilities, 4. A thriving, viable and diverse economy, 5. Provide opportunities for our citizens, 6. Sustainable organizational capacity, 7. Embrace innovation and promote creativity, 8. Promote a healthy quality of life. This rezoning is consistent with these goals.
- 2) Said rezoning is **consistent** with the City of Bessemer City Planning and Economic Development Comprehensive Land Use Vision Map adopted by the City Council in 2019. The proposed rezoning is:
  - a. Consistent with the future land use as designated on the official land use map.
- 3) The proposed map amendment **would not be detrimental** to the city and ETJ.
  - a. The physical conditions that make the rezoning reasonable are:
    - Provides Economic Development growth opportunities with redevelopment and new development in areas that are currently limited due to current zoning.
  - b. The rezoning is in the best interest of the public to increase and maximize property values in order to provide for future infrastructure and amenities.

Therefore, the requested rezoning is **reasonable** and **in the public interest**.

Upon a motion that the application is **consistent** with the Bessemer City Planning and Economic Development Comprehensive Land Use Vision.

Read, approved and adopted this the 11<sup>th</sup> day of April, 2022.

ATTEST

CITY COUNCIL FOR THE  
CITY OF BESSEMER CITY

\_\_\_\_\_  
Hydeia Hayes, City Clerk

BY \_\_\_\_\_  
Becky S. Smith, Mayor

APPROVED AS TO FORM

\_\_\_\_\_  
David W. Smith, City Attorney



**RESOLUTION DECLARING PROPERTY SURPLUS AND  
AUTHORIZING THE DISPOSITION OF SAID PROPERTY**

**WHEREAS**, the City Council of the City of Bessemer City, North Carolina has determined that the City owns certain property that has become surplus for its current needs; and

**WHEREAS**, the property is described as follows:

2003 John Deere 310G Backhoe VIN #T0310GX913647

**WHEREAS**, General Statute §160A-266 permits the City to sell such property by private sale, upon authorization by the City Council at a regular meeting and notice to the public; and

**WHEREAS**, General Statute §160A-271 permits the City to exchange such property for comparable property and not below tax value, upon authorization by the City Council at a regular meeting and notice to the public;

**NOW, THEREFORE BE IT RESOLVED** that the City Manager is hereby authorized to dispose of the aforementioned property by any means allowable including internet on-line offering, private sale or even exchange.

**BE IT FURTHER RESOLVED** that the property described in this resolution was declared surplus on April 11<sup>th</sup>, 2022

Adopted this the 11<sup>th</sup> day of April, 2022.

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Becky S. Smith, Mayor

Attest:

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Hydeia Hayes, City Clerk