

**Town of Dallas
Agenda
October 24, 2023
5:00 PM**

BOARD OF ALDERMEN – WORK SESSION MEETING

Rick Coleman, Mayor

Sam Martin

Frank Milton

Darlene Morrow

Jerry Cearley, Mayor Pro-Tem

E. Hoyle Withers

<u>ITEM</u>	<u>SUBJECT</u>	<u>Pages</u>
1.	Pledge of Allegiance to the Flag	
2.	Approval of Agenda with Additions or Deletions	
3.	New Business	
A.	EDC Local Investment Grant Program	2
B.	208 N. Holland St.	12
C.	Shepherd's Way Annexation	13
D.	Shepherd's Way Rezoning	26
E.	No Parking Zones on W. Main St.	61
F.	Electric Service Territory	66

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Gaston County EDC – Local Investment Grant Program

AGENDA ITEM NO. 3A

MEETING DATE: 10/24/2023

BACKGROUND INFORMATION:

At the August 22 Board of Aldermen Work Session, American Insulted Glass (AIG) made a presentation concerning a planned plant expansion. At that time, and based on their plans, the projected cost for their electrical infrastructure needs from the Town were \$241,804.25. Based on Town approved policy, those costs would be charged to AIG. At the presentation, representatives from AIG requested relief from the policy requirement.

Since this meeting, AIG has modified their infrastructure plans, resulting in a new projected cost as shown below:

Transformer -----	\$ 98,146.00
Material -----	\$ 22,680.55
Labor 80 hours for Electric crew-----	\$ 17,558.40
Equipment charge 3 trucks -----	\$ 17,600.00
Crane fees to set transformers -----	\$ 3,000.00
Newspaper cost -----	\$ 676.20
Engineering Bob Thomas -----	\$ 1,468.80
 Total -----	 \$ 161,129.95

Gaston County Economic Development Commission (EDC) was given the information and has been in contact with AIG to discuss possible incentives for the project.

Representatives from the EDC are scheduled to be present to discuss those incentives and ways Dallas can partner with the incentives through the Local Investment Grant Program.

Attached is a copy of the Local Investment Grant Program.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:



LOCAL INVESTMENT GRANT PROGRAM

Availability

The following investment grant program is available in Gaston County, Gastonia, Bessemer City, Belmont, Cherryville, Dallas, Mount Holly, Stanley and Cramerton.

Purpose

The Gaston County Board of Commission has supported economic development for more than twenty years with an emphasis on tax base development, employer diversification and job creation. The Commission has recognized the need to provide programs and financial support to strengthen and diversify the County's economy. Tax base development is a key concern for the County's fiscal health. It is essential not only to attract new investment but also to encourage existing business to expand and reinvest in their Gaston County operations. The Gaston County Investment Grant Program (GCIGP) is intended to provide an inducement for new business to locate in Gaston County and encourage existing business to expand.

Grant Program Description

The program provides grants to companies investing in Gaston County. The grant will be established by an application with Gaston County. The company must pay their taxes in full each year based on the actual tax value of the property or investment. If the company meets all of the criteria in the application, a portion of the property tax will be returned as a grant. The amount of the grant is based on a sliding scale.

Investment Grants will be based on the increase in tax value of all real property, machinery and improvements above the base year prior to investment. No grant will be given to a company that would reduce their tax payment to an amount lower than the previous tax year. Purchases of any existing Gaston County facility or equipment will not qualify for the program.

All grant monies will be taken directly from the company's tax payment. The company must be current with all other payments required by Gaston County.

The Gaston County Board of Commissioners may modify or eliminate the program subject to meeting all existing grant obligations in effect at the time. No company may transfer grant agreements or contracts without explicit approval by the Gaston County Board of Commissioners.



Tax Rate Information

Gaston County completed a countywide revaluation at the end of 2022. The findings of the evaluation increased the property values significantly. Taking the revaluation into consideration, the Gaston County Commissioners voted to decrease the tax rate from \$.81 to \$.61 on May 9th, 2023. The \$.61 Tax Rate will be effective January 1, 2023.

Companies in the following North American Industry Classification System (NAICS) 1997 and 2000 Revisions are eligible for the grants:

Category of Business	NAICS Code
Manufacturing	31-33(NAICS 97)
Warehousing	493 (NAICS 97)
Data Processing	51821 (NAICS 2000)
Retail	44-45 (NAICS 2000)
Elderly	NAICS 623312

Industrial Grant 1

All investment in real property, new machinery and equipment over \$1,000,000.00 would be eligible for a grant as shown below.

Year 1 - 90% property tax grant
Year 2 - 80% property tax grant
Year 3 - 70% property tax grant

Year 4 - 60% property tax grant
Year 5 - 50% property tax grant



Industrial Grant 2

All investment in real property, new machinery and equipment over \$15,000,000.00 would be eligible for a grant as shown below.

Year 1 - 90% property tax grant
Year 2 - 80% property tax grant
Year 3 - 70% property tax grant
Year 4 - 60% property tax grant
Year 5 - 50% property tax grant

Year 6 - 40% property tax grant
Year 7 - 30% property tax grant
Year 8 - 20% property tax grant
Year 9 - 10% property tax grant

Industrial Grant 3

All investments in real property, new machinery and equipment over \$30,000,000.00 would be eligible for a grant as shown below.

Year 1 - 90% property tax grant
Year 2 - 85% property tax grant
Year 3 - 80% property tax grant
Year 4 - 75% property tax grant
Year 5 - 70% property tax grant

Year 6 - 65% property tax grant
Year 7 - 60% property tax grant
Year 8 - 55% property tax grant
Year 9 - 50% property tax grant
Year 10 - 45% property tax grant



Industrial Grant 4

All investments in real property, new machinery and equipment over \$50,000,000.00 would be eligible for a grant as shown below.

Year 1 - 85% property tax grant	Year 6 - 70% property tax grant
Year 2 - 85% property tax grant	Year 7 - 70% property tax grant
Year 3 - 85% property tax grant	Year 8 - 70% property tax grant
Year 4 - 85% property tax grant	Year 9 - 70% property tax grant
Year 5 - 85% property tax grant	Year 10 - 70% property tax grant

Retail Grant:

Only available in Gaston County, Bessemer City, Cherryville and Stanley.

All net retail investments with an aggregate investment of \$40,000,000.00 would qualify for a grant as shown below.

Year 1 - 90% property tax grant	Year 4 - 60% property tax grant
Year 2 - 80% property tax grant	Year 5 - 50% property tax grant
Year 3 - 70% property tax grant	



The Local Investment Grant Program is intended to diversify the tax base, improve employment opportunities for Gaston County citizens, and create an increase in the net depreciable taxable value of the tax base of Gaston County. The Gaston County Tax Department and the Gaston County Economic Development Commission shall establish procedures for the implementation of the Program. Grant applications shall be reviewed and verified by the Tax Department and the EDC. Any interpretation of the application and/or approved Grant of the program to a specific project shall be subject to a yearly review by the EDC and Tax Department for eligibility in accordance with this policy statement and shall be final.

**Small Business Grant:
(Temporary-Limited to Investment in Calendar Year 2022)**

Business investments made during calendar year 2022 in an amount equal to or greater than \$10,000 and less than \$1,000,000.00 would qualify for the following grant.

50% property tax grant (Applies only to Gaston County at adoption).



Gaston County Incentive Grant Program

I. Purpose:

The Gaston County Board of Commission has supported economic development for more than twenty years with an emphasis on tax base development, employer diversification and job creation. The Commission has recognized the need to provide programs and financial support to strengthen and diversify the County's economy. Tax base development is a key concern for the County's fiscal health. It is essential not only to attract new investment but also to encourage existing business to expand and reinvest in their Gaston County operations. The Gaston County Investment Grant Program (GCIGP) is intended to provide an inducement for new business to locate in Gaston County and encourage existing business to expand.

II. Grant guidelines :

- ◆ Gaston County offers five incentive grant programs. These are: (A) Industrial Grant 1 which requires a minimum of \$1 million in net additional value, (B) Industrial Grant 2 which requires a minimum of \$15 million in net additional value, (C) Industrial Grant 3 which requires a minimum of \$30 million in net additional value, (D) Industrial Grant 4 which requires a minimum of \$50 million in net additional value and, (E) Retail Grant 1 which requires a minimum of \$40 million in net additional value to qualify for the grant. The intent of the incentive grant program is designed to ensure that the County will see an increase in the property tax base greater than that of the minimum grant requirements. *Investor must contact the EDC prior to investing to be eligible for the Large Business Investment Grant. The grant must go before the Gaston County Board of Commissioners for approval. If the Board approves the grant, the company will then enter into an Economic Development Agreement. Grants will not be provided without Board approval and an economic development agreement, or if construction/investment happens prior to the two. Net additional value is any new assets, plus all existing assets, less depreciation on all personal property assets. (The beginning Base Value is calculated on all existing assets, not only on new taxable grant investments.) The base year used in grant calculations for existing Gaston County industries will be the previous tax year value prior to application. Vehicles will not be considered in the application of the incentive grant program.*
- ◆ Only "net new taxable" purchases and assets transferred into Gaston County from other locations outside Gaston County will apply for grant consideration. Purchase of any pre-existing Gaston County facility or equipment will not qualify.
- ◆ Real and personal property will be based on current Gaston County appraised tax value at time of application, and not on a company's investment costs.



- ◆ All assets related to the industrial or retail operation will be considered for grant approval; including both owned and leased real estate and business equipment. Incentive grant checks will be distributed to the property owner/lessor who was responsible for the related tax payments. Each corporate entity/name shall qualify on its own asset merit. No dissimilar names will be consolidated into an aggregate grant application, unless noted at the time of application.
- ◆ Forms G-1, G-2 and G-3 must be filed annually for all consecutive years of the grant period, whether or not changes have occurred. Additional qualifying projects, during this initial grant period, will require a new series of grant applications.
- ◆ All assets used in consideration for the grant will be subject to an **annual** audit by the Gaston County Tax Director's office, to ensure accuracy and compliance with the terms of the grant. The burden of proof is upon the taxpayer to prove these related assets qualify annually. Cooperation of the taxpayer to provide detailed asset lists; leasing arrangements with named parties; all related business and corporate names; all physical address information; etc. is essential in the grant approval process. The company must also agree to the value of all existing assets prior to receiving payment from Gaston County. Any appeal of value must be resolved totally before payout can be made.
- ◆ Future funding of the program will be considered through the annual budget process; and may be modified, suspended or terminated due to current budgetary constraints, legal issues, or other issues deemed important by the Gaston County Commissioners. Any incentives in effect at that time would not be affected.

III. The Application Process:

- ◆ Completed application forms, along with a complete current fixed asset schedule, must be filed no later than April 15 (if 15th falls outside of a business day, application must be submitted on the following business day before 5:00pm.) Companies filing applications for an extended project (one which takes more than 12 months to complete) may apply the second year. Industrial Grant 2, 3 and 4 may be extended for 3 years. Forms G-2 and G-3 must be filed annually by April 15 (if 15th falls outside of a business day, application must be submitted on the following business day before 5:00pm.) for the duration of the grant period.
- ◆ Applications will be mailed to and reviewed by the Economic Development Commission & then the County Manager or his designee, to determine the eligibility of the project in question based on these guidelines.
- ◆ After approval from the EDC/County Manager, the incentive grant application(s) will be forwarded to the County's Tax Director for processing.

IV. The Payout Procedure:

- ◆ Calculation of payout will be based on the qualifying increase from the prior year's tax value (base year) and shall be computed as follows:
 - A) Existing companies qualifying value will be determined by looking at all assets in the County, and not just new investments, to determine base year amounts. The difference between the base year tax value and the grant year tax value will be the qualifying **net new** amount. First year payout will be based on 100% of this qualifying amount, times the county tax rate, times the formula percentage. The second-year depreciation for personal property will be based on the first year % good factor as determined from the *cost index & trending schedule* as prepared by the North Carolina Department of Revenue. For example, a qualifying 2022 grant would use the 2023 trending schedule, and the total qualifying personal grant value would be considered a 2022 cost and be depreciated at that % good factor of a 2022 acquisition. No annual depreciation will be applied to real estate investments. Real estate investments will be based on the current appraised value for the grant year. The duration of the grant years will be calculated likewise.
 - B) New companies qualifying value will be determined by the net new taxable investment made to the county. The first-year payout will be based on the depreciated personal property value and 100% of the increase in real estate tax value due to improvements. The second-year payout will be based on one year's depreciation for personal property as derived from the use of the North Carolina Department of Revenue cost index & trending schedules. No annual depreciation will be applied to real estate investments. The subsequent remaining years of the grant will follow the same format.
- ◆ After all taxes have been timely paid, and any & all tax value appeals resolved, the Tax Director's office will notify the Gaston County Finance Department to remit payment to the taxpayer. **Grant payouts will continue to be paid on any assignment or ownership changes but only for the remainder of the existing grant. Any additional investment will require a new grant under the new owner's name.**
- ◆ All qualified Incentive Grant checks will be processed (PAID) on or about July 31 beginning the year after an application is made. If annual taxes are not paid in a timely manner, by January 5 each year during the grant period, the grant will be terminated, and applicant will be notified.



V. Definitions:

Pre-existing Assets – Assets, either real or personal, already located in Gaston County prior to ownership by grant applicant.

EDC – Gaston County Economic Development Commission

Gaston County Commissioners – The body of elected officials, which governs budget, policy, and procedures in Gaston County.

Real Property – Any land, buildings, improvements, permanent fixtures, and rights & privileges belonging thereto.

Personal Property – All items not permanently affixed to the real property, and are typically depreciated over time (i.e. machinery & equipment, furniture & fixtures, computer equipment, leasehold improvements, and construction in process (CIP).

County Application – the official forms (G-1, G-2, and G-3) approved by the EDC and the Gaston County Commissioners, for which the applying business requests consideration for their recent investments toward the County's Investment Grant Program.

Foreign location – any location existing outside Gaston County boundaries

*GCIGP.ver1.3(8/16/00) revised 11/27/01, 1/9/02, 1/8/03, 2/16/2005, 2/10/2006, 2/12/07, 2/26/09, 4/5/10, 1/25/13, 12/10/13, 2/9/15, 1/11/16, 1/24/17, 1/15/18, 1/3/19, 1/6/23, 5/11/23

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: 208 N. Holland St. Renovations

AGENDA ITEM NO. 3B

MEETING DATE: 10/24/2023

BACKGROUND INFORMATION:

The CMAR (Construction Manager at Risk) has completed their assessment of the building at 208 N. Holland St. During the assessment, they discovered structural issues that affect the projected cost of the renovation significantly. With the ever increasing need for work space at Town Hall, a presentation will be made by the Architect firm to show a variety of options to incorporate renovations to that building and to potentially expand the existing Town Hall building. With the growth in Dallas and the need for additional work space, these options can be considered when making the final decision.

The Town received \$180,000 in SCIF (State Construction and Infrastructure Fund) Grants toward this project.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request – Parcel ID# 214259

AGENDA ITEM NO. 3C

MEETING DATE: 10/24/2023

BACKGROUND INFORMATION:

Spencer McNab of BGE, Inc., on behalf of Gaston Area Lutheran Fund, Inc., property owner, submitted a voluntary annexation petition on 6/12/2023. The petition is for voluntary contiguous annexation of a portion of Gaston County Parcel #214259 into the Town of Dallas in order to develop the entire property for single family residential

This application was submitted, along with rezoning petition Z-2023-02, requesting the Residential R-5 Zoning District. This entire 18.61-acre parcel is highlighted for new residential development in the 2030 Future Land Use Plan.

Staff was directed to investigate the sufficiency of the petition to determine if it meets the standards of 160A-31 at the Board of Aldermen Regular Meeting on July 11, 2023.

Attached is the annexation petition, parcel information, and the Certificate of Sufficiency for review.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

PETITION FOR ANNEXATION

PETITION NUMBER: _____

Contiguous

Non-Contiguous

DATE: _____

FEE: \$550.00

Current Property Use: Vacant / Wooded Requested Zoning: R-5

Planned Property Use: Single-Family Residential

To the Board of Aldermen of the Town of Dallas:

We, the undersigned owners of real property, respectfully request that the area described as

0 Shepherds Way Drive, DALLAS, NC 28034, further identified as a portion of parcel ID #s 214259 and 214260, be annexed to the Town of Dallas.

Print owner name(s) and information:

Gaston Area Lutheran Fund, Inc

Name Representative: Graham Bell Phone 704-922-8124

Address 916 S. Marietta St. Gastonia, NC 28054

Name _____ Phone _____

Address _____

Name _____ Phone _____

Address _____

Attachments included with Petition:

1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. List of Abutting Property Owners
4. Survey or Plat suitable for recordation
5. \$550 Fee

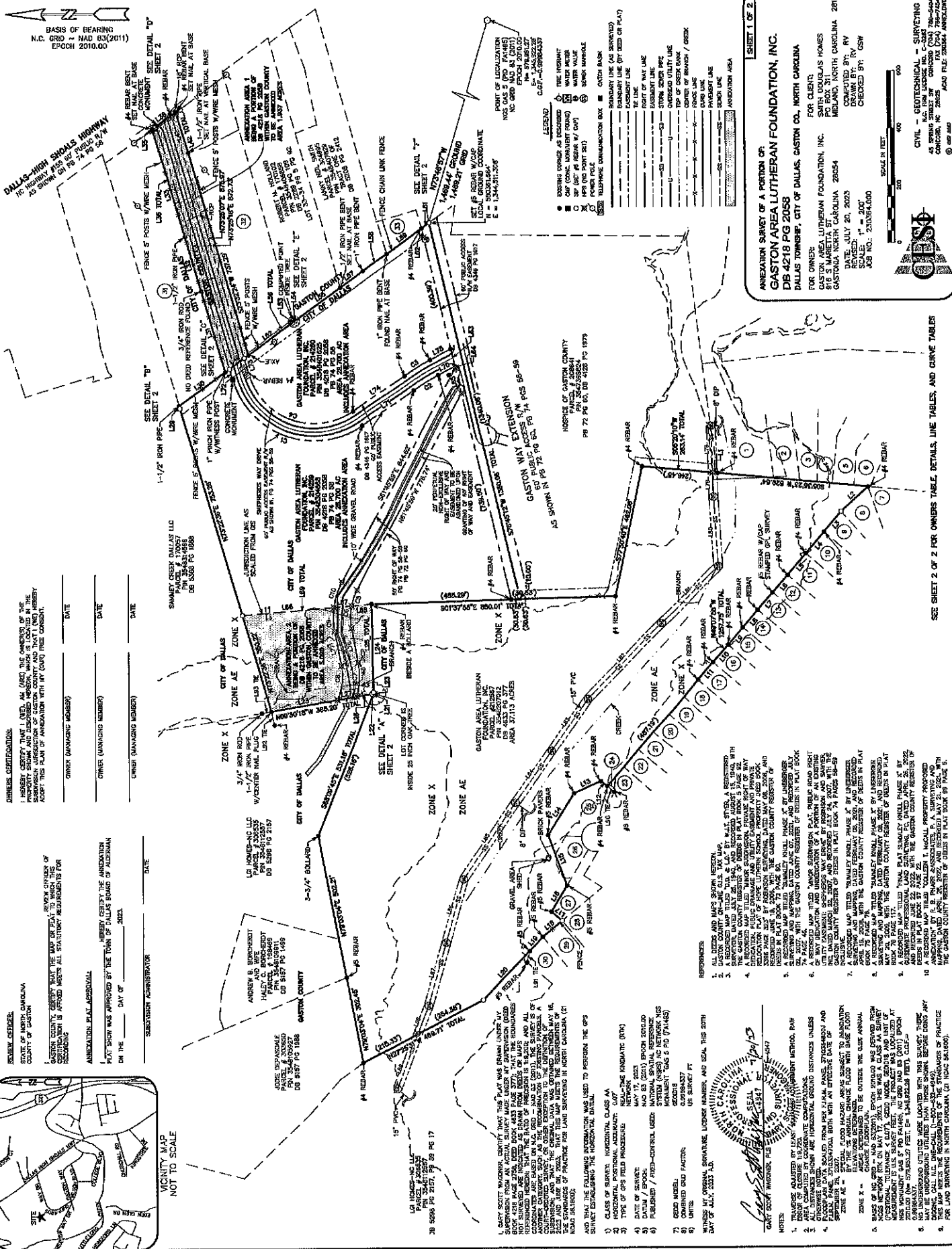
Owner's Signature:  Date: 7/26/2023

Owner's Signature: _____ Date: _____

Owner's Signature: _____ Date: _____

Received By: _____ Date: _____

BASIS OF BEARING
N.C. GRID - NAD 83(2011)
EPOCH 2010.00



**ANNEALING SURVEY OF A PORTION OF
GASTON AREA LUTHERAN FOUNDATION, INC.
DB 4218 PG 2058
DALLAS TOWNSHIP, CITY OF DALLAS, GASTON CO., NORTH CAROLINA**

FOR CLIENT:
GASTON AREA LUTHERAN FOUNDATION, INC.
10101 LINDSEY HOMES
PHASE 5A
MIDLAND, NORTH CAROLINA 28107

DATE: JULY 27, 2023
DRAWN BY: RV
CHECKED BY: GSW
JOB NO.: 23058A.000

CIVIL ENGINEER - SURVEYING
AS SET BY THE BOARD OF SURVEYING AND MAPPING
STATE OF NORTH CAROLINA
CONCURRED (C) BY: CONCORD (C) 786-564
CONCORD, NC 28625 ACAD FILE: 23058A.ANSI2010
© 2023

OWNER'S CERTIFICATION:
I, , AND , AS INDICATED HEREON, ARE THE OWNERS OF THE
PROPERTY SHOWN THEREON AND WE HEREBY CERTIFY THAT THE MAP OR PLAN, REVIEW APPROVED BY THE
SUPERVISOR OF GASTON COUNTY, NORTH CAROLINA, IS A TRUE AND CORRECT REPRESENTATION OF THE
ACTUAL SITUATION OF THE LAND SHOWN THEREON.
OWNER (MAPPING NUMBER) _____ DATE _____

ANNEALING PLAN APPROVAL:
I HEREBY CERTIFY THAT THE ANNEALING
PLAN SHOWS AS APPROVED BY THE BOARD OF ALDERSMAN
OF THE CITY OF DALLAS.
SUBSCRIBENT ADMINISTRATOR _____ DATE _____



VICINITY MAP
NOT TO SCALE

REVIEW OFFICER:
CITY OF DALLAS

LE JAMES, LLC
1215 N. GILBERT
DALLAS, TX 75208
PH: 972.412.2227
DB 5289 PG 2107

ANDREW B. BROWNE
1410 W. GILBERT
DALLAS, TX 75208
PH: 972.412.2227
DB 5167 PG 1499

JANE OSPASDALE
1215 N. GILBERT
DALLAS, TX 75208
PH: 972.412.2227
DB 5167 PG 1499

SMARLY CREEK, DALLAS, LLC
17007 S. JAMES
DALLAS, TX 75241
DB 4266 PG 1888

GASTON AREA LUTHERAN FOUNDATION, INC.
10101 LINDSEY HOMES
PHASE 5A
MIDLAND, NC 28107
DB 4218 PG 2058

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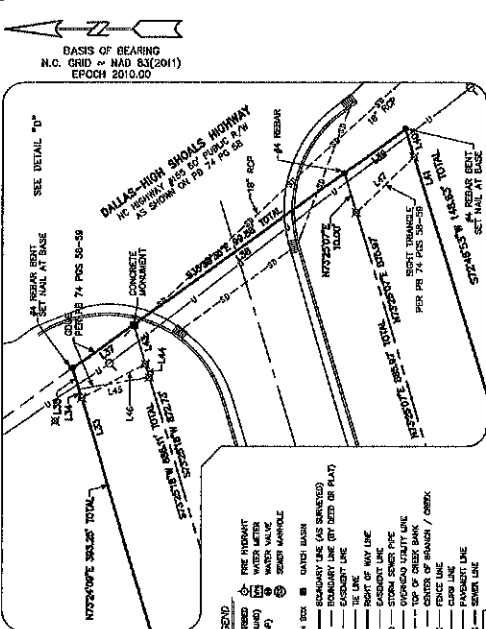
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REFERENCES:
1. ALL DEEDS AND MAPS PERTAINING TO THIS SURVEY.
2. A RECORDED MAP TITLED "DALLAS AREA LUTHERAN FOUNDATION, INC. PHASE 5A PLAT BOOK 4218 PAGE 2058" WITH THE GASTON COUNTY REGISTER OF DEEDS IN PLAT BOOK 4218 PAGE 2058.
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NOTES:
1. TRANSFER ADJUSTED BY LESS THAN 0.001 ACRES.
2. ALL DISTANCES SHOWN ARE HORIZONTAL UNLESS OTHERWISE NOTED.
3. ALL DISTANCES SHOWN ARE HORIZONTAL UNLESS OTHERWISE NOTED.
4. ELEVATION DATA OBTAINED FROM THE SURVEYOR'S LOGS AND USED TO CORRECT FOR CURVATURE AND REFRACTION.
5. THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE SURVEYING PRACTICE ACT AND THE SURVEYING AND MAPPING BOARD RULES AND REGULATIONS.
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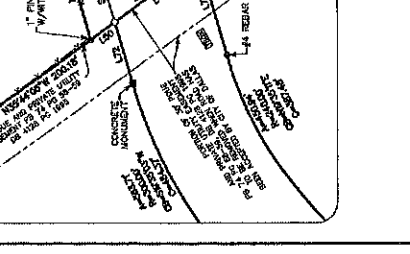
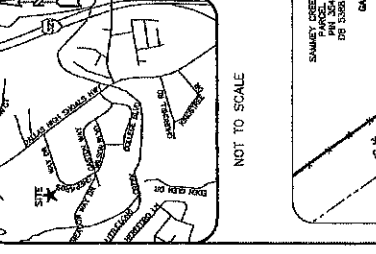
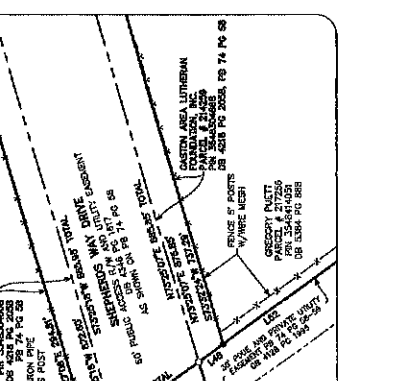
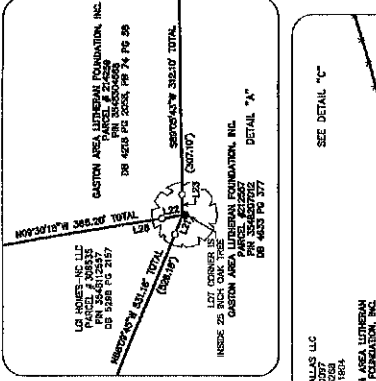
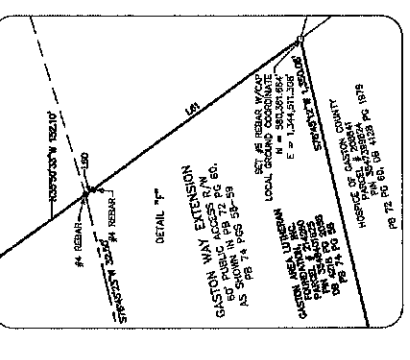
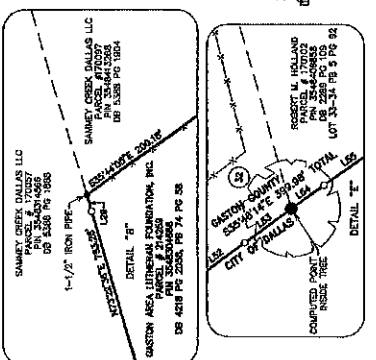


LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
1	S75°17'17"W	18.67	140	S87°43'32"W	36.49
2	N41°07'35"E	123.07	141	N73°23'37"E	30.49
3	S84°07'58"E	86.74	142	N41°07'35"E	20.00
4	S74°21'37"E	226.49	143	N41°07'35"E	20.00
5	S84°07'58"E	86.74	144	N41°07'35"E	20.00
6	N89°17'52"E	70.82	145	N41°07'35"E	20.00
7	S74°21'37"E	226.49	146	N41°07'35"E	20.00
8	S84°07'58"E	86.74	147	N41°07'35"E	20.00
9	S74°21'37"E	226.49	148	N41°07'35"E	20.00
10	S84°07'58"E	86.74	149	N41°07'35"E	20.00
11	S74°21'37"E	226.49	150	N41°07'35"E	20.00
12	S84°07'58"E	86.74	151	N41°07'35"E	20.00
13	N89°17'52"E	70.82	152	N41°07'35"E	20.00
14	S74°21'37"E	226.49	153	N41°07'35"E	20.00
15	S84°07'58"E	86.74	154	N41°07'35"E	20.00
16	S74°21'37"E	226.49	155	N41°07'35"E	20.00
17	S84°07'58"E	86.74	156	N41°07'35"E	20.00
18	S74°21'37"E	226.49	157	N41°07'35"E	20.00
19	S84°07'58"E	86.74	158	N41°07'35"E	20.00
20	S74°21'37"E	226.49	159	N41°07'35"E	20.00
21	S84°07'58"E	86.74	160	N41°07'35"E	20.00
22	S74°21'37"E	226.49	161	N41°07'35"E	20.00
23	S84°07'58"E	86.74	162	N41°07'35"E	20.00
24	S74°21'37"E	226.49	163	N41°07'35"E	20.00
25	S84°07'58"E	86.74	164	N41°07'35"E	20.00
26	S74°21'37"E	226.49	165	N41°07'35"E	20.00
27	S84°07'58"E	86.74	166	N41°07'35"E	20.00
28	S74°21'37"E	226.49	167	N41°07'35"E	20.00
29	S84°07'58"E	86.74	168	N41°07'35"E	20.00
30	S74°21'37"E	226.49	169	N41°07'35"E	20.00
31	S84°07'58"E	86.74	170	N41°07'35"E	20.00
32	S74°21'37"E	226.49	171	N41°07'35"E	20.00
33	S84°07'58"E	86.74	172	N41°07'35"E	20.00

ANNECTION SURVEY OF A PORTION OF
GASTON AREA LUTHERAN FOUNDATION, INC.
 DB 4218 PG 2058
 DALLAS TOWNSHIP, CITY OF DALLAS, GASTON CO., NORTH CAROLINA
 FOR OWNERS
 GASTON AREA LUTHERAN FOUNDATION, INC.
 916 S. WARETTA ST.
 MIDLAND, NORTH CAROLINA 28054
 DATE: JULY 20, 2023
 SCALE: 1" = 200'
 CHECKED BY: CSW
 COMPILED BY: RV
 JOB NO.: 23034-000

SCALE IN FEET

CIVIL - SURVEYING
 P.E. TRIN LEESE, INC. 33045
 6200 W. 13TH STREET
 CHARLOTTE, NC 28217
 704.754.2424
 704.754.2424
 704.754.2424
 704.754.2424



PARCEL OWNERS TABLE

LOT #	PARCEL #	NAME	DEED REFERENCE
17	21333	STANLEY CREEK DALLAS LLC PARCELS 6, 17, 20, 27 DB 5268 PG 1800	DB 4418 PG 2461
18	21334	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 4994 PG 901
19	21335	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 4438 PG 890
20	21336	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3306 PG 1197
21	21337	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3412 PG 240
22	21338	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3172 PG 78
23	21339	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3206 PG 240
24	21340	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 4228 PG 140
25	21341	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 4418 PG 117
26	21342	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 4418 PG 117
27	21343	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 4418 PG 117
28	21344	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3306 PG 897
29	21345	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3306 PG 3308
30	21346	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 846 PG 1033
31	21347	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3306 PG 1894
32	21348	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3306 PG 897
33	21349	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3306 PG 2207
34	21350	GASTON AREA LUTHERAN FOUNDATION, INC. PARCELS 17, 20, 27 DB 4218 PG 2058	DB 3306 PG 897

PARCEL OWNERS TABLE

LOT #	PARCEL #	NAME	DEED REFERENCE	DESCRIPTION
1	52618	THE RIVER CAPITAL, LLC	DB 3306 PG 227	PG 5A, PG 3B
2	17118	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
3	17119	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
4	17120	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
5	17121	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
6	17122	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
7	21388	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
8	21389	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
9	01371	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
10	21422	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
11	21423	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
12	21424	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
13	21425	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
14	21426	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
15	21427	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B
16	21428	THE RIVER CAPITAL, LLC	DB 3306 PG 227	LIFT 1A, PG 6B, PG 1B

LEGAL DESCRIPTION

TRACT 1

ALL THAT REAL PROPERTY LYING IN THE COUNTY OF GASTON, ALL IN THE TOWNSHIP OF DALLAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT AN EXISTING NGS MONUMENT GAS 5 (PID FA1495) HAVING A NORTH CAROLINA GRID ~ NAD 83(2011) COORDINATES OF N= 579,951.27 FEET, E= 1,345,922.28 FEET;

THENCE N 73° 46' 57" W, A GROUND DISTANCE OF 1,469.44 FEET (GRID DISTANCE OF 1,469.21 FEET, COMBINED GRID FACTOR = 0.99984337) TO A SET #5 REBAR WITH CAP, AT THE NORTHEASTERLY CORNER OF THE LANDS OF HOSPICE OF GASTON COUNTY (DEED BOOK 4128, PAGE 1979 GASTON COUNTY REGISTRY), HAVING A LOCAL GROUND COORDINATE OF N = 580,361.664 FEET AND E = 1,344,511.308 FEET;

THENCE N 35° 49' 03" W, A DISTANCE OF 31.20 FEET, TO AN EXISTING #4 REBAR;

THENCE N 32° 55' 37" W, A DISTANCE OF 1.14 FEET, TO AN EXISTING #4 REBAR AT THE SOUTHWEST CORNER OF THE LANDS OF UNNIKRISHNAN P. VASUDEVANNAIR (DEED BOOK 5051, PAGE 2267, BEING LOT 17 OF PLAT BOOK 27 PAGE 50, GASTON COUNTY REGISTRY);

THENCE N 35° 50' 33" W, AND WITH THE WEST LINE OF THE LANDS OF UNNIKRISHNAN P. VASUDEVANNAIR, A DISTANCE OF 152.10 FEET, TO AN EXISTING NAIL AT BASE OF AN EXISTING 1 INCH BENT PIPE, AT THE SOUTHWESTERLY CORNER OF THE LANDS OF LANNY NEIL SMITH (DEED BOOK 525 PAGE 2412, GASTON COUNTY REGISTRY);

THENCE N 35° 44' 21" W, AND WITH THE WESTERLY LINE OF THE LANDS OF LANNY NEIL SMITH, A DISTANCE OF 99.69 FEET, TO AN EXISTING 1 INCH BENT IRON PIPE;

THENCE N 35° 42' 33" W, AND CONTINUING WITH THE WESTERLY LINE OF THE LANDS OF LANNY NEIL SMITH, A DISTANCE OF 99.90 FEET, TO A SET NAIL AT THE BASE OF AN EXISTING 1/2 INCH BENT IRON PIPE, AT THE SOUTHWESTERLY CORNER OF THE LANDS OF ROBERT M. HOLLAND (DEED BOOK 2289 PAGE 109, GASTON COUNTY REGISTRY);

THENCE N 35° 46' 14" W, WITH THE WESTERLY LINE OF THE LANDS OF ROBERT M. HOLLAND (DEED BOOK 2289 PAGE 109, AND THE LANDS OF GREGORY PUETT DEED BOOK 5384 PAGE 888 BOTH OF GASTON COUNTY REGISTRY), PASSING A SET #5 REBAR WITH CAP AT **194.99 FEET**, AND CONTINUING **ANOTHER 5.00 FEET** TO A COMPUTED POINT INSIDE A TREE, AND CONTINUING **ANOTHER 7.00 FEET** TO A SET #5 REBAR WITH CAP AND CONTINUING **ANOTHER 192.99 FEET** FOR A **TOTAL DISTANCE OF 399.98**

FEET, TO AN EXISTING AXLE, SAID EXISTING AXLE BEING THE TRUE POINT OF BEGINNING;

THENCE N 35° 45' 35" W, AND WITH THE WESTERLY LINE OF LOT 5, PLAT BOOK 5 PAGE 92 GASTON COUNTY REGISTRY, PASSING A SET #5 REBAR WITH CAP AT **18.35 FEET**, AND CONTINUING **ANOTHER 63.53 FEET** TO A SET #5 REBAR WITH CAP, AND CONTINUING **ANOTHER 18.35 FEET**, FOR A **TOTAL DISTANCE OF 100.23 FEET** TO A 1 INCH PINCHED IRON PIPE WITH WITNESS POST AT THE SOUTHWESTERLY CORNER OF THE LANDS OF SAMMEY CREEK DALLAS, LLC (DEED BOOK 5388 PAGE 1904, PLAT BOOK 99 PAGE 5);

THENCE N 73° 27' 08" E, WITH THE SOUTHERLY LINE OF SAMMEY CREEK DALLAS, LLC (DEED BOOK 5388 PAGE 1904 PLAT BOOK 99 PAGE 5), A DISTANCE OF 294.81 TO AN EXISTING 3/4 INCH IRON ROD;

THENCE N 73° 27' 08" E, AND CONTINUING WITH THE SOUTHERLY LINE OF SAMMEY CREEK DALLAS, LLC., A DISTANCE OF 198.12 FEET TO AN EXISTING 1-1/2 INCH IRON PIPE;

THENCE N 73° 24' 09" E, AND CONTINUING WITH THE SOUTHERLY LINE OF SAMMEY CREEK DALLAS, LLC., A DISTANCE OF 393.25 FEET, TO A SET NAIL AT THE BASE OF AN EXISTING BENT #4 REBAR IN THE WESTERLY LINE OF DALLAS-HIGH SHOALS HIGHWAY (NC HIGHWAY #155) AS SHOWN IN PLAT BOOK 74 PAGES 58-59 GASTON COUNTY REGISTRY;

THENCE S 35° 39' 36" E, AND WITH THE WESTERLY LINE OF DALLAS-HIGH SHOALS HIGHWAY (NC HIGHWAY #155), PASSING AN EXISTING CONCRETE MONUMENT AT **18.20 FEET**, AND CONTINUING **ANOTHER 63.44 FEET** TO AN EXISTING CONCRETE MONUMENT, AND CONTINUING **ANOTHER 18.24 FEET**, FOR A **TOTAL DISTANCE OF 99.88 FEET**, TO A SET NAIL AT THE BASE OF AN EXISTING BENT #4 REBAR;

THENCE S 72° 46' 53" W, AND WITH THE NORTHERLY LINE OF THE LANDS GREGORY PUETT (DEED BOOK 5384 PAGE 885) OF A DISTANCE OF 148.63 FEET, TO A SET NAIL AT BASE OF EXISTING 1-1/2 INCH BENT IRON PIPE;

THENCE S 73° 32' 24" W, AND WITH THE NORTHERLY LINE OF THE LANDS GREGORY PUETT (DEED BOOK 5384 PAGE 888 GASTON COUNTY REGISTRY), A DISTANCE OF 737.29 FEET TO AN EXISTING AXLE, SAID EXISTING AXLE BEING THE **TRUE POINT OF BEGINNING;**

THE ABOVE DESCRIBED LOT CONTAINS 1.937 ACRES AND IS SHOWN IN A PLAT TITLED "ALTA/NSPS LAND TITLE LOCATION & BOUNDARY SURVEY OF: GASTON AREA LUTHERAN FOUNDATION, INC. DB 4218 PG 2058, AND DB 4633 PG 377", AND LABELED AS ANNEXATION AREA 1, BY CESI, CESI JOB NUMBER 230364.000

LEGAL DESCRIPTION

TRACT 2

ALL THAT REAL PROPERTY LYING IN THE COUNTY OF GASTON, ALL IN THE TOWNSHIP OF DALLAS, AND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

BEGINNING AT AN EXISTING NGS MONUMENT GAS 5 (PID FA1495) HAVING A NORTH CAROLINA GRID ~ NAD 83(2011) COORDINATES OF N= 579,951.27 FEET, E= 1,345,922.28 FEET;

THENCE N 73° 46' 57" W, A GROUND DISTANCE OF 1,469.44 FEET (GRID DISTANCE OF 1,469.21 FEET, COMBINED GRID FACTOR = 0.99984337) TO A SET #5 REBAR WITH CAP, AT THE NORTHEASTERLY CORNER OF THE LANDS OF HOSPICE OF GASTON COUNTY (DEED BOOK 4128, PAGE 1979 GASTON COUNTY REGISTRY), HAVING A LOCAL GROUND COORDINATE OF N = 580,361.664 FEET AND E = 1,344,511.308 FEET;

THENCE S 76° 45' 12" W, AND WITH THE NORTHERLY LINE OF HOSPICE OF GASTON COUNTY (DEED BOOK 4128, PAGE 1979 GASTON COUNTY REGISTRY), A DISTANCE OF 1,350.06 FEET, TO A SET #5 REBAR WITH CAP, IN THE LINE OF GASTON AREA LUTHERAN FOUNDATION, INC. (DEED BOOK 4633 PAGE 377 GASTON COUNTY REGISTRY);

THENCE N 01° 37' 55" W, AND WITH THE LINE OF GASTON AREA LUTHERAN FOUNDATION, INC. (DEED BOOK 4633 PAGE 377 GASTON COUNTY REGISTRY), PASSING AN EXISTING #4 REBAR AT **30.63 FEET**, AND CONTINUING ANOTHER **485.29 FEET**, FOR A **TOTAL DISTANCE OF 515.92 FEET**, TO AN EXISTING #4 REBAR BESIDE A BOLLARD; SAID EXISTING #4 REBAR BESIDE A BOLLARD BEING THE **TRUE POINT OF BEGINNING**;

THENCE S 89° 05' 43" W, AND CONTINUING WITH THE LINE OF GASTON AREA LUTHERAN FOUNDATION, INC. (DEED BOOK 4633 PAGE 377 GASTON COUNTY REGISTRY), PASSING A SET #5 REBAR WITH CAP AT A DISTANCE OF **307.10 FEET**, AND CONTINUING ANOTHER **5.00 FEET**, FOR A **TOTAL DISTANCE OF 312.10 FEET**, TO A COMPUTED POINT INSIDE A 25 INCH OAK TREE;

THENCE N 09° 30' 18" W, AND WITH THE LINE OF LGI HOMES-NC LLC (DEED BOOK 5298 PAGE 2157 GASTON COUNTY REGISTRY), PASSING A SET #5 REBAR WITH CAP AT **5.00 FEET**, AND CONTINUE ANOTHER **360.20 FEET**, FOR A **TOTAL DISTANCE OF 365.20 FEET**, TO AN EXISTING 1-1/2 INCH IRON PIPE WITH A CENTER NAIL PLUG, SAID EXISTING 1-1/2 INCH IRON PIPE WITH A CENTER NAIL PLUG BEING N 75° 46' 46" E, AND DISTANT 48.58 FEET FROM AN EXISTING #4 REBAR, AND ALSO BEING S 09° 16' 43" E, AND DISTANT 34.31 FEET FROM A 3/4 INCH IRON ROD;

THENCE N 73° 22' 36" E, AND WITH THE SOUTHERLY LINE OF SAMMEY CREEK DALLAS LLC (DEED BOOK 5388 PAGE 1888 GASTON COUNTY REGISTRY), A DISTANCE OF 350.22 FEET, TO A SET #5 REBAR WITH CAP;

THENCE S 04° 36' 59" E, AND INTO THE LANDS OF GASTON AREA LUTHERAN FOUNDATION, INC. (DEED BOOK 4633 PAGE 377 GASTON COUNTY REGISTRY), A DISTANCE OF 456.93 FEET, TO AN EXISTING #4 REBAR BESIDE A BOLLARD, SAID EXISTING #4 REBAR BESIDE A BOLLARD BEING THE **TRUE POINT OF BEGINNING;**

THE ABOVE DESCRIBED LOT CONTAINS 3.090 ACRES AND IS SHOWN IN A PLAT TITLED "ALTA/NSPS LAND TITLE LOCATION & BOUNDARY SURVEY OF: GASTON AREA LUTHERAN FOUNDATION, INC. DB 4218 PG 2058, AND DB 4633 PG 377", AND LABELED AS ANNEXATION AREA 2, BY CESI , CESI JOB NUMBER 230364.000



Doc ID: 011095370004 Type: CRP
 Recorded: 05/03/2006 at 04:20:14 PM
 Fee Amt: \$692.00 Page 1 of 4
 Excise Tax: \$669.00
 Instr# 200600000797
 Gaston, NC
 Susan S. Lockridge Register of Deeds
 BK 4218 PG 2058-2061

RECORDING FEE 230
 EXCISE TAX PAID 692

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 669.00

Parcel Identifier No. _____ Verified by _____ County on the _____ day of _____, 20____
 By: _____

Mail/Box to: Grantee @ 435 Collier Street, Gastonia, NC 28054

This instrument was prepared by: Richard D. Laws

Brief description for the Index: _____

THIS DEED made this 27th day of April, 2006, by and between

GRANTOR	GRANTEE
Hope Lutheran School, Inc.	Gaston Area Lutheran Foundation, Inc.

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of _____, Dallas Township, Gaston County, North Carolina and more particularly described as follows:

see attached Exhibit A

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3396 page 323.

A map showing the above described property is recorded in Plat Book _____ page _____.

EXHIBIT A

BEGINNING at an iron at the western terminus of the northern margin of Gaston Way, and running thence South 36-00-00 East 31.57 feet to a point in the center line of a 60-foot easement described in Book 4128 at Page 1995; and running thence with the northern line of the property conveyed to Hospice of Gaston County, Inc., by deed recorded in Book 4128 at Page 1979, Gaston County Registry, South 76-31-32 West 1,350.09 feet to a point in the eastern line of W. Summey as described in Book 1946 at Page 708; thence North 01-53-07 West 516.00 feet to an iron; thence South 88-38-45 West 311.10 feet to a poplar tree, corner with the property of P. Summey (Book 1388 at Page 98); thence with P. Summey's line North 09-50-21 West 366.80 feet to an iron in the line of G. F. Summey (Book 11 at Page 287); thence with the line of G. F. Summey, North 73-10-21 East 1,113.68 feet to an iron, corner with the property of B. Kaley as described in Book 388 at Page 249; thence South 36-00-00 East 1,053.18 feet to the point and place of Beginning, and containing 26.76 acres, more or less. The foregoing description is taken from plat of survey made by David W. Dickson, Registered Surveyor, dated February 21, 1996, and is the northern portion of that property conveyed to Hope Lutheran School, Inc., by deed recorded in Book 3396 at Page 323, Gaston County Registry.

This conveyance is subject to an easement for ingress, egress and regress to Gaston Way as described in instrument recorded in Book 4128 at Page 1995, Gaston County Registry.

By the execution of this deed, the Grantor certifies that it has complied with all provisions of that certain Agreement recorded in Book 4128 at Page 1983, Gaston County Registry, and is authorized to make this conveyance.

UNRECORDED

EXHIBIT B

This property is conveyed subject to the following conditions:

- (1) In the event that Gaston Area Lutheran Foundation, Inc., determines that it is willing to sell, exchange, assign, transfer or otherwise alienate all or any portion of the property to a buyer who intends to use the Property for any purpose other than religious, church or worship activities or by a church affiliated agency in accordance with the terms of a bona fide written offer made to or by Gaston Area Lutheran Foundation, Inc., or Hope Lutheran School, Inc., then Gaston Area Lutheran Foundation, Inc., shall provide Hospice of Gaston County, Inc., with a complete and legible copy of such offer within ten (10) business days of Gaston Area Lutheran Foundation, Inc.'s making or receipt of same. Upon delivering written notice by Gaston Area Lutheran Foundation, Inc., to Hospice of Gaston County, Inc., within a period of thirty (30) days thereafter, Hospice of Gaston County, Inc., shall have the right to acquire from Gaston Area Lutheran Foundation, Inc., the Property (or applicable portion thereof) on the exact material, terms and conditions (including the price and/or other consideration and including the property description) set forth in such bona fide offer. Failure of Hospice of Gaston County, Inc., to exercise its Right of First Refusal within thirty (30) days after receiving such bona fide written offer from Gaston Area Lutheran Foundation, Inc., shall waive such Right of First Refusal, and Gaston Area Lutheran Foundation, Inc., shall be free to convey the Property to said bona fide offeror on the exact material terms and conditions of said offer.
- (2) Gaston Area Lutheran Foundation, Inc., by the acceptance of this deed, grants to Hope Lutheran School, Inc., the right, at any time within three (3) years following the date of this deed, to repurchase up to six (6) acres of the above described property at the same price per acre as was conveyed herein by this deed; PROVIDED THAT, Gaston Area Lutheran Foundation, Inc., shall determine, in its sole discretion, the location of such tract (up to six acres) within the above described property, and the said tract to be reconveyed to Hope Lutheran School, Inc., shall be one contiguous parcel.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- Rights set out in Exhibit B attached hereto.
- Easements, restrictions and rights of way of record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

HOPE LUTHERAN SCHOOL, INC. _____ (SEAL)
 (Entity Name)

By: George H. Rogers Sr. _____ (SEAL)
 Title: Chairman
 George H. Rogers, Sr., Chairman of the Board

By: _____ (SEAL)
 Title: _____

By: _____ (SEAL)
 Title: _____

USE BLACK INK ONLY

SEAL-STAMP

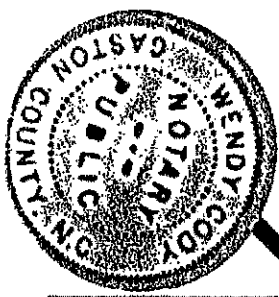
USE BLACK INK ONLY State of North Carolina - County of _____
 I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.

My Commission Expires: _____
 Notary Public

SEAL-STAMP

USE BLACK INK ONLY State of North Carolina - County of _____
 I, the undersigned Notary Public of the County and State aforesaid, certify that George H. Rogers, Sr. personally came before me this day and acknowledged that he is the Chairman of Board of Hope Lutheran School, Inc., a North Carolina ~~an~~ corporation/limited liability company/general partnership/limited partnership (sole through the inapplicable), and that by authority duly given and as the act of each entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 2-2-08 day of April, 2008.

My Commission Expires: 2-2-08
Wendy Cody
 Notary Public



SEAL-STAMP

USE BLACK INK ONLY State of North Carolina - County of _____
 I, the undersigned Notary Public of the County and State aforesaid, certify that _____
 Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.

My Commission Expires: _____
 Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. Register of Deeds for _____ County. By: _____ Deputy/Assistant - Register of Deeds

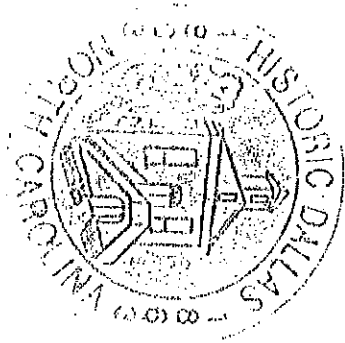
CERTIFICATE OF SUFFICIENCY

To the Board of Aldermen of the Town of Dallas, North Carolina:

I, Sarah Ballard, Town Clerk do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Dallas, this 16 Day of October 2023.

SEAL



Sarah H Ballard
Town Clerk

Re: Shepherd's Way Annexation- PIDs 214259, 214260

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Rezoning Request Z-2023-02

AGENDA ITEM NO. 3D

MEETING DATE: 10/24/2023

BACKGROUND INFORMATION:

Adam Morman with Smith Douglas Homes has submitted a rezoning request for Gaston County Parcels 214259, 214260, and 212567 to be rezoned from Residential R-10 and R-1 (Gaston County) to CD-R-5. The applicant has already held a community meeting and TRC with Staff.

At the meeting on September 21, the Planning Board voted to send a recommendation to the Board of Aldermen to approve the rezoning request, along with statements of consistency and reasonableness for the rezoning.

All supporting documentation for the application is attached, including minutes from the Planning Board meeting, and consistency and reasonableness statements. The included site plan reflects revisions based on input from Staff and the Planning Board.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

Town of Dallas Zoning Map Amendment (Rezoning) Application

Town of Dallas
Development Services Department
210 N. Holland Street
Dallas, NC 28034
Phone (704) 922-3176, Fax (704) 922-4701

This application must be filed at least thirty (30) days prior to the next scheduled Planning Board Meeting. The application may be submitted in-person, via mail, or digitally to the Town of Dallas Development Services Department at 210 N. Holland Street, Dallas, NC 28034, dallasplanning@dallasnc.net. Application shall not be deemed complete until the necessary fee, as defined in the Town of Dallas Fee Schedule, and all required documents are received.

Conventional Submittals:

- A. Completed application
- B. Fee as described in the Town of Dallas Fee Schedule
- C. Letter of intent – reason for map amendment
- D. Adjacent Property Owner List – provide a copy of addresses for all property owners within 500 feet of the site. The Town will use this list for Public Hearing Notices

Conditional Submittals:

- A. Completed application
- B. Fee as described in the Town of Dallas Fee Schedule
- C. Letter of intent – reason for map amendment
- D. Adjacent Property Owner List – provide a copy of addresses for all property owners within 500 feet of the site. The Town will use this list for Public Hearing Notices.
- E. 3 copies of Concept Plan along with digital submittal (drawn to scale by architect, landscape architect, professional surveyor, or engineer licensed in North Carolina).
 - a. Concept Plans shall not be accepted if they do not meet the requirements found in 153.072
- F. Traffic Impact Analysis, if required. Refer to Town of Dallas Street and Traffic Standards Policy
- G. Authorized agent verification letter, if applicant is different from the property owner

Town of Dallas Zoning Map Amendment (Rezoning) Application

Physical Property Address 0 Shepherds Way Drive

Tax Parcel Numbers 214259, 214260, and 212567 Lot Size +/- 61.83 AC

Current Zoning R-1 (Gaston County) Requested Zoning R-5

Conventional Conditional

Property Owner(s) Gaston Area Lutheran Foundation, Inc - Representative: George Rhyne

Owners Address 916 S. Marietta St. Gastonia, NC 28054

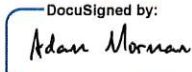
Phone Number 704-922-8124 Email Address georgerhyne1021@gmail.com
(attach separate sheet if necessary)

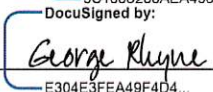
If different than owner:

Applicant Name Smith Douglas Homes - Representative: Adam Morman

Applicant Address P.O. Box 311 Midland, NC 28107

Phone Number 240-575-4320 Email Address amorman@smithdouglas.com
(attach separate sheet if necessary)

Signature of Applicant 

Signature of Owner 

Staff Only:

Date of completed application _____ Received by _____

Planning Board Meeting Date _____

Public Hearing Meeting Date _____

August 30, 2023

Town of Dallas Development Services
210 N. Holland St
Dallas, NC 28034-1625


RE: Shepherds Way Subdivision
0 Shepherds Way Drive
PID #s 214259, 212567, 214260

Dear Town of Dallas Development Services,

I George Rhyne representative of Gaston Area Lutheran Foundation Inc. (Property owners of parcel #s 214259, 212567, and 214260), would like to submit this letter as permission for Smith Douglas Homes (dba; SDH Charlotte, LLC) to submit the above referenced project for annexation, rezoning, subdivision, and land disturbance on our behalf as Petitioner / Representative to the Town of Dallas, NCDOT, and NCDEQ.

Sincerely,

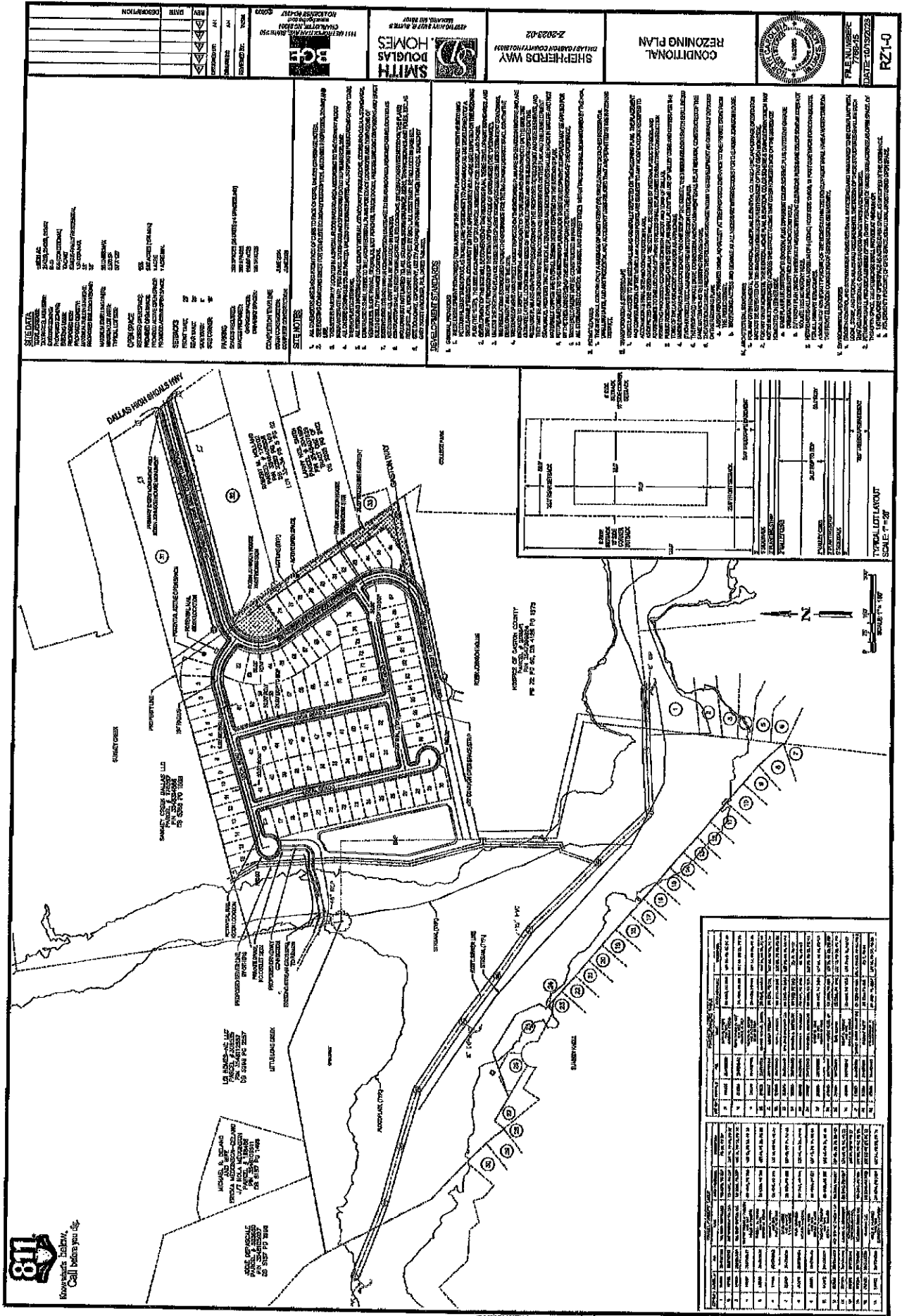
DocuSigned by:



George Rhyne
Representative, Gaston Area Lutheran Foundation, Inc.

Name: George Rhyne

Date: 8/30/2023



TYPICAL LAYOUT
SCALE: 1" = 10'

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (SQ. YDS.)
1	RESIDENTIAL	10,250	233
2	PARKING	15,000	343
3	DRIVEWAYS	2,500	57
4	LANDSCAPING	1,000	23
5	WALKWAYS	1,500	34
6	RETIENEMENT WALLS	1,500	34
7	COLLECTOR DRAINAGE	1,000	23
8	CONCRETE DRIVEWAYS	2,000	45
9	CONCRETE DRIVEWAYS	2,000	45
10	CONCRETE DRIVEWAYS	2,000	45
11	CONCRETE DRIVEWAYS	2,000	45
12	CONCRETE DRIVEWAYS	2,000	45
13	CONCRETE DRIVEWAYS	2,000	45
14	CONCRETE DRIVEWAYS	2,000	45
15	CONCRETE DRIVEWAYS	2,000	45
16	CONCRETE DRIVEWAYS	2,000	45
17	CONCRETE DRIVEWAYS	2,000	45
18	CONCRETE DRIVEWAYS	2,000	45
19	CONCRETE DRIVEWAYS	2,000	45
20	CONCRETE DRIVEWAYS	2,000	45
21	CONCRETE DRIVEWAYS	2,000	45
22	CONCRETE DRIVEWAYS	2,000	45
23	CONCRETE DRIVEWAYS	2,000	45
24	CONCRETE DRIVEWAYS	2,000	45
25	CONCRETE DRIVEWAYS	2,000	45

118 Know what you're buying. Call today your self.

SHEPHERDS WAY
Z-2023-02
SHEPHERDS WAY

SMITH DOUGLAS HOMES
4200 NORTH LOOP WEST SUITE 500
DALLAS, TEXAS 75246
TEL: 214-408-0000
WWW.SMITHDOUGLASHOMES.COM

BCE
1911 LINDEN AVENUE
DALLAS, TEXAS 75246
TEL: 214-343-1100
WWW.BCE.COM

CONDITIONAL REZONING PLAN

FILE NUMBER: 788-018
DATE: 10/15/2023
0-21

Staff Report

Zoning Map Amendment Petition: Z-2023-02

Applicant: Adam Morman, Smith Douglas Homes

Authorized Agent: Smith Douglas Homes

Property: Parcels 214259, 214260, 212567

Owner: Gaston Area Lutheran Foundation, Inc.

Current Zoning District:

Requested Zoning District:

R-10	
Front/Rear Setbacks	35 feet
Side Setbacks	10 feet
Minimum Lot Area	10,000sq feet
Minimum Lot Width	80 feet

Conditional District R-5	
Front/Rear Setbacks	25 feet
Side Setbacks	8 feet
Minimum Lot Area	5,500sq feet
Minimum Lot Width	50 feet

Proposed Development: Smith Douglas is petitioning to rezone the subject properties, proposing to build a maximum of 106 single family detached houses concentrated on the eastern portion of the site.

General Location: The proposed development is located on Gaston County Parcels 212567, 214259, and 214260 located in the northwest section of town. The primary access point for these properties Shepherd's Way Drive off Dallas High Shoals Highway. The site is bordered by Summey Creek and Little Long Creek Developments to the north and west, Summey Knoll Subdivision to the southwest, The Robin Johnson Hospice House to the south, and low density residential to the east.

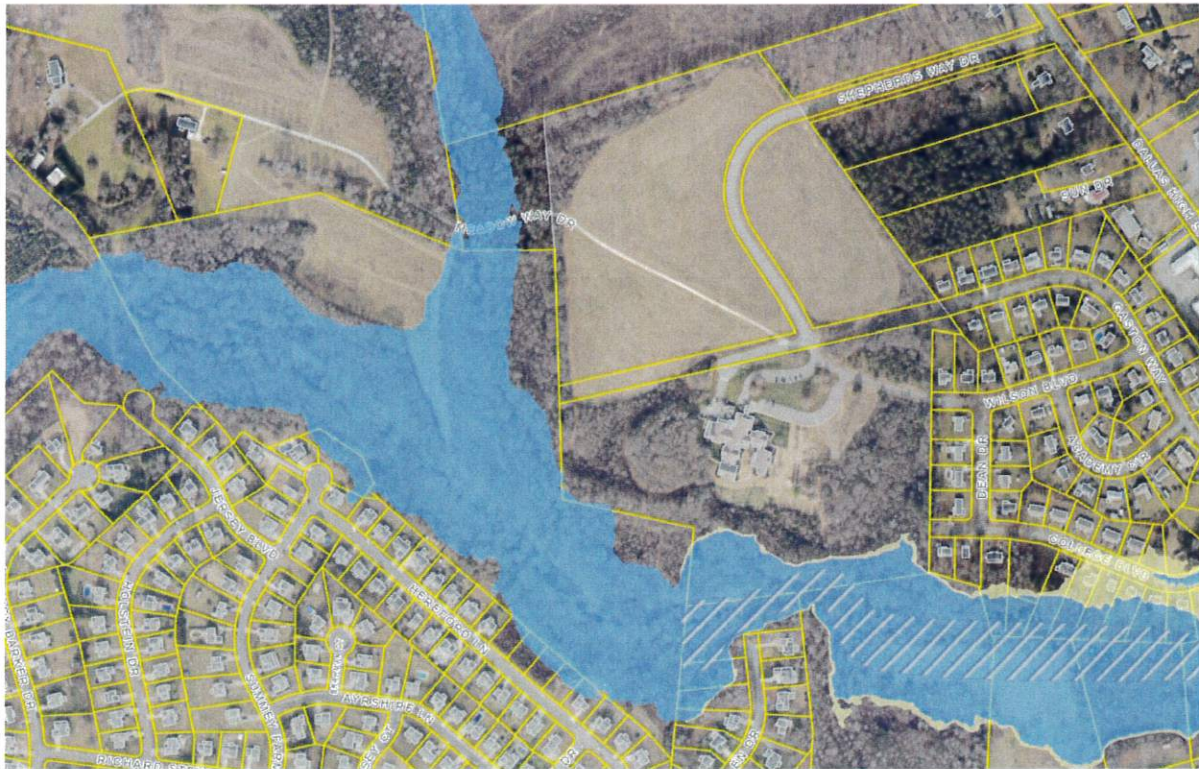
Area Zoning Map



Staff Analysis: The majority of the property is located within the town limits within the Residential R-10 zoning district. There are two small areas of the site which are outside town limits, both assigned Gaston County Residential R-1 density. The applicant is also requesting to bring these sections of the site into the town under annexation petition A-2023-01.

This project is consistent with the overall growth and development in the area. It is adjacent to the Summey Knoll subdivision to the south, and adjacent to the future residential developments Little Long Creek and Summey Creek to the north. However, even with the close proximity there will be no connectivity to either area due to the larger amount of coverage from the Special Flood Hazard Area (SFHA). Any development within the designated SFHA requires floodproofing and, in many cases, a full flood study showing no impact to area flood height.

Floodplain Coverage



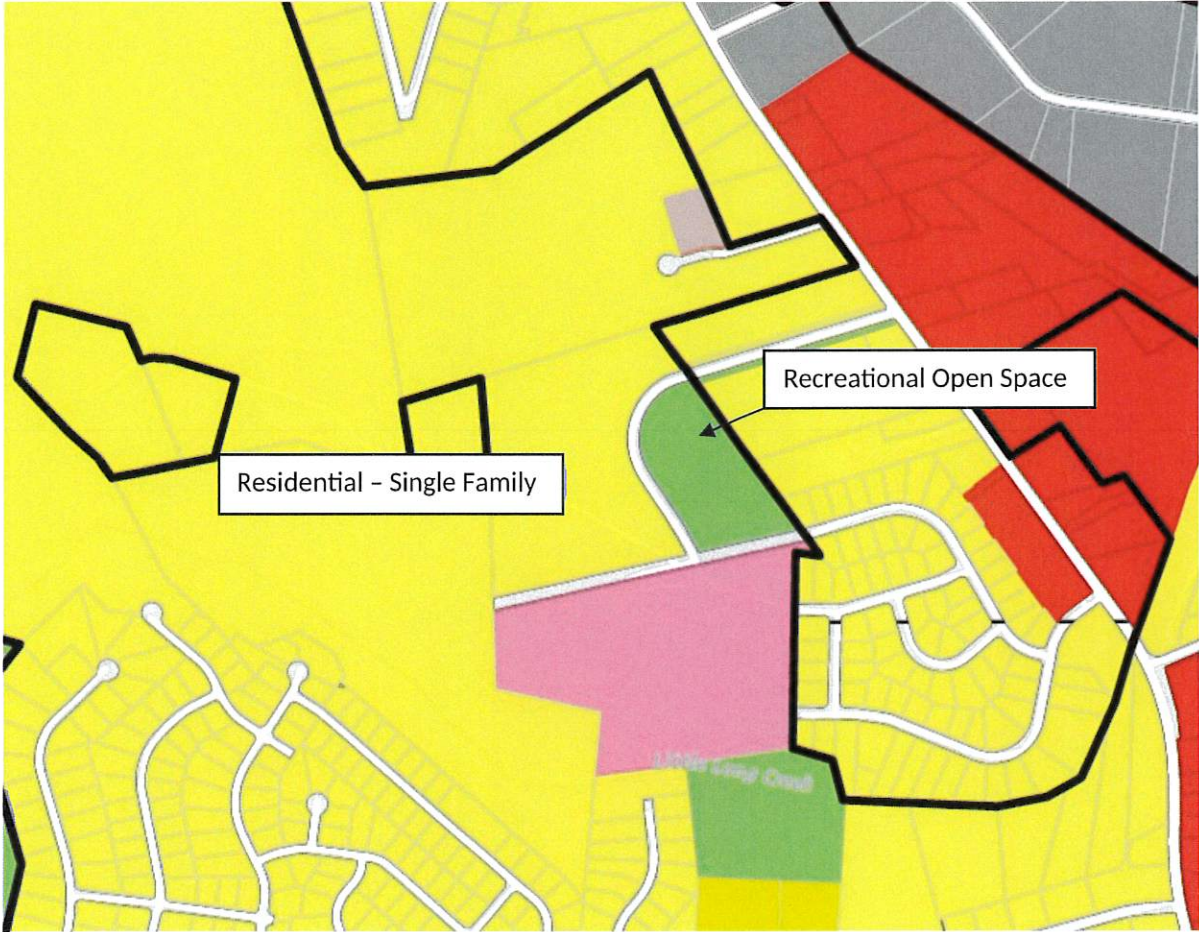
Regarding the Robin Johnson Hospice House. In this instance, connectivity may have been less desirable to mitigate higher traffic impacting the hospice house. The proposed single-family development is a low impact development to the area, and the applicant’s decision to go with a conditional district shows what type of housing will be in the area and eliminates the possibility for higher density housing such as apartments and townhouses.

This area off Dallas High Shoals Highway is experiencing heavy development, and traffic impact needs to be taken into consideration. There are offsite improvements from the Little Long Creek and Summey

Creek developments north of this project. The applicant has prepared a Technical Transportation Memorandum (TTA). Per the TTA traffic counts will be relatively low and not cross the threshold established in the Town's policy requiring a full Traffic Impact Analysis.

Comprehensive Land Use Plan: The proposed development is consistent with the Town's adopted 2030 Comprehensive Land Use Plan. On the Future Land Use Map the site is located within the Residential-Single Family and Recreational Open Space categories. With the large dedicated Open Space area left undisturbed the project is consistent with the Town's desired growth in this area.

Future Land Use Map 1



Staff Recommendation: After discussions with the developer and review of the site, staff recommends approve the petition as presented on the current revised plan. The single family residential will be low impact on the surrounding areas and provide much needed additional housing to the community.

**Minutes
Town of Dallas
Planning Board
Meeting of September 21, 2023**

The meeting was called to order at 6:30 pm by Chairman Wilson.

Members present: Curtis Wilson - Chairman, Reid Simms, Troy Traversie, Glenn Bratton, Thomas Smith, and John O'Daly.

Also present: Brian Finnegan — Development Services Director, Adam Morman – Smith Douglas Homes, Joe Padilla – Smith Douglas Homes, Spencer McNab – BGE, and Joe Griffin—Citizen

Approval of Agenda: A motion was made to approve the agenda by O'Daly, seconded by Bratton, and the motion passed unanimously.

Approval of Minutes: A motion to approve the August 17, 2023 minutes with corrections made by Bratton, seconded by Smith, and the motion passed unanimously.

Old Business:

A) Rezoning of Shepherd's Way – Z-2023-02

Finnegan introduced the petition by informing the Board the applicant has altered the original request and the petition is now requesting CD-R-5. At the previous meeting the Board asked for more information about the surrounding area, and in response to this Finnegan showed the offsite traffic improvements required from the neighboring development as well as a more detailed map showing the floodplain coverage on the subject site.

Padilla and McNab presented the updated application and site plan for the proposed development. Morman went over the monotony rule and the elevation choices that Smith Douglas offers. The developers mentioned they are working with hospice to potentially upgrade and expand the wayfinding signage for the facility.

Bratton asked what was going in the active open space on the east side of the development. Padilla explained it was yet to be determined until they know more about the customer base for this project. They don't want to propose a tot lot if they are seeing mostly retired homebuyers with no small children.

Simms asked if the existing Shepherd's Way Dr was going to be dug up and completely removed. Morman responded saying it would and that there are no existing utilities in the ROW now, so to install the required utilities the existing road would have to be removed and repaired anyway.

Much of the discussion centered around traffic flow and access points. Concern was raised about distressed family members find their way through a residential community to reach the hospice house. Additionally, there was concern about free flow traffic to Gaston Way. Finnegan pointed out the public safety departments had no objects to the street layout as proposed given the main route was on collector roads. Padilla mentioned the possibility of changing the Gaston Way connection to a gated emergency access point. Ultimately it was decided the main collector road would be rerouted to create a more direct route to the hospice house from Shepherd's Way, and if the second access point is needed then it will be equipped with the emergency gate with knocks box.

Finnegan presented the notes from a previous meeting with Faro. Developers agreed street signs will meet NCDOT standards and are willing to discuss potential utility line upgrades per Town policy. Some additional points were added to the list of conditions and allowances.

O'Daly wanted to ensure front facades would not be identical and proposed a certain percentage of the houses in the community have masonry water tables. There was also discussion about having a minimum number of material types per house. Ultimately it was decided to go with 40% of houses in the community will have a masonry water table on the front façade.

Finnegan read the list of allowances and conditions. The list included:

- Relief from minimum block length from 400ft to 250ft where driveway access was only on one side of the street
- Valley curb throughout
- Open Space requirement a minimum of 1 acre with an overall increase of passive open space from 15% to near 70%
- Any access to Gaston Way will have an emergency gate with knocks box
- Monotony rule for front facades as presented in the application
- 40% of homes in the community will have masonry water tables on the front façade
- If remaining the cul de sac on the east side of the development will have ROW designation extended to property line with "future road" signage installed
- Private road re-alignment will be installed with equal infrastructure of existing private drive or better
- Signage for private drive will be installed at connection point in cul de sac
- All street trees in the community will be maintained by the HOA
- Wayfinding for hospice will be installed throughout and included in street sign requirements

O'Daly made a motion to send a recommendation to approve the rezoning petition with the site plan alterations discussed in the meeting and list of conditions and allowances to the Board of Aldermen with the following statements of consistency and reasonableness:

STATEMENTS OF CONSISTENCY AND REASONABLENESS **FOR** ZONING MAP AMENDMENT

The proposed rezoning from R-10 zoning district to CD R-5 is consistent with the 2030 Comprehensive Land Use Plan. The property is located within a single-family residential area on the future land use plan with opportunity to develop single-family attached and multi-family housing. There is also R-5 in the surrounding area and this will increase development potential of the property and is therefore a reasonable request and in the Town's best interest.

Bratton seconded, and the motion carried unanimously.

B) Annexation of Portion of Shepherd's Way – A-2023-01

A brief review of the annexation petition was given since it is in conjunction with the rezoning petition but no official action was needed on this item. No questions or concerns for annexation were raised.

Finnegan stated that annexation clean-up was a part of the Rezoning Proposal. There was a brief discussion but no questions or concerns were raised.

There was no new business on this agenda

Staff Report

Finnegan pointed out that each member was provided a print out on variances and that there will be a staff presentation to review findings and procedures at either the October or November regular meeting.

Adjournment

Having no further business, a motion to adjourn was made by Bratton, seconded by Simms, and the motion passed unanimously. The meeting adjourned at 8:07pm.

Brian Finnegan, Development Services Director

Curtis Wilson, Chairman

DRAFT



August 28, 2023

RE: Shepherds Way Drive – Community Notification and Meeting

Dear Dallas Neighbor,

On behalf of Smith Douglas Homes (the “Petitioner”), we are providing this letter to the property owners in the vicinity of our proposed rezoning of approximately 61.84 acres, generally located west of Dallas High Shoals Hwy along both sides of Shepherds Way Drive and at the dead end of Gaston Way. The rezoning will be to R-5 Conditional with the intent of developing a single-family neighborhood. We would like to extend an invite to a meeting to discuss the proposed development. The Town of Dallas Planning and Zoning Department’s records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins or is near our Site.

The rezoning includes of Tax Parcels # 214259, 212567 and 214260. Included is a vicinity map of the area we are rezoning with the parcel number, adjacent parcel numbers, and acreage for reference.

This Neighborhood Meeting will be held nearby and after working hours to provide flexibility in attendance. We invite you to attend the Neighborhood Meeting on **Tuesday, September 12th at 5:30 PM**. The meeting will be held at the **Town of Dallas Civic Building at 206 S Oakland St. Dallas, NC 28034**. If you are interested in attending the live presentation and discussion session at the scheduled time, **please RSVP by sending an email to SMcNab@BGEinc.com and you will be added to the attendance list.** Please reference the petitioner or site location, and include your name, address, and telephone number in your RSVP so we can record your attendance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Spencer McNab', with a long horizontal flourish extending to the right.

Spencer McNab, RLA
Project Manager, Planning and Landscape Architecture
BGE, Inc.

Serving. Leading. Solving.™

1111 Metropolitan Avenue, Suite 250 • Charlotte, North Carolina 28204 • 980-220-2322





09/12/2023

Landscape Architect and Planner
Spencer McNab, RLA
BGE, Inc.
1111 Metropolitan Avenue, Suite 200,
Charlotte, North Carolina 28204

Developer/Applicant
Adam Morman
Smith Douglas Homes
PO Box 311
Midland, North Carolina 28107
(204)575-4320

Development Services Director
Brian Finnegan
210 N. Holland St.
Dallas, NC 28034

Community Meeting Summary
Smith Douglas – Shepherds Way
Parcels 214259, 212567, 214260
Dallas, North Carolina

Below is a summary report of the community meeting held on September 12, 2023 from 5:30-6:30pm for the Smith Douglas – Shepherds Way project. The landscape architect, Spencer McNab, presented at the meeting to explain the intent of the proposed site. The developers, Smith Douglas Homes, were represented Joe Padilla and Adam Morman who presented Smith Douglas’ approach to neighborhoods and homebuilding. Each question from community members in attendance is listed below with the corresponding responses. If a question was asked multiple times, by other community member(s), this will be stated after the initial resident’s name. A table is located at the end of this report listing the name of each community member in attendance and their address.

Concern about the hospice entrance. When building, the hospice promised that the Wilson Blvd entrance was just a construction entrance and not intended to have permanent access. However, the road was kept and is used as the primary entrance. This road has lots and traffic and I want it closed.

‘Response: We do not own that land and have no control over that road. We have committed to creating an entrance through our development to create access to the hospice.’

Why don’t you build nicer homes, brick homes on bigger lots?

‘Response: We are proud of our products. We are building to what our research says buyers want. We do both vinyl and hardy board and specialize in craftsman style homes.’

A lot of people do not upkeep their homes, inside or outside.

‘Response: There will be an HOA that regulates that.’

Are these homes built after the lot is sold or built and then sold?

‘Response: They are built to buyer specifications after the lot is purchased.’

The wetland is to be left alone?

‘Response: Yes, it is unbuildable land.’

What is the minimum square footage of these homes?

‘Response: We have not gotten that far into the process to give you numbers or that. It depends a lot on the floor plan people choose as well. Our ranch style options are popular and those usually have less square footage than a two story. Most of our buyers are young families or move down buyers without children in the home. The lots are 50 feet by 100 feet.’

50 foot frontage is a small lot. What is the setback?

‘Response: We are expecting 8 foot side setbacks. We find that a lot of today’s buyers do not want a lot of yard that they will have to maintain.’

How many homes?

‘Response: A little over 100 but that number could drop as we get further into the engineering side. The rezoning would allow up to 130.’

What is the right of way width?

‘Response: 60 feet on Shepherds Way Drive.’

That is not a lot of space.

‘Response: This is the recommended width.’

I do like the product that you sell. I am just worried about if traffic will increase. It is always so bad with delivery drivers speeding through there. Animals get hit all the time.

‘Response: We do not intend to increase traffic through Wilson Blvd as Shepherds way is the primary entrance.’

Are you widening Shepherds Way?

‘Response: We have to wait for the TIA to decide that.’

If that road was wider people might feel more inclined to go down Shepherds Way.

People always get lost trying to go to the hospice because of the lack of adequate signage.

‘Response: We have talked about increasing signage for the hospice.’

Traffic on Dallas High Shoals Rd is so bad. There will be an issue with people getting in and out of the development. Will there be a light?

‘Response: A light is unlikely but we will have a TIA dictate what changes will be made.’

Name	Address	Name	Address
Anthony and Terry Wentz	1008 Aryshire Lane	Joe Griffin	1102 Wilson Blvd
Christy Key	4032 Hereford Lane Dallas, NC 28034	Lanny Smith	3535 Dallas High Shoals Hwy Dallas, NC 28034
Tommy Givens	1728 Eden Glen Drive Dallas, NC 28034	Taylor and Courtney Shehan	369 Holstein Drive

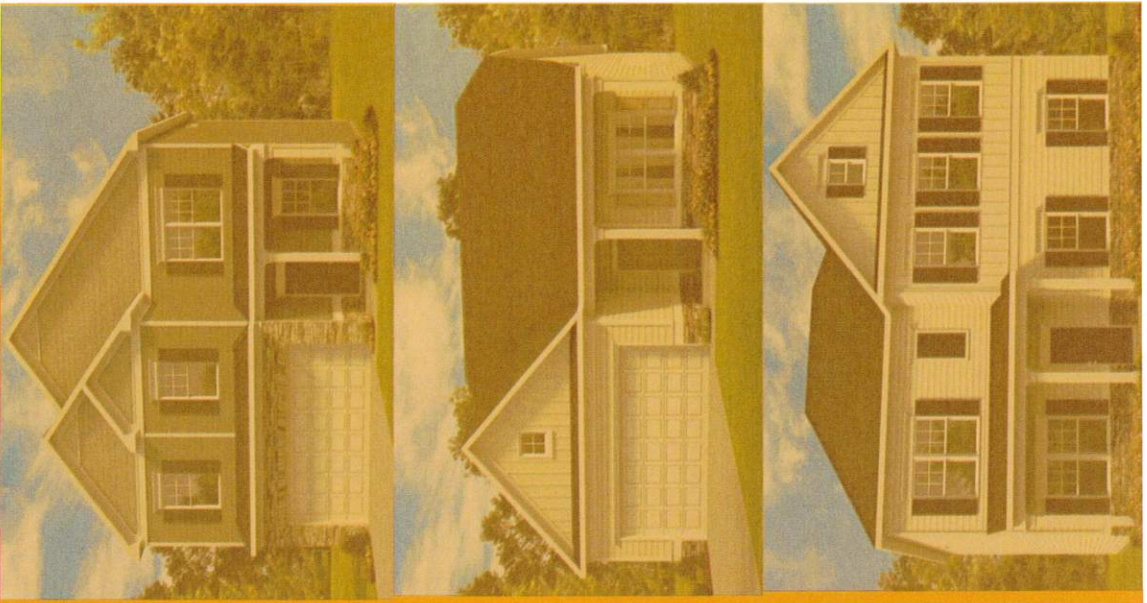


Example Elevations



SMITH
DOUGLAS
.HOMES

All elevations are shown for illustrative purposes only and are subject to change. Actual elevations subject to municipality approval and market conditions





Benson II - Examples

All elevations are shown for illustrative purposes only and are subject to change.



All elevations are shown for illustrative purposes only and are subject to change.

Caldwell - Examples



Coleman - Examples

All elevations are shown for illustrative purposes only and are subject to change.



All elevations are shown for illustrative purposes only and are subject to change.

Kensington - Examples



SMITH
DOUGLAS
HOMES



Pearson - Examples

All elevations are shown for illustrative purposes only and are subject to change.



Reynolds - Examples

All elevations are shown for illustrative purposes only and are subject to change.



All elevations are shown for illustrative purposes only and are subject to change.

Braselton II - Examples



SMITH
DOUGLAS
HOMES



All elevations are shown for illustrative purposes only and are subject to change.

Harrington - Examples



SMITH
DOUGLAS
HOMES



All elevations are shown for illustrative purposes only and are subject to change.

McPherson - Examples



SMITH
DOUGLAS
HOMES



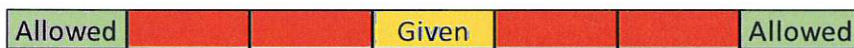
QUALITY | INTEGRITY | VALUE

Streetscape Monotony Rule

The Smith Douglas Homes monotony rule exists to ensure that each single family detached community provides a varied streetscape while reassuring our customers that their home's exterior appearance will not be identically replicated near them. The rule applies to all Smith Douglas Homes communities unless local municipality requirements or specific community covenants and restrictions dictate greater uniformity of appearance.

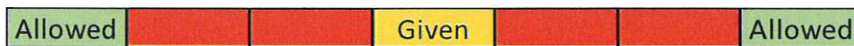
For a given single family detached home elevation & color package:

1. The same elevation cannot be selected within two (2) homesites on either side of a Given homesite or on the two (2) or three (3) nearest homesites across the street on the same streetscape, depending on whether lots are Opposite or Offset.
2. The same color package number (1,2.....24, etc.) cannot be selected within two (2) homesites on either side of a Given homesite or on the two (2) or three (3) nearest homesites across the street, regardless of the brick or stone it is paired with (A, B, C), if any, on the same streetscape, depending on whether lots are Opposite or Offset.



STREETSCAPE Scenario A

(Opposite Lots)



STREETSCAPE Scenario B

(Offset Lots)



In the diagram above, the Given home elevation and/or the Given home color package number can be repeated no closer than the locations shown.



Technical Memorandum

To: Town of Dallas, North Carolina
 From: Megan E. Siercks, P.E.
 Date: October 13, 2023
 Subject: Shepherds Way Single Family Trip Generation



A trip generation analysis was conducted for a proposed Single Family development called Shepherds Way located on Dallas High Shoals Highway. Currently, the site is planned to hold 98 single family units. The trip generation is intended to provide an understanding of the anticipated traffic being generated by the site.

Trip Generation

The project site trip generation has been estimated utilizing the trip generation rates contained in the Institute of Transportation Engineers (ITE) publication *Trip Generation Manual (11th Edition)*. The proposed development is expected to generate approximately 990 weekday trips, 73 AM peak trips, and 97 PM peak trips, with no pass-by trips or internal capture expected. A summary of the trip generation analysis is shown in **Table 1**.

Table 1: Trip Generation Summary

Land Use	Size	Weekday		Weekday AM		Weekday PM	
		Entry	Exit	Entry	Exit	Entry	Exit
210- Single Family Detached Housing	98 units	495	495	18	55	61	36
TOTAL		990		73		97	

A detailed summary of the trip generation analysis is shown in **Appendix A**.

Traffic Impact Analysis

The typical threshold for NCDOT to require a TIA is 3,000 trips per day, and the Town of Dallas threshold is 1,000 total trips or more per day and/or 100 peak hour trips during the AM or PM peak hours. This development is expected to generate less trips than the minimum criteria for both the Town of Dallas and NCDOT.

Conclusions

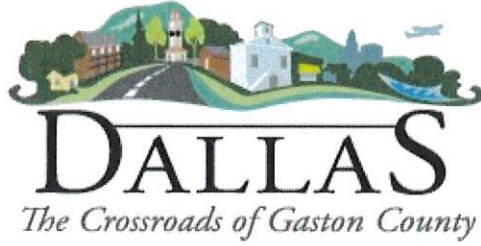
Based on the expected trip generation results, the Shepherds Way development should have a minimal impact on the surrounding roadway network. It is not recommended to conduct a TIA at this time, as the development does not exceed either typical threshold for requiring a TIA.

Appendix A

Trip Generation Analysis

Project Information	
Project Name:	Shepherds Way
No:	
Date:	10/10/2023
City:	
State/Province:	
Zip/Postal Code:	
Country:	
Client Name:	
Analyst's Name:	BGE, Inc.
Edition:	Trip Generation Manual, 11th Ed

Land Use	Size	Weekday		AM Peak		PM Peak	
		Entry	Exit	Entry	Exit	Entry	Exit
210 - Single-Family Detached Housing (General Urban/Suburban)	98 Dwelling Units	495	495	18	55	61	36
Reduction		0	0	0	0	0	0
Internal		0	0	0	0	0	0
Pass-by		0	0	0	0	0	0
Non-pass-by		495	495	18	55	61	36
Total		495	495	18	55	61	36
Total Reduction		0	0	0	0	0	0
Total Internal		0	0	0	0	0	0
Total Pass-by		0	0	0	0	0	0
Total Non-pass-by		495	495	18	55	61	36
Total			990		73		97



Written Consent for Zoning Conditions

The petitioner hereby expressly consents to all zoning conditions listed in this report and attached to this as Exhibit A:

Five horizontal lines for additional text or conditions.

ATTEST:

DocuSigned by: George Rhyne E304E3FEA49F4D4...
Authorized agent/property owner
George Rhyne
George Rhyne
Chair of the Board
Print Name

10/5/2023
Date

DocuSigned by: Adam Morman 5C1866288AEA456...
Authorized agent/property owner
Adam Morman
Smith Douglas Homes (SDH Charlotte, LLC.)
VP, Land Acquisition
Print Name

10/5/2023
Date

Exhibit A
Areas of Relief and Conditions of Approval

1. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Smith Douglas Homes. (the "Petitioner") to accommodate the development of a single-family residential community on that approximately 65.81-acre site depicted on the Rezoning Plan (the "Site"). The Site is comprised of tax parcel numbers 214259, 212567, and 214260.

2. Development of the Site will be governed by the Rezoning Plan, these Development Standards, and the applicable provisions of the Town of Dallas Code of Ordinances (the "Ordinance").

3. Unless the Rezoning Plan or these Development Standards establish more stringent standards, the regulations established under the Ordinance for the R-5 zoning district shall govern the development and use of the Site.

4. The development and street layout depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and improvements on the Site. The ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance requirements on this Plan and the Development Standards.

5. Future amendments to the Rezoning Plan and/or these Development Standards may be applied for by the then owner(s) of the Site in accordance with the provisions of the Ordinance.

6. This development may be constructed in phases.

7. All stormwater control measures and street trees within the development shall be maintained by the HOA.

8. The Site shall contain only a maximum of ninety-eight (98) single-family detached residential dwelling units, and any incidental and accessory uses related that are permitted in the R-5 zoning district

9. Vehicular access to the Site shall be as generally depicted on the Rezoning Plan. The placement and configuration of the vehicular access points are subject to any modifications required to accommodate final site and construction plans.

10. As depicted on the Rezoning Plan, the Site will be served by internal public streets, and adjustments to the location of these streets shall be allowed during the construction permitting process in coordination with NCDOT and Town of Dallas.

11. Public roadways depicted on this site plan shall allow the use of valley curb and gutter per the Town of Dallas or NCDOT standards as applicable.

12. Where driveways are located only on one side of the street, the minimum block length shall be 200 (two-hundred) feet, measured from intersection centerlines.

13. The proposed private drive connection and realignment shall be, at minimum, constructed of the same materials as the existing private drive.

14. The petitioner shall provide the following signage within the development as generally depicted on the rezoning plan:

a. A sign reading "Private Drive, No Outlet: at the proposed entrance to the private drive from the public street

b. Wayfinding access signage at all necessary intersections for The Robin Johnson House with NCDOT and Town of Dallas.

15. For any given homesite, the identical home plan, elevation, color scheme and garage orientation may not be repeated on the immediate homesites on either side of that given homesite.

16. For any given homesite, the identical home plan, elevation, color scheme & garage orientation may not be built immediately across the street facing that given homesite nor on the immediate homesites on either side.

a. Same plan plus different elevation, plus different color scheme, plus different garage orientation does not violate this monotony rule.

b. Different plan (which inherently means different elevation) plus same color scheme does not violate this monotony rule.

17. Petitioner shall provide a minimum of 8 (eight) foot side yards, 16 foot side yards for corner lots, for all primary structures.

18. A minimum of 40% (forty percent) of the homes within the development shall have a water table on the front elevation consisting of either stone or masonry.

19. Erosion control and stormwater measures shall be designed and maintained to be compliant with local, state, and federal rules and requirements. The design of these structures shall be such that adjacent streams, channels and drainage ways are protected.

20. Petitioner shall provide a minimum of 30% (thirty percent) of gross site acreage as open space. Of this open space, the petitioner shall provide at minimum of:

a. A minimum of 1 (one) acre of open space as active open space as specified in the Ordinance.

b. A minimum of 70% (seventy percent) of open space as natural undisturbed open space.

STATEMENTS OF CONSISTENCY AND REASONABLENESS **FOR** ZONING MAP AMENDMENT

The proposed rezoning from R-10 zoning district to CD R-5 is consistent with the 2030 Comprehensive Land Use Plan. The property is located within a single-family residential area on the future land use plan with opportunity to develop single-family attaching and multi-family housing. There is also R-5 and CD R-5 in the surrounding area and this will increase development potential of the property and is therefore a reasonable request and in the Town's best interest.

STATEMENTS OF CONSISTENCY AND REASONABLENESS **AGAINST** ZONING MAP AMENDMENT

The proposed rezoning from R-10 zoning district to CD R-5 is not consistent with the 2030 Comprehensive Land Use Plan. Rezoning to a district with a higher density will disproportionately affect future development and not in the Town's best interest.

Statement Adopted: _____

Curtis Wilson, Chairman

Date

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: No Parking Zones on 100 Block of W. Main St.

AGENDA ITEM NO. 3E

MEETING DATE: 10/24/2023

BACKGROUND INFORMATION:

With increased traffic and the number of parked vehicles along the 100 block of W. Main St., it has come to the Fire Department's attention that two fire hydrants are often blocked. In order to provide emergency access to these hydrants, Staff is recommending that one parking space in front of each fire hydrant be designated as no parking in the Town's Parking Prohibited ordinance.

Attached are pictures showing the hydrant areas.

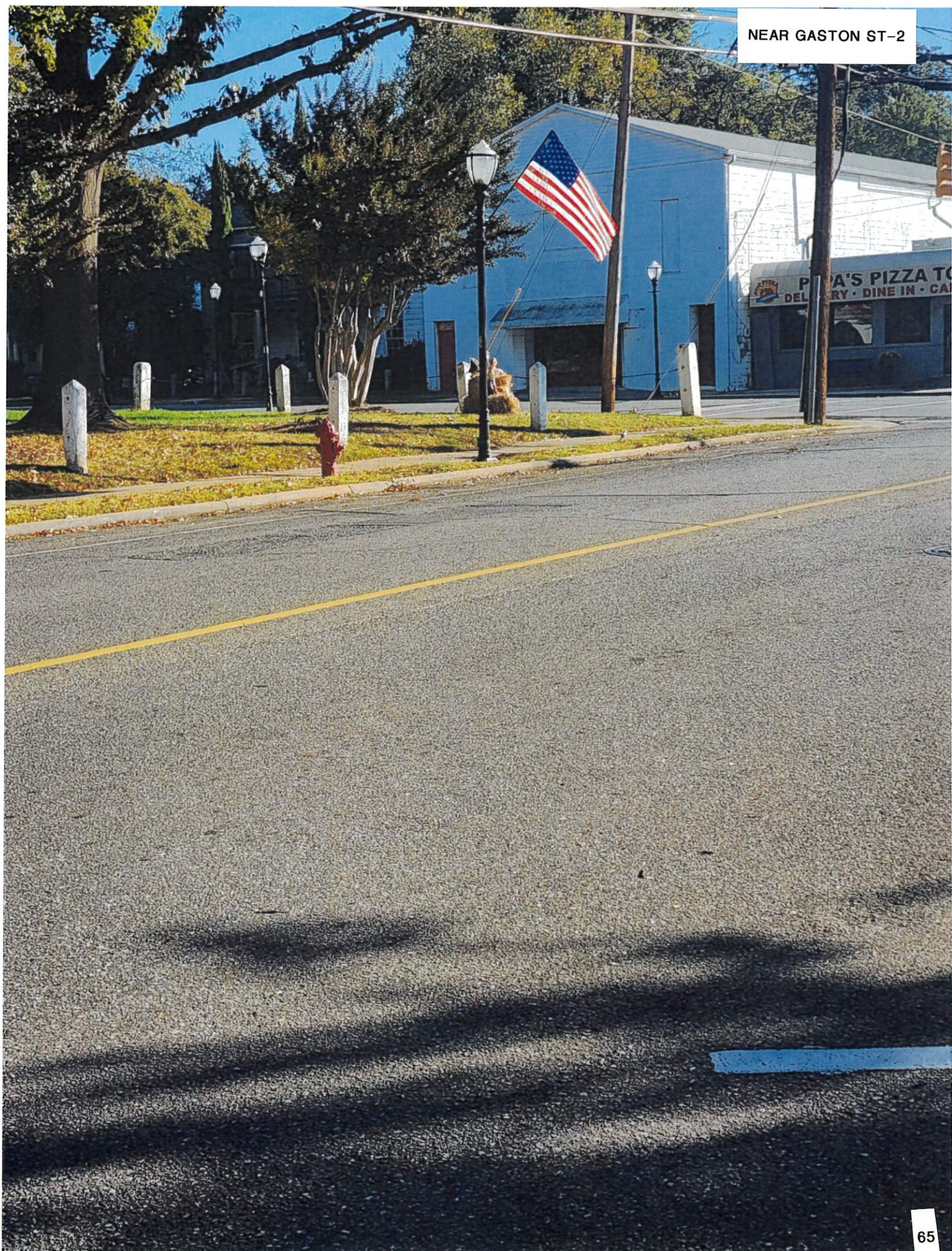
MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:









TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Electric Service Territory

AGENDA ITEM NO. 3F

MEETING DATE: 10/24/2023

BACKGROUND INFORMATION:

Staff is continuing to look into the electric service territory and seek out information. Contact has been made with Electricities and their internal team will be reviewing the maps. Once the review is complete, they will provide us with information that will help Dallas pursue the best territory agreement for electric service.

If any information is received in time for the meeting, it will be brought for consideration.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN: