



## CITY OF CHERRYVILLE

116 S. MOUNTAIN STREET

CHERRYVILLE, N.C. 28021

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**REGULAR WORK SESSION MEETING  
TUESDAY NOVEMBER 29, 2022 @ 6:00 PM  
CHERRYVILLE COMMUNITY BUILDING  
W.J. ALLRAN COUNCIL CHAMBERS  
106 S. JACOB STREET CHERRYVILLE, NC 28021**

I. CALL TO ORDER, HONORABLE MAYOR H.L. BEAM

**CONSENT AGENDA:**

- A. PUBLIC HEARING SCHEDULED FOR MONDAY DECEMBER 12, 2022 RE:  
CONSIDERATION OF SPECIAL USE PERMIT FOR 230 DICK BEAM RD. (GIS PARCEL  
#210764) (See Agenda Materials) pg.(s) 1-8
- B. PUBLIC HEARING SCHEDULED FOR MONDAY DECEMBER 12, 2022 RE:  
CONSIDERATION OF REZONING PROPERTY LOCATED ON THE CORNER OF S.  
MOUNTAIN ST. & S. PINK ST. (GIS PARCEL #207096) (See Agenda Materials) pg.(s)  
9-14

**ITEMS FOR DISCUSSION OR ACTION:**

- II. DISCUSSION OF NATIONAL LEAGUE OF CITIES SERVICE LINE WARRANTY PROGRAM,  
CITY MANAGER BRIAN DALTON (See Agenda Materials) pg.(s) 15-26
- III. OTHER BUSINESS
- IV. ADJOURNMENT

*Providing exceptional service to our community that inspires life to blossom.*

**Special Use Case # 22-02**

Applicant:	Carlos Alexander Nieto Naguera
Property Owner(s):	Jerry Denet (Denet Properties LLC)
Property Location:	230 Dick Beam Road
Property Size:	13.94 Acres
Current Zoning:	General Manufacturing and Commercial (GMC)
Proposed Request:	Special Use for Granite/Stone Fabrication

**Description:**

Several months ago, City Manager Brian Dalton and Zoning Administrator Alex Blackburn met with property owner (Jerry Denet) and applicant (Carlos Alexander) to discuss possible uses for the property outlined above. The applicant is seeking to operate a granite countertop business on the property in which slabs will be delivered and the final cuts for sinks and other fixtures are cut to order. In accordance with the City of Cherryville Zoning Ordinance Part 7, Section 7.12.1(A)(1)(pp) Cut Stone and Stone Products this would require a Special Use Permit to be presented before the Board of Adjustment and then final approval by the City Council.

The property is currently vacant with the exception of the owner’s miscellaneous storage of personal goods.

On Monday, September 19, 2022 a completed application was submitted to City Staff and the Special Hearing Procedure was initiated.



**Process:**

Staff received application and scheduled the Special Use Permit request to be reviewed at the next available meeting of the Cherryville Board of Adjustment meeting (October 17, 2022).

- September 19, 2022 – Staff received application and reviewed for completeness.
- October 17, 2022 – Board of Adjustment to consider request before submitting recommendation to the City Council.
  - The Board of Adjustment voted unanimously to recommend approval of the request.

- November 14, 2022 – City Council to set Public Hearing for December 12, 2022
  - Post Notification signs on property
  - Publish ad in newspaper once a week for two consecutive weeks
  - Post Notices in City Hall main lobby.
  - Mail adjoining and adjacent property owners of Public Hearing.
- December 12, 2022 – City Council to hold Public Hearing in quasi-judicial proceedings.

**Meeting Dates:**

- September 19, 2022 – Received Application
- October 17, 2022 – Board of Adjustment Consideration
- November 14, 2022 – Set Public Hearing
- December 12, 2022 – Hold Public Hearing

**Purpose of Special Use Permit:**

There are many uses identified in the General Manufacturing and Commercial Zoning district listed as “by right uses” in which the uses are allowed as long as they conform to the general requirements of the zoning district (i.e. setbacks, building height, off street parking, and density). In addition to these uses, there are some uses in which applicants are required to obtain the approval of Special Use Permits as to ensure that these uses are compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located.

**General Manufacturing and Commercial (GMC) Zoning District**

This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, retail, transportation terminals and a broad variety of specialized commercial and industrial operations. Many types of such operations are permitted by right, however, certain types of manufacturing and commercial operations will be allowed only upon issuance of a special use permit after review by the Board of Adjustment and the Board Having made certain findings and having determined any required conditions as set forth in Part 13.

Per the City of Cherryville Zoning Ordinance Part 7, Sub-Section 7.12.1(A)(1)(pp) “Cut Stone and Stone Products” would require the issuance of a Special Use Permit to be granted in order to occupy the property. Other considerations with this request shall include:

**§ 7.12.4 Screening and Landscaping**

Screening shall be required as provided in Section 5.2 of this Ordinance.

## § 5.2

- a) When a B-1, B-2, B-3 or GMC District abuts a Residential (R) District, screening shall be provided on the lot(s) which are located in the B-1, B-2, B-3 or GMC District at the time such lots are developed (except with a residential use) or when any existing and/or accessory structure on such lot is expanded. In no instance shall screening be required for any residential use located in a B-1, B-2, B-3 or GMC District except as herein provided.
- d) Within any B-1, B-2, B-3 or GMC District, screening shall be required for the open storage of any non-retail goods or any unenclosed structure consisting of a roof, but no walls used for storage of materials, products, wastes or equipment, whenever such storage or structure is located within one-hundred (100) feet of the street right of way line. Screening shall be placed on the property so as to effectively screen such open storage or structure from the public view from any street right-of-way. The use of a fence or wall constructed pursuant to 5.2.2-b of this Ordinance shall be considered an acceptable method (as with planting) for screening outdoor storage.

### § 5.2.2

Any screening required by Subsection 5.2.1 shall be located along side and/or rear property lines of the lot(s) in question except that screening shall not be required along any street right-of-way unless otherwise stipulated in this Ordinance.

Wherever an industrial use is located on the opposite side of a street right-of-way from a (R) residential zone, screening shall be installed on the industrial use property along said street right-of-way.

### **Staff Comments:**

This property is currently bordered on three sides (North, South and East) by the General Manufacturing and Commercial (GMC) Zoning District. To the West, across Wallaby Road, is the residential (R-40) Zoning District.

Additional Review Criteria as outlined in Part 13, Section 13.5.3 of the City of Cherryville Zoning Ordinance also provides additional specific review criteria for each of the following special uses that will need to be addressed.

### **13.5.3 Manufacturing Uses**

- (a) The use will not overly impact the ability of the City to collect and/or treat any wastewater generated by the use or the ability of the City to treat and distribute any potable water needed by the use.
- (b) The use will not overly impact (impact beyond capacity) the system of streets serving the use or that improvements will be made to such streets in consort with the development of said use, the result of which will be adequate handling of the additional traffic generated.
- (c) That not only will the use meet the minimum screening required of this Ordinance, but also that such additional screening will be installed, as necessitated by the visual characteristics of the particular use, such that the use will be screened from view of adjoining residential districts, or that the nature of the topography makes the screening from distant view from such residential areas impossible and that other measures such as heavy on-site landscaping will be taken to lessen any near or distant visual impacts.

#### **Conditions Recommended:**

- Use shall conform to all Local, State and Federal Regulations.
- All waste water associate with the use shall be contained and removed by third party vendor to prevent deterioration of city infrastructure including Sanitary Sewer lines, pump station. Applicant has provided documentation that this will be accomplished pending the approval of the request by City Council.
- Screening of Use from neighboring residential uses as provided in Section 5.2 of the City of Cherryville Zoning Ordinance.

## Adjoining Property Identification

### North:

21 North Storage LLC  
1094 Turnersburg Hwy  
Statesville, NC 28625-2606

### West:

Joel R Carter & Kimberly Carter  
141 Wallaby Road  
Cherryville, NC 28021

### South:

David Troy Carpenter Jr  
140 Wallaby Road  
Cherryville, NC 28021

Linda B Beam AMND RSTD REV TR  
P.O. Box 4148 MAC G0128-021  
Atlanta, GA 30302

### East:

Michael N Beam Trust M'shel B Bowen  
868 Church St. N FL 2  
Concord, NC 28025-4350

Amongst The Waves LLC  
3516 Niblick Ct.  
Denver, NC 28037

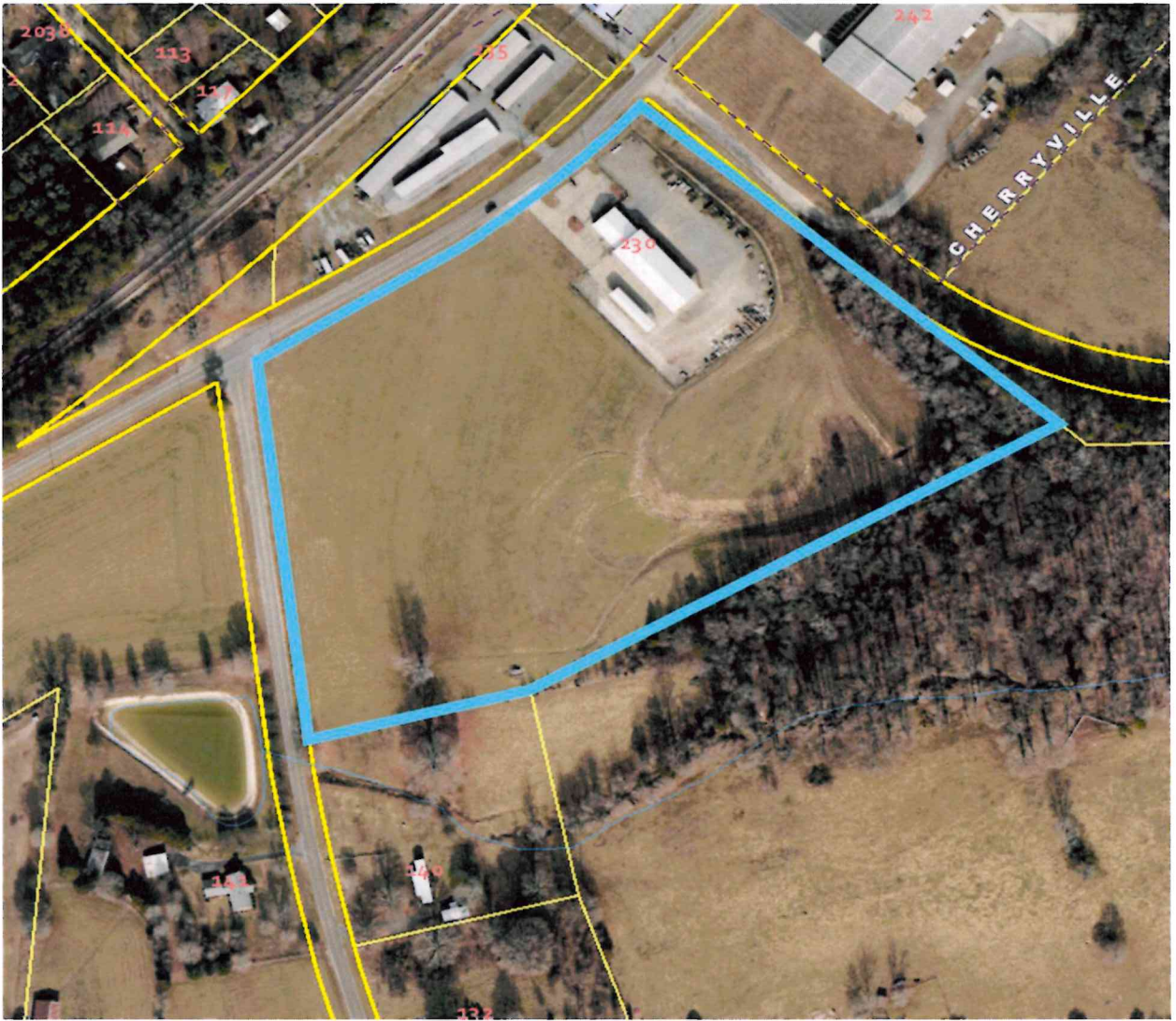
## **Notice of Public Hearing**

The City of Cherryville's City Council will hold an Evidentiary Hearing at their regularly scheduled meeting on Monday, \_\_\_\_\_, 2022, at 6:00 p.m. at the Cherryville Community Center, 106 S Jacob Street Cherryville, NC 28021.

The purpose of this hearing will be to consider a Special Use Permit for allowing a Granite Countertop "Stone Fabrication" use located at 230 Dick Beam Road, Cherryville, NC 28033. PID # 210764.

Case # SUP22-02





For further information, please contact Alex Blackburn, Planning Director, at 704-435-1705.

## City of Cherryville Planning Department – Staff Report

### Rezoning Case

<b>Applicant:</b>	Charles Alvarez
<b>Property Owner(s):</b>	Expert Builders LLC
<b>Property Location:</b>	PID 207096 Intersection of S. Pink Street and S. Mountain Street, Cherryville, NC 28021
<b>Property Size:</b>	0.92 Acres
<b>Current Zoning:</b>	GMC (General Manufacturing and Commercial)
<b>Proposed Zoning:</b>	R-9 Residential Single & Two-Family

### Description:

City Staff met with applicant Charles Alvarez, owner of Expert Builders LLC, on September 28, 2022 and received a completed application for a Zoning Map Amendment (see Rezoning). Mr. Alvarez is seeking to change the current zoning designation of the property PID # 207096 from its current GMC District to that of the R-9 residential zoning jurisdiction. This property is located on the north-east corner of the intersection of S. Pink Street and S. Mountain Street and has not been granted an address.

Properties surrounding this parcel are comprised of the R-9 district to the West and South directions, GMC to the North and East sides, and B-3 to the South-West corner across S. Mountain Street.



**Process:**

Staff received the application and scheduled the rezoning request to be considered at the next regularly scheduled meeting of the Cherryville Planning Board on October 17, 2022.

- Pre-filing meeting to discuss proposed amendment and to become familiar with the applicable requirements and approval procedures.
- Filing of Request – September 28, 2022
- Staff to request City Council to set Public Hearing date
- Staff to schedule proper advertisement of the Public Hearing.
  - Ad in newspaper to be ran once a week for two consecutive weeks.
  - Notice to be placed in front lobby of City Hall
  - Zoning Sign(s) on subject property
  - Mailed Notices to all adjoining/adjacent property owners.

**Meeting Dates:**

- September 28, 2022 – Meeting and Submittal of Application
- October 17, 2022 – Planning Board review of requested rezoning
- November 14, 2022 – City Council to set Public Hearing date.
- December 12, 2022 – City Council to hold Public Hearing.

**Staff Comments:**

The current zoning designation for this parcel is General Manufacturing and Commercial (GMC) and is recorded in the **City of Cherryville Zoning Ordinance Section 6.2.12 GMC General Manufacturing and Commercial** as:

A district designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products, distribution of products at wholesale, retail, transportation terminals and a broad variety of specialized commercial and industrial operations. Many types of such operations are permitted by right, however, certain types of manufacturing and commercial operations will be allowed only upon issuance of a special use permit after review by the Board of Adjustment and the Board of Adjustment having made certain findings and having determined any required conditions as set forth in Part 13.

The applicant has requested a change to the Single- Two-Family Residential (R-9) District which is further enumerated in **Section 6.2.4 R-9 Residential District** as:

This district is established to accommodate single-family dwellings on 9,000 minimum square foot lots and two-family dwellings on 12,000 minimum square foot lots and to allow under certain conditions and after review and approval by the City Council, a variety of residential dwelling unit arrangements in Planned Residential Developments. R-9 districts are located in older, established areas of the City where mixtures of single and two-family dwellings can be accommodated. Like the R-12 District, public water and sewer service is present in all R09 areas. Review by the Planning Board, and review and approval by the City Council for the residential uses and arrangements, other than those specifically permitted by right, is established to ensure that developments are well-planned and, where applicable, compatible with adjoining single-family residences and neighborhoods. A limited number of private and public community uses are allowed or may be allowed on a special use basis where certain criteria specified in this Ordinance are met. Accessory residences are also allowed on a special basis.

This property is located outside of the City of Cherryville Corporate Limits but within the Extraterritorial Jurisdiction of our Zoning Ordinance. The Future Land Use Plan, as adopted by City Council on August 13, 2012, shows that this area was intended to maintain the Neighborhood Business type zoning.

As discussed with the Planning Board during their consideration of this request, the **North Carolina General Statute 160D-605(a)** declares that “If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required.” This would mean that it is within the capability of the City Council as the governing board to approve (if they so desire) a request despite it being inconsistent with the Future Land-Use Map as approved in 2012.

**Abutting/adjacent Property Owners:**

**North:**

Title Town Properties LLC  
1401 Forge Creek Ct.  
Gastonia, NC 28054-7784

**West:**

Marcellette Rollins  
706 S Pink Street  
Cherryville, NC 28021

Georgia Jefferies Heirs  
125 College Ave. Apt C8  
Shelby, NC 28152-7590

**South:**

Willie Mae Aiken  
722 S Mountain Street  
Cherryville, NC 28021

Martha Jane Mitchell & Joyce Giles  
724 S Mountain Street  
Cherryville, NC 28021

800 Mountain NC WCO LLC  
611 Macon Street  
Brooklyn, NY 11233

**East:**

Linda Muri McQuaige  
601 Delview Road  
Cherryville, NC 28021

**Applicant/Owner:**

Expert Builders LLC  
C/O Charles Alvarez  
481 Mozelle Road  
Cherryville, NC 28021

## NOTICE OF PUBLIC HEARING

The City of Cherryville's City Council will hold a Public Hearing at their regularly scheduled meeting of Monday, \_\_\_\_\_, 2022 at 6:00 p.m., at the Cherryville Community Center located at 106 S Jacob Street, Cherryville, NC 28021.

The purpose of this Public Hearing will be to consider the requested Zoning Map Amendment for the property identified as Parcel ID # 207096, located at the intersection of South Pink Street and South Mountain Street. The request is a change from the current zoning designation of General Manufacturing and Commercial (GMC) to that of the Residential District (R-9) zoning district.



For further information, please contact Alex Blackburn, Planning & Zoning Director, at 704-435-1705 or at [ablackburn@cityofcherryville.com](mailto:ablackburn@cityofcherryville.com)

**RECOMMENDATION:** It is recommended that Council authorize the Administration, or their designee, to enter into the royalty Marketing agreement with Utility Service Partners, Inc. (USP) for an initial term of three (3) years, subject to City Attorney review with an additional (1) year renewal.

**BACKGROUND:** The National League of Cities (NLC) Service Line Warranty Program, offered by Utility Service Partners, a HomeServe Company, was conceived in partnership with the National League of Cities to educate property owners about their service line responsibilities and to help residents avoid the out-of-pocket expense for unanticipated and potentially costly service line repairs and replacements. Our program, the only one of its kind endorsed by the NLC and, will help the City of Cherryville to achieve its goals by:

- Providing homeowners affordable protection against significant and unexpected costs to remedy leaking/broken/ clogged water lines, sewer lines, and in-home plumbing lines
- Ensuring the delivery of timely, high-quality repair services in adherence to all applicable codes
- Providing exemplary service that reflects positively on the City
- The program generates an ongoing, sustainable source of revenue for partner municipalities and stimulates the local economy by using fully vetted local contractors to complete the repairs.
- The City will receive a royalty of \$0.50 per product per month for the duration of the program.

**COVERAGE:** NLC Service Line Warranty Program offers three complete and separate voluntary programs. There is never a service fee/deductible or annual or lifetime limit. Residents can cancel the warranties at any time.

**Exterior Water Service Line:** Includes service to locate, excavate and repair/replace a leaking exterior water service line. Covered repairs include, but are not limited to leaks, breaks, corrosion, blockages, root intrusion, and other types of damage (such as from freezing) that impair or limit the intended function of the system. Includes thawing of frozen water lines. Includes restoration of ground surface features after excavation for service line repair, including filling, raking, reseeding, reinstallation of existing soft landscaping and shrubbery, and patching of paved surfaces.

**Exterior Sewer Service Line:** Includes services to locate, excavate and repair/replace a leaking exterior sewer service line. Covered repairs include, but are not limited to leaks, breaks, corrosion, blockages (due to fats, oils and grease), root intrusion, and other types of damage (such as from freezing) that impair or limit the intended function of the system. Includes restoration of ground surface features after excavation for service line repair, including filling, raking, reseeding, reinstallation of existing soft landscaping and shrubbery, and patching of paved surfaces.

**Internal Plumbing and Drainage:** Coverage includes the emergency breakdown costs of repairing or replacing interior water, sewer, and drainage pipe materials, valves and other plumbing-related material, including unblocking, repair and replacement. Repair of clogged toilets.



Product	Monthly	Annual Coverage Limit	Annual Service Calls/Per Call Coverage	Royalty for the City
External Water Line	\$5.75	Unlimited	Unlimited Calls \$8,500 Per Call	\$0.50 per contract per month
External Sewer Line	\$7.75	Unlimited	Unlimited Calls \$8,500 Per Call	\$0.50 per contract per month
In-Home Plumbing	\$9.99	Unlimited	Unlimited Calls \$3,000 Per Call	\$0.50 per contract per month

**IMPLEMENTATION:** The NLC Service Line Program will utilize the City logo to brand the materials used to educate City residents/customers about our repair service plans. Program marketing literature clearly discloses that the Program and the City are separate entities and that the program is voluntary for residents. The NLC Service Line Warranty Program will create all marketing materials with input from the City and will submit all marketing/communications materials to the City for final approval.

**ENROLLMENT AND BILLING:** The NLC Service Line Program offers residents simple options if they choose to enroll either via mail, phone, or web. We handle all customer billing and residents can choose annual, quarterly, or monthly billing and may pay by check, direct debit/ACH, or credit card. Once we receive the enrollment application, customers receive a welcome letter which includes their service agreement terms and conditions, their payment details, a reiteration of their policy coverage, and our toll-free customer service number. Customers also receive a welcome call from customer service as an additional, personalized confirmation of the program. We handle all customer billing, and a homeowner can enroll or cancel at any time.

**FINANCIAL IMPACT:** No cost to the City to participate and the City would receive \$0.50 per product per month royalty, paid annually.



NLC Service Line Warranty Program Overview:  
Benefits to Cities & Residents



# WHY CHOOSE THE NLC SERVICE LINE PROGRAM, BY HOMESERVE?



**EXPERIENCE**  
Offering services  
for over 19 years



**REPUTATION**  
4.8 out of 5 stars  
customer  
satisfaction



**PARTNERSHIP**  
Endorsed by National  
League of Cities



**BBB Torch Award for Marketplace Ethics**  
Trust • Performance • Integrity  
2013 Winner  
Western Pennsylvania Better Business Bureau\*

2018 WINNER  
**BBB Torch Awards for Ethics**  
Better Business Bureau of Western PA

*"The National League of Cities is proud to partner with this highly reputable and reliable program. Their exemplary record of customer service and transparency is what has driven the success of this partnership over the years."*



Clarence Anthony  
Executive Director  
National League of Cities



NLC Service Line Warranty Program by HomeServe

## MANY HOMEOWNERS ARE UNPREPARED



**78%**

of homeowners surveyed believe the utility provider should educate them on repairs and preventative measures



**59%**

of homeowners surveyed have had a home repair emergency in the past year



**40%**

4 out of 10 Americans can't afford a \$400 emergency expense (and would have to sell something, take out a loan, or use credit to cover it)

## NLC SERVICE LINE WARRANTY PROGRAM BENEFITS



- Only service line program Endorsed by the National League of Cities
- No cost for the City to participate
- Optional ongoing Revenue Stream for the City
- Free Public Awareness Campaign to educate homeowners on their lateral line responsibilities
- Peace of Mind - with one toll-free call a reputable plumber is dispatched
- All repairs performed to code by local licensed contractors
- Contractors undergo rigorous vetting process to ensure quality service



## NLC SERVICE LINE WARRANTY PROGRAM & WHAT IT COVERS



SEWER/SEPTIC LATERAL  
COVERAGE



WATER/WELL LINE  
COVERAGE

Homeowner repair protection for leaking, clogged or broken water and sewer lines from the point of utility connection to the home exterior

### Coverage includes:

- Educating homeowners about their service line responsibilities
- Up to \$8,500 coverage per repair incident
- Includes coverage for thawing of frozen external water lines
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- Repairs made only by licensed, local contractors
- Affordable rates and multiple payment methods



## NLC SERVICE LINE WARRANTY PROGRAM & WHAT IT COVERS




### INTERIOR PLUMBING AND DRAINAGE

Homeowner repair protection for in-home water supply lines and in-home sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry

- Up to \$3,000 coverage per repair incident.
- Repair of clogged toilets
- Includes coverage for broken or leaking water, sewer, or drain lines under the slab or basement floor
- No annual or lifetime limits, deductibles, service fees, forms, or paperwork
- 24/7/365 availability
- Repairs made only by licensed, local contractors
- Affordable rates and multiple payment methods



## MARKETING APPROACH

- No Public Funds are used in marketing, distribution, or administration of the program.
  - Only market by direct mail, no telemarketing
  - Would never mail without your review and approval of marketing material before each and every campaign
  - Limited mailing campaigns per year
  - Consumer friendly marketing
  - Always voluntary for the homeowner
- 
- Consumers can enroll one of three ways:
    - Calling into our toll free number that is provided on the mailing;
    - Returning the bottom of the letter to us in the self addressed stamped envelope provided
    - Visiting our consumer website [www.slwofa.com](http://www.slwofa.com) at any time



## SOLUTIONS FOR MUNICIPALITIES & THEIR HOMEOWNERS



- Endorsed by the National League of Cities
- More than 1100 municipal and utility partnerships
- Currently serving over 4.8 million customers
- Saved customers over \$2 billion in repair costs over the past 3 years
- Consistent customer satisfaction rating of 4.8 out of 5 stars
- 9 of every 10 customers surveyed have recommended the program to friends, family and neighbors

## OVER 1100 PARTNERS, INCLUDING 23 IN NORTH CAROLINA

*Charlotte Water*  
*Town of Sharpsburg*  
*Town of Weaverville*  
*Town of Creswell*  
*Town of Snow Hill*  
*City of Whiteville*  
*City of Hendersonville*  
*City of Sanford*  
*City of Albemarle*  
*Hoke County Public Utilities*  
*Town of Spring Lake*  
*Town of Hope Mills*

*Town of Bethel*  
*Tyrrell County Utilities*  
*Town of Mooresville*  
*City of Shelby*  
*City of Creedmoor*  
*City of Eden*  
*Town of Fletcher*  
*Town of Hassell*  
*Cherokee Water & Sewer*  
*South Greene County Water Corporation*  
*Greene County Reg. Water*





## FOR MORE INFORMATION CONTACT:

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Ashley Shiwarski  
Sr. Director, Business Development  
724-749-1097 (office)  
412-874-9454 (cell)  
Ashley.Shiwarski@homeserveusa.com

Visit [www.NLC.org/serviceline](http://www.NLC.org/serviceline) or [www.servline.com](http://www.servline.com)

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