



KINGS MOUNTAIN

— NORTH CAROLINA —

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**CITY OF KINGS MOUNTAIN, NORTH CAROLINA
CITY COUNCIL SPECIAL MEETING
COUNCIL CHAMBERS AT CITY HALL
WEDNESDAY, MARCH 10, 2021 6:00 PM**

1. Call to Order and Determination of a Quorum.
2. Invocation – *Mayor Scott Neisler.*
3. Pledge of Allegiance - *Mayor Scott Neisler.*
4. Motion to Schedule a Public Hearing for Tuesday, March 30, 2021 at 6:00 p.m. to consider a zoning text amendment to allow no required yard setbacks when federal tribal property is adjacent to the City of Kings Mountain ETJ.

ADJOURNMENT:

5. Motion to Adjourn

TO: Marilyn Sellers, City Manager

FROM: Stuart C Gilbert, Community Planning and Economic Development Director

RE: Zoning text amendment when City ETJ property is adjacent to Federal Tribal Property

DATE: March 3, 2020

BACKGROUND

In in the last week it has become apparent that the Casino Developer has requested a building permit from Cleveland County and there are unique conditions that are occurring since Cleveland County entered into an intergovernmental agreement with the Catawba Nation on the 16-acre tribal property land identified as Cleveland County PIN # 11659. City Attorney has advised that the City ETJ is no longer valid on the 16 acres tribal property now that the Catawba Indian Nation entered into an intergovernmental agreement with Cleveland County.

The result of this intergovernmental agreement is that the Casino developer is looking at maximizing the 16 acre site with Casino related development and placing some structures on the adjacent property owned by Kings Mountain Land Development Partners, LLC. The adjacent Kings Mountain Land Development Partners, LLC site is under the jurisdiction of the City of Kings Mountain ETJ-General Business.

The proposal provided by the Casino developer will require that there is no zoning setbacks on the property immediately surrounded by the Casino. The tribal property and the ETJ property will end up being constructed as an integrated site.

RECOMMENDATION

1. Therefore staff recommends that the City of Kings Mountain consider a text amendment to allow no required yard setbacks when federal tribal property is adjacent to the City of Kings Mountain controlled (ETJ) zoning. The process to make the zoning text amendment is as follows:
 - a. City Council place first reading of text amendment at a city council meeting (special or regular session).
 - b. Public notice is provided for text amendment requiring half a page ad in newspaper. Typical staff procedure would provide written first class mail notice of public hearing to property owners unless total property owners is greater than 50 that would receive notice.
 - c. Planning and Zoning Board would review and provide recommendation to city council prior to city council hearing. Notice of text amendment criteria is provided to Planning and Zoning Board a minimum of 14 days prior to their meeting.
 - d. City Council holds public hearing at assigned time, accepts into the public hearing file the recommendations of the Planning and Zoning Board.
 - e. City Council may vote to approve, deny or continue proposed text amendment at meeting as the city council holds the public hearing.

FUTURE LONG TERM SOLUTIONS

1. We are working with our UDO consultant on developing a new Unified Development Ordinance.
 - a. It has been this department's objective to take the proposed CASINO developer's plans,
 - i. Share these plans with our UDO consultant,

- ii. The UDO consultant will recommend zoning solutions in the form of a new UDO that will be adopted by the City by July 1 2021 that will handle these situations seamlessly between US federal tribal property and the City of KM ETJ.