

8 RECORDING 26.00
REVENUE _____
NSF _____
ROTC PQ CS

Cover Sheet for Recording

Prepared by PARKS H. WILSON, JR., ATTORNEY, BOX #73

Return to : PARKS H. WILSON, JR., ATTORNEY, BOX #73

Kind of Instrument: ORDINANCE TO AMEND
ZONING MAP (THE MORRIS)

Date of Instrument: MAY 6, 2019.

Parties: CITY OF BELMONT/MORRIS KAPLAN
and RAYMOND S. GARRISON, TRUSTEE OF
THE MADGE S. GARRISON REVOCABLE
TRUST.

Ordinance # 2019.05.02

An Ordinance to Amend the City of Belmont Official Zoning Map

WHEREAS, the City of Belmont has a land development code that provides for various rules for how land can be used and developed within Belmont's planning and zoning jurisdiction; and,

WHEREAS, Morris Kaplan, applicant, and Raymond Garrison, trustee for Madge S. Garrison Revocable Trust, the property owner of record, submitted an application for a zoning map amendment to rezone a property identified as tax parcel identification numbers: 186553, 186554, 186555, 186556, 186557, 186558, 186559, 1865561, 186562, 186563, and 186564 from Highway Commercial/Highway Corridor Overlay and General Residential to Highway Commercial Conditional District (HC/CD) for the purpose of developing a multi-family residential community with one commercial outparcel; and,

WHEREAS, the public hearing for this map amendment has been noticed in compliance with North Carolina General Statutes; and,

WHEREAS, the Belmont planning and zoning board has reviewed the map amendment petition and voted 6-1 to find the map amendment to be a reasonable request and in the best interest of the public, consistent with the Belmont comprehensive land use plan, and recommended approval of the amendment as conditioned to the city council during the board's 21 March 2019 meeting; and,

WHEREAS, the Belmont city council held the public hearing on 6 May 2019, and after hearing such, made the following required findings:

1. The conditional zoning petition is a reasonable request and in the public interest because it supports the vision of the adopted comprehensive land use plan, the Build a Better Boulevard plan, and other adopted plans; and
2. The proposed project is consistent with the following goals of the adopted comprehensive land use plan:
 - Land Use: The project encourages a healthy tax base and a mix of uses that will promote a choice in housing, mobility, and recreation; and
 - Economy: The location of this project provides a dense population adjacent to the commercial corridor that supports employment and commerce in the city; and
 - Mobility: This project includes a new roadway connection from Park Street to Wilkinson Blvd, a future connection from Wilkinson Blvd to the south toward Planetree Drive, and a greenway (CTT) that will connect from Brewer Street to the east property line, which supports the long range vision of connecting to Kevin Loftin Park. This project supports multi-modal mobility by accommodating vehicles, pedestrians, and cyclists located in proximity of a future light rail line.
 - Community Character: The project will enhance the community appearance of this highly disturbed property while retaining open space and promoting social and economic diversity.
 - Park and Recreation: This project proposes amenities for its residents as well as a public greenway for our citizens.
 - Infrastructure: The project complies with all city standards related to infrastructure to support the development.

- Environment: This development is proposed at a higher density reducing the footprint of more suburban development resulting more open space. The project is subject to water quality requirements, stormwater requirements, floodplain requirements, tree canopy save requirements, and tree plantings.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belmont, that the official zoning map of the city be amended to reflect this adopted change of parcel IDs 186553, 186554, 186555, 186556, 186557, 186558, 186559, 186561, 186562, 186563, and 186564, in accordance with Exhibit A attached herein.

If any provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision thereof, and to that end, the provisions of this ordinance are hereby declared to be severable.

This ordinance shall be effective on this 6th day of May, 2019.



Charles R. Martin, Mayor

Attest:


City Clerk

Approved as to form:


City Attorney



City of Belmont

115 N. MAIN STREET
POST OFFICE BOX 431
BELMONT, N.C. 28012
PHONE (704) 825-5586

CERTIFICATE OF RECORDING OFFICER

The undersigned and duly qualified City Clerk of the City of Belmont, N.C. does hereby certify that the attached Ordinance is a true and correct copy of the Ordinance, as regularly adopted at a legally convened meeting of the Belmont City Council of the City of Belmont, North Carolina, duly held May 6, 2019 and further that such has been duly recorded in the journal of proceedings and records in my office.

In Witness Whereof, I have hereunto set my hand this 14 day of May, 2019

Jamie L Campbell
Jamie L. Campbell, City Clerk



STATE OF NORTH CAROLINA

COUNTY OF GASTON

This the 14th day of May, 2019 personally appeared before me, a Notary Public for said County and State, Jamie L. Campbell, who being duly sworn by me, says she knows the common seal of the City of Belmont, and is acquainted with Charles R. Martin who is said Mayor and presiding member of said Municipal Corporation; that she saw the Mayor sign the foregoing instrument and saw the said common seal of said Municipal Corporation affixed to said instrument by said Mayor; and that she, the said City Clerk signed her name in attestation of said instrument in the presence of said Mayor of said Municipal Corporation.

Witness my hand and seal, the 14th day of May, 2019

Elizabeth Bell

Notary Public

2/12/23

My Commission Expiration Date



Exhibit A
Conditions of Approval
ZA2019.02

1. The proposed development shall be in compliance with requirements of the land development code (LDC) and code of ordinances with the added relief of:
 - a. A maximum of $\frac{3}{4}$ -stories in height is permissible for the apartment buildings.
 - b. Proposed front-loading garages for the carriage house type structures is permissible. Parking in front of all garage doors is prohibited except for loading and unloading. Appropriate signage or striping at these locations is required.
2. The property owners shall complete the annexation process within 90 days for tax parcel ID's: 186553, 186554, 186555, 186556, 186557, and 186558.
3. The three-bedroom units shall be limited to a maximum of 25% of the total unit count for the development and the one bedroom units shall be a minimum of 25% of the total unit count.
4. A 30-foot permanent private sewer easement shall be granted to property owner and operators of Spartan Dyers for the operation of its facility located on tax parcel #125317, as illustrated on the plans. Exact terms to be determined, but it will be without limitation, a 30' permanent sewer easement. The developer will not build any roads or buildings over this sewer line.
5. The developer to maintain commercial general liability insurance in the amount of \$1,000,000.00, naming Spartan Dyers, Inc. as an additional insured, covering loss or damage resulting from accidents or occurrences on or about the granted 30' permanent sewer easement, unless caused by the gross negligence or willful misconduct of Spartan Dyers. This insurance condition shall last only during the construction of The Morris at Belmont.
6. Architecture and building materials shall comply with elevations included herein. Additional requirements include:
 - a. Buildings on the site will be 3 story or $\frac{3}{4}$ splits with an average height in feet of approximately 35 feet and 45 feet respectively at the front building line.
 - b. The multi-family buildings about a network of required public or private streets with each having a main frontage with a pedestrian entrance fronting these streets.
 - c. Where ground level patios and porches are provided, walkways shall be provided to connect them to the sidewalk located along the adjacent public or Private Street.
 - d. Building elevations have been designed with vertical bays and articulated façade features including wall offsets, projections, banding and changes in materials and

colors to help break up the mass of the building. Buildings have also been designed with a recognizable architectural base of masonry or stone.

- e. Elevations have been designed to have at least 50% of the exteriors (excluding windows, doors, balconies) composed of brick or stone (including precast stone or synthetic stone). The balance of the elevations will have a combination of fiber cement panels and trim, fiber cement lap siding, or fiber cement vertical board & batten siding.
 - f. Windows to be vinyl, aluminum or wood material.
 - g. Balcony railings shall be a durable material and not pressure treated lumber
 - h. Buildings have been designed with a 5:12 roof pitch with architectural fiberglass composite shingles. Further, the elevations have been designed to have elements at corners and balconies that will be higher than the adjacent roof line to give the buildings and urban feel from a pedestrian perspective. All roof vents will be painted to match the roof color.
 - i. HVAC and related mechanical equipment will be screened.
 - j. Dumpster areas and recycling areas shall be enclosed by a solid wall or fence utilizing materials consistent/compatible with the materials and colors used on the principal buildings. These enclosures will have one side with a decorative gate for access.
7. The applicant/developer is responsible for construction of the transportation improvements as identified by the TIA pursuant to approval by NCDOT.
 8. The applicant shall comply with all requirements necessary to connect to the municipal utility water and sewer system to service the project, including the installation of lines or system improvements and acquisition or dedication of any required easements. The developer shall enter into an agreement with regard to water and sewer extensions.
 9. Greenways within the development shall include the segment of the Carolina Thread Trail (CTT). The applicant shall continue discussions with the Catawba Land Conservancy regarding the exact location and design of the CTT. The developer or builder is responsible for the construction of the CTT segment through the project community. The responsible party is also required to dedicate the CTT segment to the city for future public use and maintenance.
 10. The developer will grant Adam's Bluff HOA an Easement and/or Encroachment Agreement so that Adam's Bluff has the right to use and maintain the trail that currently lies on the subject land. This is with the understanding that in order to connect the existing Adam's Bluff trail to the proposed future greenway, a portion or portions of the trail may need to be removed and/or reworked. The developer will install signage where the Adam's Bluff HOA trail connects with the greenway trail. The developer will install a vinyl gate on Adam's Bluff HOA trail at a location to be determined by the Adam's Bluff HOA as long as the gate and the location are approved by the City of Belmont and/or any other Government Agency that may need to approve such gate.
 11. The conditional zoning schematic plan approval is for a 325- unit multi-family community and is valid for a period of 12 months.



City of Belmont

115 North Main St.
P. O. Box 431
Belmont, NC 28012
704 825 5586
Fax: 704 825 0514

Statement of consistency

In considering the request associated with petition ZA 2019.02, to rezone the subject properties to a Highway Commercial conditional zoning district (HC/-CD) for tax parcel IDs 186553, 186554, 186555, 186556, 186557, 186558, 186559, 1865561, 186562, 186563, and 186564, the Belmont city council finds this petition to be a reasonable request and in the public interest. It further finds the petition to be consistent with the comprehensive land use plan because it supports the goals in the area of:

- Land Use: The project encourages a healthy tax base and a mix of uses that will promote a choice in housing, mobility, and recreation; and
- Economy: The location of this project provides a dense population adjacent to the commercial corridor that supports employment and commerce in the city; and
- Mobility: This project includes a new roadway connection from Park Street to Wilkinson Blvd, a future connection from Wilkinson Blvd to the north toward Planetree Drive, and a greenway (CTT) that will connect from Brewer Street to the east property line which supports the long range vision of connecting to Kevin Loftin Park. This project supports multi-modal mobility by accommodating vehicles, pedestrians, and cyclists, located in proximity of a future light rail line.
- Community Character: The project will enhance the community appearance of this highly disturbed property while retaining open space and promoting social and economic diversity.
- Park and Recreation: This project proposes amenities for its residents as well as a public greenway for our citizens.
- Infrastructure: The project complies with all city standards related to infrastructure to support the development.
- Environment: This development is proposed at a higher density reducing the footprint of more suburban development resulting more open space. The project is subject to water quality requirements, stormwater requirements, floodplain requirements, tree canopy save requirements, and tree plantings.

This finding is supported by a 5-0 vote of the Belmont city council during its 6 May 2019 meeting.

Charles R. Martin, Mayor

5/6/2019

Date