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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 (AHP DEVELOPMENT, LLC.)

Date of Instrument: NOVEMBER 4, 2019.

Parties: CITY OF BELMONT/AHP
DEVELOPMENT, LLC; CHRONICLE MILL
LAND, LLC; COW XXI.

Ordinance # 2019.11.03

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, AHP Development, LLC, applicant, and Chronicle Mill Land, LLC and COW XXI, LLC, the property owners of record, submitted an application for a zoning map amendment to rezone properties identified as tax parcel identification numbers: 222654, 125949, 125950, 125951, 125952, 125953, 222655, 222656, 222657, 222658 from Downtown District (D-D) to Downtown District Conditional District (D-D/CD) for the purpose of developing a commercial and residential mixed use project with associated parking, amenities, and site improvements.

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, with specific modifications, to the city council during the board's 24, October 2019 meeting; and,

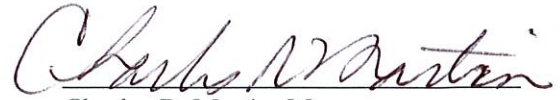
WHEREAS, the Belmont city council held the public hearing on 4 November 2019, and after hearing such, made the following required findings:

1. The conditional zoning petition is a reasonable request and in the public interest because it helps fulfill the vision of land uses and building forms identified in the Center City Small Area Plan; 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.
 - Economy: The location of this project provides a population that will help foster a vibrant economy, with a diversified tax base, and balances residential growth with employment and commerce in the city.
 - Community Character: The project will allow adaptive reuse that will help preserve and protect a historic resource that would otherwise be demolished.

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 parcels, 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 4th day of November, 2019.


Charles R. Martin, Mayor

Attest:


City Clerk

Approved as to form:

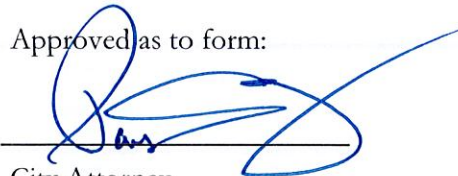

City Attorney



Exhibit A
Conditions of Approval
ZA2019.03

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:
 - An additional story in height is permissible for the apartment building.
 - A reduction in the number of parking spaces required, with a total reduction not to exceed 5% of the total requirement based on final mix of uses. Parking shall be dispersed and provided as shown in the approved plans.
 - A reduction in the width of the rear opaque buffer yard adjacent to the railroad, from 20 feet to 5 feet in width.
 - A reduction in the transition yard buffer and planting strip widths along S. First, Back, and Short Streets, buffer shall consist of a 5-ft. wide evergreen hedge/planting strip.
 - Building setbacks are approved as shown on the approved site plan which includes relief from the maximum setbacks for each building type.
 - Sidewalk widths are approved as shown on the approved site plan with a minimum width of 5 feet along S. First, Back, and Short Streets.
2. The street level uses connected to Catawba Street (2nd level) shall be a mix of commercial or office uses. No more than 25% of the linear footage shall be used as office area serving the apartments. The work portion of the live/work units shall be on this level.
3. For all other areas not connected to Catawba Street, the use proposed on the approved plans may revert to commercial uses, provided the uses are allowed in the base Downtown District and meet other applicable regulations.
4. A maximum of 240 apartment units may be constructed.
5. A buffer is required between the utility poles and proposed parking spaces on Catawba Street.
6. A connection to the tabletop parking structure will serve as the access for the future townhomes.
7. Portions of the tabletop parking structure that are visible from public streets but not screened by landscaping shall be a canvas for a mural to be completed by local artists or otherwise aesthetically enhanced.
8. Architecture and building materials shall comply with elevations included herein.
9. The applicant/developer is responsible for construction of the transportation improvements as identified by the TIA, pursuant to approval by NCDOT, or as alternatively approved by city council.
10. The applicant/developer is required to participate in the NC Brownfield program for reuse and development of the property. Information regarding state guidelines and process shall be provided to the city prior to issuance of a grading permit for development.
11. The applicant shall comply with all requirements necessary to connect to the municipal water, sanitary sewer, and stormwater systems to service the project, including the installation of lines or system improvements and dedication of any required easements.
12. Approval is valid for a period of 24 months.

Applicant agrees to the conditions herein (Exhibit A) as approved by the Belmont City Council on November 4, 2019.

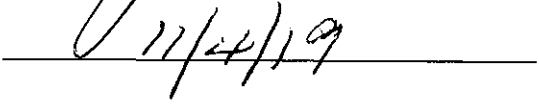
AHP Development LLC

By:


Signature


Title

Date:


11/24/19





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 2019.03 the Downtown District conditional zoning (D-D/CD) request for tax parcel ID's # 222654, 125949, 125950, 125951, 125952, 125953, 222655, 222656, 222657, 222658, 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 population that will help foster a vibrant economy, with a diversified tax base, and balances residential growth with employment and commerce in the city; and
- Community Character: The project will allow adaptive reuse that will help preserve and protect a historic resource that would otherwise be demolished; and furthermore,
- The uses allowed within the proposed zoning district and the combination of adaptive re-use as well as infill on green and brownfields sites are consistent with uses and development patterns identified within the Center City Core District of the Center City Small Area Plan.

This finding is supported by a 4-1 vote of the Belmont city council during its 4 November 2019 meeting.

Charles R. Martin, Mayor

11/4/2019

Date

