



Planning Department

September 14, 2022

The Pulte Group
c/o Mellissa Oliver
11121 Carmel Commons Blvd
Suite 450
Charlotte, NC 28226

Dear Ms. Oliver:

On September 14, 2022, the Lowell City Council voted to approve your request (File # RZ22-03) to conditionally rezone approximately 226 acres from SFR-2 & SFR-3 (Single-Family Residential 2 & 3) to SFR-4 CZ (Single-Family Residential 4, Conditional Zoning District). The approval is for the development of a single-family residential subdivision and is subject to a list of conditions and the Lowell Development Ordinance. The properties are known by tax parcel identification number(s) 13564, 210660, and portions of 135144, 202166 and 202774. The SFR-4 CZ (Single-Family Residential 4, Conditional Zoning District) zoning is now effective as requested in the application.

Next Steps – Development Agreement

Due to the size and scope of the proposed development, this project will be subject [Section 7.15 Development Agreements](#). Per subsection 7.15-3(F.) *The development agreement shall be recorded in the office of the Register of Deeds of the county in which the subject property is located within fourteen (14) days of execution and prior to the issuance of any development permits authorizing development activities to commence.* Please note that this process will include a public hearing.

Please feel free to contact me with any questions. I can be reached at 704-617-0141 or via email at jgates@lowellnc.com.

Sincerely,

Joe Gates

Joe Gates, CZO

Planning Director

enclosure

cc: Belmont Land & Investment CO

Attn: Bill Carstarphen

PO Box 1939

McAdenville, NC 28101-1939

Moore & Van Allen

c/o Bridget Grant

100 North Tryon Street

Suite 4700

Charlotte, NC 28202-4003

CONDITIONAL ZONING
RZ22-03

CITY OF LOWELL
GASTON COUNTY
NORTH CAROLINA

KNOW ALL MEN BY THESE PRESENTS, THAT The Pulte Group., having applied to the City of Lowell to establish a Conditional Zoning designation on the property hereinafter described, and said zoning designation having been granted by the Lowell City Council on September 13, 2022 the terms of said Conditional Zoning being as follows:

DESCRIPTION OF PREMISES

Location: East and west side of Lowell Spencer Mountain Rd, just north of George Poston Park.

Street Address: Lowell Spencer Mountain Rd

Tax Map Reference Number(s): 136564, 210660 and a portion of 135144, 202166 and 202774

SPECIAL TERMS AND CONDITIONS

Zoning Classification: SFR-4 (CZ-2022-03) (Single-Family Residential 4)

Conditions:

1. General Provisions:

a. Site Location. These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pulte (“Petitioner”) to accommodate the development of up to four hundred and twenty-two (422) single-family detached dwelling units as generally depicted on the Rezoning Plan. The proposed development will be on an approximately 226.29 acre site located on Spencer Mountain Road (the "Site").

b. Zoning Districts/Ordinance. Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Lowell Land Development Code (the “Ordinance”). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the SFR-4 zoning classification shall govern.

c. Graphics and Alterations. The schematic depictions lots, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the “Development/Site Elements”) set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 5.4-3(F) of the Ordinance. Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed per the Ordinance. These instances would include changes to graphics if they are minor and don't materially change the overall design intent depicted on the Rezoning Plan. The Planning Director will determine if such

minor modifications are allowed and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

2. Permitted Uses & Development Areas:

a. The Site may be developed with up to four hundred twenty-two (422) single-family detached dwelling units to the west side of the ultimate drainage line. The ultimate drainage line location will be determined as part of the overall grading plan during the land development process.

3. Transportation and Connectivity:

a. A Transportation Impact Analysis shall be provided if required by Ordinance. Any required improvements to Lowell Spencer Mountain Road shall be as required by NCDOT.

b. In the event a direct connection is provided from Phase 4 to Lowell Spencer Mountain Road, Creek Crossing B may be eliminated.

c. The Petitioner shall improve Lowell Spencer Mountain Road to the Rural Cross Section per the most recently adopted version of the North Carolina Complete Streets Planning and Design Guidelines subject to the recommendations of the Traffic Impact Analysis and NCDOT approval.

4. Architectural Standards:

a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, cementitious fiber shake, stucco, decorative block and/or wood.

b. Vinyl or Aluminum shall not be used as a primary siding material however it may be used on windows, soffits, fascia and/or similar roof overhang elements, handrails/railings, and/or other miscellaneous trim elements.

c. The proposed roofing materials will be architectural shingles, slate, tile and/or metal.

d. All residential units shall include the following garage door treatments:

i. wall sconce lighting on at least one side of the garage door or one large wall sconce above the garage door,

ii. windows and/or a vent detail above the garage door,

iv. a minimum of two siding materials on the façade, and

vi. windows

5. Environmental Features and Open Space:

a. The Site shall comply with the minimum Stormwater and Water Quality requirements as set forth in the Land Development Ordinance and municipal code.

b. The location of the proposed stormwater areas are conceptual in nature and the exact size and location of these areas are subject to change depending upon final layout, product allocation, and/or other site plan elements. The overall layout and unit count may be altered as a result of final stormwater locations.

c. The Petitioner shall implement the following design and post construction stormwater containment measures subject to the provisions set forth herein and subject to approval by Gaston County:

i. 200 or 100-year floodplain (whichever is greater) buffer on surface waters.

ii. A maximum built upon area (BUA) under 10% in the Protected Watershed.

iii. In areas where the BUA is greater than 10%, Stormwater Control Measures (SCMs) capable of treating the greater 1.5” or the difference in stormwater runoff from pre-development and post development conditions for the one-year, twenty-four-hour storm.

iv. SCMs capable of limiting peak flow from the site at each point of discharge to the predevelopment conditions for the 1 and 10 years, twenty-four-hour storm events

v. A total phosphorus (TP) removal rate of at least 70% for all SCM(s) used.

vi. SCMs capable of conveying the 25-year design storm.

vii. SCM Operation and Maintenance Agreements and Plans should be clearly explained to the responsible party.

viii. To the greatest extent possible, BUA and runoff should be minimized through site design and Low Impact Development (LID) measures such as downspout disconnection, permeable pavements, green roofs, planter boxes, etc.

d. The Petitioner shall implement the following active construction measures subject to the provisions

set forth herein and subject to approval by Gaston County:

- i.** The use of high hazard or double row silt fencing along surface water bodies.
- ii.** Stop valves and additional filtration at the outlet discharges.
- iii.** Retention basins capable of conveying the 25-year storm with an outfall sized to maximize drawdown time.
- iv.** Installation of temporary seeding and slope drains within 7 days after grading.
- v.** Installation of natural fiber matting on slopes greater than 10'.
- vi.** Third party sediment and erosion control monitoring of the site.
- vii.** Implementation of devices downstream to numerically monitor turbidity during construction and provide alerts to regulators and site operators when turbidity levels exceed action levels.
- viii.** Additional measures such as polyacrylamides, proposed by the designers and owners.
- ix.** Bathymetric survey and core samples of any downstream coves before and after construction to document off-site sedimentation.
- e.** The developer shall adhere to the LDO and only plant native plant materials on the Site.
- f.** A minimum of two (2) ten (10) foot wide access easements shall be provided as follows:
 - i.** One shall be located between lots on Road I or Road J.
 - ii.** One shall be located along Spencer Lowell Mountain Road.
 The exact location of the access easements shall be determined during the permitting process. It is understood the easements may be used to provide access to future amenities to be provided by others.
- g.** The Petitioner shall provide a minimum twenty (20) foot buffer behind the lots west of the drainage divide line. Such buffers shall be maintained by the homeowner's association. Land disturbance is permitted within the buffer during development of the site.

6. Miscellaneous Provisions

- a.** The Petitioner shall provide a minimum of three license plate readers to be operated for a minimum of five years unless otherwise agreed to by the City Manager. The license plate readers shall be installed at the primary entrance for each phase prior to the last certificate of occupancy for the respective phase.

7. Amendments to the Rezoning Plan:

- a.** Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of the Ordinance.

8. Binding Effect of the Rezoning Application:

- a.** If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and insure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.

I, the petitioner, consent to the conditions proposed for petition RZ22-03 and approved by the Lowell City Council.

I, the property owner, consent to the conditions proposed for petition RZ22-03 and approved by the Lowell City Council.

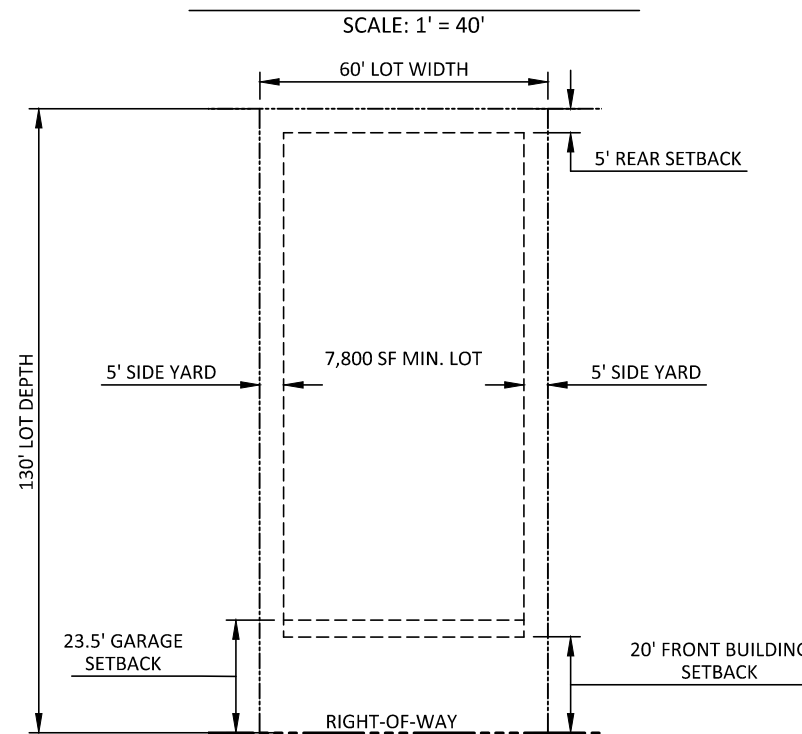
The Pulte Group

Belmont Land Investment Co

SITE LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY LINE
- LOT LINE
- EASEMENT LINE
- BUFFER LINE
- CENTERLINE
- NATURAL OPEN SPACE & TREE SAVE (FINAL LOCATIONS TBD)
- ACTIVE OPEN SPACE (FINAL LOCATIONS TBD)

TYPICAL LOT DIMENSIONS



NOTE: CORNER LOTS REQUIRE A 10' SIDE YARD SETBACK WITH AN 11.5' GARAGE SETBACK.

SITE DATA

PREPARED BY:
MCADAMS
3430 TORINGDON WAY, SUITE 110
CHARLOTTE, NC 28277

TAX PARCEL NUMBER: 136564, 210660 + PORTIONS OF 135144, 202166, 202774

PROPOSED ZONING: SFR-4 (CZ)

TOTAL DEVELOPMENT AREA: ± 226.29 AC

PERIMETER BUFFER: 20'

PUBLIC ROW WIDTH: 60'

SINGLE FAMILY (60' x 130'): 422 LOTS

DENSITY: 1.86 LOTS/AC

OPEN SPACE REQUIRED (5% OF SITE AREA): 11.31 AC

ACTIVE OPEN SPACE PROVIDED: 7.71 AC

NATURAL OPEN SPACE PROVIDED: ± 9.16 AC

STORMWATER DETENTION PROVIDED: 13.58 AC

TREE SAVE REQUIRED (16% OF EXISTING TREES): 13.58 AC

TREE SAVE PROVIDED: 13.58 AC

NOTES:
1. ALL INTERNAL STREETS WILL BE PUBLIC RIGHT-OF-WAYS

PHASE #	LOT COUNT
1	99
2	133
3	101
4	89
TOTAL	422

ADJACENT PROPERTY OWNERS

PARCEL	DEED	OWNER	ZONING
1	136566	2133-708 DORIS B TALLENT	RS-20
2	136565	2411-777 DORIS B TALLENT	RS-20
3	136557	1891-116 TALLENT DRUM COMPANY	RS-20
4	136558	1454-363 DORIS B TALLENT	RS-20
5	135132	4963-030 EUNICE H CARPENTER & CATHY J SNYDER	R-1
6	135137	4514-2463 GAIL REDDICK BARKER	R-1
7	135141	4684-697 DANIEL A DAVIS	R-1
8	135134	4975-2931 JEFFREY A LITTLE	R-1
9	135133	4693-2468 TAMMY S SCHRONCE	C-1
10	135138	2286-634 RACHEL KANN MOORE	R-1
11	135129	2371-450 FRANKLIN CHARLES & MARSHA B MORROW	R-1
12	135128	0010-551 EDITH C MAY HEIRS	R-1
13	135127	1432-802 DOROTHY MAY BROWN	R-1
14	135108	4467-1512 THOMAS GERALD & TERI LYN FLOWERS	R-1

NOTE: PROPERTY INFORMATION BASED ON GASTON COUNTY GIS



NOTE: PETITIONER WORKING WITH CAROLINA THREAD TRAIL STAFF TO DETERMINE LOCATION OF FUTURE GREENWAY FROM GEORGE POSTON PARK TO SPENCER MOUNTAIN

IN THE EVENT POTENTIAL PHASE 4 CONNECTION REFER TO DEVELOPMENT STANDARDS

EXISTING LOWELL SPENCER MOUNTAIN ROAD (NCDOT MAINTAINED)

McADAMS
The John R. McAdams Company, Inc.
3430 Toringdon Way
Suite 110
Charlotte, NC 28277
phone 704.527.0800
fax 919.361.2269
license number: C-0293, C-187
www.mcadamsco.com

CLIENT
PULTE HOMES
11121 CARMEL COMMONS BLVD.
SUITE 450
CHARLOTTE, NC 28226



SPENCER MOUNTAIN SINGLE FAMILY REZONING PLAN
LOWELL SPENCER MOUNTAIN ROAD
LOWELL, NORTH CAROLINA, 28098

REVISIONS

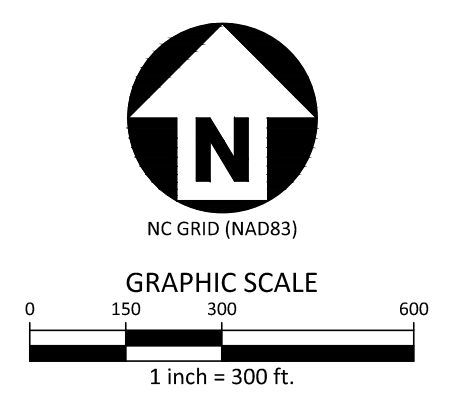
NO.	DATE	REVS PER SELLER COORDINATION
1	07.12.2022	PER CITY COMMENTS
2	08.30.2022	PER CITY COMMENTS

PLAN INFORMATION

PROJECT NO.	PLT21001
FILENAME	PLT21001-R21
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1" = 300'
DATE	12.10.2021

REZONING PLAN

RZ.01



M:\Projects\PLT21001\04-Production\Engineering\Reasoning\PLT21001-RZ1-ar12-60ft.dwg, 8/20/2022, 3:30:25 PM, Drew Singleton

**Pulte Lowell
Development Standards
July 12, 2022
Spencer Mountain Rezoning Petition
Post Planning Committee
Post Adjusted Site Boundary**

Site Development Data:

- Acreage: ± 226.29 acres
- Tax Parcel #: 136564 and 210660
- Tax Parcel #: 135144, 202166, and 202774 NOTE WHICH ARE "A PORTION OF"
- Existing Zoning: SFR-3 and SFR-2
- Proposed Zoning: SFR-4(CZ)
- Existing Uses: Vacant
- Proposed Uses: Up to 422 single-family detached dwelling units as allowed by right and under prescribed conditions in the SFR-4 zoning district as further described in Section 2 below.

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pulte ("Petitioner") to accommodate the development of up to four hundred and twenty-two (422) single-family detached dwelling units as generally depicted on the Rezoning Plan. The proposed development will be on an approximately 226.29 acre site located on Spencer Mountain Road (the "Site").
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Lowell Land Development Code (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the SFR-4 zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions lots, sidewalks, structures and buildings, building elevations, driveways, streets and other development matters and site elements (collectively the "Development/Site Elements") set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 5.4-3(F) of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this Rezoning Plan provide for flexibility in allowing some alterations or modifications from the graphic representations of the Development/Site Elements. Therefore, there may be instances where minor modifications will be allowed per the Ordinance. These instances would include changes to graphics if they are minor and don't materially change the overall design intent depicted on the Rezoning Plan.

The Planning Director will determine if such minor modifications are allowed and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

2. Permitted Uses & Development Areas:

- a. The Site may be developed with up to four hundred twenty-two (422) single-family detached dwelling units to the west side of the ultimate drainage line. The ultimate drainage line location will be determined as part of the overall grading plan during the land development process.

3. Transportation and Connectivity:

- a. A Transportation Impact Analysis shall be provided if required by Ordinance. Any required improvements to Lowell Spencer Mountain Road shall be as required by NCDOT.
- b. In the event a direct connection is provided from Phase 4 to Lowell Spencer Mountain Road, Creek Crossing B may be eliminated.
- c. The Petitioner shall improve Lowell Spencer Mountain Road to the Rural Cross Section per the most recently adopted version of the North Carolina Complete Streets Planning and Design Guidelines subject to the recommendations of the Traffic Impact Analysis and NCDOT approval.

4. Architectural Standards:

- a. The building materials used on the principal buildings constructed on Site will be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board, cementitious fiber shake, stucco, decorative block and/or wood.
- b. Vinyl or Aluminum shall not be used as a primary siding material however it may be used on windows, soffits, fascia and/or similar roof overhang elements, handrails/railings, and/or other miscellaneous trim elements.
- c. The proposed roofing materials will be architectural shingles, slate, tile and/or metal.
- d. All residential units shall include the following garage door treatments:
 - i. wall sconce lighting on at least one side of the garage door or one large wall sconce above the garage door,
 - ii. windows and/or a vent detail above the garage door,
 - iv. a minimum of two siding materials on the façade, and
 - vi. windows

5. Environmental Features and Open Space:

- a. The Site shall comply with the minimum Stormwater and Water Quality requirements as set forth in the Land Development Ordinance and municipal code.
- b. The location of the proposed stormwater areas are conceptual in nature and the exact size and location of these areas are subject to change depending upon final layout, product allocation, and/or other site plan elements. The overall layout and unit count may be altered as a result of final stormwater locations.
- c. The Petitioner shall implement the following design and post construction stormwater containment measures subject to the provisions set forth herein and subject to approval by Gaston County:
 - i. 200 or 100-year floodplain (whichever is greater) buffer on surface waters.
 - ii. A maximum built upon area (BUA) under 10% in the Protected Watershed.
 - iii. In areas where the BUA is greater than 10%, Stormwater Control Measures (SCMs) capable of

treating the greater 1.5" or the difference in stormwater runoff from pre-development and post development conditions for the one-year, twenty-four-hour storm.

- iv. SCMs capable of limiting peak flow from the site at each point of discharge to the predevelopment conditions for the 1 and 10 years, twenty-four-hour storm events
- v. A total phosphorus (TP) removal rate of at least 70% for all SCM(s) used.
- vi. SCMs capable of conveying the 25-year design storm.
- vii. SCM Operation and Maintenance Agreements and Plans should be clearly explained to the responsible party.
- viii. To the greatest extent possible, BUA and runoff should be minimized through site design and Low Impact Development (LID) measures such as downspout disconnection, permeable pavements, green roofs, planter boxes, etc.

d. The Petitioner shall implement the following active construction measures subject to the provisions set forth herein and subject to approval by Gaston County:

- i. The use of high hazard or double row silt fencing along surface water bodies.
- ii. Stop valves and additional filtration at the outlet discharges.
- iii. Retention basins capable of conveying the 25-year storm with an outfall sized to maximize drawdown time.
- iv. Installation of temporary seeding and slope drains within 7 days after grading.
- v. Installation of natural fiber matting on slopes greater than 10'.
- vi. Third party sediment and erosion control monitoring of the site.
- vii. Implementation of devices downstream to numerically monitor turbidity during construction and provide alerts to regulators and site operators when turbidity levels exceed action levels.
- viii. Additional measures such as polyacrylamides, proposed by the designers and owners.

ix. Bathymetric survey and core samples of any downstream coves before and after construction to document off-site sedimentation.

- e. The developer shall adhere to the LDO and only plant native plant materials on the Site.
- f. A minimum of two (2) ten (10) foot wide access easements shall be provided as follows:
 - i. One shall be located between lots on Road I or Road J.
 - ii. One shall be located along Spencer Lowell Mountain Road.

The exact location of the access easements shall be determined during the permitting process. It is understood the easements may be used to provide access to future amenities to be provided by others.

- g. The Petitioner shall provide a minimum twenty (20) foot buffer behind the lots west of the drainage divide line. Such buffers shall be maintained by the homeowner's association. Land disturbance is permitted within the buffer during development of the site.

6. Miscellaneous Provisions

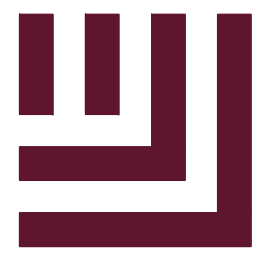
- a. The Petitioner shall provide a minimum of three license plate readers to be operated for a minimum of five years unless otherwise agreed to by the City Manager. The license plate readers shall be installed at the primary entrance for each phase prior to the last certificate of occupancy for the respective phase.

7. Amendments to the Rezoning Plan:

- a. Future amendments to the Rezoning Plan (which includes these Development Standards) may be applied for by the then Owner or Owners of the applicable portion of the Site affected by such amendment in accordance with the provisions of the Ordinance.

8. Binding Effect of the Rezoning Application:

- a. If this Rezoning Petition is approved, all conditions applicable to the development of the Site imposed under the Rezoning Plan will, unless amended in the manner provided under the Ordinance, be binding upon and insure to the benefit of the Petitioner and subsequent owners of the Site and their respective heirs, devisees, personal representatives, successors in interest or assigns.



McADAMS

The John R. McAdams Company, Inc.
3430 Torringdon Way
Suite 110
Charlotte, NC 28277
phone 704.527.0800
fax 919.361.2269
license number: C-0293, C-187

www.mcadamsco.com

CLIENT

PULTE HOMES
11121 CARMEL COMMONS BLVD.
SUITE 450
CHARLOTTE, NC 28226



**SPENCER MOUNTAIN
SINGLE FAMILY
REZONING PLAN
LOWELL SPENCER MOUNTAIN ROAD
LOWELL, NORTH CAROLINA, 28098**

REVISIONS

NO.	DATE	REVS PER SELLER COORDINATION
1	07.12.2022	PER CITY COMMENTS
2	08.30.2022	PER CITY COMMENTS

PLAN INFORMATION

PROJECT NO.	PLT21001
FILENAME	PLT21001-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	
DATE	12.10.2021

SHEET

REZONING NOTES

RZ.02