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## **LOWELL PLANNING AND ZONING BOARD MEETING**

### **Regular Meeting**

**Tuesday, August 2nd, 2022, 6:00 P.M.**

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- 1. CALL TO ORDER**
- 2. DETERMINATION OF QUORUM**
- 3. PLEDGE OF ALLEGIANCE**
- 4. CHANGES TO AND APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES FROM JUNE 7TH, 2022 MEETING**
- 6. OLD BUSINESS**
  - A. None**
- 7. NEW BUSINESS**
  - A. Appointment of Vice-Chairman.**
  - B. Consideration of Rezoning Case #RZ22-03 for parcels 136564, 210660, and a portion of 135144, 202166 and 202774 from the SFR-3 and SFR-2 (Single-Family Residential) Zoning District TO SFR-4 (CZ) Single-Family Residential Conditional Zoning District.**
  - C. Consideration of LDO Text Amendment to Table 8.1 Table of Uses.**
- 8. ADJOURNMENT**



# MINUTES

Lowell Planning and Zoning Board  
Regular Meeting  
Tuesday, June 7, 2022, 6:00 P.M.

## I. CALL TO ORDER

Without an elected Chair in attendance, Mr. Attaway stated that someone needed to act as temp Chair one for the meeting. David Jennings made a motion for Scott Wilson to chair, seconded by Norris Lamb. The vote was unanimously in favor. Scott Wilson, acting Chair called the meeting to order at 6:04 p.m. Planning Board members present: Troy Roberts Sr., David Jennings and Norris Lamb. Staff members present: Scott Attaway, City Manager, Joe Gates, Planning Director, and Cheryl Ramsey, City Clerk. Members of the public were also in attendance.

## II. DETERMINATION OF QUORUM

## III. PLEDGE OF ALLEGIANCE led by Scott Wilson

## IV. CHANGES TO AND APPROVAL OF AGENDA

No changes were made. Motion was made by Board Member Jennings to approve the agenda, seconded by Board Member Roberts. The vote was unanimously in favor.

## V. APPROVAL OF MINUTES FROM THE APRIL 5, 2022, MEETING.

Motion was made by Board Member Roberts. to approve the previous minutes, seconded by Board Member Lamb. The vote was unanimously in favor.

## VI. NEW BUSINESS

- A. Appointment of Chairman and Vice Chair – Mr. Attaway informed the Board that he received a message via text from John Cantrell that he would no longer be on the Planning Board. A formal resignation has not been received. He stated at minimum the Board can table the Vice Chair to another meeting but a Chair would need to be nominated this evening. Board Member Wilson asked for clarification on when a Chair would get to vote on matters. Mr. Attaway stated the Chair would get to vote. After some discussion, Board Member Roberts made a motion for Scott Wilson to be the Chair, seconded by Board Member Lamb. The vote was unanimously in favor. Chairman Wilson stated the Vice Chair will be tackled later.
- B. Consideration of Rezoning Case for parcels 225354, 128306, 128316, 128315, 128304, 128305, 128307, 128128929, 128999, 128318, 225350, 128321, 128322, 128333, 128334, 225352. From the Main Street (MS) Zoning District to the Mixed Use-2 (MU-2) Zoning District. Case #RZ22-02. Presented by Joe Gates, new Planning Director. Mr. Gates

introduced himself and gave a very brief background. He then went into his power point demonstration regarding the general rezoning application, case #22-02 showing what you can and can't currently do in this zoning area to what is proposed as a catalyst for development in Lowell. Staff recommends approval of this rezoning and has determined it to be consistent with the Future Land Use Plan and the I-85 Exit 22 Gateway Master Plan. Mr. Attaway also discussed the potential uses and the ideas envisioned by the property owners. The current LDO shows that anything built in this area would have a minimum of two floors. The new LDO would allow for multiple heights or mixed use. It would also allow building further away from the highway and not have something like a hotel directly off a highway exit. Board Member Lamb then asked for more clarity on the location. Mr. Gates said it the frontage of Main Street and Reid St or the large area by Hillbilly's restaurant that the City no longer owns. Board Member Norris asked if we have addressed the property across the street yet? Mr. Attaway said that owner has not requested rezoning.

Chairman Wilson then asked the developer to speak and give an idea of what will go here. Mr. Rob Presley of June Lake LLC stated he intends to develop property but is still in the process of determining the best use. They have talked to most of City Council to get their feedback and will be talking to the community for their input as well. They have looked at the potential for higher density residential townhomes at the back of the site, free standing retail for the front of the site to match with the aesthetics of Hillbilly's Restaurant, and they have looked at a hotel for this location and possibly another restaurant. This is all in the early stages. Board Member Jennings asked for clarification in the location. Mr. Presley stated it was the 8 acres at the exit 22, Reid St up to Hillbilly's. They are also trying to work around the stream in the area. Looking at a wet pond near the Sonic as a gateway into town. He also mentioned his company owns 17 acres on Rt. 7 that they are also considering developing. Mr. Attaway reminded the Board that this is for a general rezoning and how they are required to make a motion to approve or deny the request.

With no other questions, Board Member Norris made a motion that we approve the proposed assignment of zoning which is consistent with the City Plan 2040 Comprehensive Plan and will result in the development of commercial development. The Planning Board considers an affirmative vote to be reasonable and in the public's interest. It was seconded by Board Member Jennings and the vote was unanimously in favor.

- C. Consideration of LDO Text Amendment to Article 7, Development Agreements, section 7.15. ZTA22-2 – presented by Joe Gates. Proposal by staff to add language (highlighted) in subsection B of section 7.5 that states “Traditional Neighborhood Development Overlay (TNDO) District, Main Street (MS) District, and Mixed Use (MU-1 and MU-2) District and apply to all new development projects within the TNDO, MS, MU-1, and MU-2 Districts. **This requirement shall not apply to any developments that are one (1) acre or less in size.** Mr. Gates stated that currently the LDO requires a Development Agreement for all developments in these areas and that could prove to be potentially overbearing for developers doing something small in size. The added language will allow staff to continue take care of smaller projects of 1 acre or less and deal with that at the staff level (i.e. going

over site plans). Mr. Attaway stated that for the larger developments, building a city street or utility extensions agreements, you want to have a Development Agreement to protect both the City and the developer. Board Member Lamb said he is for anything that streamlines the process to get things done more easily. Board Member Jennings asked if it's just 1 acre or less? Mr. Attaway said yes, that is the only addition to the code. Tony Markentel of Stonecrest Homes spoke and mentioned how a few years ago the State Government requirement was for 25 acres or more and if you didn't have 25 acres or more, you couldn't require that. It was changed a couple years ago when they realized it was causing issues for smaller towns and agreeing to finish projects. Mr. Attaway said you might need it for high density areas like Uptown Charlotte using a small acre to build something like a high rise. He said that this is a living document, and it can be changed to go with the times as necessary. With no other discussion, Board Member Lamb made a motion to accept the request, seconded by Board Member Roberts. The vote was unanimously in favor.

D. Training – David Williams, AICP introduced by Joe Gates. Mr. Williams went over the rezoning process in depth and how to help the city grow.

## **VII. ADJOURN**

Motion was made to adjourn by Board Member Jennings, seconded by Board Member Roberts. The vote was unanimously in favor by the group. It adjourned at 8:30pm.

AFFIRM:

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Chair, Scott Wilson

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Cheryl Ramsey, City Clerk







**To:** Lowell Planning Board  
**From:** Joe Gates, Planning Director  
**Date:** Friday, July 29, 2022  
**RE:** Agenda Item # 6B; RZ22-03

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<b>OWNER</b>	Belmont Land Investment Co.
<b>APPLICANT</b>	The PulteGroup
<b>PROPOSED ZONING ACTION</b>	Rezone from SFR-3 & SFR-2 to SFR-4 (CZ)
<b>LOCATION</b>	Both sides of Lowell Spencer Mountain Rd north of Poston Park
<b>TRACT SIZE</b>	226.29 acres
<b>EXISTING USES/CONDITION</b>	Vacant/wooded

#### Background and Site Description

The subject property consists of multiple tax parcels and is currently zoned SFR-3 and SFR-2 (Single-Family Residential). On February 1<sup>st</sup>, 2022, the Planning Board voted unanimously to approve the rezoning request to SFR-4(CZ) case # RZ22-01. The public hearing was set for this item to be heard by the city council, but the hearing never took place.

The applicant is now coming back to the Lowell Planning Board with a revised site plan that includes a portion of the wooded area being removed from the development completely to be set aside sold for conservation in perpetuity with the Catawba Lands Conservancy. The applicant is not proposing any changes to the prior conditions or the maximum number of units (422). Typical lot dimensions remain unchanged.

The applicant is requesting to rezone to SFR-4 CZ (Single Family Residential Conditional Zoning District) to construct a maximum of 422 single family detached homes on 226.29 AC, down from 289.99 AC in the previous submittal. The applicant has submitted a conceptual plan of the proposed subdivision plan.

Proposed zoning/development conditions:

See notes from prior hearing

GCLMPO

See attached in agenda packet.

Consistency with Adopted Plans

The Future Land Use Plan indicates residential for the subject property.

Conclusion

Staff recommends approval of this rezoning and had determined it to be consistent with Future Land Use Plan.

Joe Gates, CZO

Planning Director



**AMENDED**  
**APPLICATION FOR REZONING**

TO: THE CITY OF LOWELL

APPLICATION #: Rz 22-03  
DATE FILED: February 15, 2022  
Amended: July 12, 2022  
FEE PAID: \_\_\_\_\_

The undersigned does (do) hereby respectfully make application and request to the City of Lowell to amend the Zoning Ordinance and/or change the Zoning Map of the City of Lowell as hereinafter requested and in support of this application the following facts are shown:

- 1) It is requested that the real property hereinafter described be rezoned from:

SFR-3 to SFR-4(CZ)

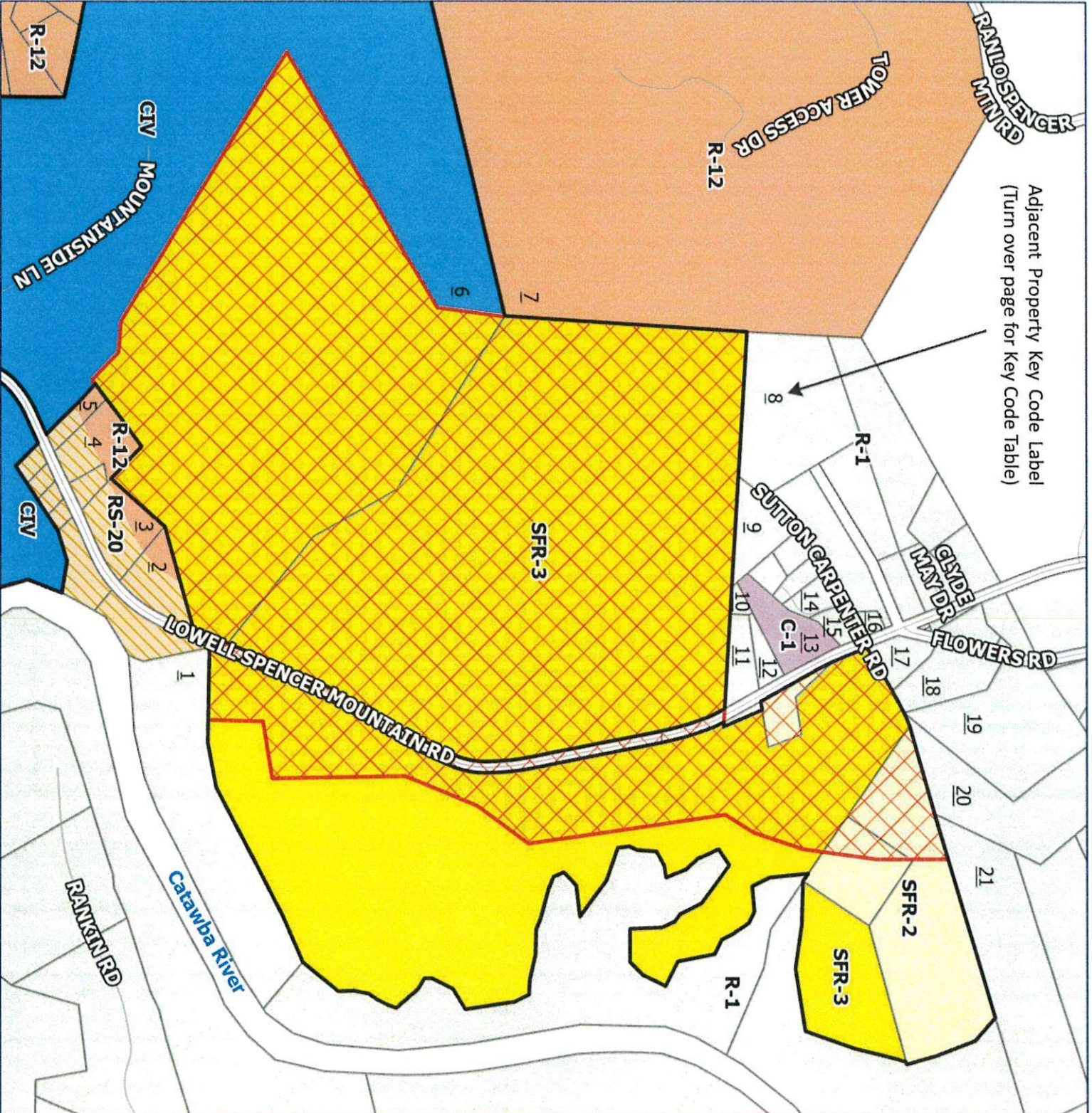
The real property sought to be rezoned is owned in fee simple by: Belmont Land Investment Co. as evidenced in Deed Book, Page: SEE SCHEDULE 1 of the Gaston County Register of Deeds Office. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being put to the use specified in Paragraph 1 of this application.

- 2) The address of the real property sought to be rezoned is: SEE SCHEDULE 1 and / or a further legal description by metes and bounds of said realty is attached to this application.
- 3) The real property sought to be rezoned is located on the Right side of Lowell Spencer Mountain Road between Flowers Road and South Fork Catawba River and further identified in Gaston County Tax Book \_\_\_\_\_, Map \_\_\_\_\_ Parcels 136564, 210660 and a portion of 135144, 202166, and 202774; Said Lots have 226.29 acres. *Parcel corrected 7/27*
- 4) The following are all the adjoining property owners who own land adjacent to all sides, front and rear, which shall include properties across the street from the property sought to be rezoned. The names and addresses listed below shall be determined





Adjacent Property Key Code Label  
(Turn over page for Key Code Table)



# City of Lowell Planning REZONING REQUEST #RZ22-03

Applicant: The PulteGroup  
Owner: Belmont Land Investment Co.  
Request: SFR-3 to SFR-4 (CZ)  
Subject Area Size: 226.29 Acres  
Parcel ID #: 136564, 202160, and portions of 135144, 202166, and 20274

- Subject Area
- Lowell City Limits
- Parcels
- Lowell Zoning Districts**
  - Single-Family Residential (SFR-2)
  - Single-Family Residential (SFR-3)
  - Civic (CIV)
- Gaston County Zoning**
  - C-1
  - R-1
  - RS-20
  - Ranlo Zoning R-12
- Streets













Spencer Mountain Residential Rezoning Map Key Code Table

KEY #	PARCEL #	DEED	OWNER	ZONING
1	202775	3637-0263	CATAWBA LANDS CONSERVANCY	R-1
2	136566	2133-0708	DORIS B TALLENT	RS-20
3	136565	2411-0777	DORIS B TALLENT	RS-20
4	136557	1891-0166	TALLENT DRUM COMPANY	RS-20
5	136558	1454-0363	DORIS B TALLENT	RS-20
6	148012	2020-0246	GASTON COUNTY	CIV
7	135153	4380-2304	WBTV INC	R-12
8	203363	1426-759	HAZEL M EMMERLING	R-1
9	135132	4963-0030	EUNICE H CARPENTER & CATHY J SNYDER	R-1
10	135137	4514-2463	GAIL REDDICK BARKER	R-1
11	135141	4684-0697	DANIEL A DAVIS	R-1
12	135134	5335-2116	TAMMY S. SCHRONE & DEBORAH RENEE PACE	R-1
13	135133	4693-2468	TAMMY S SCHRONE	C-1
14	135135	2375-0896	DONALD TERRY SUTTON	R-1
15	135138	2286-0634	RACHEL MANN MOORE	R-1
16	135130	4484-0657	ERIC EUGENE COSTNER	R-1
17	135129	2371-0490	FRANKLIN CHARLES & MARSHA B MORROW	R-1
18	135128	0010-0551	EDITH C MAY HEIRS	R-1
19	135127	1432-0802	DOROTHY MAY BROWN	R-1
20	135108	4467-1512	THOMAS GERALD & TERI LYN FLOWERS	R-1
21	135146	2737-0814	JULIA B LLOYD & OTHERS BARR EDWIN T SR	R-1



APPLICATION FOR REZONING

TO: THE CITY OF LOWELL

APPLICATION #: RZ 22-01  
DATE FILED: February 15, 2022  
FEE PAID: \$ 350<sup>00</sup>

The undersigned does (do) hereby respectfully make application and request to the City of Lowell to amend the Zoning Ordinance and/or change the Zoning Map of the City of Lowell as hereinafter requested and in support of this application the following facts are shown:

- 1) It is requested that the real property hereinafter described be rezoned from:

SFR-3 to SFR-4(CZ)

The real property sought to be rezoned is owned in fee simple by: Belmont Land Investment Co. as evidenced in Deed Book, Page: SEE SCHEDULE 1 of the Gaston County Register of Deeds Office. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being put to the use specified in Paragraph 1 of this application.

- 2) The address of the real property sought to be rezoned is: SEE SCHEDULE 1 and / or a further legal description by metes and bounds of said realty is attached to this application.
- 3) The real property sought to be rezoned is located on the Right side of Lowell Spencer Mountain Road between Flowers Road and South Fork Catawba River and further identified in Gaston County Tax Book                     , Map                      Parcels 135144, 136364, 202166, 202167, 210660 and 202774; Said Lots have 289.99 acres.
- 4) The following are all the adjoining property owners who own land adjacent to all sides, front and rear, which shall include properties across the street from the property sought to be rezoned. The names and addresses listed below shall be determined

by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.)

NAME

ADDRESS

SEE SCHEDULE 2

- 6) The applicant understands that a letter stating the date, time and place for the Public Hearing for the rezoning of said property shall be mailed to each of the parties listed in Paragraph 5 at least ten (10) days prior to the said Public Hearing.
- 7) If the applicant is not the legal owner of the property sought to be rezoned, the legal owners names and addresses shall be listed below. Owners shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.)

SEE SCHEDULE 1

- 8) A map or drawing identifying the real property requested to be rezoned and all attached properties with their designated zoning districts shown shall be attached to this application.

Applicant(s) Name: The PulteGroup

Address: 11121 Carmel Commons Blvd, Suite 450 Charlotte, NC 28226

Telephone: 704-972-7389

Applicant's Signature:

DocuSigned by:

Ena Martulli

70A63780FC40478...

City of Lowell  
101 West First Street  
Lowell, NC 28098

Telephone: 704 - 824 - 3518

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SCHEDULE 1

Parcel	Owner	Parcel Address	Owner Address	Deed Book	Deed page
138144	BELMONT LAND & INVESTMENT CO	N/A	PO BOX 1939, MC ADENVILLE, NC 28101-1939	3397	0184
138964	BELMONT LAND & INVESTMENT CO	N/A	PO BOX 1939, MC ADENVILLE, NC 28101-1939	001E	0182
202166	BELMONT LAND & INVESTMENT CO	N/A	PO BOX 1939, MC ADENVILLE, NC 28101-1939	3397	0180
202167	BELMONT LAND & INVESTMENT CO	N/A	PO BOX 1939, MC ADENVILLE, NC 28101-1939	3397	0180
210660	BELMONT LAND & INVESTMENT CO	N/A	PO BOX 1939, MC ADENVILLE, NC 28101-1939	4214	2354
202774	BELMONT LAND & INVESTMENT CO	N/A	PO BOX 1939, MC ADENVILLE, NC 28101-1939	466	144

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SCHEDULE 2

Parcel	Deed	Owner	Mailing Address	Zoning
136566	2133-708	Doris B Tallent	2306 RYAN CONLEY CT, GASTONIA, NC 28056	RS-20
136565	2411-777	Doris B Tallent	2306 RYAN CONLEY CT, GASTONIA, NC 28056	RS-20
136557	1891-116	Tallent Drum Company	P O BOX 675, LOWELL, NC 28098	RS-20
136558	1454-363	Doris B Tallent	2306 RYAN CONLEY CT, GASTONIA, NC 28056	RS-20
135132	4963-030	Eunice H Carpenter & Cathy J Snyder	129 SUTTON CARPENTER RD, GASTONIA, NC 28056- 7852	R-1
135137	4514-2463	Gail Reddick Barker	2940 ALARCA RD, BRYSON CITY, NC 28713	R-1
135141	4664-697	Daniel A Davis	1405 LOWELL SPENCER MITN RD, GASTONIA, NC 28056-7841	R-1
135134	4975-2031	Jeffrey A Little	1413 LOWELL SPENCER MITN RD, GASTONIA, NC 28056-7841	R-1
135133	4693-2468	Tammy S Schronce	2408 MALLOTTE LN, GASTONIA, NC 28054-6407	C-1
135138	2286-634	Rachel Mann Moore	1429 LOWELL SPENCER MITN RD, GASTONIA, NC 28056-7841	R-1
135129	2371-490	Franklin Charles & Marsha B Morrow	104 FLOWERS RD, GASTONIA, NC 28056	R-1
135128	0010-551	Edith C May Heins	C/O JEFFERY SCOTT BEASLEY 114 FLOWERS RD, GASTONIA, NC 28056- 6647	R-1
135127	1432-802	Dorothy May Brown	126 FLOWERS RD, GASTONIA, NC 28056	R-1
135108	4467-1512	Thomas gerald & Teri Lyn Flowers	138 HALL RD, GASTONIA, NC 28056-7825	R-1



## Public Hearing Consent Form

To: City of Lowell Board of Adjustment / Planning Board / City Council

From: BLEMENT LAND & INVESTMENT COMPANY LLC

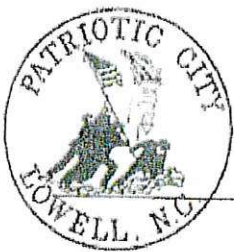
Subject:

☐ consent for variance / ☐ conditional use / ☐ appeal / ☐ subdivision variance / ☐ watershed variance / ☒ rezoning

Date: 2-16-22

I, William P. Carstarphen, being the property owner of parcel(s) SITE SCHEDULE 1, give consent to THE POLICE GROUP to act on my behalf in applying for the PUBLIC HEARING REQUEST under consideration.

William P. Carstarphen 2-16-22  
Signature (owner) Date



### City of Lowell-Development Services Department

101 W. First Street Lowell, NC 28098

Phone: 704-824-3518 Web: [lowellnc.com](http://lowellnc.com)

North Carolina  
Gaston County

Vernell Phillips Lomick

I, Vernell Phillips Lomick, a Notary Public for the said County and State, do hereby certify that

William P. Carstarphen,  
acknowledged the due execution of the foregoing instrument.

personally appeared before me this day and

02-16-2022

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**Pulte Lowell**  
**Development Standards**  
**3/31/2022**  
**Spencer Mountain Rezoning Petition**

**Site Development Data:**

- Acreage: ± 289.9 acres
- Tax Parcel #: 135144, 136564, 202166, 202167, 210660 and 202774
- 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 289.9 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 15.6 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.

**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.
- e. The Petitioner shall provide a minimum of 100 acres of tree save and open space. Of the 100 acres, a minimum of ~~1~~ acres shall be tree save.
- f. Uses east of the ultimate drainage breakline shall be limited to open space and tree save areas. Such areas may be improved with trails, seating areas and/or similar. It is understood the area east of the ultimate drainage line location may be dedicated, deeded or conveyed to a third party or entity.
- g. The developer shall adhere to the LDO and only plant native plant materials on the Site.
- h. 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.
- i. 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 three 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.

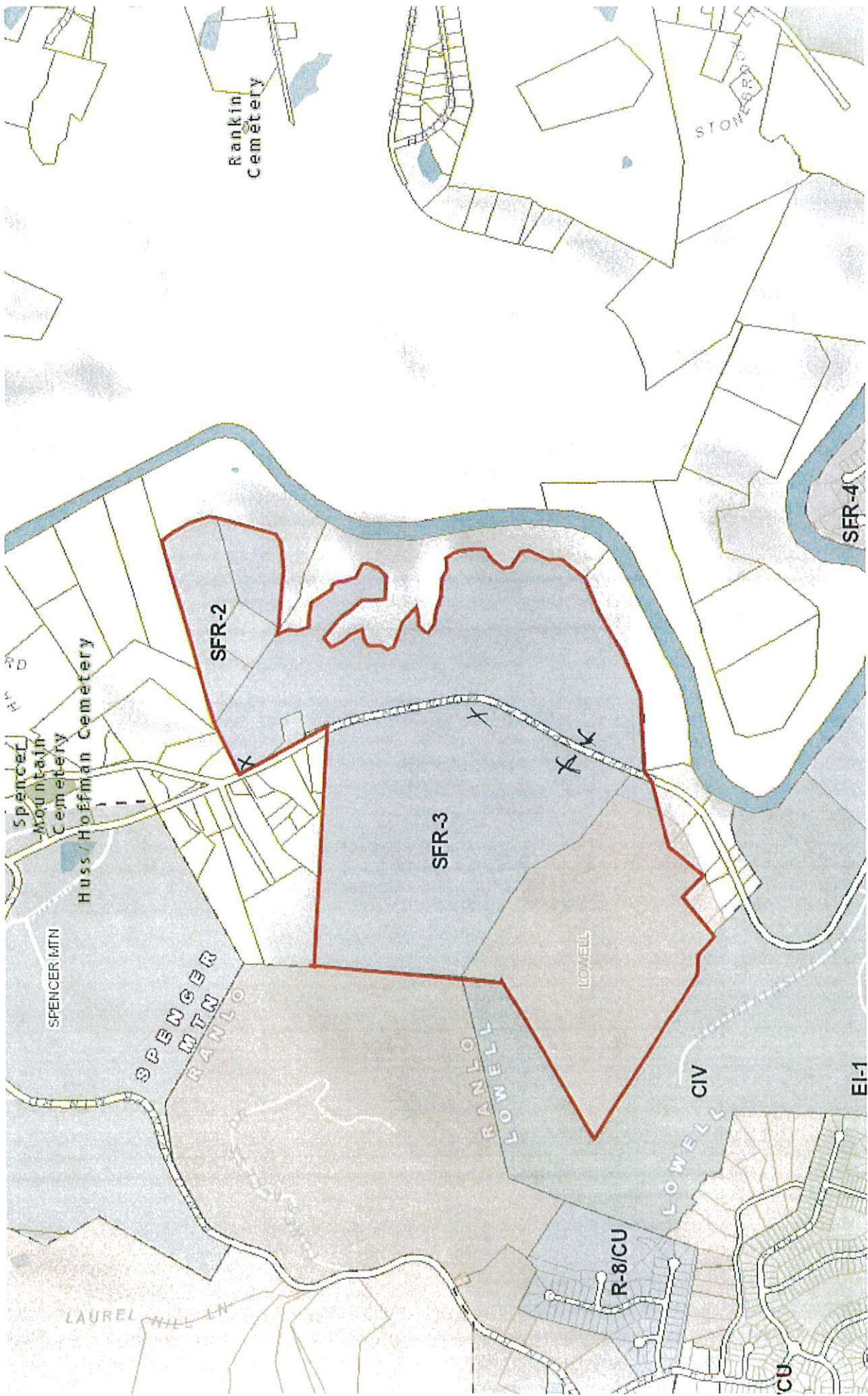
**7. Amendments to the Rezoning Plan:**

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.





4 ssrs posted 3/29/22  
JD



LLOYD JULIA B & OTHERS BARR EDWIN T  
SR 1/4 INT  
1427 BUCKINGHAM AVE  
GASTONIA NC 28054

FLOWERS GERALD THOMAS FLOWERS  
TERI LYN  
138 HALL RD  
GASTONIA NC 28056

BROWN DOROTHY MAY  
126 FLOWERS RD  
GASTONIA NC 28056

MAY EDITH C HEIRS C/O JEFFERY SCOTT  
BEASLEY  
114 FLOWERS RD  
GASTONIA NC 28056

MORROW CHARLES FRANKLIN MORROW  
MARSHA B  
104 FLOWERS RD  
GASTONIA NC 28056

COSTNER ERIC EUGENE  
1437 LOWELL SPENCER MOUNTAIN RD  
GASTONIA NC 28056

ABERNATHY BLANCHE M  
PO BOX 56  
MCADENVILLE NC 28101-0000

MOORE RACHEL MANN  
1429 LOWELL SPENCER MOUNTAIN RD  
GASTONIA NC 28056

SUTTON DONALD TERRY  
109 SUTTON CARPENTER RD  
GASTONIA NC 28056

SCHRONCE TAMMY S  
2408 MALLOTTE LN  
GASTONIA NC 28054

LITTLE JEFFREY A & OTHERS LITTLE  
JEFFREY A & SPOUSE  
1413 LOWELL SPENCER MOUNTAIN RD  
GASTONIA NC 28056

DAVIS DANIEL A  
1405 LOWELL SPENCER MOUNTAIN RD  
GASTONIA NC 28056

BARKER GAIL REDDICK  
2940 ALARKA RD  
BRYSON CITY NC 28713

MACCINI DIANNE  
121 SUTTON CARPENTER RD  
GASTONIA NC 28056

CARPENTER EUNICE H 12% INT  
CARPENTER CATHY J 88% INT  
129 SUTTON CARPENTER RD  
GASTONIA NC 28056

EMMERLING HAZEL M  
3035 MARLBOROUGH CIR  
GASTONIA NC 28056

WBTV INC  
ONE JULIAN PRICE PLACE  
CHARLOTTE NC 28208

GASTON COUNTY  
PO BOX 1578  
GASTONIA NC 28053-1578

TALLENT DORIS B  
2306 RYAN CONLEY CT  
GASTONIA NC 28056

TALLENT DRUM COMPANY  
PO BOX 675  
LOWELL NC 28098-0000

TALLENT DORIS  
PO BOX 675  
LOWELL NC 28098-0000

GOODSON JAMES A  
4266 KISER WOODS DR SOUTHWEST  
CONCORD NC 28025

CATAWBA LANDS CONSERVANCY  
4530 PARK RD, SUITE 420  
CHARLOTTE NC 28209

STATE OF NORTH CAROLINA C/O STATE  
PROPERTY OFFICE  
1321 MAIL SERVICE CENTER  
RALEIGH NC 27699-1321



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www.mcdanielsco.com

**CLIENT**  
KATE HOMES  
2721 CARMEL C  
ST 452  
CHARLOTTE, NC 2



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

## REVISIONS

## PLAN INFORMATION

PROJECT NO.	PLT21001
SURNAME	PLT21001-R21
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1" = 100'
DATE	12.10.2021

**SHEET**

REZONING PLAN

## RZ.01



GRAPHIC SCALE  
100 200  
1 inch = 100 ft.

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

ADJACENT PROPERTY OWNERS[illegible]










### SITE DATA

[illegible]

— 10 —

[illegible][illegible]

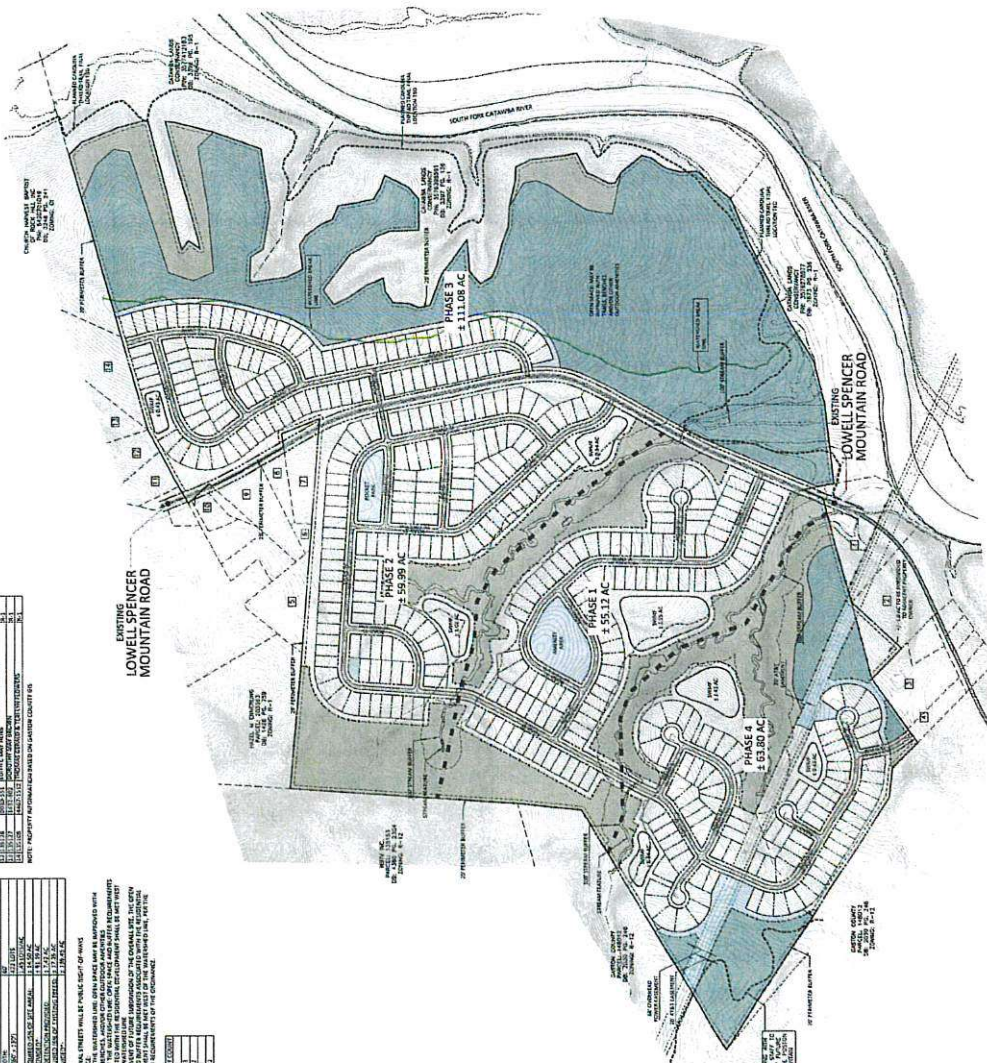
**SITE LEGEND**

PROPERTY LINE	RIGHT-OF-WAY LINE	LOT LINE	COVENANT LINE	BUFFER LINE	SEWERLINE	FREE SPACE	OPEN SPACE	OPEN SPACE + FREE SPACE
								

## TYPICAL LOT DIMENSIONS



THEORY 5:11 AM - 12:00 PM  
ROOM 801 & PARTITION COTTON KITCHEN







*Balance -*

### Stormwater Control Recommendations

The Catawba Riverkeeper Foundation is concerned that rapid development within the watershed is negatively impacting water quality. Many of our lakes, rivers, and tributaries are being degraded by sedimentation and are federally listed as impaired due to nonpoint source pollution. These challenges will grow with our area's population and the changes in land use. In addition to recreational value, surface water provides the drinking water source for most residents across the basin.

As large areas are developed, we encourage counties, cities, the states, and developers to do so with deliberation and with the impacts on water quality in mind. This approach means prioritizing the conservation of areas closest to perennial waters and drinking water intakes. Because our dependency on these waters for drinking water and economic growth, minimum protections should be exceeded. We recommend the following enhanced measures for most projects that include perennials streams or are in critical or already impaired watersheds:

For design and post construction stormwater containment:

1. 200 Feet or 100 year Floodplain (whichever is greater) buffer on surface waters.
2. A maximum built upon area (BAU) under 10% in the Protected Watershed (NC) or Source Water Protection Areas (SC).
3. For all projects with >10% BAU, Stormwater Control Measures (SCMs) capable of treating the greater of 1.5" or the difference in stormwater runoff from pre-development and post-development conditions for the 1-yr, 24-hour storm.
4. SCMs capable of limiting peak flow from the site at each point of discharge to the predevelopment conditions for the 1- and 10-yr, 24hr storm events.
5. A total phosphorus (TP) removal rate of at least 70% for all SCM(s) used.
6. SCMs capable of conveying the 25-yr design storm.
7. SCM Operation and Maintenance Agreements and Plans should be clearly explained to the responsible party.
8. For redevelopment, SCMs should be designed to treat runoff from all BUA.
9. 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.

For active construction we recommend:

1. The use of high hazard or double row silt fencing along surface water bodies.
2. Stop valves and additional filtration at the outlet discharges.
3. Retention basins capable of conveying the 25-year storm with an outfall sized to maximize drawdown time.
4. Installation of temporary seeding and slope drains within 7 days after grading.
5. Installation of natural fiber matting on slopes greater the 10'.
6. Third party sediment and erosion control monitoring of the site.
7. Implementation of devices downstream to numerically monitor turbidity during construction and provide alerts to regulators and site operators when turbidity levels exceed action levels.
8. Bathymetric survey and core samples of any downstream coves before and after construction to document offsite sedimentation.
9. Additional measures such as polyacrylamides, proposed by the designers and owners.





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## Memorandum

**To:** Scott Attaway, City Manager, City of Lowell  
**From:** Julio Paredes, Planner  
**Date:** March 24, 2022  
**Subject:** Spencer Mountain Single Family Rezoning - GCLMPO Site Plan Review

Thank you for the opportunity to provide comments on a proposed rezoning within the Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) planning area. My comments are based on review of the site plan in accordance with the adopted Comprehensive Transportation Plan (CTP), the adopted 2050 Metropolitan Transportation Plan (MTP), and the current State Transportation Improvement Program (STIP).

The site is located at Parcel IDs# 135144, 136564, 202166, 202167, 210660 & 202774. On behalf of the GCLMPO, I offer the following comments:

1. According to the 2020-2029 STIP, there are no funded transportation improvement projects in the immediate vicinity of this site.
2. The GCLMPO 2050 Highway MTP does not include any proposed improvements to any streets adjacent to the subject property.
3. A proposed new 2-lane roadway, the North Ranlo Loop, is included in the MPO's CTP. This recommended new major road connects Lower Dallas Hwy. and Ranlo Spencer Mountain Rd./Spencer Mountain Rd. A functional design has been completed for this proposed roadway, but the project is not funded and the alignment is subject to change. During the most recent round of NCDOT Prioritization, the MPO and NCDOT did test-score this project with an extension to Lowell-Spencer Mountain Road. The project was ultimately not submitted for funding.
4. The CTP shows recommended bike facilities improvements along Lowell Spencer Mountain Rd.
5. The CTP shows a recommended multi-use path along South Fork Catawba River as part of the Carolina Thread Trail.
6. Please note that for any site plan that requires a driveway permit on an NCDOT roadway, or is adjacent to NCDOT roadways, the property owner/developer should work with NCDOT on any required driveway permits or any TIA requirements.

If you have any questions regarding my comments, please do not hesitate to contact me at 704-866-6980 or [juliop@cityofgastonia.com](mailto:juliop@cityofgastonia.com).





# MINUTES

Lowell Planning and Zoning Board  
Regular Meeting  
Tuesday, April 5, 2022, 6:00 P.M.

## I. CALL TO ORDER

Vice-Chairman John Cantrell called the meeting to order at 6:00 p.m. Planning Board members present: Troy Roberts Sr., Scott Wilson, and Norris Lamb. Staff members present: Scott Attaway, City Manager and Cheryl Ramsey, City Clerk. City Attorney John Russell was in attendance as well as members of the public.

## II. DETERMINATION OF QUORUM

## III. PLEDGE OF ALLEGIANCE

## IV. CHANGES TO AND APPROVAL OF AGENDA

Motion was made by Scott Wilson to approve the agenda, seconded by Troy Roberts Sr. The vote was unanimously in favor.

## V. APPROVAL OF MINUTES FROM THE FEBRUARY 1, 2022, MEETING.

Motion was made by Norris Lamb to approve the previous minutes, seconded by Troy Roberts Sr. The vote was unanimously in favor.

## VI. NEW BUSINESS

### A. Consideration of Rezoning Case # RZ22-01 for parcels 135144, 136564, 202166, 202167, 210660, and 202774 from the zoning districts of SFR-3 and SFR-2 to the Conditional Zoning District of CZ/SFR-4.

Scott Attaway gave a background of the site plan. The City received application for rezoning from Pulte Homes on February 15, 2022. The public hearing has been set for the next Council meeting. The appropriate mailings to adjacent properties have been mailed and four areas on the site have been designated for putting up signage for the upcoming public hearing.

A presentation was then made by Melissa Oliver of Pulte Homes. She discussed next steps in the process. She described two styles of homes they are planning, a ranch style and two story ranging in the \$360k to mid \$400k range, a reduction from the original cost. She went over the projected maps covering drainage divide line, green space, tree saves, etc. of the four-phase project working with Catawba River Keeper, Carolina Thread Trail,

Catawba Land Conservatory and the property owners in the area. Mr. Attaway then discussed the stormwater initiatives for the area.

Ms. Oliver said they are still trying to buy the property of one of the neighbors to make the connection to Lowell Spencer Mountain and eliminate a stream crossing. If they are unable to purchase the land, they are required by the Fire Department to have access and would result in the stream crossing. Mr. Attaway stated this was a concern noted by one of the owners at a recent neighborhood meeting.

Bob Clay a representative of Belmont Land Investment Company who is the seller of the property. He wanted to make it clear of the positive incidents that have happened. He acknowledged the graciousness of Pulte Homes particularly when the number of homes to be built was a concern and preserving land for conservation.

Mr. Wilson asked Ms. Oliver about the lot sizes. She stated they were increased to a proposed 60ft in width, an increase of 10ft, and couldn't recall the depth but stated it was in the plan. Mr. Attaway read LDO descriptions of the zone district differences. SFR3 is 11,600 min. sq ft lot size and SFR4 is 7,800 min. The LDO requires the min width to be 50ft but Pulte is requesting 60ft.

Mr. Attaway then discussed the conditions reviewed with Pulte and other about the nature of the property and what is needed. See the General Provisions of the Development Standards (pg. 9). Ms. Oliver of Pulte stated they will meet or exceed the provision regarding green space and correct or improve provisions needing changes.

Mr. Cantrell asked if all the lots were SFR3 would they be willing to continue? Mr. Clay answered stating the site plan shows the amount of significant clearing needing to keep it at SFR3. Mr. Attaway stated that when the developers talked to City Council about this development, they said they would rather have small dense lots in clusters with bigger buffers near the rivers to have better protection. Mr. Wilson asked if the actual lot size will still be small? Mr. Lamb stated they will be wider than homes already in area but not as deep as some. Mr. Clay said that is correct.

Mr. Lamb asked about the preservation of the area on the east side and if it is possible to split the zoning to further protect the area, especially if another buyer comes in, buys the property, and builds homes on the 'preserved' lot anyway? Mr. Clay stated Pulte currently has all property under contract and they (Belmont Land Investment) are physically removing everything east of the watershed line from their contract so Pulte will not have it. Mr. Attaway said that they are unable to determine the line until it is surveyed, which will be done prior to rezoning. Mr. Wilson asked once this is done, can the area then be more restrictive. Ms. Oliver said it will be up to the person who owns the land at the time. Mr. Lamb explained further of cases where developers have told homeowners they will never build on a property, then end up selling it and the new developers build anyway. He

doesn't want this to be an issue for our rivers. Bart Landis from the Catawba Lands Conservancy spoke about preserving the land and the protection of it by 1. Conditional zoning condition itself already will be in place and any new developer would have to accept it; 2. The deed that will be developed will say the property can't be developed.

Attorney John Russel mentioned that one of the conditions puts a maximum number of homes at 422. When that is maxed out on the west side no one can come in and build on the east side. Mr. Attaway said there is already a condition of no development on the east side of the line (see page 9). Mr. Landis stated that has always been the intent.

Mr. Wilson asked how close will the homes be to each other? Ms. Oliver said they are still working on that but adhere to the 5ft setback on either side. They anticipate 20 ft separation. Mr. Clay mentioned a comparison would be McAdenville Village with 10ft of separation.

Mr. Attaway then went over other miscellaneous provisions (beginning on page 12) including license plate readers for a minimum of five years and future amendments.

Mr. Lamb asked about a 2<sup>nd</sup> entrance and how promising is that in the process. Ms. Oliver of Pulte stated they are still negotiating with one of the property owners for an easement and have given up a portion of their land to them as part of the negotiations.

Mr. Cantrell asked for any more questions. With none, he asked for a motion. Mr. Lamb made a motion in the event, as discussed, that the property on the east side is protected, as it seems to be he made a motion to rezone CZ/SFR-4. It was seconded by Mr. Wilson and unanimously in favor with a 4-0 vote.

B. Consideration of LDO Text Amendment to add "Blood Plasma Facility" to Article 8, Table 8.1 Table of Uses, Section 1 with supplemental regulations.

Mr. Attaway presented the staff-initiated text amendment (see page 15 of agenda) to add a blood plasma facility in the C-74 Zoning District, Article 8, Table 8.1. The current ordinance has a use of medical office, but staff thought it should be elaborated more for the purpose of the nature of what the plasma facility does. He stated by law, you have to provide a zoning district for any and every legal land use. This proposal would only be zoned for this specific C-74 zoning district.

Mr. Wilson asked if the representative was available. Attorney Dan O'shea, representing Bio-Life gave a brief background of what will be there. Staffed by medical staff and appointment only to avoid lines out the door or loitering after hours commonly associated with a blood facility.

Mr. Cantrell asked if anyone wanted to make a motion to approve. Mr. Wilson so moved, seconded by Mr. Lamb. The vote was 3-1 with Mr. Cantrell dissenting.

**C. Review and Consideration of Master Sign Application for 4290 E. Franklin Blvd.**

Mr. Attaway presented about the newly remodeled Kia proposal to use the existing fitting and to slide a new sign over top of the old one. Dana Stowe and Sherry Hartsell with Sign Connection were present for potential questions.

Mr. Wilson made a motion to approve new signage, seconded by Norris Lamb. The vote was unanimously in favor.

**VII. ADJOURN**

Motion was made to adjourn the Planning Board portion of the meeting by Mr. Roberts, seconded by Mr. Wilson. The vote was unanimously in favor by the group. It adjourned at 7:21pm.

AFFIRM:

\_\_\_\_\_  
Vice Chair, John Cantrell

\_\_\_\_\_  
Cheryl Ramsey, City Clerk



**To:** Lowell Planning Board

**From:** Joe Gates, Planning Director

**Date:** Friday, July 29, 2022

**RE:** AGENDA ITEM 6C: Consideration of LDO Text Amendment to remove Beauty Salons and Barber Shops as permitted uses in the Main Street (MS) zoning district and correct SIC number reference.

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The city council instructed staff at their regularly scheduled July 2022 meeting to remove barber shops and beauty salons from the list of permitted uses in the Main Street (MS) zoning district.

This only affects the Main Street (MS) zoning district. These uses will still be allowed in our Mixed-Use Districts and the C-74 and C-85 districts. Furthermore, this text amendment will not affect the barber shops and beauty salons that are already in this district. These businesses can continue to operate in their current locations without any change to the way they are currently doing business.

The correction to the SIC reference was found while doing research for this amendment. It appears to just be a clerical error made when the original text was adopted. Staff determined the correct reference, and it is shown in the chart below.

**Proposed amendment to Table 8.1 Table of Uses**

Table 8.1 - Table of Uses L=listed use S=special use A=use listed with additional standards Section 1 - General Uses of the following:	SIC	Main Street (MS)
Barber Shop	7241	L
Beauty Shop	7431-7231	L

