



LOWELL PLANNING AND ZONING BOARD MEETING

Regular Meeting

Tuesday, June 7, 2022, 6:00 P.M.

- 1. CALL TO ORDER**
- 2. DETERMINATION OF QUORUM**
- 3. PLEDGE OF ALLEGIANCE**
- 4. CHANGES TO AND APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES FROM APRIL 5, 2022 MEETING**
- 6. NEW BUSINESS**
 - A. Appointment of Chairman and Vice Chair**
 - B. Consideration of Rezoning Case for parcels 225354, 128306, 128316, 128315, 128304, 128305, 128307, 128928, 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**
 - C. Consideration of LDO Text Amendment to Article 7, Development Agreements, section 7.15. ZTA22-02**
 - D. Training – David Williams, AICP and Joe Gates, CZO**
- 7. ADJOURN**

MINUTES

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

I. CALL TO ORDER

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 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 rang, a reduction from the original cost. She went over the projected maps covering water lines, green space, tree saves, etc. of the four-phase project working with Carolina River Keepers, 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 the street crossing that owners' have had issues with. If they are unable to purchase the land, they are required by the Fire Department to have a secondary entrance. 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 because if you increase the lot like and SFR3 would do, there will be more less units per acre. 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 unable to determine the line until it's 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 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 2nd 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. Because there is currently no Chairperson and John Cantrell is acting as the chairperson, he is still allowed to vote. Therefore, the unanimous vote includes Mr. Cantrell or 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) or when staff finds something that should have been in the LDO. A request was made by a vendor after they were denied and then appealed to the City to add a blood plasma facility in the C74, Article 8, Table 8.1, district near US 74. 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 land use with supplemental regulations. This proposal would only be zoned for this specific district.

Mr. Wilson asked if the representative was available. Dan Oshey 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:

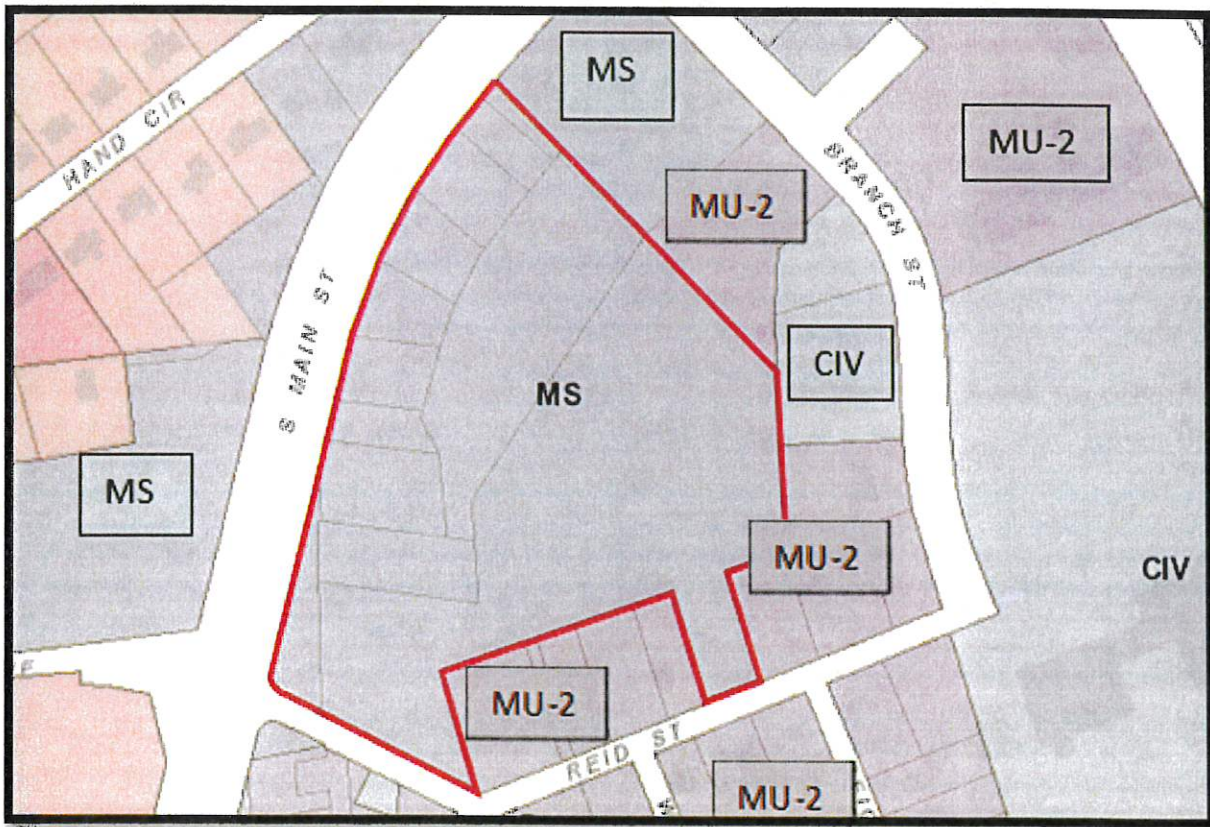
Vice Chair, John Cantrell

Cheryl Ramsey, City Clerk



To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: May 6, 2022
RE: Agenda Item # 6-B; RZ22-02

Staff has received a rezoning application for Parcel ID#'s: 225354, 128306, 128316, 128315, 128304, 128305, 128307, 128928, 128999, 128318, 225350, 128321, 128322, 128333, 128334, 225352. To be changed from the Main Street (MS) Zoning District to the Mixed Use-2 (MU-2) Zoning District, Case# RZ22-02.



Existing Zoning Description:

The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Lowell's core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

Proposed Zoning Description:

The Mixed-Use Districts (MU-1 and **MU-2**) are established to provide opportunities for both compatible and sustainable re-development where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family. Dominant uses in this district are residential, retail and office. The Mixed-Use Districts are expected to serve Lowell residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use Districts promote the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to uses in adjacent neighborhood districts.

All uses listed in Article 8, Table 8.1, Sections 1-4 would be permissible. Those tables may be found here: <http://lowellinc.com/301/Lowell-Development-Ordinance>

STAFF RECOMMENDATION: 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.



COLDWELL BANKER COMMERCIAL
MECA

2320 W. Morehead Street
Second Floor
Charlotte, NC 28208
(Phone) 704-971-2000

May 2, 2022

Scott Attaway
City Manager
City of Lowell, NC
101 W. First Street
Lowell, NC 28098

Re: Rezoning Application- Jackson Property

Dear Scott,

Please find the enclosed formal rezoning application for the +/-8 acres known as the Jackson Property located on S. Main Street between Reid Street and Branch Street in Lowell, NC.

If after review you believe I have made an error or you need additional information, please let me know.

As for submittal, is this email followed by hand delivery Wednesday sufficient?

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Pressley', enclosed in a large, hand-drawn oval.

Robert A. Pressley, CCIM

Enclosure
CC: Ralph Falls

APPLICATION FOR REZONING

TO: THE CITY OF LOWELL

APPLICATION #: _____

DATE FILED: _____

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:

MS to MU-2

- 2) The real property sought to be rezoned is owned in fee simple by:

H. EDWARD JACKSON

as evidenced in Deed Book — Page SEE EXHIBIT 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.

- 3) The address of the real property sought to be rezoned is: SEE EXHIBIT and / or a further legal description by metes and bounds of said realty is attached to this application.

- 4) The real property sought to be rezoned is located on the EAST side of S. MAIN STREET between REID STREET and BRANCH STREET (street) (street)

and further identified in Gaston County Tax Book _____, Map _____, Parcel(s) SEE EXHIBIT Said Lot(s) has (have) a frontage of — feet and a depth of — feet, or +/- 8.1 acres.

- 5) 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
<u>A&A Foods, LLC</u>	<u>110 BOYER Ct., CRAMERTON, NC 28032.</u>
<u>Mt. CALVARY Baptist Church</u>	<u>P.O. Box 23, LOWELL, NC 28098</u>
<u>TERRY & CHERITA BENSON</u>	<u>201 N. OAK St., LOWELL, NC 28098</u>
<u>JACQUELYN M. CURRENCE</u>	<u>502 W. 5th St., GASTONIA, NC 28052.</u>
<u>JESSIE KEATON HEIRS</u>	<u>307 REID St., LOWELL, NC 28098</u>
<u>DEBORAH WILLIAMS LEEPER</u>	<u>538 SHADOW VIEW DR., GASTONIA, NC 28054</u>

- 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.)

NAME	ADDRESS
<u>H. EDWARD JACKSON</u>	<u>P.O. BOX 24, GASTONIA, NC 28053</u>

- 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: JUNE LAKE, LLC (C/O ROB PRESSLEY)
 Address: 2320 W. MOREHEAD St, 2ND FLOOR, CHARLOTTE, NC 28208
 Telephone: (704) 904-4053

Applicant's Signature: 

City of Lowell
 101 West First Street
 Lowell, NC 28098

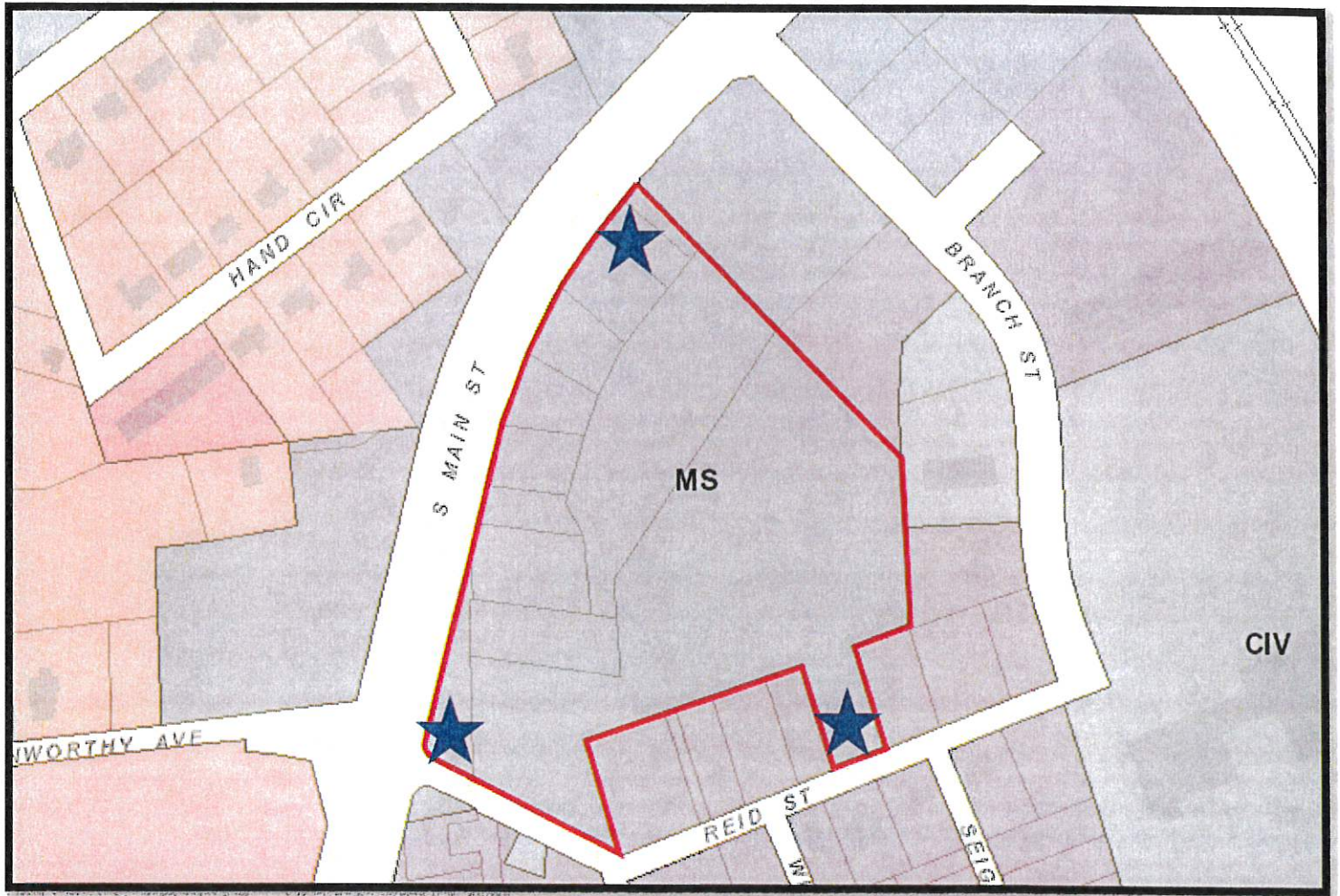
Telephone: 704 - 824 - 3518

EXHIBIT

OWNER	ADDRESS	TAX PARCEL	DEED BOOK	PAGE
H. EDWARD JACKSON	N/A	225354	2461	878
"	317 S. MAIN STREET	128306	2461	878
"	319 S. MAIN STREET	128316	2461	878
"	323 S. MAIN STREET	128315	2461	878
"	327 S. MAIN STREET	128304	2854	834
"	329 S. MAIN STREET	128305	2854	834
"	403 S. MAIN SREET	128307	2461	878
"	407 S. MAIN STREET	128298	2461	878
"	409 S. MAIN STREET	128299	3132	358
"	N/A	128318	2854	834
"	305 REID STREET	225350	3804	552
"	201 REID STREET	128321	4275	2154
"	N/A	128322	4275	2152
"	203 REID STREET	128333	4275	2152
"	301 REID STREET	128334	4275	2154
"	N/A	225352	2962	371

number	owner name 1	PHYSICAL ADDRESS	address line 1	address line 2
1	A & A FOODS LLC	305 S MAIN ST	110 BOYTER CT	CRAMERTON, NC 28032
2	MT CALVARY BAPTIST CH LOWELL	116 BRANCH ST	P O BOX 23	LOWELL, NC 28098
3	MT CALVARY BAPTIST CH LOWELL	120 BRANCH ST	P O BOX 23	LOWELL, NC 28098
4	BENSON TERRY S & BENSON CHERITTA	122 BRANCH ST	201 N OAK ST	LOWELL, NC 28098
5	CURRENCE JACQUELYN M	403 REID ST	502 W 5TH AVE	GASTONIA, NC 28052
6	CURRENCE JACQUELYN M	401 REID ST	502 W 5TH AVE	GASTONIA, NC 28052
7	KEATON JESSE HEIRS	307 REID ST	307 REID ST	LOWELL, NC 28098
8	WILLIAMS DEBORAH & LEEPER DEBRA	303 REID ST	538 SHADOW VIEW DR	GASTONIA, NC 28054
9	CURRENCE JOREDIA	306 REID ST	P O BOX 184	LOWELL, NC 28098
10	WILSON DELORIS E 2/7 & OTHERS	304 REID ST	304 REID ST	LOWELL, NC 28098
11	JOHNSON KARL LEE 1/7 UND INT	300 REID ST	300 REID ST	LOWELL, NC 28098
12	SLADE CORA W	202 REID ST	PO BOX 1062	GASTONIA, NC 28053-1062
13	JACKSON H EDWARD	200 REID ST	PO BOX 1062	GASTONIA, NC 28053-1062
14	JACKSON H EDWARD	NO ADDRESS	PO BOX 1062	GASTONIA, NC 28053-1062
15	FLEEMAN ANGELA P FLEEMAN SAMUEL J JR	NO ADDRESS	101 W 1ST ST	LOWELL, NC 28098
16	LOWELL TOWN OF	104 REID ST	PO BOX 1062	GASTONIA, NC 28053-1062
17	JACKSON H EDWARD FLEEMAN ANGELA	NO ADDRESS	PO BOX 1062	GASTONIA, NC 28053-1062
18	JACKSON H EDWARD & OTHERS	NO ADDRESS	PO BOX 1062	GASTONIA, NC 28053-1062
19	JACKSON H EDWARD	109 KENWORTHY AVE	4401 COLWICK RD	CHARLOTTE, NC 28211-2311
20	EP REALTY NC LLC C/O SONIC AUTOMOTIVE INC	106 KENWORTHY AVE	PO BOX 795	LINCOLNTON, NC 28093
21	WTH TIMES LLC	NO ADDRESS	PO BOX 1062	GASTONIA, NC 28053-1062
22	JACKSON H EDWARD	503 HAND CIR	PO BOX 1062	GASTONIA, NC 28053-1062
23	JACKSON H EDWARD	501 HAND CIR	PO BOX 1062	GASTONIA, NC 28053-1062
24	JACKSON HAROLD EDWARD	304 S MAIN ST	304 S MAIN ST	LOWELL, NC 28098
25	HALLMAN JAMES RICHARD			

LOCATION OF POSTED SIGNS FOR HEARING





To: Lowell Planning Board
From: Joe Gates, Planning Director
Date: June 7, 2022
RE: Consideration of LDO Text Amendment to add clarifying language to section 7.15 Development Agreements.

While reviewing the text contained within section 7.15 Development Agreements, staff discovered the need for clarifying language to better identify the types of development that are subject to section. The proposed amendment is highlighted in yellow below.

Proposed Addition to Section 7.15 Development Agreements

7.15 Development Agreements

7.15-1 Authorization and Applicability

(A.) The North Carolina General Statutes authorize the use of Development Agreements for the development of land in accordance with the criteria and procedures established in sections G.S. 160D-1001 through G.S. 160D-1012.

(B.) In addition to any Development Agreement proposed for an eligible project, a Development Agreement, established pursuant to Sub-section 7.15-3 of this Ordinance, shall be required as part of all applications for the following:

(1.) 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.**

(2.) Major Subdivisions in any district where new street infrastructure will be developed.