

MINUTES

Lowell Planning Board
Regular Meeting
Tuesday, September 7, 2021, 6:00 P.M.

I. CALL TO ORDER AND DETERMINATION OF QUORUM

Co-chairperson John Cantrell called the meeting to order at 6:00 p.m. Those attending in-person were: Planning Board members Vieta Benson, John Cantrell, Mike Harris, and Travis Smith. Staff members present were: City Clerk Beverly Harris, Planning Director Alex Blackburn, and City Manager Scott Attaway. An applicant was present. A quorum was determined, the meeting proceeded.

The chairperson turned meeting facilitation over to the co-chair.

II. PLEDGE OF ALLEGIANCE

The chairperson lead everyone in the Pledge of Allegiance.

III. APPROVAL OF MINUTES FROM AUGUST 3, 2021 MEETING

Mike Harris made a motion to approve the minutes from the August 3, 2021 meeting, followed by a second from Travis Smith. The vote was unanimously in favor.

IV. CONSIDERATION OF REZONING CASE #RZ21-03 FROM SINGLE FAMILY RESIDENTIAL (SFR-3) TO MIXED USE-1 (MU-1) DISTRICT REGARDING PARCEL ID #128061

Alex Blackburn stated on August 12, 2021, city staff held a pre-filing meeting with Andrew Lineberger and Scott Phillips (representing Lowry Oaks Development, LLC) regarding a possible rezoning of Parcel ID #128061. He stated the meeting preceded the submittal of a request for rezoning received September 1, 2021. That request was to change the zoning of the 6.37-acre property from its designation of Single Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1).

Mr. Blackburn stated the current zoning for the property in discussion is listed as Single Family Residential-3 (SFR-3) which provides for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are detached houses. Mr. Blackburn stated proposed zoning of Mixed Use-1 (MU-1) with the intent to establish 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.

The applicant, Andrew Lineberger, explained to the board why he was wanting to rezone the property. He stated they are trying to keep their product options open and not be limited to single family homes.

Mike Harris made a motion to approve the rezoning of case #RZ21-03 (Parcel ID #128061) from Single Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1), followed by a second from Travis Smith. The vote was unanimously in favor.

V. DISCUSSION OF ANNEXATION OF BELMONT LAND & INVESTMENT LLC.

a. Consideration of zoning property therein to Single Family Residential-4 (SFR-4)

Alex Blackburn stated on August 10, 2021, city staff received a Petition of Voluntary Annexation of Contiguous Property from the representative of Belmont Land & Investment Company, LLC. Mr. Blackburn stated the petition for annexation was preceded by a meeting with the representative Mr. Bob Clay to discuss the preferred zoning of the property to be annexed. It was requested that the district be amended from R-12 (Residential District) to R-1 (Single Family Limited) to the Lowell zoning designation of Single Family Residential-4 (SFR-4).

Vieta Benson made a motion to approve the rezoning for case #RZ21-04 (Parcel ID #136564 and #202774) to Single Family Residential-4 (SFR-4), followed by a second from Travis Smith. The vote was unanimously in favor.

VI. DISCUSSION OF VOLUNTARY ANNEXATION OF GEORGE POSTON PARK, GASTON COUNTY

a. Consideration of zoning property therein to Civic

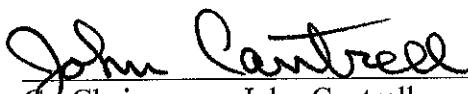
Alex Blackburn stated city staff received a Petition requesting annexation for a contiguous property. Mr. Blackburn stated the request is to change the zoning designation to all civic throughout the park property.

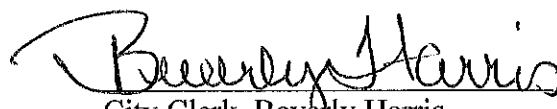
Mike Harris made a motion to approve the rezoning for Parcel ID #148011 and #148012 to Civic, followed by a second from Travis Smith. The vote was unanimously in favor.

VII. ADJOURN

Travis Smith made a motion to adjourn the meeting, followed by a second from Mike Harris. The vote was unanimously in favor. The meeting ended at 6:15 pm.

AFFIRM:


Co-Chairperson, John Cantrell


City Clerk, Beverly Harris

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:

SFR-3 to MU-1

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

Lowry Oaks Development, LLC
as evidenced in Deed Book 4349 Page 1147 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: NO ASSIGNED ADDRESS 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 North side of Lowery Lane between Caroline Ave and _____
(street) (street)

McAdenville Rd and further identified in Gaston County Tax Book _____, Map _____, Parcel(s) 128061
Said Lot(s) has (have) a frontage of 50' feet and a depth of 558 feet, or 0.37 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>See Attached</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>Lowry Oaks Development</u>	<u>P.O. Box 1694</u>
<u>John Spence, Manager</u>	<u>Belmont, NC 28012</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: Andrew Lineberger / Scott Phillips
Address: P.O. Box 308, Cramerton, NC 28032
Telephone: 704. 606. 6458

Applicant's Signature: _____

City of Lowell
101 West First Street
Lowell, NC 28098

Telephone: 704 - 824 - 3518

REZONING REQUEST LOWRY OAKS DEVELOPMENT LLC

PID	NAME	Address
128063	CAPPS DEBBIE L &	511 MCADENVILLE RD LOWELL NC
128061	LOWRY OAKS DEVELOPMENT LLC	PO BOX 1681 BELMONT NC
128069	WHITESIDES WANDA B &	318 CAROLINE AVE LOWELL NC
128037	POTTER DORIS	502 HIGH ST LOWELL NC
128081	OM BOBBY &	517 STOWE DR LOWELL NC
128057	SAUERWEIN ERIC H &	413 MCADENVILLE RD LOWELL NC
128070	NALLEY BRENDA KAY BAKER &	106 FORK RD MOUNT HOLL NC
128078	GITTENS HERBERT L JR	324 CAROLINE AVE LOWELL NC
128082	FLEMING DANIEL M	515 STOWE DR LOWELL NC
128080	LOUDON KENNETH	511 LOWRY LN LOWELL NC
128084	CHURCH PAMELA TAYLOR	503 STOWE DR LOWELL NC
128068	BELL PAUL LEE	1652 PERRY ST GASTONIA NC
128059	RODRIGUEZ MARK STEVEN	515 MCADENVILLE RD LOWELL NC
128056	MANEY MARK W	409 MCADENVILLE RD LOWELL NC
128041	MOORE THOMAS G	500 HIGH ST LOWELL NC
128085	LEFRANCOIS SHANNON	501 STOWE DR LOWELL NC
128055	JOHNSON BAMBE C	407 MCADENVILLE RD LOWELL NC
128067	CASE KIRBY D	1201 N MAIN ST LOWELL NC
128062	CAPPS DEBBIE L &	511 MCADENVILLE RD LOWELL NC
128083	BLACKWELDER LARRY A	201 CROSSING AVE BELMONT NC
128043	BRIGHT SHEENA M	408 HIGH ST LOWELL NC
128065	MARTIN ROBERT D	308 CAROLINE AVE LOWELL NC
128038	BEATTY STEPHANIE	502 HIGH ST LOWELL NC
128066	CASE KIRBY D	50 LINEBERGER ST LOWELL NC
128058	ROSS ROBERT N	503 MCADENVILLE R LOWELL NC
128040	HUNTER HENRY KYLE	210 CAROLINE AVE LOWELL NC
128064	HALL BRANDON MATTHEW	506 HIGH ST LOWELL NC
128053	CALVERT JONATHAN EDWARD	405 MCADENVILLE RD LOWELL NC
128042	STARNES WARREN D	PO BOX 293 LOWELL NC
128086	TAYLOR DEBORAH	415 STOWE DRIVE LOWELL NC
128036	DENTON DONNA C	1003 MORNINGSIDE D GASTONIA NC
	DOSTER JOYCE L	
	LEDFORD BRENDA B	
	CHAPMAN CASEY	
	FREEMAN DEBORAH J	
	WHITESIDES WANDA KAY	
	GITTENS DEANNA	
	FLEMING ELIZABETH	
	LOUDON JUHYE	
	CHURCH BRANDON GILBERT	
	RODRIGUEZ HEATHER HALE	
	MANEY ANGELA MCMILLAN	
	MOORE YVETTE G	
	DOSTER JOYCE L	
	BLACKWELDER CELIA P	
	MARTIN LISA C	
	TANNEHILL SETH	
	ROSS JUDY B	
	LIPSCOMB THERESA 50%	



Printed On: 9/1/2021



Disclaimer: The information provided is not to be considered as a Legal Document or Description. The Map & Parcel Data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019.

EXHIBIT 1

DESCRIPTION OF PROPERTY

BEGINNING AT A POINT WITHIN THE RIGHT OF WAY LINE OF N.C. ROUTE 7 AND BEING SOUTH 19 DEGREES 16 MINUTES 16 SECONDS WEST 10 FEET FROM A NEW IRON PIN SITUATE ON THE NORTHERNMOST RIGHT OF WAY

LINE OF N.C. ROUTE 7 AT THE SOUTHEASTERNMOST CORNER OF R.N. ROSS, NOW OR FORMERLY, AS DESCRIBED

IN DEED BOOK 1398 AT PAGE 498, GASTON COUNTY REGISTRY, SAID IRON PIN BEING FURTHER SITUATE NORTH 69 DEGREES 35 MINUTES 39 SECONDS WEST 46 FEET FROM THE SOUTHWESTERNMOST CORNER OF PROPERTY CONVEYED SIMULTANEOUSLY HERewith TO JO LOWRY JOHNSON AND HUSBAND, CLELL B. JOHNSON, AND RUNNING THENCE FROM SAID BEGINNING POINT WITH DIVISION LINE OF R.N. ROSS, NOW OR FORMERLY, THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) NORTH 19 DEGREES 16 MINUTES 16 SECONDS EAST (AND PASSING A NEW IRON PIN ON THE NORTHERNMOST RIGHT OF WAY LINE OF N.C. ROUTE 7

AT 10 FEET) A TOTAL DISTANCE OF 267 FEET; AND (2) NORTH 69 DEGREES 20 MINUTES 44 SECONDS WEST 134 FEET TO A NEW IRON PIN SITUATE ON THE EASTERNMOST LINE OF P.S. LOWRY, NOW OR FORMERLY, AS DESCRIBED DEED BOOK 384 AT PAGE 33, GASTON COUNTY REGISTRY; THENCE WITH DIVISION LINE OF P.S. LOWRY, NOW A FORMERLY, AND CONTINUING WITH DIVISION LINE OF F.R. LOWDER, NOW OR FORMERLY, AS

DESCRIBED IN DEED BOOK 610 AT PAGE 297, GASTON COUNTY REGISTRY, NORTH 10 DEGREES 25 MINUTES 29

SECONDS WEST 413.25 FEET TO A NEW IRON PIN; THENCE WITH DIVISION LINE OF L.T. HORNE, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 1886 AT PAGE 212 AND CONTINUING WITH DIVISION LINE OF D.H. AHERN AS DESCRIBED IN DEED BOOK 2364 AT PAGE 778, GASTON COUNTY REGISTRY, NORTH 53 DEGREES 09 MINUTES 16 SECONDS EAST 368.54 FEET TO AN ESTABLISHED IRON PIN THENCE ANOTHER LINE WITH AHERN.

NOW OR FORMERLY, AND CONTINUING WITH DIVISION LINES OF W. TEAGUE, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 502 AT PAGE 298 AND DEED BOOK 522 AT PAGE 54, C.A. CLONINGER, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 2057 AT PAGE 408, AND C. BAKER, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 704 AT PAGE 62 AND DEED BOOK 620 AT PAGE 487, ALL IN THE GASTON COUNTY REGISTRY, NORTH 85 DEGREES 32 MINUTES 36 SECONDS EAST 294.53 FEET TO AN IRON; THENCE WITH DIVISION

LINE OF GITTENS, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 1368 AT PAGE 716, GILLIS, NOW OR FORMERLY, AS DESCRIBED IN BOOK 2287 AT PAGE 469 AND CROSSING THE WESTERNMOST TERMINUS OF LOWRY STREET AND THEN CONTINUING WITH DIVISION LINES OF BLACKWELDER, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 546 AT PAGE 174 AND THOMASSON, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 944 AT PAGE 521, SOUTH 04 DEGREES 11 MINUTES 35 SECONDS WEST (AND PASSING AN ESTABLISHED



City of Lowell-Development Services Department

101 W. First Street Lowell, NC 28098

Phone: 704-824-3518 Web: lowellnc.com

Public Hearing Consent Form

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

From: Lowry Oaks Development, LLC
John Spencer, Manager

Subject:

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

Date: Sept. 1, 2021

I, John Spencer, Manager Lowry Oaks Development being the property owner of parcel(s) 128061, give consent to Andrew Lineberger and Scott Phillips to act on my behalf in applying for the PUBLIC HEARING REQUEST under consideration.

John R. Spencer
Signature (owner)

Date

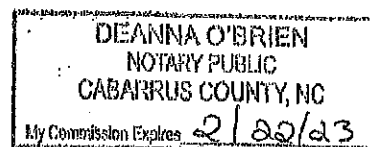
North Carolina
Gaston County

I, Deanna C. Brien, a Notary Public for the said County and State, do hereby certify that John R. Spencer personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 1 of Sept, 2021.

Deanna C. Brien
Notary Signature

My commission expires: 2/22/23



City of Lowell Planning Department – Staff Report

CASE # RZ21-04

Applicant:	Bob Clay,
Property Owner(s):	Belmont Land & Investment Co.
Property Location:	Parcel ID# 136564 and 202774
Property Size:	263.12
Current Zoning:	Single Family Limited R-1 and R-12
Proposed Zoning:	Single Family Residential-4 (SFR-4)

Description:

On August 10, 2021 City Staff received a Petition of Voluntary Annexation of Contiguous Property from the representatives of Belmont Land & Investment Company, LLC. This petition for annexation was preceded a meeting with the representative Mr. Bob Clay to discuss the preferred Zoning of the property to be annexed. It was requested that the district be amended from R-12 (Residential District) and R-1 (Single Family Limited) to the Lowell zoning designation of Single Family Residential-4 (SFR-4).



Process:

Staff received application and scheduled rezoning request to be reviewed at the next available meeting of the Lowell Planning Board on September 7, 2021.

- Prefiling meeting to discuss proposed amendment and to become familiar with the applicable requirements and approved procedures.
- Neighborhood meeting to be hosted by the applicant(s) to be conducted prior to the Legislative Hearing by the City Council.
- Filing of request.
- Filing of Public Hearing Consent Forms from Property owners represented in the rezoning.
- Lowell Planning Board Review of Case # RZ21-04 and recommendation to City Council.
- Staff to schedule with the City Council to set Public Hearing for their October 2021, Meeting.
- Staff to schedule proper advertisement of the public hearing to run once a week for two consecutive calendar weeks in a newspaper having general circulation in the area.
- Staff to install rezoning signage on the subject property prior to public hearing.
- Notices of adjoining property owners to be sent prior to the public hearing by staff.

Meeting Dates:

- September 2, 2021 Pre-filing Meeting
- September 7, 2021 Planning Board Review of Case # 21-04
- September 14, 2021 City Council to set Public Hearing
- October 12, 2021 City Council to hold Public Hearing

Staff Comments:

Due to the property being outside of the City of Lowell's jurisdiction at this time, the current zoning on the two properties is split between R-12 and R-1, both being residential in nature. The annexation of the two parcels will bring about the requirement for them to be designated a zoning district represented within the Lowell Development Ordinance (LDO). Following a meeting with the representatives of the Belmont Land & Investment Company, LLC, it was determined that the best designation would be that of the Single Family Residential-4 (SFR-4).

The Single Family Residential-4 (SFR-4) zoning district provides for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House. Listed uses are restricted to Single-Family, including duplex (two-family), homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Lowell and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the City of Lowell prior to the effective date of these regulations.



MEMORANDUM
CITY OF LOWELL, N.C.

To: Chairwoman Vieta Benson and Members of the Planning Board

Date: September 2, 2021

From: Alex Blackburn, Planning, Zoning and Subdivision Administrator

Re: Voluntary Annexation Petition for contiguous property of Belmont Land & Investment CO.

BACKGROUND

On August 10, 2021, the owners of property known as Parcel ID # 136564 and Parcel ID #202774 of Gaston County submitted a petition for voluntary contiguous annexation into the city limits of the City of Lowell. The properties consist of a total of 263.12 acres.

FINDINGS AND CONCLUSIONS

The standards for annexation require that the property must be contiguous to the “primary corporate limits”. The fact that the property lies in abutment to the Gaston County George Poston Park, deemed as a political subdivision, demonstrates the contiguity requirements of North Carolina General Statute 160A-31(f) are satisfactorily met by the petition submitted to the City of Lowell. The property will be required to have a City of Lowell zoning district designation upon successful annexation.

FISCAL IMPACT

The new development will be subject to applicable taxes and fees in accordance with rates in effect through the City of Lowell. The City will deliver standard municipal services for the property upon development. The City will receive additional revenues from Ad Valorem tax assessments and applicable state shared revenues.

RECOMMENDATION FOR ACTION ON ANNEXATION & ZONING

There are several steps required to annex and apply City of Lowell zoning to these properties. The following outline illustrates how this process may be completed in two regular meetings of the City Council.

**THE ACTIONS THAT MAY BE TAKEN AT THE AUGUST 10, 2021 MEETING
INCLUDE:**

- a. Petition for voluntary contiguous annexation
- b. Direct (by resolution) for the City Clerk to investigate the sufficiency of the petition.
- c. Upon receipt of petition certification by City Clerk, call (by resolution) for public hearing at the next regular meeting.

ADDITIONAL STEPS BETWEEN CITY COUNCIL MEETINGS

While the Mayor and City Council Members undertake the process of annexation, the Planning Board may initiate the process of amending the Official Zoning Map per North Carolina General Statute §160D-204 to run concurrent with the annexation process. The property does not lie within any area designated by the City of Lowell 2040 Comprehensive Land Use Plan adopted April 13, 2021. With the proposal of the property owner, we may anticipate a recommendation for the Single Family Residential-4 (SFR-4) zoning designation from the Planning Board.



PETITION REQUESTING ANNEXATION FOR A
CONTIGUOUS PROPERTY

Date: August 26, 2021

To the City Council of the City of Lowell;

1. The undersigned owner(s) of real property hereby petition for annexation to the City of Lowell of that area described on the Gaston County Tax map as Parcel(s): 148011 (DB 2337/0605), 148012 (DB 2030/0246), and as shown on the attached survey, if any. (The survey is not required at the time that the petition is filed, but must be supplied prior to the Call For Annexation Public Hearing. The survey must show the current city limits of the City of Lowell.)

2. The area to be annexed is contiguous to the City of Lowell.

Property Owner Name	Property Owner Address	Signature
Gaston County	128 W. Main Avenue, Gastonia, NC 28053	

WARNING: THE TITLE TO THE SUBJECT PROPERTY CANNOT BE TRANSFERRED PRIOR TO THE COMPLETION OF THE ANNEXATION PROCESS (which is the Annexation Order adopted by the City Council) OR THE PROCEDURE WILL HAVE TO BE DONE OVER FROM THE BEGINNING.

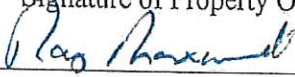
Signature of Property Owner/Manager

Print Name: _____

Phone Number: _____

E-mail: _____

Signature of Property Owner

_____

Printed Name: Ray Maxwell

Phone Number: 704-862-7551

E-mail: ray.maxwell@gastongov.com

Note: If there are more than two (2) property owners, please attach additional signature pages. If property owner is an entity, please ensure the appropriate individual signs this petition on behalf of the entity and includes his or her title. Contact information for each property owner must be provided.

