



**CITY OF LOWELL
COUNCIL MEETING AGENDA
TUESDAY, FEBRUARY 14, 2023, 6:00 P.M.**

- 1. CALL TO ORDER – Mayor Sandy Railey**
- 2. INVOCATION / PLEDGE OF ALLEGIANCE**
- 3. ADOPTION OF AGENDA FOR THIS MEETING**
- 4. PUBLIC COMMENTS**
- 5. APPROVAL OF MINUTES**
 - A. Minutes from Council Meeting Held January 10, 2023 (p. 1-6)
- 6. SPECIAL PRESENTATION**
 - A. Proclamation in Recognition of the Month of February as Black History Month (p. 7)
 - B. Fiscal Year 2021-2022 Audit Presentation by Butler and Stowe, CPA (p. 8)
- 7. CONSENT AGENDA**
 - A. Planning Department and GIS Report (p. 9-14)
 - B. Public Works Report (p. 15)
 - C. Finance Department Report (p. 16-19)
 - D. Police Department Report (p. 20-21)
 - E. Parks and Recreation Report (p. 22)
- 8. UNFINISHED BUSINESS**
 - A. Public Hearing for the Partial Closure of Taylor Avenue (p. 23-45)
 - B. Public Hearing for Master Sign Application, Case # MSP-22-01 (p. 46-65)
 - C. Consideration of I-85 Betterments (p. 66-68)
 - D. Establishment of the Community Investment Fund (CIF) in the City's Financial System (p. 69)
- 9. NEW BUSINESS**
 - A. Discussion of 2022 Carolina Thread Trail Implementation Grant (p. 70-71)
 - B. Consideration to Approve Water Service to Gaston County Schools, Lowell Elementary (p. 72-96)
 - C. Request to Set Public Hearing: Case # ZTA23-02 Consideration of text amendment request to amend Article 8 Districts - Section 8.4-5 Civic District (CIV) (p. 97-99)
 - D. Request to Set Public Hearing: - Case # ZMA23-01
Request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District) (p. 100-108)

E. Request to Set Public Hearing: Case #ZTA23-01 – Consideration of text amendment to request to amend Article 3 – Definitions, Abbreviations, and Symbols, Article 8- Districts, 9- Building & Lot Type Standards & Specifications & Article 12 – Off Street Parking, Stacking and Loading Areas of the Lowell Development Ordinance and an Ordinance to allow for a new classification/use category of “Industrial Flex” that would be added to the Table of Uses allowed in the Industrial District (p. 109-115)

10. CITY ATTORNEY REPORT

11. CITY MANAGER REPORT

12. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

13. ADJOURN

MINUTES

Lowell City Council

Regular Meeting

Tuesday, January 10, 2023, 6:00 P.M.

I. CALL TO ORDER – Mayor Sandy Railey

Mayor Pro Temp Travis Smith called the meeting to order at 6:00 p.m. Mayor Railey was unable to attend. Those attending in-person were Councilmembers Phil Bonham, Candy Funderburk, Thomas Gillespie, and JoAnna Fulbright. City staff present were City Manager Scott Attaway, City Attorney John Russell Jr, Planning Director Joe Gates, Finance Director, Lisa Nolen, Public Works Director Thomas Shrewsbury, Police Chief Carl Moore, Police Captain Jeff Harrison, Parks and Rec Director Cristy Cummings, GIS Analyst Todd Stroupe, and City Clerk Cheryl Ramsey. A quorum was determined at the beginning of the meeting. The meeting was teleconferenced to the public and the agenda and meeting materials were made available prior on the city's website. Members of the public were also present.

II. INVOCATION / PLEDGE OF ALLEGIANCE

Councilmember Gillespie gave the invocation and led everyone in the pledge of allegiance.

III. ADOPTION OF AGENDA FOR THIS MEETING

Mr. Attaway noted the agenda was amended striking Section 8A, Public Hearing for Consideration of Resolution RS12-2022 of Intent to Close a Public Street as it relates to a Portion of Taylor Avenue and adding it to New Business, Section 9F. There were issues with advertising the hearing and Council will need to set another public hearing. Councilmember Bonham made a motion to approve the adoption of the agenda with noted changes, seconded by Councilmember Funderburk. The vote was unanimously in favor.

IV. PUBLIC COMMENTS

- A. Larry Simonds of 1603 Power Dr spoke about the problems with Lowell particularly regarding the park across the street. He was wondering where the money is going.

V. APPROVAL OF MINUTES

- A. Minutes from Council Meeting Held December 13, 2022

Councilmember Funderburk made a motion to approve the minutes from the November 8, 2022 Council meeting, seconded by Councilmember Gillespie. The vote was unanimously in favor.

VI. SPECIAL PRESENTATION

- A. Resolution RS01-2023 for Recognition of Excellent Police Work by De-escalation for Officers Tinoco and Lowery. Chief Moore explained what transpired on the day of de-escalation and acknowledged their excellent police work. Mayor Pro Temp Smith then read the resolution. It was also noted that Officer Lowery is a new Officer with the City of Lowell.

VII. CONSENT AGENDA

- A. Planning Department
- B. Public Works Report
- C. Finance Department Report
- D. Police Department Report
- E. Parks and Recreation Department Report

Councilmember Bonham made a motion to accept the agenda, seconded by Councilmember Funderburk. The vote was unanimously in favor.

VIII. NEW BUSINESS

- B. Public Hearing for LDO Text Amendment ZTA22-04 for Article 13 Streets, Section 13.6-1. Councilmember Funderburk made a motion to go into public hearing, seconded by Councilmember Fulbright. The vote was unanimously in favor. Presented by Joe Gates regarding NorthPoint Development wanting to amend the current LDO to add the highlighted portion of the following: Street trees and sidewalks are required on both sides of public streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways except that sidewalks on one side of the road directly abutting residential lots of less than 1.2 acres may be permitted in the agricultural district or developments utilizing the Industrial Street section located in the City of Lowell Technical Standards and Specification Manual to protect water quality. If this change is implemented, it will be citywide. The size of the sidewalks would match the residential areas. Trees would be required on both sides. The new template allows for sidewalks just on one side of the roads that would be built in the industrial street sections but in addition you would see wider lanes for truck traffic and the sidewalk is moved further out. He showed maps of the street sections and stated this was initially unanimously approved by the Planning Board. Mr. Attaway mentioned that Scott Wilson, Planning Board Chairman was in attendance. They have been asked to have a representative come to Council meetings when a case arises that they have reviewed.

Councilmember Bonham said his concern is when we transition from one zoning to a different zoning, how do we maintain the look of it without it stopping and going and look smooth in the transition. Mr. Gates said some of that can be done during site plan reviews. DOT and the Transportation authority would also be involved. He said they would try to keep all the characteristics the same but they may have some differences with the different zoning districts. Mr. Attaway also explained more about sidewalks curbs and gutters. Councilmember Bonham said the answer helped but not really satisfied as he would like to see a better, smoother transition from industrial to residential. Mr. Gates said staff will always review sidewalk intersections and how areas are identified when there is a change (crosswalk for example) so they would ensure that this process is a seamless and safe as possible.

Mr. Attaway asked Toby Wiles with NorthPoint where he thought the transition was with the two sidewalks where the industrial zoning connects. Mr. Wiles stated from Cobb Street to S. Church Street will all be curbed with sidewalks on both sides. They didn't address specifically where that sidewalk would end but he would guess it would be right where the proposed park is and would make the most sense to go from the crosswalk to the park. There was further review of the map and discussion regarding the sidewalks.

Councilmember Fulbright asked if we will see how it looks. Mr. Attaway said staff will review and approve but there will not be another council review. Once this is approved by council it will give staff the parameters to go by using the goals and objectives of the council.

Councilmember Funderburk made a motion to come out of public hearing, seconded by Councilmember Bonham. The vote was unanimously in favor. With no further discussion, Councilmember Bonham made a motion to approve Text Amendment ZA22-04 for Article 13 Streets, Section 13.6-1, seconded by Councilmember Fulbright. The vote was unanimously in favor.

- C. Public Hearing to Amend the Lowell Code of Ordinances Chapter 50 Garbage and Refuse Collection and Disposal. Motion made by Councilmember Bonham to go into the public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Presented by Joe Gates to summarize what has transpired with the Lowell Community Committee (LCC) and their support for this agenda item as written to clean up the city. Mr. Attaway added that it is clarifying approved items that can't fit in city provided trash bins which is the point to the free quarterly bulk policy. The amendment specifies that this is outside of the already scheduled quarterly bulk item pick-ups. Other jurisdictions were contacted and we found that they do not typically do as many pick-ups as Lowell, most have two. Per statute we can only hold the sanitation account holder responsible, not necessarily the owner. Lisa Nolen, Finance Director discussed the statute further. She said the only way to hold the owner responsible is through code-enforcement. The fees would just be for the sanitation account holder. Mr. Attaway said this is an additional service. Customers do not need to call the city but just put their item out on the regular trash day and the utility billing will bill them for the service.

Councilmember Funderburk asked if something, a note for example, would be left at the door for them. Mr. Attaway said that a tag will left on the door and a picture would be taken of the item(s) collected. He stated that there will two opportunities to vote for this after the public hearing. One is the Code of Ordinances amendment and two is to adopt the amended 2022-2023 fee schedule.

Mayor Pro Temp Smith asked what if you have a property owner with a dumpster for private sanitation pick-up and they have additional items out to be picked up beside the dumpster, how would that be handled? Mr. Attaway said if they have a sanitation account that would be what this policy is for. Mrs. Nolen said there are customers that do not have trash pick up and only water and sewer. If they don't and have the dumpster, the issue would then go back to the code and be considered a violation and we would follow that process or Section A and B of this ordinance.

Councilmember Bonham thanked Mr. Bill Knox for bringing this to council's attention last month. He then stated this is restricted to those who fall outside of the bulk time period, which is

included in your taxes. He said there are other means of disposing your trash including renting a truck from the city that will be picked up and dumped by city employees or go to Lowes but if you choose not to follow that then there are costs associated with it. He said we can talk about the fee schedule later on but as far as adopting this, it makes perfect sense to avoid our workers from doing things they were not hired to do. Not to mention that this work tears up the trucks and equipment. Mr. Attaway said larger amounts would be determined by the Sanitation Department and discussed how the amount and size of trash determines the fee amount.

Councilmember Fulbright asked about people randomly dumping on other people's yard, who gets charged? Thomas Shrewsbury, Public Works Director, stated that has happened sporadically. He said if we can identify them, we get the police involved but ultimately it is their property, and they are responsible, but we try to work with them as best as we can.

Jim Kiser was allowed to speak from the public and is a member of the LCC. He said they may need to review the fee schedule after 6 months and make adjustments. Councilmember Funderburk asked how the LCC came about this issue if it is approved by council. Mr. Attaway said they are a citizen advisory committee, and they deal with a lot of policies regarding beautification. Bill Knox mentioned the property on N Main that is an issue right now with four units. He asked how will the Sanitation workers know who is responsible for the items put out there? Is that going to kick back to code enforcement where it will be sitting out there for months. Mrs. Nolen said that would have to be through code enforcement. Mr. Attaway said we would work with the owner but statute is to go to the utility account holder.

Councilmember Bonham made a motion to come out of public hearing, seconded by Councilmember Funderburk. The vote was unanimously in favor. Councilmember Funderburk then made a motion to approve to amend the Lowell Code of Ordinances Chapter 50 Garbage and Refuse Collection and Disposal, seconded by Councilmember Fulbright. The vote was unanimously in favor. Councilmember Bonham then made a motion to approve the proposed addition to FY23 fee schedule, seconded by Councilmember Funderburk. The vote was unanimously in favor.

VI. NEW BUSINESS

- A. Appointment of Council Delegate to Centralina COG. Presented by Mr. Attaway. He spoke with the Mayor Railey earlier and she is interested in continuing if everyone is ok with that. Councilmember Gillespie was the back up. Councilmember Bonham made a motion to appoint the mayor as the delegate and for Councilmember Gillespie to be the backup, seconded by Councilmember Fulbright. The vote was unanimously in favor.
- B. Consideration to Set Public Hearing for Master Sign Application, Case # MSP-22-01. Presented by Joe Gates to request for a master sign plan application. He discussed the issue where the applicant is asking to increase the wall sign area from 32 sq ft to 96.4 sq ft. Mr. Attaway clarified that the sign has already been installed at the larger height in error. It was permitted by Gastonia in error for Newell Brands. We agreed to fend off any violations until the final vote (at the hearing), if any, since they are pursuing the right course of action by bringing the issue to us and attempting to rectify it. Councilmember Bonham made a motion to set public hearing for Case #MSP-22-01 for February 14, 2023, at 6pm, seconded by Councilmember Funderburk. The vote was unanimously in favor.

- C. Consideration to add Firework Show in 2023. Presented by Mr. Attaway. He stated after this topic was brought up in the budget meetings last year by council and the public, he had Cristy Cummings, Parks and Rec Director get some quotes for information and discussion. Councilmember Fulbright stated she doesn't like them and that they are a nuisance. She said it effects shift workers, dogs, and cats. She thinks they should be outlawed and even if we considered it, \$12,000 is a lot of money for it. She suggested maybe a laser show. Mayor Pro Temp Smith said he didn't realize about the animal issues but agreed the price was high. Councilmember Bonham stated he was not debating about the animals but stated this was not worth the tax dollars to the citizens and doesn't see the benefit. Councilmember Funderburk agreed. Mr. Attaway stated that we will leave the item alone and save those funds for the Master Plan.
- D. Discussion and Consideration of 2023-2024 Biennium Legislative Goals from the NC League of Municipalities. Mr. Attaway went over the purpose of the goals and noted that council could make their selection tonight with the tally sheet they were provided as they are due on January 13th. They were asked to select their 10 (out of 16 choices) and submit to the City Clerk by the end of tonight's meeting. The top 10 selections would be sent to the mayor to report to the League.
- E. Consideration of Approval for Banking Services Request for Proposals (RFP) -- presented by Mr. Attaway noting the RFP was in front of them. It was reviewed by the City Attorney, John Russell. Mr. Russell said this is what would be involved in the RFP and suggested council give their input. Staff would then proceed with the process. Councilmember Funderburk made a motion to proceed with the approval for banking services Request for Proposals (RFP), seconded by Councilmember Fulbright. The motion was voted unanimously in favor.
- F. Public Hearing for Consideration of Resolution RS12-2022 of Intent to Close a Public Street as it Relates to a Portion of Taylor Avenue. Presented by Mr. Attaway. He reiterated the issue earlier regarding the advertising of the hearing. In order to meet the statutory advertisement requirements, we need to set the hearing and advertise timely. We've already gone forward with the resolution of intent, and this would be to set a public hearing. Councilmember Funderburk made a motion to set the public hearing for consideration of Resolution RS12-2022 of Intent to Close a Public Street as it Relates to a Portion of Taylor Avenue for February 14, 2023, at 6pm, seconded by Councilmember Bonham. The motion was voted unanimously in favor.

IX. CITY ATTORNEY REPORT - No updates

X. CITY MANAGER REPORT

Scott Attaway gave updates on the following items:

- A. Chemical Plant demolition update -- meeting is scheduled in two weeks with the demolition contractors to discuss the project with personnel from NCDEQ.
- B. Banner Poles set to be installed next week around the city. Cristy found a vendor for other banners that can be used in the future.
- C. City Hall directional and ADA signage is set to begin next week.
- D. Staff intends to apply for a Carolina Thread Trail grant that is due January 26, 2023.
- E. Recreation grants for Bob Bolick and Harold Rankin parks. We will work with Withers Ravenel and give council updates after the meeting with them.
- F. I-85 Betterments -- we will discuss this further in the first budget retreat on January 26, 2023.

G. McCord Park update- Instillation of shade structure will be in first week of March. Staff is working on ordering items and will do some planting in the Spring.

XI. MAYOR AND CITY COUNCIL GENERAL DISCUSSION

Councilmember Funderburk asked that since Truist Bank is leaving Lowell, can we look into getting an ATM somewhere. She also stated that citizens do want to know what we do with ARPA money and suggested putting something on the website about where money is coming from and how it is spent and what we can and cannot use the money for. Other than that, she thinks everything is going great. Councilmember Bonham thought that [updating website to show where money is going] was a good idea. Mayor Pro Temp thanked everyone for coming.

Councilmember Funderburk made a motion to take a 5-minute break and then go into Closed Session at 7:25 seconded by Councilmember Bonham. The motion was voted unanimously in favor.

XII. CLOSED SESSION

A. To Discuss the Acquisition of Real Property Pursuant to NCGS 143-318.11(a)(5)

Councilmember Bonham made a motion to come out of Closed Session, seconded by Councilmember Funderburk. The motion was voted unanimously in favor.

XIII. ADJOURN

Councilmember Funderburk made a motion to adjourn the meeting, seconded by Councilmember Bonham. The vote was unanimously in favor. The meeting adjourned at 8:19 pm.

ATTEST:

Mayor Sandy Railey

Cheryl Ramsey, City Clerk



PROCLAMATION

WHEREAS, February has been designated as Black History Month in which we pause to reflect on the contributions of the African American community; and

WHEREAS, in 1915, Harvard-trained historian Carter G. Woodson began the Association for the Study of Negro Life and History (ASNLH), an organization dedicated to researching and promoting achievements by Black Americans and other people of African descent. Known today as the Association for the Study of African American Life and History (ASALH), the group sponsored a national Negro History week in 1926, choosing the second week of February to coincide with the birthdays of Abraham Lincoln and Frederick Douglas.

WHEREAS, In 1976, Black History Month was formally recognized by President Gerald Ford to honor and affirm the importance of Black History throughout our American experience, and serves to promote cultural enrichment, ethnic pride, and self-esteem by celebrating the lives and achievements of great African Americans; and

WHEREAS, Black History Month is a time for all Americans to remember the stories and teachings of those who helped build our nation, took a stance against prejudice to build lives of dignity and opportunity, advanced the cause of civil rights and strengthened families and communities; and

WHEREAS, During Black History Month all Americans are encouraged to reflect on past successes and challenges of African Americans and look to the future to continue to improve society so that we live up to the ideals of freedom, equality and justice.

NOW, THEREFORE, the City of Lowell City Council, hereby proclaim that February is honored as "Black History Month" and urges all citizens to join in paying tribute to the noble struggle of African Americans and encourage appropriate programs and activities that honor the significant contributions African Americans have made to our Town, State and nation.

This, the 14th day of February, 2023.

Sandy Railey, Mayor

ATTEST:

Cheryl Ramsey, City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 6-B

DESCRIPTION: FISCAL YEAR 2021-2022 AUDIT PRESENTATION BY BUTLER
AND STOWE, CPA

Butler and Stowe, CPA will present the FY 2021-2022 Audit.



To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: Wednesday, February 8, 2023

Re: Monthly Department Update

Code Enforcement:

- Minimum Housing Inspections
 - Completed Min-Housing Inspection of 2 Stowe Street.
 - Completed Min-Housing Inspection of 2.5 Stowe Street.
 - Re-Inspected 401 Birch Street with Gaston County Inspections.
 - Complaint and Notice of Hearing Letters will be generated in accordance with the ordinance and hearings will be scheduled in March to review the violation lists with the property owners of the addresses listed above.
- Minimum Housing Access Letters
 - 924 Moose St - Owner has replied and staff is working towards setting inspection date in February.
 - 915 Moose St - Owner has responded and inspection schedule for February 16th, 2023
- Nonresidential Building Maintenance access letters sent.
 - Property owner has replied, and inspections will be scheduled in the coming weeks for both addresses. Second call was made this month to set inspection date. Specific date still pending.
 - 101 E. First Street
 - 100 N. Main Street
- Enforcement Action
 - Nuisance case located at 10 Black Street turned over to Public Works for cleanup. Cleanup completed 2.7.2023
 - Letter sent to apartments on Phillips St to remove trash from the parking lot.

Zoning:

- Issued 24 zoning permits in January. This is 38% of the total permits done in 2022. Total permits issued in 2022 was 64.
- 15 new townhome permits issued for River Heights.

- Collected zoning permit fees, driveway fees, meter set fees and System Development (Water & Sewer) fees for all 50 townhome units in River Heights using new Polimorphic Processes.
- Created & launched 25 new process in Polimorphic. 38 open cases as of 2/8/2023.
- Held regular TRC meeting with staff. Staff returned 2nd round comments to the Groves Street Lowell Townhomes. Anticipating 3rd submittal in late February or early March

Planning:

- Staff attended the GCAMP (Gaston County Area Municipal Planners) meeting this month.
- Researched ESRI Solutions tools with staff to improve documentation and consolidate information for mapping.
- Worked with Mills Street Townhome developer on site plan requirements and plat submittals.
- Met with citizen regarding possible townhome construction along N. Main Street near Harold Rankin Park
- Worked with staff to complete the Carolina Thread Trail grant application.
- Advertised in the Gazette for Taylor Ave Road Closure Request Public Hearing
- Mailed Notices to adjacent property owners for Taylor Ave Road Closure Request Public Hearing
- Posted Signage for Taylor Ave Road Closure Request Public Hearing
- Advertised in the Gazette for Master Sign Plan
- Mailed Notices to adjacent property owners for Master Sign Plan request.
- Posted Signage for Master Sign Plan request.
- Created agenda for February Planning Board Meeting
- Planning Board Meeting was held on February 7th with 4 items on the agenda. The Planning Board voted unanimously to approve all applications as submitted.
 - Rezoning - request to rezone property along Highway 7 to Industrial (IND).
 - Text Amendment - Request to modify Article 3, 8, 9 and 12 of the LDO and introduce "Industrial Flex Space" as a new use in the LDO.
 - Text Amendment - Request to modify Article 8 regarding minimum lot size and width for new lots created in the Civic zoning district.
- Utility Allocation Review - request by Gaston County Public Works to extend Lowell water main outside city limits (at the County's expense) to Lowell Elementary in order to install a new 2' water tap and new fire hydrant.

Stormwater:

- Performed three dry weather outfall inspections.
- Researched ESRI Solutions tools with staff to improve documentation and consolidate information for mapping.

- Worked with staff to obtain construction waste management requirement sheet to post on the stormwater webpage and distribute when necessary.
- Continue to work on the 2023 (Permit Year 2) MS4 Self-Assessment with staff.

Other

- Attended Montcross Chamber of Commerce meeting.
- Attended monthly department heads meeting.
- Attended City Council Planning Retreat.
- Attended South Fork River Health Committee meeting.
- Attended Polimorphic Monthly update meeting
- Attended Lowell Community Committee meeting
- Attended GBA East Leadership breakfast.



To: Scott Attaway, City Manager

From: Todd Stroupe, GIS Analyst

Date: February 8, 2023

Re: City of Lowell Geographic Information System (GIS) Updates

GIS and Mapping

- Generated downtown block utilities proximity map.
- Field verified white stake locations for Mcadenville Road banner pole installation.
- Handled two GIS data requests.
- Generated six neighborhood watch maps for Police Department.
- Generated master sign plan request map for public hearing notice.
- Generated project location map for Carolina Thread Trail grant application.
- Generated road closure map for Facebook post.
- Performed monthly updates of GIS layers and Economic Development Overview Storymap.
- Continue to work on Lowell GIS Hub.
- Continue to work on email photo attachments when bulk item survey response is submitted.

Other Tasks and Assignments

- Worked with staff to complete the Carolina Thread Trail grant application.

Meetings and Events

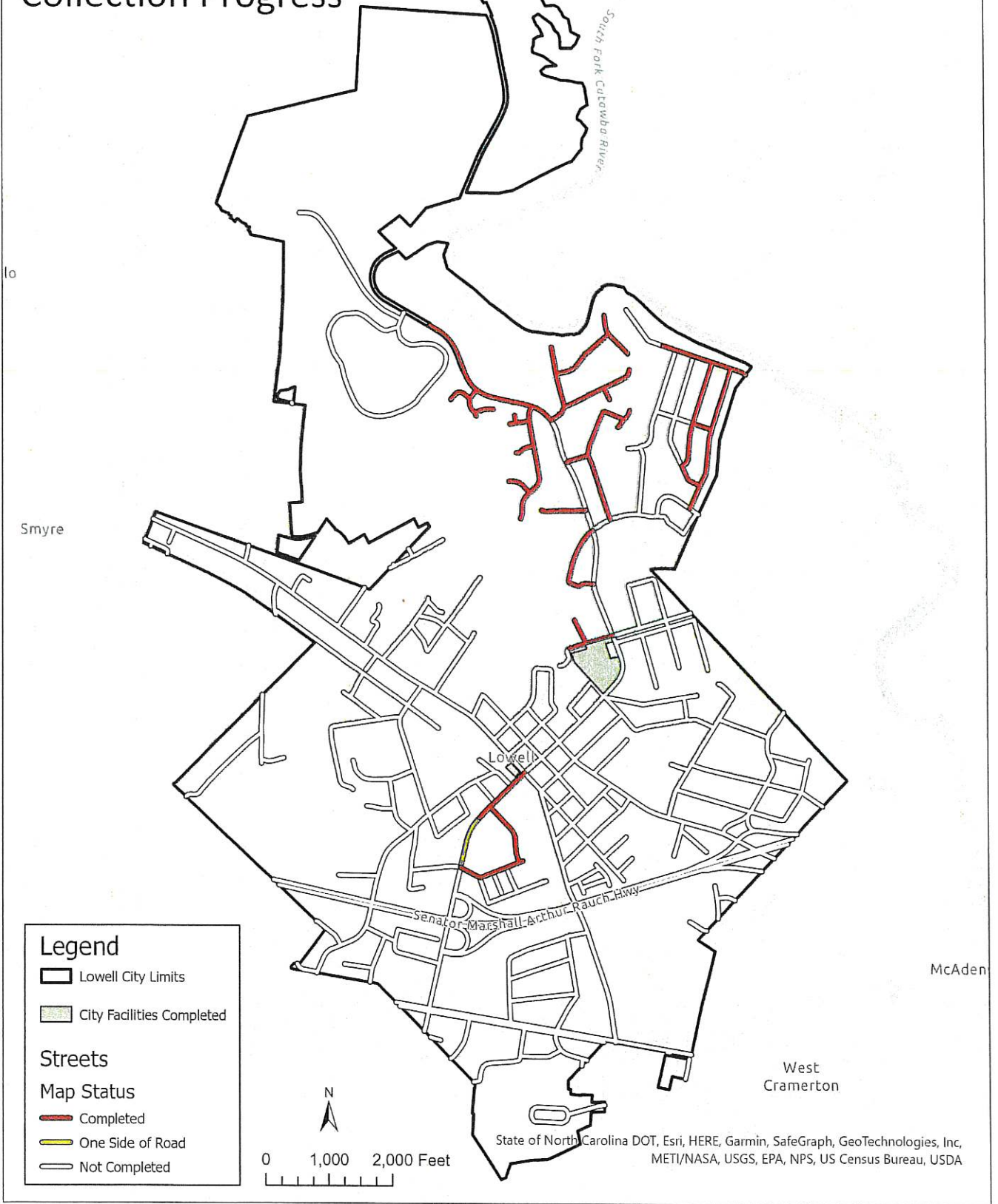
- Attended January GCLMPO virtual meeting.
- Attended Lowell parks PARTF meeting with Withers-Ravenel.
- Attended Moncross Chamber of Commerce meeting.
- Attended Lowell Technical Review Committee Meeting
- Attended Lowell transportation priority meeting with GCLMPO.
- Attended monthly department heads meeting.
- Attended South Fork River Health Policy subcommittee meeting.
- Attended City Council Planning Retreat.
- Attended South Fork River Health Committee meeting.

- Attended Transportation Equity Strategy Team kick-off meeting.
- Attended public art meeting with Gaston County Tourism.

Stormwater

- Registered for Stormwater SCM Inspection & Maintenance Certification class.
- Performed three dry weather outfall inspections.
- Attended NCDEQ WOW stormwater webinar.
- Scheduled Stormwater Saturday Facebook posts for public education.
- Worked with staff to obtain construction waste management requirement sheet to post on the stormwater webpage and distribute when necessary.
- Worked with Kelly from Regional Stormwater Partnership to get an illicit discharge fact sheet created to display in our employee common areas.
- Continue to work on the 2023 (Permit Year 2) MS4 Self-Assessment.
- Continue MS4/stormwater infrastructure mapping of **inlets, outlets/outfalls, conveyance structures (pipes, ditches, etc.), and flow directions.**
 - **Inlets** – A catch basin, curb inlet, or other drop-type structure constructed to direct stormwater into storm sewers or other underground drainage systems.
 - Information collected for **Inlets** includes *inlet type, basin dimensions and material, basin depth invert, material, and basin conditions.*
 - **Outlets** - The point at which water discharges from a stormwater pipe or drain.
 - **Outfalls** - A point of water discharge from a pipe or drain into a water body.
 - Information collected for **Outlets/Outfalls** includes *the type of outlet point, pipe diameter, any illicit discharge, and condition of the outlet or ditch.*
 - **Conveyance Structure** - A pipe, open channel, ditch, or other facilities that transport stormwater runoff from one location to another.
 - Information collected for **Conveyance Structures** includes *conveyance type, pipe material, pipe diameter, condition of pipe or ditch, and flow direction.*
 - **Flow Direction** is the direction (north, west, east, or south) of movement of stormwater either across a surface or within a conduit.
 - Progress of mapping since October 1, 2022:
 - City Facilities completed: City Hall, Harold Rankin Park
 - 685 total features collected:
 - 257 Inlet points
 - 74 Outlet/Outfall points
 - 354 Conveyance (pipes, ditches, etc.) lines
 - 37.3 miles of roadway in Lowell City Limits to map:
 - 4.98 miles of road completed.
 - 0.16 miles on one side of the road completed.
 - 32.32 miles of road to complete.

Stormwater Infrastructure Collection Progress





To: Scott Attaway, City Manager

From: Thomas Shrewsbury, Public Works

Date: Feb 1, 2023

Re: Public Works Department January Update

- Public Works worked on housekeeping that had fallen behind through the holidays.
- Street Department staff worked on street sign maintenance and repairs.
- Water Dept crews repaired leaks at the following locations:
 - Crews repaired a 2-inch water line on Saxony Drive.
 - Fire hydrant on N. Main and McAdenville Rd was repaired after being hit by a truck.
- Crews worked closely with Duke Energy contractors replacing poles and Dominion Energy capping old gas lines around town. Staff worked to make sure our infrastructure was located and protected.
- Water and Sewer staff worked to catch up on sewer line maintenance in high-risk areas. Staff worked to clean thousands of feet of sewer main. Some of these were areas we have seen issues in the past and some were in wooded areas where they are not easily observed.
- Sewer Department staff continued working on cleaning drying beds out to make room for additional wasting at the Waste Treatment Plant.
- All staff worked to help make repairs and perform routine maintenance at the WWTP.
- Street Department employees continued running leaf collection routes.
- Crews worked to keep catch basins clear of debris and collect trash from the side of the roadway and in the ditches.



To: Scott Attaway, City Manager

From: Lisa Nolen, Finance Director

Date: February 8, 2023

Re: Finance Update January

Utility Billing:

Worked with Finance Director on budget for the Utility Billing Department, which includes water, sewer, garbage, and stormwater. Ongoing meetings, training, and implementation of new Polimorphic system for UB payments, credit card payments, new customer applications, customer terminations, website forms, project management processes and payments for miscellaneous items, such as zoning permits, development fees, etc.

Processed disconnection of services on January 30, 2023 for customers with delinquent balances.

Continuous scanning of daily collection reports and updating Excel spreadsheets.

Ongoing training for conversion to the updated Mueller/Sentryx Infrastructure Network System.

Continually troubleshooting issues to improve operations in MiNet digital system and equipment in the field.

Monitoring meter alerts in Minet.

Continual training of Accounting Technician in all areas of operations in the Utility Billing department, including all daily, weekly, and monthly responsibilities.

Working monthly with Planning Director on updating addresses and ownership information for processing Stormwater Management billing each month for occupied and non-occupied properties. Working with Planning Director on adding new street addresses to Southern Software and MiNet system, so we can install meters at future development homes.

All other responsibilities include gathering readings and processing billing, posting payments, producing daily collection reports, producing daily credit card reports and transfers of funds to customer accounts, processing pool fill adjustments and leak adjustments for customers as needed, posting monthly ACH payments to customer accounts and producing reports for Finance Director, answering phones, compiling NSF letters to customers, compiling a wait list for second and third roll carts requested by customers, assisting customers with various needs, ordering office supplies for all departments including the police department, and assisting all City departments with other duties as needed.

Finance:

Ongoing meetings with Polimorphic for set-up, implementation, and trouble-shooting new system for forms and payments. Assisting and training Utility Billing staff on new Polimorphic payment system.. Creating processes as needed for tasks through Polimorphic. Updating Polimorphic staff with needed changes.

Working on five-year budget projections. Updated expense line items for all departments on five-year budget projections regarding capital outlay, principal maturities, and interest on debt. Working with all departments on five-year budget projections and power point presentations.

Reviewing, advising corrections needed, and signing off on timesheets for City Clerk/HR Director.

Entering cash receipts and cash disbursements in Southern Software. Posting all payroll related draft payments and draft payment for Planning Board Stipends. Processing and paying bills weekly via check and online. Using allocation spreadsheets for corresponding bills to allocate expenses to correct expense account. Collecting receipts from staff, breaking out charges to code to correct expense item, and posting all Visa and Lowe's credit card charges. Issuing purchase orders as needed for staff. Assisting staff in other departments with processes in Polimorphic system. Reconciling bank accounts. Completing other tasks as needed.

City of Lowell, North Carolina
FY 2023 Dashboard
11/30/2022

Department	Budget	YTD thru 11/30/22	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
General Fund					
Administration	996,649.00	330,807.25	665,841.75	67%	58%
Public Safety	1,165,063.00	429,587.64	735,475.36	63%	58%
Public Works-Streets	355,212.00	90,434.54	264,777.46	75%	58%
Sanitation	334,202.00	140,437.66	193,764.34	58%	58%
Parks & Rec	315,260.00	73,717.56	241,542.44	77%	58%
Powell Bill	88,000.00	10,247.50	77,752.50	88%	58%
Total	3,254,386.00	1,075,232.15	2,179,153.85	67%	58%
Water/Sewer Fund					
Water/Sewer	1,313,222.00	507,597.97	805,624.03	61%	58%
Wastewater Treatment	382,860.00	112,837.23	270,022.77	71%	58%
Total	1,696,082.00	620,435.20	1,075,646.80	63%	58%
Stormwater Fund					
Stormwater	392,919.00	103,768.13	289,150.87	74%	58%
Total	392,919.00	103,768.13	289,150.87	74%	58%

Notes:
None

City of Lowell, North Carolina
FY 2023 Revenue Dashboard
11/30/2022

Type	Budget	YTD thru 11/30/2022	Budget Remaining	Percent Remaining	Percent of FY23 Remaining
Funds					
General Fund	3,254,386.00	1,530,510.39	1,723,875.61	53%	58%
Water/Sewer Fund	1,696,082.00	631,569.26	1,064,512.74	63%	58%
Stormwater Fund	392,919.00	155,294.70	237,624.30	60%	58%
Total	5,343,387.00	2,317,374.35	3,026,012.65	57%	58%

Notes:
None



To: Scott Attaway, City Manager

From: Carl Moore, Police Chief

Date: February 8, 2023

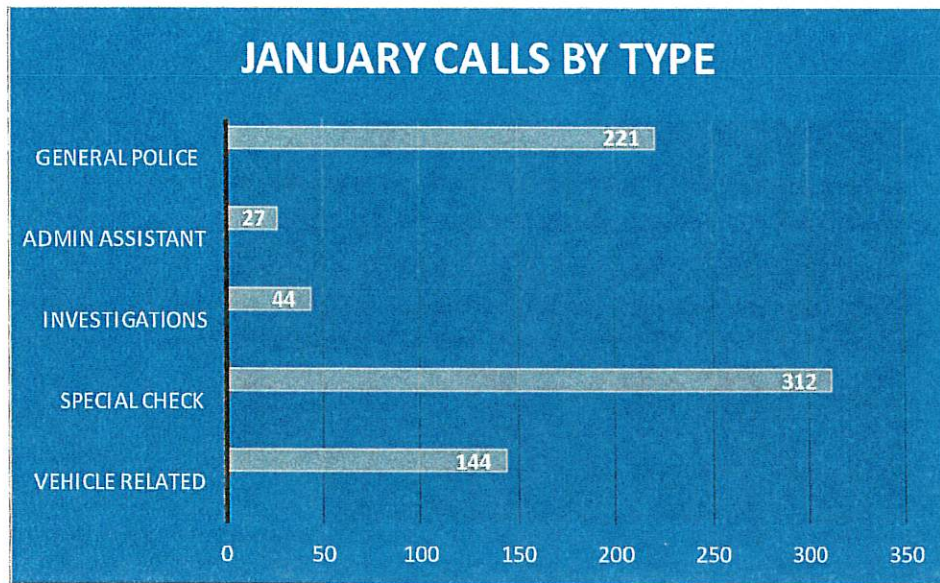
Re: Police Department Update

The Lowell Police Department responded to 738 calls for service in January 2023 which is consistent with calls for service in the closing months of 2022. Special checks remain high as officers are documenting when they patrol in an area more consistently. The increase in call volume will likely remain high as population in our area continues to grow.

The LPD continues to work toward the NCLM accreditation. Officers have attended training on various topics as required by the program. Part of the accreditation process involves evidence and how it is stored. Admin Sergeant Hoffman has been working to get our evidence in compliance with program. A ventilation system is part of that requirement. Admin Sergeant Hoffman met with multiple vendors and heard their solutions for air ventilation in the space we store our evidence. Native air was selected to do the work because the system they designed aligned with the needs of the room and the budgeted amount. Work will be completed in February 2023.

Notification by the North Carolina Criminal Justice Education and Training Standards commission and the North Carolina State Bureau of Investigation (DCI) both notified the LPD of their upcoming audits. Time was spent to prepare for these audits to ensure both go smoothly and no violations are found. The North Carolina Criminal Justice Education and Training Standards commission audits will inspect our personnel and training records for compliance with state laws. The North Carolina State Bureau of Investigation (DCI) audit will check our wanted files making sure everything is in order and being done correctly and also include some network security checks on the DCI terminal.

Sergeant Bowen got the Community Watch program up and running once again. So far there has been a zone 2 meeting and the next zone meeting is scheduled for February. There was a good turn out for zone 2 and lots of great feedback was received.



JANUARY CALLS HISTORY

2021- 611

2022- 458

2023- 738



To: Scott Attaway, City Manager

From: Cristy Cummings, Parks and Recreation Director

Date: February 1, 2023

Re: Parks and Recreation Monthly Report

Events:

- Creation of artwork for first quarter events
- Creation of events on social media and website
- Accepting registrations for Valentine's Senior Lunch

Athletics:

- Communications with parents and coaches
- Running score table, supervising games, scheduling referees
- Setting up photo day and scheduling teams
- Submitting scores to Gastonia and Belmont leagues
- Finalizing registration form for youth sports registration on Polimorphic
- Advertising youth spring registration period
- Submitted sponsorship request to DICK's Sporting Goods. Received team sponsorship for 3 teams through \$550 in credit and store certificate to purchase needed items for youth baseball teams

General:

- Picked up trash
- Cleaning bathrooms
- Cleaned Community Center
- Updating letterboard at Harold Rankin Park
- Creation of content for LCC's Citizen's Academy Night
- Preparation and attendance of LCC meeting
- Coding invoices, updating department budget spreadsheet
- Updating website for departments
- Creating social media content
- Creating newsletter
- Attended Budget Retreat
- Meeting with WithersRavenel pertaining to PARTF and LWCF grants for park renovations

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-A

DESCRIPTION: PUBLIC HEARING FOR THE PARTIAL CLOSURE OF TAYLOR
AVENUE

Please see the attached memo from the Planning Director.



To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: Thursday, February 9, 2023

Re: Public Hearing involving the partial closure of Taylor Ave.

Staff has received an application to close a portion of Taylor Ave as described in the Petitioner's application. Per G.S. 160A-299, staff has verified that the following information and actions have been completed prior to the public hearing.

1. Adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. **ADOPTED January 10TH, 2023. Copy provided.**
2. The resolution shall be published once a week for four weeks prior to the hearing. **PUBLISHED in the Gaston Gazette on January 17th, 24th, 31st and February 7th, 2023. Copy provided.**
3. A copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records. **COMPLETED. Certified Mail receipts are attached. Address and copies provided.**
4. A notice of the closing and public hearing shall be promptly posted in at least two places. along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation at the hearing, **COMPLETED. Pictures provided. Taylor Ave is not under authority or control of the NC Department of Transportation.**

If the City Council chooses to adopt the proposed resolution closing the street or alley, the resolution will be recorded, at the expense of the Petitioner, in the Gaston County Register of Deed's Office.

After recording, the Resolution will be sent to the appropriate departments within the City.



Street Closing Petition

Permanent Closing of Public Streets and Alleys

Planning and Development, Lowell City Hall | 101 West First Street | Lowell, NC 28098 | 704 617 0141

Section A: Submittal Requirements

Please include all of the following (please check off) – If any information is missing from the petition package, you will be asked to complete the petition and re-submit. Carefully check the list below before submitting petition.

✓	Filing Fee. Please refer to the FY 2022-2023 Adopted Rates, Fee, and Charges for the current fee. This fee is intended to cover a portion of the cost of review, advertising and public notification and recording recombination plats. The fee will be due at the time of application submittal. A copy of the fee schedule can be found at www.lowellnc.com
✓	Recorded Plat and Gaston County GIS. The petitioner(s) must obtain a Gaston County Property map from Gaston County GIS and a recorded plat from the Gaston County Register of Deeds, showing the existing roadway to be closed and all abutting properties. Both maps are required at the time of submittal.
✓	Description of the Street or Alley. The petitioner(s) must list the description of the street or alley (using the form on page 3 of this application, and give his/her name, address, city, state, zip code and telephone number).
✓	List of Abutting Property Owners. The parcel identification number, names and addresses of the property owners abutting the street right-of-way should be listed on page 4 and 5. The petitioner(s) should obtain the signature of each abutting property owner listed on the petition.

Street and Alley Closing Process

In order to meet all legal requirements regarding closing a street or alley or abandoning a public right-of-way, petitioner(s) may wish to employ legal counsel and/or the services of a licensed professional surveyor. This will also assure property owners of clear title to the petitioned property if the City Council chooses to adopt a resolution to close the street.

Once the petition has been received, Planning Department will coordinate a review of the proposed street closing with other City Departments and local utility companies. City Administration will make a recommendation to the City Council. The Council will hold a public hearing, and then decide if the closing is in the public interest. If they determine that it is, they will pass a resolution closing the street or alley.

At this time, the abutting property owners may submit recombination plats showing the new property lines to Planning and Development, wherein they will be authorized for recording in the Gaston County Register of Deeds office.

Mail Street Closing Petition with payment to:

City of Lowell
101 West First Street
Lowell, NC 28098

Pay/Deliver in person: Lowell City Hall - 101 West First Street, Lowell, NC 28908

Email: jgates@lowellnc.com

Section B: Notice to Petitioners	
1	Please read the petition and all other information carefully, it is important that you understand what you are signing and how it will affect you.
2	Find your property on the enclosed map. Each lot is assigned a number and you must sign opposite the number that indicates your lot. If you own more than one affected property, you must sign beside each parcel listed that you own.
3	Make sure your deed and the petition map's road frontage correspond with one another. If there is a discrepancy, write the road frontage noted on your deed in the space provided on the petition.
4	Sign the petition as signed on the deed. If multiple owners, signatures must be listed in the same manner as on the deed.
5	If you are signing on behalf of a corporation, give your title and place your corporate seal over your signature.
<p>Note: Incorrect signatures are not binding on the petition and may cause delay in processing. If you have any questions, call the Planning Department at 704-617-0141. Please read the below excerpt from the North Carolina General Statutes that describes the process of law that must be followed by the City to close a street or alley.</p>	
N.C.G.S. 160A-299 Procedure for Permanently Closing Streets and Alleys	
a	<p>When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located.</p>
b	<p>Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the council's order to the General Court of Justice within 30 days after its adoption. In appeals of streets closed under this section, all facts and issues shall be heard and decided by a judge sitting without a jury. In addition to determining whether procedural requirements were complied with, the court shall determine whether, on the record as presented to the city council, the council's decision to close the street was in accordance with the statutory standards of subsection (a) of this section and any other applicable requirements of local law or ordinance.</p> <p>No cause of action or defense founded upon the invalidity of any proceedings taken in closing any street or alley may be asserted, nor shall the validity of the order be open to question in any court upon any ground whatever, except in an action or proceeding begun within 30 days after the order is adopted. The failure to send notice by registered or certified mail shall not invalidate any ordinance adopted prior to January 1, 1989.</p>
c	<p>Upon the closing of a street or alley in accordance with this section, subject to the provisions of subsection (f) of this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.</p> <p>The provisions of this subsection regarding division of right-of-way in street or alleys may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.</p>

d	This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 13696.
e	No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34).
f	A city may reserve a right, title, and interest in any improvements or easements within a street closed pursuant to this section. An easement under this subsection shall include utility, drainage, pedestrian, landscaping, conservation, or other easements considered by the city to be in the public interest. The reservation of an easement under this subsection shall be stated in the order of closing. The reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the city.
g	The city may retain utility easements, both public and private, in cases of streets withdrawn under G.S. 13696. To retain such easements, the city council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements. Notice by certified or registered mail shall be provided to the party withdrawing the street from dedication under G.S. 13696 at least five days prior to the hearing. The declaration must be passed prior to filing of any plat or map or declaration of withdrawal with the register of deeds. Any property owner filing such plats, maps, or declarations shall include the city declaration with the declaration of withdrawal and shall show the utilities retained on any map or plat showing the withdrawal. (1971, c. 698, s. 1; 1973, c. 426, s. 47; c. 507, s. 5; 1977, c. 464, s. 34, 1981, c. 401; c. 402, ss. 1, 2; 1989, c. 254; 1993, c. 149, s. 1; 2015 G.S. 160A-- 103, s. 1.)

Section C: Summary Information

1	Description of portions of street or alley (to be closed):
<p>Being the portion of Taylor Ave. 30' Right of Way (R/W) East of Neely St. as described in Plat Book (P.B.) 72 Page (Pg.) 11 recorded in the Gaston County Register of Deeds, and being more particularly bounded and described as follows:</p> <p>Beginning at a 5/8" rebar at the Northwest corner of Thompson Reality Investment, LLC as described in Deed Book (D.B.) 4649 Pg. 66 (Tract II) and on the Eastern R/W of Neely St.; thence along the lines of said Thompson Reality Investment, LLC (Tract II) for the following courses and distances S 23°25'23" W a distance of 196.76' to THE TRUE POINT OF BEGINNING, said point being a 5/8" rebar; thence S 81°48'42" E a distance of 379.42' to a 5/8" rebar; thence S 11°22'11" E a distance of 31.84' to a 5/8" rebar; thence N 81°48'37" W a distance of 373.36' to a 5/8" rebar on the Northern line of Thompson Reality Investment, LLC as described in D.B. 3503 Pg. 121; thence with a curve turning to the left having an arc length of 31.44', having a radius of 20.00', having a chord bearing of S 53°12'53" W, having a chord length of 28.30', to a 5/8" rebar on the Eastern R/W of Neely St.; thence along the R/W of Neely St. N 08°15'23" E a distance of 38.03' to a point; thence N 23°25'23" E a distance of 12.41' to the point of beginning, having an area of 0.27 acres, more or less.</p>	

2	Reason for closing the street:
<p>Taylor Avenue is no longer a street that is in use in the Right-of-Way area referenced and thus it is currently serving no meaningful purpose as public Right-of-Way. The developer plans to redevelop the surrounding properties and will need the Right-of-Way area to add additional parking, utilities, and stormwater management systems during redevelopment. Due to the position of the Right-of-Way in reference to the surrounding properties, it will be nearly impossible to develop the properties together without the Right-of-Way being abandoned.</p>	

3	This petition was submitted by:		
Name Micah Hatley			
Mailing Address 2101 Magnolia Avenue S, Suite 100			
City Birmingham		State AL	Zip 35205
Daytime Phone 205-397-0370		Email mhatley@fg-inc.net	
4	Today's Date		
5	Gaston County Property Map – Attached is a copy of the Gaston County Property Map showing the subject street or alley and surrounding properties (obtain from Gaston County GIS).		
6	Recorded Plat – Attached is a copy of the Recorded Plat showing the subject street or alley and surrounding properties (obtain from the Gaston County Register of Deeds).		
We, the undersigned property owners, owning land abutting the street or alley shown on the attached map, hereby petition the Lowell City Council to close and withdraw acceptance of dedication of such land for street purposes. The parcel identification numbers below refer to parcels as shown on the attached map.			Date of Map
Parcel Identification Number 3575056327		Road Frontage (from Deed) 4114 E Franklin Blvd.	
Property Owner Thompson Reality Investments, LLC			
Mailing Address 2334 Jefferson Avenue			
City Gastonia		State NC	Zip 28056
Signature <i>Barbara Luce Thompson, Managing Member</i>			

Parcel Identification Number 3575058581		Road Frontage (from Deed) 4210 E Franklin Blvd.	
Property Owner Thompson Reality Investments, LLC			
Mailing Address 2334 Jefferson Avenue			
City Gastonia	State NC	Zip 28056	
Signature <i>Barbara Anne Thompson, Managing Member</i>			
Parcel Identification Number		Road Frontage (from Deed)	
Property Owner			
Mailing Address			
City	State	Zip	
Signature			
Parcel Identification Number		Road Frontage (from Deed)	
Property Owner			
Mailing Address			
City	State	Zip	
Signature			

Parcel Identification Number		Road Frontage (from Deed)	
Property Owner			
Mailing Address			
City	State	Zip	
Signature			
Parcel Identification Number		Road Frontage (from Deed)	
Property Owner			
Mailing Address			
City	State	Zip	
Signature			
Parcel Identification Number		Road Frontage (from Deed)	
Property Owner			
Mailing Address			
City	State	Zip	
Signature			
Parcel Identification Number		Road Frontage (from Deed)	
Property Owner			

City of Lowell Planning STREET CLOSING REQUEST

Owner: Thompson Reality
Investments, LLC






Request: Permanently close
Taylor Ave Right Of Way
east of Neely St

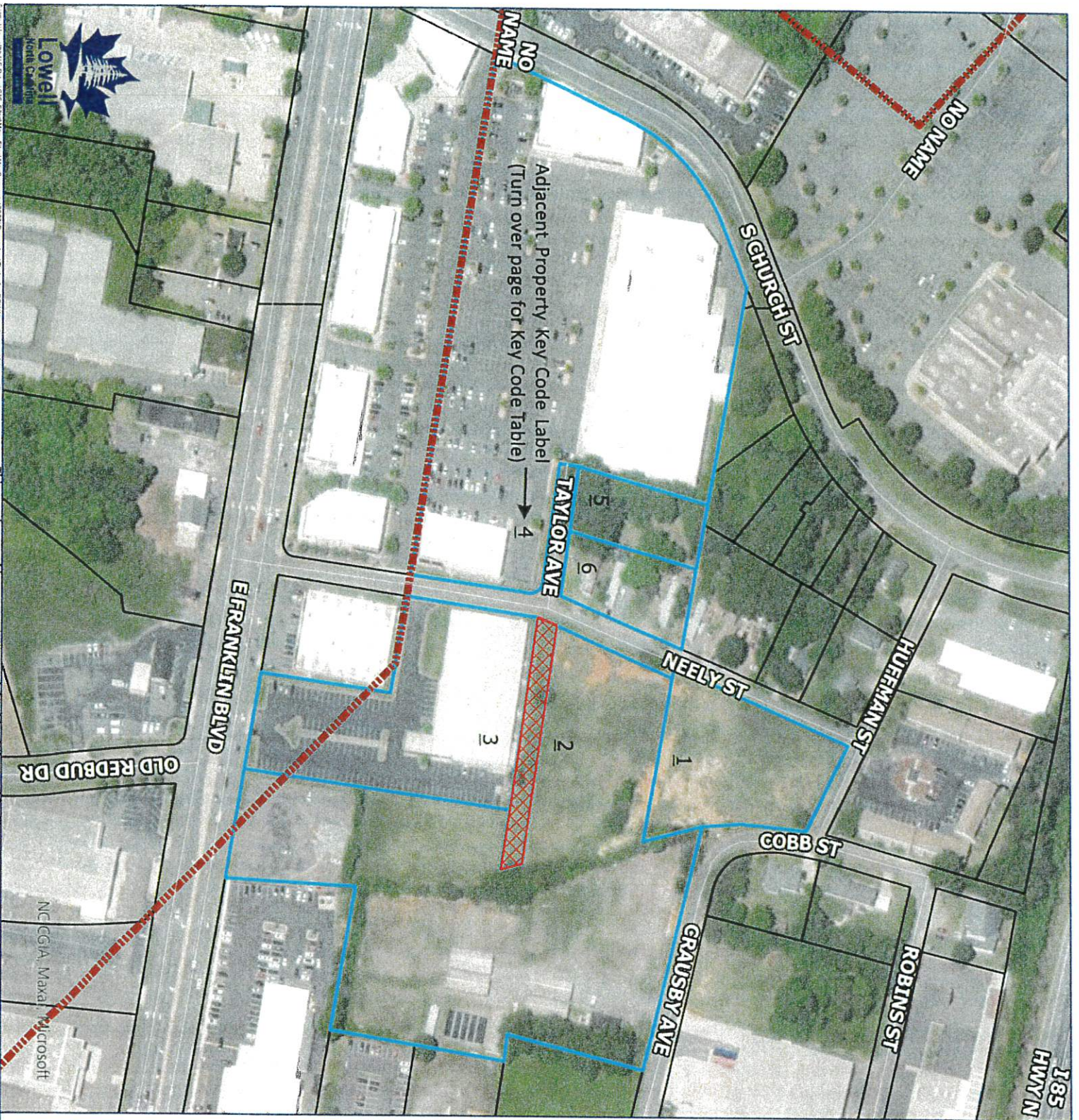
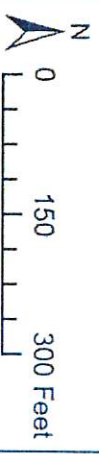
Parcel ID #: 128626

Parcel Identification Number (PIN):
33575056327

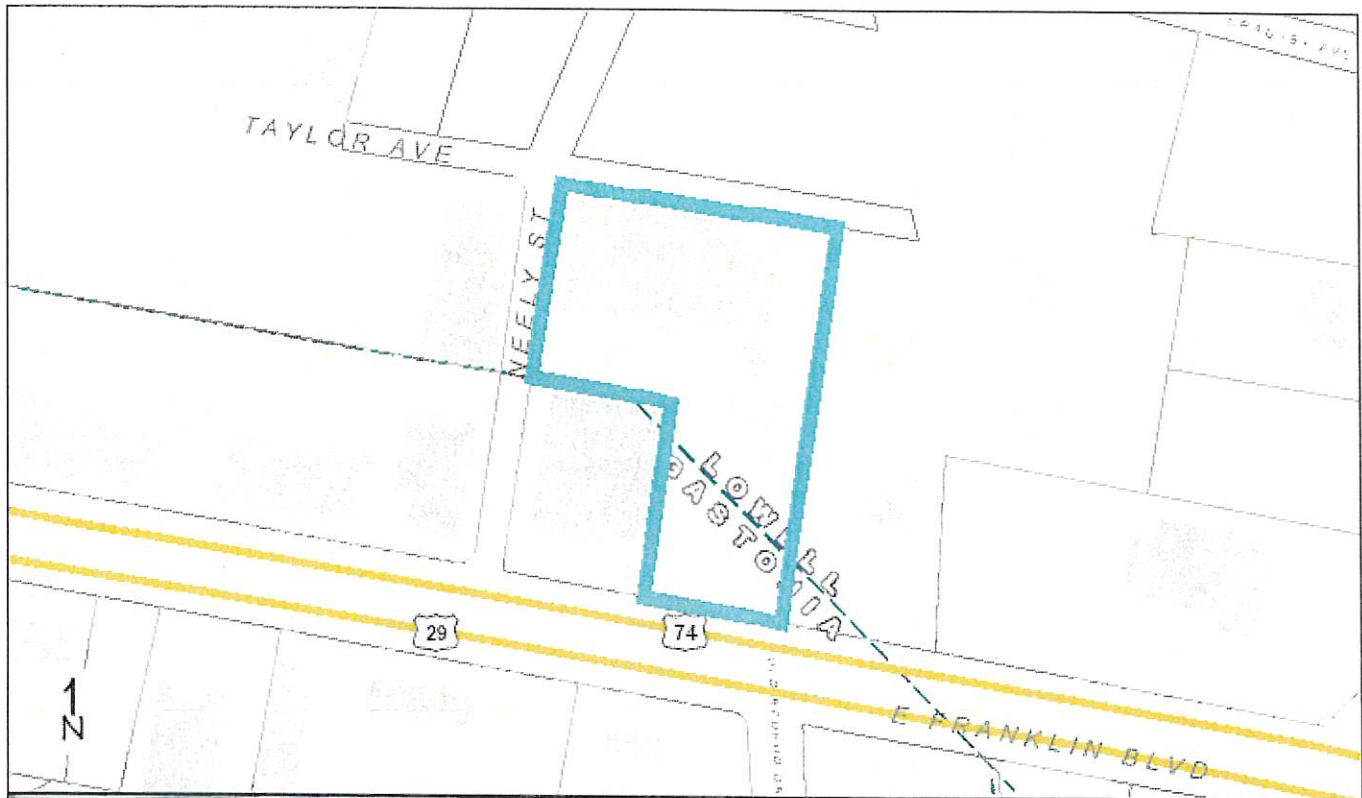
Road Frontage (from Deed):
4114 E Franklin Blvd

Legend

-  Subject Right of Way
-  Adjacent Properties
-  Parcels
-  Lowell City Limits
-  Streets



TAYLOR AVE RIGHT OF WAY CLOSING ADJACENT PROPERTIES MAP KEY CODE TABLE			
KEY #	PARCEL #	PIN #	PROPERTY OWNER
1	128618	3575056898	THOMPSON REALTY INVESTMENT LLC
2	221202	3575058581	THOMPSON REALTY INVESTMENT LLC
3	128626	3575056327	THOMPSON REALTY INVESTMENT LLC
4	148063	3575050633	MDR FRANKLIN SQUARE LLC
5	128594	3575053723	SAWMAY LLC
6	128595	3575054721	SAWMAY LLC



Primary Property Address

4114 E FRANKLIN BLVD GASTONIA, NC 28056

Tax Information

PARCEL #: 128626

PIN #: 3575056327

CURRENT OWNERS: THOMPSON REALTY INVESTMENT LLC

MAILING ADDRESS: 2334 JEFFERSON AVE, GASTONIA, NC 28056-6525

NBHD #: LW006

NBHD NAME: REDBUD/WILKINSON

TOWNSHIP: SOUTH POINT TOWNSHIP

LEGAL DESC: B L MCARVER BLK 1 L 36-41 05 014 050 00 000

Tax Information

DEED BOOK: 3503 PAGE: 0121

DEED RECORDING DATE: 8/2/2002

SALES AMOUNT: \$3,000,000

PLAT BOOK: 007 PAGE: 072

STRUCTURE TYPE: SKATING RINK

YEAR BUILT: 1980

SQUARE FOOTAGE: 26400

VACANT: IMPROVED

BASEMENT: NO

BED: BATH: HALF-BATH:

MULTI-STRUCTURES: NO

ACREAGE: 2.15

TAX DISTRICT: LOWELL CITY

VOLUNTARY AG DISTRICT: NO

PROPERTY USE: COMMERCIAL

Tax Values

MARKET LAND VALUE: \$736,310

MARKET IMPR. VALUE: \$774,550

MARKET VALUE: \$1,510,860

FARM DISCOUNT: NO

EXEMPTION: NO

TAXABLE VALUE: \$1,510,860

Parcel Information

CITY LIMITS: LOWELL

ETJ: NOT IN ETJ

POLICE DISTRICT: LOWELL

FIRE DISTRICT: LOWELL

FLOOD:

LOCAL WATERSHED: CRAMERTON

CENSUS TRACT: 313.02

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. - Document created for printing on 10/24/2022



Primary Property Address

4210 E FRANKLIN BLVD GASTONIA, NC 28056

Tax Information

PARCEL #: 221202

PIN #: 3575058581

CURRENT OWNERS: THOMPSON REALTY INVESTMENT LLC

MAILING ADDRESS: 2334 JEFFERSON AVE, GASTONIA, NC 28056-6525

NBHD #: LW006

NBHD NAME: REDBUD/WILKINSON

TOWNSHIP: SOUTH POINT TOWNSHIP

LEGAL DESC: . 05 014 051 00 000

Tax Information

DEED BOOK: 4649 PAGE: 0066

DEED RECORDING DATE: 12/18/2012

SALES AMOUNT: \$1,100,000

PLAT BOOK: PAGE:

STRUCTURE TYPE: OFFICE - GENERAL

YEAR BUILT: 1980

SQUARE FOOTAGE: 1008

VACANT: IMPROVED

BASEMENT: NO

BED: BATH: HALF-BATH:

MULTI-STRUCTURES: NO

ACREAGE: 6.02

TAX DISTRICT: LOWELL CITY

VOLUNTARY AG DISTRICT: NO

PROPERTY USE: COMMERCIAL

Tax Values

MARKET LAND VALUE: \$1,171,090

MARKET IMPR. VALUE: \$77,950

MARKET VALUE: \$1,249,040

FARM DISCOUNT: NO

EXEMPTION: NO

TAXABLE VALUE: \$1,249,040

Parcel Information

CITY LIMITS: LOWELL

ETJ: NOT IN ETJ

POLICE DISTRICT: LOWELL

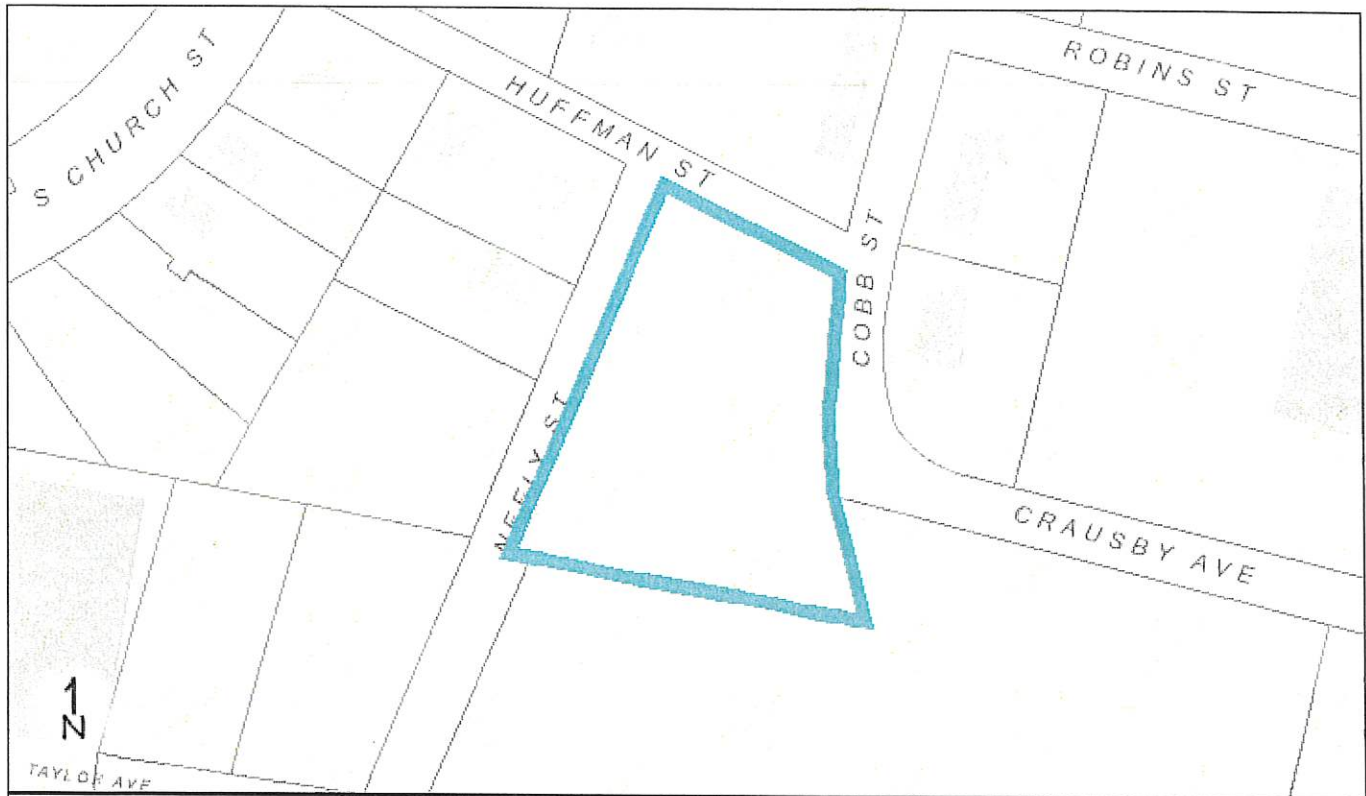
FIRE DISTRICT: LOWELL

FLOOD:

LOCAL WATERSHED: CRAMERTON

CENSUS TRACT: 313.02

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Primary Property Address

NO ASSIGNED ADDRESS

Tax Information

PARCEL #: 128618

PIN #: 3575056898

CURRENT OWNERS: THOMPSON REALTY INVESTMENT LLC

MAILING ADDRESS: 2334 JEFFERSON AVE , GASTONIA, NC 28056-0000

NBHD #: LW006

NBHD NAME: REDBUD/WILKINSON

TOWNSHIP: SOUTH POINT TOWNSHIP

LEGAL DESC: . 05 014 038 00 000

Tax Information

DEED BOOK: 3533 PAGE: 0257

DEED RECORDING DATE: 9/19/2002

SALES AMOUNT: \$0

PLAT BOOK: PAGE:

STRUCTURE TYPE:

YEAR BUILT:

SQUARE FOOTAGE:

VACANT: IMPROVED

BASEMENT: NO

BED: BATH: HALF-BATH:

MULTI-STRUCTURES: NO

ACREAGE: 1.20

TAX DISTRICT: LOWELL CITY

VOLUNTARY AG DISTRICT: NO

PROPERTY USE: COMMERCIAL

Tax Values

MARKET LAND VALUE: \$128,560

MARKET IMPR. VALUE: \$0

MARKET VALUE: \$128,560

FARM DISCOUNT: NO

EXEMPTION: NO

TAXABLE VALUE: \$128,560

Parcel Information

CITY LIMITS: LOWELL

ETJ: NOT IN ETJ

POLICE DISTRICT: LOWELL

FIRE DISTRICT: LOWELL

FLOOD:

LOCAL WATERSHED: CRAMERTON

CENSUS TRACT: 313.02

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.** - Document created for printing on 11/8/2022

THIS PLAN IS NOT LOCATED IN A DESIGNATED SURFACE WATER SUPPLY WATERSHED AREA OF GASTON COUNTY OR THE MUNICIPALITIES FOR WHICH GASTON COUNTY ADMINISTERS WATERSHED REGULATIONS.

DATE _____ SURVEYOR _____

(NAME OF CORPORATION)
(AFFIX CORPORATE SEAL)

(PRESIDENT OR VICE PRESIDENT)

ATTEST

ASST. SECRETARY (ASST.) CASHIER

THIS DAY _____ PERSONALLY CAME BEFORE ME, WHO BEING BY ME DULY SWORN, SAYS THAT HE IS THE VICE PRESIDENT OF _____ AND THAT THE FOREGOING INSTRUMENT IN WRITING IS THE CORPORATE SEAL OF THE COMPANY AND THAT SAID WRITING WAS SIGNED AND SEALED BY HIM ON BEHALF OF THE CORPORATION, BY ITS AUTHORITY DULY GIVEN, AND HE ACKNOWLEDGED THE SAID WRITING TO BE THE ACT AND DEED OF THE CORPORATION.

NORTH CAROLINA
GASTON COUNTY
I, _____, REGISTER OF DEEDS, IN AND FOR THE FORESAID
COUNTY AND STATE HEREBY CERTIFY THIS TO BE A TRUE COPY OF
DOCUMENT WHICH IS RECORDED IN BOOK _____ PAGE _____
WITNESS MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____,
20____.
REGISTER OF DEEDS
BY: _____ ASSISTANT CLERK

CURVE	CHORD BEARING	CHORD LENGTH	RADIUS
C1	5.53725° W	18.30'	20.60'

○ = PROPERTY
 ○ = SET 5th REAR
 ○ = MAG NAIL
 D.B. = DEER BOOK
 P.B. = PLAY BOOK
 PG. = PAGE
 TO BE ABANDONED

1. CLASS OF SURVEY: CLASS A
2. POSITIONAL ACCURACY: 100% (FIELD PROCEDURE: VRS (ISOKA) MODEL GPS)
3. DATE/TIME OF SURVEY: 10/05/2002 - 10/06/2002, 10/10/2002-10/11/2002 (A)
4. NETWORK COVER: NATIONAL
5. DATA/INSTRUMENT: AGORA 2111, EPOCH 2002
6. PUBLISHED/CONTROL USER: COMS NETWORK
7. GEOID MODEL: 18
8. ELEVATION: 1039642.111 (GROUND TO GRID)
9. UNITS: US, SURVEY FOOT

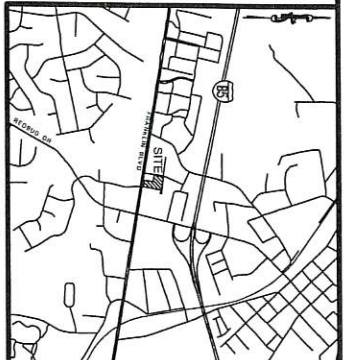
STATEWORKS CERTIFICATION:
I, TONYA M. WRIGHT, CERTIFY THAT THIS PAYMENT WAS OBTAINED UNDER MY SUPERVISION FROM AN ACTUAL SELLER UNDER MY SUPERVISION (SEE DISBURSEMENT RECORDING IN BOOK 2992, PAGE 22) AND WAS EXCEPTED FROM THE PAYMENT OF PRECISION AS CALCULATED IN SUBSECTION 4-7-29, ARTICLE 4, CHAPTER 22, C.F.R. (OTHER: THAT THE BOUNDMAN NOT SWEATVED) MAY BE EXCEPTED FROM THE PAYMENT OF PRECISION AS CALCULATED IN SUBSECTION 4-7-29, ARTICLE 4, CHAPTER 22, C.F.R. (OTHER: THAT THE BOUNDMAN NOT SWEATVED) THAT THIS PAYMENT WAS PREPARED IN ACCORDANCE WITH C.R.S. 4-7-29 AS AMENDED.

THAT THE SURETY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMMENDATION OF EXISTING PARCELS, A COLOR-COORDERED SURETY, OR OTHER EXEMPTION ON EXCEPTION TO THE DEFINITION OF SUBSIDIZED.

WITNESS MY OFFICIAL SIGNATURE, LICENSE NUMBER AND SEAL, THIS 18th DAY OF NOVEMBER, 2022 A.D.

TONYAWRIGHT TONYA M WRIGHT

L-5262
LICENSE NUMBER



0007-1

THOMPSON REALTY INVESTMENTS, LLC
 PIN #: 35750505327
 D.B. 3800 PG. 121
 SAVE-EXCEPT D.B. 1116 PG. 727
 AREA 2.16 ACRES
 TAYLOR AVE 30' ROW
 P.B. 72 PG 11
 0.27 ACRES
 TOTAL AREA: 2.43 ACRES
 ZONING:
 EXISTING ZONING: C-74

GENERAL NOTES

THERE IS NO VISIBLE EVIDENCE OF UNUSUAL SUSPICIOUS MATTERS OR CONCERN TO THE FIELD SURVEY WAS DETERMINED BY UTILIZING COMPUTER SOFTWARE. THERE IS NO VISIBLE EVIDENCE OF UNUSUAL SUSPICIOUS MATTERS OR CONCERN TO THE FIELD BY THE U.S. EPA OR RESTRICTED BUILDING HEIGHTS IMPOSED BY THE FAA. ALL DISTANCES ARE GROUND DISTANCES UNLESS OTHERWISE NOTED.

NO EVIDENCE OF RECENT EXCAVATION WORKING NORTH. BUILDING CONSTRUCTION OF PULMON ADDITIONS WERE OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDMETHOD.

THIS PROPERTY IS LOCATED WITHIN A FLOOD ZONE "X" (ZONE X AREAS ARE DETERMINED TO BE SUBJECT TO THE 0.2% ANNUAL CHANCE FLOOD AND AREA AS INDICATED ON THE FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 17058700L, EFFECTIVE DATE FEBRUARY 2006). ANY

NON-RESIDENTIAL EVIDENCE OF CHEMISTRIES ANOTHER BURIAL GROUNDS LOCATED HEREIN IS NOT VISIBLE.

THEIR IS NO OTHER EVIDENCE THAT THE SITE HAVING BEEN USED AS A SOLID WASTE DUMP OR SOURCE OF SOIL AND CONTAMINATION.

REMARKS: NO VISIBLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REMOVALS.

ALL UTILITIES SERVING THE PREMISES ENTER THROUGHOUT SOUTHWEST CORNER OF BLOCK. ABOVE ELEVATIONS OF RECORD, THAT EXCEPT AS SHOWN OR NOTED, THERE ARE NO VISIBLE EVIDENCES OF RECORD OF AVIA ACCORDING TO THE PREMISES.

NO MONUMENTS WERE RECOVERED WITHIN 200FT OF THE PROPERTY.

THE PURPOSE OF THIS PLAT IS TO COMBINE THE AREA IN THE TAYLOR AVE RIGHT OF WAY INTO PINK, 357.0505327'.
TAYLOR AVE RIGHT OF WAY
ABANDONMENT PLAT

OWNER:

THOMPSON REALTY
INVESTMENTS, LLC
2234 JEFFERSON AVE
GASTONIA, NC 28056

CITY OF GASTONIA
TOWNSHIP- SOUTH POINT
SCALE: 1"=60'

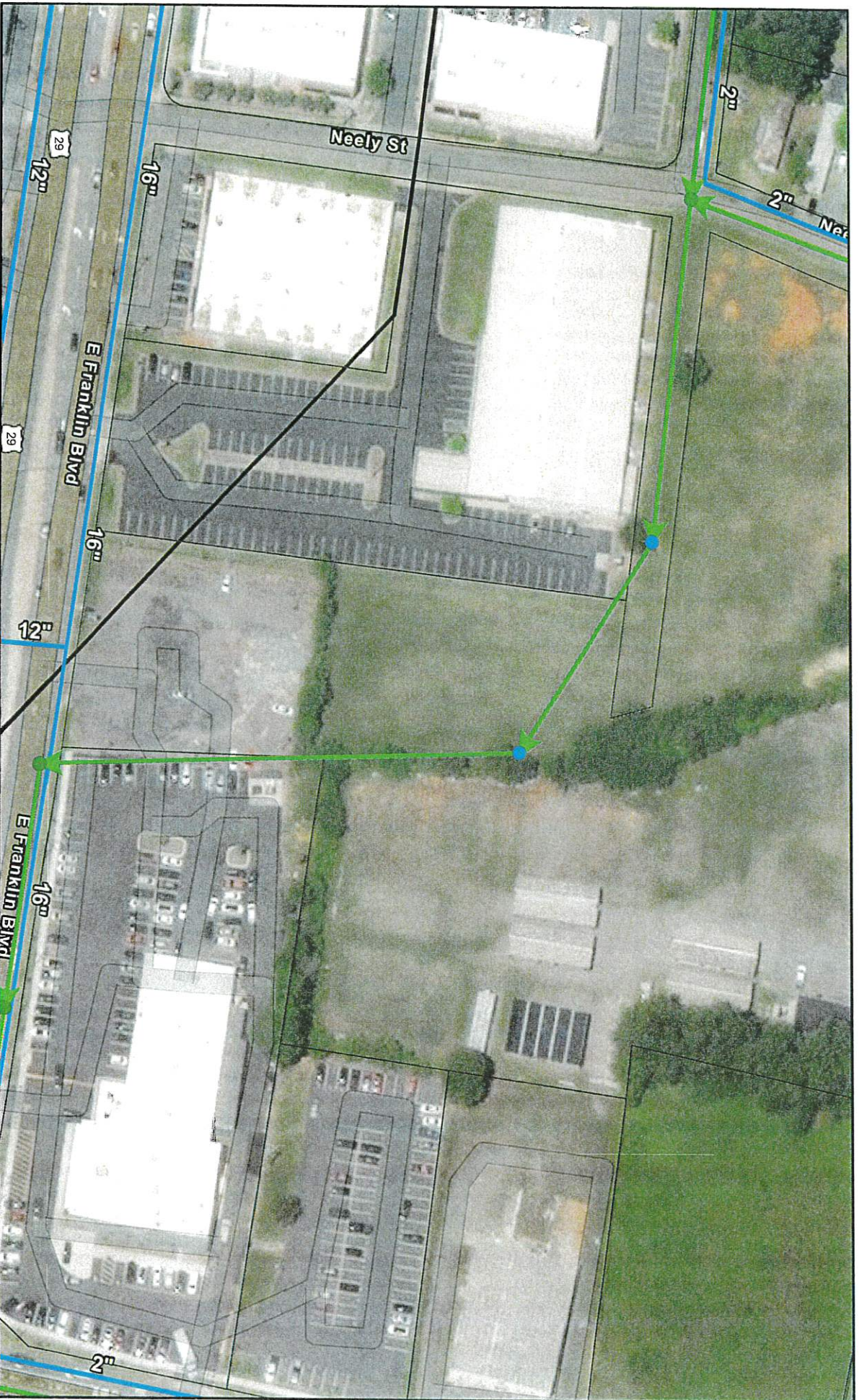
GASTON COUNTY
NORTH CAROLINA
DATE: 11-18-2025



Civil Engineers and Land Surveyors
8518 Triad Drive, Colfax, NC 27235
www.feiconsulting.com
(336) 852-9797
License No. C-0950

PROJ. NO. 06021.006	DRAWN BY: JDB
---------------------	---------------

City of Lowell Utilities Web Map



12/22/2022

1:1,573
0 0.01 0.02 0.04 mi
0 0.01 0.03 0.06 km
NC CGIA, Maxar, Microsoft, Esri Community Maps Contributors, County of Gaston, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri,

Return: Jim Windham

Nov 7 11 14 AM '75
GLORIA B. MUSARD
REGISTER OF DEEDS
GASTON CO., N.C.

Nov 7 11 14 AM '75
GLORIA B. MUSARD
REGISTER OF DEEDS
GASTON CO., N.C.

DEED FOR SEWER RIGHT OF WAY

Date: November 6, 1975

KNOW ALL MEN BY THESE PRESENTS, that G & J Enterprises, Inc.,

a North Carolina corporation, hereinafter referred to as "Grantor", in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration in hand paid to the Grantor by the Town of Lowell, the receipt of which is hereby acknowledged, do hereby convey and grant unto the Town of Lowell, a North Carolina municipal corporation, hereinafter referred to as "Grantee", a construction and clearing easement and right of way of forty (40) feet in width during construction and a perpetual right of way and easement not to exceed fifteen (15) feet in width after the completion thereof, for the purpose of constructing, maintaining, repairing, replacing and operating a proposed sanitary sewer line, together with the necessary accessories and other apparatus in, upon and through a portion of that certain realty owned by the Grantor as described in that certain deed to the Grantor from Kate's Skating Rink, Inc., dated July 13, 1973, and recorded in the Gaston County Registry at Deed Book M116 at Page 727, and that certain deed to the Grantor from Fred Knight and wife, Rubilee P. Knight, dated January 5, 1972, and recorded in the Gaston County Registry at Deed Book 1072 at Page 166, to which reference is hereby made, together with the right of ingress and egress over said realty to said construction and perpetual right of way and easement for said purposes, and together with the right to cut away, remove and keep clear of said easement and right of way during construction, and of said perpetual right of way and easement at all times hereafter, of all trees, structures, and other obstructions that may be necessary in connection with, or in any way interfere with or endanger, the construction, maintenance, repair, replacement and operation of said proposed or other sanitary sewer lines constructed within said perpetual right of way and easement. The Grantee agrees that insofar as practicable it will use established roads for the purpose of exercising its said right of ingress and egress, and the Grantor for themselves and their heirs and assigns agree that no structure

DEED BOOK 1172 PAGE 587

DEED BOOK 1172 PAGE 588

or obstruction of any kind, other than fences, roads, drives and pavement, will be built, erected or maintained over the perpetual easement and right of way hereby granted.

The construction and clearing easement and right of way of forty (40) feet in width and the perpetual easement and right of way of fifteen (15) feet in width hereby granted are shown and described on that map prepared by Fox & Ritter, Inc., Registered Surveyors, dated October 1, 1975, entitled "Proposed Right of Way to be Acquired from Property Owners shown for 8" Sanitary Sewer Force Main", which map is recorded in Plat Book 31 at Page 36 in the Gaston County Registry, to which reference is hereby made.

TO HAVE AND TO HOLD said perpetual right of way and easement to the Grantee, its successors and assigns, in title forever, it being agreed that the rights and easement hereby granted are servient on, and run with the realty now owned by the Grantor as described herein.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

G & J ENTERPRISES, INC.

By: Dan C. Smith

President

ATTEST:

Wm. A. Dwyer
Secretary

NORTH CAROLINA,

GASTON COUNTY,

I, Judith L. Jenkins, a Notary Public, do hereby certify that Wm. A. Dwyer personally came before me this day and acknowledged that he is Secretary of G & J Enterprises, Inc., and that, by authority duly given and as the act of the Corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal, and attested by himself as its Secretary.

Witness my hand and notarial seal, this 6 day of November 1975.

Judith L. Jenkins
Notary Public

My Commission Expires: Nov. 28, 1976



NORTH CAROLINA

GASTON COUNTY

THE FOREGOING CERTIFICATE OF Judith L. Jenkins
NOTARY PUBLIC OF GASTON COUNTY, STATE OF NORTH CAROLINA, AND
_____, NOTARY PUBLIC OF _____ COUNTY,

STATE OF _____, ARE CERTIFIED TO BE CORRECT.

THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION THIS 7th

DAY OF November, 1975, AT 11:14 O'CLOCK A. M. AND

DULY RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS OF GASTON

COUNTY, NORTH CAROLINA IN BOOK 1172 AT PAGE 587.

THIS 7th DAY OF November, 1975.

GLORIA B. MUSARD
REGISTER OF DEEDS
GASTON COUNTY, N. C.

BY Jane B. Moore
ASSISTANT / DEPUTY

UNOFFICIAL

DEED BOOK 1172 PAGE 589

NOTICE OF PUBLIC HEARING FOR CLOSURE OF PORTIONS OF TAYLOR AVE

The public will take notice that the City Council of the City of Lowell has called a public hearing to be held in the City Council chambers at the Lowell City Hall, Lowell, North Carolina at 6:00 PM, or as soon thereafter as possible, on February 14th, 2023, to adopt a resolution to close portions of Taylor Ave.

Being the portion of Taylor Ave. 30' Right of Way (R/W) East of Neely St. as described in Plat Book (P.B.) 72 Page (Pg.) 11 recorded in the Gaston County Register of Deeds, and being more particularly bounded and described as follows:

Beginning at a 5/8" rebar at the Northwest corner of Thompson Reality Investment, LLC as described in Deed Book (D.B.) 4649 Pg. 66 (Tract II) and on the Eastern R/W of Neely St.; thence along the lines of said Thompson Reality Investment, LLC (Tract II) for the following courses and distances S 23°25'23" W a distance of 196.76' to THE TRUE POINT OF BEGINNING, said point being a 5/8" rebar; thence S 81°48'42" E a distance of 379.42' to a 5/8" rebar; thence S 11°22'11" E a distance of 31.84' to a 5/8" rebar; thence N 81°48'37" W a distance of 373.36' to a 5/8" rebar on the Northern line of Thompson Reality Investment, LLC as described in D.B. 3503 Pg. 121; thence with a curve turning to the left having an arc length of 31.44', having a radius of 20.00', having a chord bearing of S 53°12'53" W, having a chord length of 28.30', to a 5/8" rebar on the Eastern R/W of Neely St.; thence along the R/W of Neely St. N 08°15'23" E a distance of 38.03' to a point; thence N 23°25'23" E a distance of 12.41' to the point of beginning, having an area of 0.27 acres, more or less.

A survey/abandonment plat of said property is on file at City Hall.

All interested persons wishing to comment should appear at the public hearing individuals requiring special accommodations when attending this meeting and/or if this information is needed in alternative format because of a disability, should contact the City Clerk, located at City Hall at 101 W. First St., telephone number 704-824-3518. You can also listen to the meeting by dialing-in using your phone with the following:

Please join my meeting from your computer, tablet or smartphone.

<https://meet.goto.com/704179669>

You can also dial in using your phone.

Access Code: 704-179-669

United States: [+1 \(224\) 501-3412](tel:+12245013412)

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>

For further information please call Joe Gates, Planning Director at 704-824-3518.



RS12-2022

**RESOLUTION OF INTENT
TO CLOSE A PUBLIC STREET**

WHEREAS, a petition has been filed, pursuant to G.S. 160A-299, requesting the Lowell City Council to close and remove from dedication the following described street in City of Lowell jurisdiction:

BEING the portion of Taylor Ave. 30' Right of Way (R/W) East of Neely St. as described in Plat Book (P.B.) 72 Page (Pg.) 11 recorded in the Gaston County Register of Deeds, and being more particularly bounded and described as follows:

Beginning at a 5/8" rebar at the Northwest corner of Thompson Reality Investment, LLC as described in Deed Book (D.B.) 4649 Pg. 66 (Tract II) and on the Eastern R/W of Neely St.; thence along the lines of said Thompson Reality Investment, LLC (Tract II) for the following courses and distances S 23°25'23" W a distance of 196.76' to THE TRUE POINT OF BEGINNING, said point being a 5/8" rebar; thence S 81°48'42" E a distance of 379.42' to a 5/8" rebar; thence S 11°22'11" E a distance of 31.84' to a 58" rebar; thence N 81°48'37" W a distance of 373.36' to a 5/8" rebar on the Northern line of Thompson Reality Investment, LLC as described in D.B. 3503 Pg. 121; thence with a curve turning to the left having an arc length of 31.44', having a radius of 20.00', having a chord bearing of S 53°12'53" W, having a chord length of 28.30', to a 5/8" rebar on the Eastern R/W of Neely St.; thence along the R/W of Neely St. N 08°15'23" E a distance of 38.03' to a point; thence N 23°25'23" E a distance of 12.41' to the point of beginning, having an area of 0.27 acres, more or less.

WHEREAS, it appears that all owners of property adjoining the above said described street have signed the petition or have been notified of the proposed closing thereof; and

WHEREAS, a map of the proposed closing is available for public inspection with the City Clerk at Lowell City Hall;

NOW, THEREFORE, BE IT RESOLVED, that it is the intent of this Council to close a portion of said street to the public use, and that a public hearing on this

question will be held on the 14th day of February, 2023, at 6:00 p.m. in the City Hall, Lowell, North Carolina, at which time the Council will hear all interested citizens and make a final determination as to whether the street shall be closed and removed from dedication.

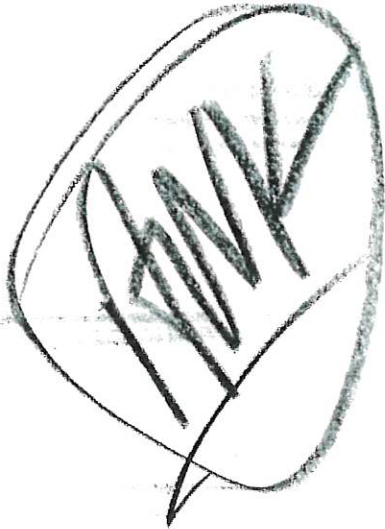
Adopted this the 14th day of February, 2023.

Sandy Railey
Mayor

Attest:

Cheryl Ramsey
City Clerk

City of Lowell
101 W. First Street
Lowell, North Carolina 28098



CERTIFIED MAIL®



7021 0950 0001 5930 3432

MDR FRANKLIN SQUARE LLC
C/O MEDALIST PROPERTIES LLC
11 S. 12th Street, STE 401
RICHMOND, VA 232

LOTTE NC 280

30 JAN 2023 PM 2 L

U.S. POSTAGE PAID
FORM LETTER
LOWELL, NC
28098

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 28098140401

*2148-81333-3

2021-0001-0001
16000011401

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SAWMAY LLC
ATTN: TULIKA M. SAWHNEY
PO BOX 365



9590 9402 4007 8079 6049 82

2. Article Number (Transfer from service label)

7021 0950 0001 5930 3449

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

TONI SAWHNEY

C. Date of Delivery

2/1/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Mail Restricted Delivery (0)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THOMPSON REALTY INVESTMENT LLC
2334 JEFFERSON AVE.
GASTONIA, NC 28056



9590 9402 4007 8079 6049 75

2. Article Number (Transfer from service label)

7021 0950 0001 5930 3425

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]* ☐ Agent ☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2/3/23

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Mail Restricted Delivery (0)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-B

DESCRIPTION: PUBLIC HEARING FOR MASTER SIGN APPLICATION, CASE
MSP-22-01

Please see the attached memo from the Planning Director.



To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: Thursday, February 9, 2023

Re: Case # MSP22-01 – Master Sign Plan Application

The request is for the consideration of a Master Sign Plan.

The Planning Board during their regularly scheduled meeting on January 3rd, 2023, reviewed this request. The Planning Board voted unanimously to recommend **APPROVAL** of the Master Sign Plan as submitted by the applicant.

STAFF REPORT:

PROPERTY OWNER	NP GASTONIA INDUSTRIAL 2 LLC
APPLICANT	Dana Stowe / Sign Connection, Inc.
REQUEST	Consideration of Master Sign Plan
LOCATION	3211 Aberdeen Blvd / Parcel 306406
PROPERTY SIZE	104.72 acres
ZONING	Industrial

Background and Site Description

The subject property consists of one (1) total tax parcel with a single industrial warehouse/distribution center building and parking areas located on the site. The building is approximately 1.5 million square feet and has visibility from Interstate 85.

Section 17.10-2 (B) *Master Sign Plan, Application*, states that “*Commercial, institutional, industrial, or mixed-use developments containing three (3) or more acres in area*” are eligible to apply for a master sign plan. This property is 104.72 acres, thus meeting this requirement.

The applicant has submitted a complete application, site plan and other supporting documentation to their request to increase their proposed walls signs above the current maximum wall sign area of 32 square feet.

Proposed Request

Increase permitted wall sign area for this building from 32 sqft to 96.4 sqft on 2 wall signs.

Code References



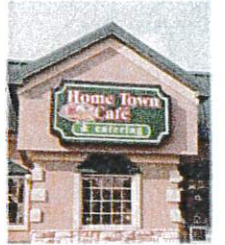
Per Article 17 - Sign Regulations, Section 17.10 Master Sign Plan, the Lowell Development Ordinance allows applicants to submit applications for signs of different sizes, types, locations, placement, and height from those otherwise enumerated in Article 17 - Sign Regulations.

17.7 Requirements for Permanent Signs Requiring an Approval of a Zoning Permit

17.7-1 Permanent sign requirements. The following tables and text provide the design and dimensional requirements for permanent *signs* that require a permit. Requirements include copy area, number, type of illumination, and letter height for both attached and freestanding *signs*. Setback and height requirements are established for freestanding *signs* and detailed design requirements are provided for monument and pole *signs*.

- (A.) Only one general attached *sign* (blade, V-type, or flat) is allowed per street or parking frontage.
- (B.) Only one monument or pole freestanding *sign* is allowed per street frontage.
- (C.) Height of freestanding *signs* shall be measured from the elevation of the ground at the point of contact with the *sign* provided that the grade of the site is not artificially altered to increase the allowable height of the *sign*. For sloping sites, the applicable point of contact shall be the point having the highest elevation.
- (D.) One *sign* per approved *Home Occupation* within the Single Family Residential (SFR), Residential Main Street Transition (RMST), Mixed Use (MU), and Main Street (MS) districts, not to exceed four (4) square feet in area.
- (E.) The following permanent special purpose *signs* are in addition to general attached and freestanding *signs* under the limitations provided in the following tables and elsewhere in this Article.
 - (1.) Window.
 - (2.) Directional.
 - (3.) Directory.
 - (4.) Community identification.
- (F.) Clocks and Thermometers (including digital displays of time and temperature information) are allowed as either attached or freestanding components of *signs* provided they are:
 - (1.) incorporated into the general or attached signage for a non-residential property,
 - (2.) no more than two (2) per property, and
 - (3.) the area does not exceed 16 square feet. The square footage allowance constitutes an area bonus in addition to the maximum allowable area for the applicable *sign* type to which clocks and/or thermometers are attached.

Table 17.1 – Permanent Sign Standards and Criteria

Sign Type	Sign Copy Area Allowance (sq. ft.)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements
Permanent Attached Signs – General					
Blade* (or Projecting)		Ambient External Internal	6"	One per street or parking frontage per occupancy	Only one <i>sign</i> (blade, V-type or flat <i>sign</i>) allowed per occupancy per street or parking frontage Internally- illuminated <i>signs</i> – <i>sign</i> face can be illuminated No attached signage above second story except in monolithic multi- story buildings fronting major thoroughfares. May encroach into adjoining street right-of-way pursuant to an encroachment agreement. See 17.5(G), also see 17.7-1(J)
V-type*					
Flat* (or Wall)					

*May encroach into adjoining street right-of-way in the Main Street (MS) and Mixed Use (MU) Districts pursuant to an encroachment agreement subject to the provisions of Sections 17.5(G) and 17.7-1(I) of this Article.

(G.) Alternative design for sandwich board *signs*. As an alternative to the standard design described above, the *Planning, Zoning & Subdivision Administrator* may permit alternative sandwich board *sign* designs which exhibit a distinctive and creative flair which the owner would otherwise be unable to replicate if the standard frame design was used. Such *signs* shall not contain changeable copy and images and lettering shall be permanently attached, painted, cut or carved onto the *sign* using a muted palette of colors. Wooden *signs* are preferred, but all such *signs* shall be made of durable materials. An example of an acceptable alternative design is illustrated in the following photograph.



Example of Alternative Sandwich Board Sign

17.9 Signs Located in Local Historic Districts

Regardless of the other dimensional provisions of this Article, *signs* that are located in local historic districts shall be governed by the applicable design guidelines and review processes established for the local historic district.

17.10 Master Sign Plan

Regardless of the other provisions of this Article, the City Council may, at its sole discretion, approve a master *sign* plan for specified areas of City or for certain development projects listed in this section. The approved master *sign* plan may include *signs* of different sizes, types, locations, placement and height from those otherwise enumerated in this Article.

- 17.10-1 Purpose. The purpose behind this section is to permit creativity in *sign* design and placement to address site issues and constraints associated with topography, pedestrian-orientation, wayfinding/directional/directory and other conditions unique to the subject development or area of City.

17.10-2 Application. Master *sign* plans may be submitted for the following types of developments:

- (A.) Traditional Neighborhood Development (TNDO) projects, in accordance with the provisions of Article 8 of this Ordinance.
- (B.) Commercial, institutional, industrial, or mixed-use developments containing three or more acres in area.
- (C.) Areas of City that are governed by a corridor plan or area plan that includes *sign* guidelines.

17.10-3 Submittal process. Master *sign* plan applications may be submitted for consideration at the time of original submittal of the proposed development or separately from the original development proposal. The following information or material shall be required for a signage plan application and shall be indicated on an application form provided by the *Planning, Zoning & Subdivision Administrator*.

- (A.) Owner and contact name, address, telephone number and signature(s), as applicable.
- (B.) A master *sign* plan proposal illustrating the proposed *signs*, their proposed location, and their proposed purpose, along with a statement as to why the existing *sign* code cannot or should not be followed in the subject case.
- (C.) An analysis showing how the proposed signage plan differs from what could be provided under the existing *sign* regulations set forth in this Article.
- (D.) Other similar information determined by the *Planning, Zoning & Subdivision Administrator* to be necessary for understanding the purpose and intent of the proposed master *sign* plan application.

17.10-4 Review procedure. The *Planning, Zoning & Subdivision Administrator* shall schedule the master *sign* plan for Planning Board and City Council consideration in accordance with the notice and public hearing procedures set forth in Article 5 for zoning map amendments. In reviewing the proposed master *sign* plan, the Planning Board and City Council shall take the following matters into consideration.

- (1.) The extent to which the proposed master *sign* plan deviates from the *sign* allowances otherwise applicable in this Article.
- (2.) The rationale provided by the applicant for the deviations.
- (3.) The extent to which the master *sign* plan promotes City goals associated with community character, wayfinding, pedestrian-orientation, and business identification.
- (4.) The degree to which the master *sign* plan creatively and effectively addresses the issues and constraints unique to the site with regard to signage.

The Planning Board shall provide a recommendation to the City Council whether to deny or approve the proposed master *sign* plan in part or in total and shall further recommend conditions regarding approval where deemed warranted.

The City Council may deny or approve the proposed master *sign* plan in part or in total and may establish conditions regarding approval. In the event that the master *sign* plan is denied, the applicant must wait at least 90 days before reapplying for a new master *sign* plan *substantially similar* (as defined in Article 3) to the proposed master *sign* plan.

17.11 Suggested Design Guidelines

In addition to the mandatory standards provided in Sections 17.7 and 17.8 above, the following design guidelines for *signs* are provided in order to promote more attractive and functional design and placement of *signs*.

- (A.) Freestanding *signs*. Placement of freestanding *signs* should take into account existing trees and other site landscaping so as to maintain *sign* visibility. Landscaping around the base of freestanding *signs* is strongly encouraged to improve the overall appearance and visibility of these *sign* types as evidenced in the following example.



Landscaping Around the Base of a Monument Sign

- (B.) Display windows are intended to offer opportunities to display merchandise or services available on the premises. Careful placement of *signs* in display windows will not obscure the visibility of merchandise or services. Additionally, display windows shall not be “papered-over,” especially in pedestrian areas.
- (C.) General design guidelines. The following general guidelines are provided to guide overall *sign* design in the City:
- (1.) Use high quality, durable materials.
 - (2.) Minimize the need for *sign* lighting by placing *signs* where ambient light sources illuminate the *sign*. Where separate lighting is necessary, external illumination sources are preferred over internal illumination. All electrical conduit and junction boxes should be concealed.



Externally Illuminated Sign

- (3.) Backlit, individual letter *signs* (aka, halo lighting) are encouraged where illumination is needed as illustrated below.



Backlit Individual Letters

- (4.) Avoid elaborate or confusing styles of text as illustrated in the following example.



Overly-Complicated Style of Text

- (5.) Attempt to use symbols rather than text; for example, this Norwegian pharmacy *sign* incorporates a symbol as well as text.



Use of Symbols

- (6.) Use *sign* styles and designs that complement the architecture of the site where the *signs* are located. Lowell is a historic City so using “period” signage is strongly encouraged.



An Example of a “Period” Pole Sign in a New York City Suburb



MASTER SIGN PLAN APPLICATION

TO: THE CITY OF LOWELL
101 W. First Street
Lowell, NC 28098

APPLICATION #: MSP22-01
DATE FILED: 12/14/2022
FEE PAID: \$400, PAID

The undersigned does (do) hereby respectfully make application and request to the City of Lowell to allow creativity in order to address site issues and constraints as outlined in regards to Article 17 of the Lowell Development Ordinance pertaining to sign regulations and requirements on the below listed property and in such ways as proposed.

- 1) The real property sought to be amended is owned in fee simple by:

NP Gastonia Industrial 2 LLC

as evidenced in Deed Book 5307 Page 1489 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 subject to this request.

- 2) The address of the real property sought to be amended is: 3211 Aberdeen Blvd. and/or further legal description by metes and bounds of said realty is attached to this application.
- 3) The following are all 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 amended. 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

Please refer to attached page

- 4) A map or drawing identifying the real property requesting the Master Sign Plan and all attached properties with their designated zoning districts shown shall be attached to this application.
- 5) Master Sign Plan proposal illustrating the proposed signs, their proposed location, and their proposed purpose, along with a statement as to why the existing sign code cannot or should not be followed in the subject case.

- 6) An analysis showing how the proposed signage plan differs from what could be provided under the existing sign regulations set forth in Article 17 of the Lowell Development Ordinance.
- 7) Other similar information determined by the *Planning, Zoning & Subdivision Administrator* to be necessary for understanding the purpose and intent of the proposed Master Sign Plan application.

see attached

- a. _____
- b. _____
- c. _____
- d. _____

- 8) The applicant understands that a letter stating the date, time and place for the Public Hearing for the Master Sign Plan request of said property shall be mailed to each of the parties listed in Section 3 above at least ten (10) days prior to the Public Hearing.
- 9) If the applicant is not the legal owner of the property seeking approval of the Master Sign Plan, the legal owner(s) names and addresses shall be listed below. Owner(s) shall be determined by the most recent tax listing as recorded in the Gaston County Tax Office. (Use additional pages if necessary.) (Please attach Notarized Public Hearing Consent Form provided by the City of Lowell)

NAME

ADDRESS

NP Gastonia Industrial 2 LLC 4825 NW 41st St, Ste 500, Riverside, MO
 _____ 64150

Applicant(s) Name:

Dana Stowe / Sign Connection, Inc.

Address:

10600 Pacolet Ct. Gastonia, NC 28052

Telephone:

704-868-4500

Applicant(s) Signature:

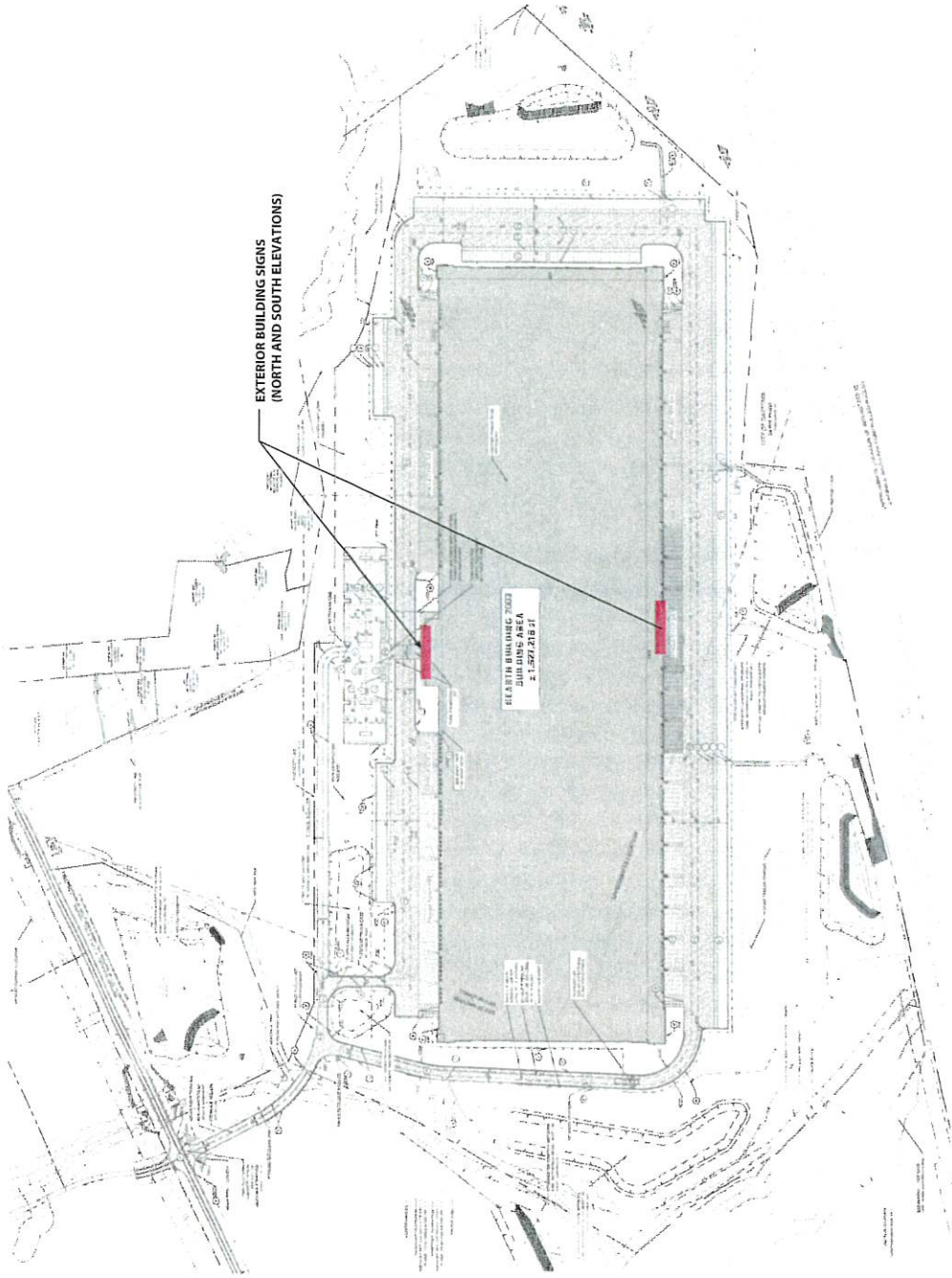
Dana Stowe

City of Lowell
 101 W. First Street
 Lowell, NC 28098

Telephone: 704-824-3518



Project Number
2022-0000
Project Name
Riverside Commons
Sign Type
21st Way media, signage
Address
400 Street
Columbus, OH



2135 W Carroll Avenue
Chicago, Illinois, 60612



Project Number
Project Name
Sign Type
Address

102-0000
ZIKEN
1004 Lincoln Ave
Chicago, IL 60612

Maximum sign area

Wall: Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area of 100 square feet, whichever is less.

Projecting/Suspended: Up to 10 square feet.

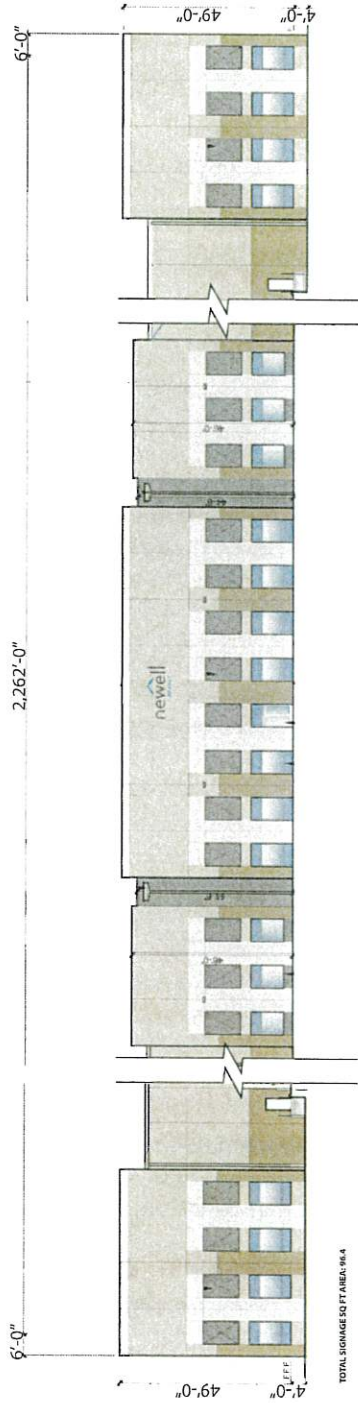
Sign Location - NORTH WALL

Wall Size
104' x 49'

Sign Size
6'-8" x 14'-5.5"

Sign Sqft
96.9

% of wall
1.89%

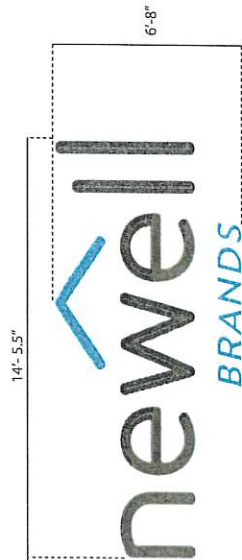


TOTAL SIGNAGE SQ FT AREA: 96.9

NEWELL - North Elevation - Illuminated Signage
ELEVATION | SCALE: 1/16" = 1'-0"



DETAIL SECTION (NOT TO SCALE)

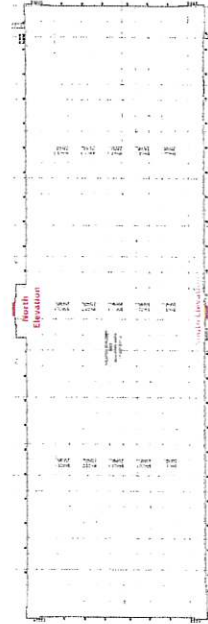


TOTAL SQ FT AREA: 96.9

NEWELL - North Elevation - QTY1 ea
ELEVATION | SCALE: 1/2" = 1'-0"



ENLARGED ELEVATION OF SIGN: NORTH ELEVATION
SCALE: 3/32" = 1'-0"



SITE PLAN
NOT TO SCALE



2135 W Carroll Avenue
Chicago, Illinois 60612



Project Number
Project Name
Sign Type
Address

Maximum sign area

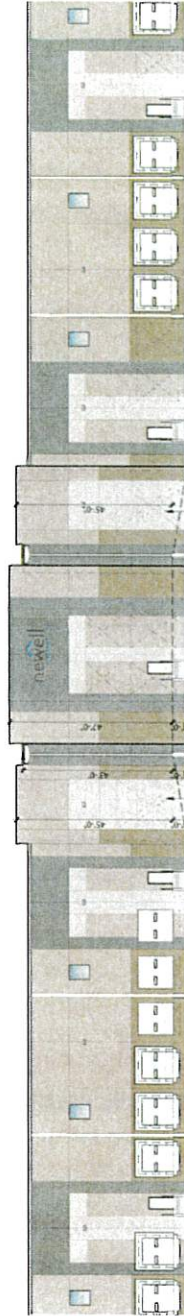
Wall. Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area or 100 square feet, whichever is less.

Projecting/Suspended: Up to 10 square feet.

Sign Location - SOUTH WALL

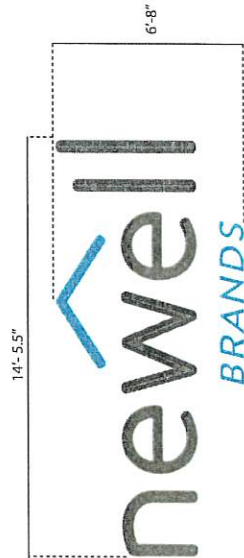
Wall Size	Sign Size	Sign Sqft	% of wall
58' x 51'	6'-8" x 14'-5.5"	96.4	3.26%

2,262'-0"



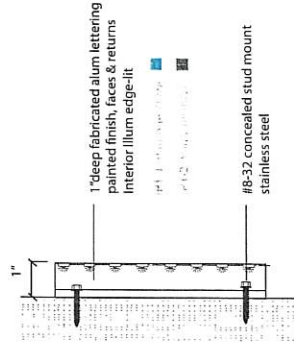
TOTAL SIGNAGE SQ FT AREA-96.4

NEWELL - South Elevation - Illuminated Signage
ELEVATION | SCALE: 1/16" = 1'-0"

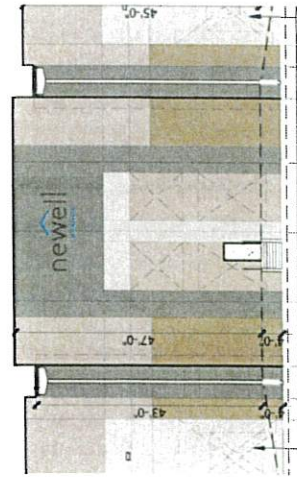


TOTAL SQ FT AREA-96.4

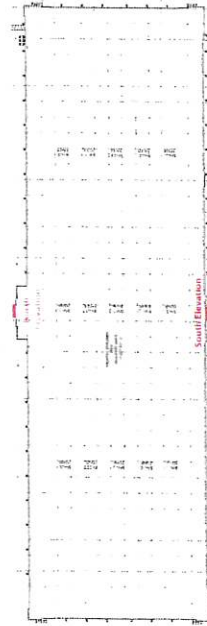
NEWELL - South Elevation - CITYTea
ELEVATION | SCALE: 1/2" = 1'-0"



DETAIL SECTION (NOT TO SCALE)



ENLARGED ELEVATION OF SIGN: SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



SITE PLAN
NOT TO SCALE



Project Number
Project Name
Sign Type
Address

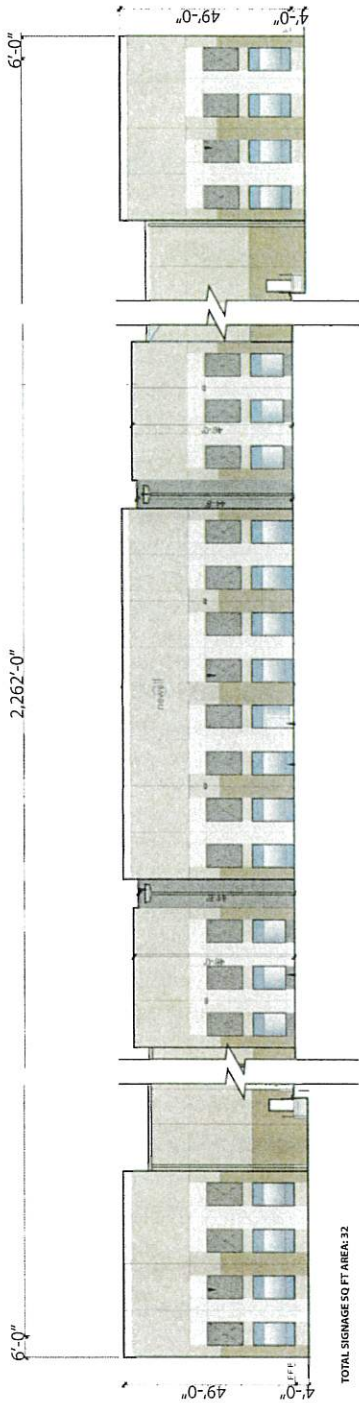
Maximum sign area

Wall: Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area or 100 square feet, whichever is less.

Projecting/Suspending: up to 10 square feet.

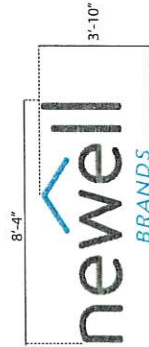
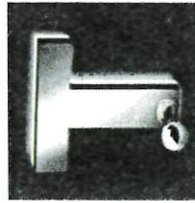
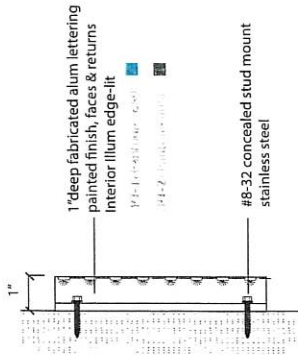
Sign Location - NORTH WALL

Wall Size: 104' x 49' Sign Size: 3'-10" x 8'-4" Sign Self: 319 % of wall: 0.61%



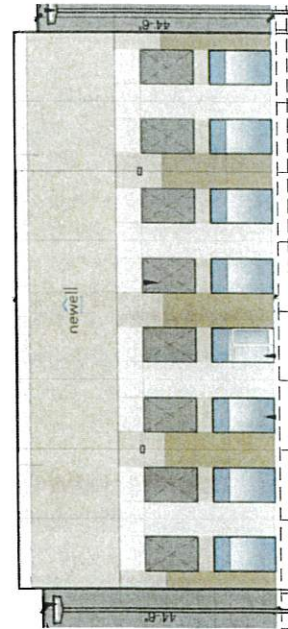
TOTAL SIGNAGE SQ FT AREA: 32

NEWELL - North Elevation - Illuminated Signage
ELEVATION | SCALE: 1/8" = 1'-0"

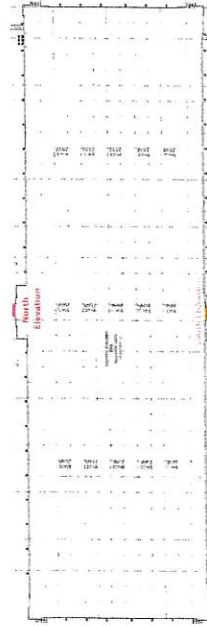


TOTAL SQ FT AREA: 32

NEWELL - North Elevation - QTY: 1 ea
ELEVATION | SCALE: 1/2" = 1'-0"



ENLARGED ELEVATION OF SIGN: NORTH ELEVATION
SCALE: 3/32" = 1'-0"



SITE PLAN
NOT TO SCALE



2135 W Carroll Avenue
Chicago, Illinois, 60612



Project Number
Project Name
Sign Type
Address

2001 10000
1000 10000
1000 10000
1000 10000

Maximum sign area

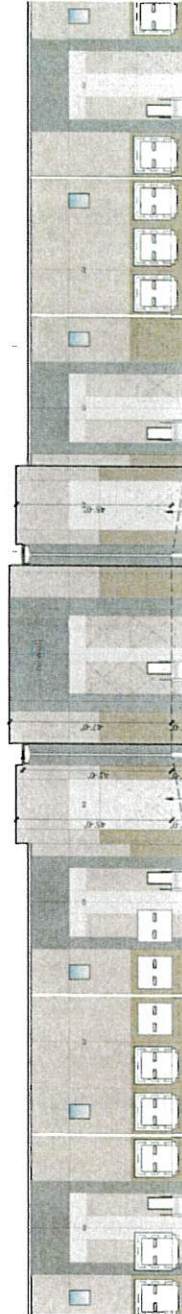
Wall: Wall signs on any wall face shall not cumulatively exceed 10 percent of the wall area of 100 square feet, whichever is less.

Projecting/Suspended: Up to 10 square feet.

Sign Location - SOUTH WALL

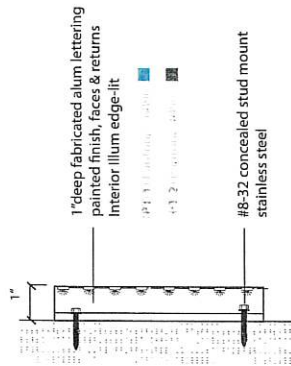
Wall Size 58' x 51' Sign Size 3'-10" x 8'-4" Sign Sqft 31.9 % of wall 1.08%

2,262'-0"

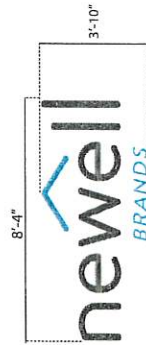


TOTAL SIGNAGE SQ FT AREA: 32

NEWELL - South Elevation - Illuminated Signage
ELEVATION | SCALE: 1/16" = 1'-0"

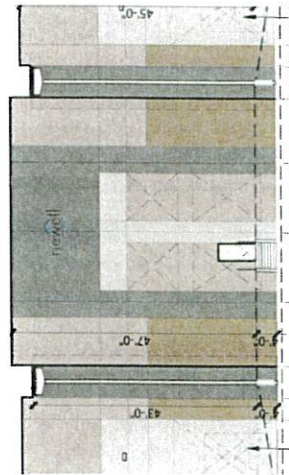


DETAIL SECTION (NOT TO SCALE)

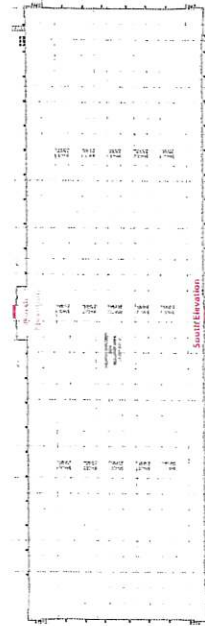


TOTAL SQ FT AREA: 32

NEWELL - South Elevation - QTY 1 ea
ELEVATION | SCALE: 1/2" = 1'-0"



ENLARGED ELEVATION OF SIGN: SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



SITE PLAN
NOT TO SCALE



ADJOINING PROPERTY OWNERS TO 3211 ABERDEEN BLVD, GASTONIA, NC 28054

<u>NAME</u>	<u>ADDRESS OF PARCEL / PIN / ZONE</u>
NP Gastonia Industrial LLC	524 Scalybark Rd (307531) I-2
NP Gastonia Industrial LLC	3145 Aberdeen Blvd (307532) I-2
NP Gastonia Industrial LLC	NO ASSIGNED ADDRESS (307543) I-2
NP Gastonia Industrial LLC	517 Lineberger Rd (307536) IND
NP Gastonia Industrial LLC	NO ASSIGNED ADDRESS (307541) IND
NP Gastonia Industrial LLC	NO ASSIGNED ADDRESS (307542) IND
Cathy E Howell	312 Lynn St (128460) SFR-3
Edward H Jackson	NO ASSIGNED ADDRESS (128458) SFR-3
Edward H Jackson	NO ASSIGNED ADDRESS (128455) SFR-3
Edward H Jackson	NO ASSIGNED ADDRESS (128454) IND
Edward H Jackson	NO ASSIGNED ADDRESS (128453) IND
City of Gastonia	3303 Lineberger Rd (128580) CIV
BRE Retail Residual NC Owner LP	2910 E Franklin Blvd (138014) C-3
Wal-Mart Real Estate Business Trust	3000 E Franklin Blvd (138015) C-3
Sams Real Estate Business Trust	3540 E Franklin Blvd (138020) C-3
Jean K Faires	NO ASSIGNED ADDRESS (135110) C-3



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: NP Gastonia Industrial 2, LLC

Subject: Master Sign Plan

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

Date: 12/15/22

I, Math Mannin, agent for NP Gastonia Industrial 2, being the property owner of parcel(s) 306406, give consent to Sign Connection, Inc. to act on my behalf in applying for the PUBLIC HEARING REQUEST under consideration.

Matthew Mannin
Signature (owner)

12/15/22
Date

~~North Carolina~~ Ohio
~~Gaston County~~ Hamilton

I, Laura Funke, a Notary Public for the said County and State, do hereby certify that Matthew Mannin personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this 15th of December, 2022.

Laura A Funke
Notary Signature

My commission expires: 10-3-2026



AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-C

DESCRIPTION: CONSIDERATION OF I-85 BETTERMENTS

See attached resolution that reflects what the City Council has decided regarding each structure along the I-5719 corridor at two levels of betterments during their January 26, 2023 Council Budget Retreat.

RESOLUTION

REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) TO DEVELOP INDIVIDUAL BRIDGE COST ESTIMATES INCLUDING BETTERMENTS FOR I-5719 BRIDGE STRUCTURES LOCATED WITHIN THE CITY OF LOWELL

WHEREAS, per the request of the City of Lowell and the other local governments along the I85 corridor, NCDOT has put together a high-level cost estimate for each structure along the project corridor at two levels of betterments; and

WHEREAS, it is understood that the levels of betterment include the following:

1) High-End Betterments -- To include a brick form liner (with three brick colors and natural mortar) on the bridge elements and walls, stain for the girders, columns, and wing walls at end bents, medallions (6) and street name.

2) Mid-Grade Betterments -- To include a brick form liner (with three brick colors and natural mortar) and color stain on the MSE wall abutments, as well as medallions (6) and street name. This DOES NOT include form liner and color stain treatments on the exterior face of the rails, girders, bent caps, or columns; and

WHEREAS, the City of Lowell is requesting NCDOT develop individual bridge cost estimates including betterments for I-5719 (I-85 Widening) bridge structures located within the City of Lowell; and

WHEREAS, the City of Lowell would like to receive updated individual cost estimates for the following:

Structure	Bridge Betterment Level	Inclusion of Mast-Arms	Landscaping Betterment Level
S. Church St, grade separation	Mid-Grade	No	Standard
S. Main St., interchange	High End	Yes	Enhanced
Groves St., grade separation	Mid-Grade	No	Standard
Main St/McAdenville Rd, interchange	High End	Yes	Enhanced

NOW THEREFORE, BE IT RESOLVED that the City of Lowell requests the North Carolina Department of Transportation (NCDOT) develop individual bridge cost estimates including betterments outlined above for I-5719 bridge structures located within the City of Lowell.

Sandy Railey, Mayor

ATTEST:

Cheryl Ramsey, City Clerk

Certificate

The undersigned duly qualified City Clerk of the City of Lowell certifies that the foregoing is a true and correct copy of a resolution adopted as a legally convened meeting of the City of Lowell held on the 14th of February, 2023.

Cheryl Ramsey

City Clerk

(seal)

Date

AGENDA ITEM INFORMATION

AGENDA ITEM #: 8-D

DESCRIPTION: ESTABLISHMENT OF THE COMMUNITY INVESTMENT FUND (CIF) IN THE CITY'S FINANCIAL SYSTEM

During the January 26, 2023 City Council Budget Planning Retreat, the Lowell City Council received a Presentation from Mitch Brigulio with Davenport Public Finance and the City Manager regarding establishment of a fund for existing and future capital expenditures which laid out a best practice approach to capital planning and debt modeling which has been in use in cities for many years, and offers Lowell an opportunity to leverage a proven tool to help ensure future success. This presentation touched on:

- The importance of financial planning in growing urban and metro regions of North Carolina
- Best practices for allocating resources to capital investment in new and existing City facilities
- Steps to create a Capital Investment Plan (CIP) for the General Fund
- Establishing a Community Investment Fund for allocating resources for capital investment
- Illustrating this method with emphasis on the potential for results
- Innovative use of future debt techniques

The purpose of the fund is for all future capital needs of the city including but not limited to: city infrastructure projects, capital equipment with a cost over \$75,000, property acquisition, grant matches, etc. This fund will initially be funded by the current fund balance that exceeds the 50% of General Fund Expenditures Goal. Establishment of this fund will authorize staff to make that initial transfer to the CIF and provide a continuous flow of funds to the CIF when there are funds available above the [future] fund balance % to GF expenditures goal.

The City has worked to plan and fund capital improvements using sound financial management and responsible stewardship. Strong debt policies and debt modeling have served the City well, as reflected in Lowell's Financial Statements. The City is well positioned to step up to the next level of capital planning and pursue this innovative and best practice approach. The model will provide the City with a solid plan while fostering an environment of continuous improvement and learning in order to consistently perform better than the plan.

Adoption of this model authorizes the City Manager to move forward with the implementation of the Community Investment Fund.

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-A

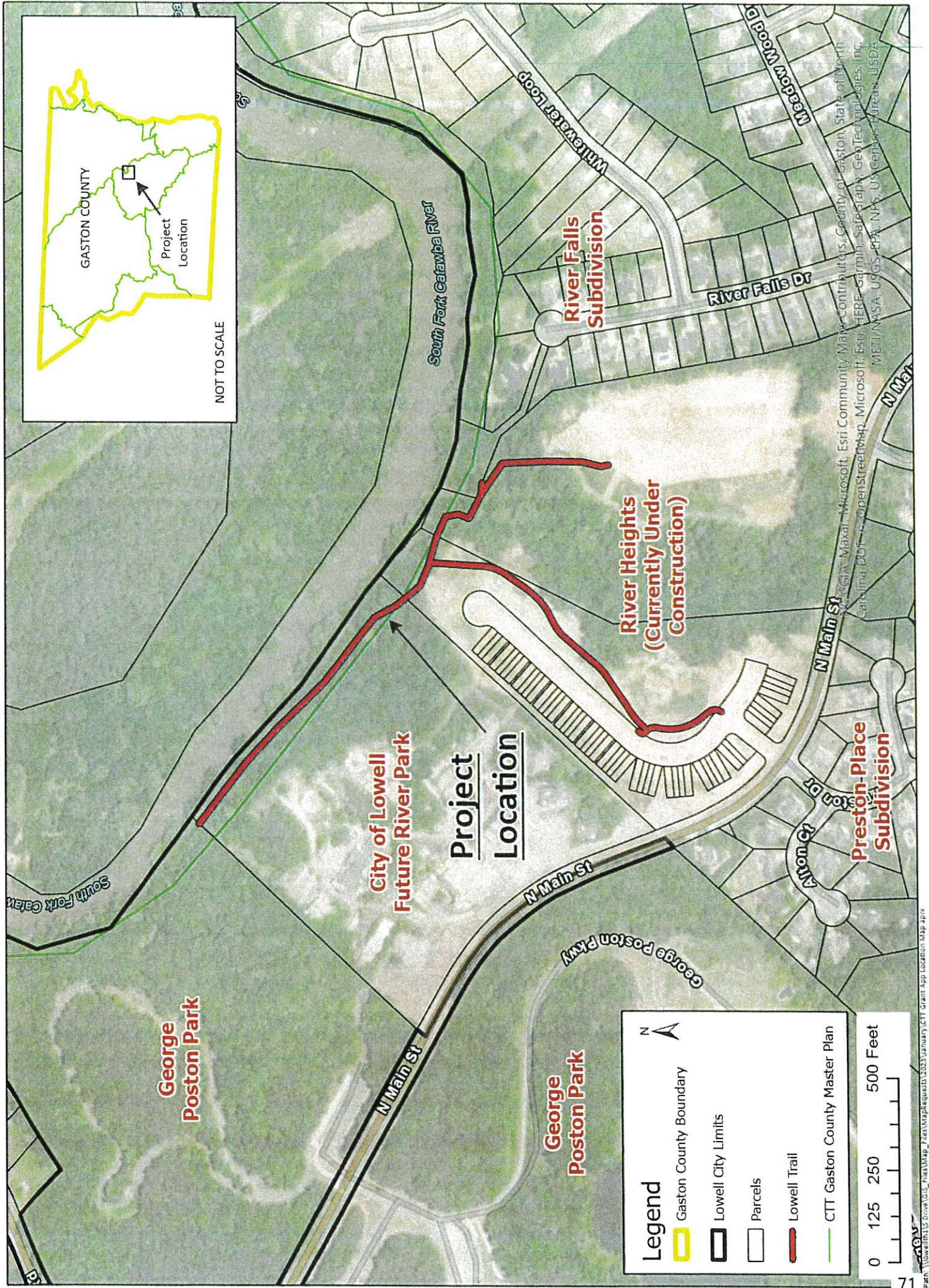
DESCRIPTION: DISCUSSION OF THE 2022 CAROLINA THREAD TRAIL IMPLEMENTATION GRANT APPLICATION

Staff has submitted a Carolina Thread Trail Application for the construction of a portion of the Carolina Thread Trail totaling \$185,080. This project includes constructing a natural surface trail estimated to be 2,752 linear feet long and 6 feet wide. This also project consists of the design of 1,478 linear feet of the course going through the River Heights subdivision and the construction of a 70-foot fiber-reinforced polymer bridge over Houser Creek. This proposed trail corridor consists of great views of South Fork River, and will eventually create connections between four subdivisions, and access to George Poston Park/Spencer Mountain and the Future Lowell River Park. The trail location is shown below and on the following page.



Staff believes that our application will receive a better chance of funding if we show a City of Lowell financial match. Therefore, we would like to discuss the amount of a match with the City Council. Carolina Thread Trail staff will be present to answer any questions.

PROJECT LOCATION MAP



AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-B

DESCRIPTION: CONSIDERATION TO APPROVE WATER SERVICE TO
GASTON COUNTY SCHOOLS, LOWELL ELEMENTARY

Please see the attached memo from the Planning Director.



To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Thursday, February 9, 2023
RE: Request to extend water service outside municipal limits to provided water service to Lowell Elementary School.

During their February 7th, 2023 regular meeting, the City of Lowell Planning & Zoning Board reviewed an application to extend water service outside municipal limits to the Lowell elementary school property. Per the requirements of the city of Lowell utility allocation and extension policy the planning board is required to make a recommendation to the City Council regarding all request for city of law utilities that are requested outside the municipal city limits.

Per the City of Lowell *Utility Allocation and Extension Policy, Reservation Process*, the Planning Board shall review and make recommendation to the City Council for consideration and approval of all locations if the request for allocation lies outside the incorporated jurisdiction of the city.

After reviewing the application, the Planning Board voted unanimously to recommend **APPROVAL** of the request as submitted by the applicant citing Section 1(C)(4) General Principles of the *Utility Allocation and Extension Policy* concluding that this request is a “Non-profit or civic use which contributes to or attracts significant economic development to the City”.

STAFF REPORT

Gaston County Public Works is requesting to extend a City of Lowell public water main from its existing location near the River View subdivision to the Lowell Elementary School property which lies southeast of the neighborhood. The subject property is outside the municipal limits of the City of Lowell and lies completely within the municipal limits of the Town of McAdenville.

Reasons for proposed extension:

- Lowell Elementary School is currently receiving water from the Town of McAdenville. The existing line is at the end of the water line for that municipality which is causing poor water quality and supply issues. This existing line is also undersized for the schools current and future needs.
- Installing a new, larger diameter line from Lowell would provide better water quality and supply the school with the necessary water supply needed to meet the demands.

- The project would also include the installation of a new fire hydrant. Currently, the closest fire hydrant is located at the intersection of Power Drive and River View Dr (over 300ft away).

The site plan, application and the *Utility Allocation and Extension Policy* has been added to this agenda item for your reference and review.

CITY OF LOWELL



e-mail this application along with utility plan to:

Public Works Director, City of Lowell
101 W. First Street
Lowell, NC 28098
tshrewsbury@lowellnc.com

Capacity Assurance Review Application

FLOW ACCEPTANCE / WILLINGNESS TO SERVE

All requests require a utility drawing indicating that proposed water/sewer connection point(s) and sizes.

SELECT SUBMITTAL TYPE:

FLOW ACCEPTANCE ☐ (RESERVES CAPACITY)

DATE: 01/16/2023

WILLINGNESS TO SERVE ☒ (DOES NOT RESERVE CAPACITY)

Requested By

William H.	Armstrong	Armstrong Glen, P.C.
<i>First Name</i>	<i>Last name</i>	<i>Company, HOA, Developer, etc.</i>
P.O. Box 7326		
<i>Address</i>		<i>Apartment/Unit #</i>
Charlotte	NC 28241	704-529-0345
<i>City</i>	<i>State</i>	<i>Phone</i>
	<i>Zip</i>	<i>Email</i>
		<i>Fax</i>

Project Location

Water Supply to Lowell Elementary School	704-836-9118
<i>Project Name</i>	<i>Phone</i>
1500 Power Drive	
<i>Site Address</i>	<i>Apartment/Unit #</i>
Lowell	ktkiser@gaston.k12.nc.us
<i>City</i>	<i>Email</i>
Kristen Kiser	
<i>Contact Person Name</i>	

Project Information

Complete the following:

1. Project is ☒ new ☐ modification
2. Type of development (15A NCAC 02T.0114 Wastewater Design Flow Rates)
 - a. Residential, apartment _____ units
 - b. Residential, townhome/condominium _____ units
 - c. Amenity Center (sf) or Pool (people) _____ units
 - d. Residential, single-family _____ lots
 - i. Public Roads? ☐ Y ☐ N
 - e. Restaurant _____ seats
 - f. Retail or retail with food prep _____ sf
 - g. Office _____ #emp/shift
 - h. Warehouse _____ #loading bays
 - i. Hotel or suites _____ rooms
 - j. School _____ 540 students
 - i. Cafeteria ☒ Y ☐ N
 - ii. Gym/Locker Rooms ☐ Y ☒ N
 - k. Other (provide flow calculations) See at _____
3. Will this project have a pool? ☐ Y ☒ N
 - a. If yes, pool must have a 4-inch drain line

4. Will this project have a private sewer lift station? ☐ Y ☒ N
5. Total wastewater flow requested (average daily flow in gpd, show calculations) See p. 7
6. Commercial only: Peak wastewater flow requested (peak hourly flow in GPH): N/A
7. Average Daily Water Demand: 3,400 gpd
8. Peak Water Demand (GPM): 46 GPM
9. Does this project include a 6-inch or larger private sewer line providing service to multiple buildings? ☐ Y ☒ N
10. Does this project include a 2-inch or larger private water line providing service to multiple buildings? ☒ Y ☐ N

City Tracking #:

Map #

Basin

Flow amount (gpd)

Does the flow transmit through a City lift station? ☐ Y ☒ N

If yes, which station?

WWTF Basin:

Bill Armstrong

From: Kim Carver <k.carver@townofmcadenville.org>
Sent: Tuesday, September 27, 2022 12:08 PM
To: Bill Armstrong
Subject: Lowell Elementary Consumption Report

Hi Bill, below is the information requested for the consumption at Lowell Elementary School. The usage was pulled for the full months school was in full session/very few breaks.

Thanks.

Full Name	<input checked="" type="checkbox"/> Service Addr	Calc Usage	Entry Date	/ <input checked="" type="checkbox"/>
Lowell Elementary School	1500 POWER DRI...	56400	10/4/2021	:
Lowell Elementary School	1500 POWER DRI...	81600	11/3/2021	:
Lowell Elementary School	1500 POWER DRI...	58900	12/6/2021	:
Lowell Elementary School	1500 POWER DRI...	50700	3/1/2022	:
Lowell Elementary School	1500 POWER DRI...	66900	4/5/2022	:
Lowell Elementary School	1500 POWER DRI...	50700	5/3/2022	:
Lowell Elementary School	1500 POWER DRI...	65200	5/31/2022	:
Lowell Elementary School	1500 POWER DRI...	52400	7/7/2022	:
		482800		

Thanks,

Kim

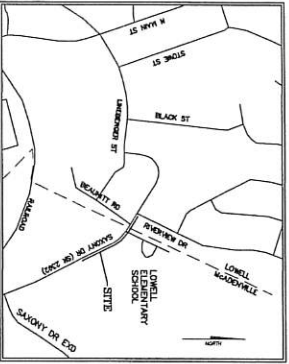
Kim Carver
Utility Billing / Planning Secretary
k.carver@townofmcadenville.org
Office: 704-824-3190
163 Main St. McAdenville, NC 28101
Office Hours: 8:30am-4:30pm M-F
www.townofmcadenville.org

Construction Drawings for

Water Extension to Lowell Elementary School

Labella review
2/7/23

01/13/2023



LOCATION MAP
SCALE: 1" = 200'

UTILITY PROVIDERS:

WATER
CITY OF GASTONIA AND RIVERS
1401 SOUTH STREET
GASTONIA, NC 28052
(704) 866-6714
Indicate City of Gastonia on the utility owner
City of Gastonia Public Works Dept
101 W. 7th Street
Gastonia, NC 28058

CABLE/INTERNET/TELEPHONE

AT&T
2150 Highway 421
Gastonia, NC 28054
(888) 406-7083
AT&T
(800) 844-355-1228

NATURAL GAS

DOMINION ENERGY
1541 STONY BROOK CHURCH RD.
CONCORD, NC 28027
(877) 776-2427

ELECTRIC

Duke Energy
P.O. Box 1000
Charlotte, NC 28201
526 S. Church St.
Charlotte, NC 28202
(800) 785-5786



GASTON COUNTY BOARD OF COMMISSIONERS

Chad Brown, Chairman
Bob Hows, Vice Chairman
Allen Froley
Kim Johnson
Tom Keigler
Tracy Philbeck
Ronnie Worley

Sheet Number	Sheet Index	Sheet Title
1	Cover Sheet	
2-3	General & Grading Notes	
4	Water Main Plan	
5-6	Water Main Details	
7	Erosion Control Plan	
8	Erosion Control Details	
9	Traffic Control Details	

GASTON COUNTY PUBLIC WORKS
150 S. YORK STREET
GASTONIA, NORTH CAROLINA 28052
(704) 866-6714



ARMSTRONG GLEN PROJECT # 22105

Project Manager	WMA
Drawn By	WMA
Checked By	WMA
Date	01/13/2023
Scale	N/A
Engineering Project No.	
Drawing No.	1

WATER EXTENSION TO LOWELL ELEMENTARY SCHOOL
Cover Sheet

NO.	DATE	REVISION

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	Armstrong Glen, P.C. 2771-2 Highway Pro Business P.O. Box 1000 Charlotte, NC 28201 Tel: 704-525-5786
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Add note for minimum depth of cover over pipe per Standard Specifications

LATEST EDITION

1. CONSTRUCTION OF LIVING DEVICES, CIRCUITS AND SYSTEMS SHALL BE ACCORDING WITH APPLICABLE MATERIALS AND CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SUCH DEVICES.
2. CONSTRUCTION IS RESPONSIBLE FOR ALL TESTING, FINISHING AND INSPECTING OF NEW MATERIAL.
3. ALL WATER MATERIALS, MIXTURES, ETC. MUST BE KEPT THE CITY OF LEBANON, OR THE CITY OF DAYTON AND THE CITY OF CINCINNATI SPECIFICATIONS AND DIMENSIONS. CONSTRUCTION SHALL BE RESPONSIBLE FOR INSPECTING AND TESTING ALL MATERIALS AND MIXTURES.
4. CONSTRUCTION TO PROVIDE ACCESS TO RESIDENTIAL, AND SCHOOL BUILDINGS DURING CONSTRUCTION AND TO COORDINATE ACCESS WITH LOCAL INTERESTED PARTIES.
5. CONSTRUCTION TO DESIGN LMA, STRUCTURE IS NOT ANTICIPATED DURING CONSTRUCTION.
6. THERE SHALL BE NO ON-SITE STORAGE OF CONSTRUCTION DEBRIS, EXISTING MATERIAL, OR OTHER MATERIALS. CONSTRUCTION IS RESPONSIBLE FOR REMOVAL AND RELOCATION OF TREE CUTTINGS, ROOTS, LIMBS AND BRANCHES AND BRANCHES OF RESIDENTIAL OR COMMERCIAL BUILDINGS.
7. A CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION AND/OR CONSTRUCTION OF THE PROTECTION OF ALL UTILITIES INCLUDING BUT NOT LIMITED TO, TELEPHONE, TV, CABLE AND ELECTRICAL (WATER, GAS, WIRE, ETC.) WHICH ARE NECESSARY FOR WATER MAIN INSTALLATION.

NCDOT TRAFFIC SAFETY NOTES:

1. TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE MOST CURRENT EDITION OF THE "WORK AREA TRAFFIC CONTROL HANDBOOK" (MUTCD), MODOT ROADWAY DESIGN MANUAL, AND THE DETAILS IN THESE PLANS.
2. SAFE MAINTENANCE OF TRAFFIC IS REQUIRED AT ALL TIMES DURING CONSTRUCTION.
3. ALL PROPOSES SHALL BE APPROVED WITH STABLE MATERIAL AND COMPLETED BEFORE THE CONSTRUCTION MOVES THE CONSTRUCTION SITE FOR THE DAY.

UTILITY CONTRACT NEGOTIATION

NORTH CAROLINA 811 (NC811)
1-800-632-1949 OR 811
CALL 10 WORKING-DAYS BEFORE YOU DIG

SITE CONDITION NOTES:

AREA DISTURBED = 0.18 ACRES

ADJACENT PROPERTY USES: RESIDENTIAL, RIGHT-OF-WAY

IMPERVIOUS SURFACE = 0.22 ACRES (GRAINS ACROSS DISTURBANCE)

SPEED LIMIT OF 30 MPH

ALIGNMENT CONSIST OF CIB (CIBEL-URBAN LAND COMPLEX)

APPROXIMATE START DATE - MAY 1, 2023

[illegible]




THIS AREA IS NOT IN A FLOOD HAZARD ZONE.

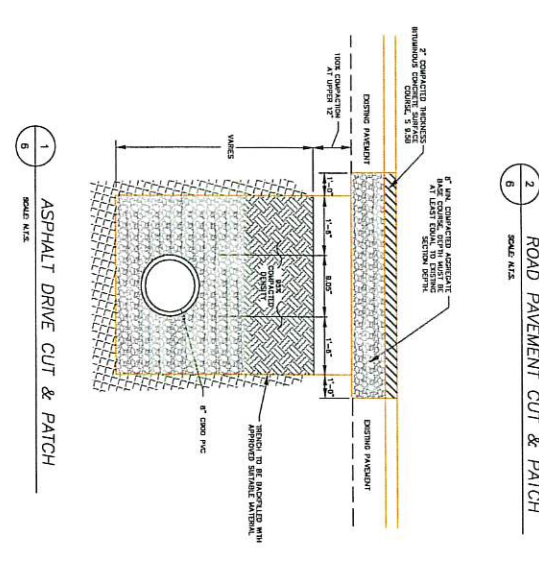
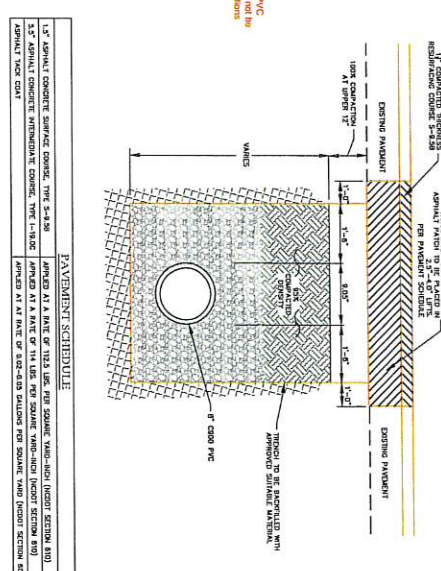
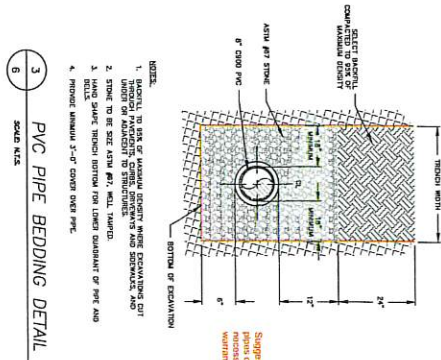
EROSION CONTROL MEASURES

THE PURPOSE OF THIS CONSTRUCTION ACTIVITY IS TO INSTALL A 6" PVC WATER MAIN AND APPURTENANCES ALONG THE NORTH SIDE OF SACKET DR. TIEING TO AN EXISTING 8" WATER MAIN ON SACKET DR. NEAR RHEINVIEW RD. SOUTHWEST FOR APPROXIMATELY 406 LF. EROSION CONTROL MEASURES WILL CONSIST OF SILT FENCE AND COMPOST SOCKS.

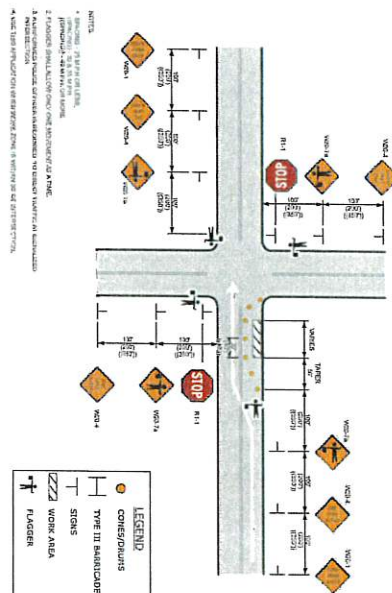
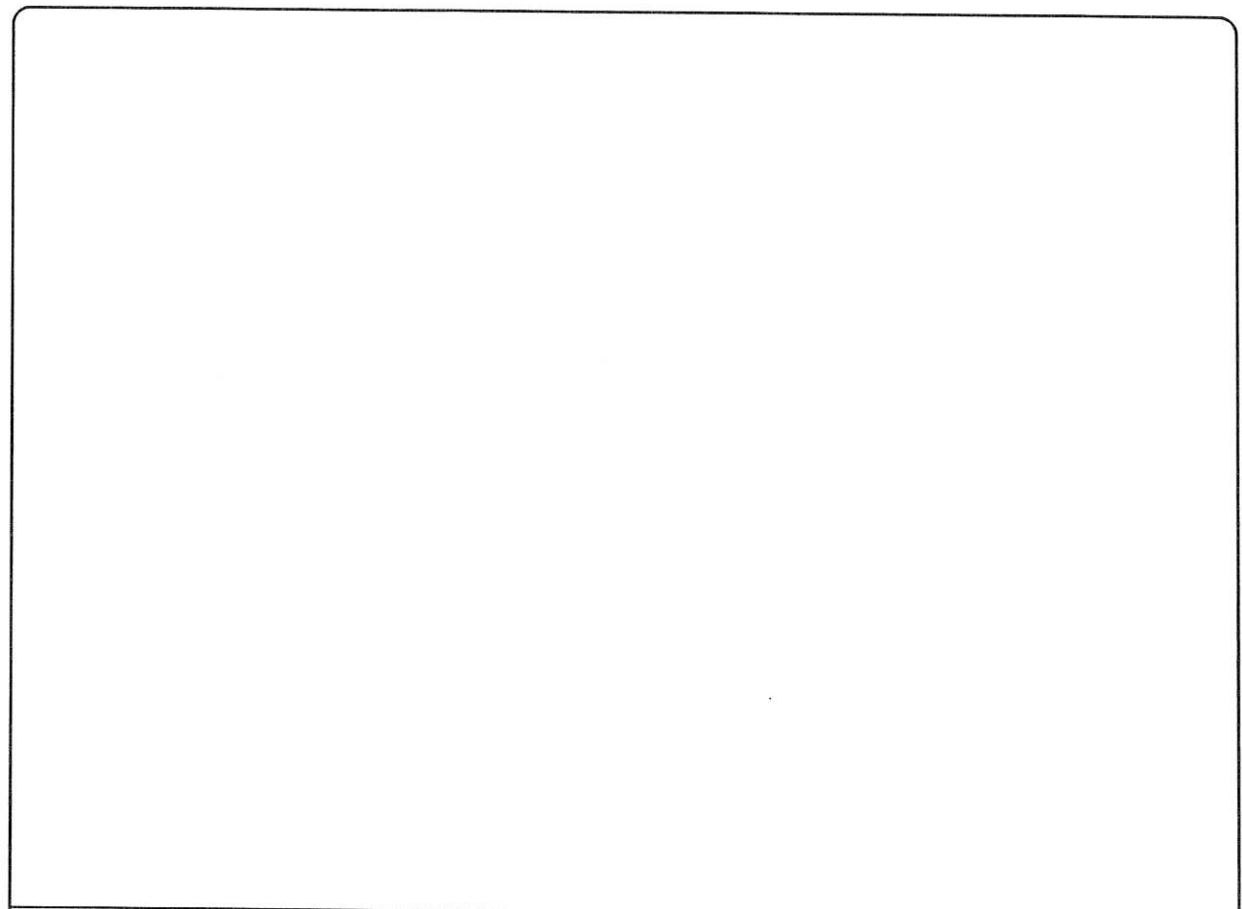
DIAGNOSTIC CONTROL NOTES

- [illegible]

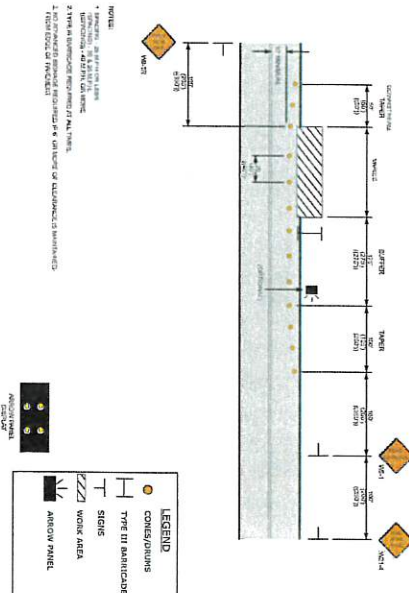
SHEET 2	WATER EXTENSION TO LOWELL ELEMENTARY SCHOOL	22105 JOB NO	AS SHOWN SCALE	  <p>PRELIMINARY - DO NOT USE FOR CONSTRUCTION</p>	NO.	DATE	BY	DESCRIPTION	 <p>Plans Prepared By: Armstrong Glen, P.C. 8771-D Southern Pine Boulevard P.O. Box 7326 Charlotte, NC 28241 Phone: 704-529-0345 Fax: 704-529-0463</p>
OF 9	GENERAL NOTES	PREPARED BY: WMA CHECKED BY: DATE: 01/13/2023 DATE:							
		CADD FILE: P17H CADD FILE: P17H							
		APPROVED BY: DATE:							



SHEET 6 OF 9	WATER EXTENSION TO LOWELL ELEMENTARY SCHOOL WATER MAIN DETAILS	22105 01/13/2023 01/13/2023 01/13/2023	AS SHOWN SCALE PREPARED BY DATE APPROVED BY	SOUTH CAROLINA PROFESSIONAL ENGINEER STATE OF SOUTH CAROLINA PRELIMINARY - DO NOT USE FOR CONSTRUCTION	NO DATE BY DESCRIPTION	Plans Prepared By: Armstrong Glen, P.C. 8771-D Southern Pine Boulevard P.O. Box 7328 Charlotte, NC 28241 Phone: 704-529-0345 Fax: 704-529-0483
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2 WORK AREA BEFORE AN INTERSECTION
(FLAGGER CONTROL) N.T.S.



1 WORK AREA ON SHOULDER
(MINOR ENCROACHMENT ON PAVEMENT) N.T.S.

SHEET 9	WATER EXTENSION TO LOWELL ELEMENTARY SCHOOL	22105 JOB NO.	AS SHOWN SCALE		NO	DATE	BY	DESCRIPTION	<p>Plans Prepared By: Armstrong Glen, P.C. 8771-D Southern Pine Boulevard P.O. Box 7326 Charlotte, NC 28241 Phone: 704-529-0345 Fax: 704-529-0493</p>
OF 9	TRAFFIC CONTROL DETAILS	22105 JOB NO.	AS SHOWN SCALE						
		22105 JOB NO.	AS SHOWN SCALE						
		22105 JOB NO.	AS SHOWN SCALE						

City of Lowell
Policy for Managing Utility Allocations & Extensions

PURPOSE: A Policy to Establish the Provision of Water Distribution and Sewer Collection Services to Serve the Corporate Limits of the City of Lowell and Incorporate by Extension Additional Areas Outside the Corporate Limits Which May be Advantageous for Annexation into the City of Lowell, North Carolina.

WHEREAS, the City of Lowell, incorporated 1879, for the purpose of establishing essential municipal services for both current and future citizens;

WHEREAS, the City of Lowell City Council declares the extension of potable water and sewer collection services into areas of need and areas of future growth to be a major priority; *and*

WHEREAS, the City of Lowell City Council desires to establish a sound policy for the management of both water and sewer capacity to promote orderly growth in accordance with the City of Lowell Comprehensive Land Use Plan.

SCOPE/COVERAGE:

Section 1 - Policy for Evaluating and Reserving Utility Allocations

I. General Principles

- A. The City of Lowell has allocated substantial capital for investment in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacity are among the most important elements of this infrastructure.
- B. Increasing the City's property tax base and/or revenue sources by the expansion and improvement of residential, commercial, industrial, and/or civic land uses and fostering a higher quality of life for its residents are the paramount factors by which utility allocation decisions are based.
- C. Consistent with the intent of this policy and other public statements and policies made by the City Council, the following hierarchy shall apply to the evaluation of utility allocation requests:
 - 1. Location: The priority for utility extension will be given to applicants whose subject extension is to service an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
 - 2. Industrial projects and other major employers.

City of Lowell
Policy for Managing Utility Allocations & Extensions

3. Commercial development projects with a mixed-use element.
4. Non-profit or civic uses which contribute to or attract significant economic development to the City.
5. Additional phases attached to residential projects with a proven record of quality product and economic success.
6. Residential projects that include tangible, high quality community amenities.
7. Residential projects that include diverse products and opportunities.
8. Residential projects, not otherwise described above.

II. Reservation Process

- A. The owner of any project requiring utility service within the City of Lowell shall submit a written application for an allocation. The application shall be in letter form, addressed to the City, and shall include detailed information on the amount of capacity necessary to serve the project, the nature of the project, project schedule in relation to consumption of utility capacity, and other supporting information demonstrating how the project serves the needs and interest of the City of Lowell.
- B. The Planning Board shall review and make recommendation to the City Council for consideration and approval all allocations, which require or may require a daily flow allocation of five thousand gallons (5,000 gpd) or more; any application that requests allocation for any project outside the incorporated jurisdiction of the City; and, any allocation made for a land use category from capacity otherwise set aside for a different land use type.
 1. Residential Subdivision Development, Mixed-use Planned Developments, Commercial and/or Industrial Developments, and Special Use Permits. The City Council shall with deliberation incorporate the evaluation of utility allocation requests into the decision-making process associated with each of the aforementioned review processes established within the City's development standards and specifications. The criteria contained herein for evaluation of utility allocation requests shall be included as elements within the review process for the accompanying land use application with regard to conformity with City of Lowell' policies and ordinances, planning practices, and consistency with the adopted *City of Lowell Comprehensive Land Use Plan* or later version.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- C. The City Public Works Engineer shall review for approval all incorporated area applications for utility capacity, which require a daily flow allocation of less than five thousand gallons (5,000 gpd) for allocations.
1. The City Public Works Engineer shall consider the goals articulated by this and related City policies when reviewing applications for utility allocations. If an application is denied, the City Public Works Engineer shall state in writing the reasons for denial of the request.
 2. Appeals process. Any applicant whose application for utility service is denied by the City Public Works Engineer and who believes that such denial is inconsistent with the goals and priorities stated by this and related City policies may appeal the denial for review by the City Council for final decision at the next regularly scheduled City Council meeting.
- D. Utility allocations granted under this policy shall require the requestor to post the tap fees within forty-five (45) days of the date the allocation is granted. Failure to pay the tap fees within this period may result in revocation of the allocation.
1. All utility allocations approved by the City shall be effective for a period of twenty-four (24) months. Projects possessing an allocation must start construction within the time shown on the project schedule prepared and submitted by the developer or customer.
 2. Upon request by the applicant and at the discretion of the City Manager, an allocation may be extended for a twelve (12) month period.
 4. At the final expiration date for an unused allocation the City shall rescind the allocation and retain sixty percent (60%) of the applicable fees paid to the City.
 5. Authority of the distributing of utility allocations in association with the City's utility services is held exclusively by the City of Lowell. Utility allocations shall not be redistributed to a third party.
 6. Relinquishment of allocated utilities shall be in accordance with Subsection II.E of this policy.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- B. An allocation holder may relinquish capacity back to the City subject to the following policies for reimbursement of fees paid:
1. If a project is unsuccessful in obtaining any required City or County permit or approval or any State permit or approval, and the allocation holder relinquishes capacity back to the City within ninety (90) days of the date the allocation is granted, the full amount paid on utility tap fees shall be reimbursed without penalty or other withholding by the City.
 2. If a project is successful in obtaining all required City, County and State approvals and agrees to relinquish the total capacity allocation granted back to the City within ninety (90) days following receipt of final permit approval from the City, then the total amount of the utility capacity fees paid to the City shall be returned without penalty or other withholding by the City.
 3. If a project is unsuccessful in obtaining any required City or County permit or approval or any State permit or approval and holds an allocation for ninety (90) or more days, but relinquishes back to the City the full amount of allocation within fewer than six (6) months beyond the scheduled date for start of construction, then twenty percent (20%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 4. If a project is successful in obtaining all required City, County and State approvals and holds an allocation for ninety (90) or more days following receipt of final permit approval from the City, but relinquishes back to the City the full amount of allocation within fewer than six (6) months beyond the scheduled date for start of construction, then twenty percent (20%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 5. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after six (6) months beyond the scheduled date for start of construction, but within twelve (12) months beyond the scheduled date for start of construction, then thirty percent (30%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.

City of Lowell
Policy for Managing Utility Allocations & Extensions

6. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after twelve (12) months beyond the scheduled date for start of construction, but within eighteen (18) months beyond the scheduled date for start of construction, then forty percent (40%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 7. If a project is or is not successful in obtaining all required City, County and State approvals and the allocation holder agrees to relinquish the total capacity allocation granted back to the City after eighteen (18) months beyond the scheduled date for start of construction, but within twenty-four (24) months beyond the scheduled date for start of construction, then fifty percent (50%) of the total utility tap fees shall be retained by the City and the remaining amount shall be returned to the applicant.
 8. If a project is or is not successful in obtaining all required City, County and State approvals and has not demonstrated significant construction advancement in the proposed project within twenty-four (24) months beyond the scheduled date for start of construction, then the City shall rescind the allocation and retain sixty percent (60%) of the applicable fees paid to the City and the remaining amount shall be returned to the applicant.
- F. Granting of a utility allocation does not imply or confer approval of any other applications or reviews as may be required by City Ordinance or policy and does not imply or create any vested right per G.S 160D-108.
- G. If the City of Lowell approves an allocation for utility capacity for a project and a permit for such project is ultimately denied by the North Carolina Department of Environmental Quality, its successors or other responsible regulatory agency, then the City of Lowell shall bear no liability for any costs incurred by the applicant, nor bear further responsibility in the matter. In such cases, applicable utility access fees, if previously collected, shall be returned as provided in Subsection II.E.

City of Lowell
Policy for Managing Utility Allocations & Extensions

III. Capacity Accounting

- A. Due to weather related factors, the regulatory environment, and the dynamic nature of both water resources and wastewater flow and treatment, accounting of available utility capacity is, by its very nature, inexact. The City of Lowell shall seek to track the amount of capacity that may be available for allocation; however, such reports do not constitute a policy statement, commitment or guarantee on the amount of capacity available for allocation.
 - 1. The City Public Works Engineer shall prepare and incorporate as part of the program established hereunder a schedule of utility capacity available and a list of allocations granted.
 - 2. The City Public Works Engineer shall make at least annual reports to the City Council regarding the status of utility capacities available and allocations granted.

Section 2 - Utility Extension Policy

I. General Principles

- A. The City of Lowell has allocated substantial capital for investment in the infrastructure necessary to support a growing, prosperous, and healthy community. Water supply and wastewater treatment capacity are among the most important elements of this infrastructure.
- B. Increasing the City's property tax base and/or revenue by the expansion and improvement of residential, commercial and industrial, and/or civic land uses and fostering a higher quality of life for its residents are the paramount factors by which utility allocation decisions are based.
- C. Consistent with the intent of this policy and other public statements and policies made by the City Council, the following hierarchy shall apply to the evaluation of utility extension requests:
 - 1. Location: The priority for utility extension will be given to applicants whose subject extension is to service an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
 - 2. Industrial projects and other major employers.
 - 3. Commercial development projects with a mixed-use element.
 - 4. Non-profit or civic uses which contribute to or attract significant economic development to the City.

City of Lowell
Policy for Managing Utility Allocations & Extensions

5. Additional phases attached to residential projects with a proven record of quality product and economic success.
 6. Residential projects that include tangible, high quality community amenities.
 7. Residential projects that include diverse products and opportunities.
 8. Residential projects, not otherwise described above.
- D. The planning and extension of water and sewer systems of the City of Lowell shall be accomplished in accordance with the following general principles:
1. Extensions shall be made to promote the orderly growth of the community. The minimum distance for any extension of a water main or sanitary sewer main shall be determined by City Council. In general, the minimum distance for extensions shall be one platted block or, in the case of water mains, from main line valve to main line valve; and in the case of sanitary sewer extensions, from manhole to manhole.
 2. The size of water mains and sanitary sewer mains to be installed, and the other required system facilities shall be determined by the City Council in accordance with the recognized standards and accepted engineering practices and design, and in accordance with applicable system plans adopted by the City Council.
 3. The City shall be responsible for the maintenance, operation, control and ownership of all water and sewer facilities.
 4. Developers of subdivisions shall be responsible for the full cost of installing utilities within their own subdivisions, and for the full cost of any mains or outfalls required to connect said subdivisions to the water or sewer systems of the City existing at the time. This provision shall apply to all subdivisions whether within or outside of the corporate limits.

II. Application for Extension and Approval of Extension Application

- A. Any property owner or owners desiring water or sanitary sewer service shall apply in writing to the City Council requesting the extension of water or sanitary sewer service or both. No request for the extension of services shall be considered unless submitted in writing in accordance with this Chapter and applicable provisions of the City of Lowell Development Ordinance.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- B. The applicant shall be required to submit as part of the application, and prior to approval, such information, plans, specifications, or other data as may be required to adequately determine if the requirements of this Chapter and applicable provisions of the City of Lowell Development Ordinance are to be met.
- C. Prior to final approval by the City, the applicant shall furnish to the City all necessary information, reports, plans and specifications as well as appropriate fees payable to the City and documentation of all required permits from other units of government and their agencies.
- D. When application is made for a water or sewer extension or both to serve an area or development that is planned as part of a larger development project or subdivision, all of which is not to be developed at the time application is made, the owner or owners shall submit plans in sufficient detail in order to determine the size and type facilities which will be necessary to serve the entire development or subdivision when completed.
- E. No extension to the water or sanitary sewer system of the City shall be made, and no application approved, except in accordance with the requirements of this Section and the consistent with the adopted *City of Lowell Comprehensive Land Use Plan* or later version.

III. Financing Extensions within the Corporate Limits

- A. *Extensions to Existing Lots, Parcels or Developed Property.*
 - 1. When application is received requesting the extension of water or sanitary sewer service or both to serve property, within the corporate limits, which is developed or where streets have been previously dedicated and accepted by the City, and where the area is not part of a new subdivision, the City Public Works Engineer or other person designated by the City Council shall estimate the cost of the project and present the application for the extension, the estimated cost and other required information to the City Council for consideration. If the application is approved by the City Council, and subject to the availability of funds, the City will install or have installed by contract under its supervision, the extensions which have been approved, and the extensions shall be financed in accordance with this Section.

City of Lowell
Policy for Managing Utility Allocations & Extensions

2. Upon receipt of a petition to extend a water and/or sewer main, the City Council has the following five options for response:
 - a. Install the extension at the City's expense.
 - b. Approve and allow the petitioner to install the extension at petitioner's expense.
 - c. Install the extension at the petitioner's expense.
 - d. Install and jointly finance the extension in cooperation with the petitioner.
 - e. Deny the request.
3. The criteria under which an option will be chosen are generally defined herein; however, the City Council may act according to any aforementioned option, which it feels is in the best interest of the City.
4. When the City determines that it is advisable to install larger size lines or facilities than are necessary to serve the benefited property, the difference in the cost of the larger size facilities over the cost of the facilities required to serve the benefited property the extensions shall be paid by the City and excluded from the total cost to be shared by the property owner(s) and the City as provided herein.

- B. *Extension by the City Council's Initiative.* Nothing in this Chapter shall prevent the City Council from extending water or sanitary sewer mains or both within the corporate limits on their own initiative without receipt of an application from property owners and to assess the cost of such extensions in accordance with Subsection III.A above, when, in the opinion of the City Council, the general public interest requires such extensions of service.

IV. Financing Extensions to Subdivisions and Properties Outside of the Corporate Limits

The financing of extensions of water or sanitary sewer service or both to properties located outside of the corporate limits or to subdivisions for which the extension of service has not been approved as of the date of adoption of this Ordinance shall be performed in accordance with the provisions of this Article and other applicable City Ordinances including but not limited to the City of Lowell Development Ordinance.

- A. All applications for water and sewer extensions to serve properties located outside of the corporate limits or to serve subdivisions, for which an application for extension has not been approved as of the date of this Ordinance, shall be made in the same manner and under the same requirements as provided for in Subsection III.A and Subsection III.B.

City of Lowell
Policy for Managing Utility Allocations & Extensions

- B. If an application is approved by the City Council, the owner or owners shall be required to pay 100% of the total cost of all extensions. However, the City may participate to the extent agreed upon by the City Council in the cost of larger size mains that are in excess of the size mains required to serve the project. No reimbursement by the City shall be made upon annexation and all water and sewer lines connected to the City system and located outside of the corporate limits shall become the property of the City at the time those facilities are connected.
- C. All applicants requesting utility services shall, at the request of the City, file a petition for annexation to the City. Failure to file a petition for voluntary annexation or satellite annexation on notice from the City may result in immediate termination of water service upon finding by the City Council of a breach of the agreement for the provision of water service.

V. Specifications; Ownership

Any water mains or sanitary sewer mains, lift stations, pumping stations, tanks, controls, telemetry, easements and/or other appurtenances extended under the provisions of this Chapter shall be installed and constructed in accordance with the approved plans, specifications and other requirements of the City. All facilities installed under the provisions of this Chapter, whether within or outside the corporate limits, shall become the sole property of the City and under its jurisdiction and control for any and all purposes whatsoever at the time those facilities are connected to the City system. The property owner or owners shall grant to the City such utility easement as the City may require. In addition, a deed to the City for water or sewer facilities installed which are located outside the corporate limits, the cost of which is borne by the applicant or property owners, shall be executed prior to the time any extensions provided for in this Chapter are connected to the City system.

ADOPTED on this the 10th day of August 2021

s/ Sandy Railey
Sandy Railey, Mayor

s/ Beverly Harris
Beverly Harris, City Clerk

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-C

DESCRIPTION: REQUEST TO SET PUBLIC HEARING: CASE # ZTA23-02
CONSIDERATION OF TEXT AMENDMENT REQUEST TO
AMEND ARTICLE 8 DISTRICTS - SECTION 8.4-5 CIVIC
DISTRICT (CIV)

Please see the attached memo from the Planning Director.



To: Lowell Planning Board
From: Joe Gates, Planning Director
Date: Thursday, February 9, 2023
RE: REQUEST TO SET PUBLIC HEARING: CASE # ZTA23-02 Consideration of text amendment request to amend Article 8 Districts - Section 8.4-5 Civic District (CIV)

During their February 7th, 2023, regular meeting, the City of Lowell Planning & Zoning Board reviewed a text amendment brought forth by City of Lowell Staff for the following section:

- *Article 8 - Districts, Section 8.4-5(E) Civic District - General Standards and Specifications*

After reviewing the proposed amendment, the Planning Board voted unanimously to recommend **APPROVAL** for the text amendment as submitted by staff.

Staff requests that City Council set a public hearing at their next regularly scheduled meeting on Tuesday, March 14th, 2023 for this proposed text amendment.

STAFF REPORT

The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Staff is proposing a reduction in the Minimum Lot Size and Minimum Lot Width to allow for more diversity in the size and scale of development in the Civic District.

If approved, these revisions would modify Article 8, Section 8.4-5 Civic District (CIV) of the Lowell Development Ordinance and would modify general standards for developments in the Civic (CIV) District. Staff believes this text amendment is consistent with the *Lowell 2040 Comprehensive Plan* and is reasonable and in the public interest because supports the goal of providing various options for development to the City. **Staff recommends approval of the text amendment as presented below.**

Section 8.4-5 (E) General Standards and Specifications - *replace the existing values as underlined below.*

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side yard setback	Minimum Side Street Setback Corner Lot
20,000 SF <u>10,000 SF</u>	96' <u>70'</u>	12'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-D

DESCRIPTION: REQUEST TO SET PUBLIC HEARING: - CASE # ZMA23-01
REQUEST TO REZONE APPROXIMATELY 4.48 ACRES FROM
VSR (VEHICLE SERVICE & REPAIR DISTRICT) AND CIV
(CIVIC DISTRICT) TO IND (INDUSTRIAL DISTRICT)

Please see the attached memo from the Planning Director.



To: Scott Attaway, City Manager

From: Joe Gates, Planning Director

Date: Thursday, February 9, 2023

RE: REQUEST TO SET PUBLIC HEARING - CASE # ZMA23-01

Request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District). The subject properties are located west of Phillips Street and east of Peachtree Street. The property is owned by LOWELL OZB, LLC

During their February 7th, 2023 regular meeting, the City of Lowell Planning & Zoning Board considered a general rezoning requesting to rezone Parcel 30636 from Industrial (IND)/ Vehicle Service & Repair (VSR) to Industrial (IND) and Parcel 127737 from Civic (CIV) to Industrial (IND)

After reviewing the application, the Planning Board voted unanimously to recommend **APPROVAL** for the rezoning application as submitted by the applicant.

Staff is requesting that City Council set a public hearing for their next regularly scheduled meeting on Tuesday, March 14th, 2023 for the proposed text amendment.

STAFF REPORT

Case # ZMA23-01

OWNER: LOWELL OZB, LLC

APPLICANT: ROB PRESSLEY, LOWELL OZB LLC

PROPOSED ZONING ACTION: Parcel 306363: Rezone from IND/VSR to IND
Parcel 127737: Rezone from CIV to IND

LOCATION: Located at 701 W. First Street and 615 Phillips St

TRACT SIZE: Parcel 306363: 4.36 acres
Parcel 127737: 0.12 acres

EVALUATION:

Background and Site Description

Subject hearing involves a request to rezone approximately 4.48 acres from VSR (Vehicle Service & Repair District) and CIV (Civic District) to IND (Industrial District). The subject properties are located west of Phillips Street and east of Peachtree Street. The property is owned by LOWELL OZB, LLC

Description of Adjoining Properties and Zoning

The Storage Solutions Warehouse is located to the northeast of this property and is currently zoned IND (Industrial). Directly across the street, the applicant owns approximately 10 acres that is zoned IND (Industrial). There are existing single-family homes (zoned MU-1, MU-2 and SFR-4) to the east, west and south of these properties.

Comprehensive Plan

The Lowell Future Land Use Map in the 2040 Lowell City Plan indicates Employment/Manufacturing and Civic uses as suitable for the subject property.

Conclusion

The applicant is requesting a zoning map amendment to the official zoning map. Based on the existing zoning, industrial zoning in the proximity to the parcels in question and consistency with the Future Land Use Map, **staff recommends approval of the rezoning request** as submitted.



Joe Gates, CZO
Planning Director



City of Lowell Planning REZONING REQUEST

####

Applicant: Lowell OZB LLC

Owner: Lowell OZB LLC

Request: Split VSR/IND to IND
CIV to IND

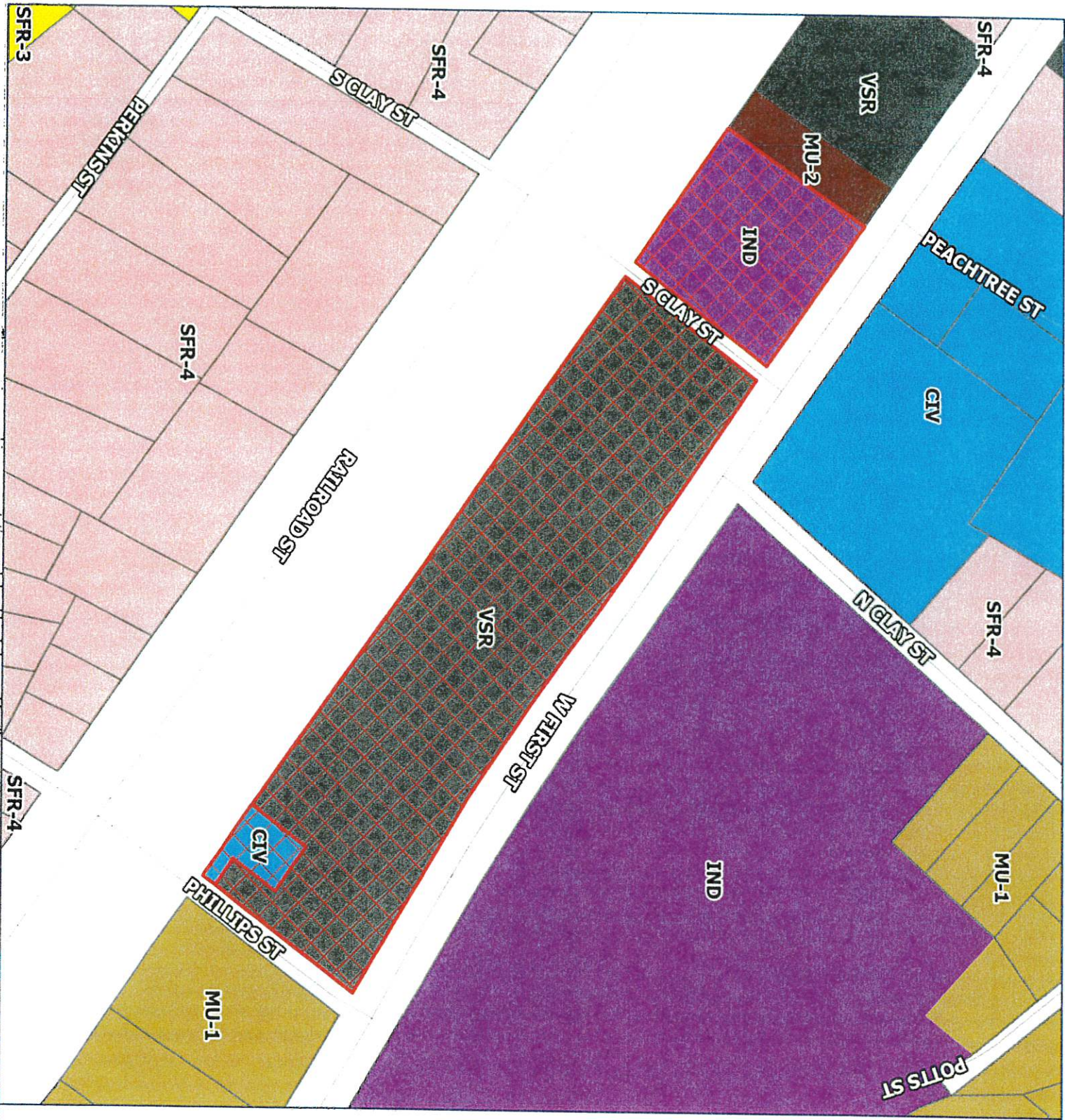
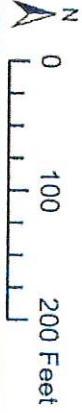
Subject Area Size: 7.12 Acres

Parcel ID #s: 127737 and 306363

 Subject Area
 Parcels

Lowell Zoning Districts

-  Single-Family Residential (SFR-3)
-  Single Family Residential (SFR-4)
-  Civic (CIV)
-  Mixed Use (MU-1)
-  Mixed Use (MU-2)
-  Vehicle Service and Repair (VSR)
-  Industrial (IND)
-  Streets



APPLICATION FOR REZONING

TO: THE CITY OF LOWELL

APPLICATION #: ZMA23-01
DATE FILED: January 13th, 2023
FEE PAID: YES

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:

VSR & CIV to IND

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

LOWELL OZB, LLC
as evidenced in Deed Book 5294 & 5363 Page 645 & 1485 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: 701 W. FIRST STREET & 615 PHILLIPS STREET 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 SOUTH side of W. FIRST STREET between PHILLIPS STREET and CLAY STREET
(street) (street)

and further identified in Gaston County Tax Book _____, Map _____, Parcel(s) 127737 & 306363
Said Lot(s) has (have) a frontage of 1000 feet and a depth of 300 feet, or 7.12 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.)

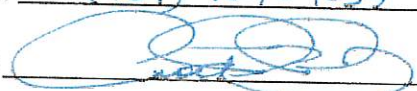
NAME	ADDRESS
<u>SEE EXHIBIT A & B</u>	

- 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>N/A</u>	<u>N/A</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: LOWELL OZB, LLC ATTN: ROB PRESSLEY
Address: 2320 W. MOREHEAD ST., 2ND FL., CHARLOTTE, NC 28208
Telephone: (704) 904-4053

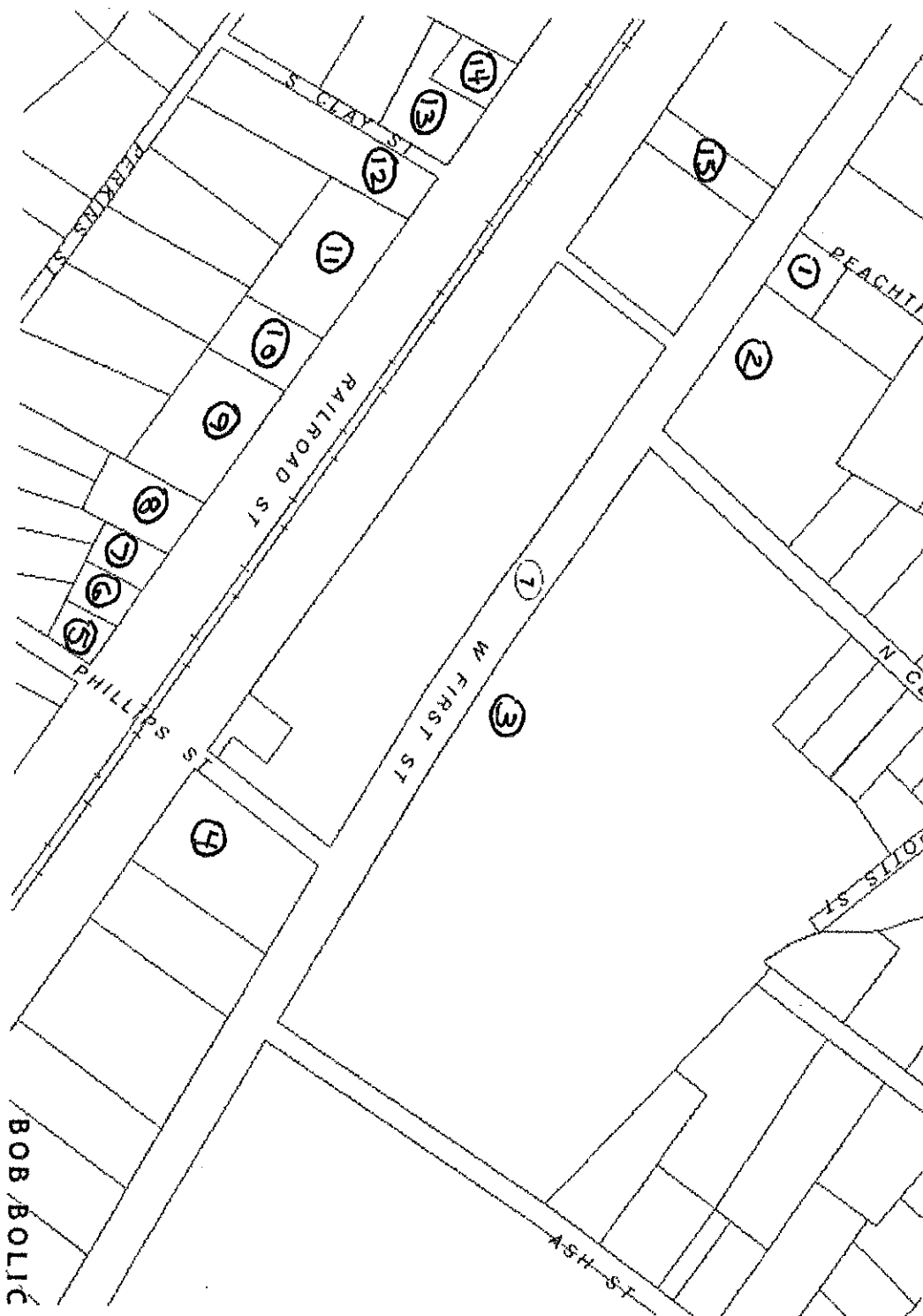
Applicant's Signature: , MANAGER

City of Lowell
101 West First Street
Lowell, NC 28098

Telephone: 704 - 824 - 3518

EXHIBIT A

ADJOINING PROPERTY OWNER MAP



**EXHIBIT B
ADJOINING PROPERTY OWNERS**

<u>ID#</u>	<u>PARCEL</u>	<u>OWNER</u>	<u>OWNER ADDRESS</u>
1	127662	Lowell Church of God	P.O. Box 802, Lowell, NC 28098
2	127667	Lowell Church of God	P.O. Box 802, Lowell, NC 28098
3	306362	Lowell OZB, LLC	2320 W. Morehead St, 2nd Fl., Charlotte, NC 28208
4	127735	Bikas Jana Vasillos	221 Scodfield Rd., Charlotte, NC 28209
5	127776	John L. & Natalie R. Lancaster	601 RailroadSt., Lowell NC 28098
6	127775	Randy S. Shavers	603 Railroad St., Lowell, NC 28098
7	127771	Michael A. Barrett	605 Railroad St., Lowell, NC 28098
8	214240	Jeffrey and Candace Funderburk	P.O. Box 662, Lowell, NC 28098
9	127767	Shirley M. Broome	709 Railroad St., Lowell, NC 28098
10	127764	Christine E. & Benny K. Hyman	5033 Abbingtion Way, Belmont, NC 28012
11	127763	Blue Dog Investments, LLC	726 Red Bird Ln., Clover, SC 29710
12	127760	Southeast Forestlands, LLC	1036 Peninsula Dr., Belmont, NC 28012
13	216259	VSP Charlotte, LLC	3495 Piedmont Rd NE, Bldg 11, Ste 300, Atlanta, GA 30305
14	127756	Marilyn M. Crunkleton	112 Rainbow Cir., Clover, SC 29710
15	127743	DO/28 Invetments, LLC	P.O. Box 8, Lowell, NC 28098

AGENDA ITEM INFORMATION

AGENDA ITEM #: 9-E

DESCRIPTION: REQUEST TO SET PUBLIC HEARING: CASE #ZTA23-01 – CONSIDERATION OF TEXT AMENDMENT TO REQUEST TO AMEND ARTICLE 3 – DEFINITIONS, ABBREVIATIONS, AND SYMBOLS, ARTICLE 8- DISTRICTS, 9-BUILDING & LOT TYPE STANDARDS & SPECIFICATIONS & ARTICLE 12 – OFF STREET PARKING, STACKING AND LOADING AREAS OF THE LOWELL DEVELOPMENT ORDINANCE AND AN ORDINANCE TO ALLOW FOR A NEW CLASSIFICATION/USE CATEGORY OF “INDUSTRIAL FLEX” THAT WOULD BE ADDED TO THE TABLE OS USES ALLOWED IN THE INDUSTRIAL DISTRICT

Please see the attached memo from the Planning Director.



To: Scott Attaway, City Manager
From: Joe Gates, Planning Director
Date: Wednesday, February 8, 2023
RE: REQUEST TO SET PUBLIC HEARING: CASE # ZTA23-01 - Text Amendment request to amend *Article 3 - Definitions, Abbreviations and Symbols, Article 8 - Districts, 9- Building & Lot Type Standards & Specifications & Article 12 - Off-Street Parking, Stacking and Loading Areas* of the Lowell Development Ordinance to allow for a new classification/use category of “Industrial Flex” that would be added to the Table of uses allowed in the Industrial Zoning District.

During their February 7th, 2023, regular meeting, the City of Lowell Planning & Zoning Board reviewed an application requesting text amendments be made to the following sections:

- *Article 3 - Definitions, Abbreviations and Symbols*
- *Article 8 - Districts, Table 8.1 Table of Uses*
- *Article 9 - Building & Lot Type Standards & Specifications, Section 9.8-2 Highway Lot Type Standards (A) Building Placement, Parking and Vehicle Access*
- *Article 12 - Off-Street Parking, Stacking and Loading Areas, Table 12.1 Off-Street Parking Spaces to be Provided.*

After reviewing the application, the Planning Board voted unanimously to recommend **APPROVAL** for the rezoning application as submitted by the applicant.

Staff requests that City Council set a public hearing at their next regularly scheduled meeting on Tuesday, March 14th, 2023 for this proposed text amendment.

STAFF REPORT

In discussions with the applicant regarding potential development of property in the IND (Industrial) district, staff and the applicant reviewed the permitted uses and other development requirements required by the Lowell Development Ordinance.

After reviewing our ordinance, the applicant is proposing additional standards to the Lowell Development Ordinance to allow for a category of development known as “Industrial Flex Space”. This use differs from others in our uses table because it allows for a broader amount of

uses under this “type” and allows for development of sites when the specific “end user” is unknown but the general type of development is known.

If approved, these revisions would modify Articles 3 ,8, 9 and 12 of the Lowell Development Ordinance and would add standards for a new type of development that is not currently addressed in our ordinance. **Staff recommends approval as presented below.**

- **Articles 3 - Definitions** - *add the following word and definition.*

Industrial Flex Space - A building or portion thereof that can be used and/or easily converted to use for office, sales, distribution, or storage as allowed in the IND (Industrial) Zoning District. These spaces will typically have larger percentage of office and/or showroom space than would typically be found in warehouse and distribution buildings.

- **Article 8 Districts, Table 8.1 Table of Use** - *Add “Industrial Flex Space” to table of uses under the IND (Industrial) zoning District.*

Table 8.1 - Table of Uses	Industrial (IND)
Industrial Flex Space	<u>L</u>

- **Article 9 Building and Lot Type Standards, Section 9.8-2 Highway Lot Type Standards(A)(4)** - *Add unlined language below to existing section.*

Section 9.8-2 Highway Lot Type Standards(A) Building Placement, Parking and Vehicle Access

Parking shall be located to the rear and/or side of the building, except parking for Industrial Flex Space. Parking for Industrial Flex Space uses shall be permitted in the front yard and shall be limited to one row of parking between the building and street. Side-yard parking may occupy no more than 35% of the principal frontage line and shall be buffered from the street according to the buffer requirements as set forth in Article 11. Parking shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.

- **Article 12 Off-Street Parking, Stacking and Loading Areas** - *add the following underlined text to Table 12-1.*

Type of Land Use	Off-Street Parking Spaces to be Provided:	
	Minimum	Maximum
Office, Business, and Industrial Uses		
<u>Industrial Flex</u>	<u>1.5 spaces per 1,000 Sq. ft. gross floor area</u>	<u>2.5 spaces per 1,000 Sq. ft. gross floor area.</u>

CITY OF LOWELL
PETITION FOR ZONING TEXT AMENDMENT CHANGE

Date of Petition 1-13-23

Petition Number ZTA23-01

1. Petitioner's Name LOWELL O2B, LLC (ATTN: ROB PRESSLEY)

Address 2320 W. MOREHEAD ST., 2ND FL., CHARLOTTE, NC 28208

Phone (704) 904-4053

(Include name, address, and phone number of any co-petitioners.)

2. State the exact nature of text change desired. Please make references to sections, page number, etc. Please make specific references to language that you desire deleted and/or language you desire to be added or to be put in place of deleted language. Interrelated changes may be made a part of the same application. Any change that is not interrelated to this change shall require a separate application. An example of an interrelated change is where a change in one section causes the need to change another section.

SEE ATTACHED



SIGNATURE OF APPLICANT

1-13-23
DATE

Application Processing Fee: \$200
Checks should be made payable to City of Lowell
Petition for zoning text change

CITY OF LOWELL
PETITION FOR ZONING TEXT AMENDMENT CHANGE

Staff Use Only:

Scheduled for Planning and Zoning Board consideration:

Date: FEBRUARY 7TH, 2023 Time: 6PM Location: LOWELL CITY HALL

Date written notice sent to Property Owner: _____

Planning and Zoning Board recommendation: ___ Approved ___ Denied

Notes/Comments: _____

Scheduled for City Council consideration:

Date: MARCH 14TH, 2023 Time: 6PM Location: LOWELL CITY HALL

Dates advertised: (a) first notice: _____ (b) second notice: _____

City Council recommendation: ___ Approved ___ Denied

Date applicant notified of City Council action: _____

Comments: _____

PETITION FOR ZONING TEXT AMENDMENT CHANGE

#2- State the exact nature of the text change desired:

Summary: Petitioner desires to add an "Industrial Flex" category to Lowell's Development Ordinance as part of it Industrial Zoning. The following outlines 1) The current or closely related text related to the proposed new Industrial zoning category and 2) The specific change/addition requested.

ARTICLE #3- *Definitions, Abbreviations and Symbols*

Existing Text:

NONE

Proposed Text:

Add a definition for Industrial Flex. Petitioner offers the following:

"Industrial Flex- Buildings allowing for a wide range of office, showroom and warehouse uses. They can be used for many purposes (Permitted Uses specifically outlined in Use Table 8.1) and are easier to retrofit to meet a company's needs than typical warehouse buildings allowed for in Industrial Zoning. This flexibility is ideal for a wide range of companies that need office or showroom space with a warehouse component. Flex buildings usually have slightly-lower ceiling clear height (14-24 ft clear) and have a larger percentage of office or showroom space than a typical distribution warehouse building. They also have more parking, typically front loading, and nicer landscaping than other industrial buildings and warehouse loading contained in the rear of the building."

ARTICLE #8- *Districts (Including Table of Uses 8.1)*

Existing Text:

NONE

Proposed Change:

Add an "Industrial Flex" category with generally all the same permitted uses as allowed for in the Industrial zoning and shown in Table 8.1.

ARTICLE #9- *Building & Lot Type Standards & Specifications*

Existing Text:

9.8-2(A.)(4.)- Parking shall be located to the rear and/or side of the building. Side-yard parking may occupy no more than 35% of the principal frontage line and shall be buffered from the street according to the buffer requirements as set forth in Article 11. Parking shall not be placed in any side-yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on side-yard parking may be modified.

Proposed Text:

In order to segregate office/showroom traffic from loading and truck traffic, Petitioner requests the following language: "Parking for Industrial Flex shall be permitted in the front, side and rear yard with parking in front of the building limited to one row and properly screened from the street."

ARTICLE #12- *Off Street Parking, Stacking and Loading Areas*

Existing Text:

NONE

Proposed Text:

Since Industrial Flex would house a variety of uses and since most projects developed would be speculative, it would be impossible to apply any existing parking ratios to a Flex project. Therefore, Petitioner requests the following parking ratios be considered for the Industrial Flex zoning category.

Maximum Parking:	2.5 spaces per 1,000 SF
Minimum Parking:	1.5 spaces per 1,000 SF