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# LOWELL PLANNING AND ZONING BOARD MEETING

## Special Meeting

Thursday, July 6th, 2023, 5:30 P.M.

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1. CALL TO ORDER
2. DETERMINATION OF QUORUM
3. PLEDGE OF ALLEGIANCE
4. CHANGES TO AND APPROVAL OF AGENDA
5. APPROVAL OF MINUTES FROM June 6<sup>th</sup>, 2023, MEETING
6. OLD BUSINESS
  - a) None.
7. NEW BUSINESS
  - a. Preliminary Plat Review
    - **File # PP2023-01 - Spencer Ridge Subdivision (former Pulte Homes project):** Review preliminary plat as required by Section 7.11(E) Subdivision Plat Approval.
  - b. Preliminary Capacity Assurance Review (PCAR) Application
    - **File # PCAR2023-03 Spencer Ridge (former Pulte Homes project):** Review and make recommendation on an application requesting water and sanitary sewer to this project located off Lowell-Spencer Mountain Road north of George Poston Park.
  - c. Preliminary Capacity Assurance Review (PCAR) Application
    - **File # PCAR2023-04 Willow Creek Meadows (former Lowell Townhomes/Groves Street TH):** Review and make recommendation on a revised application request to extend water and sanitary sewer services to this project located off Groves Street north of Highway 74.
  - d. Lowell Development Ordinance (LDO) Training:
    - Discussion about staff providing training to the Planning Board on a regular basis during their meetings.
8. ADJOURNMENT

# MINUTES

Lowell Planning and Zoning Board  
Regular Meeting  
Tuesday, June 6, 2023, 6:00 P.M.

## I. CALL TO ORDER

Chairman Scott Wilson, called the meeting to order at 6:02 p.m. Planning Board members present: Heather Seay, Troy Roberts Sr., Norris Lamb and David Jennings. Staff members present: Joe Gates, Planning Director, Todd Stroupe, GIS Analyst and Cheryl Ramsey, City Clerk. There were no members of the public in attendance.

## II. DETERMINATION OF QUORUM –it was determined a quorum was reached.

## III. PLEDGE OF ALLEGIANCE - led by Scott Wilson

## IV. CHANGES TO AND APPROVAL OF AGENDA – No changes. Board Member Lamb made a motion to approve the agenda with the change, seconded by Board Member Roberts. The vote was unanimously in favor.

## V. APPROVAL OF MINUTES FROM THE April 4, 2023, MEETING.

A motion was made by Board Member Jennings to approve the previous minutes, seconded by Board Member Seay. The vote was unanimously in favor.

## VI. OLD BUSINESS – None

## VII. NEW BUSINESS

A. **Test Amendment Application (Recommendation):** ZTA23-04 – Applicant: City of Lowell Staff –Request to reduce the “Corner Lot Side Street Setback” in the Industrial (IND) zoning district. Mr. Gates presented the proposed amendment to reduce the corner lot side street setback from 80 feet to 40 feet. Staff believes this request is reasonable and in the best interest of the public because it aligns development regulations with supporting infrastructure needs. Staff also maintains the amendment is consistent with Lowell City 2040 plan goals.

Board Member Jennings asked can they do anything with the buffer, like put anything on it? Mr. Gates directed the board to Appendix B in the agenda packet denoting the relevant definitions related to the amendment. He then discussed the Type A Buffer yard and mentioned the landscape requirements noting that you can't typically build on a buffer but may see other encroachments like an A/C unit overhang or a driveway that is like a cut-through. Board Member Lamb asked if

parking is included. Mr. Gates said not in buffers. A general rule for parking is they are typically on the side or the back of the building.

Mr. Gates stated that the last setback under the old ordinance was lower than the proposed at 25 or 30 feet, indicating this is not something that Lowell has not done in the past. Chairman Wilson asked what other municipalities are doing. Mr. Gates said that he hasn't looked at other municipalities but focused on the needs of Lowell. He said it was hard to compare when trying to accommodate to our specific LDO, setbacks, and buffers.

Chairman Wilson asked if he knows why it [the code] was set at 80 feet. Mr. Gates said no as it was before his and all the current Planning Boards time [as employee and members]. Board Member Lamb said he can understand why since the previous Council were probably looking at the streets not necessarily the front but the sides. After a brief discussion on the history of the code and purpose of the amendment, Board Member Lamb made a motion to accept the change to decrease the setback on corner lots from 80 feet to 40 feet. It was seconded by Board Member Jennings and the vote was unanimously in favor.

- B. **July 2023 Planning Board Meeting:** Discuss July meeting. The current meeting date falls on July 4<sup>th</sup> (Independence Day) holiday. Mr. Gates suggested rescheduling the board meeting to a later date and time during the same week as there may be items that need to be addressed before the July City Council meeting [on July 11, 2023]. He then went over the Rules of Procedures for holding Planning Board meetings. After a brief discussion, Board Member Jennings made a motion to change the meeting to the 6th at 5:30pm, seconded by Board Member Roberts. The vote was unanimously in favor. Chairman Wilson suggested everyone put the change in their calendars. Mr. Gates stated he will send a reminder and the City Clerk will notify the public of the change.

## VIII. ADJOURN

Motion was made to adjourn by Board Member Jennings, seconded by Board Member Seay. The vote was unanimously in favor. Adjourned at 6:25 p.m.

AFFIRM:

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Chair, Scott Wilson

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Cheryl Ramsey, City Clerk



**To:** Lowell Planning Board  
**From:** Joe Gates, Planning Director  
**Date:** Thursday, July 6, 2023  
**RE:** AGENDA ITEM 7A Preliminary Plat Review

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Application File Number: PP2023-01 Spencer Ridge Subdivision

#### Background:

The proposed development is zoned Single Family Residential - Conditional, SFR-4 (CZ 2022-08), and the proposed development is a permitted use in this district. The project area is approximately 223 acres and contains 406 single family detached units. The subject property lies fully within the corporate city limits of Lowell. This project is subject to conditions approved by the City Council, File Number RZ2022-03.

City staff and other members of the Lowell Technical Review Committee met on June 21<sup>st</sup>, 2023 to review the plat. Their comments have been added to this report in Attachment C.

#### Planning Board Action:

Review and make recommendation to staff per Article 7, Section 7.11-1 (E)(3) *Submittal of Plans to Planning Board* of the Lowell Development Ordinance. This section states that

- This review shall be made by the *Planning Board* as requested by the *Planning, Zoning & Subdivision Administrator*. The *Planning Board* shall provide input on the *Preliminary Plat/Site Development Plan for Major Subdivisions* only in accordance with the applicable requirements of this Ordinance.

Attachment A: Preliminary Plat - Spencer Ridge

Attachment B: Approved Conditional Zoning for Spencer Ridge, SFR-4 (CZ 2022-08)

Attachment C: Notes from the Lowell Technical Review Committee

ATTACHEMENT A

PRELIMINARY PLAT: SPENCER RIDGE SUBDIVISION

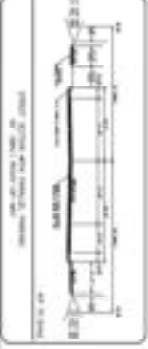
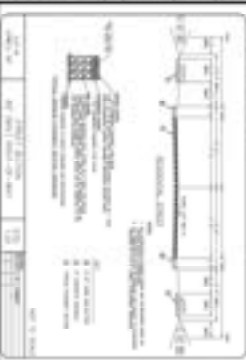
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**PROPOSED PROPERTY OWNERS**

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**IN**  
 INDEPENDENT CONTRACTORS ASSOCIATION

**PL-1**  
 PRELIMINARY PLAN

**SPENCER RIDGE**  
 PRELIMINARY PLAN  
 LOWELL SPENCER MOUNTAIN ROAD  
 LOWELL, NORTH CAROLINA, 28098

**MCADAMS**  
 ARCHITECTS  
 1000 ...  
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ATTACHEMENT B

CONDITIONAL REZONING PLAN: SPENCER RIDGE SUBDIVISION

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**MCADAMS**  
The John R. McAdams Company, Inc.  
3450 Foremost Way  
Charlotte, NC 28277  
phone 704.527.0800  
fax 919.361.2659  
license number: C0293, C-187  
www.mcadamsco.com

**CLIENT**

PURTELL DUNN  
11111 CARREL COMMONS BLVD.  
SUITE 650  
CHARLOTTE, NC 28226



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

**REVISIONS**

NO.	DATE	DESCRIPTION
1	07.12.2022	ISSUE FOR STATE SUBMISSION
2	08.16.2022	FOR CITY COMMENTS

**PLAN INFORMATION**

PROJECT NO. P1212001  
PERMITS PLAN P1212001-021  
CHECKED BY EM  
DRAWN BY JDS  
SCALE 1" = 300'  
DATE 12.10.2021  
**SHEET**

**REZONING PLAN**

**RZ.01**



GRAPHIC SCALE  
1" = 300'  
0 100 200  
Preliminary Drawing. Not Released for Construction.



**ADJACENT PROPERTY OWNERS**

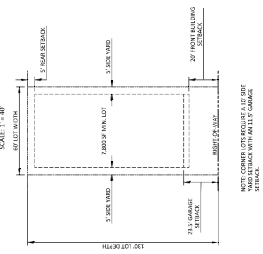
PARCEL	OWNER	ADDRESS	ACROSS
212507	JOHN R. McADAMS COMPANY, INC.	3450 FOREMOST WAY	5.5
212508	JOHN R. McADAMS COMPANY, INC.	3450 FOREMOST WAY	5.5
212509	JOHN R. McADAMS COMPANY, INC.	3450 FOREMOST WAY	5.5
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212524	JOHN R. McADAMS COMPANY, INC.	3450 FOREMOST WAY	5.5
212525	JOHN R. McADAMS COMPANY, INC.	3450 FOREMOST WAY	5.5

NOTE: PROPERTY INFORMATION BASED ON EASTON COUNTY GIS

**SITE DATA**

PROJECT NAME	SPENCER MOUNTAIN
PROJECT NO.	P1212001
DATE	12/10/21
SCALE	1" = 300'
DRAWN BY	JDS
CHECKED BY	EM
DATE	12/10/21
TITLE	REZONING PLAN
PROJECT LOCATION	LOWELL SPENCER MOUNTAIN ROAD, LOWELL, NC
CLIENT	PURTELL DUNN
DESIGNER	THE JOHN R. McADAMS COMPANY, INC.
DATE OF SURVEY	07/12/22
DATE OF PLAN	12/10/21
DATE OF REVISION	08/16/22
DATE OF REVISION	08/16/22
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**TYPICAL LOT DIMENSIONS**



NOTE: DIMENSIONS FOR LOTS WHOSE REAR SETBACK IS 5 FEET.

- SITE LEGEND**
- PROPERTY LINE
  - RIGHT-OF-WAY LINE
  - LOT LINE
  - SETBACK LINE
  - CENTELINE
  - ASPHALT DRIVE PAVEMENT
  - CONCRETE DRIVE PAVEMENT
  - NATURAL GRASS & TREE SAVI
  - ACTIVE OPEN SPACE (FINAL LOCATIONS TBD)





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**CLIENT**

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SUITE 500  
CHARLOTTE, NC 28226



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

**REVISIONS**

NO.	DATE	DESCRIPTION
1	07.12.2022	ISSUE FOR PUBLIC COMMENTATION
2	08.10.2022	FOR CITY COMMENTS

**PLAN INFORMATION**

PROJECT NO.	P1212001
PERMITS	P1212001-021
CHECKED BY	EM
DRAWN BY	JDS
SCALE	
DATE	12.10.2021

**REZONING NOTES**

**RZ.02**

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION

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

- iv. SCM capable of limiting peak flow from the site at each point of discharge to the predevelopment conditions for the 1 and 10 years, twenty-four-hour storm events
- v. A total phosphorus (TP) removal rate of at least 70% for all SCMs used.

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

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

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

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

- i. The use of high hazard or double row sill fencing along surface water bodies.
- ii. Slope valves and additional filtration at the outlet discharges.
- iii. Retention basins capable of conveying the 25-year storm with an outfall sized to maximize drawdown time.
- iv. Installation of temporary seeding and slope drains within 7 days after grading.
- v. Installation of natural fiber matting on slopes greater than 10%.

vi. Third party sediment and erosion control monitoring of the site.

vii. Implementation of devices downstream to mechanically monitor turbidity during construction and provide alerts to regulators and site operators when turbidity levels exceed action levels.

viii. Additional measures such as polyarylamides, proposed by the designers and owners.

5. **Environmental Survey and Core Samples of any Development Areas before and after construction to document obverse sedimentation.**

6. The developer shall adhere to the LDO and only plan native plant materials on the Site.

f. A minimum of two (2) ten (10) foot wide access easements shall be provided as follows:

- i. One shall be located between lots on Road I or Road J.
- ii. One shall be located along Spencer Lowell Mountain Road.

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

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

**6. Miscellaneous Provisions**

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

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

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

**8. Binding Effect of the Rezoning Application:**

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

Site Development Data:  
 1. **Site Location:** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Pulte ("Petitioner") to accommodate the development of up to four hundred and twenty-two (422) single-family detached dwelling units as generally depicted on the Rezoning Plan. The development will be on an approximately 25.23 acre site located on Spencer Mountain Road (the "Site").

2. **Zoning District/Ordinance:** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the Lowell Land Development Code (the "Ordinance"). Unless the Rezoning Plan establishes more stringent standards, the regulations established under the Ordinance for the SRP4 zoning classification shall govern.

3. **Graphics and Alterations:** The schematic depictions, lots, sidewalks, structures and buildings included on the Rezoning Plan are for informational purposes only. The Rezoning Plan does not constitute a "Development Site Elements" as set forth on the Rezoning Plan should be received in conjunction with the Development Site Elements depicted on the Rezoning Plan are graphic representations of the proposed development and shall be subject to review and approval as allowed by Section 24-118 of the Ordinance.

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

The Planning Director will determine if such minor modifications are allowed and if it is determined that they are allowed, the Petitioner shall be notified in writing of the modifications. The Ordinance, in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

4. **Permitted Use & Development Area:**

a. The Site may be developed with up to four hundred twenty-two (422) single-family detached dwelling units, including accessory dwelling units, as shown on the rezoning plan. The location will be determined as part of the overall grading plan during the land development process.

**3. Transportation and Connectivity:**

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

b. In the event a direct connection is provided from Phase 1 to Lowell Spencer Mountain Road, Creek Crossing B may be eliminated.

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

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

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

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

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

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

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

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

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

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## *Planning Department*

**To:** TRC Distribution List  
**From:** Joe Gates, Planning Director  
**Date:** **Wednesday, June 21, 2023**  
**Re:** **TRC Meeting Minutes**

See below for summary of this week's TRC meeting.

### **Preliminary**

**The Engineers/Developers (McAdams/Lennar) for the Spencer Ridge neighborhood development have submitted a preliminary plat for staff review. The site consists of approx. 233 acres/406 units and abuts Poston Park and lies on both sides of Lowell Spencer Mountain Rd. City staff, MPO, NCDOT and Gaston County met and went over the plan.**

### **Water and Sewer (Joe Gates, Lowell Planning Dept)**

- PCAR (Preliminary Capacity Assurance Review) and FCAR (Final Capacity Assurance Review) will be required for this development due to the GPD exceeding the 5,000 GPD threshold.
- Recommendation from the Planning Board and approval by the City Council is required per the Utility Allocation Policy.
- PCAR application has been submitted to staff and will be reviewed by the Planning Board at their July 6<sup>th</sup>, 2023, Meeting.
- City Council will review the application on July 11<sup>th</sup>, 2023, Meeting.
- Thomas (PW) was unable to attend the TRC meeting. Plans will be sent to obtain any further comments before returning the plans to the applicant.

### **Engineering (Bonnie/ LaBella/ Lowell City Engineer)**

- Collector streets and the capacity thresholds for such streets. May need to review street sections in the Standards Manual. Trying to balance moving traffic and safe design for pedestrians.
- Need to revisit additional water connections for phase 4. Need to look at additional connection through George Poston Park. (meeting set with Gaston County to start this discussion).
- Use of "Mountain" design for certain sections of road within the development was discussed. Staff agreed that using "mountain" design would be acceptable for those limited sections of road, based on elevation/contours. NCDOT agreed with this logic and referenced a similar project in Gaston County where this approach was used. McAdams has provided a topographic map with % slopes color coded to support the mountainous classification.

### **Police (Chief Moore, Lowell PD)**

- Chief Moore asked if the speed limit could be lowered from 45 to 35 for the section of Lowell-Spencer Mountain Rd. Blake Guffey with NCDOT stated that Scott had sent in the official request, and it would be taken for consideration/review by NCDOT.

**Fire (Chief Cunningham, Lowell VFD)**

- Unable to attend the meeting. The Planning Director will follow up with Fire to collect comments.

**Stormwater/Grading/Erosion (Chad Waldrup, Gaston County Natural Resources)**

- Stream Buffers and % of slope. Chad and Jon Berger with the County are available for pre-submittal meetings to assist the applicant. Stream buffers could impact lot count. Chad will send other comments to Lowell staff before July 6<sup>th</sup> Planning Board meeting.
- Spencer Ridge – Gaston County Natural Resources Comments
- Be sure to evaluate proposed limits of disturbance (including at SCM locations) for compliance with section 6.74 “buffer zones” in the NC DEQ SE&SC Planning and Design Manual. There are many instances where the proposed grades extend well into the 100’ buffer and close to streams.
- Also, buffer requirements can affect lot layouts based on existing percent of slope.
- Follow the Spacing Guide for Slope Breaks in Table 6.02a of the NC DEQ SE&SC Planning and Design Manual.
- PID# 202774 has approximately 20 acres of the maximum rating for Biodiversity and Wildlife Habitat Assessment by the NC Natural Heritage Program. See the NHP website for reference: <https://ncnhde.natureserve.org/content/map>
- This property is adjacent to over 3,000 acres of conserved land (Redlair; Laurel Hill; Catawba Thread Trail; George Poston Park- all part of the Spencer Mountain Conservation Area). Because of this, habitat conservation is especially important to reduce habitat fragmentation and maintain intact ecosystems with continuity/corridors. Gaston County Natural Resources Department recommends the developer obtain a Wildlife Friendly Development certification through the Wildlife Resources Commission (WRC) as a part of the conditional zoning. This process involves working with WRC wildlife biologists through the design process.
- Bigleaf Magnolia is listed on NC’s Endangered Species list as a species of Special Concern – Vulnerable meaning “Any species or higher taxon of plant which is likely to become a threatened species within the foreseeable future” (NCAC 02 NCAC 48F .0401). Bigleaf Magnolia is present on this property. Gaston County Natural Resources Department recommends the developer complete an environmental survey as a part of the conditional zoning process. The occurrences of Bigleaf Magnolia should be identified and impacts to these areas should be minimized.

**Zoning/ Planning (Joe Gates, Lowell Planning Director)**

- Property is conditionally zoned, file RZ22-03. Staff are currently reviewing this plan.
- Staff will bring the plan to the Planning Board meeting on July 6<sup>th</sup> 2023, for comment/input per LDO requirements.
- Staff will return comments to the applicant after the planning board meeting and all comments have been collected.

**MPO (Randi Gates, GCLMPO)**

- A proposed new 2-lane roadway, the North Ranlo Loop, is included in the MPO’s CTP. This recommended new major road connects Lower Dallas Hwy. and Ranlo Spencer Mountain Rd./Spencer Mountain Rd. A functional design has been completed for this proposed roadway, but the project is not funded and the alignment is subject to change.
- Review Carolina Thread Trail connections for this project pay attention to crossings of Lowell Spencer Mountain Rd.

**Park and Recreation (Cristy Cummings, Lowell)**

- Verify open space requires and review amenities for the community. Cristy also mentioned Carolina Thread Trail connectivity.

**NCDOT (Blake Guffey)**

- Blake provided staff with TIA Scope Submittal from July 2022.
- Based on the proposed changes to the plan (406 lots v 422 lots) and one access has now been shifted north to line up as a 4-leg instead of 2 Ts. The addendum will be sufficient and would not require the developer to start over again.
- Blake discussed the speed limit question with the District Engineer along Lowell Spencer Mountain Rd. The District Engineer agrees that the speed limit should be reduced based on Scott Attaway's (Lowell City Manager) letter to reduce the speed limit to 35mph as requested. The official process of writing ordinance and obtaining signatures at code take a few months.

# 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: 05/23/2023

WILLINGNESS TO SERVE  (DOES NOT RESERVE CAPACITY)

### Requested By

Jason		Galloway		Lennar Carolinas, LLC	
<i>First Name</i>		<i>Last name</i>		<i>Company, HOA, Developer, etc.</i>	
6701 Carmel Rd, Suite 425					
<i>Address</i>					
Charlotte	NC	28226	jason.w.galloway	@lennar.com	Apartment/Unit # 704-771-4468
<i>City</i>	<i>State</i>	<i>Zip</i>	<i>Email</i>	<i>Fax</i>	<i>Phone</i>

### Project Location

Spencer Ridge				704-771-4468	
<i>Project Name</i>				<i>Phone</i>	
Lowell-Spencer Mountain Road					
<i>Site Address</i>					
Lowell	NC	28098	Apartment/Unit # jason.w.galloway@lennar.com		
<i>City</i>	<i>State</i>	<i>Zip</i>	<i>Email</i>		
<i>Contact Person Name</i> Jason Galloway					
		TAX PARCEL NUMBER:		136564, 210660 + PORTIONS OF 135144, 202166, 202774	

### 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 406 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 \_\_\_\_\_ students
    - i. Cafeteria  Y  N
    - ii. Gym/Locker Rooms  Y  N
  - k. Other (provide flow calculations) \_\_\_\_\_
3. Will this project have a pool?  Y  N
  - a. If yes, pool must have a 4-inch drain line

Wastewater Single-Family	Water Single-Family
60 gal/day/bed x 4 bed = 240 gal/day	400 GPD/lot
406 lots x 240 = 97,440 GPD	406 lots x 400 = 162,400 GPD
Wastewater Amenity	Water Amenity
10 gal/day/person	10 gal/day/person
3,340 GPD	3,340 GPD

4. Will this project have a private sewer lift station?  Y  N
5. Total wastewater flow requested (average daily flow in gpd, show calculations) 101k
6. Commercial only: Peak wastewater flow requested (peak hourly flow in GPH): \_\_\_\_\_
7. Average Daily Water Demand: 166k
8. Peak Water Demand (GPM): 575 (165,740 gpd x 2.5)/12/60 = 575
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? Public lift Station is proposed with this project

WWTF **Basin:**

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ATTACHEMENT D

CITY ENGINEER REPORT: SPENCER RIDGE SUBDIVISION

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## MEMORANDUM

TO: Joe Gates , City of Lowell Planning Administrator  
FROM: Jeff Sweater, PE, LaBella Associates Senior Project Manager  
DATE: June 30, 2023  
RE: PCAR Review - Spencer Ridge Development

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The proposed development is located within the City of Lowell Utilities service area and will be constructed in four phases. Phase 1 is projected for completion by December 2025 and the final Phase 4 by December 2028. Per the attached PCAR application, the project includes a swimming pool and 406 lots, with an estimated average daily sewage flow rate of 100,780 gallons per day (gpd) and an estimated average daily water usage rate of 165,740 gallons per day (gpd).

We have reviewed the PCAR for the subject project submitted by the Developer and have the following comments:

1. System Capacity: Based on current water and sewer system capacities, flow projections for known proposed connections, and planned Capital Improvements, the City of Lowell appears to have water and sewer capacity to serve the proposed project.

The Developer is proposing to phase permitting and construction of the subdivision over a period of 5 years or less. The availability of water and sewer capacity is not guaranteed until tapping fees are paid, AND the connection permit for the proposed lot and certificate of occupancy for the house have been issued by the City.

Our determination of available capacity assumes sewer system I&I, water system leakage rates, and regulations remain consistent with current conditions and trends. It is also assumed any unknown applicants wishing to purchase capacity within the next 5 years are not significant enough to cause limitations or a moratorium on connections.

2. Connections: Issuance of connection permits to City's water and sewer facilities will be subject to the following:
  - a. Review and approval of detailed engineered utility plans meeting the City's minimum requirements.
  - b. Review and approval of shop drawings prior to construction of infrastructure that is proposed for dedication to the City.
  - c. All required infrastructure improvements pursuant to the City's W/S Extension policy, and/or a separate Developer's Agreement, have been properly constructed, inspected by the City or this designated representatives, passed all required quality control testing, and have been fully dedicated to the City.



The Developer is responsible to initiate and secure all required permits for the proposed improvements at their own expense.

- d. Proof of recordation of any required easements or rights-of-way to the City have been provided for all new infrastructure improvements needed to serve said connection(s).
  - e. The Developer has reimbursed the City for all reasonable engineering, legal, and administrative expenses incurred by the City as a result of the project.
  - f. All required capacity, meter setting, and other connection fees have been paid pursuant to the City Fee Schedule Ordinance NCGS 162A (as last amended) and the service application has been filed at the City's Customer Service office.
  - g. Suitable water and sewer capacity is confirmed to still be available in the system by the City and no moratoriums on connections have been imposed by DEQ.
3. Water System Design Considerations: The proposed project will require extension of the City's 12" water main water system that dead ends near the former Yorkshire Plant site on North Main Street/Lowell Spencer Mountain Road.
- a. The Developer's Engineer shall confirm the feasibility of water and sewer service to the proposed area, as well as adequate fire flow protection.
  - b. With this portion of the City water system not being looped and the proposed extension creating an even longer dead end in the water system, water quality impacts with respect to water age should be investigated by the Applicant to determine the City's potential exposure for increased Total Trihalomethanes (TTHM)/disinfection byproducts and minimum Total Residual Chlorine (TRC) violations, and if any temporary or permanent design and/or O&M changes are warranted to be implemented by the Developer. Investigations should include initial impacts when only the first few homes in Phase I are occupied, and impacts at full buildout.
4. Sewer System Design Considerations: It appears the proposed project can be served by the existing 15" sanitary sewer line located at the intersection of Main Street and River Falls Drive with construction of a pump station and force main.
- a. Existing flow in the 15" line was monitored from August 4, 2022 to December 31 2022 and the pipe appeared to have sufficient capacity to serve the proposed development based on flow data observed for that period.
  - b. A pump station with force main is proposed to convey the entire development flow to the manhole at MH-1400. The pump station shall be designed per the City's requirements and dedicated to the City. The proposed peak pumping rate of the pump station to the gravity sewer main must be provided to determine if any limitations in peak flow could be required that must be incorporated into the final station design.
5. System Upgrades: All on-site and offsite water and sewer main extensions, and other required upgrades to the existing systems needed to accommodate the proposed development, shall be designed by a Professional Engineer, constructed, and



financed at the Developer's sole expense in accordance with the City of Lowell's Standards and Extension Policy. It is recommended that any required offsite improvements are covered by a Developer's Agreement that incorporates engineering review prior to City Council approval.

6. Easements: All water mains shall be centered in a 20-foot General Public Utility Easement (G.P.U.E) and all sewer mains shall be centered in a 30-foot G.P.U.E if not located within a dedicated right-of-way. Water and sewer mains shall be horizontally offset no less than 10-feet from a dedicated right-of-way boundary line and other utility lines. All offsite easements are to be obtained by the Developer at their expense.
7. Capacity Fees: Water and Sewer capacity fees will be due based on the prevailing fee schedule and in compliance with GS 162A. Water and Sewer taps will be pre-installed by the developer pursuant to City standards. Meter set fees will be due based on the prevailing fee schedule when service is desired for activation for that particular unit within the development.
8. Additional comments will be provided after submittal of engineered utility plans for the development.

Note that approval of the PCAR indicates a *Willingness to Serve* the development and is not an assurance of water or sewer capacity. Water and sewer flow allocation and construction plans shall be reviewed and approved during the FCAR process per the City's Policy for Managing Utility Allocations & Extensions.

If you have any questions, feel free to contact me at 704-941-2143 or 941-374-3930.

ATTACHEMENT F

PUBLIC WORKS REPORT: SPENCER RIDGE SUBDIVISION

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**To:** Joe Gates, Planning Director

**From:** Thomas Shrewsbury, Public Works

**Date:** July 6, 2023

**Re:** PCAR Review – Spencer Ridge

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Dear Mr. Gates

The City of Lowell Public Works Department has reviewed the plans for the Spencer Ridge subdivision consisting of 407 new homes. After considering the service needs and viewing reports from LaBelle regarding water and sewer capacities available. We agree that the City of Lowell can adequately supply the water and sewer service to the proposed subdivision.

Respectfully,

Thomas Shrewsbury

A handwritten signature in blue ink, appearing to read "Thomas Shrewsbury", is written over a horizontal line.

City of Lowell, Public Works Director

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. Preliminary Capacity Assurance Review (PCAR): 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. A Preliminary Capacity Assurance Review (PCAR), application shall be submitted prior to, or concurrently, with the preliminary plat submittal for subdivisions; or concurrently with, or prior to, submittal of construction drawings for all other developments. This preliminary application submittal does not require a fully engineered site plan and can be submitted with a conceptual plan of the development site that includes a preliminary estimate of flows. The PCAR (also known as a Willingness to Serve) is intended to identify and address any potential capacity issues early in the development process. Existing Water and Sewer maps from the Public Works department may be made available to the applicant for the creation of a concept plan attachment to the application. Approval of the PCAR does NOT reserve capacity within the wastewater system.
- B. Full Capacity Assurance Review (FCAR): After approval of the PCAR, the owner of the project shall submit a completed FCAR application with fully engineered site utility plans for review. After a complete submittal is received, the City shall perform an engineering analysis of the existing public wastewater system and water system to verify sufficient capacity in the system to accommodate the proposed development. The existing system shall be evaluated from the new customer's proposed point of connection through the existing local gravity sewer, the trunk sewer, any pump stations, and to the wastewater treatment facilities. All costs associated with this engineering, evaluation and analysis shall be the



City of Lowell  
Policy for Managing Utility Allocations & Extensions

responsibility of the developer. After sufficient capacity is confirmed by the City, the FCAR application may be approved.

Approval of the FCAR application and utility allocation reserves capacity for the development in the public wastewater system for twenty-four (24) months from the date of approval.

- C. The Planning Board shall review and make recommendation to the City Council for consideration and approval of all Willingness to Serve notifications (PCAR) and allocations (FCAR), 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.
- D. The City Public Works Engineer shall review for approval all incorporated area applications for utility Willingness to Serve notifications (PCAR) and capacity (FCAR), 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

City of Lowell  
Policy for Managing Utility Allocations & Extensions

Council for final decision at the next regularly scheduled City Council meeting.

- E. 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/Full Capacity Assurance Review (FCAR) 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.
- F. 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

City of Lowell  
Policy for Managing Utility Allocations & Extensions

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.
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

City of Lowell  
Policy for Managing Utility Allocations & Extensions

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 Section 1 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 14<sup>th</sup> day of March 2023

s/ Sandy Railey  
Sandy Railey, Mayor

s/ Cheryl Ramsey  
Cheryl Ramsey, City Clerk

\*Original version adopted on August 10, 2021\*

ATTACHEMENT D

POLICY FOR MANAGING UTILITY ALLOCATIONS AND EXTENSIONS

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# CITY OF LOWELL



e-mail this application along with utility plan to:

City Manager, City of Lowell  
101 W. First Street  
Lowell, NC 28098  
sattaway@lowellinc.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: \_\_\_\_\_

WILLINGNESS TO SERVE  (DOES NOT RESERVE CAPACITY)

### Requested By

First Name \_\_\_\_\_ Last name \_\_\_\_\_ Company, HOA, Developer, etc. \_\_\_\_\_

Address \_\_\_\_\_ Apartment/Unit # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_ Fax \_\_\_\_\_ Phone \_\_\_\_\_

### Project Location

Project Name \_\_\_\_\_ Phone \_\_\_\_\_

Site Address \_\_\_\_\_ Apartment/Unit # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Email \_\_\_\_\_

Contact Person Name \_\_\_\_\_

### 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 \_\_\_\_\_ students
    - i. Cafeteria  Y  N
    - ii. Gym/Locker Rooms  Y  N
  - k. Other (provide flow calculations) \_\_\_\_\_
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) \_\_\_\_\_
6. Commercial only: Peak wastewater flow requested (peak hourly flow in GPH): \_\_\_\_\_
7. Average Daily Water Demand: \_\_\_\_\_
8. Peak Water Demand (GPM): \_\_\_\_\_  $(71,600 \text{ gpd} \times 2.5) / 12 / 60 = 249$
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

Wastewater Single-Family  
 60 gal/day/bed x 3 bed = 180 gal/day  
 179 units x 180 = 32,220 GPD

Water Single-Family  
 400 GPD/unit  
 179 units x 400 = 71,600 GPD

---

**City Tracking #:**

**Map #**

---

**Basin**

**Flow amount (gpd)**

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

If yes, which station?

WWTF **Basin:**

ATTACHEMENT H

SITE PLAN: WILLOW CREEK MEADOWS

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**MCADAMS**  
 The John R. McAdams Company, Inc.  
 3430 Longmeadow Way  
 Charlotte, NC 28227  
 Phone 704.537.8800  
 Fax 704.537.8800  
 Website www.mcadams.com

**CLIENT**  
 SHARIN GASPARINI  
 2649 BROOKBRIDGE CENTRE DRIVE  
 MONROE, NC 28106  
 SHARIN.GASPARINI@TRUENORTH.COM



# LOWELL TOWNHOMES

CONSTRUCTION DRAWINGS  
 GROVES STREET  
 LOWELL, NORTH CAROLINA



**REVISIONS**

NO.	DATE	DESCRIPTION
1	12.12.2022	ISSUE FOR CONSTRUCTION
2	02.07.2023	REVISED CONSTRUCTION

**PLAN INFORMATION**

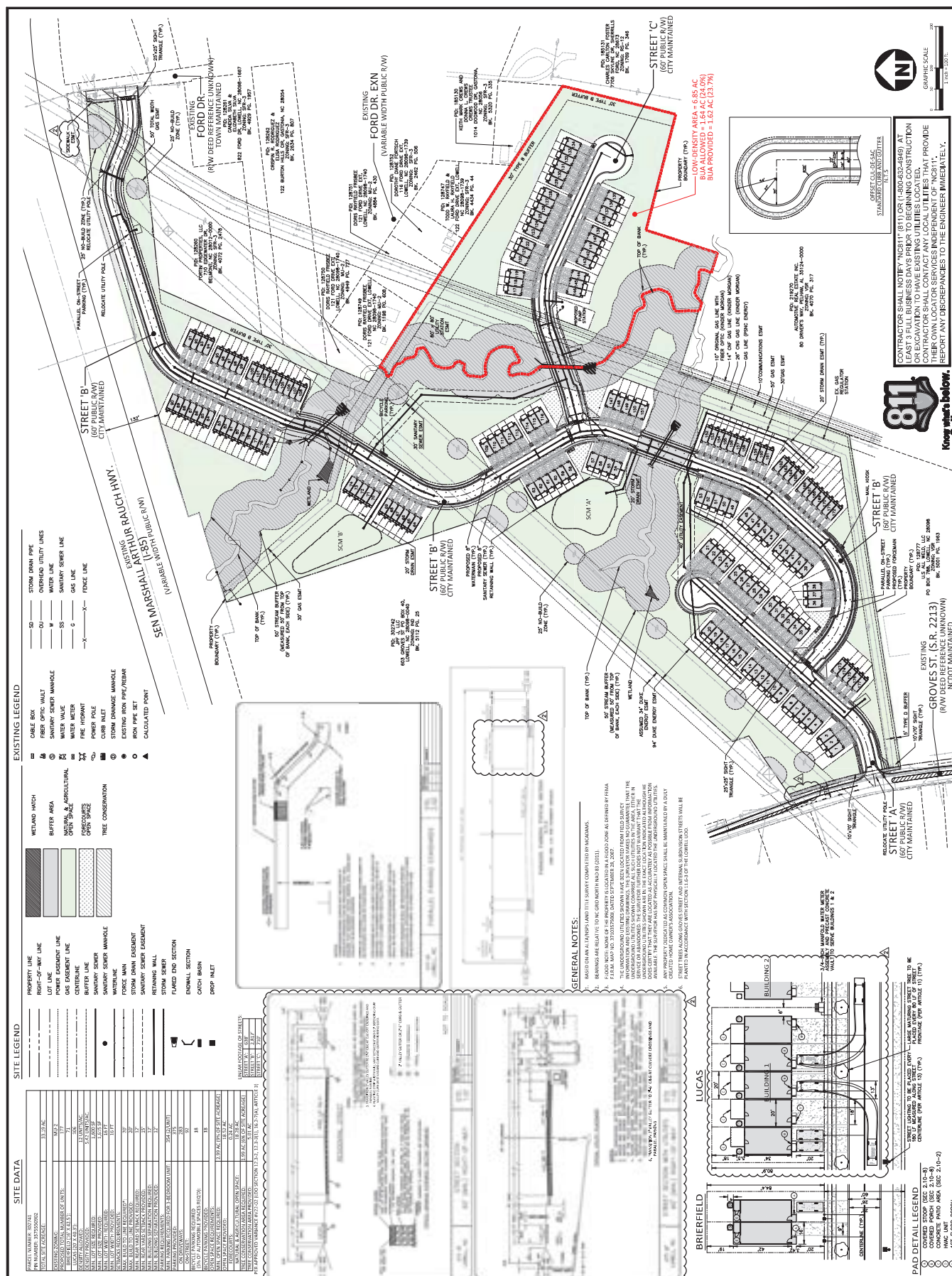
PROJECT NO.	TRU-212001
PERMITS	TRU202001-PP-0485
CHECKED BY	SAW
DRAWN BY	MDM
SCALE	1"=40'-0"
DATE	10.03.2022

**OVERALL PRELIMINARY PLAT PL-1**

CONTRACTOR SHALL NOTIFY "811" (811) OR (1-800-455-4848) AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO IDENTIFY EXISTING UTILITIES. CONTRACTOR SHALL CONTACT ANY LOCAL UTILITIES THAT PROVIDE THEIR OWN LOCAL SERVICES INDEPENDENT OF "811". REPORT ANY DISCREPANCIES TO THE ENGINEER IMMEDIATELY.  
**811**  
 Know what's below. Call before you dig.



CONSTRUCTION DRAWINGS - NOT RELEASED FOR CONSTRUCTION



**EXISTING LEGEND**

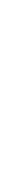
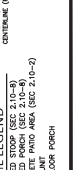
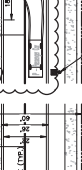
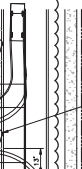
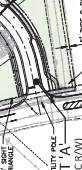
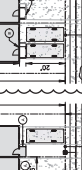
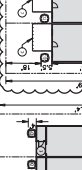
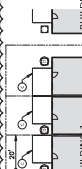
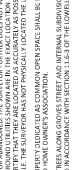
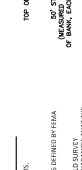
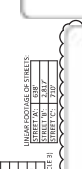
	CABLE BOX		STORM DRAIN PIPE
	FIBER OPTIC WALL		OVERHEAD UTILITY LINES
	SANITARY SEWER MANHOLE		WATER LINE
	WATER VALVE		SANITARY SEWER LINE
	WATER METER		GAS LINE
	FIRE HYDRANT		FENCE LINE
	POWER POLE		
	STORM DRAIN PIPE/MANHOLE		
	IRON PIPE SET		
	CALCULATED POINT		

**PROPERTY LEGEND**

	WETLAND		RIGHT-OF-WAY LINE
	BUFFER AREA		LOT LINE
	NATURAL & AGRICULTURAL OPEN SPACE		POWER EASEMENT LINE
	CONSTRUCTION OPEN SPACE		SEWER EASEMENT LINE
	TREE CONSERVATION		BUTLER LINE
			SANITARY SEWER MANHOLE
			STORM DRAIN EASEMENT
			SANITARY SEWER EASEMENT
			RETAINING WALL
			STORM SEWER
			FLARED END SECTION
			CATCH BASIN
			DROP INLET

**SITE LEGEND**

	PARCEL NUMBER - REZONED		EXISTING STRUCTURE
	PARCEL NUMBER - NOT REZONED		PROPOSED STRUCTURE
	PROPOSED STRUCTURE - FOUNDATION		PROPOSED STRUCTURE - FRAME
	PROPOSED STRUCTURE - ROOF		PROPOSED STRUCTURE - SIDING
	PROPOSED STRUCTURE - WINDOWS		PROPOSED STRUCTURE - DOORS
	PROPOSED STRUCTURE - PORCH		PROPOSED STRUCTURE - DECK
	PROPOSED STRUCTURE - STAIRS		PROPOSED STRUCTURE - RAMP
	PROPOSED STRUCTURE - DRIVEWAY		PROPOSED STRUCTURE - GARAGE
	PROPOSED STRUCTURE - POOL		PROPOSED STRUCTURE - SPA
	PROPOSED STRUCTURE - FENCING		PROPOSED STRUCTURE - LANDSCAPING
	PROPOSED STRUCTURE - SITE WORK		PROPOSED STRUCTURE - OTHER



**PAD DETAIL LEGEND**

	COVERED STOP (SEE 2.10-5)
	CONCRETE PAD AREA (SEE 2.10-2)
	PAD AREA
	10' CATCH BASIN

**GENERAL NOTES:**

- BASED ON A.S. PLANS AND TITLE SURVEY COMPLETED BY MCADAMS.
- BOUNDARIES ARE RELATIVE TO THE GRID NORTH (NAD 83) COORDINATES.
- FLOOD NOTE: PORTION OF THE PROPERTY IS LOCATED IN A FLOOD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE LOWELL AREA.
- THE UNDERSIGNED UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND ARE NOT GUARANTEED. THE UNDERSIGNED IS NOT RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION.
- THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO EXCAVATION.
- ANY PROPERTY NOT INDICATED AS EXISTING OPEN SPACE SHALL BE MAINTAINED BY A DIRT COVER AND SHALL NOT BE EXCAVATED OR REMOVED.
- STREET TREES AND SIGNAGE ARE SHOWN AS EXISTING AND INTERNAL SIGNAGE SHALL BE PLACED IN ACCORDANCE WITH SECTION 12.6.4 OF THE LOWELL CODE.

**BRIERFIELD**

EXISTING MANHOLE TO BE RELOCATED TO THE INTERSECTION OF GROVES STREET AND SEN MARSHALL AVENUE. (SEE 2.10-2)

EXISTING MANHOLE TO BE RELOCATED TO THE INTERSECTION OF GROVES STREET AND SEN MARSHALL AVENUE. (SEE 2.10-2)

**LUCAS**

EXISTING MANHOLE TO BE RELOCATED TO THE INTERSECTION OF GROVES STREET AND SEN MARSHALL AVENUE. (SEE 2.10-2)

EXISTING MANHOLE TO BE RELOCATED TO THE INTERSECTION OF GROVES STREET AND SEN MARSHALL AVENUE. (SEE 2.10-2)

**2649 BROOKBRIDGE CENTRE DRIVE**

EXISTING MANHOLE TO BE RELOCATED TO THE INTERSECTION OF GROVES STREET AND SEN MARSHALL AVENUE. (SEE 2.10-2)

EXISTING MANHOLE TO BE RELOCATED TO THE INTERSECTION OF GROVES STREET AND SEN MARSHALL AVENUE. (SEE 2.10-2)

ATTACHEMENT D

POLICY FOR MANAGING UTILITY ALLOCATIONS AND EXTENSIONS

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## MEMORANDUM

TO: Joe Gates , City of Lowell Planning Administrator

FROM: Jeff Sweater, PE, LaBella Associates Senior Project Manager

DATE: July 5, 2023

RE: PCAR Review – Groves Street Townhomes

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The proposed development is located within the City of Lowell Utilities service area. Per the attached PCAR application, the project includes 177 townhome units, with an estimated average daily sewage flow rate of 31,860 gallons per day (gpd) and an estimated average daily water usage rate of 70,800 gallons per day (gpd).

We have reviewed the PCAR for the subject project submitted by the Developer and have the following comments:

1. System Capacity: Based on current water and sewer system capacities, flow projections for known proposed connections, and planned Capital Improvements, the City of Lowell appears to have water and sewer capacity to serve the proposed project.

The availability of water and sewer capacity is not guaranteed until tapping fees are paid, AND the connection permit for the proposed lot and certificate of occupancy for the house have been issued by the City.

Our determination of available capacity assumes sewer system I&I, water system leakage rates, and regulations remain consistent with current conditions and trends. It is also assumed any unknown applicants wishing to purchase capacity within the time period of the proposed development are not significant enough to cause limitations or a moratorium on connections.

2. Connections: Issuance of connection permits to City's water and sewer facilities will be subject to the following:
  - a. Review and approval of detailed engineered utility plans meeting the City's minimum requirements.
  - b. Review and approval of shop drawings prior to construction of infrastructure that is proposed for dedication to the City.
  - c. All required infrastructure improvements pursuant to the City's W/S Extension policy, and/or a separate Developer's Agreement, have been properly constructed, inspected by the City or this designated representatives, passed all required quality control testing, and have been fully dedicated to the City. The Developer is responsible to initiate and secure all required permits for the proposed improvements at their own expense.





- d. Proof of recordation of any required easements or rights-of-way to the City have been provided for all new infrastructure improvements needed to serve said connection(s).
  - e. The Developer has reimbursed the City for all reasonable engineering, legal, and administrative expenses incurred by the City as a result of the project.
  - f. All required capacity, meter setting, and other connection fees have been paid pursuant to the City Fee Schedule Ordinance NCGS 162A (as last amended) and the service application has been filed at the City's Customer Service office.
  - g. Suitable water and sewer capacity is confirmed to still be available in the system by the City and no moratoriums on connections have been imposed by DEQ.
3. Water System Design Considerations: The proposed project will require connection to the City's 8" water main water system in Groves Street and a looped connection to the City's existing 8" water main on Ford Road.
- a. The Developer's Engineer shall confirm the feasibility of water service to the proposed area, as well as adequate fire flow protection.
  - b. A hydrant flow test performed within the last 12 months should be obtained and used by the Developer's Engineer for fire flow projection calculations and/or modeling.
4. Sewer System Design Considerations: The proposed project will require connection to the City's existing 8" gravity sanitary sewer line in Groves Street at manhole MH-4110A.
- a. The flows from the proposed development were included in the City's *2022 Reid Street Pump Station Reversal to TRU* feasibility study. The existing 8" sewer line from Groves Street to the downstream TRU Metering Station at Fair Street was found sufficient to serve the proposed development based upon the study assumptions and flow observed during 2022.
  - b. The City has a Interlocal Agreement with TRU to discharge sewer flows from the Groves Street/Wilkinson Blvd area to the Fair Street metering station. Per emailed correspondence with TRU during the feasibility study, the Fair Street metering station appears to have sufficient capacity to accept the proposed flows from the Project.
  - c. A pump station with force main is proposed to convey the entire development flow to a manhole in Groves Street. The pump station shall be designed per the City's requirements and dedicated to the City. The proposed peak pumping rate of the pump station to the gravity sewer main must be provided to determine if any limitations in peak flow could be required that must be incorporated into the final station design.
5. System Upgrades: All on-site and offsite water and sewer main extensions, and other required upgrades to the existing systems needed to accommodate the proposed development, shall be designed by a Professional Engineer, constructed, and financed at the Developer's sole expense in accordance with the City of Lowell's



Standards and Extension Policy. It is recommended that any required offsite improvements and on-site pump stations are covered by a Developer's Agreement that incorporates engineering review prior to City Council approval.

6. Easements: All water mains shall be centered in a 20-foot General Public Utility Easement (G.P.U.E) and all sewer mains shall be centered in a 30-foot G.P.U.E if not located within a dedicated right-of-way. Water and sewer mains shall be horizontally offset no less than 10-feet from a dedicated right-of-way boundary line and other utility lines. All offsite easements are to be obtained and recorded by the Developer at their expense.
7. Capacity Fees: Water and Sewer capacity fees will be due based on the prevailing fee schedule and in compliance with GS 162A. Water and Sewer taps will be pre-installed by the developer pursuant to City standards. Meter set fees will be due based on the prevailing fee schedule when service is desired for activation for that particular unit within the development.
8. Additional comments will be provided after submittal of engineered utility plans for the development.

Note that approval of the PCAR indicates a *Willingness to Serve* the development and is not an assurance of water or sewer capacity. Water and sewer flow allocation and construction plans shall be reviewed and approved during the FCAR process per the City's Policy for Managing Utility Allocations & Extensions.

If you have any questions, feel free to contact me at 704-941-2143 or 941-374-3930.

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**To:** Joe Gates, Planning Director

**From:** Thomas Shrewsbury, Public Works

**Date:** July 6, 2023

**Re:** PCAR Review – Grove Street Townhomes

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Dear Mr. Gates

The City of Lowell Public Works Department has reviewed the plans for the Willow Creek Meadows subdivision townhomes project. After formulating the flow expectations and reviewing reports from LaBelle regarding service capacity, we agree that the City of Lowell can adequately supply the water and fire protection needs of the proposed 177 townhome units.

The sewer leaving the development will travel through City of Lowell infrastructure to a Fair Street metering location, where it will enter Two Rivers Utilities sewer system. Based on available sewer capacities at this Two Rivers metering point and reports from labella, we see no issues accepting flows from the proposed townhome development.

Respectfully,

Thomas Shrewsbury

City of Lowell, Public Works Director



**To:** Lowell Planning Board  
**From:** Joe Gates, Planning Director  
**Date:** Thursday, July 6, 2023  
**RE:** AGENDA ITEM 7C Preliminary Capacity Assurance Review

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Application File Number: PCAR2023-04 Willow Creek Meadows Subdivision

#### Request:

True Homes, LLC is requesting to extend City of Lowell water and sanitary sewer from its existing locations in Groves Street (water and sewer) and Ford Drive (water) into their proposed development known as Willow Creek Meadows. The project was formally known as the Lowell Townhomes and is adjacent to the Choice Beverage property on Groves Street.

#### Background:

The proposed development is zoned Mixed Use (MU-2) and the proposed development is a permitted use in this district. The project area is approximately 33 acres and 177 townhome units. The subject property lies fully within the corporate city limits of Lowell.

#### Analysis:

Per Section 1 - Policy for Evaluating and Reserving Utility Allocations, Reservation Process of the *City of Lowell Policy for Managing Utility Allocations and Extension*, the **Planning Board** “shall review and make recommendation to the City Council for consideration and approval of all Willingness to Serve notifications (PCAR) and allocations (FCAR), which require or may require a daily flow allocation of five thousand gallons (5,000gpd) or more”. In addition per Section 1 - Policy for Evaluating and Reserving Utility Allocations, Reservation Process, C(1) Residential Subdivision Development “The **City Council** shall with deliberation incorporate the evaluation of Utility Allocation Request into the decision making process associated with each of the aforementioned review processes established within the Cities 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 the City of Lowell's policies and ordinances, planning practices, and consistency with the adopted. City of Lowell Comprehensive Land Use Plan or later version. “

- Request **exceeds** 5,000 gallons per day and must be reviewed by the Planning Board and City Council.
  - Estimate Water (GPD) - 71, 600 GPD
  - Estimated Sewer (GPD) - 32, 220 GPD

- Project lies completely **within** the corporate city limits.
- Request meets the following criteria for hierarchy listed in subsection C of Section 1
  - #1 - Location: Priority for utility extension will be given to applicants whose subject extension is to serve an area that is within the corporate limits or otherwise incorporated into the City of Lowell.
- Proposed project is in conformity with the Comprehensive Land Use Plan and Future Land Use Map

#### Staff Recommendation:

Based on the information above and the evaluation of all the materials, staff is recommending that the **APPROVAL** of this application.

#### Planning Board Action:

Review and make recommendation to the City Council.

Attachment H - Site Plan

Attachment I - City Engineer Report / Memorandum of Support

Attachment J - Public Works Report / Memorandum of Support



**To:** Lowell Planning Board  
**From:** Joe Gates, Planning Director  
**Date:** Thursday, July 6, 2023  
**RE:** AGENDA ITEM 7D - Lowell Development Ordinance Training Discussion

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The Planning Director and the Scott Wilson, Planning Board Chairman, would like to discuss possible topics for the upcoming meetings to learn and review the Lowell Development Ordinance and how to use it.