



101 W. First Street
Lowell, North Carolina 28098

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

Tuesday, October 3, 2023, 6:00 PM
City Hall
101 W. First Street
Lowell, North Carolina 28098

1: Call to Order

- 1A. Determination of Quorum
- 1B. Call to Order
- 1C. Pledge of Allegiance
- 1D. Changes to and Approval of Agenda

2: Approval of Minutes

- 2A. DRAFT-September 5, 2023 Planning Board Minutes

3: Old Business

No Items

4: New Business

4A. Preliminary Plat Review

Applicant is proposing an 18 lot subdivision in the SFR-3 zoning district. Proposed name of subdivision is Lowery Oaks, located on parcel 128061.

Presented By: Joe Gates

5: Adjournment

No Items

Date Posted: October 3, 2023



City of Lowell

Planning Board Memorandum

Prepared By: Podium

DRAFT-September 5, 2023 Planning Board Minutes

Meeting	Agenda Group
Tuesday, October 3, 2023, 6:00 PM	Approval of Minutes Item: A
Reference File	Presented By

To: Planning & Zoning Board
From: Joe Gates, Planning Director
Date: 10/03/2023
Re: September 5th, 2023 Planning Board Minutes

See attached minutes.

Attachments

DRAFT -September 5, 2023 Planning Board Minutes.pdf

MINUTES

Lowell Planning and Zoning Board
Regular Meeting
Tuesday, September 5, 2023, 6:00 P.M.

I. CALL TO ORDER

Chairman Scott Wilson, called the meeting to order at 6:01 p.m. Planning Board members present: Troy Roberts Sr., Norris Lamb, Heather Seay and David Jennings. Staff members present: Joe Gates, Planning Director, Todd Stroupe, GIS Analyst, new Planner, Tyler Cobb and Cheryl Ramsey, City Clerk. No members of the public were 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 Jennings made a motion to approve the agenda without change, seconded by Board Member Roberts. The vote was unanimously in favor.

V. APPROVAL OF MINUTES FROM THE AUGUST 1, 2023, MEETING.

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

VI. OLD BUSINESS – None

VII. NEW BUSINESS

A. **Planning Board Member Training: Learning how to navigate the Lowell Development Ordinance.** Learning how to process a sign permit. Presented by Joe Gates. Mr. Gates gave the board training on why we have the ordinance, how they help the city and staff. He then reviewed the process in following Article 2, Sections 2.10-4 regarding structures and uses in a yard and Section 2.11-3 regarding signs in street intersections triangles and driveway triangles. He then discussed Article 3 and Wall signs and definitions. Lastly, he discussed Article 7.10, Signs, permits, and applications.

Board Member Lamb asked what the current fee is. Mr. Gates said \$100. He said if we have to go to the Master Sign, then it's the permit application fee plus whatever it costs us [City of Lowell] to advertise it in the newspaper. He stated all fees are online under the 2023/2024 fee schedule. Board Member Lamb then asked if that is the same [fee] for temporary signs? Mr. Gates said no. Their

applications are reviewed but not charged. He gave the example of banners, where they are only up temporarily during certain times of the year.

Board Member Roberts asked how are signs that are put in the ground [by civilians] monitored as they are aggravating to see? Mr. Gates said if they are in the right-of-way or telephone poles for example, he would pull them. If people are caught doing it and are actually in violation, they could potentially receive a violation ticket. He is unable to regulate the rights-of-way owned by the State.

Board Member Seay asked about A-frame signs. Mr. Gates stated that they are allowed. He said in Article 17, there is a chart that discusses the different sign types and how big they can be and where they can be placed to avoid hindering people from passing as well as the hours they can be out. Board Member Lamb asked if these require permits, correct? Mr. Gates said no.

Chairman Wilson asked if they have ever had a problem with people and yard signs. Mr. Gates said not here in Lowell, no.

VIII. ADJOURN

With no other discussion, a motion was made to adjourn by Board Member Seay, seconded by Board Member Lamb. The vote was unanimously in favor. Adjourned at 6:20 p.m.

AFFIRM:

Chair, Scott Wilson

Cheryl Ramsey, City Clerk



City of Lowell

Planning Board Memorandum

Prepared By: Joe Gates

Preliminary Plat Review

Applicant is proposing an 18 lot subdivision in the SFR-3 zoning district. Proposed name of subdivision is Lowery Oaks, located on parcel 128061.

Meeting	Agenda Group	
Tuesday, October 3, 2023, 6:00 PM	New Business	Item: A
Reference File	Presented By	
	Joe Gates	

To: City of Lowell Planning and Zoning Board

From: Joe Gates, Planning Director

Date: 10/03/2023

Re: Lowery Oaks Subdivision - Preliminary Plat Review

Application File Number PP2023-02 Lowery Oaks Subdivision

Background:

The proposed residential development is zoned Single Family Residential (SFR-3). The proposed use of the property as a single family detached home subdivision is a permitted use in the district. The total project area is 6.5015 acres and the applicant is proposing 18 lots (APPROX 2.76 UNITS PER ACRE). The subject property lies fully within the corporate city limits of Lowell. The subject property lies west of Stowe Drive starts at the current dead end of Lowery Lane. There is an 8" sewer line currently on the property and another 8" sewer line in Stowe Dr. Water is also available in Stowe Dr. to serve this development.

This project is subject to a variance approved by the City of Lowell Board of Adjustment approved on **February 1st, 2022, File # V22-01**. A copy of this approval has been added to this agenda item.

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 Plate/Site Development Plan for Major Subdivisions only in accordance with the applicable requirements of this Ordinance.

Attachments

PlatReview application_2023_Lowell.pdf

lowry oaks_9.20.2023 PP map.pdf

Article 8 - SFR.pdf

Detached House Lot and Building Type.pdf

PLAT REVIEW APPLICATION

101 West First Street
Lowell, NC 28098
704-824-3518

Date Filed: October 3, 2023 Fee Paid: N/A

***Please reference the Fee Schedule for cost.**

Subdivision Information

Project Name: Lowery Oaks Phase: N/A

Address or Location: Lowery Lane, Lowell NC

Parcel ID #: 128061

Property Owner Name: SETTLERS LANDING COMMERCIAL, LLC

Contact Name: Brian Endenfield

Phone: 713-859-6309 Email: edenfield@sbcglobal.net

Project Description: 18 Lot Subdivison

Watershed: Cramerton (South Fork Catawba)

Zoning:	<u>SFR-3</u>	Rezoning/SUP Case #:	
No. of lots:	<u>18</u>	Total Acres:	<u>6.5015</u>
Total Disturbed Acres:	<u>2.00 Ac +-</u>	Total Built Upon Area:	<u>1.28 Ac (19.7%)</u>
		Floodplain Acres:	<u>N/A</u>
		Open Space Acres:	<u>.59 Ac</u>

PLAT REVIEW APPLICATION

101 West First Street
Lowell, NC 28098
704-824-3518

Plat Application Checklist (STAFF USE)	
Information Required on the Plat	
x	Property boundaries with dimensions
x	PIN for property
x	Location of adjacent streets, right of ways, and utility easements
x	Dimensioned footprint and setbacks of the existing structures
x	Location and size of buffer and landscape areas
x	Location of existing and proposed streets
x	Location of all flood zones
x	Location of adjoining properties and both the existing zoning designation and use of these properties
x	Names and addresses of adjoining property owners
x	Location of proposed stormwater facilities
x	Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.
x	Certifications from Article 7 of the Development Ordinance (as applicable)
x	Any other information required by the Development Administrator (if applicable)
Additional Documents Required	
N/A	All documents related to the creation and operation of the Homeowners' Association, property owner's association, and/or any other association created for and/or by the developer, homeowners, or property owners of the proposed subdivision (if applicable)
N/A	Infrastructure Bond received by the Town (roads, water, sewer, etc.)

8.4-2 Single-Family Residential Districts (SFR-2, SFR-3 and SFR-4)

(A.) Intent. The Single-Family Residential Districts (SFR-2, SFR-3 and SFR-4) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House. Listed uses are restricted to Single-Family, including duplex (two-family), homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Lowell and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the City of Lowell prior to the effective date of these regulations.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Detached House

(D.) Gross Residential Density Limit, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

- (1.) SFR-2: 2.00 unit/acre
- (2.) SFR-3: 3.00 units/acre
- (3.) SFR-4: 4.00 units/acre

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards set forth in Article 9 for the lot and building types listed in the Single-Family Residential Districts.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Single-Family Residential Districts:

	SFR-2	SFR-3	SFR-4
LOT DIMENSIONS			
Minimum Lot Size (gross square feet)	17,450	11,600	7,800
Minimum Lot Width measured at Front Street Setback	72'	60'	50'
PRINCIPAL STRUCTURES			
Minimum Front Street Setback measured from Street Right-of-way	33'	20'	20'
Minimum Rear Yard Setback	9'	8'	5'
Minimum Side Yard Setback	9'	8'	5'
Minimum Corner Lot Side Street Setback measured from Street Right- of-way	21'	17'	10'
ACCESSORY STRUCTURES			
Minimum Front Street Setback measured from Street Right-of-way	73'	60'	60'
Minimum Rear Yard Setback	4'	4'	4'
Minimum Side Yard Setback	4'	4'	4'
Minimum Corner Lot Side Street Setback measured from Street Right- of-way	22.5''	18.5'	11.5'
MINIMUM REQUIRED PARKING, WHETHER ENCLOSED OR NOT			
Minimum Front Street Setback measured from Street Right-of-way	36.5'	23.5'	23.5'
Minimum Corner Lot Side Street Setback measured from Street Right- of-way	22.5'	18.5'	11.5'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

ARTICLE 9

BUILDING AND LOT TYPE STANDARDS & SPECIFICATIONS

9.1 Purpose

The purpose of this Article is to establish standards and specifications for the buildings and lots permitted in each of the zoning districts established in Article 8. The standards and specifications set forth below are established to ensure that new development and construction is enduring and compatible with the character of the City of Lowell, that it accomplishes the purposes of this Ordinance, and that it achieves the goals identified in the adopted *City Plan 2040* and other adopted and or approved plans.

9.2 Detached House Lot and Building Type

- 9.2-1 Description. The detached house is the most prevalent building type in Lowell. The detached house building type is generally found in residential neighborhoods, although it may coexist with other, similarly scaled buildings in commercial or mixed-use areas. Where possible, structures should be designed to maintain a harmonious image of the neighborhood when viewed from a distance. Where appropriate and possible, structures shall be designed to terminate vistas. For detached homes on large lots accessed by a private drive, building placement and site planning shall be dictated by landscape features and landscape preservation. Within the limits described below and unless the zoning district standards require greater measures, these regulations shall apply to all houses built in the City of Lowell.

The photographs of detached single-family houses in the Carolinas below are examples for illustration purposes only and not intended to regulate lot/building styles, patterns, or forms.



9.2-2 Detached House Lot Type.

(A.) Building Placement, Parking, and Vehicle Access.

- (1.) Along new streets:
 - (a.) the front setback shall be measured behind street ROW;
 - (b.) the rear setback shall be measured from the rear property line;
 - (c.) the side setbacks on interior lots shall be measured from the side property line;
 - (d.) the side setback on corner lots for the side of the building that faces the street shall be measured from the street ROW on a corner lot.
- (2.) Building placement may be further defined by zoning districts.
- (3.) Parking standards of Article 12 apply (see Section 12.3 and Table 12-1).
- (4.) Accessory structures, including detached garages, shall be located at least 5' behind the primary structure.
- (5.) Only in the most exceptional circumstances having to do with extreme topography or very special design composition may the rules of residential building placement be varied.
- (6.) Grading shall provide for smooth grade transitions to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area. The use of either crawl-space and/or stem-wall construction techniques in detached residential structures, or professional landscape design is required to meet this characteristic of site development.
- (7.) The maximum building coverage for the primary structure shall be 30% of the lot area.

(B.) Encroachment, Pedestrian Access, and Commercial Use Standards & Specifications.

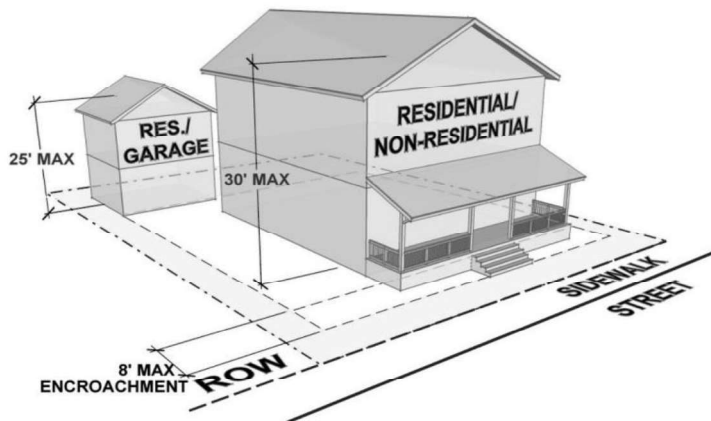
- (1.) Primary pedestrian access into the building shall be from the street frontage line. Secondary access may be from parking areas.
- (2.) Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
- (3.) Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.
- (4.) Commercial Use in a Detached House in the Main Street ("MS"), Mixed Use ("MU"), and "TNDO" Districts shall comply with the following:
 - (a.) Parking shall be located in the side or rear yards only. If provided in the side yards, the parking area shall not exceed 25% of the frontage line and shall not be in the yards adjacent to a street.

- (b.) Parking areas on adjacent mixed-use lots shall be connected whenever practical.
- (c.) Trash containers shall be located in the rear yard. If adjacent to existing single-family residential uses, trash containers shall be limited to residential rollout containers only, dumpsters are prohibited.
- (d.) Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen.
- (e.) Hedges, garden walls, or knee walls may be built immediately adjacent to property lines or as the continuation of building walls. A garden wall, hedge or knee wall, a minimum 2.5' in height, maximum 3.5' in height, shall be installed along any street frontage adjacent to parking areas. Knee walls shall either be built of brick, stone or other decorative masonry material, or shall be built of wrought iron or other decorative metal, and shall generally match the architectural style of Lowell.

9.2-3 Detached House Building Type.

(A.) Permitted Height, Uses, Encroachments, and Resiliency Standards.

- (1.) Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.



- (2.) Building height to the ridge may vary depending on the roof pitch.
- (3.) Permitted uses are controlled by zoning district standards.
- (4.) A minimum 8" overhanging gable end-rake and vented eaves shall be provided and finished by profiled molding or gutters to prevent wind-driven rain from compromising structure.
- (5.) Vinyl siding materials are prohibited except where approved landscape plans restrict the use of pine needles or other combustible bedding material within eight (8) feet of the foundation wall.

(B.) Architectural Standards in approved "TNDO" Districts requested by the developer.

- (1.) Principles for maintaining the character of the City:

- (a.) To perpetuate the unique building character of the City and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment. Manufactured homes shall not be permitted as part of any development.
 - (b.) The front elevations facing the street and the overall massing must communicate an emphasis on the human scale and the pedestrian environment. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street to maintain compatibility with the character of structures within the City.
 - (c.) Each building shall be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration to maintain compatibility with the character of structures within the City.
 - (d.) Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings to maintain compatibility with the character of structures within the City.
- (2.) Configurations & Techniques:
- (a.) Main roofs on residential buildings should be symmetrical gables or hips with a pitch of between 4:12 and 12:12. Mono-pitch (shed) roofs should be attached to the wall of the main building. No mono-pitch roof should be less than 4:12. Grandiose roof pitches with multiple changes of outline are acceptable. It is recommended that accessory buildings have roof pitches that conform to those of the main building to maintain compatibility with the character of structures within the City.
 - (b.) Front Porches extending across a minimum of 60% of the façade width, excluding front-loading garages, shall average 8'-0" in depth from façade to front edge and be included on all Detached Single-family and Duplex (Two-family) houses.
 - (c.) Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets to maintain compatibility with the character of structures within the City.
 - (d.) Two wall materials may be combined horizontally on one facade. The "heavier" material should be below to maintain compatibility with the character of structures within the City.
 - (e.) Exterior chimneys should be finished in brick or stone to maintain compatibility with the character of structures within the City.
 - (f.) Overhanging eaves may expose rafters to maintain compatibility with the character of structures within the City.

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



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

February 2, 2022

Andrew Lineberger
P.O. Box 308
Cramerton, NC 28032

SUBJECT: Approval of Variance request V22-01.

Mr. Lineberger,

I want to inform you that pursuant to the February 1, 2022 meeting of the City of Lowell Board of Adjustment, your request for a variance to reduce the Right-Of-Way width for Lowry Lane from the current required 60' width to 50' in width has been approved with the conditions that you continue to work with City Staff on the development of the street infrastructure and design as it pertains to the two options you and Mr. Scott Phillips have provided.

If you should have any further questions or need additional information, please contact me at 704-824-3518.

Kind Regards,

A handwritten signature in cursive script that reads "Alex Blackburn".

Alex Blackburn
Planning, Zoning & Subdivision Administrator
City of Lowell, North Carolina

CITY OF LOWELL

REQUEST FOR BOARD OF ADJUSTMENT

DESCRIPTION: Variance Request

MEETING DATE: February 1, 2022

BACKGROUND INFORMATION:

Scott Phillips and Andrew Lineberger, authorized agents of Lowry Oaks Development, LLC. owner of 6.37 acres at the end of Lowery Lane have applied for a Variance to the Right of Way requirements set forth in Article 24 of the Lowell Development Ordinance in regards to Technical Standards and Specifications Manual. Section 6.1 in the ordinance outlines the process to obtain a variance (*which is a relief from the strict application of the rules under certain circumstances*). Section 6.1-4 states that the Board of Adjustment becomes the approval body in this case as opposed to the Planning Board. When hearing this request, the Board should act in a quasi-judicial form and all wishing to speak on the matter will be sworn in and should provide factual statements to be considered only.

VARIANCE REQUEST

The request is to be granted relief from the requirements of the Technical Standards and Specifications Manual found in Article 24, which requires a minimum of 60' right of way. As it currently stands, there is a section of 3 properties previously deeded as Right of Way but were never accepted by the City of Lowell. This proposed Right of Way was granted as 50' wide. In order to provide access to future development, they are requesting that they be able to confine their access to the 50' section provided by previous recorded deeds, until they reach their land locked property where it will expand to abide by the 60' requirements and layout as designated by the Lowell Development Ordinance.

On the following page(s) you will see their variance request with responses to the Findings of Fact that the Board of Adjustment will be deciding if the applicant has proven that a hardship exists. There is one (1) variance request listed.

The Board of Adjustment will need to entertain a vote for each of the four Finding of Facts shown in Section 6.1-6(A-D). To grant a variance, each finding must have four (4) votes in favor of the request.

ACTION TAKEN:

APPROVED February 1, 2022



PID # 128061

Variance Request

To: Scott Attaway, City Manager
From: Alex Blackburn, Planning Director
Date: October 1, 2021
RE: Neighborhood Meeting for Case # RZ21-03

On September 30, 2021, at 6:00 pm, Mr. Scott Phillips and Mr. Andrew Lineberger, both applicants for the rezoning request identified above, held their required Neighborhood Meeting in the Council Chambers of City Hall.

Those in attendance from the Lowell community numbered fourteen citizens, and Councilmember Candace Funderburk, mostly members of the neighborhoods connected to the subject property.

The meeting began with my introduction of the applicants and explaining that this was an informal meeting and outlining that City Staff were there solely to take notes and to answer any procedural questions as they pertained to the Lowell Development Ordinance. Soon after questions began flowing as to what the applicants were intending to do with the property. This was answered that they had no set plans as of this time due waiting on the decision by City Council to approve or deny their request. However, they hoped to place townhomes or multi-family units on the property. At this, several of the citizens expressed great displeasure with this plan and pointed to an increase in traffic and crime to the area as well as being detrimental to their property values. A heated exchange took place between Mr. Lineberger and Mr. Scott Wilson of Caroline Ave regarding potential lawsuit against the developers if they sought to put apartment units/multi-family units on the property.

A majority of the citizens were also concerned about the wildlife and natural state of the property and stated they enjoyed the deer and other creatures that represented the peaceful nature of their back yards and they felt any development would be detrimental to that aspect. This led to the proposal that the City purchase the property and install a natural park with a trail, this was followed by a request that the neighborhood band together and purchase the property themselves and turn it into a park. The second option was not given any thought.

An off-topic discussion was brought forth by Mr. Simonds regarding the adoption of the Lowell Development Ordinance as well as the procedures for a Zoning Map Amendment. This was quickly denounced as an issue for the North Carolina General Assembly since they are responsible for setting such restrictions on procedures. At this point Mr. Simonds and his wife, along with 4 other attendees left the meeting.

The second major discussion began concerning water runoff and the perceived addition of impervious surface to an already overtaxed and poorly implemented system that routes under Stowe Drive at Mr. Fulbright's property. This is in reference to an intermittent stream on the north side of the subject property, and discussed in detail by Mr. Herbert Gittens of Caroline Ave. City Staff addressed this issue at the end of the meeting by highlighting the Stormwater Utility that was adopted in July of this year, and outlining how it would lead to resolving this

City of Lowell Planning Department – Staff Report

CASE # RZ21-03

Applicant:	Andrew Lineberger & Scott Phillips
Property Owner(s):	John Spencer, Manager of Lowry Oaks Development, LLC.
Property Location:	Parcel ID# 128061
Property Size:	6.37 acres
Current Zoning:	Single Family Residential-3 (SFR-3)
Proposed Zoning:	Mixed Use-1 (MU-1)

Description:

On August 12, 2021 City Staff held a pre-filing meeting with Andrew Lineberger and Scott Phillips regarding a possible rezoning of Parcel ID# 128061. This meeting preceded the submittal of a request for rezoning received September 1, 2021. This request is to change the zoning of the 6.37-acre property from its designation of Single Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1).



Process:

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

- Prefiling meeting to discuss proposed amendment and to become more familiar with the applicable requirements and approval procedures.
 - August 12, 2021
- Neighborhood meeting to be hosted by the applicant(s) to be conducted prior to the Legislative Hearing by the City Council.
 - September 30, 2021
- Filing of Request
 - September 1, 2021
- Filing of Public Hearing Consent Forms from property owners represented in the rezoning.
 - September 1, 2021
- Lowell Planning Board Review of Case # RZ21-03 and recommendation to City Council.
 - Planning Board voted unanimously to recommend approval to City Council during their September 7, 2021 meeting.
- Staff to schedule with the City Council to set Public Hearing for their October 12, 2021, Meeting.
 - Set By City Council during their September 14, 2021 meeting
- Staff to schedule proper advertisement of the public hearing to run once a week for two consecutive calendar weeks in a newspaper having general circulation in the area.
 - Ad appeared in the Gaston Gazette on September 23, 2021 and September 30, 2021.
- Staff to install rezoning signage on the subject property prior to public hearing.
 - Two signs were placed on Lowry Lane on September 23, 2021.
- Notices of adjoining property owners to be sent prior to the public hearing by staff.
 - Notices were sent to 33 property owners abutting/adjacent to subject property on September 22, 2021.

Meeting Dates:

- August 12, 2021 Pre-filing Meeting
- September 1, 2021 Submittal of Application
- September 7, 2021 Planning Board Review of Case # RZ21-03
- September 14, 2021 City Council to set Public Hearing.
- September 30, 2021 Neighborhood Meeting held at City Hall.
- October 12, 2021 City Council to hold Public Hearing.

Staff Comments:

Current zoning for the property in discussion is listed as Single Family Residential-3 (SFR-3) which provides for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are

Detached Houses. Listed uses are restricted to Single Family, including Duplex (two family_ Homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Lowell and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the City of Lowell prior to the effective date of these regulations.

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

To date, my office has received 2 email correspondences from concerned citizens requesting information on the subject of the rezoning. A total of 4 phone calls have also been directed towards this subject with two of them simply gathering more information from the mailers and the signage while the other two have been unreachable for further comment.

During the Neighborhood Meeting, 14 citizens attended with several questions and concerns regarding a development going in behind their house and the wildlife it would displace. Other concerns included:

- Addition of traffic to an already busy roadway system.
- Several of the attendee's believed that apartments would bring a rise in crime to the area as well as lowering their property values.
- Many noted that the subject property was landlocked and that a 60' right of way would be taking the yards of several neighbors.
 - A variance has been discussed to follow the rezoning decision if no other abutting property owners are willing to sell for right of way, this would go before the Board of Adjustment.
- A major concern of the group including Mr. Herbert Gittens of 324 Caroline Ave, as well as Mr. and Mrs. Fulbright of 521 Stowe Street would be the increase in water runoff from the development of the property. They provided evidence that the intermittent creek on the north side of the property floods their properties

every heavy rain. They also cited the poor condition of the current stormwater drains under Stowe Street.

- This was addressed by myself and the City Manager in regards to the City of Lowell Stormwater Utility Fund and the process of resolving issues such as this was adopted in July of this year. As well as the involvement that the city, county and state would take in developing land near waterways.

APPLICATION FOR REZONING

TO: THE CITY OF LOWELL

APPLICATION #: _____

DATE FILED: _____

FEE PAID: _____

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

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

SFR-3 to MU-1

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

Lowry Oaks Development, LLC
as evidenced in Deed Book 4349 Page 1147 of the Gaston County Register of Deeds Office. There are no restrictions or covenants of record appearing in the chain of title which would prohibit the property from being put to the use specified in Paragraph 1 of this application.

- 3) The address of the real property sought to be rezoned is: NO ASSIGNED ADDRESS and / or a further legal description by metes and bounds of said realty is attached to this application.

- 4) The real property sought to be rezoned is located on the North side of Lowery Lane between Caroline Ave and McAdenville Rd
(street) (street)

and further identified in Gaston County Tax Book _____, Map _____, Parcel(s) 128061
Said Lot(s) has (have) a frontage of 50' feet and a depth of 558 feet, or 6.37 acres.

- 5) The following are all the adjoining property owners who own land adjacent to all sides, front and rear, which shall include properties across the street from the property sought to be rezoned. The names and addresses listed below shall be determined

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

NAME	ADDRESS
<i>See Attached</i>	

- 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
<i>Lowry Oaks Development John Spencer, MANAGER</i>	<i>P.O. Box 1694 Belmont, NC 28012</i>

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

Applicant(s) Name: *Andrew Lineberger / Scott Phillips*
Address: *P.O. Box 308, Cramerton, NC 28032*
Telephone: *704.606.6458*

Applicant's Signature: _____

City of Lowell
101 West First Street
Lowell, NC 28098

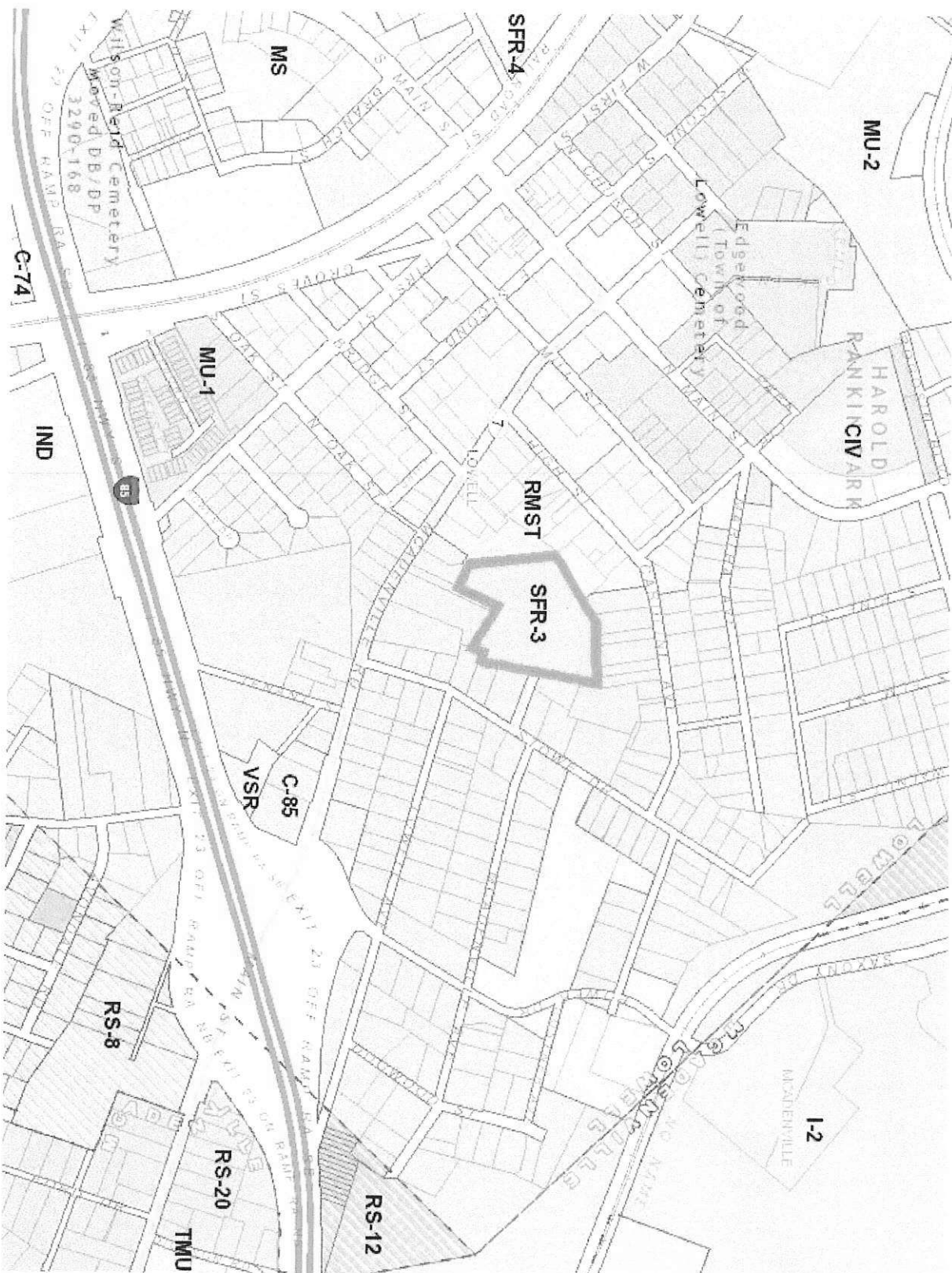
Telephone: 704 - 824 - 3518

REZONING REQUEST LOWRY OAKS DEVELOPMENT LLC

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



Printed On: 9/1/2021



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

EXHIBIT 1

DESCRIPTION OF PROPERTY

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

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

IN DEED BOOK 1398 AT PAGE 498, GASTON COUNTY : REGISTRY, SAID IRON PIN BEING FURTHER SITUATE NORTH 69 DEGREES 35 MINUTES 59 SECONDS WEST 46 FEET FROM THE SOUTHWESTERNMOST CORNER OF PROPERTY CONVEYED SIMULTANEOUSLY HEREWITH TO JO LOWRY JOHNSON AND HUSBAND, CLELL B. JOHNSON, AND RUNNING THENCE FROM SAID BEGINNING POINT WITH DIVISION LINE OF R.N. ROSS, NOW OR FORMERLY, THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) NORTH 19 DEGREES 16 MINUTES 16 SECONDS EAST (AND PASSING A NEW IRON PIN ON THE NORTHERNMOST RIGHT OF WAY LINE OF N.C. ROUTE 7

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

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

SECONDS WEST 415.25 FEET TO A NEW IRON PIN; THENCE WITH DIVISION LINE OF L.T HORNE, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 1886 AT PAGE 212 AND CONTINUING WITH DIVISION LINE OF D.H. AHERN AS DESCRIBED IN DEED BOOK 2364 AT PAGE 778, GASTON COUNTY REGISTRY, NORTH 53 DEGREES 09 MINUTES 16 SECONDS EAST 368.54 FEET TO AN ESTABLISHED IRON PIN THENCE ANOTHER LINE WITH AHERN.

NOW OR FORMERLY, AND CONTINUING WITH DIVISION LINES OF W. TEAGUE, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 502 AT PAGE 298 AND DEED BOOK 522 AT PAGE 54. C.A. CLONINGER, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 2057 AT PAGE 408, AND C BAKER, NOW OR FORMERLY, AS DESCRIBED IN DEED BOOK 704 AT PAGE 62 AND DEED BOOK 620 AT PAGE 487, ALL IN THE GASTON COUNTY REGISTRY, NORTH 85 DEGREES 32 MINUTES 56 SECONDS EAST 294.53 FEET TO AN IRON: THENCE WITH DIVISION

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



City of Lowell-Development Services Department
 101 W. First Street Lowell, NC 28098
 Phone: 704-824-3518 Web: lowellnc.com

Public Hearing Consent Form

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

From: Lowry Oaks Development, LLC
John Spencer, manager

Subject:

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

Date: Sept. 1, 2021

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

John R. Spencer
 Signature (owner) _____ Date _____

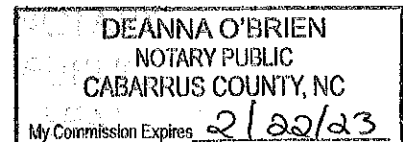
North Carolina
 Gaston County

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

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

Deanna O'Brien
 Notary Signature _____

My commission expires: 2/22/23





Sign Placement for RZ21-03 (September 23, 2021)



September 23, 2021
Gaston Gazette

Public Hearing Notice #1 for
RZ21-03.

ject to approval before publication. The Gaston Gazette reserves
the Gaston Gazette shall not be liable for any loss or expense that

Notice To Creditors

Gastonia, North Carolina,
28053-1115
(704) 864-5728
#6325306
Sep 23, 30; Oct 7, 14, 2021

Having qualified as the Administrator of the estate of Brady Nelson Ervin, deceased, late of Gaston County, North Carolina, this is to notify all persons, firms and corporations having claims against said estate to present them, duly verified, to the undersigned at 1415 Troutman Ln. Shelby, NC 28152 on or before the 1st day of December, 2021 or this notice will be pleaded in bar of their recovery. All persons indebted to said estate will please make immediate settlement with the undersigned.

This the 31st day of August, 2021.

Amanda Cabaniss
Administrator
1415 Troutman Ln.
Shelby, NC 28152
File# 21 E 1474
Sept. 2, 9, 16, 23, 2021
#6240958

**NOTICE TO CREDITORS
AND DEBTORS OF
GLENN G. BALLARD**

All persons, firms and corporations having claims against Glenn G. Ballard, deceased, are notified to exhibit them to Glenda B. Crowell, Executrix of the Estate of Glenn G. Ballard, on or before 12/22/2021, or be barred from their recovery. Debtors of Decedent are asked to make immediate

Project website:
<https://www.cityofbelmont.org/tia-text-amendment>.

All interested persons are urged to attend this public hearing. Individuals requiring special assistance should contact Jamie Campbell, City Clerk at 704.901.2063 or jcampbell@cityofbelmont.org prior to the meeting. For more information call the planning and zoning department at 704.901.2610.
Sept 23, 30, 2021 6309700

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, October 12th, 2021, at 6:00 pm, at City Hall, 101 W First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be to consider a

Public Notices

proposed Initial Zoning Map Amendment for the property without an assigned address located along Lowell Spencer Mountain Road to the north of George Poston Park. Further identified as Parcel ID #'s 136564 and 202774. Proposed application of initial zoning district is for Single Family Residential-4 (SFR-4).

For further information, please call Alex Blackburn, Planning and Zoning Administrator, at 704-824-3518.
Sept 23, 30, 2021 #6315901

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, October 12th, 2021, at 6:00 pm, at City Hall, 101 W First Street, Lowell, North Carolina, 28098.

The purpose of this Public Hearing will be to consider a proposed Zoning Map Amendment, Case # RZ21-03, for the property without an assigned address located between High Street and Stowe Street to the north of McAdenville Ave. Further identified as Parcel ID # 128061. Proposed change will be from current zoning of Single Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1) zoning district.

For further information, please call Alex Blackburn, Planning and Zoning Administrator, at 704-824-3518.
Sept 23, 30, 2021 #6315922

cameras

coins

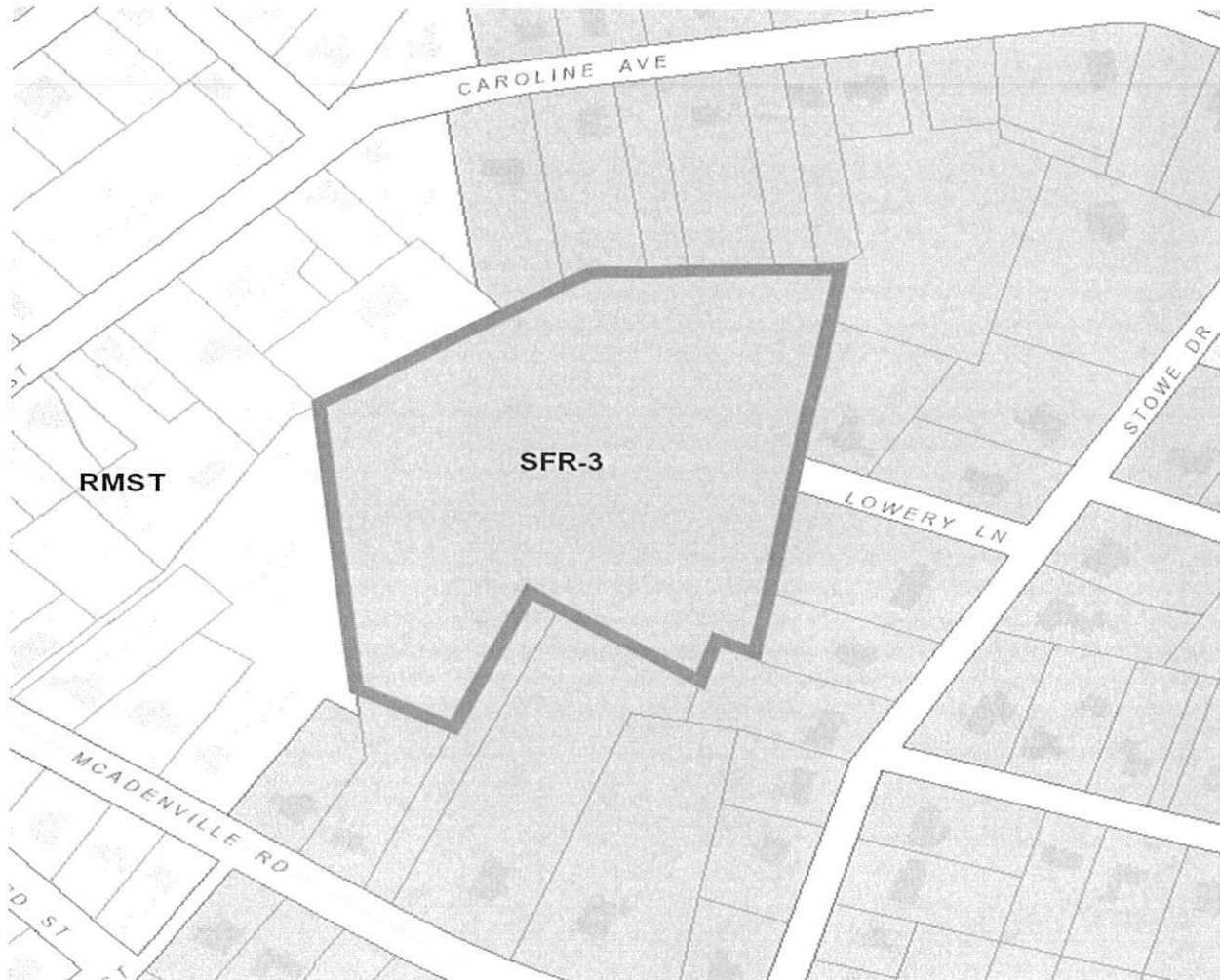
**Place your
classified
ad today.**

**PHOTOS are worth
a thousand words
included in your ad.**

Notice of Public Hearing

The City of Lowell's City Council will hold a Public Hearing at their regularly scheduled meeting on Tuesday, October 12, 2021, at 6:00 pm, at City Hall, 101 W. First Street, Lowell, NC, 28098.

The purpose of this Public Hearing will be to consider a proposed Zoning Map Amendment (Rezoning) for the property with the assigned Parcel ID # 128061 located between McAdenville Rd. and Caroline Ave. and accessed from Lowery Lane. The requested change will be from the current designation as Single Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1).



For further information on Case # RZ21-03, please call Alex Blackburn, Planning and Zoning Administrator, at 704-824-3518.

REZONING REQUEST LOWRY OAKS DEVELOPMENT LLC

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