

**City of Locust**  
Post Office Box 190  
Locust, North Carolina 28097-0190  
(704) 888-5260

MEMORANDUM

Date: June 2, 2022  
From: Cesar Correa, City Administrator  
To: Mayor & City Council  
Subject: Zoning Amendment (Conditional) – Stanly County PIN#: 556504713384

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**BACKGROUND & PETITION INFORMATION**

On April 25, 2022 the City of Locust received an application for a Conditional Zoning Amendment (Exhibit #1) for a portion the property shown on the attached zoning map (Exhibit 2). The specifics of the rezoning application are as follows:

**Applicant:** Brandon Kublanow

**Owner Information:** Track West Partners

**Existing Zoning:** Highway Commercial (HC)

**Proposed Zoning:** Highway Commercial – Conditional (HC-C)

**Permitted Uses:** All uses permitted in the Highway Commercial zoning district as shown in Article 2 Section 5 Use Table of the City of Locust Land Development Ordinance, would be permitted on the subject property. The proposed use *Restaurants, Limited Service (delivery, carryout, drive-thru)* is a conditional use in the Highway Commercial District.

**Parcel ID Numbers:** Stanly County PIN#: 556504713384

**Area in Acres:** The entire parcel is 18.89 acres. But the developer intends to subdivide a commercial outparcel of approximately 0.94 acres.

**Site Description:** This property is currently vacant. The site is surrounded by other parcels similar in size and use.

**Adjacent Land Use:** Commercial (Taco Bell) and Vacant.

**Surrounding Zoning:** The property is surrounded by Highway Commercial on all sides

**Utility Service Provider:** The property will be served by public water through Stanly County Utilities, and sewer collection provided by the City of Locust.

## **EXHIBITS**

1. Application for Zoning Change
2. Zoning Map
3. Site Plan
4. Proposed Elevations

## **LAND USE PLAN ANALYSIS**

The property lies within the area designated on the adopted 2014 Land Use Plan for commercial uses.

The property is currently zoned Highway Commercial. This amendment is reasonable because the property is adjacent to existing commercial uses. The amendment allows for the growth and expansion of the City's commercial tax base and sales taxes, thus providing opportunities for local jobs for the community.

## **SITE SPECIFIC CONDITIONS**

Applicant agrees to provide the following:

1. Development will conform to the site plan, materials, and elevations shown as part of the applicant's rezoning presentation.
2. Proposed site plan to adhere to supplemental conditions 8.12 as per the Locust Land Development Ordinance for the operation of a drive-thru lane, which includes an escape lane.
3. Traffic improvements on W. Main Street (shown in site plan) as determined by Marc Morgan, Division Engineer with NCDOT Division 10 in Albemarle NC.
4. Developer to construct a new service road, behind the proposed establishment, that will connect this project to the traffic light intersection at Browns Hill Rd & W. Main Street. Please see attached site plan.

## **FINDINGS AND CONCLUSIONS**

The applicant submitted a Site Plan (Exhibit #3) and proposed elevations (Exhibit #4) for the overall development of the property that will be attached to the approval of the conditional rezoning should the City choose to support this request.

Staff has reviewed the Site Plan and finds that it meets the standards of the City of Locust Land Development Ordinance.

## **POLICY IMPLICATIONS**

The City of Locust Land Development ordinance and the North Carolina General statutes require the Planning & Zoning Board to make a recommendation on the zoning amendment.

On April 26, 2022, the Locust Planning & Zoning Board reviewed the zoning amendment petition and voted unanimously to recommend ***approval*** of the proposed Highway Commercial – Conditional (HC-C) zoning designation.

Notice of the meeting and this agenda item have been publicized, letters have been mailed to all adjacent property owners within 500ft of the subject property, and a zoning hearing sign has been posted on the property.

The Council may vote to recommend approval, denial, or to modify the recommended classification in accordance with the adopted 2014 Land Use Plan.

**SUGGESTED MOTION LANGUAGE**

The following suggested motion language is provided as a guideline to assist City Council with references required for zoning amendments. The language may be altered as deemed appropriate by any member of the City Council in the making of a motion.

Suggested motion: “To approve the conditional rezoning request designating the subject property as Highway Commercial – Conditional (HC-C) with the associated site plan and proposed elevations, to be consistent with the 2014 Land Use Plan.



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Exhibit 1

Application for Zoning Change: Conditional zoning for drive thru restaurant

Date: APRIL 25, 2022

Applicant Name: Brandon Kublanow

Company Name: Track West Partners

Address: 445 Bishop St NW Atlanta, GA 30318

Phone Number: (770) 359-9636

Address of Property Change: PIN 556504713384 – West Main Street

Present Zoning District: Highway Commercial

Requested Zoning District: Conditional Zoning

Applicant Signature:                     *Brandon Kublanow*                    

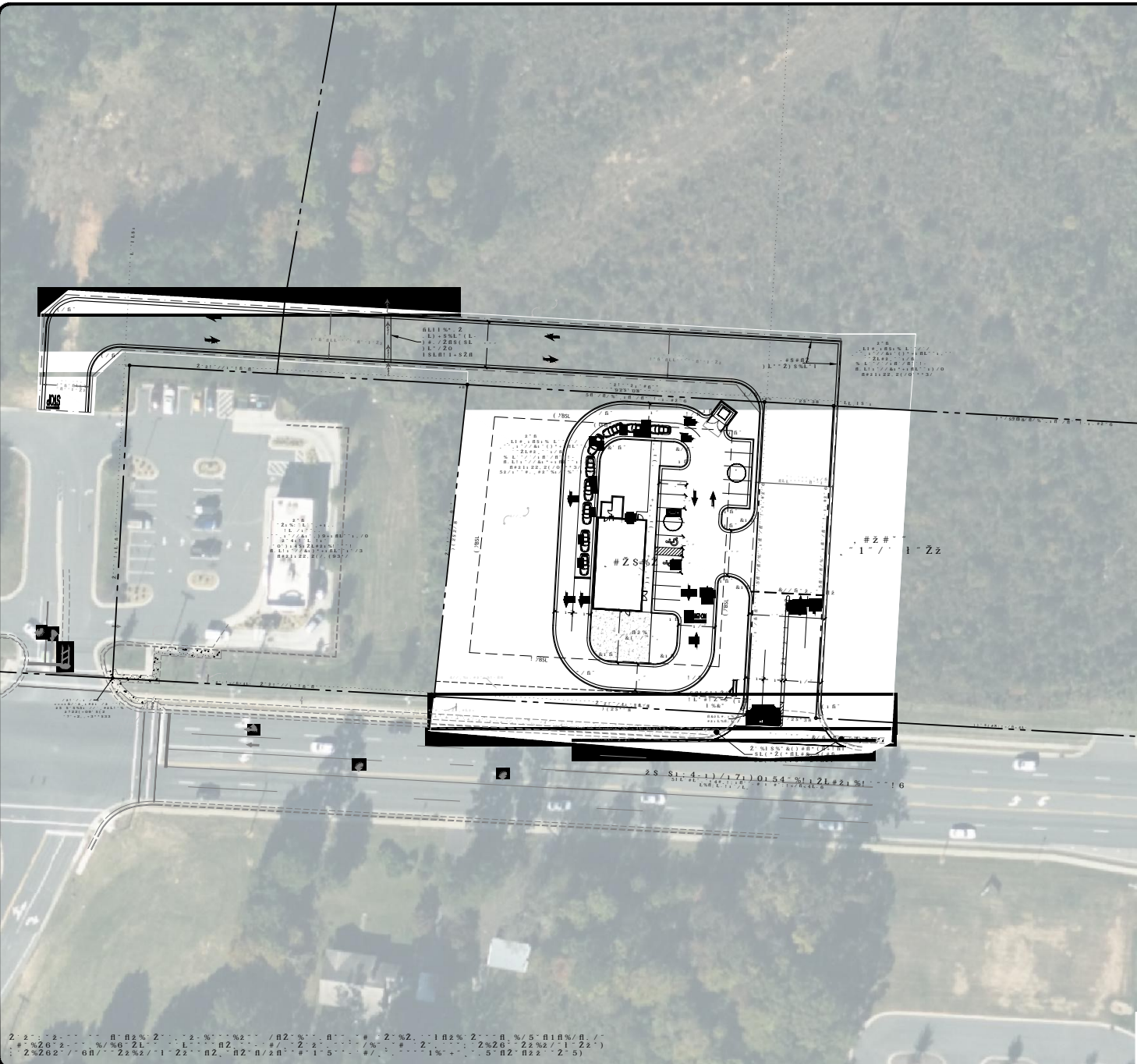
The following information is required with the application:

- (1) Map of the property to be rezoned, accurate description to show the following:
  - a. All property lines with dimensions, north arrow.
  - b. Names and addresses of adjoining landowners.
  - c. Location of all existing structures, use of all land.
  - d. Zoning classifications of all abutting zoning districts.
- (2) Comprehensive site plan, if commercial or multi-family.
- (3) A fee of \$500 (non- refundable) must accompany this application.

# Exhibit 2



This map is prepared for the inventory of Real Property found within this jurisdiction, and is compiled from recorded deeds, plats and other public records and data. Users of the map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The Stanly County Geographic Information Systems Division of the Office of Information Technology assumes no legal responsibility for the information contained on this map. Also, when the deeds and or plats are viewed for a parcel, the Stanly County Register of Deeds Office makes no guarantees regarding the collection, accuracy, authenticity, or use of these records. The web site is for informational use and convenience only. The Register of Deeds shall in no way be held responsible for errors or omissions in these records nor for any actions resulting from their use. The official records are kept in the Stanly County Register of Deeds Office. To view deeds on this site you must install the AlternatIFF viewer. To install, please visit <http://www.alternatiff.com/install-ie/> Warning: City of Norwood: Within the city limits of Norwood any improvements such as boathouses or piers that have been built on land owned by Duke Energy are considered to be located on leased land and therefore will not be found using this program. These improvements are also not considered to be located within the city limits of Norwood and are taxed accordingly. These leased land records can be identified by going to StanlyTax.com. If a property is located on Lake Tillery in Norwood has a parcel number of 1234 then the tax bill for the waterfront improvements located on Duke Energy property could be found by placing an LL01 after the parcel number. On StanlyTax.com search by Parcel / Record number and enter 1234LL01 for this example.



PRELIMINARY SITE PLAN

**CP1**

22153

MAY 26, 2022

civilooustix

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