

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

MEMORANDUM

Date: June 10, 2023  
From: Cesar Correa, City Manager  
To: Mayor & City Council  
Subject: Zoning Amendment (Conditional) – Stanly County PIN#: 556504504174

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**BACKGROUND & PETITION INFORMATION**

On May 18, 2023 the City of Locust received an application for a Conditional Zoning Amendment (Exhibit #1) for the property shown on the attached zoning map (Exhibit 2). The specifics of the rezoning application are as follows:

**Applicant:** Jeff Carter, P.E.

**Owner Information:** Carter Engineering Consultants, Inc.

**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 of *Restaurants, Limited Service (delivery, carryout, drive-thru)* is a conditional use in the Highway Commercial District.

**Parcel ID Numbers:** Stanly County PIN#: 556504504174

**Area in Acres:** The PIN#: 556504504174 will be subdivided to accommodate this development.

**Site Description:** This property is part of the Meadow Creek Business Park development. The site is surrounded by other parcels similar in size and use.

**Adjacent Land Use:** Commercial (Mavis Tire & Brake, Burger King, Walmart, McDonalds, Villages at Red Bridge) 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 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, which are components of the overall Meadow Creek Business Park development. 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.

## **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 May 25, 2023 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.

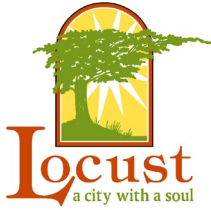
Notice of the meeting and this agenda item have been publicized, letters have been mailed to all adjacent property owners within 500ft of the subject property, and a zoning hearing sign has been posted on the property.

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 the 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.



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

# Exhibit 1

## Application for Conditional Zoning Change

Date: 05/18/2023

Applicant Name: Jeff Carter, P.E.

Company Name (if applicable) Carter Engineering Consultants, Inc.

Address: 3651 Mars Hill Road, Suite 2000, Watkinsville, GA 30677

Phone Number: 770-725-1200

Address of Property Change: Portion of PIN 556504504174 1881 West Main Street

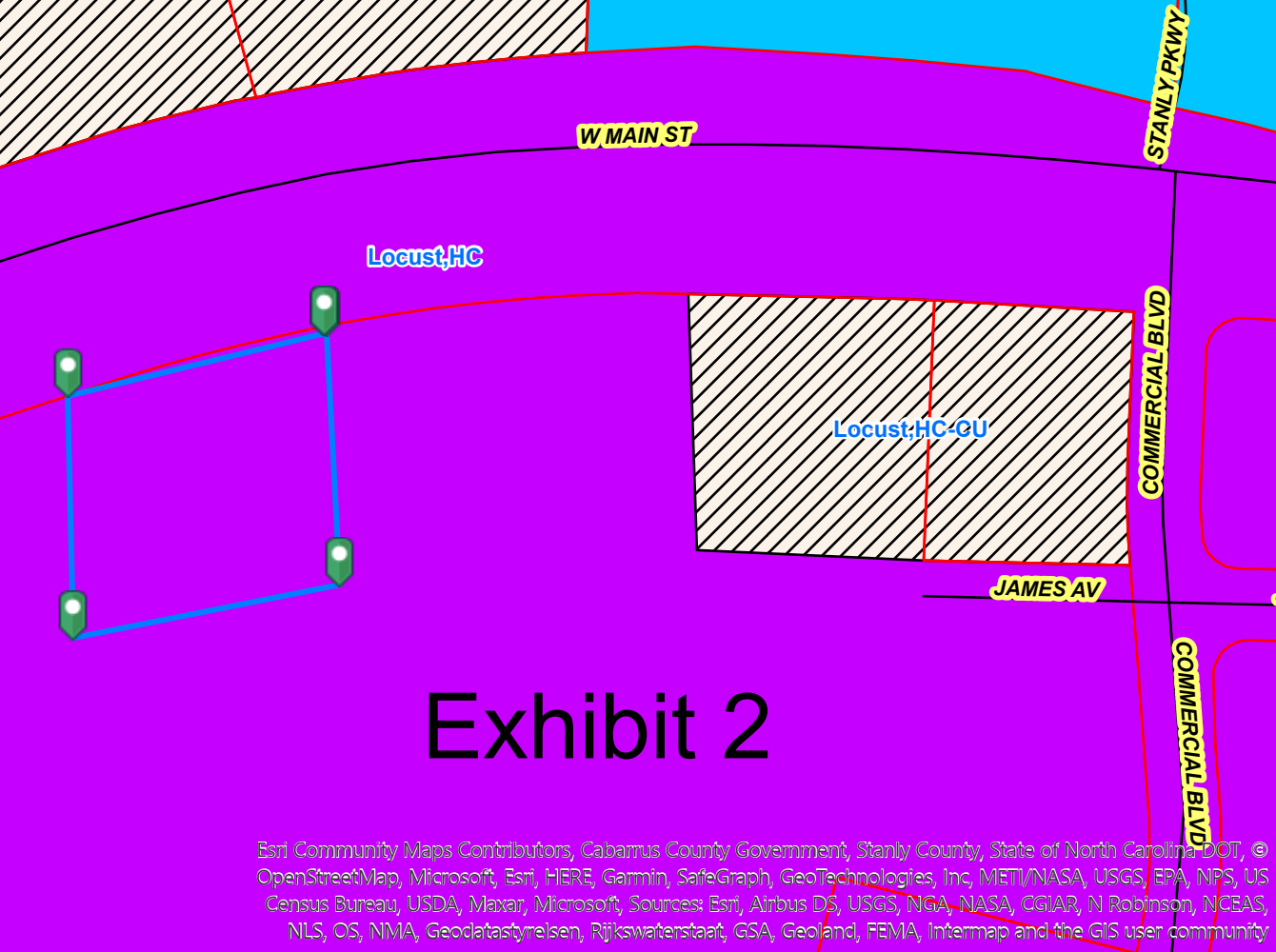
Present Zoning District: HC

Requested Zoning District: HC Conditional

Applicant Signature: \_\_\_\_\_

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.
- (3) Color renderings of the exterior.
- (4) Comprehensive landscape plan
- (5) All signage “monument and building “
- (6) A fee of \$500 (non- refundable) must accompany this application.



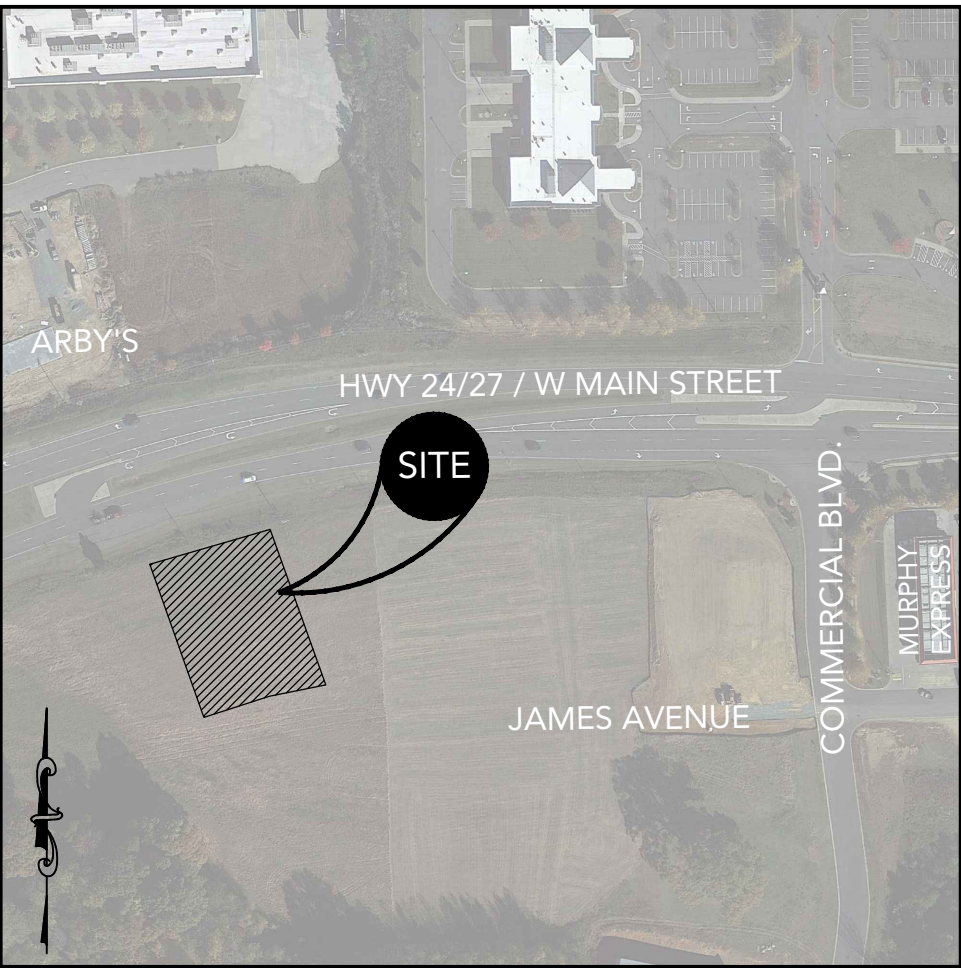
# Exhibit 2

Esri Community Maps Contributors, Cabarrus County Government, Stanly County, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Maxar, Microsoft, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community

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Exhibit 3

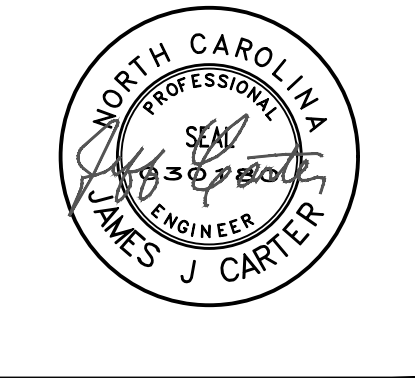
NC HWY 24/27 / W MAIN STREET  
VARIABLE R/W



LOCATION MAP  
SCALE: N.T.S.

PROJECT INFORMATION	
DRAWING SET PREPARED BY: CARTER ENGINEERING CONSULTANTS, INC. 3651 MARS HILL ROAD, STE 2000 WATKINSVILLE, GA 30677 CONTACT: JEFF CARTER, P.E. PHONE: 770.725.1200 JEFF@CARTERENGINEERING.NET	OWNER/DEVELOPER: ZAXBY'S 1881 WEST MAIN STREET LOCUST, NC 28097 CONTACT: JAMES SCHAD 704/608.4885
SITE INFORMATION	
JURISDICTION	CITY OF LOCUST
PROPERTY LOCATION	JAMES AVENUE LOCUST, NC, 28097
PARCEL NUMBER	556504504174
CURRENT ZONING	COMMERCIAL CORRIDOR
PROPOSED ZONING	HC (HIGHWAY COMMERCIAL DISTRICT)
OVERLAY DISTRICT	NA
EXISTING USE	VACANT LOT
PROPOSED USE	COMMERCIAL RESTAURANT
BUFFERS REQUIRED	NA
REQUIRED BUILDING SETBACKS	FRONT: 30- FEET SIDE: 20- FEET REAR: 20- FEET
MAXIMUM LOT COVERAGE	*10%
MINIMUM LANDSCAPE	*10%
MAXIMUM BUILDING HEIGHT	45- FEET
SANITARY SEWER SERVICE	CITY OF LOCUST
WATER SERVICE	STANLY COUNTY
FEMA FLOOD INSURANCE RATE MAP NO.	3710556500L
FEMA FIRM DATE	11/16/2018
FEMA SFHA ZONE	'X'
UNDERGROUND UTILITY DISCLAIMER: THE UNDERGROUND UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM FIELD INFORMATION AND/OR EXISTING DRAWINGS. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. CARTER ENGINEERING DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE OWNER, HIS/HER EMPLOYEES, CONSULTANTS AND CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE CARTER ENGINEERING IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION REGARDING THE UNDERGROUND UTILITIES AND STRUCTURES RELATED TO UNDERGROUND UTILITIES SHOWN HEREON. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD LOCATE ALL UTILITIES PRIOR TO COMMENCING WORK AND NOTIFY ENGINEER IF A DISCREPANCY IS FOUND. SPECIFICALLY, THE CONTRACTOR SHALL VERIFY THE INVERT ELEVATIONS OF ALL EXISTING STORM AND SANITARY SEWER STRUCTURES PRIOR TO COMMENCEMENT OF STORM AND SANITARY SEWER CONSTRUCTION.	

LANDSCAPE DATA:
REQUIRED LANDSCAPE:
STREET TREES SHALL BE PLANTS A MAXIMUM OF 40' ON CENTER AND SHALL BE A MINIMUM OF 3' IN CALIPER.
PARKING LOT LANDSCAPE SHALL BE IN COMPLIANCE WITH SECTION 'S.1.6 LANDSCAPING FOR PARKING LOT'



CARTER  
ENGINEERING

CARTER ENGINEERING  
3651 MARS HILL ROAD  
SUITE 2000  
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www.carterengineering.com

SITE DEVELOPMENT PLANS  
FOR  
ZAXBY'S RESTAURANT  
JAMES AVENUE - LOCUST, NC, 28097

SHEET TITLE:  
LANDSCAPE PLAN

PROJECT NAME:  
ZAXBY'S

SHEET NUMBER:  
L 1.0

PROJECT NUMBER:  
23787ZAX  
DATE:  
05/18/2023

PLANT SCHEDULE

TOTAL QTY	SYMBOL	BOTANICAL NAME	COMMON NAME	CAL./GAL.	SPACING	TYPE	HT./SPR. MINIMUM	REMARKS
CANOPY TREES								
8	T.TL	<i>Tulipifera liliiflora</i> 'Little Volunteer'	'Little Volunteer' Tulip Poplar	3" Cal.	As Shown	B & B	16' / 8'	Straight Central Leader to Min. 6' Ht., Well Spaced Branches, Symmetrical Crown
6	T.SO	<i>Quercus shumardii</i>	Shumard Oak	3" Cal.	As Shown	B & B	16' / 8'	Straight Central Leader to Min. 6' Ht., Well Spaced Branches, Symmetrical Crown
EVERGREEN/FLOWERING TREES								
1	T.CM	<i>Lagerstroemia indica</i> 'Natchez'	'Natchez' Crape Myrtle	3.5" Cal. Multi.	As Shown	B & B	8' / 4'	Multi. (Min. 3 - 1.5" ea.) Clear to 6' Ht., Heavy Canopy, Well Spaced Branches, Symmetrical Crown
EVERGREEN SHRUBS								
4	S.KC	<i>Cornelia sasangua</i> 'Kanjino'	'Kanjino' Camellia	7 Gal.	As Shown	Container	36" / 36"	Full Pot, Well Shaped
36	S.DBH	<i>Ilex cornuta</i> 'Burfordii Nana'	'Stoke's Dwarf' Bulford Holly	7 Gal.	As Shown	Container	36" / 36"	Full Pot, Well Shaped
26	S.DYH	<i>Ilex vomitoria</i> 'Stoke's Dwarf'	'Stoke's Dwarf' Yaupon Holly	7 Gal.	As Shown	Container	36" / 36"	Full Pot, Well Shaped
DECIDUOUS SHRUBS								
6	S.MG	<i>Muhlenbergia capillaris</i>	Muhly Grass	3 Gal.	As Shown	Container	18" / 18"	Full Pot, Well Shaped
GROUND COVERS								
	COLOR	Seasonal Color (in square feet)	Seasonal Color	---	---	Container	---	---
	Mulch	Mulch (to match overall development)	Mulch	---	---	Mulch	---	3" layer of pine mulch or pine bark
TURF GRASS (in square feet)								
2,617	SOD	Sod (as directed by owner)	Sod (as directed by owner)	---	---	SOD	Certified	---

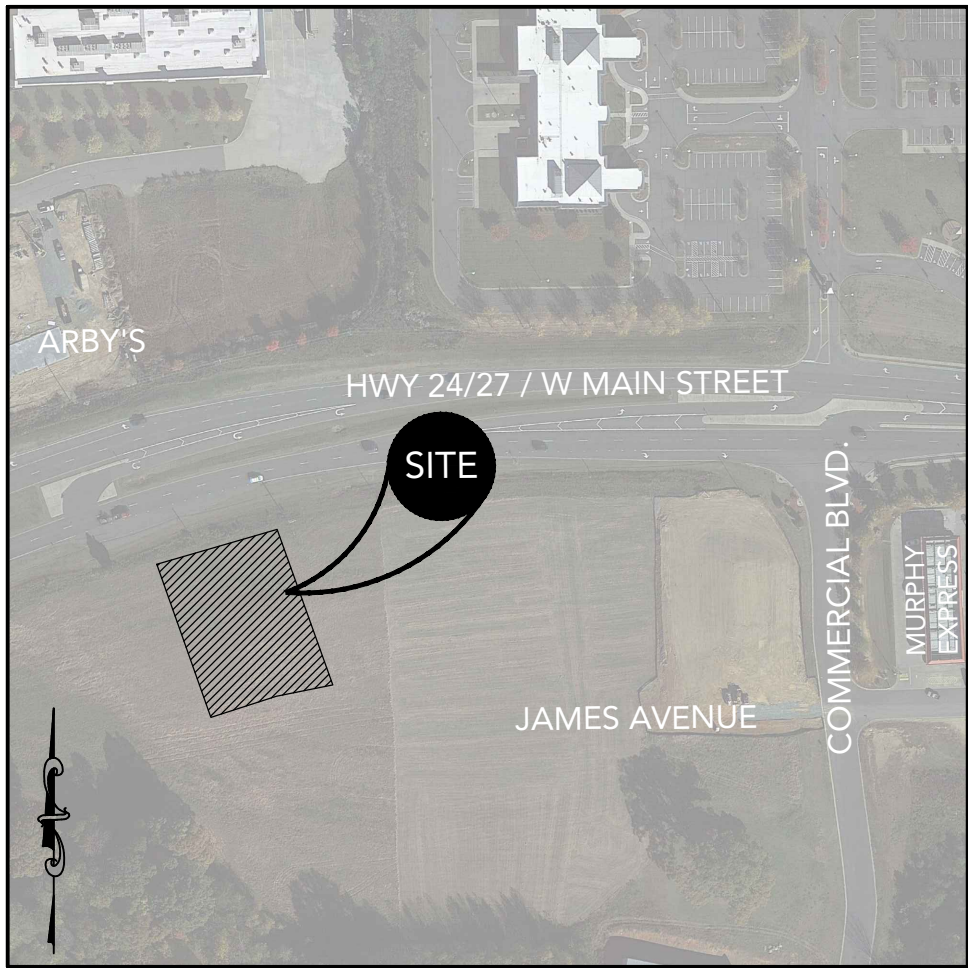
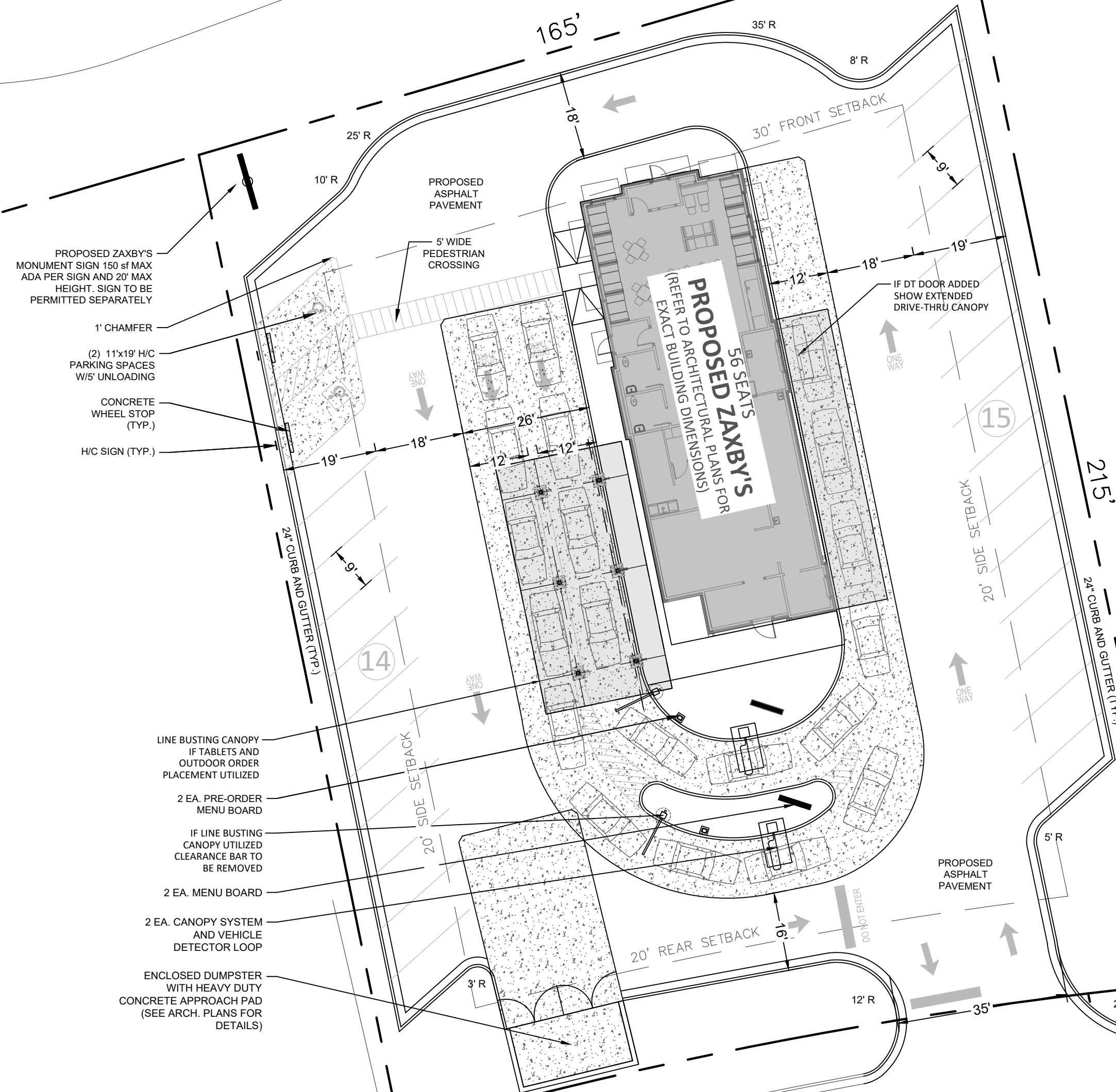


GRAPHIC SCALE  
SCALE: 1" = 20'

ENGINEER/DESIGNER NOT RESPONSIBLE FOR COST CHANGES DURING PRELIMINARY PHASE. BIDS & QUOTES SHALL BE BASED ON PLANS SETS LABELED "ISSUE FOR BID". BIDS & QUOTES SHALL BE REVISED BASED ON PLANS LABELED "ISSUE FOR CONSTRUCTION".

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NC HWY 24/27 / W MAIN STREET  
VARIABLE R/W



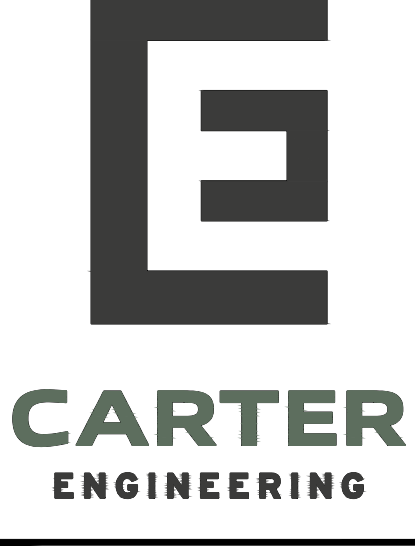
LOCATION MAP  
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PROPOSED USE	COMMERCIAL RESTAURANT
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PARKING DATA:	
REQUIRED PARKING	
ONE (1) SPACE FOR EACH (3) SEATING ACCOMMODATIONS, PLUS ONE (1) SPACE FOR EACH TWO (2) EMPLOYEES ON THE SHIFT OF LARGEST EMPLOYMENT.	
REQUIRED PARKING	= 27 SPACES
PROVIDED PARKING	= 29 SPACES
ADA PARKING	= 2 SPACES PROVIDED (2 REQUIRED)

GRAPHIC SCALE  
SCALE: 1" = 20'

REVISION BLOCK	REVISION DATE & DESCRIPTION
ISSUE	5-18-2023/CONDITIONAL ZONING CHANGE
1	...
2	...
3	...
4	...
5	...
6	...
7	...
8	...



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SITE DEVELOPMENT PLANS  
FOR  
ZAXBY'S RESTAURANT  
JAMES AVENUE - LOCUST, NC, 28097

SHEET TITLE:	SITE PLAN
PROJECT NAME:	ZAXBY'S
SHEET NUMBER:	C 3.0
PROJECT NUMBER:	23787ZAX
DATE:	05/18/2023

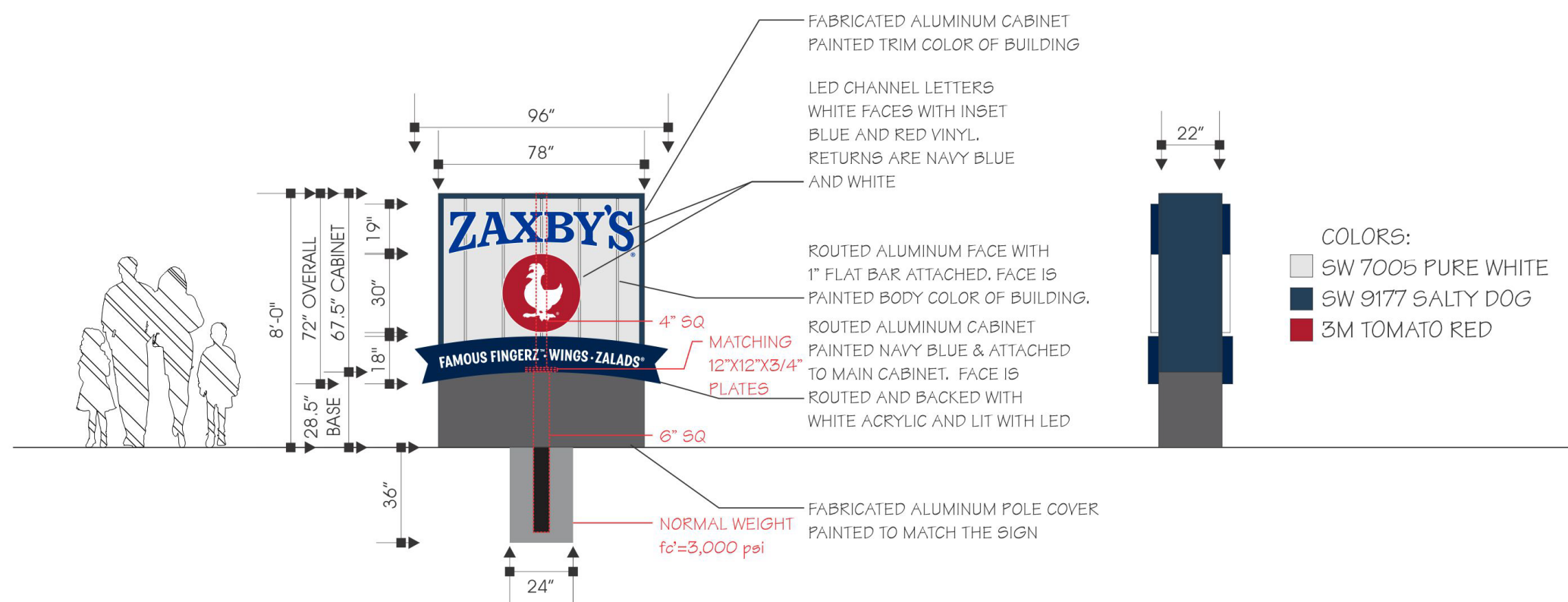
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Exhibit 4









# WOMEN UNIFORM DESIGN