

City of Locust

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

MEMORANDUM

Date: March 6, 2024

From: Cesar Correa, City Manager To: Mayor & City Council

Subject: Zoning Amendment (Conditional) – Kolter Homes

BACKGROUND & PETITION INFORMATION

On November 21, 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). Locust City Council held a public hearing during the January 11, 2024 meeting, but postponed the rezoning vote as per the applicant's request to allow applicant additional time finalize water utility and transportation requirements for the project.

The specifics of the rezoning application are as follows:

Applicant: Cresswind at Rocky River

Owner Information: Kolter Group Acquisitions LLC

Existing Zoning: Open Space (OPS)

Proposed Zoning: Open Space - Conditional (OPS-C)

Permitted Uses: Age restricted (55+), active retirement community consisting of 1,123 units as depicted in the attached site plan (Exhibit 3) The developer has agreed to site-specific conditions (outlined in the Memorandum of Understanding) for the development of this project.

Parcel ID Numbers: Stanly County PINs#: 5576-0491-0852,5576-0482-8727, 5576-0471-5582 (only 8.27 acres of this parcel), 5576-0494-3737, 5586-0302-3332, 5586-0303-7868, 5586-0303-2576, 5586-0304-4056, 5576-0286-3292, 5576-0481-7397, and 5576-0482-7518

Area in Acres: The parcels total 516.5 acres according to Stanly County GIS.

Site Description: This property is located off Bethel Church Road, Mission Church Road, and Coley Store Road.

Adjacent Land Use: Institutional and Residential.

Surrounding Zoning: The property is surrounded by residential districts (Open Space and General Residential) on all sides except northwest where a small CBI (Campus Business Institutional) zoning is located for Architectural Casting.

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 Low and Medium Density Residential uses.

The 2014 Land Use Plan defines Low Density Residential and Medium Density Residential as follows:

- Low Density Residential: Residential neighborhoods and areas that feature lots in excess of 3/4 acre. These areas require less infrastructure (curb and gutter, sidewalks, public water and sewer, etc.), maximize the preservation of open space, and are characterized by larger lots in established neighborhoods or residential areas.
- Medium Density Residential: Residential neighborhoods and areas that feature lots sized from ½ acre up to ¾ acre. These areas often feature traditional neighborhood development and can contain scattered multi-family residential complexes or units. These areas require more infrastructure.

The property is currently zoned Open Space (OPS), with nearly half of the parcel already incorporated in Locust city limits. The remaining portion of the parcel submitted voluntary annexation on November 21, 2023. Locust City Council adopted ordinances to extend the corporate limits of the City of Locust on February 8, 2024. The annexations become effective June 30, 2024. At such date, the entire property seeking conditional rezoning will be inside the incorporated city limits of the City of Locust.

The proposed development is inconsistent with the 2014 Land Use Plan. However, the amendment is reasonable because the proposed development is expected to generate sustainable residential development, without an impact to the Stanly County School System, and a significant impact to the local economy.

Should Locust City Council approve this conditional rezoning, the Land Use Plan will also have to be amended to reflect High Density Residential for the parcels seeking conditional rezoning.

SITE SPECIFIC CONDITIONS

Applicant agrees to provide the following:

- 1. Age restricted (55+), active retirement community. No full-time residents under the age of 18.
- 2. Site-specific conditions outlined in Memorandum of Agreement.
- 3. Off-site traffic improvements as determined by City of Locust and NCDOT.

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 November 28, 2023, the Locust Planning & Zoning Board reviewed the zoning amendment petition and voted to recommend *approval* of the proposed Open Space – Conditional (OPS-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.

<u>Suggested motion:</u> "To approve the conditional rezoning request designating the subject property as Open Space – Conditional (CC-C) with the associated site plan, proposed elevations, and site-specific conditions to be <u>inconsistent</u> with the 2014 Land Use Plan; and to amend the 2014 Land Use Plan to reflect these parcels as High Density Residential.



City of Locust

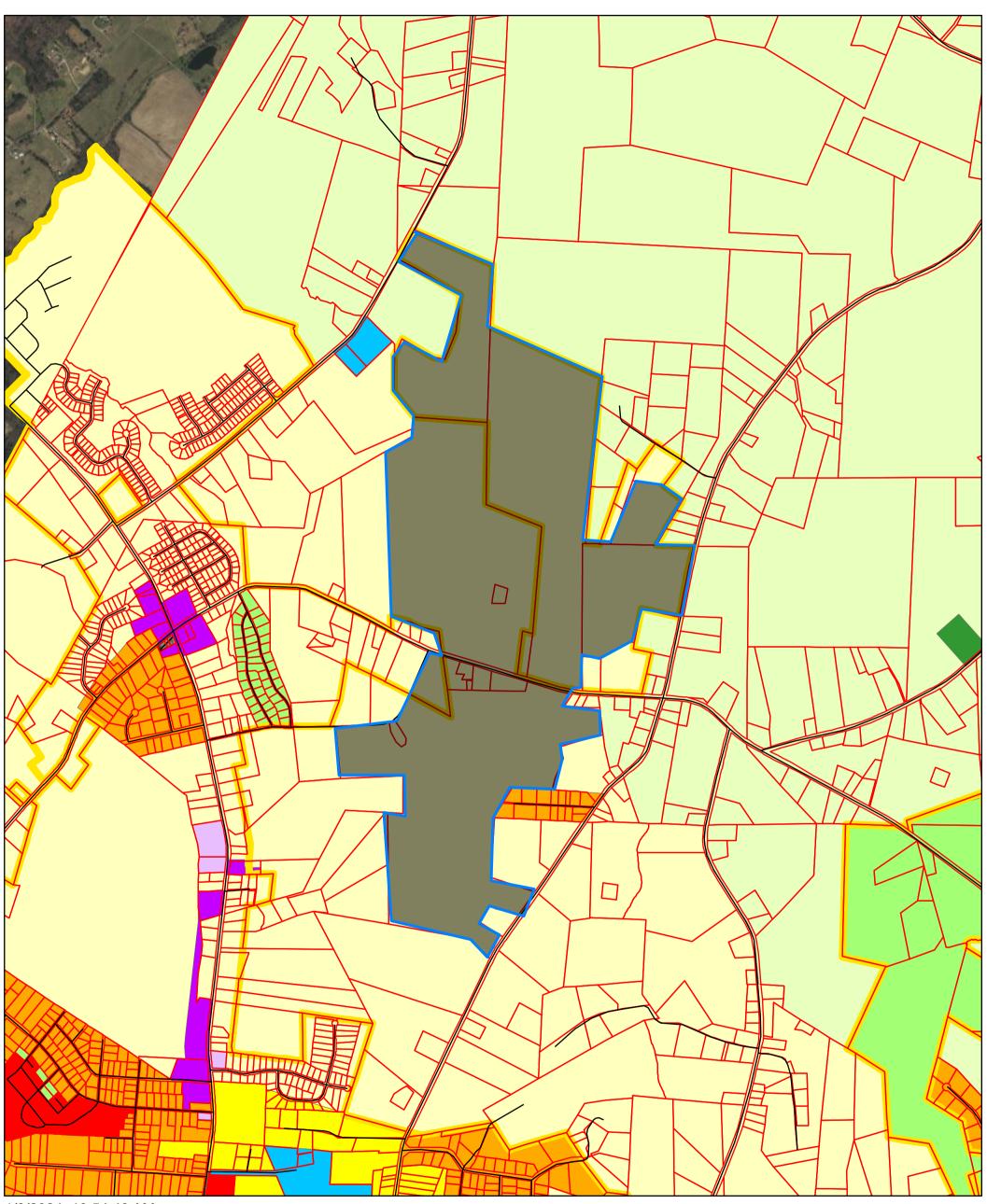
Post Office Box 190 Locust, North Carolina 28097-0190 (704) 888-5260

Application for Conditional Zoning Change

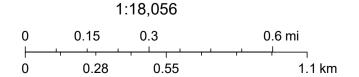
Date: November 21, 2023
Applicant Name:
Company Name (if applicable): <u>Kolter Group Acquisitions LLC</u>
Address: 8913 Silver Springs Ct, Charlotte, NC 28215
Phone Number: (704) 575 - 9310
Address of Property Change: Bethel Church Rd, Coley Store Rd, Mission Church Rd
Present Zoning District: Stanly County Open Space District
Requested Zoning District: OPS Conditional – Open Space Conditional (Locust)
Applicant Signature:

The following information is required with the application:

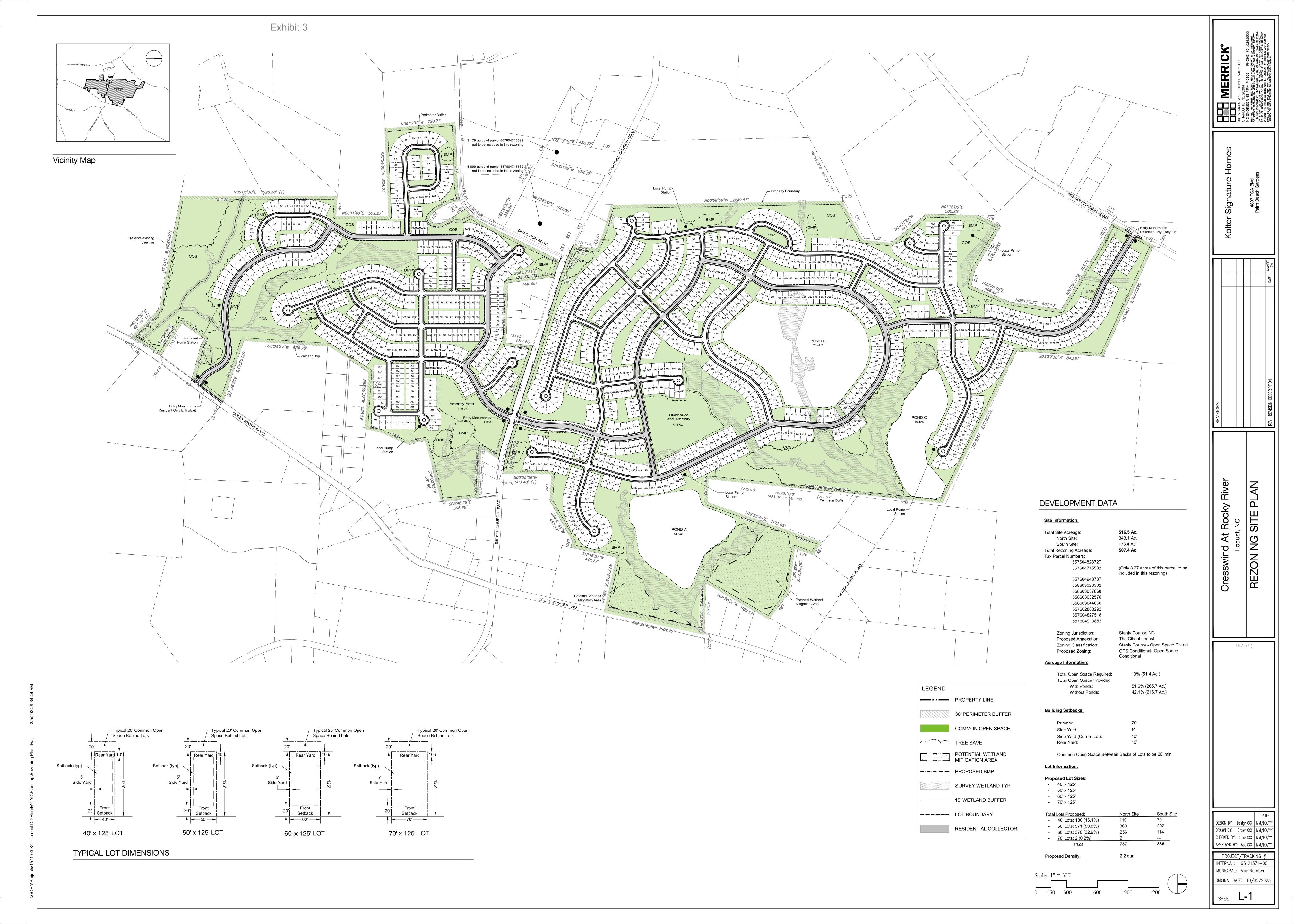
- (1) Map of the property to be rezoned, accurate description to show the following:
 - a. All property lines with dimensions, north arrow.
 - b. Names and addresses of adjoining landowners.
 - c. Location of all existing structures, use of all land.
 - d. Zoning classifications of all abutting zoning 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.



1/8/2024, 10:54:49 AM

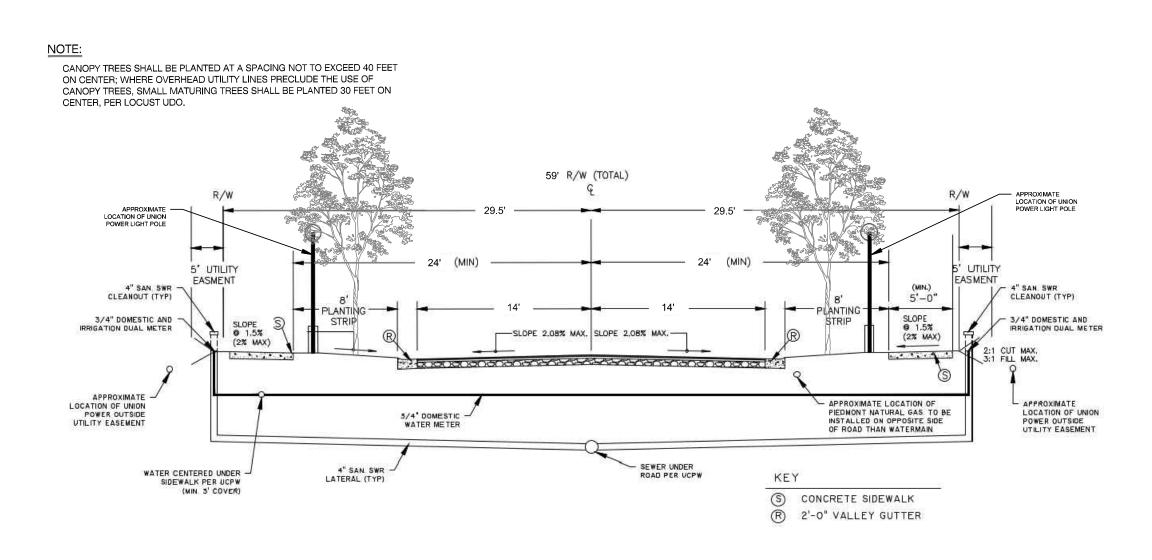


Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, Cabarrus County Government, State of North Carolina DOT, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS



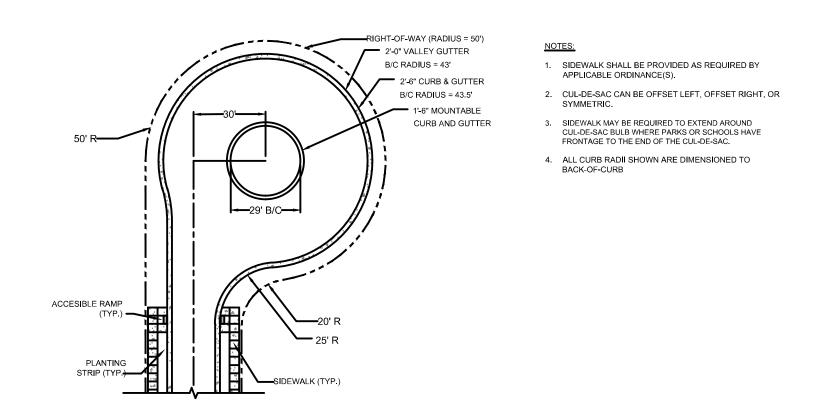
TYPICAL RESIDENTIAL LOCAL SECTION

NOT TO SCALE



TYPICAL RESIDENTIAL COLLECTOR SECTION

NOT TO SCALE



OVERSIZED RESIDENTIAL CUL-DE-SAC WITH RAISED PLANTER ISLAND

NOT TO SCALE

Signature Homes

Signature Homes

Sol S. McDowell Street, Suite 300

CHARLOTTE, NC 28204

NC ENGINEERING FIRM F-0908 PHONE: 704.529.6500

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Cresswind At Rocky River

Locust, NC

REZONING SITE PLAN DETAILS

SEAL(S)

DATE:

DESIGN BY: DesignXXX MM/DD/YY

DRAWN BY: DrawnXXX MM/DD/YY

CHECKED BY: CheckXXX MM/DD/YY

APPROVED BY: AppXXX MM/DD/YY

PROJECT/TRACKING #
INTERNAL: 65121571-00
MUNICIPAL: MuniNumber
ORIGINAL DATE: 10/05/2023

SHEET L-2

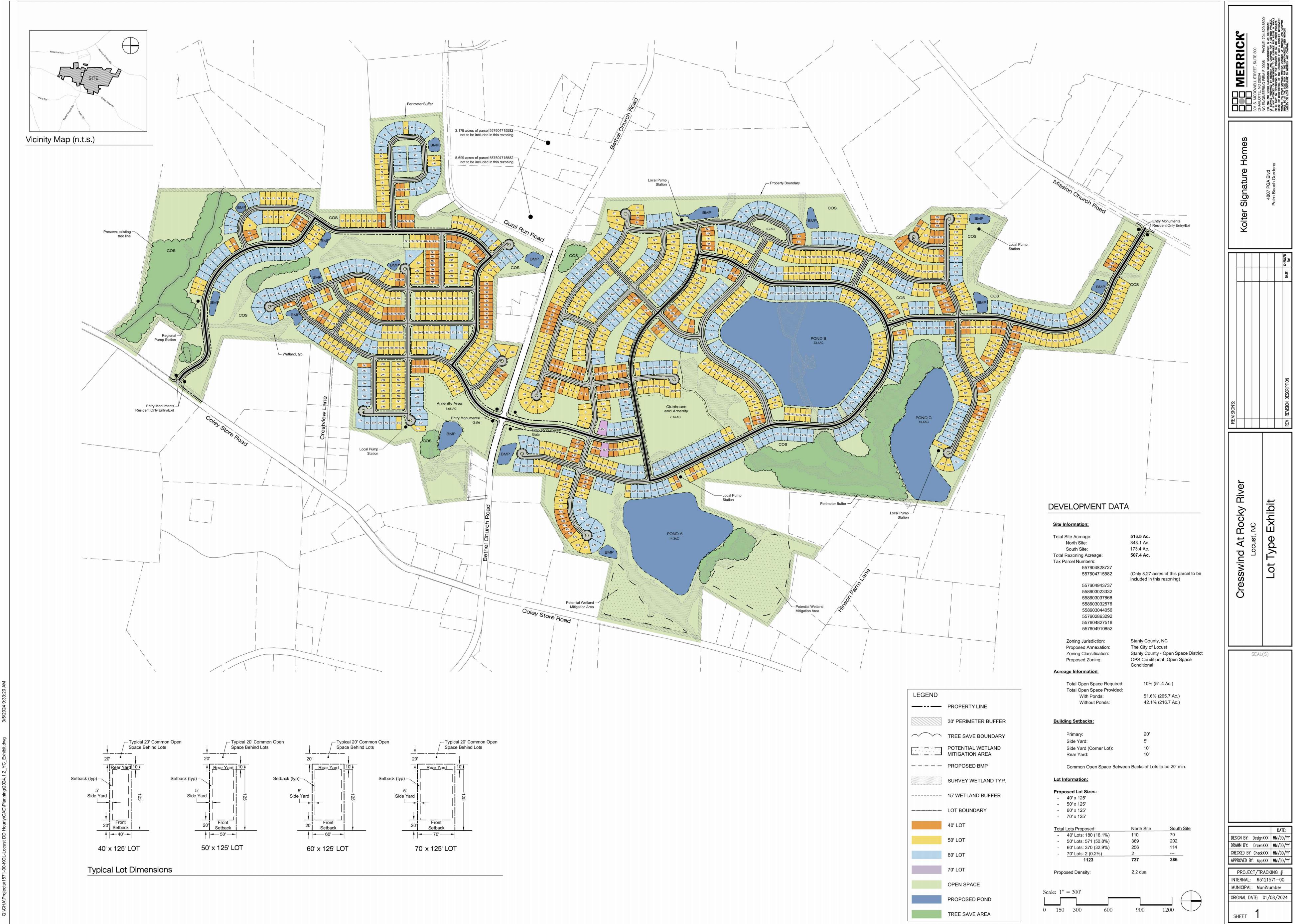


Exhibit 4

















