



City of Locust

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

MEMORANDUM

Date: March 5, 2024
From: Cesar Correa, City Manager
To: Mayor & City Council
Subject: Zoning Amendment (Conditional) – Stanly County PIN#: 557503314511

BACKGROUND & PETITION INFORMATION

On September 25, 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 December 14, 2023 meeting, but postponed the rezoning vote as per the applicant's request to allow applicant additional time to obtain an easement to provide secondary access to the site as per NCDOT requirements.

The specifics of the rezoning application are as follows:

Applicant: Alan Kerley

Owner Information: Taylor Morrison

Existing Zoning: Neighborhood Residential (NR)

Proposed Zoning: City Center – Conditional (CC-C)

Permitted Uses: Single family residential town home community consisting of 86 homes as depicted in the attached site plan (Exhibit 3) The developer intends to develop *Multi-family Dwellings*, which is a conditional use in the City Center zoning district. 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 PIN#: 5575-0331-4511

Area in Acres: The parcel is 19.55 acres according to Stanly County GIS.

Site Description: This property is located off Bell Ave.

Adjacent Land Use: Commercial, Institutional and Residential.

Surrounding Zoning: The property is surrounded by Highway Commercial to the north, Campus Business Institutional to the east, and residential to the south and east.

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 High Density Residential uses.

The property is currently zoned Neighborhood Residential. This amendment is reasonable because the proposed development is consistent with the 2014 Land Use Plan.

The property is currently assigned High Density Residential uses in the 2014 Land Use Plan. As per the 2014 Land Use Plan of High Density Residential: “Residential neighborhoods and areas that feature smaller lots up to ½ acre in size. These areas are often located in close proximity to commercial areas and major thoroughfares and can contain scattered multi-family residential complexes or units. These areas are generally infrastructure intensive”.

SITE SPECIFIC CONDITIONS

Applicant agrees to provide the following:

1. Lot density and tree preservation as depicted in the Site Plan.
2. Site-specific conditions outlined in Memorandum of Agreement.
3. Off-site traffic improvements as determined by City of Locust and NCDOT as depicted in the 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 October 26, 2023, the Locust Planning & Zoning Board reviewed the zoning amendment petition and voted to recommend ***approval*** of the proposed City Center – Conditional (CC-C) zoning designation. The Planning & Zoning Board recommended exploring a secondary connection to Oakdale Drive.

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 City Center – Conditional (CC-C) with the associated site plan and proposed elevations, to be consistent with the 2014 Land Use Plan.



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Application for Conditional Zoning Change

Date: September 15, 2023

Applicant Name: Alan Kerley

Company Name (if applicable) Taylor Morrison

Address: 11405 N Community House Road, Suite 150, Charlotte, NC 28277

Phone Number: 704-971-8854

Address of Property Change: 105 Bell Avenue

Present Zoning District: NR

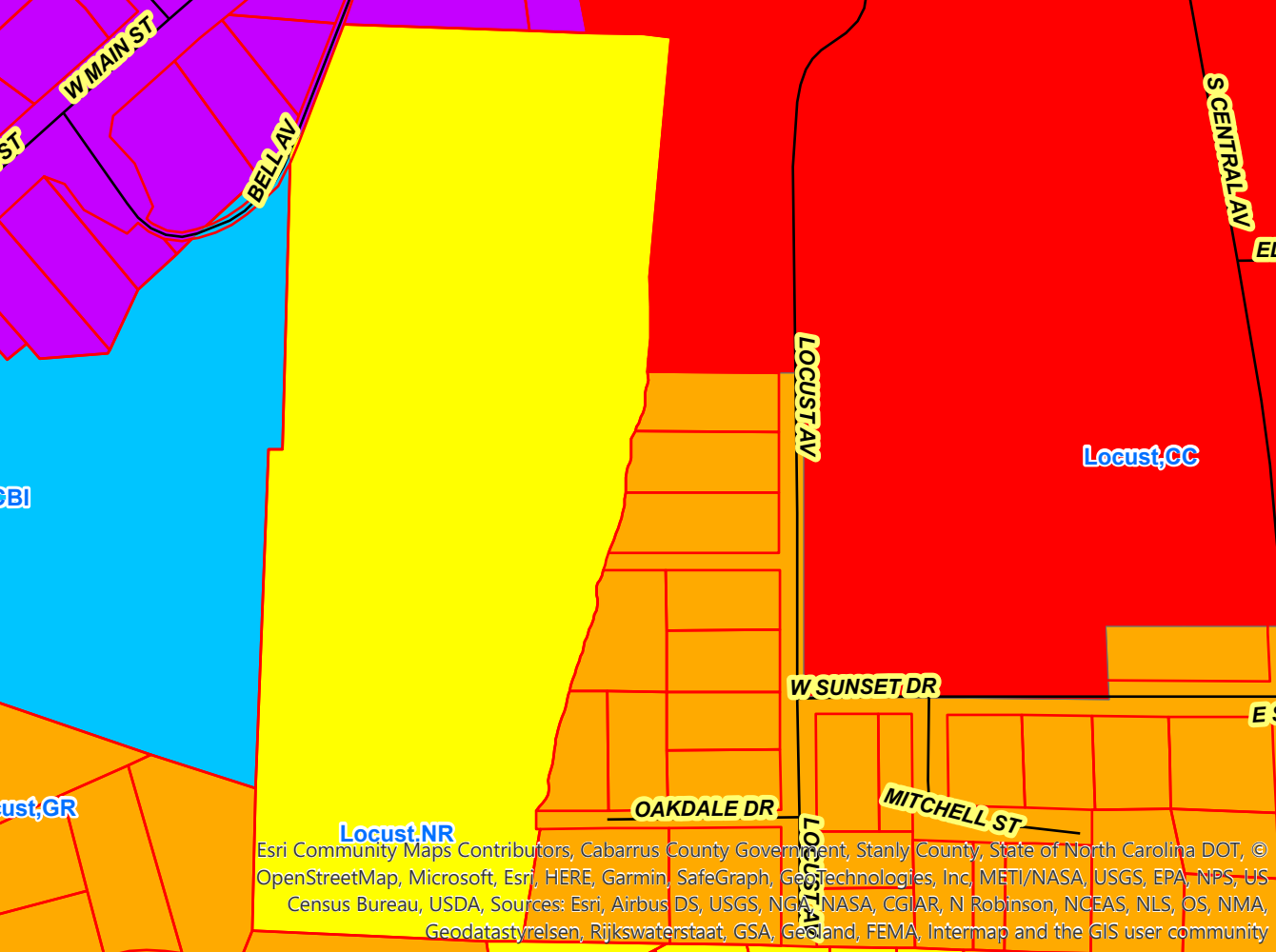
Requested Zoning District: City Center Conditional (CC-C)

Applicant Signature: 

Property owner Joinder Agreement attached

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.



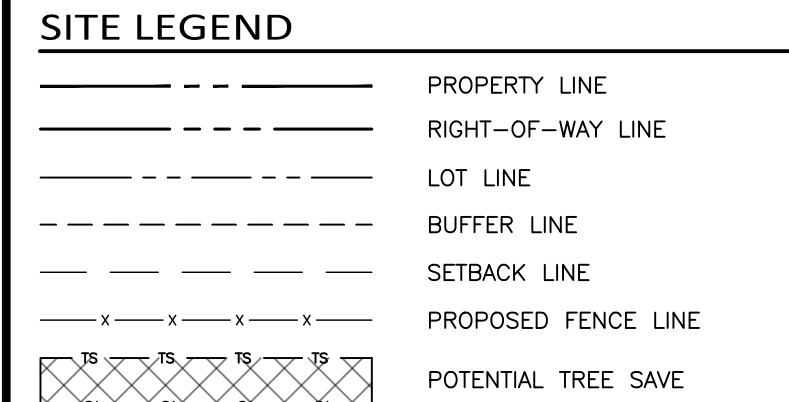
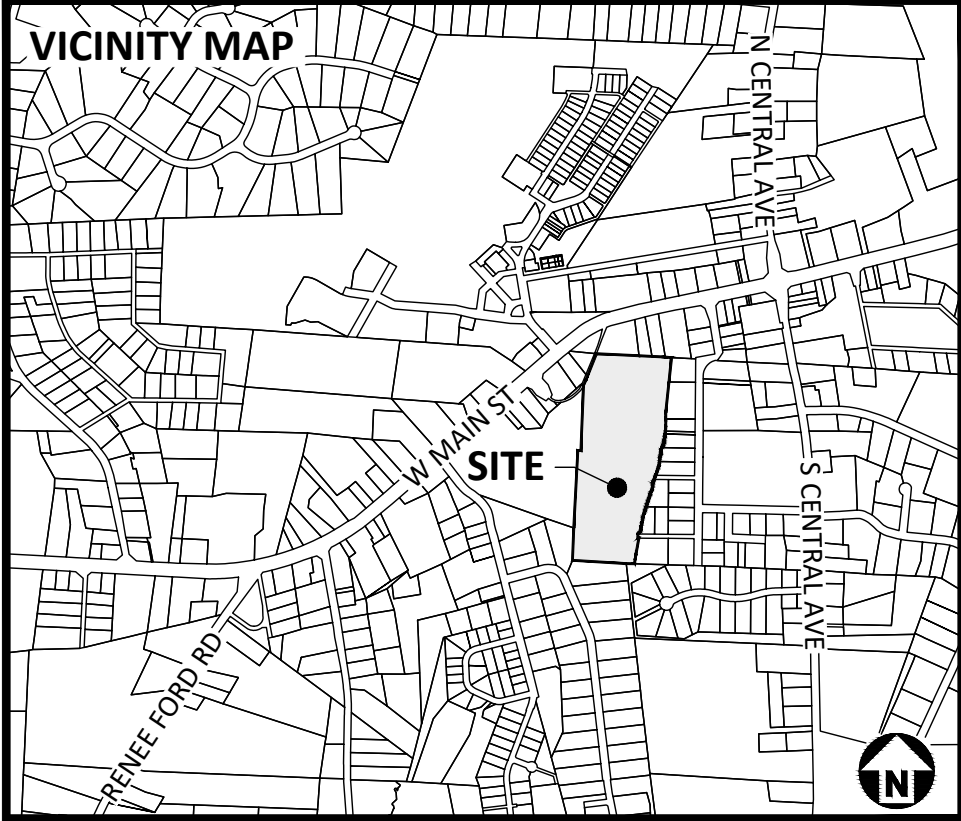
Esri Community Maps Contributors, Cabarrus County Government, Stanly County, State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS,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

SITE DATA TABLE

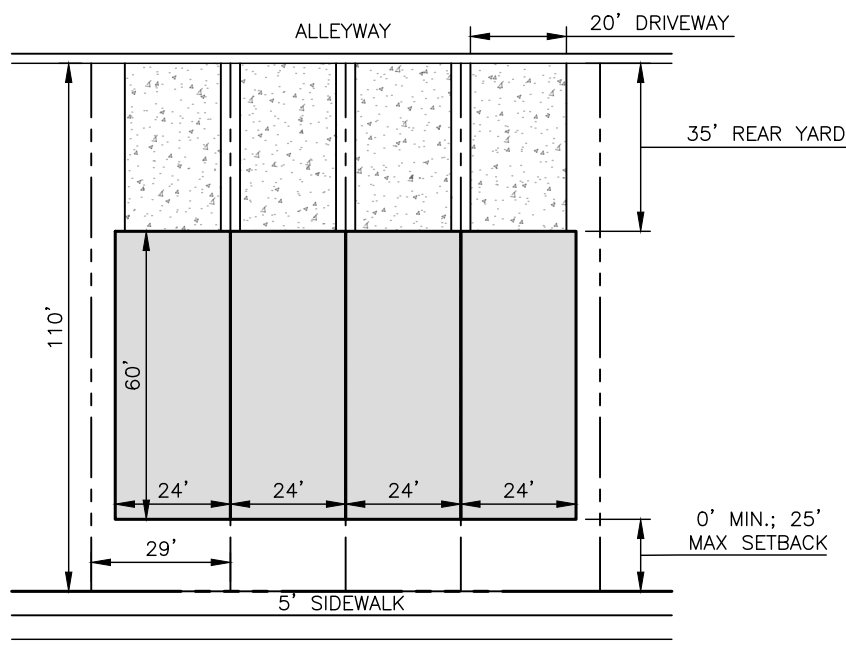
Total Site Area	+/- 19.55 acres
Parcel ID	557503314511
Existing Zoning	NR
Proposed Zoning	TBD
Proposed Use	Townhomes
24'x60' Townhome (rear loaded)	86 units
Density	4.40 units/acres
Urban Open Space	
Provided	+/- 1.39 acres
Conservation Open Space	
Provided	+/- 5.76 acres
Total Open Space	+/- 7.32 acres
Tree Save	
Provided	+/- 3.94 acres
Stormwater Detention	+/- 0.57 acres



BELL AVENUE TOWNS RENDERING
LOCUST, NORTH CAROLINA

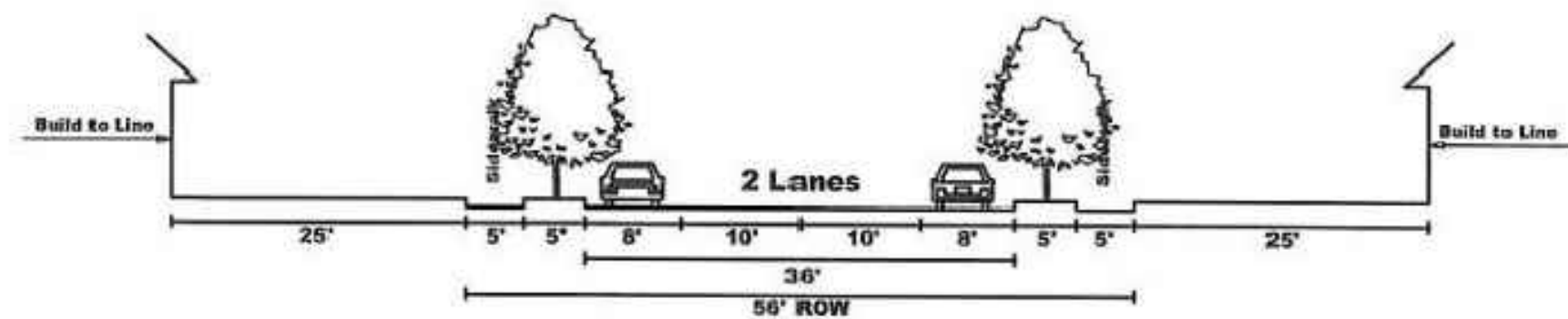


SITE DATA	
PREPARED BY: MCADAMS 2100 SOUTH TRYON STREET, SUITE 400 CHARLOTTE, NC 28203	
PID:	557503314511
EXISTING ZONING:	LOCUST - NR
PROPOSED ZONING:	CITY CENTER - CONDITIONAL (CC-C)
TOTAL DEVELOPMENT:	
SITE AREA:	± 19.77 AC
UNIT COUNT:	86 UNITS
DENSITY:	4.40 UNITS/AC
OPEN SPACE:	
POTENTIAL URBAN OPEN SPACE PROVIDED:	± 1.42 AC
CONSERVATION OPEN SPACE PROVIDED:	± 7.05 AC
TOTAL OPEN SPACE PROVIDED:	± 8.47 AC
TREE SAVE:	
TREE SAVE PROVIDED:	± 4.66 AC
POTENTIAL STORMWATER DETENTION:	± 0.72 AC

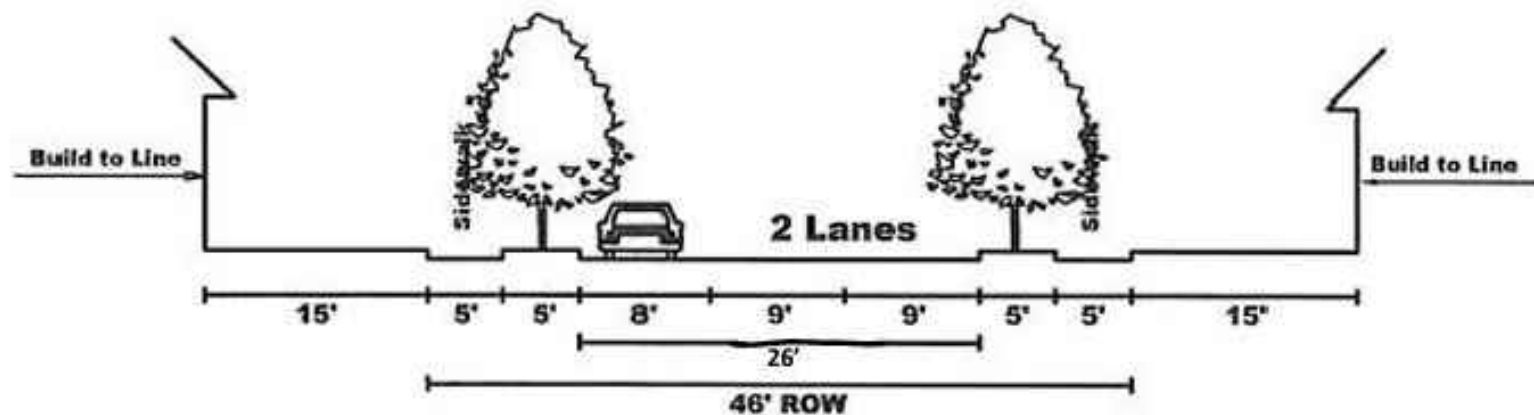


TYPICAL LOT DIMENSIONS
NTS

Residential Town Street

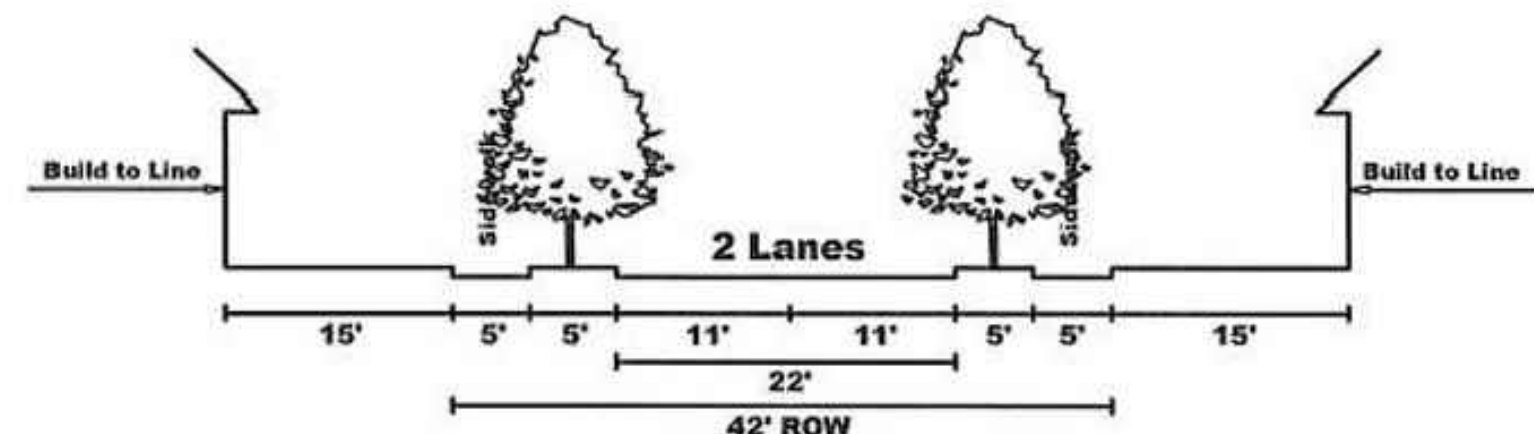


Neighborhood Street (Type 1) (for general use)

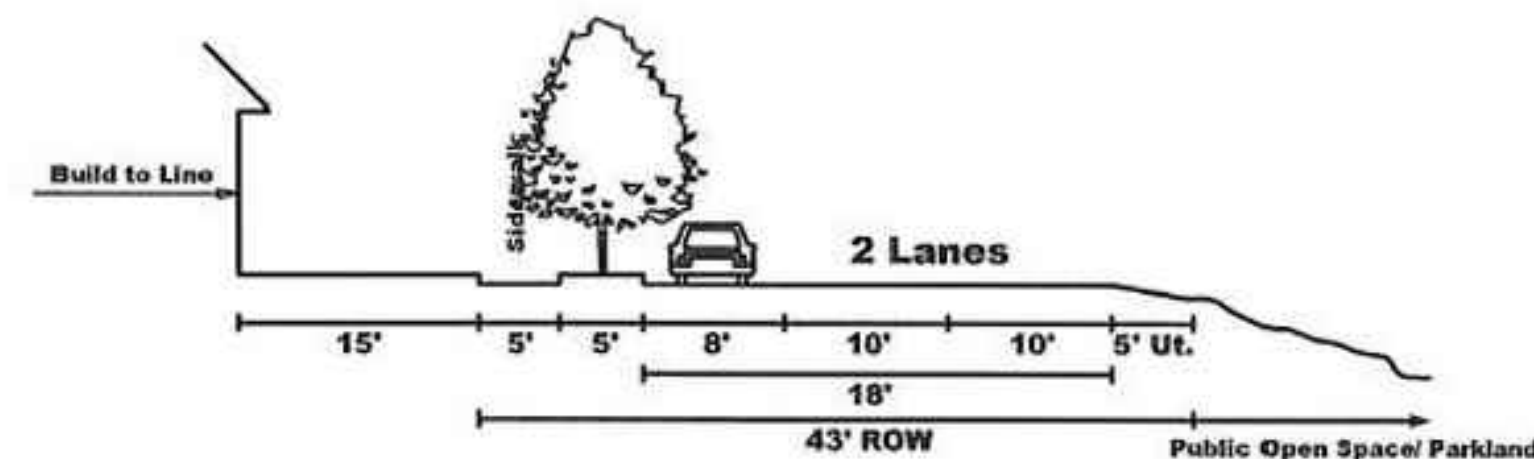


Residential Town Street (Type 2)

(for use in situations of exceptionally low traffic volume
ie. closes or culs-de-sac)



Neighborhood Parkway

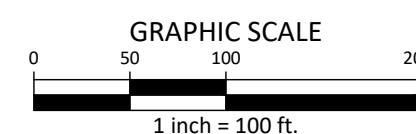
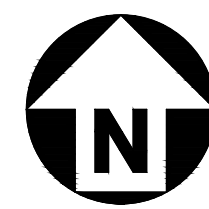
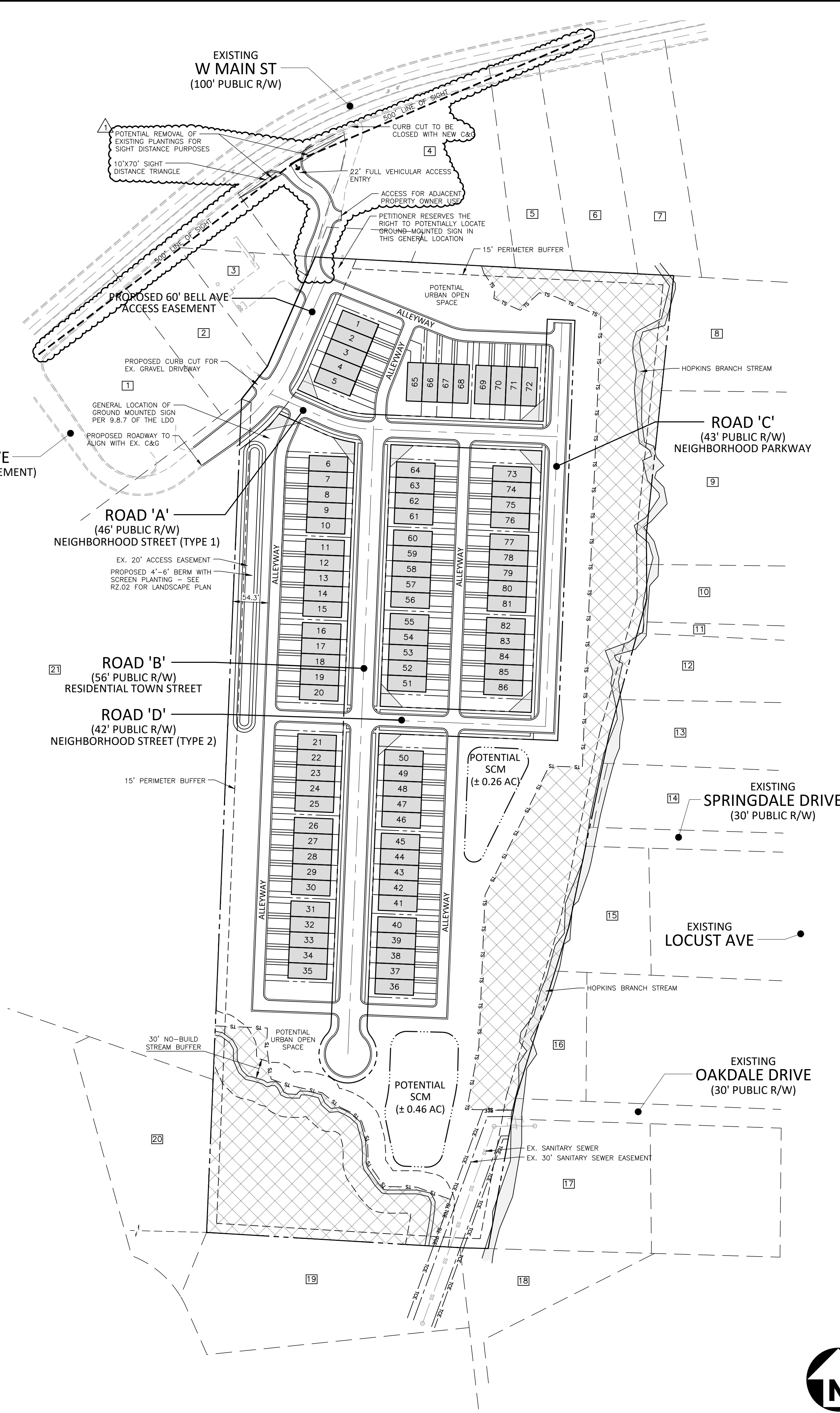


LOCUST, NC STANDARD STREET DIMENSIONS (PER SECTION 4.3.2 OF THE UDO)
NTS

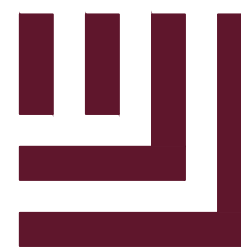
ADJACENT PROPERTY OWNERS

PARCEL	DEED	OWNER	ZONING
1	557503219859	1567-302 OREILLY AUTOMOTIVE STORES INC	HC
2	55750321033	1730-355 MICHELE DEETER BROWNE	HC
3	55750322009	373-57 RITCHIE HARDWARE COMPANY	HC
4	557503224275	259-459 SOUTHERN BELL TELEPHONE	HC
5	557503226228	1483-26 GARY J DEECK & NANCY L DEECK	HC
6	55750327219	1809-301 JWCP PROPERTIES LLC	CC
7	557503228340	517-754 FIRST UNION NATIONAL BANK OF NC	CC
8	557503229043	1790-169 MOONING LEAF LFL	CC
9	557503318797	1607-235 CBT COMMERCIAL ENTERPRISES LLC	CC
10	557503319601	850-993 EFRID & CO LLC	CC
11	557503318566	1720-579 JAMIAN JAMES THOMAS SMITH & AMANDA CARRICK SMITH	CC
12	557503318489	1720-579 JAMIAN JAMES THOMAS SMITH & AMANDA CARRICK SMITH	GR
13	557503318480	1578-327 NORMAN W EUDY ET AL	GR
14	557503318289	342-574 NANCY B HUNEYCUTT	GR
15	557503317151	646-641 TONYA C CHAMBERS	GR
16	557503306980	1782-205 CAROLINAS FINEST PROPERTIES LLC	GR
17	557503307760	225-73 LARRY STEPHEN ALMOND	GR
18	557503400375	1649-316 WHITNEY OWNERS ASSOCIATION INC	NR
19	557503302476	1673-1063 BETTY JEAN WHITTINGTON & JEFFREY WAYNE WHITTINGTON	GR
20	557503300743	1054-284 GARY J PINTEA & KATHERINE E PINTEA	GR
21	557503216376	389-812 LOCUST PRESBYTERIAN CHURCH	CBI

NOTE: PROPERTY INFORMATION BASED ON STANLY COUNTY GIS



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



McAdams

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CLIENT

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TAYLOR MORRISON
11405 N COMMUNITY HOUSE ROAD
SUITE 150
CHARLOTTE, NORTH CAROLINA 28277



BELL AVENUE TOWNS REZONING PLAN BELL AVENUE LOCUST, NORTH CAROLINA 28097

REVISIONS

NO.	DATE	PRE CITY COMMENTS
1	03.05.2024	

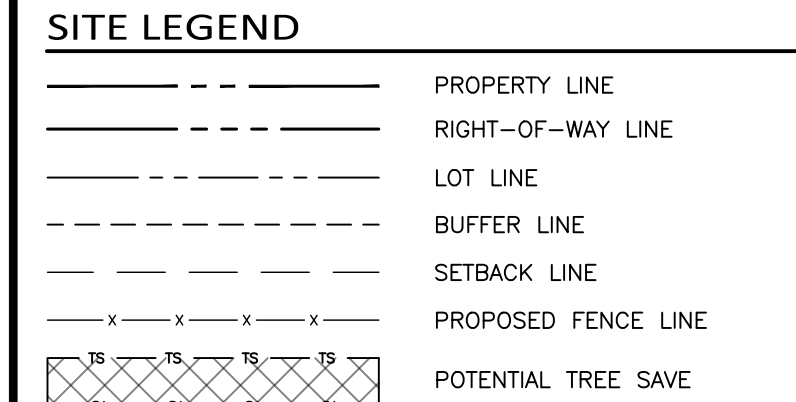
PLAN INFORMATION

PROJECT NO.	TMH23014
FILENAME	TMH23014-R21
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1" = 100'
DATE	03.04.2024

SHEET

REZONING PLAN

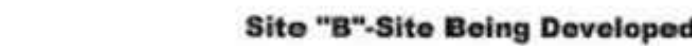
RZ.01



LANDSCAPE PLAN NOTES:

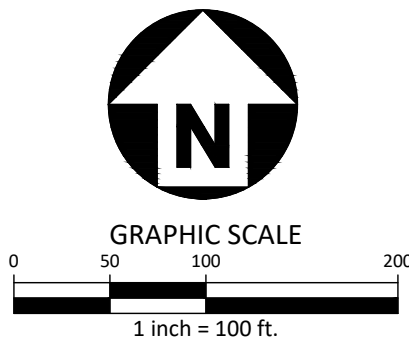
1. LANDSCAPE PLAN IS FOR REZONING PURPOSES ONLY. THIS PLAN DOES NOT SHOW FINAL LOCATIONS OR QUANTITIES OF PLANTINGS.
2. FINAL LOCATIONS OF PLANTINGS WILL BE BASED ON FUTURE UTILITY LOCATIONS AND GRADING PURPOSES DURING THE CD PHASE.
3. ALL STREET TREES SHALL BE DECIDUOUS SPECIES.
4. STREET TREES WILL CONSIST OF AT LEAST TWO DIFFERENT SPECIES THROUGHOUT THE SITE.
5. 4'-6" LANDSCAPE BERM TO BE PROVIDED ALONG WESTERN PROPERTY LINE TO PROVIDE A SCREENED BUFFER FROM PROPOSED STRUCTURES AND ALLEYWAY.
6. ALL BERM PLANTING TO BE EVERGREEN SPECIES.
7. 15' PERIMETER BUFFER TO BE PROVIDED PER SECTION 6.4 OR THE UDO WHERE EXISTING VEGETATION IS NOT PRESENT AND PRESERVED. FINAL LOCATION OF REQUIRED PLANTING TBD DURING CD PHASE.

NOTE: PROPERTY INFORMATION BASED ON STANLY COUNTY GIS



Plantings will consist of evergreen shrubs, 6' on center, double staggered rows, and canopy trees planted 30' on center.

BUFFER YARD EXAMPLE (PER SECTION 6.4 OF UDO)
NOT TO SCALE



PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION



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BELL AVENUE TOWNS
REZONING PLAN
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1	03. 05. 2024	PRE CITY COMMENT:

PLAN INFORMATION

PROJECT NO.	TMH23014
FILENAME	TMH23014-RZ1
CHECKED BY	EM
DRAWN BY	JDS
SCALE	1" = 100'
DATE	03. 04. 2024

SHEET

REZONING - LANDSCAPE PLAN

RZ.02

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Development Standards

Site Development Data:

Acreage: ± 19.77
Tax Parcel #: 557503314511
Existing Zoning: Neighborhood Residential (NR)
Proposed Zoning: City Center - Conditional (CC-C)
Existing Uses: Residential/Vacant
Proposed Uses: Up to 86 single-family attached dwellings together with accessory uses, as permitted per CC zoning
Maximum Building Height: Per 3.6.5 of the Ordinance

1. General Provisions:

- a. **Site Location.** These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Taylor Morrison (“Petitioner”) to accommodate the development of a residential community on approximately 19.77 acre site generally located east of Bell Avenue and west of the Springdale Drive stub street (the “Site”).
- b. **Zoning Districts/Ordinance.** Development of the Site will be governed by the Rezoning Plan as well as the applicable provisions of the City of Locust Land Development Ordinances in existence as of the date of approval of the Rezoning (the “Ordinance”). Unless the Rezoning Plan establishes more stringent standards the regulations established under the Ordinance for the CC zoning classification shall govern.
- c. **Graphics and Alterations.** The schematic depictions of the uses, public street rights-of-way, streets and other development matters and site elements (collectively the “Development/Site Elements”) set forth on the Rezoning Plan should be reviewed in conjunction with the provisions of these Development Standards. The layout, locations, sizes and formulations of the Development/Site Elements depicted on the Rezoning Plan are graphic representations of the Development/Site elements proposed. Changes to the Rezoning Plan not anticipated by the Rezoning Plan will be reviewed and approved as allowed by Section 1.7 of the Ordinance.

Since the project has not undergone the design development and construction phases, it is intended that this 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 without requiring the Amendment Process per Section 1.7 Ordinance. These instances would include changes to graphics if they are minor and do not materially change the overall design intent depicted on the Rezoning Plan.

The Zoning + Planning Director will determine if such minor modifications are allowed per this amended process, and if it is determined that the alteration does not meet the criteria described above, the Petitioner shall then follow process per Section 1.7 of the Ordinance; in each instance, however, subject to the Petitioner's appeal rights set forth in the Ordinance.

- d. **Number of Buildings Principal and Accessory.** The total number of principal residential attached dwellings to be developed on the Site shall not exceed 86. Accessory buildings and structures located on the Site shall not be considered in any limitation on the number of buildings on the Site. Accessory buildings and structures will be constructed utilizing similar building materials, colors, architectural elements and designs as the principal buildings located on the Site.

2. Permitted Uses & Development Area Limitation:

- a. The Site may be developed with up to 86 single-family attached residential dwellings together with accessory uses allowed in the CC zoning district as generally depicted on the Rezoning Plan.
3. **Access and Transportation Improvements:**
- a. Access to the Site shall be from Bell Avenue and the proposed public streets as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required by City of Locust in accordance with applicable published standards.
- b. The alignment of the internal vehicular circulation and driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by City of Locust in accordance with applicable published standards.
- c. All on-site right-of-way dedication will be completed as required by Article 4 of the Ordinance.

- d. Petitioner will record a 60' Access Easement for the continuation of Bell Avenue and improvement of the existing driveway along the Site frontage as depicted on the Rezoning Plan. During the Construction Design phase for the Site, Petitioner will coordinate with City staff for the final design of the Bell Avenue improvements.
- e. Per coordination with NCDOT and City staff, a secondary and full vehicular access point connecting W Main Street to Bell Avenue, through Parcel Identification Number 55703322230, will be provided as depicted on the Rezoning Plan. During the Construction Design phase for the Site, Petitioner will coordinate with NCDOT and City staff for the final design of the W Main Street to Bell Avenue connection.

4. Open Space + Tree Save:

- a. Urban open space areas may include, but not limited to, play areas and/or equipment, hardscape, gathering areas, seating opportunities, landscaping, natural paths, and/or other similar features. Petitioner to coordinate final programming during the Construction Design phase for the Site.
- b. Urban and conservation area open spaces and tree save areas and locations are generally depicted on the Rezoning Plan. Final sizes of these areas will be determined during the Construction Design phase for the site.
- c. A 4' to 6' berm with evergreen landscaping is proposed along the west side of the site, adjacent to the Locust Presbyterian Church, in the area of the church property void of existing landscaping.

- d. Petitioner to provide neighborhood identification ground signage along Bell Avenue as depicted on the Rezoning Plan.

5. General Design Guidelines:

- a. The building materials used on the principal buildings constructed on Site may be a combination of portions of the following: brick, stone, precast stone, precast concrete, synthetic stone, cementitious fiber board (vertical and horizontal), stucco, EIFS, decorative block, and/or wood. Painted metal may be used for architectural elements such as door and/or window overhangs.
- b. Pitched roofs, if provided, shall be symmetrically sloped no less than 4:12, except that roofs for porches and attached sheds may be no less than 2:12.
- c. The single-family attached elevations are provided as part of the Rezoning Plan. Exterior building materials, colors, and architectural elements may vary based on Petitioner's marketing for the Site. During the Construction Design phase for the Site, the Petitioner reserves the right to provide buildings with 3, 4, 5, or 6 attached single-family dwellings per the attached elevations.

6. Environmental Features:

- a. The Site will comply with adopted City of Locust Stormwater System Requirements. The location, size and type of storm water management systems depicted on the Rezoning Plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and natural site discharge

points.

7. Lighting:

- a. All new lighting shall meet City of Locust Development Standards.

8. 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 Development Area portion of the Site affected by such amendment in accordance with the provisions of Section 1.7 of the Ordinance.

9. 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.



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DRAWN BY	JDS
SCALE	
DATE	03. 04. 2024

SHEET

REZONING NOTES

RZ.03



Left Elevation



Front Elevation



Rear Elevation



Right Elevation

6 - Unit



Left Elevation



Front Elevation



Rear Elevation



Right Elevation

4 - Unit



Left Elevation



Front Elevation



Rear Elevation



Right Elevation

5 - Unit



Left Elevation



Front Elevation



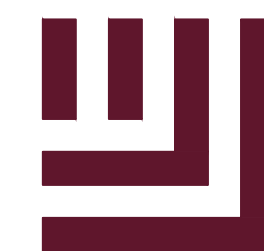
Rear Elevation



Right Elevation

3 - Unit

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BELL AVENUE TOWNS

REZONING PLAN

BELL AVENUE

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SHEET

BUILDING ELEVATIONS

RZ.04

PRELIMINARY DRAWING - NOT RELEASED FOR CONSTRUCTION