

The Mayor and City Council met in regular session on Thursday, November 5, 2020 at 7:00 p.m. in the Council Chambers of City Hall, 114 West Sycamore Street, Lincolnton, NC 28092. Mayor Hatley called the meeting to order asking everyone to rise for the Pledge of Allegiance.

Those in attendance were as follows:

WHITE WATSON EADDY JETTON

Two changes were made to the agenda. Mayor Ed Hatley requested that item#4b (CUZMA-4-2020) be moved to the end of the regular agenda items, after monthly financial/overtime report.

Councilman Eaddy asked that the announcement of Kenny Hoyle, Jr. and Tim Elmore's retirement be placed under the consent agenda ensuring that those retirements are noted in the meeting minutes. Members voted 4-0 in favor of the addition.

Councilman Jetton made the motion to approve the *REGULAR AGENDA*. Members voted 4-0 in favor of the motion

Councilman Eaddy made the motion to approve the *CONSENT AGENDA as follows* and with the additions as noted*.

- Approval of minutes for the October 1, 2020 Regular Meeting
- Approval of minutes for the October 8, 2020 Special Meeting
- Approval of minutes for the October 23, 2020 Special Meeting

**Kenny Hoyle, Jr. - WWTP Operator - Retirement - 11-01-20*

**Tim Elmore - Street Maintenance Crew Leader - Retirement 12-01-20*

Members voted 4-0 in favor of the motion.

RECOGNITION/PRESENTATION

HUNGER AND HOMELESSNESS AWARENESS WEEK
NOVEMBER 15TH - 22ND

Mayor Ed Hatley presented the following proclamation to John Hall and Tina Willis bringing recognition and awareness to the issue of hunger and homelessness in the City of Lincoln. On behalf of the City, Mayor Hatley read the proclamation as follows:

P R O C L A M A T I O N
Hunger and Homelessness Awareness Week
November 15 – 22, 2020

WHEREAS, for over 25 years the National Coalition for the Homeless and National Student Campaign Against Hunger and Homelessness have sponsored National Hunger and Homelessness Awareness Week; and

WHEREAS, the Gaston, Lincoln and Cleveland Continuum of Care has been actively working to end hunger and homelessness in Lincoln; and

WHEREAS, the purpose of the proclamation is to educate the public about the many reasons people are hungry and homeless including the shortage of affordable housing in Lincoln for very low-income residents; and to encourage support for homeless assistance service providers, as well as community service opportunities for citizens, students and school service organizations; and

WHEREAS, there are many organizations and agencies committed to sheltering and providing supportive services, as well as meals and food supplies, to people experiencing homelessness in Lincoln and they are committed to working collaboratively through the Gaston, Lincoln and Cleveland Continuum of Care to end homelessness; and

WHEREAS, the Lincoln City Council recognized that hunger and homelessness continue to be a fundamental problem for many individuals and families in Lincoln; and

WHEREAS, the intent of National Hunger and Homelessness Awareness Week is consistent with the activities of the Gaston, Lincoln and Cleveland Continuum of Care.

NOW, THEREFORE, I, Ed Hatley and the Lincoln City Council do hereby proclaim November 15th – 22nd, 2020 as **“Hunger and Homelessness Awareness Week”**.

FURTHERMORE, the Lincoln City Council encourages all citizens to recognize that many people do not have housing and need support from citizens, and private/public nonprofit service entities.

In witness thereof, I have hereunto set my hand this 5th day of November, 2020

Mayor Hatley recognized and thanked Councilwoman White who serves on the board as the City’s representative

SAFETY AWARDS

Mayor Ed Hatley recognized Debbie Rogers-Lowery with Compliance Training Associates, Inc., who presented two different awards to various city departments. Ms. Rogers-Lowery began by presenting Annual Safety Awards from the North Carolina Department of Labor. She explained the requirements and guidelines for receiving the awards. Both the Police Department and Utilities Department received the Silver Safety Award. The Five Year Gold award was awarded to the Recreation Department and the Administrative Offices.

The Public Sector SHARP awards, which are normally awarded by the Commissioner of Labor, Cherie Berry, were awarded to our Distribution and Collection and our Street and Solid Waste Departments. Ms. Rogers-Lowery spoke to all of the various qualifiers required by OSHA for this award on all levels. Both departments re-certified for this award for another two years.

PUBLIC HEARINGS

ZMA-5-2020

Application from Jacob Putnam requesting the rezoning of 0.474 acres of land from Neighborhood Business (NB) District to General Business (GB) District. The subject property is located on the north side of Reepsville Road approximately 300 feet west of the intersection of Reepsville Road and Elm Grove Road (Parcel ID 90949)

Mayor Ed Hatley opened the public hearing and recognized Laura Elam, Planning Director, to present report from staff and Planning Board. Mrs. Elam began explaining the applicants request for rezoning, the location requesting to be rezoned and the reason for the request. *Report is attached to and made an official part of these minutes.* In response to a question from Councilman Eaddy, Mrs. Elam informed that no screening would be required since sight does not directly adjoin the residential property. Applicant was present but did not wish to speak.

Councilman Eaddy made the motion to close the Public Hearing. Members voted 4-0 in favor of the motion.

Councilman Watson made the motion to approve request for rezoning. Members voted 4-0 in favor of the motion

Councilman Eaddy made a motion to approve the amendment to the land use plan. Members voted 4-0 in favor of the motion

Councilman Jetton made a motion to approve the following Consistency and Reasonableness Statement:

The Lincoln Land Use Plan designated this property as part of the Neighborhood Business Planning Area. Therefore, the proposed rezoning request is not strictly consistent with the Land Use Plan. However, the site immediately adjoins GB and GMC zoning. Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

Mayor Hatley announced that the applicant for next public hearing had arrived therefore he would proceed with the agenda as originally outlined.

CU-ZMA-4-2020

Application from Lom Realty, LLC requesting the rezoning of 10.225 acres of land from Residential-25 (R-25) district to Conditional Use General Manufacturing and Commercial (CU-GMC) District for the purpose of constructing interior climate controlled storage units/mini warehouse units. The subject property is located at the southeast corner of Wilma Sigmon Road and U.S. Highway 321 (Parcel ID 78033)

Mayor Ed Hatley opened the public hearing and recognized Laura Elam, Planning Director, to speak to the item. Mayor Hatley informed that the request will be conducted in a quasi-judicial manner, therefore all persons wishing to speak must be sworn in. Once City Clerk Daphne Ingram administered the oath to all speakers, Planning Director Laura Elam presented report from staff and Planning Board. *Report is attached to and made an official part of these minutes.* Mrs. Elam gave a detailed explanation of the request, identifying the location, the and reason for the request. She also listed the requirements and guidelines that would need to be met.

Mr. David Ledford, the landscape architect of the proposed drawing, addressed Council in reference to the findings of fact for the conditional use permit. Mr. Ledford assured Council that all plans will be developed per state and local guidelines.

In regards to Finding 3, Mr. John Gilleland, Jr., local real estate agent, testified to storage units being very desirable for a residential area as storage in homes is much more limited than in the past. He also spoke to storage units, sometimes, being a part of the plan in some planned urban development situations. There were no questions for Mr. Gilleland.

Mr. Ledford concluded, again stressing the lack of impact this will have on the area and the neighbors. He gave more information and facts on why he felt that the location and charter of the use will be in harmony with the area. There was some discussion regarding the logistics and proposed building plans. Mr. Ledford confirmed that because this is a conditional use permit application, any changes made to the plans would require coming back to Council for approval.

Mayor Hatley allowed one member of the public to be sworn and speak to the item.

Councilwoman White made the motion to close the public hearing.
Members voted 4-0 in favor of the motion

Councilman Jetton made a motion to approve the request for rezoning.
Members voted 4-0 in favor of the motion

Finding 1: Councilman Watson made the motion that the use will not materially endanger the public health or safety if located where proposed and developed according to plan. Members voted 4-0 in favor of the motion

Finding 2: Councilwoman White made the motion that the use meets all required conditions and specifications. Members voted 4-0 in favor of the motion

Finding 3: Councilman Eaddy made the motion that the use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Members voted 4-0 in favor of the motion

Finding 4: Councilman Jetton made the motion that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council. Members voted 4-0 in favor of the motion.

Councilman Jetton made the motion to approve the conditional use permit subject to ordinance requirements and Staff Review Committee comments.
Members voted 4-0 in favor of the motion.

Councilman Watson made the motion to amend Land Use Plan. Members voted 4-0 in favor of the motion.

Councilwoman White made the motion to approve the following Statement of Consistency and Reasonableness:

The proposed rezoning request is not consistent with the Lincolnnton Land Use Plan. However, the proposed storage use should have minimal impact on nearby residential uses. The use should also be low impact in terms of traffic. Since properties located to the west of U.S. Highway 321 in this area are also zoned GMC and the proposed use is likely to have little impact on surrounding areas, the request is viewed as reasonable and in the public interest.

R-21-20

Hearing to consider and receive public comment on request by Bradley and Brianna Rowe to operate a trolley/golf cart taxi service within the corporate limits of Lincolnnton

Mayor Ed Hatley opened the public hearing, directing City Clerk Daphne Ingram to speak to the item. Mrs. Ingram gave a brief background regarding the application received from Bradley and Brianna Rowe and explained the public hearing and adoption of a Resolution being a requirement of the process. The applicants were present but did not wish to speak. Mr. Bryan Kenyon, a downtown business owner, signed to speak in favor of the request. No one else requested to speak.

Councilman Eaddy made the motion to adopt the Resolution as follows:

(R-21-20)

RESOLUTION DECLARING THAT PUBLIC CONVENIENCE AND NECESSITY REQUIRE TROLLEY/GOLF CART TAXI SERVICE PROPOSED BY THE APPLICATION SUBMITTED BY GOOBER, INC.

WHEREAS, every person desiring to operate a taxicab upon and over the streets of the city shall file an application for Certificate of Convenience and Necessity; and

WHEREAS, Goober Inc., has made application for a Certificate of Convenience and Necessity for the operation of trolley/golf cart taxicabs in the city limits of the City of Lincolnnton; and

WHEREAS, the Lincolnnton City Council has considered and investigated all matters pertinent to said application, and, after notice and hearing, as required by law, desires to approve said application.

NOW, THEREFORE, BE IT REVOLVED BY THE CITY COUNCIL OF THE CITY OF LINCOLNTON that public convenience and necessity require the trolley/golf cart taxi service proposed by the Goober, Inc., application; and

BE IT FURTHER RESOLVED THAT, a certificate of convenience and necessity shall be issued to Goober, Inc. in the manner prescribed by the Code of Ordinance of the City of Lincolnton.

This 5th day of November 2020.

Members voted 4-0 in favor of the motion.

REGULAR AGENDA

STREET PARKING CHANGE REQUEST

Ron and Beth King, 113 Olivia Lane, Lincolnton, addressed City Council to request a change to the code of ordinances that would allow no on street parking in the Lincoln Meadows subdivision. Mr. and Mrs. King, representing the HOA, voiced their concerns related to cars parking on the narrow streets within the development. He listed to major concerns, the safety of the children in the neighborhood and the inability for emergency vehicles to maneuver when cars are parked on the streets. Mr. King stated they are trying to take a proactive approach to this situation. There was much discussion regarding the matter among the requester, Councilmembers and staff. Several different suggestions were discuss that could potentially help the situation. Chief Rodney Jordan was asked to weigh in on the subject and stated his concerns and mentioned potential problems resulting from taking this action. Mayor Ed Hatley also expressed his concerns, stating that he felt this should not be handled by the HOA. Council also sought legal counsel from City Attorney T.J. Wilson, who also felt that this is a matter for the HOA to handle.

Councilman Eaddy made a motion that the issue be referred back to the Home Owners Association and asked that the Fire Chief check roads for accessibility. Members voted 4-0 in favor of the motion.

ABC Store (Board) request

Tommy Huskey, ABC Board Chair, addressed City Council, asking for a letter of approval to set aside a portion of the remaining gross receipts as fund for future building needs. Mr. Huskey explained the issue, stating that the current second location at 627 Riverside is no longer adequate. Because of this, the Board is requesting permission to investigate securing a different location. Much discussion was generated regarding this matter as approval of this request would decrease the amount of funds that the city would receive. There was a variety of questions asked by Council. City Manager Steve Zickefoose was consulted regarding this request reference to the financial impact this would have on the city's budget.

Councilman Watson made a motion to table the topic to get some additional information. Members voted 4-0 in favor of the motion.

**CITIZEN FORUM
COVID-19 Enforcement Input**

Mayor Ed Hatley opened the discussion by asking for a motion to limit public comments to 2 minutes and clarifying the purpose for the session being to get public input on how to stop the spread of COVID-19. He informed those in attendance of several meetings that have already taken place with organizations like the Chamber of Commerce, DDA and some of the downtown merchants on the subject as Council is looking for input and/or suggestions on how to stop or slow the spread of the virus as numbers are continuing to rise in the city.

Assistant City Manager Richard Haynes spoke to the issue, giving a brief summary of the concerns voiced at the meeting with DDA. He explained the belief among many that any type of mandate to enforce mask wearing will further hurt their business. Mr. Haynes continued, saying that there was a consensus regarding distributing/displaying uniform signage in the businesses to help encourage mask wearing.

Mayor Hatley stressed Councils intent being to get public input and suggestions, not to take action. The following individuals signed up to speak and addressed Council regarding the issue. Each were given two minute time limit:

- Candee Masters
- Trent Mason
- Fred Rose

- Anita McCall
- Brian Kenyon
- Alan Hoyle
- Marilyn Beal
- Tico Vilorio
- John Brinsfield

There were two individuals that did not sign up but were allowed to address Council - Pamela McAllister and Heather Brinsfield.

City Clerk Daphne Ingram read emails from Kimberly Tackett, Kaylee Tackett, and Mark Mullen, which were received prior to the meeting. They were also informed that Mr. Randolph Shives called and left a message in support of mask enforcement. Councilman Eaddy informed he received a text from Dr. Gabriela Meyer in support of a mask requirement, including multiply links about the success of wearing mask.

In conclusion, Mayor Hatley again, stated the issues faced and reiterated Councils dilemma regarding what to do for the common good of everyone involved. There was more discussion regarding the issue with Mayor Hatley and the governing board, all providing input and viewpoints.

UPDATE/STATUS ON VARIOUS CITY PROJECTS

City Manager Steve Zickefoose gave a brief update on various projects currently underway. Mr. Zickefoose reported that the new police department building is structurally complete and but work is still being done to address several technology issues. He projected a January move-in date if all goes as planned.

Finish work is now being done at Public restroom/DDA office project. Some exterior painting and technology work is still needed, however a January completion dated is predicted as well. Mr. Zickefoose reported that work is moving forward on the restaurant project, with another six to seven months of work needed. We are in the last phase of the dog park project. Once the appropriate amount of grass has grown, plans will be made to open the park to the public.

Mr. Zickefoose also gave a brief update on the Recreation Master Plan, which is a joint project between the City of Lincolnnton and Lincoln County. He informed that staff will be attending the first steering committee meeting to review things in detail with all of those involved.

REGULAR MEETING - November 5, 2020

Steve Zickefoose, City Manager, presented the following financial report:

November 2020 Council Meeting							
Executive Summary							
September 2020 Year-To-Date							
				% of			
General Fund		Budget 20-21	Actual 20-21	Budget	Budget 19-20	Actual 19-20	Difference
Fund 10	Revenues	10,911,910	3,673,156	34%	11,543,700	4,015,456	(342,300)
	Fund Balance	-	-	-	825,000	-	-
		10,911,910	3,673,156		12,368,700	4,015,456	(342,300)
	City Manager/Clerk	248,220	68,773		222,495	80,701	(11,928)
	Human Resources	317,020	84,043		262,720	68,427	15,616
	Finance	158,230	123,951		129,630	133,451	(9,501)
	General Expense	1,280,731	482,882		1,103,160	510,506	(27,625)
	General Debt Service	334,757	4,975		430,632	24,179	(19,204)
	Police	3,400,120	878,430		3,223,020	773,367	105,062
	Fire	2,234,100	512,929		2,364,700	535,607	(22,678)
	Public Works	45,660	42,130		43,010	43,207	(1,077)
	Street	829,825	223,697		1,329,225	174,394	49,303
	Equipment Services	211,770	61,186		122,970	39,433	21,753
	Solid Waste	692,375	115,981		908,855	140,896	(24,915)
	General Services	-	-		-	-	-
	Plannin/Zoning	497,239	82,119		557,420	89,491	(7,372)
	Bus & Comm. Dev	123,200	81,087		423,200	9,700	71,388
	Recreation	1,038,663	226,725		1,247,663	434,514	(207,790)
	Expenses	11,411,910	2,988,907	26%	12,368,700	3,057,873	(68,966)
	Difference		684,249			957,583	(273,334)
Water & Sewer Fund		Budget 20-21	Actual 20-21	% of	Budget 19-20	Actual 19-20	Difference
Fund 61	Revenues	8,146,950	2,177,650	27%	7,146,949	2,026,497	151,153
	Fund Balance	-	-		3,725,010		
		8,146,950	2,177,650		10,871,959	2,026,497	151,153
	Water Treatment	1,972,500	398,718		1,496,850	378,742	19,976
	Dist & Collection	2,032,900	421,391		3,652,160	1,249,190	(827,798)
	Wastewater	1,625,000	271,105		1,547,000	282,067	(10,962)
	W & S Intangibles	4,247,050	165,255		4,175,949	209,671	(44,416)
	Expenses	9,877,450	1,256,469	13%	10,871,959	2,119,669	(863,200)
	Difference		921,182			(93,172)	1,014,353
Electric Fund		Budget 20-21	Actual 20-21	% of	Budget 19-20	Actual 19-20	Difference
Fund 63	Revenues	7,788,350	3,000,994	39%	7,937,102	2,553,214	447,780
	Fund Balance	-	-		2,330,000	-	-
		7,788,350	3,000,994		10,267,102	2,553,214	447,780
	Electric Dept.	8,696,830	1,644,830		10,267,102	1,351,705	293,125
	Expenses	8,696,830	1,644,830	19%	10,267,102	1,351,705	293,125
	Difference		1,356,164			1,201,509	154,655
Overtime	80+ hours		113,186			125,657	(12,471)

COMMENTS

Mayor Ed Hatley announced, in light of the recent election, Mrs. Christine Poinsette will be joining the Council as the representative of Ward II. With that being said, Mayor Hatley recognized Councilman Jim Watson, who did not run for re-election, presenting him with a plaque with wording as follows:

Presented to

JIM WATSON
LINCOLNTON CITY COUNCIL
WARD 2 REPRESENTATIVE
2018 - 2020
in
appreciation for
your dedicated service
to the City and it's Citizens

November 5, 2020

Mayor Hatley thanked him for his service, stressing that he will be sorely missed as a member of the Council.

Upon acceptance of the plaque, Councilman Watson took some time to give reflections and comments. He expressed his admiration for the city employees and spoke to several of the projects he has been a part of while on the Council. Councilman Watson expressed his appreciation to Mayor and City Council members and the experience of serving.

PUBLIC COMMENT

Mr. Alan Hoyle signed up to speak under the public comment section of the meeting. Mr. Hoyle was allowed to speak for three minutes. He asked Mayor and City Council to provide better audio/sound and video in the lobby for those who that are accessing the meeting in the lobby. He suggested using Zoom or face book to stream the meeting. Mr. Hoyle also took this time to publicly thank the Mayor for his involvement at several non-city related events. He also publicly thanked City Manager Steve Zickefoose for putting in a good position. He thanked the Police Chief and Fire Chief. Lastly, Mr. Hoyle stated that better communication was needed regarding the public

input portion of the meeting as citizens had the wrong impression of what would be happening.

NEWS MEDIA

No new media present

Closed Session

Upon directing City Attorney T.J. Wilson to cite the appropriate statute, Mayor Hatley announced that council would enter into closed session pursuant to NCGS 143-318.11(a)(5) to discuss property acquisition.

The Council returned from closed session. Mayor Hatley announce that action was taken directing staff to proceed with property acquisition.

ADJOURNMENT:

Being no further business, Councilman Watson made the motion to adjourn the meeting. Members voted 4-0 in favor of the motion

**DAPHNE INGRAM
CITY CLERK**

**ED HATLEY
MAYOR**

MEMO TO: Mayor and City Council Members

FROM: Laura Elam, Planning Director

DATE: November 5, 2020

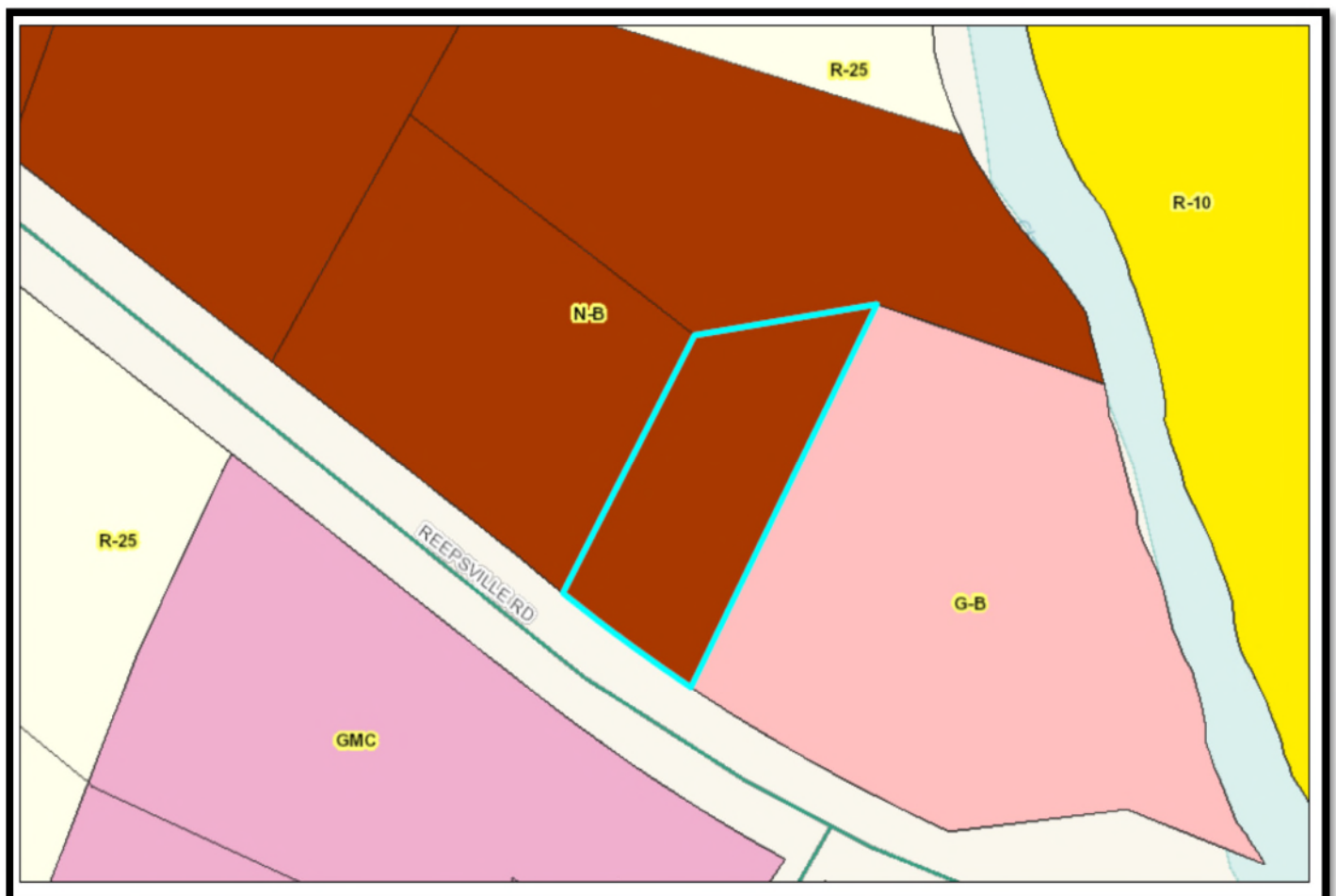
SUBJECT: ZMA-5-2020 – Application from Jacob Putnam requesting rezoning of 0.474 acres from Neighborhood Business (N-B) to General Business (G-B).

SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of a parcel totaling approximately 0.474 acres from the Neighborhood Business (N-B) district to the General Business (G-B) district. The subject property is located on the north side of Reepsville Road approximately 300 feet west of the intersection of Reepsville Road and Elm Grove Road (Parcel ID 90949).

The subject property and surrounding properties to the north are zoned N-B, to the east properties are zoned GB and to the south and west properties are zoned GMC. This commercial zoned area is naturally separated from the City's residential districts to the east by Clarks Creek.

The site is currently vacant. Surrounding properties are devoted to commercial uses and vacant land.





LAND USE PLAN

The Lincolnton Land Use Plan shows the property in the Neighborhood Business Planning Area which is described as “small business clusters that cater to the needs of a relatively small trading area.” The Land Use Plan also promotes the adaptive reuse of vacant and under-utilized commercial buildings.

COMPLIANCE WITH LAND USE PLAN

The request is not strictly in compliance with the Land Use Plan’s Neighborhood Business use designation. However, staff views the request as consistent with the spirit and intent of the Land Use Plan in that the site is adjacent to GB and GMC zoning and has a natural buffer, Clarks Creek, between it and the residential district to the east.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following two actions:

1. Approval of rezoning of the property from N-B to G-B.
2. Amendment of the Land Use Plan to show the property as part of the General Business Planning Area.

MEMO TO: Mayor and City Council Members

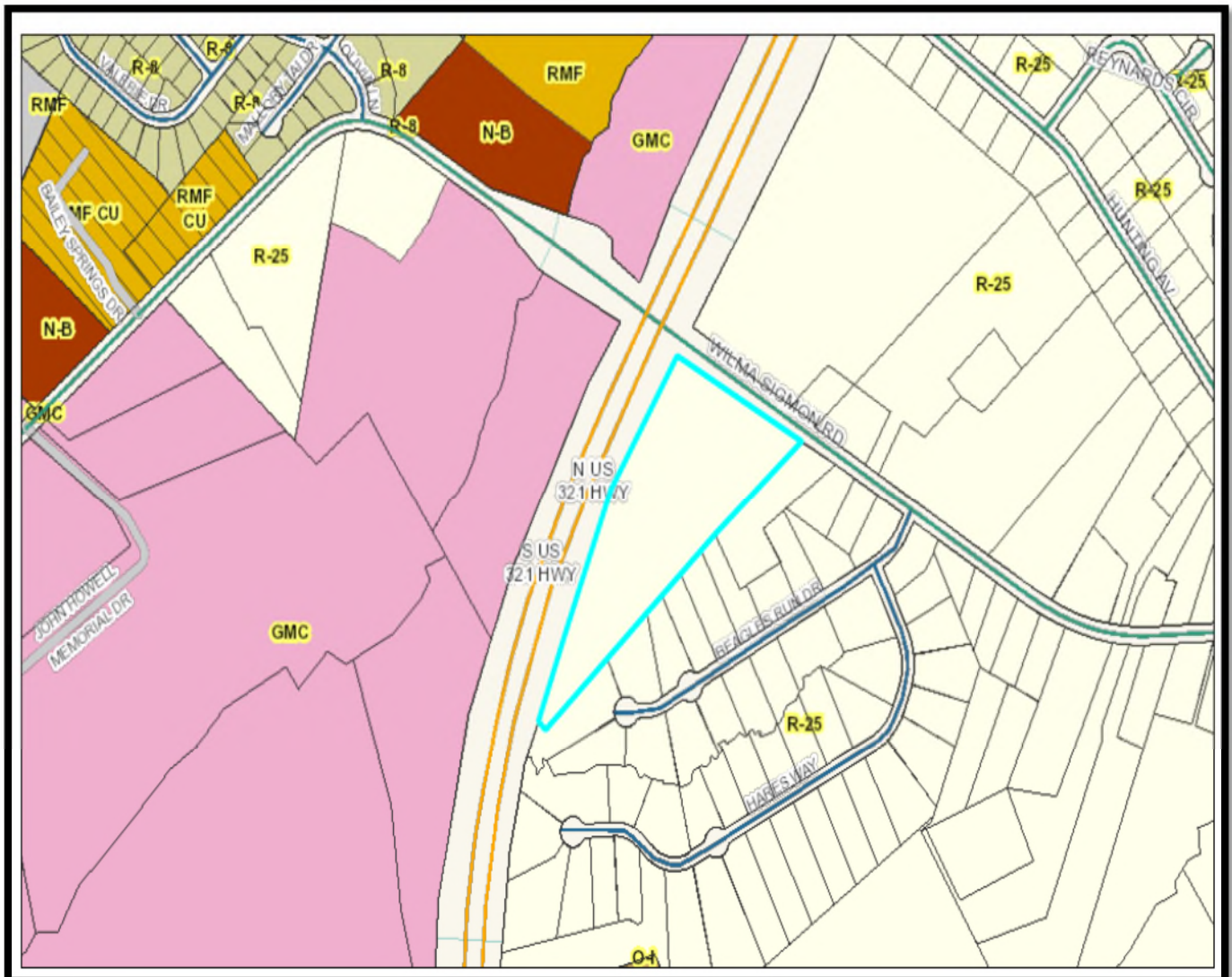
FROM: Laura Elam, Planning Director

DATE: November 5, 2020

SUBJECT: CU-ZMA-4-2020- Application from Lom Realty requesting conditional use rezoning from Residential-25 (R-25) to CU-General Manufacturing and Commercial (CU-GMC)

SITE AND AREA DESCRIPTION

The subject property is a 10.225-acre site located at the southeast corner of Wilma Sigmon Road and U.S. Highway 321 (Parcel ID 78033). The property is currently vacant and zoned R-25. Properties located east of Highway 321 are zoned R-25 and properties located west of Highway 321 are zoned GMC as shown on the map below. Land uses in the vicinity of the site are mostly single family residential. Several nearby properties are undeveloped.





PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to construct climate controlled storage units. There will potentially be five (5) total buildings ranging in size from 22,400 square feet to 17,300 square feet for a total of 106,000 square feet.

Access would be provided by one driveway to Wilma Sigmon Road. (Access will have to be approved by NCDOT). Gravel parking is permitted as shown on the plan. Landscaping must be provided along U.S. Highway 321 and screening shall be provided along the property boundary adjacent to single family residential.

Exiting trees should be maintained, as feasible, along the property boundaries in compliance with Special Highway (321) overlay district requirements. Street landscaping will be required along Wilma Sigmon Road.

The buildings will be constructed of metal with a masonry facade and partial masonry skirt.

The impervious surface amount on the property is limited to 70%. The site plan is showing 50.4% of the site as impervious.

The proposed site plan is below:

S1

DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard zoning in which all the uses permitted in the district are potentially allowed on the rezoned site, a conditional use rezoning limits the potential use of the property. In this case, the applicant wishes to limit the use of the property to interior climate controlled storage/mini warehouse units.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan meets the requirements of this section with the following exceptions:

1. Proposed phasing, and approximate completion time of project.
2. Proposed number, size, and type of freestanding signs.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the Residential Suburban Planning area. Therefore, the request is not consistent with the Land Use Plan.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

- (1) Building plans must be approved by Lincoln County prior to issuance of building permits.
- (2) Fire Code requirements must be reviewed and approved by the Fire Inspector.
- (3) Lincoln County Soil Erosion and Sedimentation review and approval will be needed PRIOR to any disturbance taking place including cutting tree canopy.
- (4) A driveway permit is required from NCDOT. Per their comments the driveway location will need to be moved to the eastern end of property frontage for sight distance purposes.
- (5) Utilities will need to be coordinated and approved by the City of Lincolnton prior to development. Utility Plan will need to be submitted.

- (6) A detailed tree plan shall be provided showing what trees will be maintained and what trees will be cut. Existing natural plantings shall be maintained along property boundaries as to the greatest extent possible.

FINDINGS OF FACT

Section 153.237 of the UDO requires that four findings be determined by City Council as follows:

- (1) The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
- (2) The use meets all required conditions and specifications, and
- (3) The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, and
- (4) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

COMPLIANCE WITH FINDINGS OF FACT

- (1) It does not appear that the use will endanger the public health or safety.
- (2) The proposed use meets all required conditions and specifications with the exception of the items noted above.
- (3) The applicant will need to provide evidence that the use will not substantially injure the value of adjoining properties.
- (4) The use is not in compliance with the Lincolnton Land Use Plan.

PLANNING BOARD AND STAFF RECOMMENDATION

Planning Board and Staff recommend the following actions:

- (1) If the applicant satisfactorily proves the findings of fact, approval of rezoning of the property from R-25 to CU-GMC.

- (2) If the applicant satisfactorily proves the findings of fact, approval of the Conditional Use Permit for climate controlled mini storage units subject to Ordinance requirements and the Staff Review Committee conditions.
- (3) If the rezoning request is approved, amendment of the land use plan to show the property in the mixed use residential/commercial planning area similar to properties located on the west side of Highway 321.