CITY OF LINCOLNTON
PLANNING BOARD
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BOARD MEMBERS: Anita McCall, Chair, anitahome@bellsouth.net; Änd Lynn, Vice-Chair, andmlynn@gmail.com, Kathryn Yarbro, kathryny@charter.net ; Worth Roberts, worth.roberts@charter.net; Thomas Hawk, thomasrhawk@aol.com; Becky Burke, beckyburke@charter.net, Gene Poinsette, poinsetteg@charter.net

Tuesday, April 21, 2015 Meeting

PRESENT: Becky Burke, Tom Hawk, Änd Lynn, Anita McCall, Gene Poinsette, Worth Roberts and Kathryn Yarbro.

ABSENT: None

Call to Order

Chair Anita McCall called the meeting to order and recognized that all members were present.

Approval of Minutes

Chair Anita McCall asked the Board if there were any corrections or additions to the minutes of the March 17, 2015 meeting.

Motion: Worth Roberts made a motion to accept the minutes as written and distributed. Änd Lynn seconded. Motion carried unanimously.

ZMA -1-2015: Application from HRN Broadcasting, Inc. requesting the rezoning of 4.94 acres of land from Residential-25 (R-25) to Neighborhood Business (NB)

Mark Carpenter addressed the Board stating that the area requested for rezoning is 4.94 acres in size and is located on one parcel of land. The subject property is located on the east side of Startown Road approximately 650 feet south of the intersection of Ponderosa Road and Startown Road.

The front of the property has a one story brick building that is 1,728 square feet in size that was used for a radio station and offices. The rear portion of the property has a radio tower. According to tax records, the building was constructed in 1953 prior to any land use regulations in the area. The property was taken into the City of Lincolnton ETJ in 1990 and has been operating as a nonconforming use ever since.

The applicant requests that the property be rezoned from Residential-25 (R-25) District to Neighborhood Business (NB) District. Zoning surrounding the site is R-25 District.

The site is bordered by single family housing, manufactured homes, a cellular tower, and farm land.

The requested zoning classification is the Neighborhood Business District. This district is designed primarily for local business centers for retailing of merchandise such as groceries, drugs, and household items and for furnishing certain personal, business and professional services. Unlike some of the other commercial zones, this district is established to serve local neighborhoods and other relatively small trading areas. The standards established for these business areas are designed to promote sound, permanent business development and also to protect abutting or surrounding residential areas from undesirable aspects of nearby business developments. These districts are located at accessible places with respect to traffic circulation in order to conveniently serve the trading population and to promote the grouping of several places of business at locations so designated. Since this district is established to provide for small neighborhood oriented businesses, limitations on gross floor areas are established for certain uses. A Neighborhood Business District is typically a relatively small area but shall consist of at least two lots in separate ownership or at least two acres regardless of ownership.

The Lincolnton Land Use Plan shows this property in the Residential Suburban Planning Area. The purpose of the planning area is to accommodate area that are primarily single family in character and where the primary development character would continue to be single family dwellings.

Mr. Carpenter noted that in Staff's opinion the land requested for rezoning is not in compliance with the land use plan. However, the property lies along a major thoroughfare (Startown Road) and the property has been used for business purposes for over sixty years. Neighborhood Business District Zoning would be the only commercial district that would be appropriate for the area. As described earlier, a Neighborhood Business District is typically a relatively small area but shall consist of at least two lots in separate ownership or at least two acres regardless of ownership. The property meets this requirement.

Staff feels that this property could continue as a nonresidential use and be compatible with the surrounding land uses. Changing the land use plan to the Neighborhood Business Planning Area would likely be appropriate for this area.

Staff recommends two actions with respect to the requested rezoning application as follows:

1. Rezone the property to NB District as requested by the applicant.

2. Amend the Lincolnton Land Use Plan to Show this area in the Neighborhood Business Planning Area.

Lanny Ford, representing HRN Broadcasting, addressed the Board noting that the purpose of the rezoning is to accommodate a sale of the portion of the site containing the front building for a small business or for an office such as an insurance agency. The tower located in the rear portion of the site would remain.

Motions

1. Tom Hawk made a motion to approve the rezoning as requested. Änd Lynn seconded. Motion carried unanimously.
2. Änd Lynn made a motion to approve amendment of the Lincolnton Land Use Plan to the Neighborhood Business Planning Area. Kathryn Yarbro seconded. Motion carried unanimously.

MJS-1-2015: Major Subdivision Plat submitted by John Anderson for Villages at Lincolnton, requesting preliminary plat approval of nine new commercial building lots on Roper Drive

Mr. Carpenter addressed the Board stating that the applicant has submitted the attached preliminary plat for a major subdivision for commercial use to be located on the east side of Roper Drive, approximately 0.25 miles north of the intersection of East Main Street and Roper Drive. The subdivision will be made up of nine building lots on approximately 22.22 acres of land.

The proposed subdivision will create a new public street off of Roper Drive that will extend approximately 700 feet. The new street will be built to NCDOT Street Standards with a 60-foot right-of-way. Public water and sewer will serve the subdivision. All of the proposed subdivision is located in the Lincolnton City Limits. The property is located in the General Business (GB) and Special Highway Overlay (SHO) Zoning Districts.

The UDO requires that certain development criteria must be met prior to preliminary plat approval. The following items need to be addressed to meet these requirements:

1. Need street information (pavement widths, approximate grades, design engineering for all corners and curves, typical road cross section, street names, type of street dedication (public), and linear feet in streets.
2. All utilities and other easements must be shown on plat.
3. A copy of erosion control plan must be submitted to the Planning Department.
4. Sidewalks shown on plan must meet all standards as required by the City of Lincolnton. They must be ADA compliant, be a minimum distance of six feet off the back of the curb in order to accommodate a planting strip that may be used for the planting of street trees, and contain a minimum of six inches of concrete at driveway crossings.
5. Detailed plan showing the location of street trees as required by the UDO must be submitted and approved prior to final plat approval.

The Staff Review Committee met on April 14, 2015. The committee made the following comments about the plat:

1. "Fire hydrant, Mueller type, as specified in City standards, must be shown on the plat at the end of the cul-de-sac and at the corner of Roper Drive and new Subdivision Street. Patrick King, City of Lincolnton Fire Inspector must approve hydrant location.

2. Plat must show location of all proposed utilities and other easements. All utilities must be coordinated with Clay Harrelson, City Utilities Supervisor, and must meet his approval prior to acceptance into the City maintenance system. A 30-foot utility easement must be provided for all utility lines. It is the developer's responsibility to run water and sewer to the site for development.
3. All new developers in the subdivision must contact Donald Burkey, at the City WasteWater Treatment Plant, to make sure compliance is met in regard to Grease Trap and Pretreatment Policies.
4. The developer must maintain detention pond shown behind lot #7.
5. Electrical service to the site will be a combination of Duke Power, City of Lincolnton, and Customer Choice.
6. A driveway permit must be secured from NCDOT. Additional requirements such as encroachment agreements must be met before the final plat can be approved.
7. Sidewalk along Roper Drive must be located behind street right of way as required by NCDOT.
8. Traffic Impact Analysis may need to be updated as determined by NCDOT.
9. No solid waste pickup will be provided by the City of Lincolnton for Commercial Uses.

The preliminary subdivision plat and attached information meet the requirements of the UDO with the exception of the items listed above. The items listed above must be submitted to Staff before a final plat can be approved. Mr. Carpenter noted that staff recommendation is to approve the preliminary plat on the condition that the items listed above are met before the final plat is approved.

Motion: Worth Roberts made a motion to approve the preliminary subdivision plat subject to the Staff Review Committee comments. Becky Burke seconded. Motion carried unanimously.

Adjournment

Motion: Tom Hawk made a motion to adjourn the meeting. Becky Burke seconded. Motion carried unanimously.

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Laura Elam, Secretary