



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
www.ci.lincolnton.nc.us**

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

Tuesday, July 21, 2015 Meeting

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

ABSENT: Anita McCall.

Call to Order

Vice Chair Änd Lynn called the meeting to order and recognized that seven members were present and one was absent.

Approval of Minutes

Vice Chair Änd Lynn asked the Board if there were any corrections or additions to the minutes of the June 16, 2015 meeting.

Motion: Becky Burke made a motion to accept the minutes as written and distributed. Tom Hawk seconded. Motion carried unanimously.

CU-ZMA-1-15 Conditional Use District Rezoning Application from Triangle Real Estate

Mark Carpenter addressed the Board stating that Triangle Real Estate of Gastonia is requesting the conditional use rezoning of 14.74 acres of land from Office-Institutional (O-I) District to Conditional Use-Residential Office (CU-RO) District. The subject property is located on the west side of Buffalo Shoals Road approximately 600 feet north of the intersection of Buffalo Shoals Road and Highland Drive (Parcel ID's 25336, 25337, 25342).

The applicant requests conditional use rezoning in order to construct a 200 unit planned residential multifamily development complex on the property. The proposed density of the development will be approximately 13.43 units per acre. There will be 72 one bedroom units, 88 two bedroom units, and 40 three bedroom units. Several buildings will be three stories in

height. Maximum height on the property is 48 feet. Screening will be required along all interior property lines.

A total of 379 parking spaces will be constructed. Garages will be available to some units and amenities such as a clubhouse, picnic areas and a dog park will be made available to residents.

There will be one access onto Buffalo Shoals Road with a private driveway into the development. A sidewalk constructed to city standards will be required along the frontage of Buffalo Shoals Road. Private sidewalks will be constructed throughout the interior of the project. Public water and sewer must be provided to the site by the developer.

The Lincoln County School System was contacted and indicated the development would not create any issues in regard to school enrollment.

Property surrounding the site is R-25 to the north, south, and west. O-I district zoning is across Buffalo Shoals Road to the east. Land uses are single family dwellings and vacant land to the north, south, and west. Single family dwellings and the CMC-Lincoln Medical Center are to the east.

Mr. Carpenter noted that conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The Unified Development Ordinance (UDO) specifically describes the procedures for conditional use rezoning. The use that is proposed in the conditional use permit portion of the process must be the use put on the property after it is rezoned. Unlike a standard rezoning, where all the uses permitted in the district are potentially allowed in the rezoned area, 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 a 200 unit multifamily planned residential development.

Section 153.236 and Section 153.215 of the UDO requires that a conditional use permit application and a Planned Residential Development contain specific terms and meet specific requirements. The application meets all of the requirements with the following exceptions:

1. Additional street landscaping will be required along the frontage of Buffalo Shoals Road.
2. Additional parking lot landscaping within the interior of the site will be required.
3. Elevation drawings will need to be submitted to assure that all articulation and window requirements have been met.
4. A phasing schedule is required if the project is to be built in phases.
5. Detailed sign information will need to be provided if signage is to be erected for the project.
6. The three parcels making up the project will need to be recombined into one parcel.

Section 153.237 of the UDO requires that four findings be determined by City Council. They are 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.

Section 153.238 of the UDO requires that the following specific review criteria be addressed by the City Council in addition to those general review criteria set forth in Subsection 153.237

Planned residential developments.

- (1) The location and character of the development will be in keeping with the stated purpose for allowing planned residential developments as set forth in § 153.215(A) of this chapter.
- (2) The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (noncollector/nonthoroughfare streets).

Mr. Carpenter noted that, in staff's opinion, the petition appears to meet the required findings as follows:

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications with the exception of the items listed above.
3. It does not appear that the use will substantially injure the value of adjoining or abutting property.
4. The use, if approved, should be in harmony with the area.
5. The development meets the requirements for planned residential developments as outlined in the ordinance.
6. Buffalo Shoals Road is a thoroughfare street maintained by the NCDOT. NCDOT is requiring the developer to make some improvements to Buffalo Shoals Road and with these changes, this requirement will be met.

The applicant will be disturbing more than one acre of land. Therefore, compliance with the Water Supply Watershed standards is required. Only a portion of the site, 8.83 acres, is located inside the Watershed IV protected area. This portion of the site will be covered with 54.7% impervious surface. Seventy (70%) percent is the maximum allowed so compliance has been met.

The Staff Review Committee met on July 14, 2015 and the following comments were made:

1. Comments from NCDOT : A driveway permit will be required along with a 100 foot storage left turn lane and associated tapers, including full pavement overlay. Any necessary right of way acquisition along the widening section would be the responsibility of the developer.
2. A street name will be required for 911 purposes.
3. Lincoln County Natural Resources must review and approve plans for erosion control and storm water.
4. Building permits must be reviewed and approved by Lincoln County Inspections.
5. All utilities must be approved by the City of Lincoln Public Works and Utilities Director prior to construction. Easements may be required. Any new utility lines, pump stations, etc... are the responsibility of the developer.
6. If the developer chooses to use the County Water System in lieu of the City water system, an agreement must be made between the City, County, and developer for collection of sewer fees.
7. The property is located near existing farm land and agriculture uses. The developer may need to sign an agreement with Lincoln County Agricultural Extension concerning the use of adjacent property for agriculture use and that this use will be ongoing and continuing on the adjoining property.

The Land Use Plan for the property was amended in 2010 to the Institutional Office Planning Area. This coincided with the rezoning of the property to the O-I District. The Institutional Office Planning Area is appropriate for new and/or expanded institutional uses and associated office developments. They are generally compatible with adjoining residential uses and can serve as transitional areas between more traditional retail and commercial areas and residential uses.

Both the O-I District and the R-O District allow for planned residential developments with a multifamily component so rezoning the property to CU-RO should be in compliance with the Land Use Plan.

Mr. Carpenter noted that the staff recommends the following actions:

1. Approve the rezoning from O-I to CU-RO.

2. Approve the Conditional Use Permit for a 200 unit multifamily planned residential development provided all requirements for conditional uses and planned residential developments are met and all Staff Review Committee comments are addressed.

William Ratchford, representing the applicant, described the proposed apartment complex and noted it would include a fitness center and pool. The complex would be built in two phases and would likely all be graded at one time. All amenities would be installed in the first phase. And Lynn asked if there would be a bus shelter for school children. Mr. Ratchford indicated the developer would build a shelter if the County believes one is necessary.

Gene Poinsette asked when construction would begin. Mr. Ratchford indicated they would likely grade this winter or spring. Mr. Poinsette asked how the phasing would work. Mr. Ratchford indicated the first phase would likely include the entire street, the entire amenity package and roughly 100 units.

Mr. Poinsette asked what the determining factor is in deciding on City vs. County water for the development. Mr. Ratchford indicated it would be the water pressure but that they would prefer to connect to City water.

Tom Hawk asked if there is a city requirement for a bus shelter. Mr. Carpenter indicated the Board could add that as a condition.

Ms. Charlotte Martin, a property owner along Hoyle Street, asked how many stories the building would include and Mr. Ratchford responded the buildings are a combination of two and three stories. Ms. Martin asked what the distance would be between the buildings and the rear property line. Mr. Carpenter indicated there is a 30 foot buffer including trees.

Ms. Martin asked if apartment residents would be able to see into her property. Mr. Carpenter indicated the trees would be required to be 10 feet in height at installation.

Ms. Martin asked what was meant by the staff report indicating the development would be in harmony with the area. Mr. Carpenter responded that the proposed use is consistent with the City's land use plan.

Ms. Martin asked if the development site is four acres. Mr. Carpenter noted the site is 14 acres.

Ms. Martin asked if the site is in the watershed. Mr. Carpenter pointed out the portion of the site located in the watershed overlay district.

Ms. Martin asked if they can develop on the watershed area of the site. Mr. Carpenter noted they can but that development is limited to 70 percent impervious cover within the watershed area.

Ms. Martin asked about noise impacts. Mr. Ratchford noted that the streets are interior to the development. About half of the units have no balconies and only about 10 percent of residents use their balconies.

Ms. Martin asked how quickly the trees would grow. Mr. Carpenter indicated the trees would be expected to grow to about 40 to 50 feet.

Ed Ziolkowski, a property owner along Hoyle Street, stated that there are existing trees in the back of the site that could just remain instead of the developer planting new trees.

Mr. Hawk asked if those trees would remain. Mr. Ratchford responded that they would leave those trees if they did not have to be removed for grading of the site.

Mr. Hawk asked about site lighting. Mr. Ratchford stated they would have some outdoor lighting but no flood lights. There would be lights in the breezeways and about 22- 30 street lights internal to the site. Mr. Carpenter noted that a condition could be added that the developer provide a lighting study to prove that the lighting does not cast glare onto adjoining properties.

Bobby Brakefield, a property owner along Buffalo Shoals Road, asked if the developer would be needing property along his road frontage for right-of-way purposes, if the speed limit on Buffalo Shoals Road would be changed or if a traffic signal would be installed. Mr. Carpenter indicated DOT did not mention any changes related to signalization or speed limits and that staff could inquire about the signal. Mr. Don Munday with Piedmont Design Associates, the site engineer, explained NCDOT's traffic signal warrant system and that this development would not likely warrant a traffic signal. Mr. Lynn noted that staff would inquire about a traffic signal. Mr. Munday explained that a survey will be performed to determine the limits of right of way for Buffalo Shoals Road.

Tom Hinkle, a property owner along Buffalo Shoals Road, asked about the impact of the widening of Buffalo Shoals Road to his property.

Ms. Martin asked if there would be a fence to keep people out of her property. Mr. Ratchford indicated he does not tend to see people trafficking through his complexes and typically they do not install fencing.

Motion: Worth Roberts made a motion to approve the rezoning. Gene Poinsette seconded. Motion carried unanimously.

Motion: Worth Roberts made a motion to approve the conditional use permit subject to the following additional conditions. Gene Poinsette seconded. Motion carried unanimously.

- a. A lighting study prepared by an electrical engineer is to be submitted by the developer to document that the proposed site lighting will minimize lighting off site.
- b. A bus shelter will be provided on the site if the Lincoln County School System deems one to be desirable. If one is considered desirable by the School System, it is to be built to standards of the School System.
- c. Existing trees located along the perimeter of the site are to be preserved to the extent feasible.
- d. NCDOT will be asked to assess the need for changes to the speed limit on Buffalo Shoals Road and to determine whether a new traffic signal is warranted.

Adjournment

Motion: Tom Hawk made a motion to adjourn the meeting. Worth Roberts seconded. Motion carried unanimously.

Laura Elam, Secretary