



**CITY OF LINCOLNTON
PLANNING BOARD
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BOARD MEMBERS: Änd Lynn, Chair, andmlynn@gmail.com; Gene Poinsette, Vice-Chair, poinsetteg@charter.net; Anita McCall, anitahome@bellsouth.net; Kathryn Yarbrow, kathryny@charter.net; Jamel Farley, afarley2351@gmail.com; Thomas Hawk, thomasrhawk@aol.com; Becky Burke, beckyburke@charter.net; Jerry Hoffman, jlskhoffman@charter.net

Tuesday, April 19, 2016 Meeting

PRESENT: Jamel Farley, Tom Hawk Jerry Hoffman, Änd Lynn, Anita McCall, and Kathryn Yarbrow.

ABSENT: Becky Burke and Gene Poinsette

Call to Order

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

Approval of Minutes

Chair Änd Lynn asked the Board if there were any corrections or additions to the minutes of the March 15, 2016 meeting.

Motion: Anita McCall made a motion to accept the minutes as written and distributed. Jerry Hoffman seconded. Motion carried unanimously.

CUP-2-2016

Application from Charles Beech requesting rezoning from Neighborhood Business (NB) District to General Business (GB) District for 1.08 acres located at the southwest corner of North Aspen Street and Industrial Park Road (Parcel ID 17539).

Mark Carpenter addressed the Board noting the following:

The front of the property has a single family dwelling and the rear portion of the property has a 3000 square foot warehouse building and several accessory buildings.

The applicant requests that the property be rezoned from Neighborhood Business (NB) district to General Business (GB) district. Zoning surrounding the site is a combination of zoning districts including GMC to the west, R-8 to the North, PB to the east and NB to the south.

The site is bordered by an industrial use to the west, single family to the north, single family and commercial to the south and east.

The purpose of the General Business district is to provide an array of retail, wholesale and service uses to serve the entire community and with access to the uses being primarily by automobile. The districts are located along major arterial and collector streets and adjacent to the Central Business district in order to have a minimal effect on residential neighborhoods.

The Neighborhood Business 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 Neighborhood Business Planning Area. The purpose of the planning area is for small business clusters that cater to the needs of a small trading area.

In Staff's opinion the land requested for rezoning to GB would not be in compliance with the land use plan. The NB district currently on the property is in compliance.

If the area were rezoned to GB any use allowed in the GB District could potentially be allowed. A better option, in staff's opinion, would be to secure a use for the property and come back and request conditional use rezoning.

Due to the property not being in compliance with the Land Use Plan and the Land Use Plan showing the property in the proper zoning district (Neighborhood Business), staff would recommend denial of the application until a time when a specific use could be found and conditional use rezoning could be done.

Mr. Lyn asked if there were any other speakers. No one else spoke.

Mr. Hawk noted that the requested GB district would open the area up to a lot of other things that could change the neighborhood.

Motion: Tom Hawk made a motion to deny the rezoning request. Jamel Farley seconded. Motion carried unanimously.

ANX-1-16

Petition from Triangle Real Estate for Satellite Annexation of approximately 15.5 acres located on Buffalo Shoals Road north of Highland Drive.

Laura Elam addressed the Board noting the following:

Triangle Real Estate is requesting satellite annexation of approximately 15.5 acres of land located on Buffalo Shoals Road north of Highland Drive. The property is approximately 410 feet north of the city limits. A conditional use permit was approved in 2015 for construction of a 200 unit multi-family community on this site.

The area requested for annexation meets the requirements of North Carolina General Statute 160A-58 as follows:

- (1) The nearest point of the proposed satellite corporate limits is less than three miles from the primary corporate limits of Lincolnton.
- (2) No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Lincolnton.
- (3) The proposed satellite corporate limits are situated so that the City will be able to provide or contract the same services within the proposed satellite corporate limits as are provided in the primary corporate limits.
- (4) The area proposed for annexation is not presently a part of a subdivision as defined in G.S. 160A-376.
- (5) The area proposed for annexation, when added to the area within all other satellite corporate limits, will not exceed ten percent of the area within the primary corporate limits of Lincolnton.

The annexation of this property will meet the City's Satellite Annexation Policy. The policy states that the City will permit satellite annexation as long as the area to be annexed is located within the extraterritorial jurisdiction (ETJ) of the City of Lincolnton and is either on a tract no less than two acres in size or is made up of two or more contiguous uses on separate and contiguous parcels.

City services for the site will be provided as follows:

Fire Protection: The City will provide fire protection.

Police Protection: The City will provide police protection.

Refuse Collection: Under the terms and conditions of the previously issued conditional use permit, the developer will contract with a private hauler for refuse collection.

Street construction and maintenance: Under the terms and conditions of the previously issued conditional use permit, the spine road into the proposed development will be a private street maintained by the developer/property owner and not by the City.

Water and sewer services: The developer will be extending city water and sewer to the site. The City will have no additional cost for municipal utility services related to the annexation.

Fire District: The property is in the Boger City Fire District. If the annexation is approved, the City will need to pay a proportional share of the Boger City Fire District debt for facilities or equipment. The portion of the Boger City Fire District debt the City would be responsible for is approximately \$81 per year through 2019.

If annexed, the property will be added to Ward I. The property is presently zoned R-O CU and will be developed for up to 200 apartment units.

If annexed, the primary tax revenue source will most likely be from property taxes. The current property value according to Lincoln County tax records is about \$523,272. If annexed, the current annual taxes on the property would amount to about \$2,930 per year with the existing tax rate.

With full build-out of the planned apartment community, the value of the property would increase significantly. For example, The Oaks Apartments includes 112 apartment units and is valued at \$6,009,178 with city property taxes of roughly \$33,651. The planned development on the proposed annexation site will be larger at up to 200 units and would likely have a higher valuation than The Oaks.

If the City annexes the property as requested, the City's cost should be minimal for the following reasons:

- the site is just a little over 400 feet from the city limits so the additional cost to the city for provision of police and fire protection should be minimal,
- the developer will be responsible for the costs of extending city water and sewer to the site,
- the internal street will be private and maintained by the developer/owner, and
- the City will not be providing trash pick up.

The costs to the City for assumption of debt of the Boger City Fire District will be roughly \$325.

Based on the information we have gathered, short-term city costs would amount to less than \$500. Other than that, costs to the city should be minimal if this property is annexed. When fully developed, anticipated property tax revenues will be significantly more than the existing value of the primarily vacant property.

The staff recommends approval of the requested annexation.

Mike Briggs, representing Triangle Real Estate, addressed the Board noting that the apartment community will be upscale with 9 foot ceilings, granite countertops and brick/masonite siding exterior.

Motion: Tom Hawk made a motion to deny the rezoning request. Anita McCall seconded. Motion carried unanimously.

Adjournment

Motion: Jerry Hoffman made a motion to adjourn the meeting. Tom Hawk seconded. Motion carried unanimously.

Laura Elam