



**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 Yarbro, kathryny@charter.net; Jamel Farley, afarley2351@gmail.com; Thomas Hawk, thomasrhawk@aol.com; Becky Burke, beckyburke@charter.net; Jerry Hoffman, jlskhoffman@charter.net

Tuesday, June 21, 2016 Meeting

PRESENT: Becky Burke, Jamel Farley, Jerry Hoffman, Änd Lynn, Anita McCall and Gene Poinsette.

ABSENT: Tom Hawk and Kathryn Yarbro.

Call to Order

Chair Änd Lynn called the meeting to order and recognized that one member was absent.

Approval of Minutes

Chair Änd Lynn asked the Board if there were any corrections or additions to the minutes of the May 17, 2016 meeting.

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

CUP-4-2016

Application from Ha of Newton LLC requesting rezoning from Residential -8 (R-8) to General Business (GB) District for a 0.24 acre site located behind Eddy's Auto Parts at 2514 East Main Street (Parcel 25212)

Mark Carpenter addressed the Board noting the following:

The applicant is requesting the rezoning of approximately 0.24 acres of land from Residential-8 (R-8) to General Business (GB) District. The subject property is located behind 2514 East Main Street (Eddy's Auto Parts) and has frontage on Ross Street and Openview Drive.

The land is currently used as a gravel parking lot and driveway for Eddy's Auto Parts. Zoning surrounding the site is a mixture of General Business (GB), and Residential-8 (R-8). Uses

surrounding the site are the auto parts store to the north, McDonalds to the east, single family residential to the south, and a pawn shop to the west.

The Lincoln Land Use Plan shows the property in the Neighborhood Business Corridor Planning Area. The rezoning of the property to General Business (GB) should be in compliance with the Land Use Plan in that they are similar. The auto parts store to the north, also owned by the applicant, is already zoned General Business (GB).

Mr. Carpenter noted that staff recommends rezoning the property to the GB district as requested by the applicant.

Motion: Anita McCall made a motion to approve. Jamel Farley seconded. Motion carried unanimously.

ZTA-4-2016

Request by Planning Staff for Amendment to the Unified Development Ordinance to revise the zoning regulations related to taverns

Laura Elam addressed the Board noting the following:

In light of the recently approved malt beverage referendum, Planning Staff has drafted a proposed amendment to the Unified Development Ordinance that would revise the zoning regulations related to establishments that serve alcohol such as taverns or pubs.

Currently, the UDO allows “social clubs” or “lounges” in the Neighborhood Business (NB), Central Business (CB), Central Business Transitional (CBT), General Business (GB) and Planned Business (PB) districts subject to the issuance of a conditional use permit by City Council and also subject to separation requirements between the proposed social club or lounge and residentially zoned properties plus several protected uses including churches, elementary and secondary schools, child day care and nursery schools, and public parks and playgrounds. The separation requirement in downtown is 50 feet. Outside of downtown, the separation requirement is 300 feet.

The current regulations do not allow a social club or lounge in the General Manufacturing and Commercial (GMC) district.

In addition to the above local zoning regulations, an establishment that sells alcoholic beverages is required by the State to obtain an ABC permit and adhere to all applicable State ABC laws. Those laws, among others, include consideration of whether the establishment is located within 50 feet of a church, public school, or any nonpublic school.

Staff recommends amendments to the UDO as follows:

1. The elimination of the outdated “social club” and “lounge” terminology along with elimination of the 50-foot and 300-foot separation requirements for those uses.
2. The addition of a new term, “tavern,” which would include uses such as pubs, microbreweries, brewpubs and bars.
3. The allowance of taverns as a conditional use in all of the City’s commercial zoning districts including NB, CB, CBT, PB, GB and GMC.

RATIONALE FOR AMENDMENTS

1. The terms “social club” and “lounge” are somewhat dated concepts and the terms are not commonly used any longer.
2. The proposed term “tavern” and related terms such as pubs, microbreweries, brewpubs and bars are more typically used and understood.
3. The proposed elimination of the 50-foot and 300-foot separations from residentially zoned properties, churches, elementary and secondary schools, child day care and nursery schools and public parks and playgrounds will eliminate a significant barrier to potential small business owners seeking a location for a tavern in the City. Through the conditional use permit process, City Council would consider on a case by case basis whether the proposed tavern is appropriate for the proposed location. City Council could reject the conditional use permit request if it is viewed as unacceptable due to the location’s proximity to certain uses or its potential impact on nearby uses. Elimination of the separation requirements will allow City Council to determine the appropriateness of a specific request in a particular location rather than it being pre-determined by one size fits all standards in the Ordinance.

The proposed text amendment would make the following changes:

1. Delete the definition and references to “lounge” and “social club;”
2. Delete the separation standards for lounges and social clubs;
3. Add a new term, “Tavern”, that includes a pub, brewpub, microbrewery and bar, and
4. Add taverns as a conditional use in all commercial districts (NB, CB, CBT, GB, PB and GMC).

Ms. Elam noted that staff recommends amendment of the UDO as outlined above.

Chair Lyn indicated that he supported the changes. Ms. McCall noted that the changes just get the city in line with the State regulations.

Motion: Gene Poinsette made a motion to approve. Jamel Farley seconded.
Motion carried unanimously.

Adjournment

Motion: Jerry Hoffman made a motion to adjourn the meeting. Gene Poinsette seconded. Motion carried unanimously.

Laura Elam