



**CITY OF LINCOLN
PLANNING BOARD
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BOARD MEMBERS: Änd Lynn, Chair, andmyynn@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, August 16, 2016 Meeting

PRESENT: Becky Burke, Jamel Farley, Tom Hawk, Jerry Hoffman and Gene Poinsette.

ABSENT: Änd Lynn, Anita McCall and Kathryn Yarbrow.

Call to Order

Acting Chair Tom Hawk called the meeting to order and recognized that three members were absent.

Approval of Minutes

Acting Chair Tom Hawk asked the Board if there were any corrections or additions to the minutes of the June 21, 2016 meeting.

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

ZTA-5-2016

Request from Planning Staff for Amendment to the Unified Development Ordinance to Revise the Standards for the Special Highway Overlay District

Laura Elam addressed the Board noting the following;

The Unified Development Ordinance (UDO) includes a zoning overlay district called the *Special Highway Overlay District* that applies to properties located along and near Highway 321.

The Ordinance states that the purpose of the overlay district is to “protect and preserve the natural scenic beauty of the landscape of areas which lie near or adjacent to designated Special Highways and that development which takes place on land which lies near the highways be developed in a manner which maximizes the attractiveness of uses and the safety and order of development of the area through the application of additional development standards. Ensuring

that development occurs in a manner, it will in turn contribute to and enhance trade, tourism, capital investment, public safety and the general welfare.”

The Special Highway Overlay District outlines several standards and requirements including the following:

1. Prohibited Land Uses

Several land uses are specifically prohibited due to concerns that the uses would be inappropriate because of odor, dust or other negative impacts. The list of disallowed uses is as follows:

- Manufacture of:

- Cut stone and stone products,

- Pottery and related products,

- Plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass,

- Batteries,

- Electrical industrial carbon and graphic products,

- Structural clay products,

- Soaps, detergents and cleaning preparations and cosmetics,

- Tires and inner tubes,

- Asphalt paving and roofing materials,

- Primary metal products and secondary smelting processes,

- Yeast,

- Industrial organic and inorganic chemicals and agricultural chemicals,

- Pulp, paper, and paperboard mills,

- Flour, other milled grain, and feed and pet foods,

- Meat packing and poultry dressing; and

- Lumber mills and sawmills and lumber/timber storage yards.

- Livestock feed lot and sales facilities;

- Contractors' storage yards;

- Unenclosed scrap and salvage metal storage and recycling facilities;

- Automobile wrecking and salvage yards;
- Quarries;
- Coal sales and storage yards;
- Fuel oil distribution facilities;
- Auction sales, indoors and outdoors;
- Automobile painting, upholstering, repair, reconditioning and body work;
- Flea markets;
- Manufactured home sales lots;
- Moving and storage facilities;
- Mini-warehouses;
- Tire recapping shops;
- Truck terminals;
- Radio, television or microwave transmission towers exceeding 300 feet in height;
- Sanitary landfills;
- Roofing repair and installation facilities;
- Mobile home (manufactured home) parks; and
- Adult establishments.

2. Yard Requirements (Single family residential dwelling units including manufactured homes and multi family residential dwellings requiring a conditional use permit that do not abut Highway 321 may use yard requirements from the underlying zoning classification)

Front Yard Setback:

Adjacent to Highway 321: 100 feet

Other: 50 feet

Side Yard Setback:

Adjacent to Highway 321: 100 feet

Other: 20 feet

Rear Yard Setback:

Adjacent to Highway 321: 100 feet

Other: 50 feet

3. Landscaping

Along Highway 321

The first 100 feet of the yard lying between the Highway 321 right of way and the principal structure is to be landscaped or left wooded for all uses other than single family and two family residential.

Along other roads

For properties that border on and have access to any road other than Highway 321, a 12 foot landscape strip is required along the road frontage. If off-street parking is located in the yard located between the right of way and the front building line, the width of the landscape strip must be increased to 24 feet.

4. Minimum Lot Size

A one acre minimum lot size is required for all uses other than one and two family residential.

5. Maximum Floor Area

Maximum floor area ratios ranging from 0.15 to 0.35 are required as follows:

<i>Lot Size Range</i>	<i>Maximum Floor Area Ratio</i>
Less than one acre	0.15
1.0 - 1.9 acres	0.15
2.0 - 4.9 acres	0.20
5.0 - 9.9 acres	0.25
10.0 - 19.9 acres	0.30
20 + acres	0.35

6. Usage of Yard and Setback Areas (for Uses Other than One and Two Family Residential)

The overlay district outlines the below provisions related to usage of yard and setback areas:

- Off-street parking and/or loading areas are not allowed within any portion of any yard within 100 feet of the Highway 321 right of way.

- Outdoor storage and/or display, accessory structures and uses and the dispensing of goods and services are permitted in any side or rear yard (other than one which abuts the right of way of Highway 321) but no use can be located closer to a side or rear lot line than 50 feet where adjacent to a public right of way and 20 feet in all other instances. Dispensing of automotive fuels and related products are allowed in front yards without screening. Any outdoor storage located on the lot shall be screened from the view of any adjoining lot or roadway and Highway 321. The screening may be located anywhere on the lot so long as the outdoor storage is materially screened.

Ms. Elam noted that the Staff proposes an amendment to the Special Highway Overlay District in order to potentially attract a broader spectrum of manufacturing and industrial uses to the Highway 321 corridor and to remove potential impediments to development without compromising the original intent of the overlay district.

The proposed changes are as follows:

1. Prohibited Land Uses

Several land uses are prohibited due to concerns regarding negative impacts. However, some of these land uses are routinely located within industrial or business parks and would not likely have a significant negative impact on nearby properties. In addition, allowing some of these uses may serve to help with economic development efforts within and near the City. There are separate provisions in the UDO that establish standards dealing with vibration, noise and odor that would continue to be applicable.

The following land uses are proposed to be removed from the list of prohibited uses:

- Manufacture of cut stone and stone products
- Manufacture of pottery and related products
- Manufacture of plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass
- Manufacture of batteries
- Manufacture of electrical industrial carbon and graphic products
- Manufacture of structural clay products
- Manufacture of soaps, detergents and cleaning preparations and cosmetics
- Manufacture of primary metal products
- Manufacture of yeast

- Manufacture of industrial organic and inorganic chemicals and agricultural chemicals
- Automobile painting, upholstering, repair, reconditioning and body work
- Moving and storage facilities
- Mini-warehouses

The effect of this change would be to allow the land uses within the Special Highway Overlay District (if the use is permitted in the underlying zoning district).

2. Yard Requirements (Single family residential dwelling units including manufactured homes and multi family residential dwellings requiring a conditional use permit that do not abut Highway 321 may use yard requirements from the underlying zoning classification)

The overlay district requires a 100 foot front, side and rear yard setback along Highway 321. Otherwise, 50 foot front and rear yard setbacks and 20 foot side yard setbacks are required:

Staff proposes a reduction in the width of the required setback along the Highway 321 right of way from 100 feet to 50 feet in order to allow more flexibility for future development while still maintaining the intent of the ordinance.

Staff also proposes elimination of the additional setback requirements for sites (or portions of sites) located within the boundaries of the overlay district that do not abut Highway 321. This would mean that the required setbacks in the underlying zoning district would apply.

3. Landscaping

Along Highway 321

The first 100 feet of the yard lying between the Highway 321 right of way and the principal structure is required to be landscaped or left as natural wooded buffer for all uses except single family and two-family residential uses.

The proposed amendment would reduce the landscape strip requirement from 100 feet to 50 feet.

Along other roads

A 12 foot landscape strip is required on any lot which borders on and has access to any road other than Highway 321. The width of the landscape strip is to be increased to 24 feet if off-street parking is located in the yard between the road right of way and the front building line.

A separate provision in the UDO requires a 12 foot landscape strip for new construction in the ROS, RO, O-I, NB, GB, PB and GMC zoning districts along all thoroughfares.

The proposed amendment would eliminate the landscape strip requirement for lots abutting roads other than Highway 321. The requirement outlined in another section of the Ordinance for the 12 foot landscape strip along thoroughfares in the ROS, RO, O-I, NB, GB, PB, and GMC zoning districts will continue to apply to new construction.

4. Minimum Lot Size

A one acre minimum lot size is required for all land uses other than one- and two-family residential uses. For one- and two-family residential uses, the underlying zoning district specifies the required minimum lot size.

Since the overlay district requires a large setback for buildings, parking and loading areas abutting Highway 321 plus requirements for landscaping and/or tree preservation, the additional requirement for a minimum lot size is not necessarily adding any particular value in terms of protecting the integrity of the corridor. For properties that are subject to the overlay district requirements and located along other streets in the area, the requirement may be an impediment to future development without any significant added benefit.

The proposed amendment would eliminate the minimum lot size requirement.

5. Maximum floor area

Maximum floor area ratios ranging from 0.15 to 0.35 are required based on the size of the lot as follows:

<i>Lot Size Range</i>	<i>Maximum Floor Area Ratio</i>
Less than one acre	0.15
1.0 - 1.9 acres	0.15
2.0 - 4.9 acres	0.20
5.0 - 9.9 acres	0.25
10.0 - 19.9 acres	0.30
20 + acres	0.35

Additional Watershed Requirements

The area located within the Special Highway Overlay District is also located within the Water Supply Watershed Overlay District (WS-IVP) and subject to State mandated regulations for watershed protection purposes. (See attached map). The Water Supply Watershed Overlay District limits single family residential development to two dwelling units per acre and limits other residential development and non-residential development to 24 % built upon area. For projects without a curb and gutter system, a maximum of three dwelling units per acre or 36 % built upon area is allowed.

Since the Watershed Overlay District imposes maximum built upon areas as mandated by the State and the Watershed Overlay District applies to the same areas subject to the Special Highway Overlay District, there does not appear to be any value in the imposition of maximum floor area ratios in the Special Highway Overlay District.

The proposed amendment would eliminate the maximum floor area ratio requirements of the Special Highway Overlay District.

6. Usage of Yard and Setback Areas (for Uses Other than One and Two Family Residential)

- Off-street parking and/or loading areas are not allowed within any portion of any yard within 100 feet of the Highway 321 right of way.

The proposed amendment would reduce the required setback for off-street parking and/or loading areas located along the Highway 321 right of way from 100 feet to 50 feet.

- Outdoor storage and/or display, accessory structures and uses and the dispensing of goods and services are permitted in any side or rear yard (other than one which abuts the right of way of Highway 321) but no use can be located closer to a side or rear lot line than 50 feet where adjacent to a public right of way and 20 feet in all other instances. Any outdoor storage located on the lot must be screened from the view of any adjoining lot or roadway and Highway 321. The screening may be located anywhere on the lot so long as the outdoor storage is materially screened.

Note: Outdoor storage is permitted within the overlay district only if also permitted in the underlying zoning district.

The proposed amendment would do the following:

1. *Retain the provision that disallows outdoor storage and/or display, accessory structures and uses and the dispensing of goods and services in yards abutting the Highway 321 right of way and retain the provision that requires that any*

outdoor storage located on a lot is to be screened from view of any adjoining lot, roadway or Highway 321.

2. *Eliminate the provision that disallows these uses within 50 feet of a side or rear lot line adjacent to a right of way and 20 feet in other instances.*

The effect of this change would be that outdoor storage/display, accessory structures and uses and the dispensing of goods and services would continue to be prohibited within 50 feet of the right of way of Highway 321 but, for sites (or portions of sites) that do not abut Highway 321, the side and rear yard requirements of the underlying zoning district would apply.

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

Chairman Hawk asked for clarification on the boundaries of the overlay district.

Motion: Gene Poinsette made a motion to approve. Becky Burke seconded. Motion carried unanimously.

MJS – 1 -16

Application from SMV Lincolnton, LLC requesting approval of a major subdivision of two lots located at the northeast corner of South Generals Boulevard and Georgetown Road

Mark Carpenter addressed the Board noting the following:

The applicants have submitted the attached preliminary plat for a major subdivision located at the northeast corner of South General Blvd and Georgetown Road. The subdivision will be made up of two (2) lots on approximately 19.792 acres of land.

The proposed subdivision is considered a major subdivision due to the entire tract being more than ten (10) acres of land. No new streets will be created.

Lot number one is currently and will continue to be used for the Brian Center Nursing Home and Lot number two is vacant and will be available for future development.

Public water and sewer will serve the subdivision. All of the proposed subdivision is located in the Lincolnton City Limits.

The Subdivision Review Committee met on August 9, 2016. The committee made the following comments about the plat:

1. All certificates and information outlined in Section 153.385 of the Lincolnton Unified Development Ordinance must be addressed on the plat.

2. All requirements as outlined in the attached memo from Lincoln County Mapping should be addressed.
3. Remove the designation of Highway 155 from Plat and revise with Business 321.
4. A cross access easement shall be provided across Lot #2 that ties into the existing access point with Lot #1. This will provide a future access point onto South Generals Blvd. in line with NCDOT Driveway permitting.

Mr. Carpenter noted that the preliminary subdivision plat meets the requirements of the ordinance with the exception of the items listed earlier. The items listed earlier must be revised and submitted to Staff before a final plat can be approved. The staff recommendation is to approve the preliminary plat on the condition that the items listed earlier are met before the final plat is approved.

Chairman Hawk asked for clarification on the property owners plans for the site.

Motion: Jerry Hoffman made a motion to approve. Jamal Farley seconded. Motion carried unanimously.

Adjournment

Motion: Jamal Farley made a motion to adjourn the meeting. Gene Poinsette seconded. Motion carried unanimously.

Laura Elam