



**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, September 20, 2016 Meeting

PRESENT: Tom Hawk, Jerry Hoffman, Änd Lynn, Anita McCall, Gene Poinsette and Kathryn Yarbrow

ABSENT: Becky Burke and Jamel Farley

Call to Order

Chair Änd Lynn called the meeting to order and recognized that two members were absent.

Approval of Minutes

Chair Lynn asked the Board if there were any corrections or additions to the minutes of the August 16, 2016 meeting.

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

ZMA-5-2016

Application from Javier Brito requesting the rezoning from R-8 to NB for 0.4 acres located at 1847-1849 North Aspen Street

Mark Carpenter addressed the Board noting the following;

The land is occupied by several structures. One structure is a nonconforming barber shop, another is a single family home and several accessory buildings are located to the rear.

Zoning surrounding the site is a mixture of Neighborhood Business (NB), General Manufacturing and Commercial (GMC) and Planned Business (PB). Uses surrounding the site are mostly commercial with a few single family houses nearby. Northgate Shopping Center is located across the street, NC Spinning Mills to the rear, a restaurant to the north and dwellings to the south.

The Lincoln Land Use Plan shows the property in the Neighborhood Business Planning Area. Properties to the north and south have previously been rezoned to the NB District. The rezoning of the property to the NB District will be in compliance with the Land Use Plan.

Staff recommends rezoning the property to the NB District as requested by the applicant.

There was discussion among the Board members about the intended use of the property

Motion: Tom Hawk made a motion to approve. Anita McCall seconded. Motion carried unanimously.

CUP -4 -16

Application from Aerostar Finance, Inc. requesting a conditional use permit to operate an Auto Sales lot and Finance Office in the Planned Business (PB) District for property located at 614 Clark Drive

Mark Carpenter addressed the Board noting the following:

The applicant is requesting a conditional use permit to operate an automobile sales lot and finance office in the Planned Business (PB) District.

The subject property is located on Clark Drive on property that was formerly the Lincoln House Restaurant.

The proposed sales lot office and finance company will occupy the approximately 5,000 square feet building on the property. Parking will be provided for the sales lot employees and for each automobile that is used for sale using existing parking on site. Additional parking may be created in the future and will require a site plan to be approved by Planning Staff meeting all ordinance requirements.

There are approximately 63 parking spaces on the property currently. The sales lot will operate Monday through Saturday from approximately 9:00 a.m. until approximately 6:00 p.m. There will be seven employees on the property.

The existing parking spaces on site would allow for approximately 47 vehicles for display with 16 parking spaces to be designated for customers and employees.

Adjacent land uses are primarily commercial with the exception of an apartment complex to the north.

Section 153.236 of the Lincolnton Unified Development Ordinance requires that conditional use permit applications contain specific terms and meet specific conditions. The application meets all the requirements of that section.

Section 153.237 of the Lincolnton Unified Development Ordinance requires that the City Council make the following findings:

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.

Mr. Carpenter noted the following in terms of compliance with the required findings:

1. It does not appear that the use will endanger the public health or safety.
2. The proposed use meets all required conditions and specifications.
3. The applicant will need to provide evidence that the use will not have any negative impacts on the value of adjoining or abutting properties.
4. The use is in conformity with the Lincolnton Land Use Plan in that the site is located within the Planned Business Planning Area

The Staff Review Committee made the following comments:

1. An occupancy permit must be approved by the Lincoln County Inspections Department.
2. Any additional parking that is created must be approved by Planning Staff and meet all zoning and site plan requirements.

3. No parking will be allowed on the NCDOT Highway 150 Right of Way nor shall any parking be allowed within any grassed areas.
4. Applicant will need to submit a parking plan showing the location of vehicles for sale and will need to have a formalized boundary for the area of used car display.
5. Signage must be in conformance with the Ordinance. No advertising banners and/or flags are permitted.

Mr. Carpenter noted that staff recommends approval of the permit provided that the applicant proves that the use will not have any negative impacts on the value of adjoining or abutting properties and that all Staff Review Committee comments be addressed.

Tom Hawk asked for clarification about the Staff Review Committee comment about banners and flags.

Anita McCall expressed concern that the location is a bad site for a car sales lot and that there is a lot of traffic at the shopping center and a lot of congestion on Clark Drive.

Chandler White, representing the applicant, noted that he has been in Lincolnton 11 years and is currently located on property beside Wendy's. He noted that he has a finance company near the old Buddy Stasney site. He also has another location in Conover and has two sons in business with him. He has nine employees counting himself. There will be no detailing or servicing on the site. The reason for the relocation is that the rent at the current location is being raised. He indicated that he wants to put the finance company and the sales office in the former restaurant building and would like to add some paving.

Mr. White noted that with respect to the concerns about Clark Drive, people will be walking across it whether he is there or someone else is there.

Ms. McCall expressed concern about shoppers that will be backed up trying to get into the shopping center. Mr. White responded that no matter who is there, people will be coming and going. He indicated he is looking into how to define the parking area. He does not have a lot of traffic now and cars are not backed out into traffic. He noted that the traffic at the shopping center is what attracted him to the site.

Ms McCall said she was very concerned about this piece of property for the proposed car lot business because any one using it is going to be driving through the property and that road is used so often it will be a safety issue.

Chair Lynn asked the applicant if he will be adding parking on the back site? Mr. White said he is not sure. It is pretty steep and would require a retaining wall. It is not high on the radar yet.

Mr. Lynn asked about installation of curb. Mr White said he would lean toward security poles for a barrier. EZ Way uses that system.

Ms. McCall asked if the property had been purchased yet. Mr. White said it is under contract.

Gene Poinsette noted that Lincoln House generated more traffic than the proposed car lot will and that the same issue will be there no matter what use is there.

Mr. Hawk expressed concern about safety and demarcation of the parking area and made a motion to table the request for a month until the Board can get better answers on the parking demarcation and traffic issues.

Rob Brown, representing the applicant, presented a survey and noted that the Planning Board could impose conditions that the applicant could consider.

Mr. Lynn asked if the applicant is planning on extending the pavement. Mr. White indicated he would like to extend the pavement.

Chair Lynn asked if there was a second to the motion to table. The motion failed due to lack of a second.

Chair Lynn asked about signage. Mr. White said there would be signage on the building but he had no definite plans otherwise and would pursue signage plans in the future. He indicated he would install curbing along the road to clearly define the parking lot.

Ms McCall asked if Clark Drive is a state road. Mr Carpenter indicated it is a city street.

Motion: Any Lynn made a motion to approve subject to installation of concrete stoppers to clearly separate the forward facing parking lot from Clark Drive and compliance with the Staff Review Committee comments. Jerry Hoffman seconded. Motion carried unanimously.

Adjournment

Motion: Anita McCall made a motion to adjourn the meeting. Gene Poinsette seconded. Motion carried unanimously.

Laura Elam