



**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, November 15, 2016 Meeting

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

ABSENT: Tom Hawk

Call to Order

Chair Änd Lynn called the meeting to order and recognized that Tom Hawk was absent and all other members were present.

Approval of Minutes

Chair Lynn asked the Board if there were any corrections or additions to the minutes of the October 18, 2016 meeting.

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

CUP-5-2016

Application from Boger City Baptist Church requesting a conditional use permit to construct a new fellowship hall and parking lot on their property located at 2201 East Main Street (Parcel ID 01269).

Mark Carpenter addressed the Board noting the following:

The applicant is requesting a conditional use permit to construct a new fellowship hall and parking lot on the church property. The subject property is located at 2201 East Main Street at the northeast corner of East Main Street and Green Street. (See Attached Maps).

The property is zoned both GB and R-8. The R-8 district requires conditional use permit approval for churches.

The current 3 story assembly hall on the property will be demolished and removed. A new one story fellowship hall approximately 15,000 square feet in size will be constructed. Also, approximately 53 new parking spaces will be created. A driveway is proposed onto Green Street and another onto Arney Street. Landscaping will be provided as required by the Unified Development Ordinance.

Adjacent land uses are a mixture of commercial and residential. Commercial properties are located across East Main Street to the south and to the east. Commercial and residential is located to the west and primarily residential 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.

Regarding compliance with Section 153.237:

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 met on November 8, 2016 to consider this application and made the following comments:

1. An erosion control plan is required by the County.
2. A demolition permit is required. Utility services must be terminated prior to demolition. An asbestos clearance report is required prior to demolition.
3. Sidewalk is required along Green Street and Arney Street.
4. Storm water detention should be provided.

Staff recommends approval of the permit provided that 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 and complied with.

Danny Watson addressed the board and explained that he owns a home on Green Street and is concerned about the water runoff that could be caused by the new construction. He wants to make sure the issue is dealt with properly because with the current church building, his property has been flooded already requiring him to do extensive repairs to the home.

Ron Huss, the Deacon Chairman and Building Committee Chairman at Boger City Baptist Church, addressed the board to explain with the new construction some of the water will be diverted in the opposite direction from Mr. Watson's home. He also expressed concern about the City's requirement that a sidewalk be installed.

Bill Curry, the architect that the church is using, addressed the board to explain the demolition of the old structure and the construction of the new structure. It was his opinion that the new structure would only add value to the property.

Änd Lynn questioned Mr. Curry about how the water issues would be addressed, so Mr. Curry gave the floor to David Ledford, who will be handling the landscaping of the new construction.

Mr. Ledford showed the Site Grading Plan and explained further how the water runoff of the building would be diverted away from Mr. Watson's home. He talked with Steve Peeler, the Director of Public Works and Utilities, prior to the board hearing and discussed what the City of Lincolnton was willing to take care of, which is the right-of-way. Mr. Ledford said the church would be willing to work with Mr. Watson to extend the drainage pipe past his property to avoid further flooding issues. Mr. Ledford also explained the possibility of a detention pond to hold excess water runoff. One complication that he noted was the requirement to add a sidewalk down the street. With the topographical issues of large holes and a multitude of trees that would need to be addressed prior to the installation of the sidewalk, the church would face a large sum of money that they were not expecting to have to pay. The church would not be objectionable to the addition of a sidewalk that ended at the Arney Street exit.

Anita McCall questioned the Planning staff regarding the sidewalk requirement. Staff responded that if the church was willing to install a sidewalk to the Arney Street exit, that would satisfy the City Code sidewalk requirement.

There was discussion between Anita McCall and David Ledford regarding the safety of the proposed detention pond.

Jerry Hoffman raised a concern that if the church was willing to work with Mr. Watson only if the city was willing to work with the church, how Mr. Watson could walk away being assured that his property and the possible water runoff issues with the new construction would be addressed. There was discussion between Mr. Ledford, the board and the planning staff.

Jerry Hoffman asked how Mr. Watson could leave here today knowing that the stormwater issues affecting his property will be addressed. And Lynn added that the other water runoff issues regarding proper drainage needed to also be addressed to ensure that the water would not become an issue for the other residents surrounding Mr. Watson either. Gene Poinsette added that the church would need to install the sidewalk to the driveway at the Arney Street exit.

Motion: Jerry Hoffman made a motion to approve the conditional use permit subject to the church and the city working out a plan to remedy Mr. Watson's drainage issues and sidewalk construction on Arney Street from Green Street to the proposed driveway on Arney Street. Anita McCall seconded. Motion carried unanimously.

Adjournment

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

Becky Shaw