



**CITY OF LINCOLNTON
PLANNING BOARD
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BOARD MEMBERS: And Lynn, Chair, andmlynn@gmail.com; Worth Roberts, Vice-Chair, worth.roberts@charter.net; Gene Poinsette, poinsetteg@charter.net; Kathryn Yarbrow, kyarbro206@gmail.com; Jamel Farley, afarley2351@gmail.com; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net

Tuesday, November 21, 2017 Meeting

PRESENT: And Lynn, Becky Burke, Kathryn Yarbrow, Worth Roberts, Jerry Hoffman, Gene Poinsette, Jamel Farley, Rebecca Abernethy

ABSENT: None

Call to Order

Chairman And Lynn called the meeting to order and recognized that all members were present.

Approval of Minutes

Chairman Lynn asked the Board if there were any corrections or additions to the minutes of the October 17, 2017 meeting.

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

CUP-9-2017

CUP - 9 - 2017- Conditional Use Permit Application from Teramore Development, LLC to construct a 9,100 square feet retail building in the Planned Business (P-B) district).

T.J. Wilson, City Attorney, stated that member, Becky Burke, wished to recuse herself in accordance with GS 160A-75.

Motion: Jamel Farley made a motion to allow Becky Burke to recuse herself. Worth Roberts seconded. Motion carried unanimously.

Laura Elam addressed the Board and presented the following:

Teramore Development is requesting a conditional use permit to construct a 9,100 square feet retail building on a 1.22 acre site located approximately 300 feet west of the intersection of West Highway 27 and West Highway 150 (Parcel ID 21439).

The subject property and all surrounding properties are primarily zoned Planned Business (P-B). Several properties located at the intersection of West Highway 27 and Spake Road are zoned General Business (G-B). Properties located further out West Highway 27 and West Highway 150 are zoned R-25.

The subject property is vacant. Properties located to the north and across West Highway 27 and West Highway 150 are used for commercial purposes. The parcel located to the west along West Highway 27 is used for office purposes. Properties located further west along West Highway 27 and to the south are residential or vacant.

SITE PLAN

The site plan proposes a new retail building of approximately 9,100 square feet. Access will be provided by one driveway connection to West Highway 27 and one driveway connection to West Highway 150. The driveway to West Highway 27 will be channelized to allow right turns in and out only and the driveway to Highway 150 will be full movement. Thirty nine (39) parking spaces will be provided.

COMPLIANCE WITH WATER SUPPLY WATERSHED STANDARDS

The property is located in the WS-IV watershed protected area which allows up to 70% built upon area through the “10/70 Option”.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan needs to include the following information:

- Parking calculations
- A landscaping plan noting parking lot landscaping and street landscaping
- Built upon area calculations

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires that four findings be determined by City Council. They are as follows:

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 Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

COMPLIANCE WITH SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications with the exception of the items listed above.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The use is in conformity with the Lincoln Land Use Plan in that the site is located within the Planned Business Planning Area. The applicant will need to provide evidence that the use will be in harmony with the area.

STAFF REVIEW COMMITTEE

The Staff Review Committee made the following comments:

- (1) Erosion control plan must be submitted to and approved by Lincoln County.
- (2) Building plans must be approved by Lincoln County Inspections.
- (3) Driveway permits must be reviewed and approved by the NCDOT.
- (4) The owner/operator is responsible for storm water leaving the site. Storm water must be configured so as to have no more harmful effect on streets and adjacent properties than the current situation. A storm water management plan is to be reviewed and approved by the Public Works Department prior to issuance of a certificate of occupancy.
- (5) Hours of operation should be limited to between 8:00 am and 10 pm.
- (6) The building design should blend with the character of the area by incorporating brick or brick veneer facades, windows and roof pitch and should avoid long, uninterrupted expanses of blank wall, use of concrete block walls and flat roof.
- (7) Signage should be designed to blend with the character of the area. Wall signage should be limited to the portion of the building wall above the entrance. No window signage should be used and detached signage should be limited to a monument type sign generally similar in scale to the sign at the nearby Peoples Bank. Sign colors should be neutral.
- (8) Any outdoor lighting is to be downwardly directed so as not to cast glare on adjoining properties used for residential purposes.
- (9) An opaque fence or other form of screening along the southern property line should be provided.

STAFF RECOMMENDATION

Ms. Elam noted that Staff recommends approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the ordinance requirements and Staff Review Committee comments.

BOARD DISCUSSION

Chair Poinsette asked if the use would be a Dollar General. Ms Elam indicated that the proposed user is Dollar General but that general retail uses would also be permitted. Mr. Poinsette asked if the Board could consider additional standards related to exterior design.

Rob Brown with The Jones Law Firm and Daniel Almazan with Teramore distributed two building elevations showing partial use of brick facades and spoke to concerns regarding the aesthetics of the building. Additionally, Mr. Brown noted that his client does not object to any of the Staff Review Committee comments and reported they held a neighborhood meeting that resulted in no opposition.

There was a brief discussion between Teramore and staff regarding building elevations and the bright yellow color of the signage. Ms. Elam asked if they could use a color other than the bright yellow. Mr. Almazan indicated they have used taupe on black previously.

With no further comments, Chairman And Lynn asked the Board if there was a recommendation and motion.

Motion: Worth Roberts made a motion to approve the conditional use permit, provided that the applicant addresses the Staff Committee Comments. Kathryn Yarbrow seconded. Motion carried unanimously.

Chairman And Lynn asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

Motion: Worth Roberts made a motion to adjourn the meeting. Jamel Farley seconded. Motion carried unanimously.