

LINCOLN TON PLANNING BOARD
AGENDA
February 20, 2018
AT 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the January 16, 2018 meeting
4. **CUP-1-2018** – A Conditional Use Permit Application from 3PM Brewing Company requesting to operate a 12,000 square feet brewery (3PM Brewing Company) in the Central Business (C-B District). The subject property has frontage on West Water Street and is located at 414 West Water Street (Parcel ID 00488).
5. **CUP-2-2018** – A Conditional Use Permit Application from Teramore Development, LLC requesting a change in conditions of CUP-9-2017 to remove hours of operations restrictions for a 9,100 square feet retail building (Dollar General) in the Planned Business (PB District). The subject property has frontage on both W. NC Highway 27 and W NC Highway 150 and is approximately 300 feet west of the intersection of these two roads (Parcel ID 21439).
6. **ZTA-1-2018** – A Zoning Text Amendment from the Planning Department for changes to the Planned Business (P-B) district to modify development restrictions.
7. Adjournment



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
www.ci.lincolnton.nc.us**

BOARD MEMBERS: Änd Lynn, Chair, andmlynn@gmail.com; Worth Roberts, Vice-Chair, worth.roberts@charter.net; Gene Poinsette, poinsetteg@charter.net; Kathryn Yarbrow, kyarbrow206@gmail.com; Jamel Farley, afarley2351@gmail.com; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, rabemethy21@bellsouth.net

Tuesday, January 16, 2018 Meeting

PRESENT: Änd Lynn, Becky Burke, Worth Roberts, Jerry Hoffman, Jamel Farley, Rebecca Abernethy

ABSENT: Kathryn Yarbrow, Gene Poinsette

Call to Order

Chairman Änd Lynn called the meeting to order and recognized that two members were absent, Kathryn Yarbrow and Gene Poinsette.

Approval of Minutes

Chairman Änd Lynn asked the Board if there were any additions or corrections to the minutes of the December 19, 2017 meeting.

Motion: Worth Roberts made a motion to approve the minutes. Jamel Farley seconded. Motion carried unanimously.

Chairman Änd 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 approve the minutes. Jamel Farley seconded. Motion carried unanimously.

MEMO TO: Planning Board Members

FROM: City of Lincolnton Planning Department

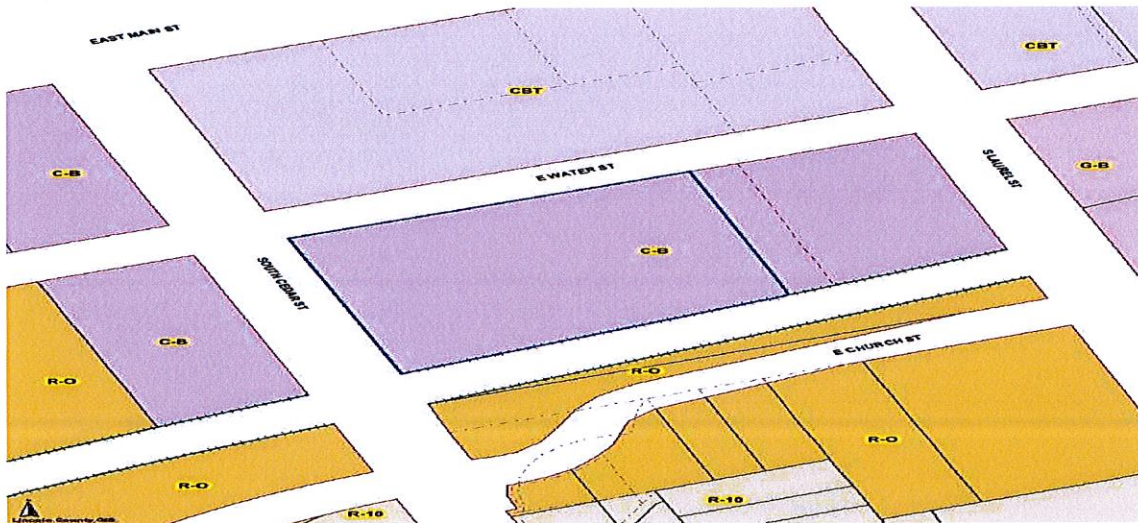
SUBJECT: CUP -1- 2018- Conditional Use Permit Application from 3M Brewing Company to allow a brewery in the Central Business (CB) district

DATE: February 20, 2018

SITE AND AREA DESCRIPTION

3PM Brewing Company is requesting a conditional use permit to operate a brewery at 414 East Water Street (Parcel ID 00488).

The subject property is zoned Central Business (CB). Surrounding properties are zoned a combination of CB, CB-T (Central Business Transitional) and Residential – Office (R-O).



The subject property and all surrounding properties are used for commercial purposes.



PROPOSED USE

The applicant proposes use of the existing building for a brewery.

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 application meets all requirements.

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 Lincolnnton 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.
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 Lincolnnton Land Use Plan in that the site is located within the Central Business Planning Area.

STAFF REVIEW COMMITTEE

The Staff Review Committee made the following comments:

1. Building plans must be approved by Lincoln County Inspections. A permit may be required from Environmental Health.
2. Coordinate electrical connection with City of Lincolnnton Public Works.
3. Coordinate water/sewer connection with City of Lincolnnton Public Works.
4. Stormwater should be discharged to the railway area.
5. The City will provide up to six (6) rollouts for solid waste pickup. If additional solid waste services are desired, they would need to be provided by a private contractor. All recyclables must be handled via private contractor.

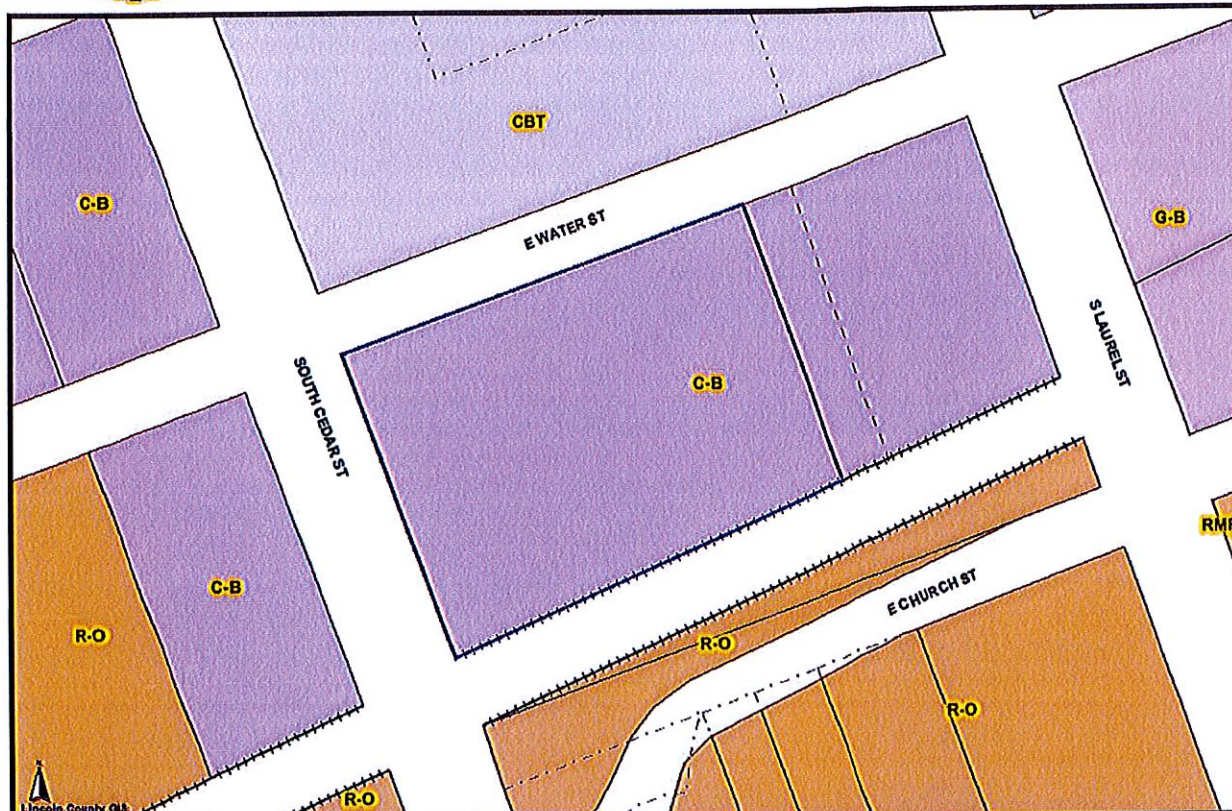
STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the Staff Review Committee comments.

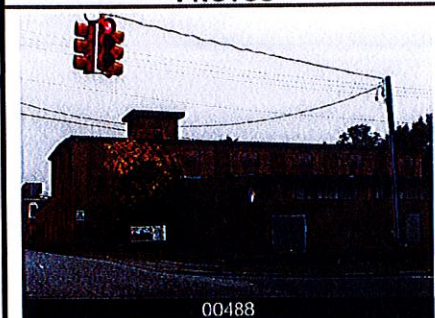


Lincoln County, NC

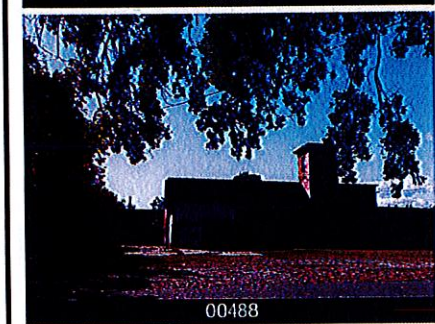
Office of the Tax Administrator, GIS Mapping Division
 Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.
Date: 2/6/2018 Scale: 1 Inch = 100 Feet



PHOTOS



00488



00488

PARCEL INFORMATION FOR 3623-94-7343

Parcel ID	00488	Owner	PIEDMONT COMPANIES INC
Map	3623-16	Mailing	2671 EAST MAIN STREET
Account	0238301	Address	LINCOLNTON NC 28092
Deed	2642-763	Last Transaction Date	1/25/2017
Value	Work in Progress		
		Sale Price	0
		Previous Parcel	
----- All values are for tax year 2017. -----			
Description	414 E. WATER ST.	Deed Acres	1
Address	414 E WATER ST	Tax Acres	1.05
Township	LINCOLNTON	Tax/Fire District	CITY OF LINCOLNTON
Main Improvement	TWO STORY WAREHOUSE	Value	Not Determined
Main Sq Feet	12110	Stories	2 Year Built 1900
Zoning District	C-B	Calculated Acres	1.05
Watershed Class	WS-IVP	Calculated Acres	1.05
2000 Census County		Voting Precinct	LINCOLNTON SOUTH (LS12)
37109		Sewer District	Not in the sewer district
37109		Tract	Block
37109		070100	5007 0.1
Flood		070100	5008 0.94
X	Zone Description	070100	5016 0
	NO FLOOD HAZARD	Panel	3710362300 1.05



3PM Brewing Company

Concept:

The 6,000 sq. ft. first floor space will boast a production area with a 10bbl brewhouse for core beers, plus a smaller batch brew system for pilot, seasonal and one-off beers. The remaining space will consist of a taproom designed with the visitor in mind bringing guests an engaging and sensory experience into the brewing process, an outdoor beer garden, a stage for live music, and up to 6,000 sq. ft. of available rentable space upstairs for private events. The brewery will offer restrooms and approximately 60 parking spaces for customers and employees.

Phases:

- **Phase 1: Up-Fit of Brewery.** Incorporate Pottery as part of decor. Plan to utilize a mobile service for food delivery sourced from local restaurants. For Large Events plan to utilize Food Trucks.
- **Phase 2: Work with Jason Harpe, Historical Director to create a Pottery Museum.** Local potters will be able to commission their work for sale. Create a tourism destination place.
- **Phase 3: Develop the Upstairs, may locate pottery museum there along with rentable venue spaces for weddings, corporate events, family reunions, and other gathers.**
- **Phase 4: Add own venue for serving food.**

MEMO TO: Planning Board Members

FROM: City of Lincoln Planning Department

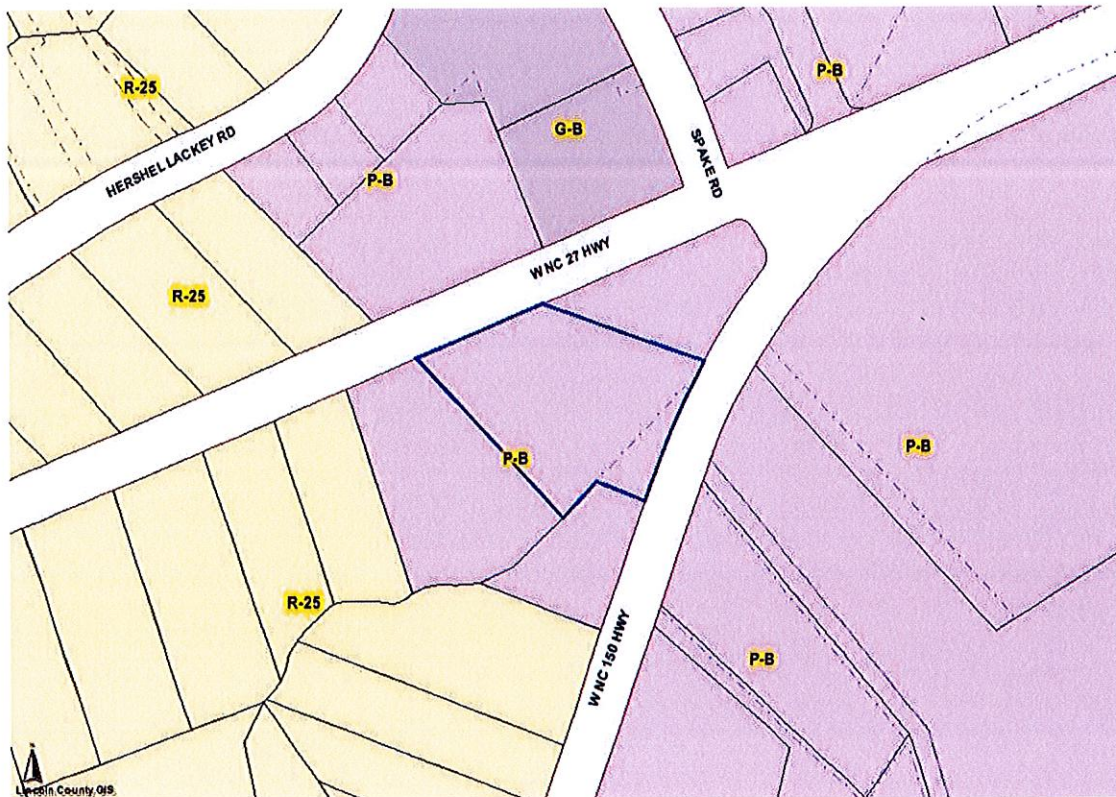
SUBJECT: CUP - 2 - 2018- Conditional Use Permit Application from Teramore Development LLC to amend conditions from previously approved Conditional Use Permit to allow a 9,100 square foot retail building in the Planned Business (P-B) district)

DATE: February 20, 2018

SITE AND AREA DESCRIPTION

Teramore Development LLC is requesting amendment of the conditions on the previously approved conditional use permit to allow a 9,100 square foot 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.



REQUESTED CHANGE IN CONDITIONS

The previously approved conditional use permit for this site allows a new retail building of approximately 9,100 square feet. The intended buyer of the site is Dollar General. The conditional use permit was approved with the following conditions:

- (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 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.

During the conditional use permit process, the applicant agreed to the conditions. However, subsequent to the approval of the conditional use permit, the applicant was notified that the hours of operation provision (#5) raises concerns for Dollar General. The applicant is requesting elimination of the hours of operation condition.

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 for watershed overlay district purposes

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

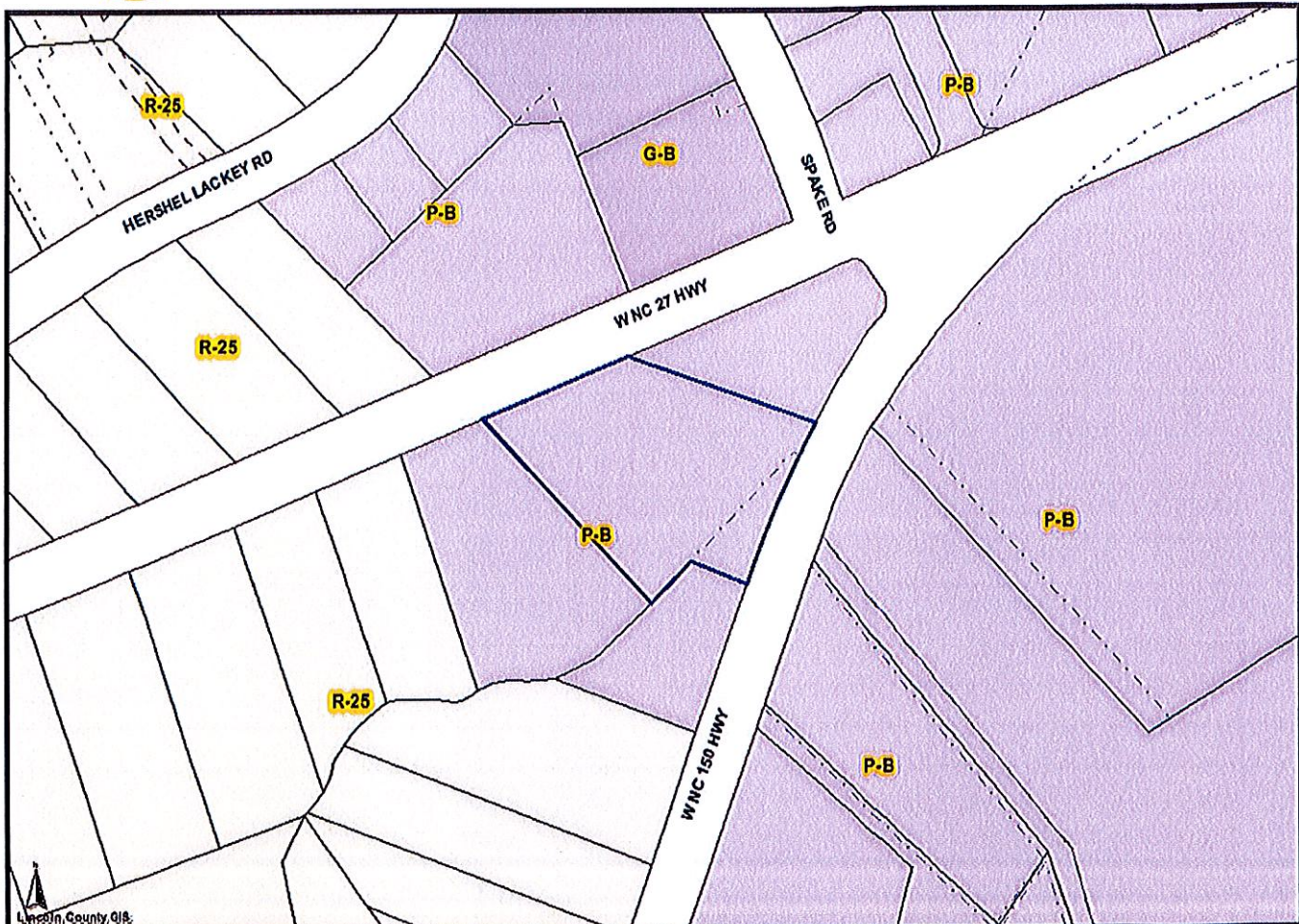
COMPLIANCE WITH SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.



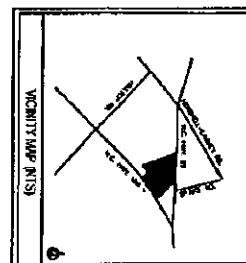
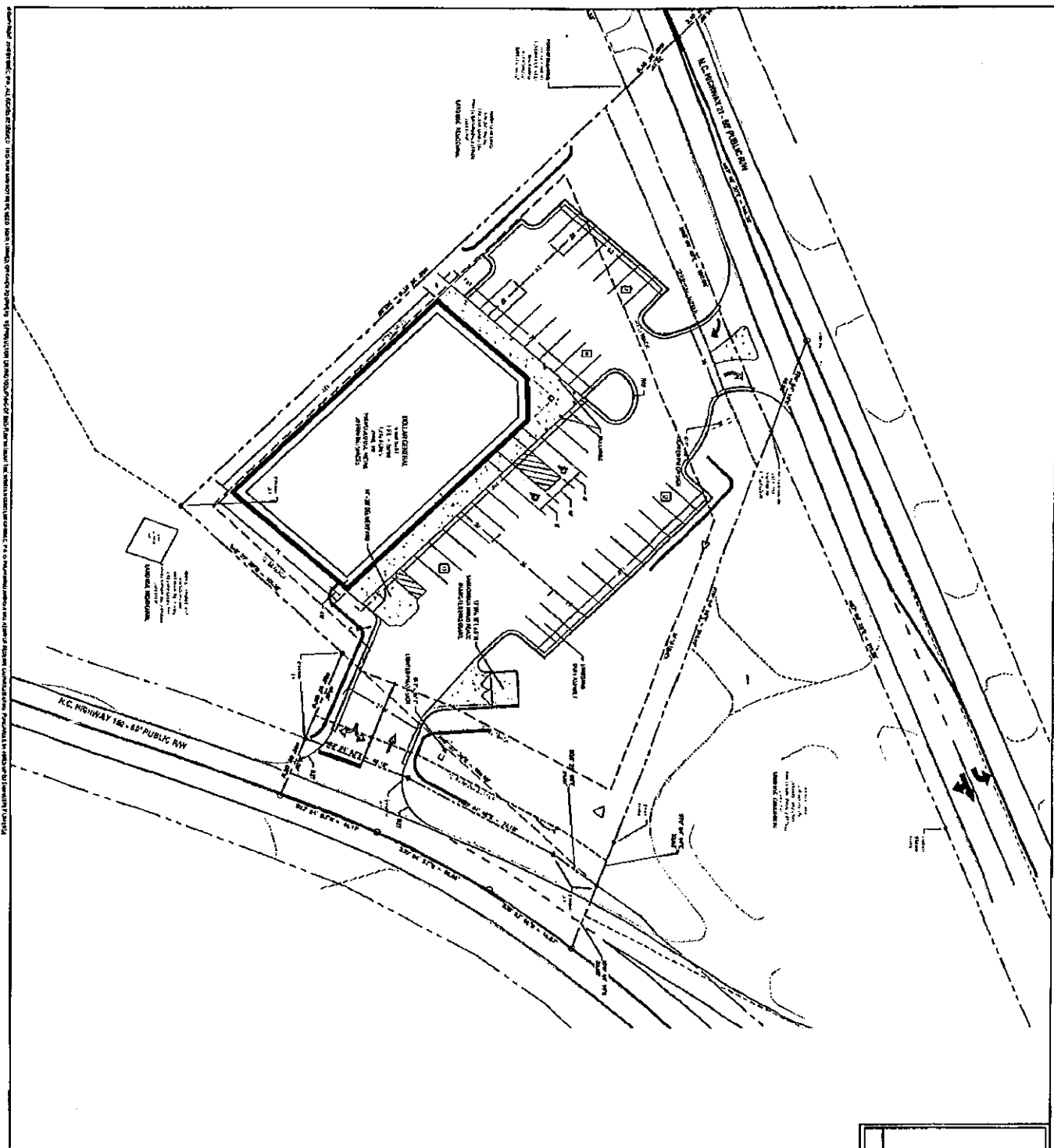
Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division
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 Date: 11/15/2017 Scale: 1 Inch = 200 Feet



PHOTOS		PARCEL INFORMATION FOR 3623-41-0769				
 Photo Not Available	Parcel ID	21439	Owner	CLINE PROPERTIES OF LINCOLN LLC		
	Map	3623-18	Mailing	4415 SCALYBARK LANE		
	Account	0251152	Address	SHERRILLS FORD NC 28673		
	Deed	2668-44	Last Transaction Date	5/25/2017	Sale Price	0
	Value	Work in Progress			Previous Parcel	
	----- All values are for tax year 2017. -----					
	Description	HWY 27 WEST		Deed Acres	1.45	
	Address	W NC 27 HWY		Tax Acres	1.22	
	Township	LINCOLNTON		Tax/Fire District	CROUSE	
	Improvement	No Improvements				
Zoning	Calculated	Voting Precinct	Calculated Acres			
District	Acres	LOVE MEMORIAL (LM16)	1.22			
P-B	1.22					
Watershed Class		Sewer District				
WS-IVP	1.22	Not in the sewer district	1.22			
2000 Census County		Tract	Block			
37109		070400	1001	1.16		
37109		070700	2004	0.06		
Flood	Zone Description	Panel				
X	NO FLOOD HAZARD	3710362300		1.22		



[illegible][illegible]**DOLLAR GENERAL**

NC 27 - LINCOLNTON, NC
STORE #18938



MEMO TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZTA-1- 2018 Application from Lincoln Planning Department requesting amendment to Section 153.116 (Planned Business District) of the Unified Development Ordinance to modify several development restrictions

DATE: February 20, 2018

BACKGROUND

Outside of the downtown area along and near the City's commercial corridors, there are mixtures of commercial zoning classifications including primarily G-B (General Business), P-B (Planned Business) and N-B (Neighborhood Business). See attached zoning maps.

The P-B district places the following three restrictions on new development:

- 1) All land uses are limited to a maximum of 5,000 square feet of gross floor area;
- 2) Only one principal building is permitted on a lot; and
- 3) Only one principal use is permitted per principal building.

New development that does not comply with the restrictions but that otherwise would be permitted in the P-B district is allowed through the issuance of a conditional use permit.

From staff's perspective, the development restrictions do not provide any particular benefit to the City for new development that is located on busy commercial thoroughfares like East Main Street and Generals Boulevard and removed from residential areas.

Proposed Amendment

Planning staff is proposing an amendment to the P-B district that would eliminate the above three restrictions for development on sites that are located at least 200 feet from residential uses in residential zoning districts. The restrictions would remain unchanged for development located within 200 feet of residential areas.

Staff Recommendation

Staff recommends approval of the amendment.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for APPROVAL of Application

Case No. ZTA-1-2018

Applicant: City of Lincolnton Planning Department

Request: Amend Section 153.116 (Planned Business District) of the Unified Development Ordinance to modify several development restrictions

Proposed Consistency and Reasonableness Statement:

The proposed amendment **is consistent** with the adopted Lincolnton Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and the proposed amendment **is reasonable and in the public interest** in that it will make the Planned Business (P-B) district more consistent with the other commercial zoning districts in the Zoning Ordinance.

Zoning Amendment
Staff's Proposed Statement of Consistency and Reasonableness
for DENIAL of Application

Case No. ZTA-1-2018

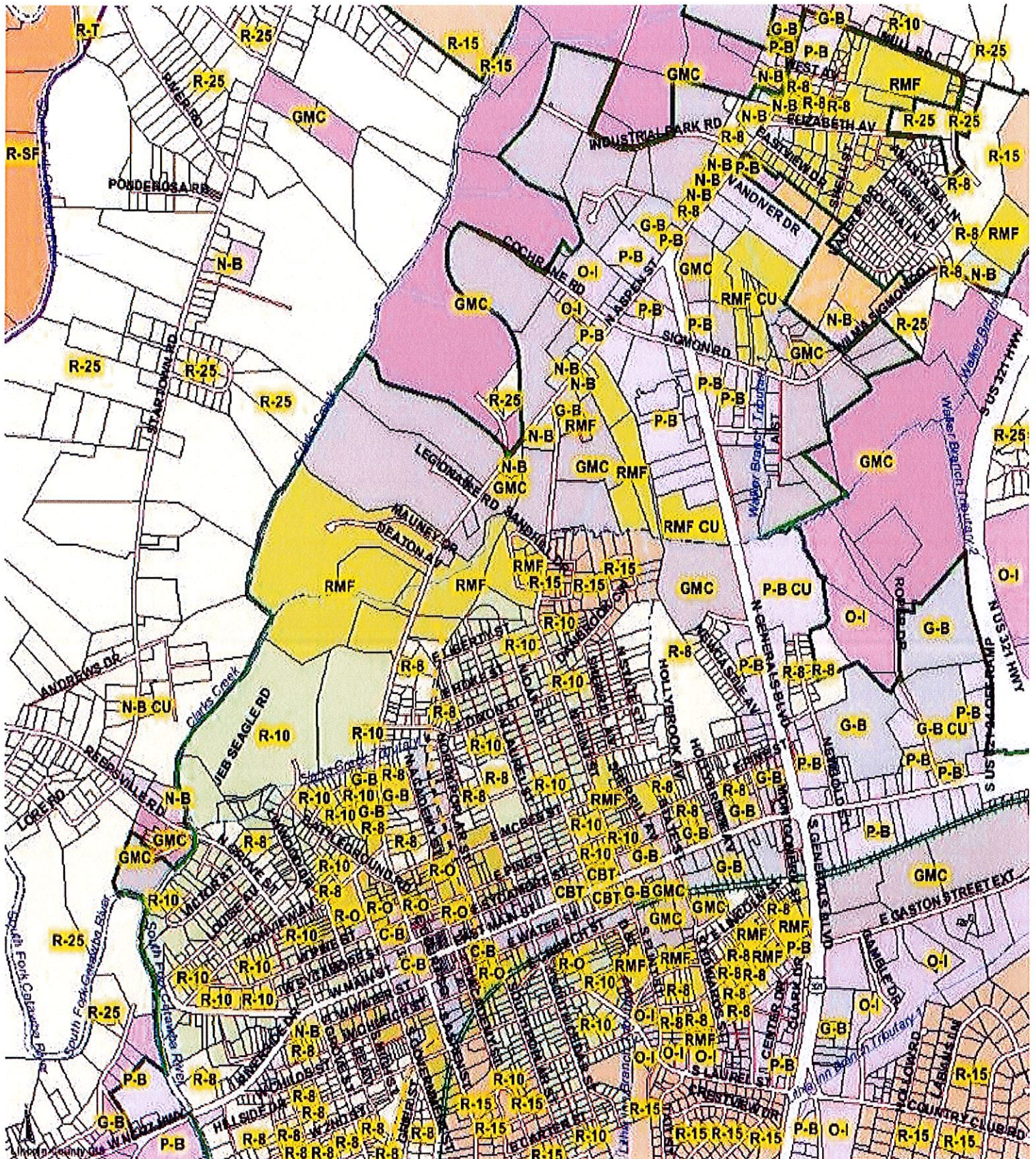
Applicant: City of Lincolnnton Planning Department

Request: Amend Section 153.116 (Planned Business District) of the Unified Development Ordinance to modify several development restrictions

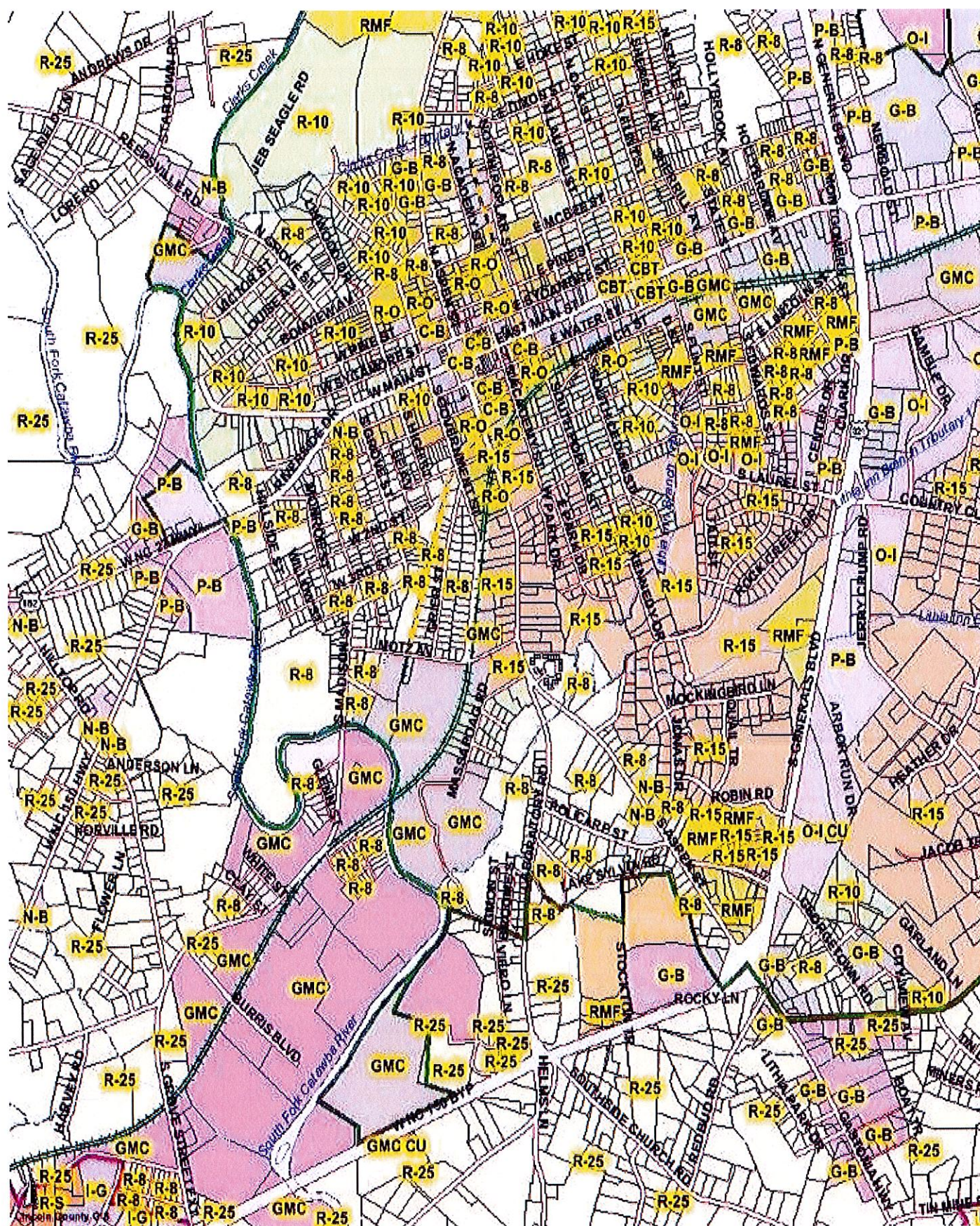
Proposed Consistency and Reasonableness Statement:

The proposed amendment **is not consistent** with the adopted Lincolnnton Land Use Plan in that it is contrary to the goals and objectives outlined by the Plan and **denial** of the proposed amendment **is reasonable and in the public interest** in that it maintain development restrictions intended to protect nearby properties.

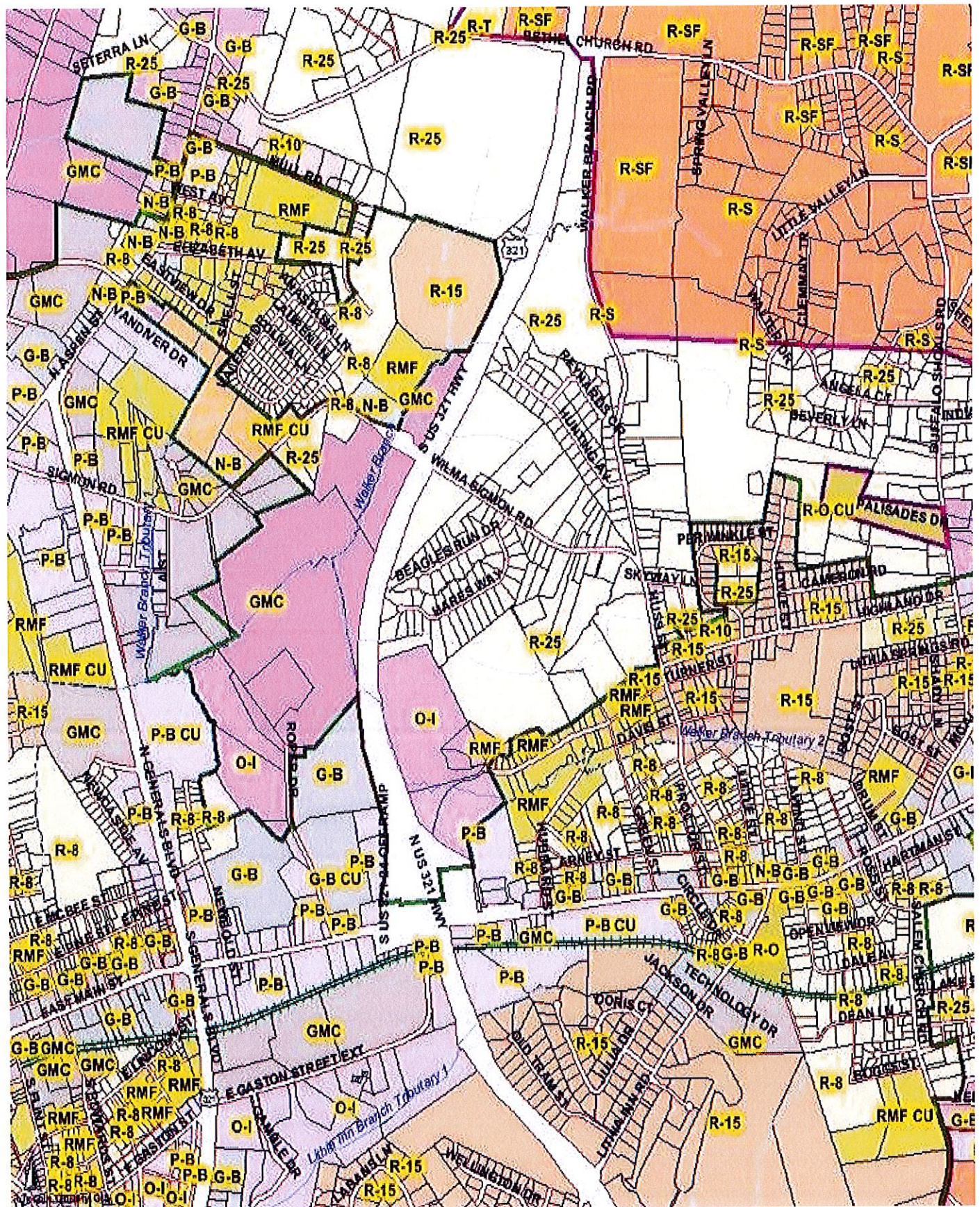
ZONING MAP - NORTHWESTERN PORTION OF CITY



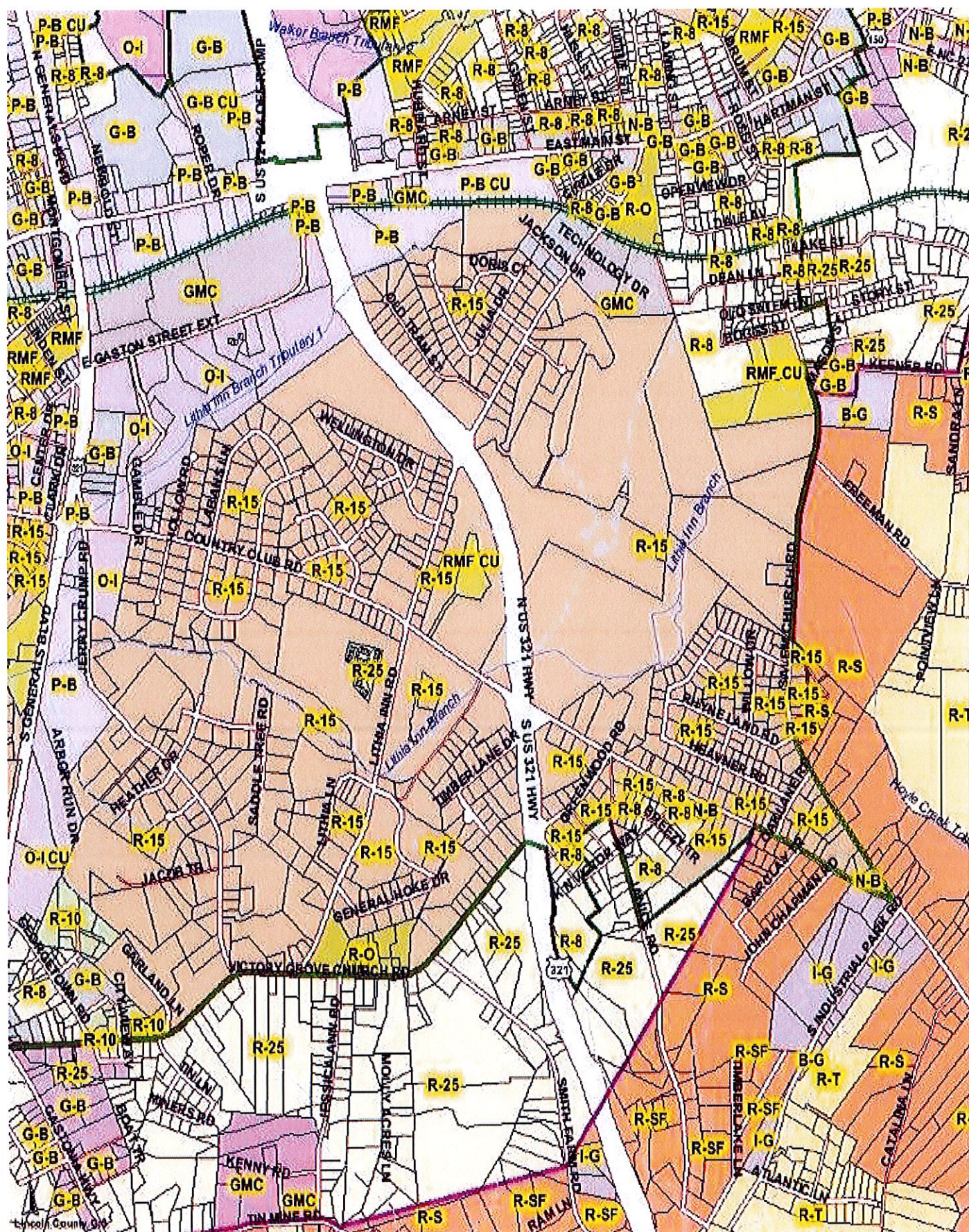
ZONING MAP - SOUTHWESTERN PORTION OF CITY



ZONING MAP - NORTHEASTERN PORTION OF CITY



ZONING MAP - SOUTHEASTERN PORTION OF CITY



AN ORDINANCE TO AMEND THE LINCOLNTON UDO
TO MODIFY SEVERAL RESTRICTIONS OF THE P-B DISTRICT

Section 1. Amend Section 153.116 Planned Business (P-B) District, to modify the development restrictions as follows. Newly adopted language is underlined and **highlighted in yellow** and language to be deleted is ~~struck-through~~ and **highlighted in red**.

153.116 P-B PLANNED BUSINESS DISTRICT.

(A) *Permitted uses.* The following uses shall be permitted by right.

(1) All uses permitted in § 153.113(A) of this chapter provided that the uses:

- (a) Are limited to a maximum of 5,000 square feet of gross floor area;
- (b) Contain only one principal building on the lot; and
- (c) Contain no more than one principal use per principal building.

(d) The limitations in Section 153.116 (A) (1) (a) – (c) above shall not apply to development sites located 200 feet or more from residential land uses located in residential zoning districts.

(2) The prohibition of fuel sales for convenience stores as listed in § 153.113(A) of this chapter shall not apply to the PB District;

(3) Signs in accordance with §§ 153.160 through 153.172 of this chapter;

(4) Off-street parking and loading in accordance with §§ 153.185 through 153.188 of this chapter; and

(5) Publicly operated alcohol beverage control (ABC) store.

(B) *Conditional uses.* The following uses may be allowed only after a conditional use permit has been issued by the City Council in accordance with §§ 153.235 through 153.244 of this chapter.

(1) All uses listed in § 153.113(A) of this chapter which do not meet all of the criteria found in division (A)(1) and (2) above of this chapter and all uses listed in § 153.113(B) of this chapter except jails; and provided however, arcade or amusement center or game rooms shall be only in shopping centers Class C;

~~(2) Planned commercial and office complexes containing either two or more principal buildings or two or more principal uses in one building. All uses shall be limited to those found in § 153.113(A) or (B) of this chapter; provided however arcade or amusement center or game room shall be permitted only in shopping center Class C;~~

(3) Planned unit developments (mixed use) in accordance with § 153.216 of this chapter and provided the uses within the development are otherwise listed as permitted or conditional uses allowed in the P-B District or any Residential (R) District;

- (4) Assembly halls, coliseums, ballrooms and similar structures;
- (5) Bowling alleys and skating rinks;
- (6) Motel and motor lodge;
- (7) Garden centers, commercial greenhouses and horticultural nurseries;
- (8) Automobile, truck, and motorcycle sales and adjoined service/repair;
- (9) Family theme parks;
- (10) Express fuel/mini-mart;
- (11) Automobile wash establishments (self-service, full-service or automatic);
- (12) Shopping center, Class C;
- (13) Indoor shooting range/sales of fire arms and ammunition; and
- (14) Accessory apartments in commercial structures provided all building and fire codes are met.

(C) *Yard requirements.*

- (1) Minimum lot size: none.
- (2) Minimum front setback: 40 feet (as measured from the edge of the street right-of-way).
- (3) Minimum lot width: 70 feet (as measured at the required front setback).
- (4) Minimum side setback: ten feet, except 20 feet shall be required on all corner lots and 30 shall be required on all lots whose side yard abuts any Residential (R) District.
- (5) Minimum rear setback: 20 feet, except 30 feet shall be required on all lots whose rear yard abuts any Residential (R) District.
- (6) Maximum structure height: 50 feet except as permitted in § 153.054 of this chapter.

(D) *Screening and landscaping.*

- (1) Screening when required by § 153.046(A) of this chapter shall be provided in accordance with § 153.046 of this chapter.
- (2) Where applicable, landscaping shall be provided in accordance with § 153.047 of this chapter.

(Prior UDO, § 7.11) (Ord. ZTA-2-2011, passed 7-11-2011; Am. Ord. O-03-2017, passed 6-1-2017)

Editor's note:

Any retail use in excess of 85,000 square feet shall be required to follow the supplemental regulations contained in § 153.075.

Section 2. That this ordinance shall become effective upon its adoption.