

LINCOLNTON PLANNING BOARD
AGENDA
September 17, 2019
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of Minutes from the August 20, 2019 meeting
4. ZMA-7-2019 – Application from Helms Security, Inc. requesting the rezoning of .294 acres from Single-Family Medium Density Residential District (R-10) to Central Business Transitional (CBT).
5. Adjournment



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
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BOARD MEMBERS: Änd Lynn, Chair, andmlynn@gmail.com; Worth Roberts, Vice-Chair, worth.roberts@charter.net; Gene Poinsette, poinsetteg@charter.net; Jamel Farley, afarley2351@gmail.com; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net; Greg McBryde, Gregory.Mcbryde@gmail.com

Tuesday, August 20, 2019 Meeting

Present: Änd Lynn, Worth Roberts, Gene Poinsette, Becky Burke, Jamel Farley, Jerry Hoffman, Rebecca Abernethy and Greg McBryde

Absent: n/a

Call to Order

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

Approval of Minutes

Chairman Änd Lynn asked the Board if there were any additions or corrections to the minutes of the July 16, 2019 meeting.

Motion: Gene Poinsette made a motion to approve the minutes. Greg McBryde seconded. Motion carried unanimously.

ZMA-6-2019 Application from Jesse Helms requesting the rezoning of approximately 1.472 acres of land from Office Institutional (O-I) to Rural Residential (R-25). The subject property is approximately 468 feet north of the intersection of Highland Drive and Buffalo Shoals Road (PID 71909).

Brett Hicks addressed the board noting the following:

SITE AND AREA DESCRIPTION

The applicant is requesting a rezoning for a parcel totaling approximately 1.472 acres from the Office Institutional (O-I) district to the Rural Residential (R-25) district. The subject property is located on the east side of Buffalo Shoals Road across from the Palisades Apartments.

The subject property and properties to the north are zoned O-I. The property was rezoned from R-25 to O-I in 2009 at the request of the property owner at that time. Surrounding properties are zoned rural residential, residential office and office institutional.

The subject property is vacant. Land uses in the area include single-family and multi-family homes. Atrium Health Lincoln hospital is adjacent to the property to the east.

LAND USE PLAN

The originally adopted Lincolnton Land Use Plan designated the subject property and all surrounding properties along this section of Buffalo Shoals Road as a Residential Suburban Planning Area. With the 2009 rezoning of the site from R-25 to O-I, the Land Use Plan was amended to designate the property within an Institutional / Office Planning Area.

COMPLIANCE WITH LAND USE PLAN

The Land Use Plan designates the subject property as an Institutional / Office Planning area. Therefore, the proposed rezoning request is not entirely consistent with the Land Use Plan.

However, staff views the request as consistent with the spirit and intent of the Land Use Plan's original designation of the area as a Residential Suburban area.

STAFF RECOMMENDATION

Staff recommends the following two actions:

1. Recommend approval of rezoning of the property from O-I to R-25.
2. Amend the land use plan to show the property in the Residential Suburban Planning Area.

After a brief discussion, Chairman And Lynn asked if there was a motion.

Motion: Worth Roberts made a motion to approve. Gene Poinsette 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: Jamel Farley made a motion to adjourn. Gene Poinsette seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Lincolnnton Planning Board

FROM: Planning Staff

DATE: September 17, 2019

SUBJECT: ZMA-7-2019 – Application from Helms Security, Inc. requesting the rezoning of 0.294 acres from Single-Family Medium Density Residential (R-10) to Central Business Transitional (CBT).

SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of a parcel totaling approximately 0.294 acres from the Single-Family Medium Density Residential (R-10) District to the Central Business Transitional (CBT) District. The subject property is located at 419 East Sycamore Street, east of the intersection of North Cedar Street and East Sycamore Street.

The subject property and adjoining properties to the west, north and east are zoned R-10. Properties located to the south of East Sycamore Street are zoned C-B and CBT.



The site is commercially developed with offices for Helms Security and Eddie Sigmon & Associates. Surrounding properties are devoted to residential and commercial uses.



REASON FOR REZONING REQUEST

Commercial use of the property dates to approximately 1966 and is legally non-conforming. The zoning regulations allow the commercial use to continue as a legal, non-conforming use but the use could not be expanded. The zoning regulations similarly apply to legal non-conforming signage. Signage that pre-dates zoning can continue but not expand.

The property owner has indicated he would like to have additional wall signage so that Eddie Sigmon and Associates can be identified on wall signage. The requested rezoning would allow wall signage of up to 100 square feet per building wall.

LAND USE PLAN

The Lincolnton Land Use Plan shows the property in the Traditional Single-Family Planning Area which is described as “older established portions of the community (primarily residential in character and single-family) which should be protected from encroachment of incompatible business and industrial development.”

COMPLIANCE WITH LAND USE PLAN

The request is not in compliance with the Land Use Plan’s residential designation. However, staff views the request as consistent with the spirit and intent of the Land Use Plan in that the existing 1966 commercial building long pre-dates both the zoning regulations and the land use plan. The existing building is not likely to ever be converted to residential use and rezoning to the CBT district will better support its continued viable use for commercial purposes.

STAFF RECOMMENDATION

Staff recommends the following two actions:

1. Recommend approval of rezoning of the property from R-10 to CBT.
2. If request is recommended for approval, also recommend amendment of the Land Use Plan to extend the Central Business Transitional Planning Area to include the subject property.

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

Case No. ZMA-7-2019

Applicant: Helms Security, Inc.

Parcel ID#: 00536

Location: 419 E. Sycamore Street

Request: Rezone from R-10 to CBT

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Traditional Single-Family Planning Area. Therefore, the proposed rezoning request **is not consistent** with the Land Use Plan. However, the existing 1966 commercial building long pre-dates both the zoning regulations and the land use plan. The existing building is not likely to ever be converted to residential use and rezoning to the CBT district will better support its continued viable use for commercial purposes. Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

Zoning Amendment

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

Case No. ZMA-7-2019

Applicant: Helms Security, Inc.

Parcel ID#: 00536

Location: 419 E. Sycamore Street

Request: Rezone from R-10 to CBT

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Traditional Single-Family Planning Area. Therefore, the proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan and **denial of the proposed amendment is reasonable and in the public interest.**