

**LINCOLNTON PLANNING BOARD
AGENDA
January 21, 2020
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the December 17, 2019 meeting
4. Election of Officers
5. CUP-1-2020 – Application from Brian and Marie Kenyon requesting conditional use permit approval to operate a Brewery, Distillery, Taproom and live event space in the Central Business (CB) District. The subject property is located at 124 East Water Street (Parcel ID 100157)
6. CU-ZMA-1-2020 – Application from Dama and Kevin Chopelas requesting the rezoning of 1.04 acres of land from Residential-8 (R-8) to Conditional Use General Business (CU-GB) to construct a shop and operate a sign/design business. The subject property is located at 1361 South Aspen Street (Parcel ID 22141).
7. CU-ZMA-2-2020 – Application from Ronald Barger requesting the rezoning of 1.9 acres of land from Neighborhood Business (NB) to Conditional Use General Business (CU-GB) to construct and operate an Automobile Repair Shop. The subject property is located at 1169 W. NC Highway 150 (Parcel ID 15675).
8. 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; Jamel Farley, afarley2351@gmail.com; Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, ravernethy21@bellsouth.net; Greg McBryde, Gregory.McBryde@gmail.com

Tuesday, December 17, 2019 Meeting

Present: Änd Lynn, Worth Roberts, Gene Poinsette, Becky Burke, Jerry Hoffman, Jamel Farley, 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 November 17, 2019 meeting.

Motion: Greg McBryde made a motion to approve the minutes. Jerry Hoffman seconded. Motion carried unanimously.

CUP-5-19- Application from Townhomes at Lincoln Country Club, LLC requesting a conditional use permit to increase the approved number of townhomes from 33 units to 40 units on the 5.25 acre parcel located in the CU-RMF District. The subject property is located on Lincoln Country Club property approximately 650 feet north of Country Club Road approximately 450 feet east of Lithia Inn Road north of the driving Range Facility (Parcel ID 86678)

Laura Elam addressed the board noting the following:

SITE AND AREA DESCRIPTION

The Townhomes at Lincoln Country Club LLC is requesting amendment of the previously approved conditional use permit for a 5.25 acre site located on the Lincoln Country Club property approximately 650 north of Country Club Road and approximately 450 feet east of Lithia Inn Road north of the driving range.

The site is zoned RMF-CU (Conditional Use Residential Multi Family) and a conditional use rezoning was approved in 2006 to allow 33 condominiums. Surrounding properties are zoned R-15.

The site is vacant. Surrounding properties are devoted to a driving range, golf course, single family residential and a condominium complex.

BACKGROUND AND APPROVED SITE PLAN

A conditional use rezoning was approved in 2006 to allow a 33-unit condominium complex at a density of approximately 6.27 units per acre. Access is provided from a private street connection to Country Club Road. A planted buffer is provided along the northern and southern property lines. Existing screening is to remain along the eastern and western lot lines.

PROPOSED SITE PLAN

The applicant proposes an increase in the number of units from 33 to 39, a density of 7.4 units per acre.

WATER SUPPLY WATERSHED

The site is located in the Water Supply Watershed Protected Area so compliance with water supply watershed standards is required.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee had the following comments:

- A secondary means of vehicular access to the site will need to be provided if the units are not sprinklered.
- On street parking not permitted unless a dedicated fire lane is provided.
- Fire apparatus access shall meet Appendix D of the National Fire Code (road width, cul-de-sac radius and turning radius).
- Water supply requirements shall be met (number of fire hydrants and water main size). Two fire hydrants to be installed in locations to be determined by Fire Marshall.
- A 20 foot buffer screen is required between multi family development and single family residential zoning. The site plan indicates that the required buffer screen will be provided off-site on a grading/landscaping easement. The ordinance requires the screening to be provided along the side and/or rear property lines of the lot.
- The approved 2006 site plan noted preservation of existing screening along the eastern and western lot lines. Those trees have now been removed. The proposed new screening treatment should establish an effective visual buffer along the eastern and western project edges.
- The landscaped buffer along the project edges is to be located within common open space maintained by the Homeowners Association. A plan should be submitted addressing responsibility for ongoing and routine maintenance of vegetation within the landscaped buffer. Homeowners Association documents to contain a provision requiring maintenance of landscaped buffer and notification of home buyers that landscaped buffer is not in their lot and is not to be disturbed.
- Twenty five foot rear yard and 12 foot side yard setbacks required.
- Built upon area calculations required.
- All utilities must be coordinated with and are subject to the review and approval of the Public Works Department. Individual water meters required.
- The City will not provide solid waste services or street maintenance.
- Driveway permit required by NCDOT.
- HOA is responsible for maintenance of private street.

- All stormwater on the site must be managed so as not to impact adjoining properties. Stormwater management plan required. Provide stormwater calculations addressing increase in impervious cover. Any stormwater management facilities such as piping, ditches, etc to be placed in common open space areas. Stormwater plan is to address responsibility for ongoing and routine maintenance of stormwater management facilities.
- Location and screening treatment of any dumpster or outdoor garbage bin storage areas should be noted.
- Provide parking calculations.
- Subdivision approval required.
- Due to the extent of site plan issues to be resolved, a detailed site plan is required to be submitted to and approved by the City prior to issuance of a zoning permit or building permit.
- Detailed building plans must be approved by Lincoln County Building and Inspections.

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 does not comply with ordinance specifications regarding required screening.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires four findings be determined by City Council prior to issuance of the conditional use permit. 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.

ADDITIONAL REVIEW CRITERIA

Section 153.238 of the Unified Development Ordinance notes the following additional review criteria to be addressed by City Council:

1. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non- collector/non-thoroughfare streets).

COMPLIANCE WITH SECTIONS 153.237 AND 153.238

1. The applicant will need to provide evidence that the use will not endanger the public health or safety.
2. The site plan does not comply with ordinance specifications regarding required screening.

3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The applicant will need to provide evidence that the use will be in harmony with the area.
5. Compliance is met since traffic would be channeled to Country Club Road which is a minor thoroughfare.

STAFF RECOMMENDATION

Staff cannot make a positive recommendation due to the extent of outstanding site plan issues related to screening and fire safety.

After lengthy discussion, Chairman Änd Lynn asked if there was a motion. The motion is as follows:

Motion: Jerry Hoffman made a motion to recommend approving the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the Staff Review Committee comments. Gene Poinsette 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: Jamel Farley made a motion to adjourn. Gene Poinsette seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Planning Board Members

FROM: City of Lincoln Planning Department

SUBJECT: CUP -1- 2020 - Conditional Use Permit Application from Brian and Marie Kenyon to operate a brewery, taproom, distillery and live event space in the Central Business (CB) district

DATE: January 21, 2020

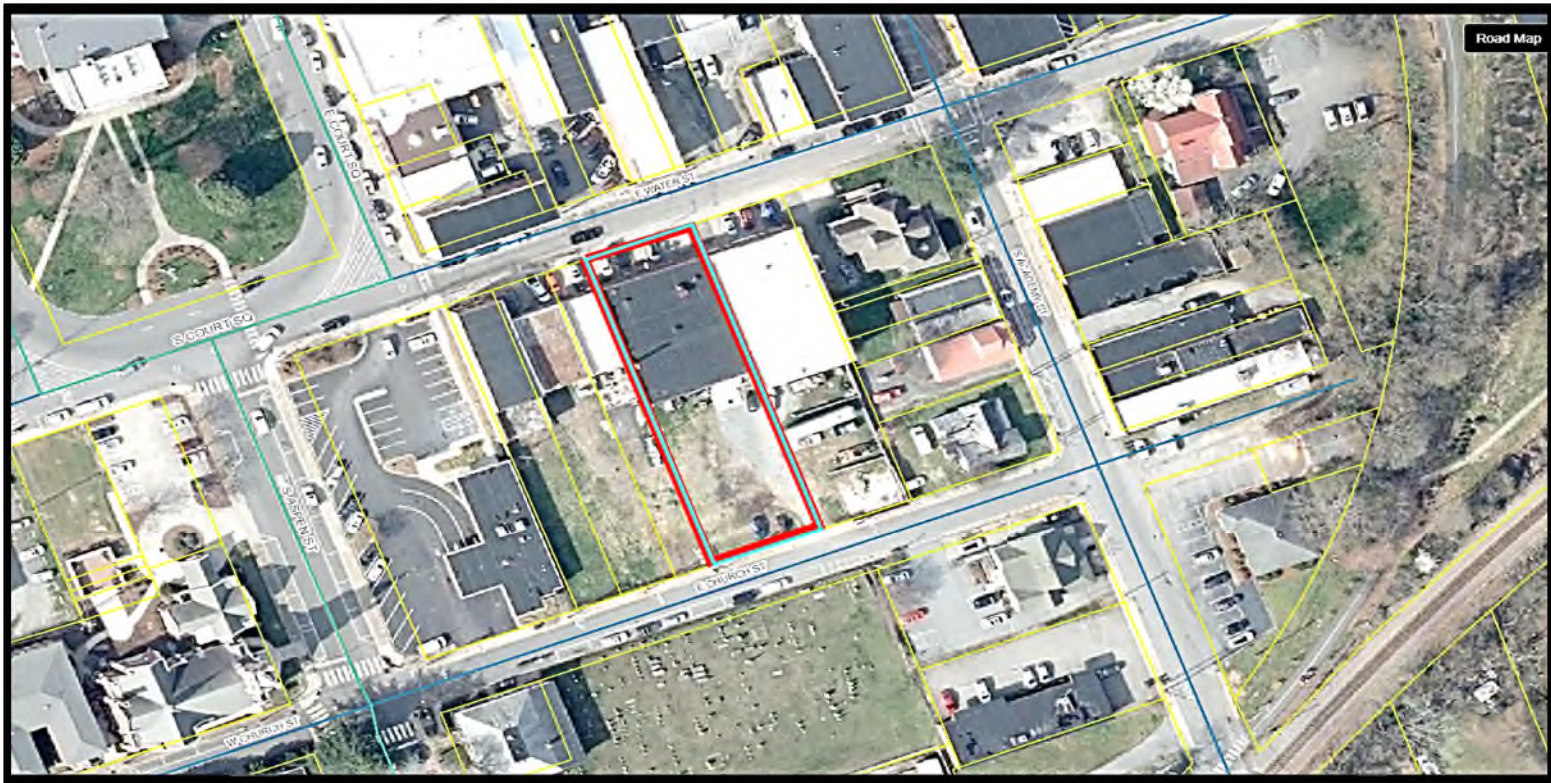
SITE AND AREA DESCRIPTION

Brian and Marie Kenyon are requesting a conditional use permit to operate a brewery, taproom, distillery and live event space at 124 East Water Street (Parcel ID 100157).

The subject property and all surrounding properties are primarily zoned Central Business (CB). Several properties located at the intersection of S. Academy Street and E. Church Street are zoned Residential –Office (R-O).



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



BACKGROUND

In 2018, a conditional use permit was approved to allow a taproom at 118 East Water Street and the applicant opened Untapped Territory in that location.

PROPOSED USE

The current proposal would allow an expansion of Untapped Territory as well as a brewery, distillery and live event space in the adjoining space at 124 East Water Street.

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 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.
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 Lincolnton 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. Coordinate utility connections with City of Lincolnton Public Works.

2. Plans must be reviewed and approved by the City Fire Marshall. Building may be required to be sprinklered for the proposed use.
3. Building plans must be approved by Lincoln County Inspections.

STAFF RECOMMENDATION

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

MEMO TO: Lincolnton Planning Board

FROM: City of Lincolnton Planning Department

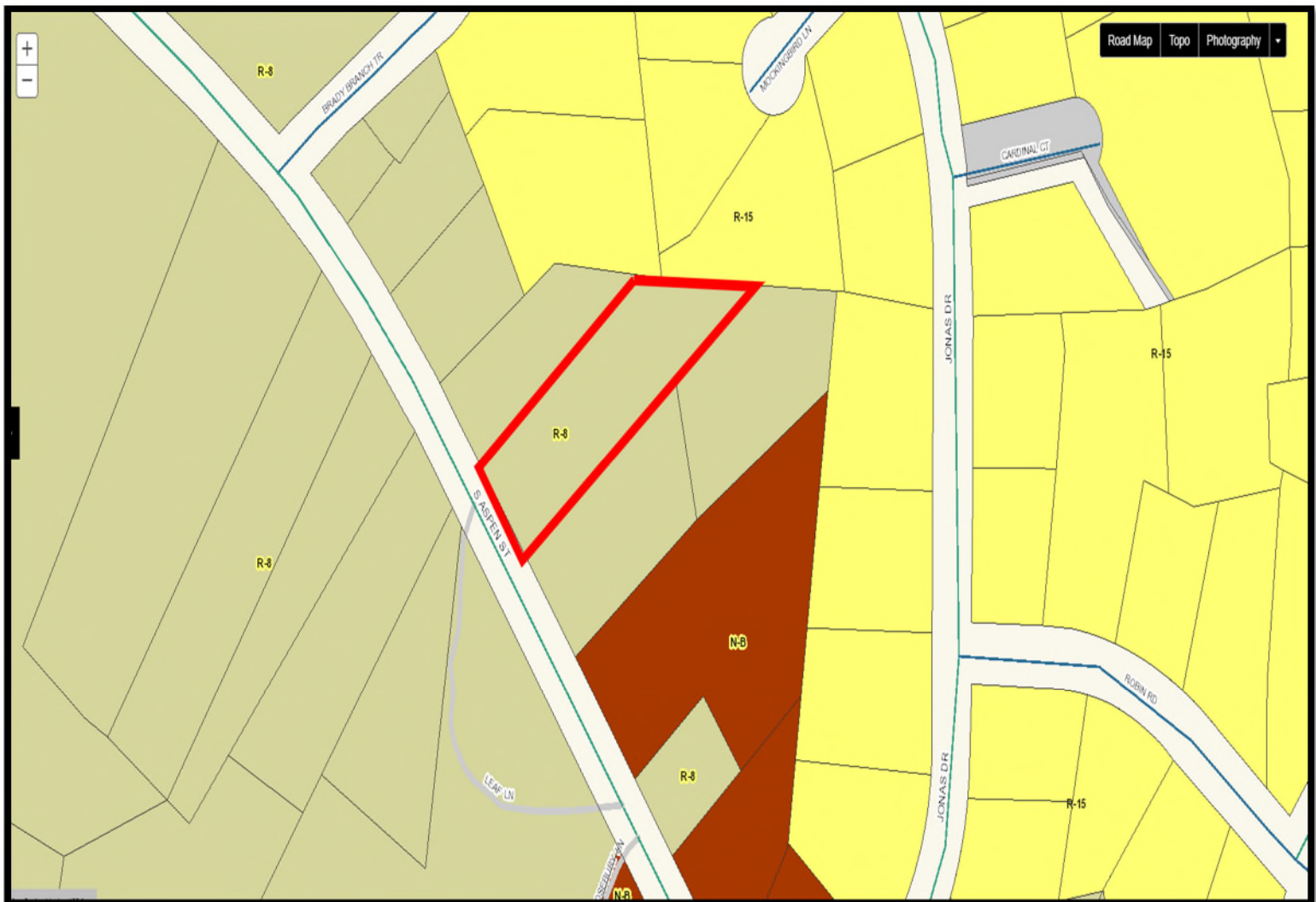
SUBJECT: CU-ZMA-1-2020 Application from Dama and Kevin Chopelas requesting the rezoning of 1.13 acres from Single and Two-Family Medium Density Residential (R-8) to Conditional Use General Business (CU-GB)

DATE: January 17, 2020

SITE AND AREA DESCRIPTION

The subject property is a 1.13 acre site located at 1361 South Aspen Street on the east side of South Aspen Street between Brady Branch Trail and Jonas Drive. (Parcel ID 22141).

The subject property and adjoining properties located along South Aspen Street are zoned R-8. Properties to the north are zoned R-15. Properties located to the south at the intersection of South Aspen Street and Jonas Drive are zoned Neighborhood Business (N-B).



The subject property is developed with a single family home. A duplex is located on the adjoining lot immediately to the south. A bed and breakfast inn and a single family home are located further to south. A convenience store and an office are located at the intersection of South Aspen Street and Jonas Drive. Otherwise, the area is predominantly devoted to single family homes.





BACKGROUND

The applicants operate a sign shop in Vale and recently relocated the business to a leased location in Lincolnton. However, the fire marshal could not approve the opening of the business in the new location due to fire code violations.

The applicants' understanding is that the owner of the leased location does not plan to resolve the outstanding code violations and as a result, they moved the business back to the former location in Vale.

Because the applicants are still interested in relocating to Lincolnton, they then decided to pursue relocation of the sign business to the site of their recently purchased home on South Aspen Street. They would like to construct a new detached building for the sign shop in the area of the lot where the existing garage is located.

Staff and the applicants discussed the feasibility of conducting the sign business as a home occupation but the applicants wish to operate the sign shop in a building where zoning regulations do not allow use of an accessory building for a home occupation.

Rezoning to a commercial zoning district is required to allow the business to be located in a building separate from the home.

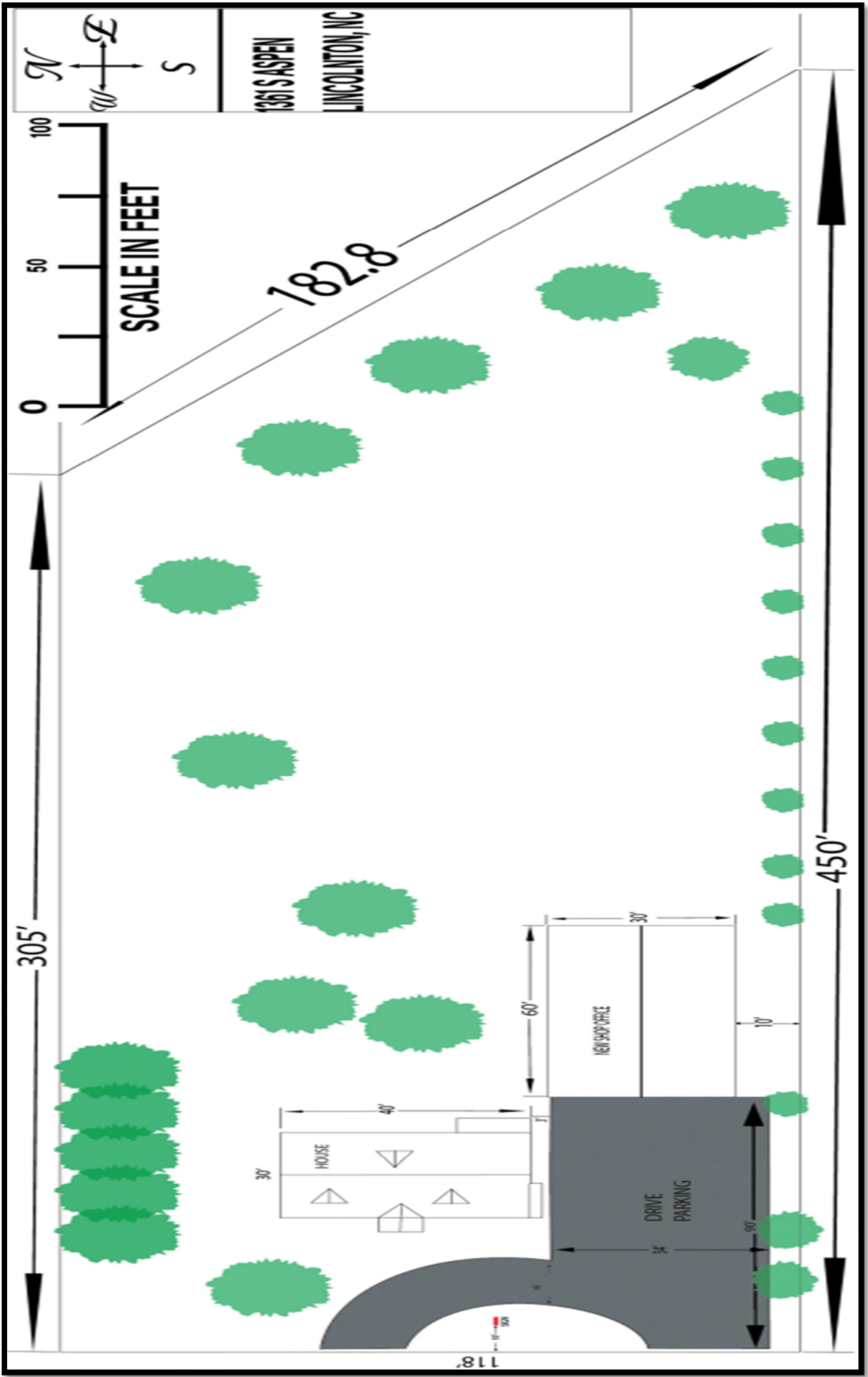
NOTE: Rezoning of the home to a commercial district will make it a legal, non-conforming use.

PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to allow construction of an approximately 1,800 square foot sign shop in the area where the existing garage is now. The existing garage would be removed.

The shop would be accessed through the existing driveway to South Aspen Street and parking for the shop would be provided in the existing parking area. Gravel parking is permitted provided the required use does not require more than 15 parking spaces.

The proposed site plan is below:



VISUAL OF PROPOSED SIGN SHOP

The applicant provided the below picture of a building similar to the one they propose to install for use as a sign shop:



DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard zoning in which all the uses permitted in the district are potentially allowed on the rezoned site, a conditional use rezoning limits the potential use of the property. In this case, the applicant proposes to limit the use of the property to the existing single family home and a new 1,800 square foot sign shop.

COMPLIANCE WITH WATER SUPPLY WATERSHED

The site is located in the water supply watershed protected area. Compliance with the water supply watershed standards is required if more than an acre is disturbed.

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 the requirements of this section with the following exceptions:

- Twenty foot side yard setbacks are required,
- Twenty foot screening buffer required adjoining residential zoning, and
- Total impervious cover needs to be provided and any applicable watershed requirements must be met.

LAND USE PLAN

The Lincolnnton Land Use Plan designates properties located along this portion of South Aspen Street as a Traditional Single Family area and the intersection of South Aspen Street and Jonas Drive as a Neighborhood Business area.

The Plan notes that Traditional Single Family areas consist of single family uses on smaller to medium sized lots in older established portions of the community that should be protected from encroachment of incompatible business and industrial development. This request proposes rezoning from single family residential to conditional General Business. Therefore, the requested rezoning is not consistent with the Land Use Plan.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

- (1) Due to this location being a predominantly single family residential area, staff recommends that, if approved, the proposed business operate as much as possible in keeping with the zoning regulations for home occupations.
- (2) The proposed sign shop building should be residential in character with the style, colors and materials to be compatible with that of the house on the same lot or generally with homes in the area. If a metal building is to be installed for use as the proposed sign shop, it should be located to rear of the house to limit visibility from the street.

- (3) Only residents of the home on the same lot plus a maximum of one non-resident to be employed at the site.
- (4) No external alterations to be made to the home on the same lot that are inconsistent with its residential character.
- (5) Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) are permitted in connection with the business.
- (6) Business hours to be limited to between the hours of 8:00 a.m. and 5:30 p.m.
- (7) One non-illuminated professional name plate, occupational sign or business identification sign mounted flush to the sign shop and not more than two square feet in area is allowed. Any freestanding sign is limited to two square feet in area and five feet in height.
- (8) All activities, equipment and materials to be contained within the building. No outdoor storage permitted.
- (9) No display of products associated with the business may be visible from any adjoining lot or street.
- (10) The larger garage door is not to face South Aspen Street. Both garage doors are to remain closed except when equipment or materials are being moved in or out of the building.
- (11) Storm water management plan to be submitted and new construction to be designed in such a way that storm water will not impact adjacent property owners.
- (12) If the parking area is expanded, paved or relocated, the new parking area should be designed in such a way that storm water will not impact adjacent property owners.
- (13) Any newly added parking area should be located to the side or rear of the home and not in front of the home between South Aspen Street and the home
- (14) No parking associated with the sign shop is to be located in front of the home between South Aspen Street and the home.
- (15) Parking lot landscaping is required.

- (16) Twenty foot screening buffer required along property lines abutting residential zoning. Existing trees and other landscaping located within the 20 foot buffer are to be preserved.
- (17) Existing trees on the site are to be preserved to the extent feasible.
- (18) Twenty foot building setback required along side yards abutting residential zoning and 30 foot building setback required along rear yard abutting residential zoning.
- (19) Any outdoor lighting on the site should be directed downward and not cast glare onto neighboring properties.
- (20) An erosion control plan is required if land disturbance is 20,000 square feet or greater. A single lot disturbance permit is required if all land disturbance is less than 20,000 square feet. Approval will be needed prior to any disturbance taking place including cutting tree canopy.
- (21) Total amount of impervious cover needs to be provided per water supply watershed standards. Any applicable watershed requirements must be met per the ordinance.
- (22) Five foot sidewalk and six foot planting strip required along the site's frontage on South Aspen Street.
- (23) Street landscaping is required along the site's frontage on South Aspen Street.
- (24) A detailed site plan is required to be submitted to and approved by the City prior to issuance of a zoning permit or building permit.
- (25) A driveway permit is required from NCDOT. The driveway is required to be paved 25 feet back from the street.
- (26) A building permit is required from Lincoln County.

FINDINGS OF FACT

Section 153.237 of the UDO requires that four findings be determined by City Council 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 FINDINGS OF FACT

- (1) The applicant will need to provide evidence that the use will not endanger the public health or safety.
- (2) The proposed use meets required conditions and specifications with the exception of the items noted above.
- (3) The applicant will need to provide evidence that the use will not negatively impact the value of adjoining or abutting properties.
- (4) The request is not consistent with the Land Use Plan. The applicant will need to provide sufficient evidence that the use, if approved, will be in harmony with the area.

STAFF RECOMMENDATION

Staff cannot make a positive recommendation unless the applicant can provide evidence showing how the findings of fact will be met.

If the applicant can show that all findings are satisfactorily met and if the request is recommended for approval, the following actions would need to be taken:

- (1) Recommend approval of rezoning of the property from R-8 to CU-GB.
- (2) Recommend approval of the conditional use permit provided all requirements for conditional uses are met and all Staff Review Committee comments are addressed, and
- (3) Recommend amendment of the Land Use Plan to designate the property in the General Business Planning Area.

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

Case No. ZMA-1-2020

Applicant: Dama and Kevin Chopelas

Parcel ID#: 22141

Location: 1361 South Aspen Street

Request: Rezone from R-8 to GB-CU

Proposed Consistency and Reasonableness Statement:

The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan in that the property is part of an area designated by the Plan as a Traditional Single Family Planning Area. However, the site is located on a heavily traveled thoroughfare in close proximity to commercial zoning and existing businesses. Because this is a rezoning to a conditional use district, the development and use of the property will be limited to the approved conditional use zoning plan. 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-1-2020

Applicant: Dama and Kevin Chopelas

Parcel ID#: 22141

Location: 1361 South Aspen Street

Request: Rezone from R-8 to GB-CU

Proposed Consistency and Reasonableness Statement:

The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan in that the property is part of an area designated by the Plan as a Traditional Single Family Planning Area. Therefore, **denial of the proposed amendment is reasonable and in the public interest** in that the site is located in an established neighborhood that should be protected from encroachment of incompatible development.

MEMO TO: Planning Board Members

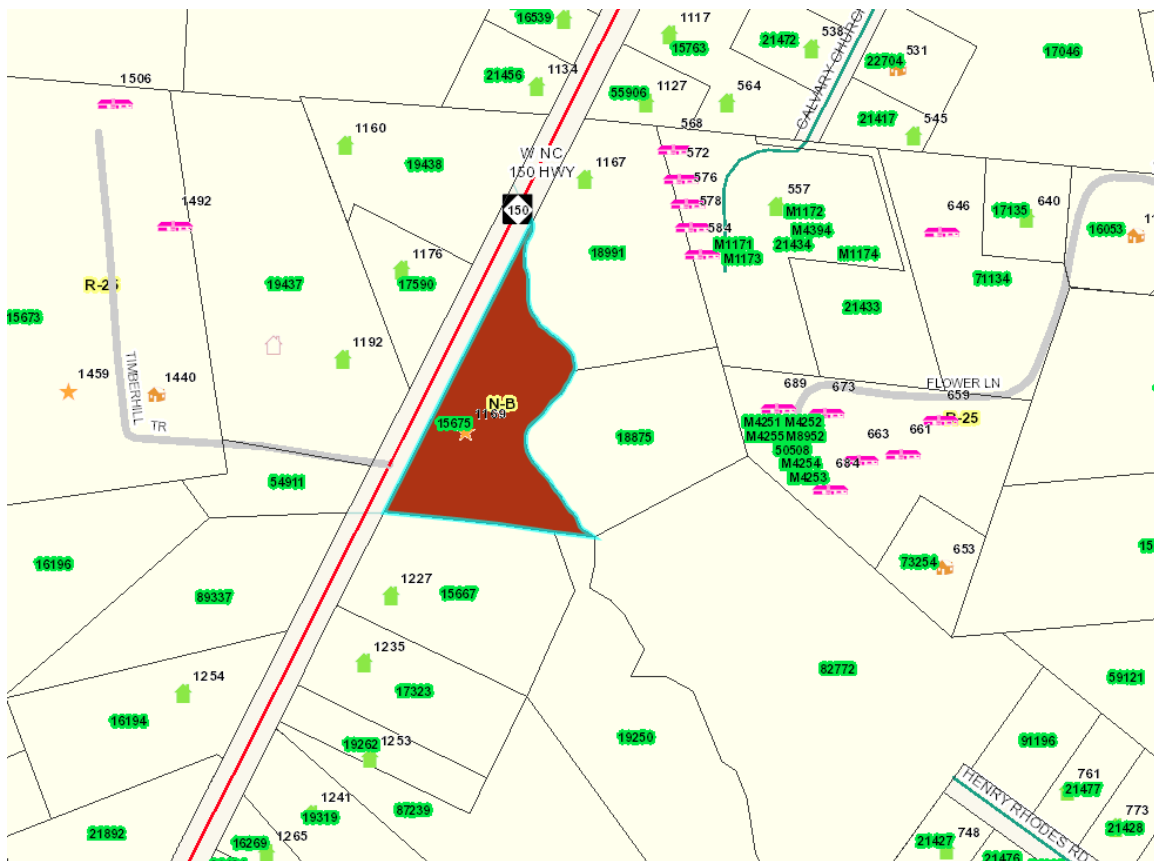
FROM: City of Lincolnton Planning Department

SUBJECT: CU-ZMA-2-2020- Application from Ronald Barger requesting conditional use rezoning from Neighborhood Business (NB) to Conditional Use General Business (CU-GB).

DATE: January 21, 2020

SITE AND AREA DESCRIPTION

The subject property is a 1.95 acre site located at 1169 West Highway 150 (Parcel ID 15675). The property is currently developed with a 808 square foot office which will remain on site. Land uses in the area are mostly single family residential. The subject property is zoned NB. Otherwise, the remaining area around the site is predominantly zoned R-25 as shown on the map below.







PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to allow use of the site for an automobile repair shop. The current 808 square foot office would remain and the applicant would construct a new 1,380 square foot garage building with two bays on the north side of the property. Access would be provided by one driveway to West Highway 150. Fourteen parking spaces would be provided as required by the UDO. Gravel parking is permitted provided the required use does not require more than 15 parking spaces.



COURSE	BEARING	DISTANCE
L-1	S 06°31'18"E	161.44'
L-2	S 42°54'28"E	83.94'
L-3	S 10°32'20"W	59.22'
L-4	S 01°15'10"E	43.55'
L-5	S 24°15'10"W	72.41'
L-6	S 23°59'43"W	116.79'
L-7	S 43°35'50"E	26.83'
L-8	S 69°48'26"W	30.03'
L-9	S 31°20'33"W	15.79'
L-10	S 75°40'32"W	41.11'
L-11	S 04°35'41"E	16.94'
L-12	S 88°55'13"W	14.91'
L-13	S 36°31'15"W	20.19'
L-14	N 77°30'12"W	33.56'
L-15	S 72°40'57"W	34.75'
L-16	N 25°49'23"W	33.51'
L-17	N 85°11'19"W	99.99'

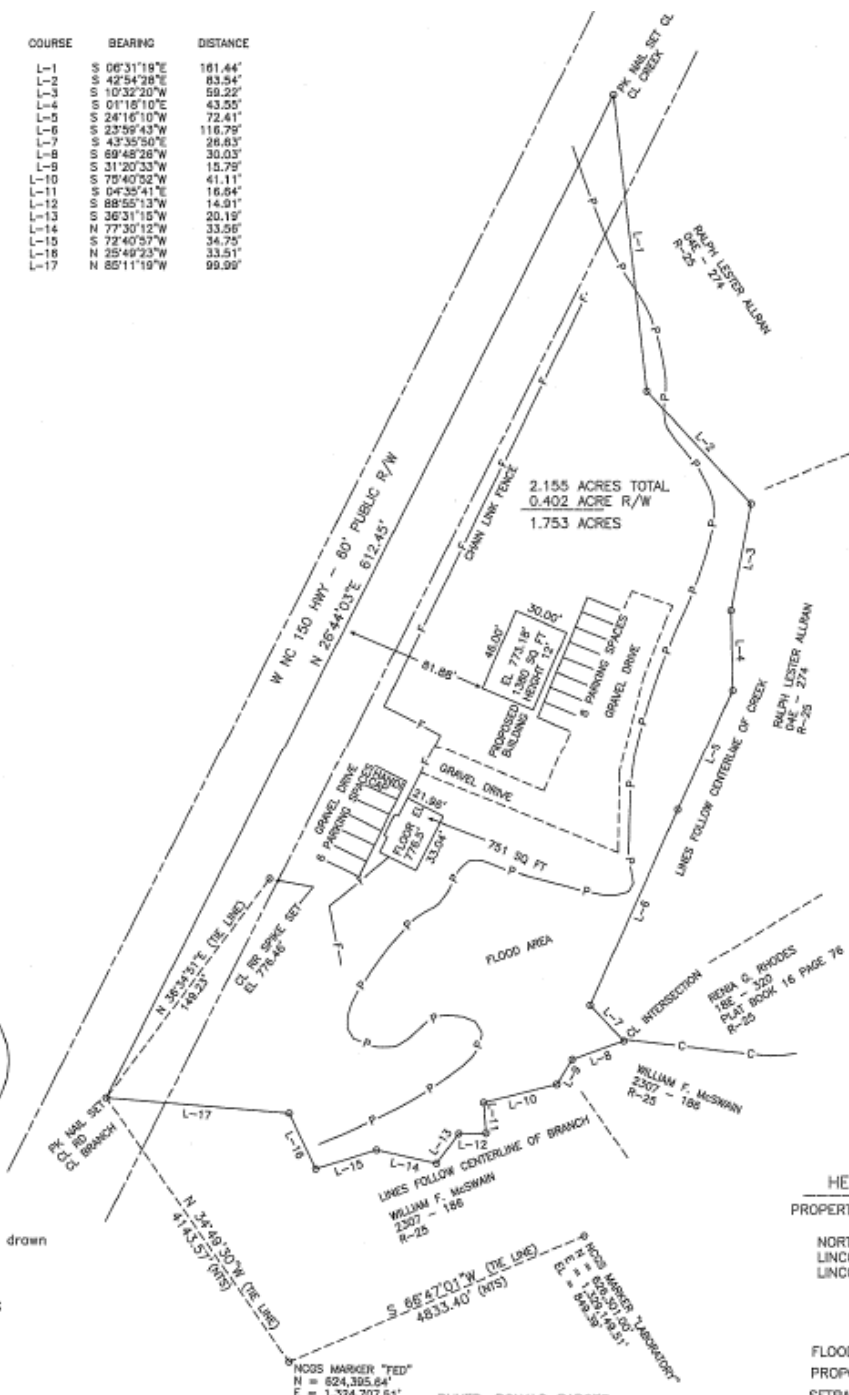
NC GRID

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SITE PLAN OF

HEIRS OF WALTER M. NALE AND DONNA K. KERR

PROPERTY ADDRESS: 1169 W NC 150 HWY, LINCOLNTON, N. C. 28092

NORTH CAROLINA
LINCOLN COUNTY
LINCOLNTON TOWNSHIP

SCALE: ONE INCH = 50 FEET
REFERENCE DEED: WILL BOOK 19E PAGE 103
PARCEL NO. 15675

FLOOD ELEVATION 768.0', TAKEN FROM FEMA FLOOD MAP X - 3710362200
PROPOSED ZONING: CUGB
SETBACKS: 30' FROM ROAD R/W
30' REAR
20' SIDE

LANDSCAPING AND SCREENING PER UNIFIED DEVELOPMENT ORDINANCE

14 PARKING SPACES

PLAT PREPARED FROM SURVEY ON 12-18-2019

BR 4047

BUYER: RONALD BARGER
704-678-4424
309 W HWY 150 BYPASS
LINCOLNTON, N. C. 28092

NOGS MARKER "FED"
N = 624,395.64'
E = 1,324,707.51'
EL = 784.86'

NOGS MARKER "LABORATORY"
N = 624,395.64'
E = 1,324,707.51'
EL = 784.86'

DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard zoning in which all the uses permitted in the district are potentially allowed on the rezoned site, a conditional use rezoning limits the potential use of the property. In this case, the applicant wishes to limit the use of the property to an automobile repair shop.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan meets the requirements of this section with the following exception:

- Street and Parking Lot Landscaping required along Highway 150
- Screening required adjoining residential zoning (Current trees on property can count toward this requirement.)
- Plan needs to show amount of impervious surface on the site per the Water Supply watershed standards. Any applicable watershed requirements must be met per the ordinance.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the Residential High Density Planning area. The current zoning nor the proposed zoning is consistent with the Land Use Plan.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

- (1) No outdoor storage of junked vehicles shall be permitted
- (2) Existing tree cover on the site should be preserved to the extent possible.
- (3) Screening required adjoining residential zoning.
- (4) Hours of operation to be limited to Monday through Friday from 8 am to 5:30 pm.

- (5) Garage doors shall face to the rear with no garage doors to face Highway 150.
- (6) No vehicles shall be stored in front of the building between Highway 150 and the building.
- (7) No grading or any activity shall be done in the flood area. A 30 foot buffer should be maintained between the development and the creek.
- (8) Lincoln County Soil Erosion and Sedimentation will need a single lot disturbance permit if all land disturbance is less than 20k square feet. Will need an approved erosion control plan if land disturbance is 20k or greater. Either or will be needed PRIOR to any disturbance taking place including cutting tree canopy.
- (9) NCDOT driveway permit will be required. The first 25 feet of the driveway connecting to Highway 150 shall be paved leading into the property.
- (10) Building plans must be approved by Lincoln County prior to issuance of building permits.

FINDINGS OF FACT

Section 153.237 of the UDO requires that four findings be determined by City Council 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 FINDINGS OF FACT

- (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 with the exception of the items noted above.
- (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.

The use is not technically in compliance with the Lincolnton Land Use Plan. However, staff considers it to be consistent with the spirit and intent of the Plan in that the proposed use is relatively small in scale and should have a relatively small impact on the surrounding residential area (subject to the Staff Review Committee comments).

STAFF RECOMMENDATION

Staff recommends the following two actions:

- (1) If the applicant satisfactorily proves the findings of fact, recommend approval of rezoning of the property from NB to CU-GB
- (2) If the applicant satisfactorily proves the findings of fact, recommend approval of the Conditional Use Permit for an automobile repair shop subject to Ordinance requirements and the Staff Review Committee conditions.

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

Case No. CU-ZMA-2-2020

Applicant: Ronald Barger

Parcel ID#: 15675

Location: 1169 West NC Highway 150

Request: Rezone from NB to CU-GB to permit an automobile repair shop.

Proposed Consistency and Reasonableness Statement:

While the proposed rezoning request **is not technically consistent** with the Lincolnton Land Use Plan the request is consistent with the spirit and intent of the Land Use plan in that the proposed use is small in scale and generally limited to use of the existing structures. Therefore, **approval of the proposed amendment is reasonable and in the public interest** provided all the conditions outlined in the staff review committee comments are met.

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

Case No. CU-ZMA-2-2020

Applicant: Ronald Barger

Parcel ID#: 15675

Location: 1169 W. NC Highway 150

Request: Rezone from NB to CU-GB to permit an automobile repair shop

Proposed Consistency and Reasonableness Statement:

The proposed amendment **is not consistent** with the Lincolnton Land Use Plan in that the property is part of an area designated by the Lincolnton Land Use Plan as Residential High Density. Denial of the proposed amendment **is reasonable and in the public interest** in that the area is primarily residential in character and should be protected from encroachment of incompatible commercial development.