

LINCOLNTON PLANNING BOARD
AGENDA
June 16, 2020
At 4:00 P.M. in City Council Chambers

1. Roll Call
2. Call to Order
3. Approval of minutes from the February 18, 2020 meeting
4. 4:05: ZMA-1-2020-Application from Luis Cordero requesting the rezoning of 0.31 acres of land from the Residential-25 (R-25) District to the Residential-8 (R-8) District. The Subject property is located at 2199 Story Street (Parcel ID 27285).
5. 4:10: ZMA-2-2020- Application from Carpenter Property Group requesting the rezoning of 0.952 acres of land from the Residential-Office (R-O) District to the Central Business (CB) District. The subject property is located at 217 East Pine Street (Parcel ID 20428).
6. 4:15: ZMA-3-2020-Application from Herbilene Shehan requesting the rezoning of 1.092 acres of land from the Office Institutional (O-I) District to the Residential-25 (R-25) District. The subject property is located at 450 Buffalo Shoals Road (Parcel ID 71908).
7. 4:20: CUP-2-2020- Application from Lincoln County requesting a conditional use permit to construct a new parking Lot in the Residential-10 (R-10) Zoning District. The subject property is located on the south side of West Main Street approximately 100 feet west of the intersection of West Main Street and South Government Street (Parcel ID 01203)
8. 4:30: CUP-3-2020-Application from Clayton Engineering requesting a conditional use permit to construct mini warehouse and storage units in the NB District. The subject property is located on the north side of East NC 27 Highway approximately 1000 feet east of the intersection of East Main Street and East NC 27 Highway (Parcel ID 87879,23626,26773,24900)
9. 4:40: ZTA-3-2020- Application from the City of Lincolnton requesting an amendment to Section 153.136 (g) of the Unified Development Ordinance in regards to the replacement of nonconforming manufactured homes not located in a manufactured home park.
10. 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; Jamel Farley, Vice-Chair afarley2351@gmail.com; Worth Roberts, worth.roberts@charter.net; Gene Poinsette, poinsetteg@charter.net; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net; Greg McBryde, Gregory.McBryde@gmail.com; Stephen Silva, soundcity1@ymail.com

Tuesday, February 18, 2020 Meeting

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

Absent: n/a

Call to Order

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

Approval of Minutes

Chair Änd Lynn asked the Board if there were any additions or corrections to the minutes of the January 21, 2020 meeting.

Motion: Gene Poinsette made a motion to approve the minutes. Worth Roberts seconded. Motion carried unanimously.

ZTA-1-2020- Application from the Lincoln County Coalition Against Domestic Violence requesting a zoning text amendment to Section 153.031 of the Unified Development Ordinance in regards to the definition of Domestic Violence Shelters and to Section 153.117 (GMC District) to add Domestic Violence Shelter as a permitted use.

Jean Derby addressed the board noting the following:

Background

The UDO allows domestic violence shelters for up to 15 people in the R-8 (Single and Two-Family Medium Density Residential) district.

Domestic violence shelters are not permitted in other zoning districts.

Proposed Amendment

The Lincoln County Coalition Against Domestic Violence is requesting amendment of the UDO to add domestic violence shelters for up to 35 people as a permitted use in the GMC (General Manufacturing and Commercial) district.

Staff Recommendation

Staff recommends approval of the amendment.

After some discussion, Chair Ånd Lynn asked if there was a motion. The motion is as follows:

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

ZTA-2-2020- Application from Travis Dellinger/Visual Inception requesting a zoning text amendment to Section 153.113 (Central Business District) of the Unified Development Ordinance, to add the use “Sign Printing and Manufacturing” as a permitted use

Jean Derby addressed the board noting the following:

Background

The UDO allows sign shops as a permitted use in the General Business (GB) and the General Manufacturing and Commercial (GMC) districts.

Sign manufacturing is not permitted in the Central Business district.

Proposed Amendment

Visual Inception is requesting amendment of the UDO to add sign painting and manufacturing in the C-B district as a permitted use.

Staff Recommendation

Staff recommends approval of the amendment with the following stipulations:

- Sign shops in the C-B district will not be permitted in the downtown fire district (see attached map) and
- Sign shops in the C-B district will not be permitted to have any outdoor storage or activities.

After some discussion, Chair Ånd Lynn asked if there was a motion. The motion is as follows:

Motion: Greg McBryde made a motion to table this case until the next meeting. Rebecca Abernethy seconded. Motion carried unanimously.

CU-ZMA-3-2020- Application from Jamie Policz requesting the conditional use rezoning of approximately 0.8 acres of land from General Manufacturing and Commercial (GMC) District to Conditional Use Residential Multi Family (CU-RMF) District for a proposed church expansion. The subject property is located at 1008 North Aspen Street (Parcel ID 01095).

Mark Carpenter addressed the board noting the following:

SITE AND AREA DESCRIPTION

The subject property is a 0.795-acre site located at 1008 North Aspen Street (Parcel ID 01095). The property is currently developed with a 2080 square foot church building. Land uses in the area are a variety of uses including multifamily residential, City Park, American Legion, and the National Guard Armory. The subject property is zoned GMC. Adjacent land uses are zoned RMF and GMC.

PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to allow for the expansion of the church to the rear of the property by approximately 1,500 square feet. The rezoning to RMF from GMC would allow for a reduced rear setback of 25 feet instead of 50 feet as required in the GMC District. The current church building would remain the same. Access would be provided by one driveway to North Aspen Street (Access will have to be approved by NCDOT). Gravel parking is permitted provided the church does not hold services more than four days per week.

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 a church.

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:

1. 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.
2. Number of seating capacity for church needs to be provided.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the General Business Planning area. Staff feels that the proposed zoning is consistent with the Land Use Plan. The General Business Planning area would allow for a Church.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

- (1) Building plans must be approved by Lincoln County prior to issuance of building permits.
- (2) Fire Code requirements must be reviewed and approved by the Fire Inspector.
- (3) 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.
- (4) A driveway permit is required from NCDOT. Changes to the driveway will need to be done so that traffic can be channeled in and out of the site.
- (5) Street Landscaping will be required along North Aspen Street.
- (6) Sidewalk will be required along North Aspen Street. This will need to be designed based on the requirement of the NCDOT Driveway Permit.

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 Lincolnton 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 use should not have any negative impacts on the value of adjoining or abutting properties.
4. The use is in compliance with the Lincolnton Land Use Plan.

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 GMC to CU-RMF.
- (2) If the applicant satisfactorily proves the findings of fact, recommend approval of the Conditional Use Permit for an expansion of the Church subject to Ordinance requirements and the Staff Review Committee conditions.

After some discussion, Chair Ånd Lynn asked if there was a motion. The motion is as follows:

*Motion: Gene Poinsette made a motion to approve. Jamel Farley seconded.
Motion carried unanimously.*

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

Adjournment

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

Jean Derby

PB022020 minutes

MEMO TO: Lincolnnton Planning Board

FROM: City of Lincolnnton Planning Department

SUBJECT: ZMA-1-2020 – Application from Luis Cordero requesting the rezoning of 0.31 acres from R-25 to R-8

DATE: June 16, 2020

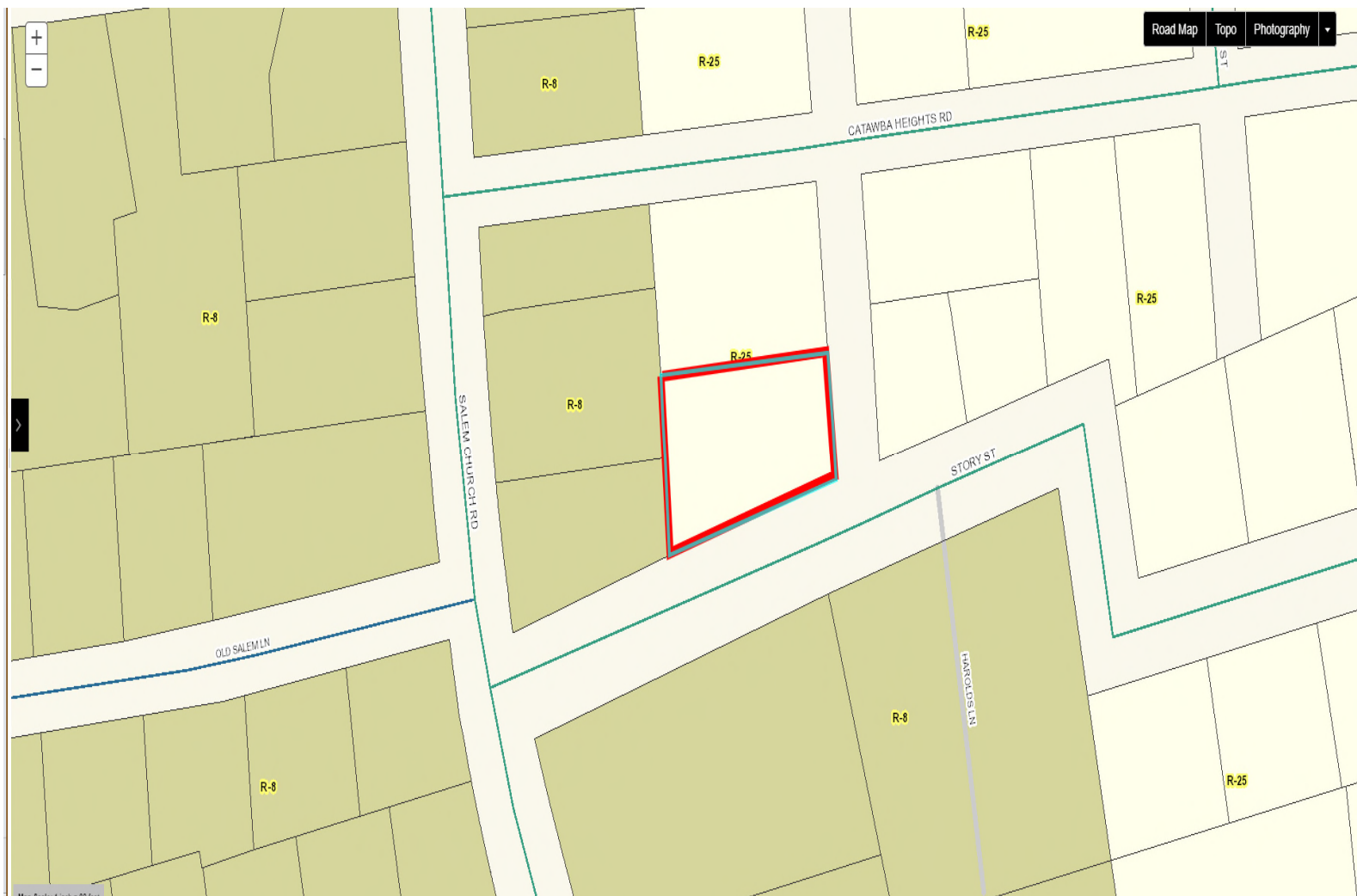
SITE AND AREA DESCRIPTION

The applicant is requesting a rezoning of a parcel totaling approximately 0.31 acres from the Residential-25 (R-25) district to the Residential-8 (R-8) district. The subject property is located at 2199 Story Street. The property is located just outside the City Limits. The abutting property fronting Salem Church Road and the property located across Story Street from the site are in the city limits.

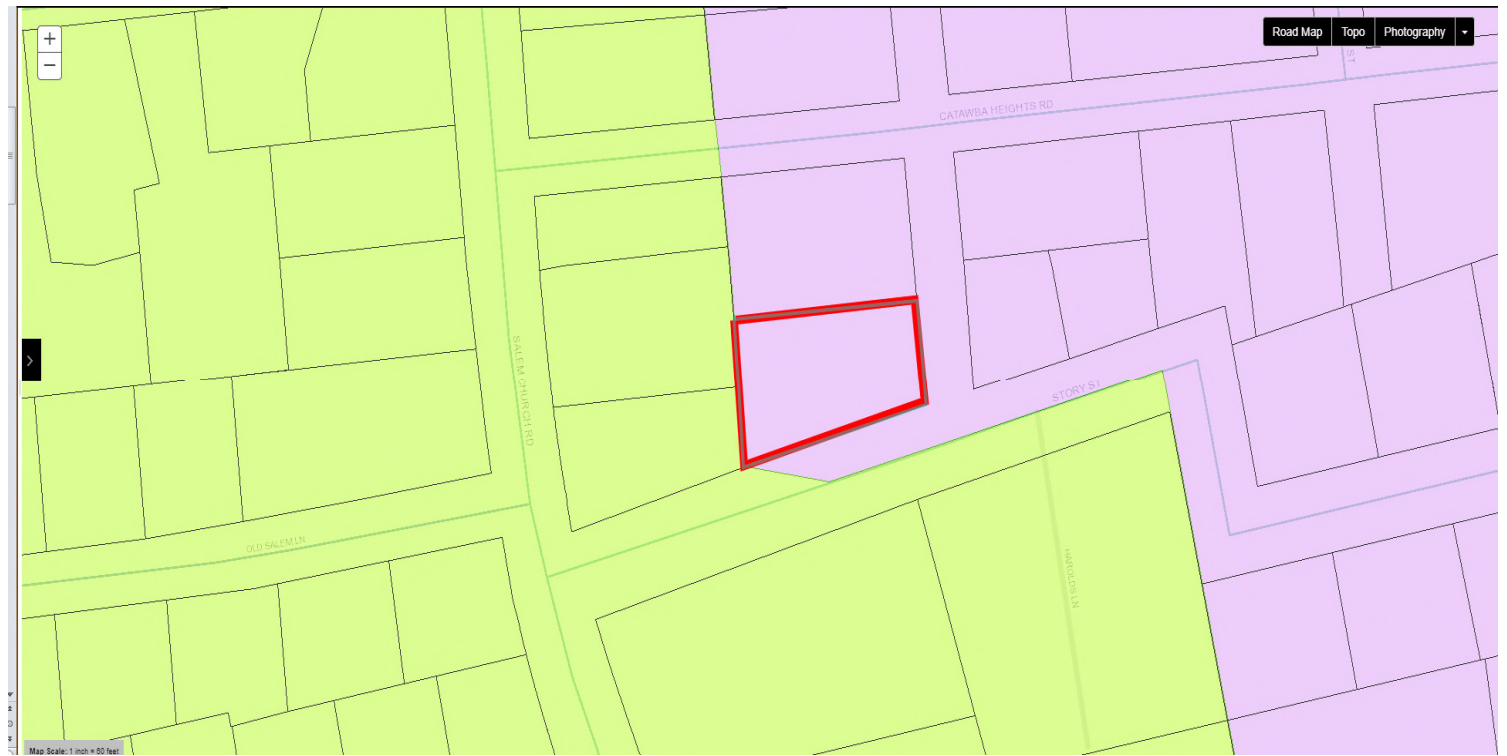
Adjoining properties are zoned a mixture of R-8 (city limits) and R-25 (ETJ).

The subject property has one single family dwelling on the site. Land uses in the area include single-family and multi-family homes.

CURRENT ZONING MAP



CITY/ETJ BOUNDARY MAP



CURRENT AERIAL VIEW





REQUEST

The applicant would like to subdivide the land. The minimum lot size requirement in the R-25 district is 20,000 square feet. This parcel is 13,500 square feet. By rezoning the property to the R-8 district and connecting to City water and sewer, the minimum lot size for a single family home is reduced to 6,000 square feet. Water and sewer are available in the area.

LAND USE PLAN

The land use plan shows the property in the Residential Suburban Planning Area. Neighboring properties are in the Traditional Single Family and Residential Suburban Planning Areas.

COMPLIANCE WITH LAND USE PLAN

The Land Use Plan designates the subject property as Residential Suburban Planning area. These Planning Areas are primarily single family residential in character. Therefore, the proposed rezoning request is consistent with the Land Use Plan.

STAFF RECOMMENDATION

Staff recommends the following action:

- Recommend approval of rezoning of the property from R-25 to R-8

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

Case No. ZMA-1-2020

Applicant: Luis Cordero

Parcel ID#: 27285

Location: 2199 Story Street

Request: Rezone from R-25 to R-8

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Residential Suburban Planning Area. The proposed rezoning request **is consistent** with the Lincolnton Land Use 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: Luis Cordero

Parcel ID#: 27285

Location: 2199 Story Street

Request: Rezone from R-25 to R-8

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Residential Suburban 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.**

MEMO TO: Lincolnton Planning Board

FROM: City of Lincolnton Planning Department

SUBJECT: ZMA-2-2020 – Application from Carpenter Property Group requesting the rezoning of 0.952 acres from R-O to C-B

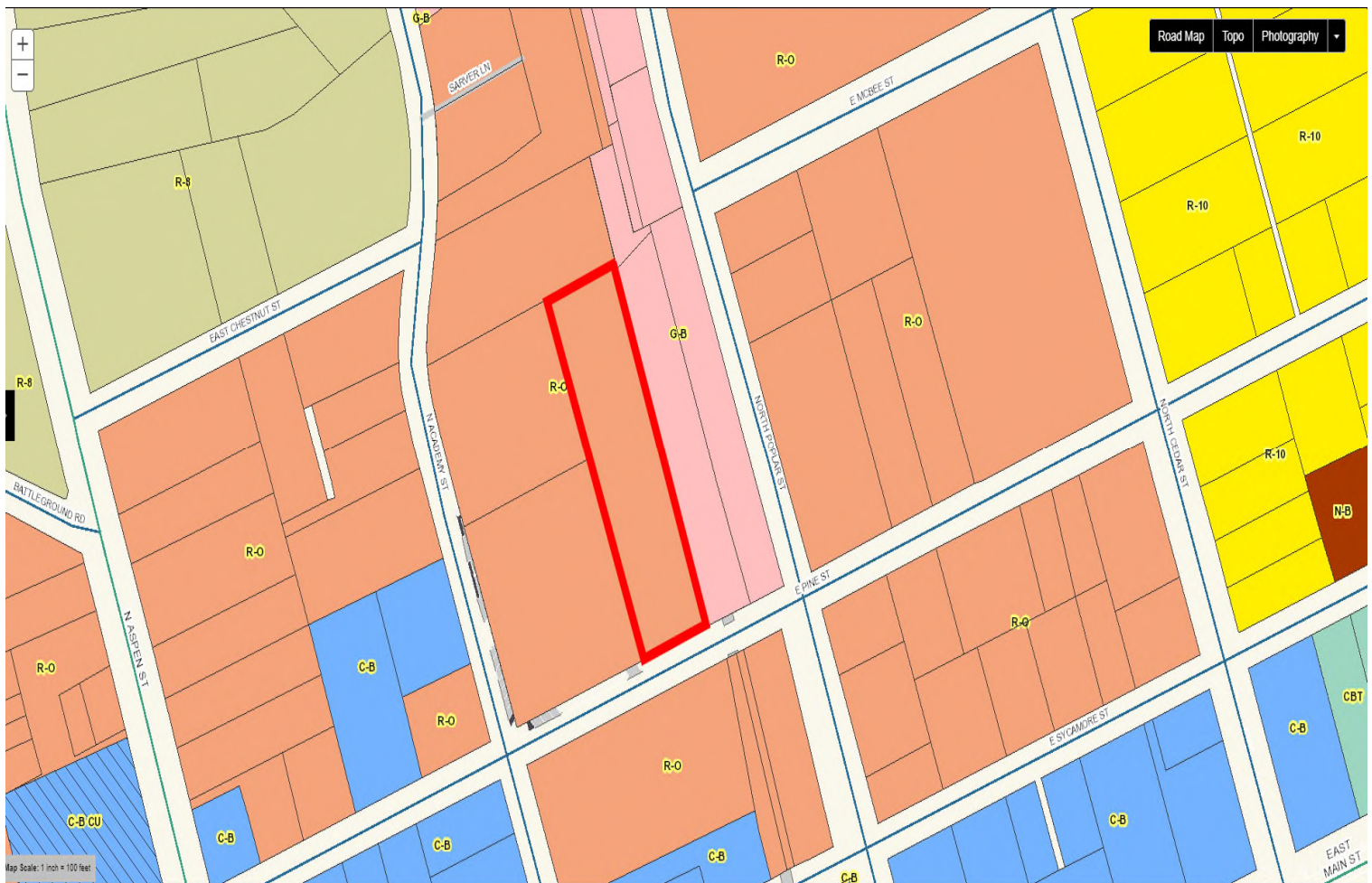
DATE: June 16, 2020

SITE AND AREA DESCRIPTION

The property requested for rezoning is a 0.952 acre site located at 217 East Pine Street (Parcel ID 20428). The property is developed with three (3) vacant dwelling units and several accessory structures. The applicant is requesting rezoning from Residential-Office (R-O) to the Central Business (C-B) district.

Zoning surrounding the site is a combination of R-O, GB, and CB. Land uses surrounding the site are the EF Drum Funeral Home and First Federal Park to the south, Vacant County Offices to the west, the Marcia H. Cloninger rail trail and Hoyles Hearth and Home to the east, and vacant land to the north.

CURRENT ZONING MAP



CURRENT AERIAL VIEW



CURRENT STREET VIEWS





REQUEST

The primary purpose of the rezoning request is to allow the property to be used for a larger number of permitted uses such as retail, service and professional uses. Any uses approved for the property would have to meet all the requirements for the Central Business District.

LAND USE PLAN

The Lincolnton Land Use Plan shows the property in the Mixed Use Residential/Commercial Planning Area which is described as “older portions of the City where true urban villages consisting of high density residential uses (both single and multi-family) and associated small-scale and pedestrian oriented office and retail uses may be located.” The Land Use Plan also promotes the adaptive reuse of vacant and under-utilized commercial buildings.

COMPLIANCE WITH LAND USE PLAN

The request is not strictly in compliance with the Land Use Plan’s mixed use designation. However, staff views the request as consistent with the spirit and intent of the Land Use Plan due to the sites proximity to CB zoning and to existing commercial and office uses.

STAFF RECOMMENDATION

Staff recommends the following two actions:

1. Recommend approval of rezoning of the property from R-0 to C-B.
2. Recommend an amendment of the Land Use Plan to extend the Central Business Planning Area to include the subject property.

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

Case No. ZMA-2-2020

Applicant: Carpenter Property Group

Parcel ID#: 20428

Location: 217 East Pine Street

Request: Rezone from R-O to C-B

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Mixed Use Residential/Commercial Planning Area. Therefore, the proposed rezoning request **is not strictly consistent** with the Land Use Plan. However, the sites proximity to the C-B zoning District and rezoning to C-B better supports the Land Use Plan's goal of adaptive reuse of under -utilized commercial buildings than the current zoning. 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-2-2020

Applicant: Carpenter Property Group

Parcel ID#: 20428

Location: 217 East Pine Street

Request: Rezone from R-O to C-B

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Mixed Use Residential/Commercial Planning Area. Therefore, the proposed rezoning request **is not entirely consistent** with the Lincolnnton Land Use Plan and **denial of the proposed amendment is reasonable and in the public interest.**

MEMO TO: Lincolnton Planning Board

FROM: City of Lincolnton Planning Department

SUBJECT: ZMA-3-2020 – Application from Herbilene Shehan requesting the rezoning of 1.09 acres from O-I to R-25

DATE: June 16, 2020

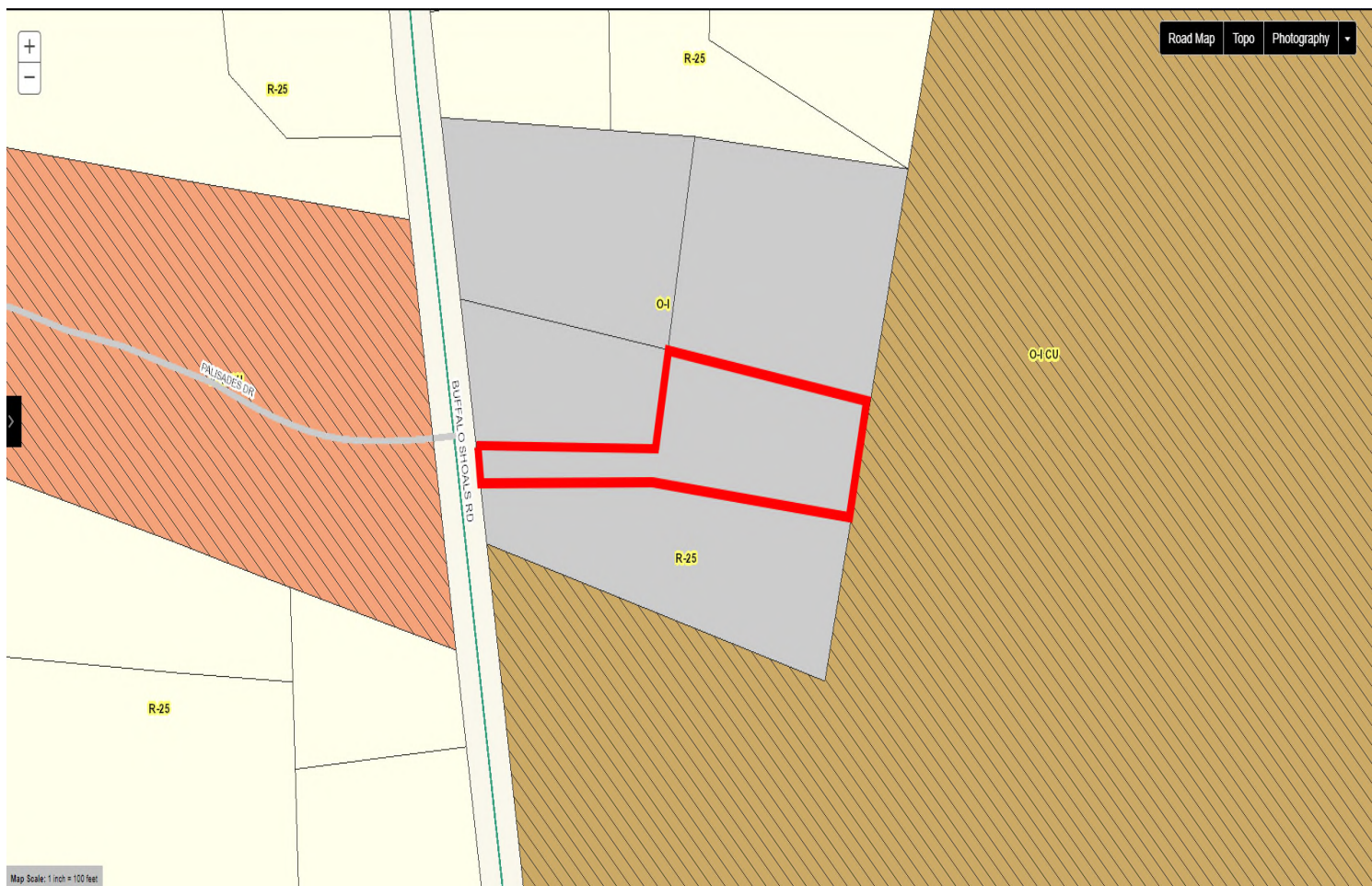
SITE AND AREA DESCRIPTION

The applicant is requesting a rezoning for a parcel totaling approximately 1.09 acres from the Office Institutional (O-I) district to the Residential-25 (R-25) district. The subject property is located on the east side of Buffalo Shoals Road across from the Palisades Apartments. The address of the property is 450 Buffalo Shoals Road (Parcel ID 71908)

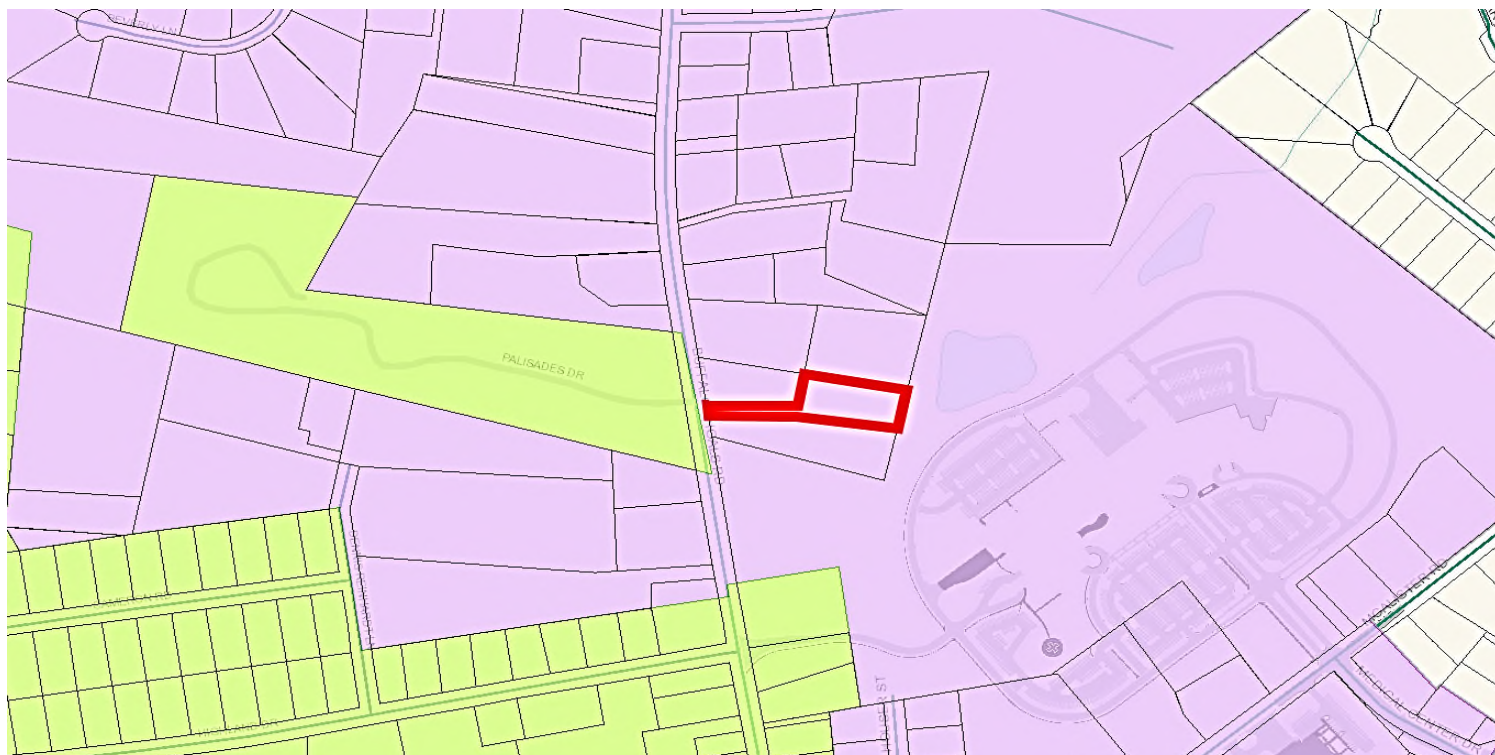
The subject property and properties to the north are zoned O-I. The property was rezoned from R-25 to O-I in 2009 at the request of the property owner at that time. Surrounding properties are zoned rural residential, residential office and office institutional.

The subject property has a single family dwelling located on it. Land uses in the area include single-family and multi-family homes. Atrium Health Lincoln hospital is adjacent to the property to the east.

CURRENT ZONING MAP



CITY/ETJ BOUNDARY MAP



CURRENT AERIAL VIEW



CURRENT STREET VIEWS



LAND USE PLAN

The originally adopted Lincolnnton 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. Recommend an amendment of the land use plan to show the property in the Residential Suburban Planning Area.

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

Case No. ZMA-3-2020

Applicant: Herbilene Shehan

Parcel ID#: 71908

Location: Buffalo Shoals Road

Request: Rezone from O-I to R-25

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Institutional-Office Planning Area. Therefore, the proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan. However, the request is viewed as consistent with the spirit and intent of the Land Use Plan's original designation of this section of the Buffalo Shoals Road corridor as a Residential Suburban Planning Area. 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-3-2020

Applicant: Herbilene Shehan

Parcel ID#: 71908

Location: Buffalo Shoals Road

Request: Rezone from O-I to R-25

Proposed Consistency and Reasonableness Statement:

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

MEMO TO: Planning Board Members

FROM: City of Lincolnton Planning Department

SUBJECT: Conditional Use Permit Application from Lincoln County (CUP-2-2020)

DATE: June 16, 2020

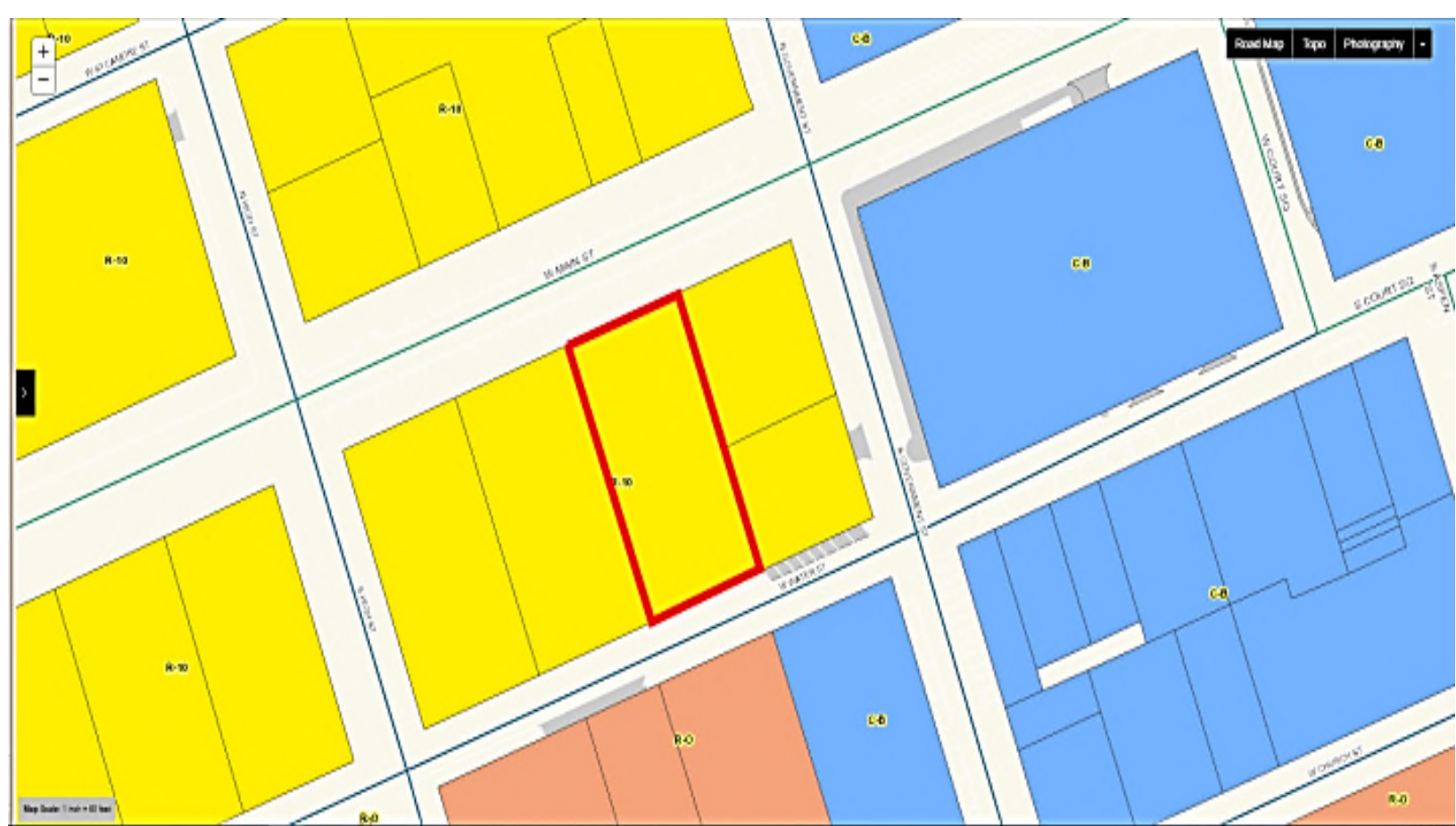
SITE AND AREA DESCRIPTION

The property is located on approximately 0.448 acres of land in the Residential-10 (R-10) District. The property is located on the south side of West Main Street approximately 100 feet west of the intersection of West Main Street and South Government Street (Parcel ID 01203)

The applicant is requesting a conditional use permit in order to construct a 32 space asphalt parking lot for additional county parking. Access would be provided by one driveway on West Water Street.

The site is currently vacant. The subject property and properties located to the east, west, and north are zoned R-10. Properties located to the south are zoned R-O and CB. The property is surrounded by a mixture of commercial and single family residential.

CURRENT ZONING MAP



CURRENT AERIAL VIEW



CURRENT STREET VIEWS







SITE PLAN

The applicant is requesting a conditional use permit in order to construct a 32 space asphalt parking lot for additional county parking. The parking lot will have one entrance onto West Water Street.

Street landscaping will be provided along West Main Street. Parking lot landscaping will be provided around the parking lot, and screening is required on the west side of the property adjacent to the single family dwelling.

Screening is not required along the other boundaries because they are being used for business purposes.

The proposed site plan is below:

WATER SUPPLY WATERSHED

The subject property is located within the WS-IV PA Watershed area. Less than one acre of land is being disturbed so all requirements have been met.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The following items need to be addressed to meet the requirements:

1. Additional screening will be required to meet the following UDO requirements:

Where the boundary of a parking area directly adjoins or is separated by a street from a residential district, screening is required. The screening is required along the outside boundaries of the parking area.

2. Parking lot landscaping plan will need to be updated to show additional large trees and shrubs.
3. An updated landscaping plan will need to be provided showing how the UDO requirements for screening and parking lot landscaping are to be met.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

The UDO 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 13.4.2

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

2. Subject to compliance with the screening and landscaping requirements, the use meets all required conditions and specifications.
3. It does not appear that the use will substantially injure the value of adjoining or abutting property.
5. The use, if approved, should be in harmony with the area.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee met on June 9, 2020 and had no additional comments on the development.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit to allow the proposed accessory parking lot subject to the applicant proving the findings of fact and subject to compliance with the screening and landscaping requirements noted above.

MEMO TO: City of Lincolnton Planning Board Members

FROM: City of Lincolnton Planning Department

DATE: June 16, 2020

SUBJECT: CUP-3-2020- Application from Clayton Engineering, representing Sentry Rentals, requesting a conditional use permit to construct mini warehouses and storage units in the NB District.

SITE AND AREA DESCRIPTION

Clayton Engineering on behalf of Sentry Rentals is requesting a conditional use permit to construct warehouse, storage, and rental units in the NB District. The subject property is located in the ETJ on the north side of East NC 27 Highway approximately 100 feet east of the intersection of East Main Street and East NC 27 Highway (Parcel ID 87879, 23626, 26773, 24900). The property is made up of four (4) lots totaling 1.94 acres and the site is vacant.

The property surrounding the site is zoned NB with the exception of areas located to the south of the site across Highway 27 and northeast of the site which are zoned R-25. Land uses surrounding the site are a combination of business, church, and residential.

CURRENT ZONING MAP



CURRENT AERIAL VIEWS



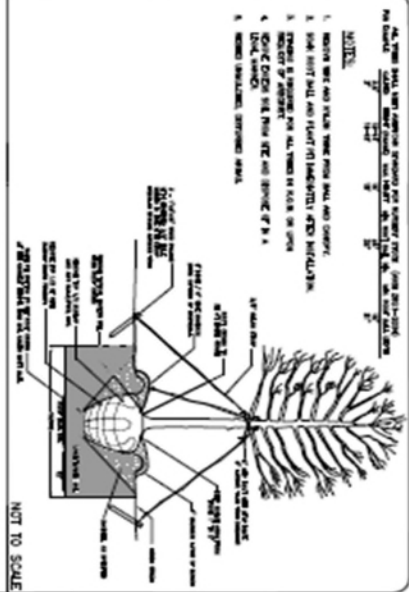
CURRENT STREET VIEWS



REQUEST / PROPOSED SITE PLAN

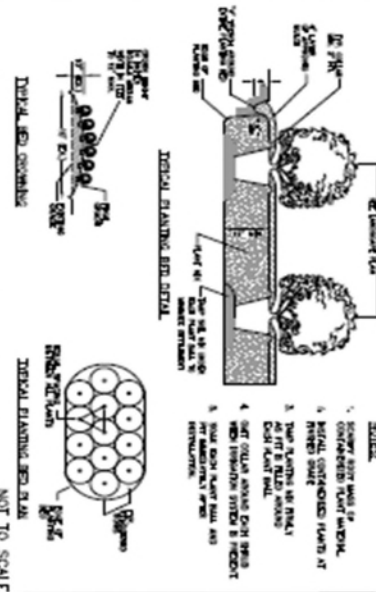
The applicant requests a conditional use permit in order to construct 10,700 square foot warehouse in the front portion of the site and a 15,000 square foot multi-unit storage building in the rear of the site. A loading dock is located in the front of the proposed warehouse. One access point onto NC Highway 27 East is proposed along with six parking spaces.

The site plan proposed by the applicant is below.



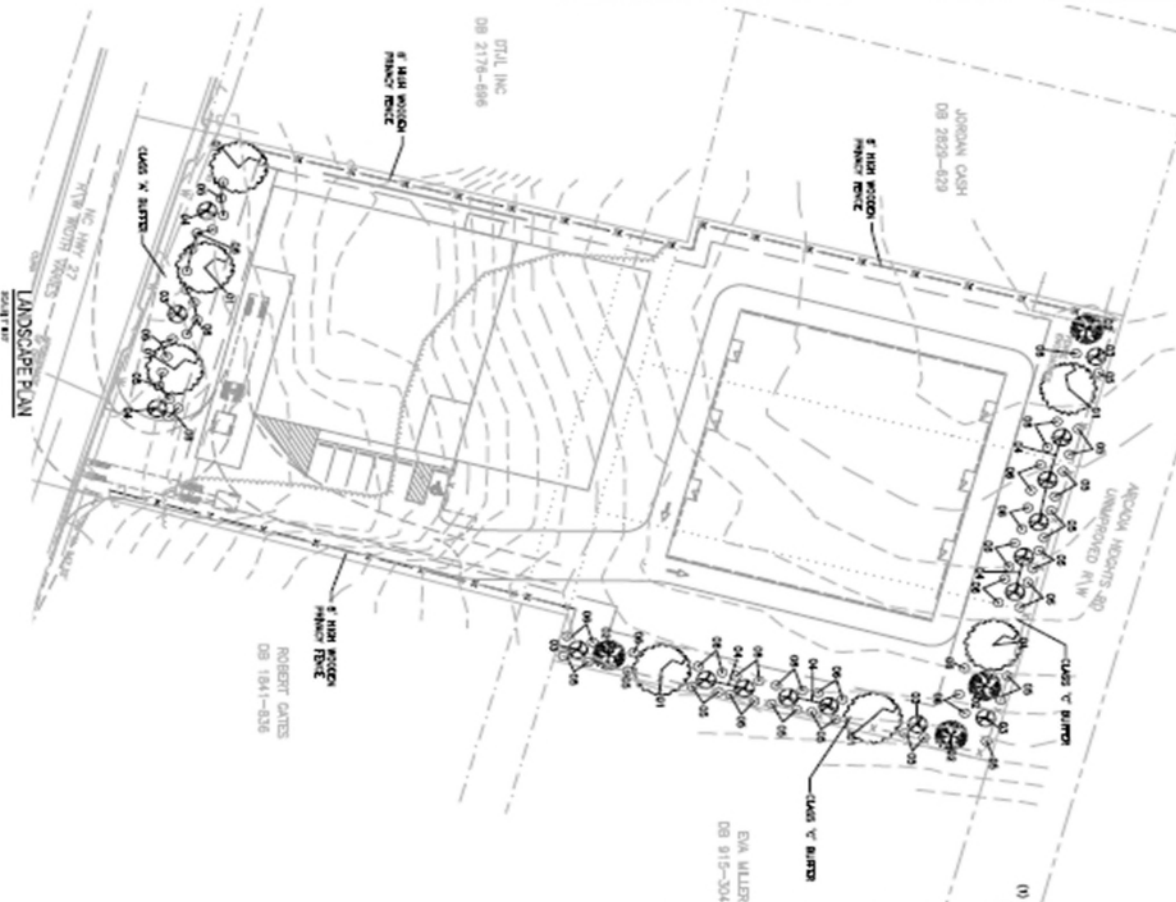
TREE PLANTING
(FOR SINGLE AND MULT-STEM TREES)

THREE AT 10M



SHRUB PLANTING BED

1000 10000 100000 1000000



LANDSCAPE NOTES:

NEW MARTINIS SMALL CO
DO THIS SOMETHING FOR
SOS WATER (S)

- [illegible]

LANDSCAPE LEGEND		
ID	QUANTITY	ITEM NAME (COMMON NAME) (BOTANICAL NAME)
01	7	NEUTRAL FOX (SILVERED HYDRANGEA) LARGE CLIMBER TREES
02	4	ROCKY BUSH (ROCKY BUSH) DECIDUOUS TREES
03	5	QUICKSILVER TREES (SILVERED HYDRANGEA) (HYDRANGEA ARBOREA) MEDIUM CLIMBERS
04	11	ORANGE WHITE (QUICKSILVER TREES) QUICKSILVER TREES
SHRUBS		
05	30	GLASSY WILLOW (GLASSY WILLOW) SMALL TREES
06	30	GLASSY WILLOW (GLASSY WILLOW) SMALL TREES

FOR AGENCY REVIEW



COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

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 the requirements with the following exceptions:

1. Landscape plan will need to be updated with additional large trees for screening.
2. Screening will be required along property boundaries that abut a residential district.
3. Driveway access will need to be adjusted to a maximum of 36 feet in width (Also required by NCDOT).
4. Building height needs to be noted on plan.
5. Any signs that will be erected will need to be shown on plan.
6. If the project is done in phases, that will need to be noted on plan.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

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.

COMPLIANCE WITH SECTION 153.237

1. The applicant will need to provide evidence that the use will not endanger the public health or safety.
2. The proposed use meets all required conditions and specifications with the exception of those 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.
4. The use is in conformity with the Lincolnton Land Use Plan.

WATER SUPPLY WATERSHED

The subject property is located within the WS-IV PA Watershed area. The site is allowed up to 70% impervious surface. The site plan shows 67.59% built upon area and is in compliance.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee met on June 9, 2020 to consider this application and made the following comments:

1. The utility department made the following comments: The sewer line that they are requesting is a force main and will require a pump station that will have to match the design of the pump station force main. This will have to be engineered. Also, the lift station that is connected to this force main is for future industry. So, if the industry requires larger pumps be installed at the Airport, the lift station at Sentry Rentals will have to be engineered and upgraded to match the larger pumps. This will be at the owner's expense. All utility requirements must be coordinated and approved by the utility department prior to development.
2. If the developer so chooses, a septic tank can be installed in lieu of tapping onto the City Sewer provided the septic system is approved by Lincoln County Environmental Health.
3. The City Fire Inspector must approve all plans for fire hydrants, sprinkler systems, and fire equipment access prior to development. The fire inspector recommends a 20 foot wide drive around the buildings for fire access.
4. Detailed building plans must be submitted and approved by the Lincoln County Building and Land Development.
5. All stormwater on the site must be diverted so as not to create a problem for adjoining properties.
6. Erosion and Sedimentation control permits will be required and must be obtained from the Lincoln County Natural Resources Department.
7. NCDOT Driveway permit will be required and approved prior to development. Preliminary comments from NCDOT include driveway width too wide (36 foot Maximum), conflict with utility poles, driveway edge extends beyond property boundary, and information regarding traffic generation will need to be provided.
8. The four lots will need to be recombined into one lot and the unopened alleyway that runs through the property will need to be legally closed.
9. No driveway access allowed onto Acadia Heights Road.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit subject to the applicant proving the findings of fact, subject to the ordinance requirements listed above and subject to the Staff Review Committee comments.

MEMO TO: Planning Board Members

FROM: Planning Department

SUBJECT: ZTA-3-2020, Application from Lincolnton Planning Department requesting amendment to Section 153.136, Nonconforming Uses Other Than Manufactured Home Parks, Signs and Junk Yards, of the Unified Development Ordinance to modify the regulations for replacement of nonconforming manufactured homes that are located on their own lot.

DATE: June 16, 2020

BACKGROUND

The city's zoning regulations allow manufactured home parks to be established subject to a rezoning and several standards. The regulations also allow a manufactured home to be installed on an individual lot in the R-25 zoning district subject to several standards. Otherwise, the city's zoning regulations do not allow manufactured homes.

Manufactured homes that predated the establishment of zoning in the City are treated as legal, nonconforming uses and are allowed to continue. In addition, the regulations allow a nonconforming manufactured home on its own lot to be replaced with another manufactured home provided that the replacement occurs within 180 days of the removal of the previous manufactured home and the replacement manufactured home is either a double wide or a single wide with the axles removed and placed on a permanent foundation.

Staff researched the ordinances of several other cities in North Carolina and found a wide range of regulations regarding replacement of non-conforming manufactured homes in zoning districts that don't allow manufactured homes.

There is a range of regulations throughout the state:

- Many cities including Gastonia and Hickory have regulations that mirror Lincolnton's.
- Some cities allow replacement subject to a board approval process:
 - Winston Salem allows replacement subject to a special use permit through the Board of Adjustment.
 - Erwin allows replacement subject to approval by the Board of Commissioners.
- Several cities, including China Grove, Conover, Mooresville and Spencer, do not allow replacement of a non-conforming manufactured home with another manufactured home.

A summary of the results of the research is attached.

PROPOSED AMENDMENT

The proposed amendment would no longer allow the replacement of a non-conforming manufactured home with another manufactured home in zoning districts that do not permit manufactured homes.

The amendment would allow replacement of a non-conforming manufactured home with another manufactured home in the R-25 district only.

In all other zoning districts, a nonconforming manufactured home could only be replaced with a structure that conforms to both the local zoning regulations and the state building code.

STAFF RECOMMENDATION

Staff recommends approval of the amendment.

**An Ordinance to Amend the City of Lincolnton
Unified Development Ordinance
to Amend Regulations Related to
Replacement of Nonconforming Manufactured Homes**

Section 1. Amend Section 153.051(A), One Principal Building, as follows. Newly adopted language is underlined and **highlighted in yellow**. Language to be deleted is ~~struck through~~ and ~~red~~.

- (A) No more than one principal residential structure shall be located on a lot, except as a part of multi-family development. A lot with two Class A or Class B manufactured homes that existed at the time of the adoption of this amendment (May 6, 1999) may continue and the manufactured homes on the lot may be replaced provided that the replacement homes meet the minimum requirements of ~~this chapter~~, **Section 153.136 (G)**.

Section 2. Amend Section 153.136 (G), Nonconforming Uses Other Than Manufactured Home Parks, Signs and Junk Yards, as follows.

- (G) Notwithstanding any other provision of this section, a nonconforming manufactured home not located in a manufactured home park may be replaced with another manufactured home **in the R-25 district only and** provided:

- (1) The replacement manufactured home either:
 - (a) Meets all the minimum requirements for a Class A manufactured home; or
 - (b) Meets all the minimum requirements for a Class B manufactured home plus division (4) of a Class A manufactured home, as set forth in the definition located in § 153.031 of this chapter;
- (2) The replacement manufactured home is placed on the lot in a manner which meets all the setback requirements of the zoning district in which it is to be located or the requirements of the R-8 District, whichever is greater;
- (3) The replacement manufactured home is placed on the lot within 180 days following removal of the existing manufactured home;
- (4) Upon replacement of the existing manufactured home, the property will conform to § 153.051(A) of this chapter; and
- (5) The property is not located in any HO-Historic Overlay District.

Section 3. That this ordinance shall become effective upon its adoption.

RESEARCH SUMMARY
REGULATIONS REGARDING REPLACEMENT OF
MANUFACTURED HOMES ON INDIVIDUAL LOTS

JURISDICTION	ORDINANCE ALLOWS REPLACEMENT OF NONCONFORMING MANUFACTURED HOMES NOT LOCATED IN MANUFACTURED HOME PARK	IF REPLACEMENT ALLOWED, TIME LIMIT ON REPLACEMENT	IF REPLACEMENT ALLOWED, LIMIT ON AGE OF REPLACEMENT HOME
Lincolnton	Yes subject to conditions	180 days following removal of the previous manufactured home	Replacement manufactured home has to be constructed after July 1, 1976
Lincoln County	Yes subject to conditions	180 days following removal of the previous manufactured home	Replacement manufactured home must have been manufactured at a later date then the previous manufactured home
China Grove	No		
Concord	Yes with double wide only and subject to design standards		Replacement manufactured home can't be older than 1976
Conover	No		
Davidson	Yes subject to conditions		5 years
Erwin	Yes subject to conditions and approval by Board of Commissioners		

Gastonia	Yes subject to conditions	90 days following removal of the previous manufactured home	Replacement manufactured home has to be constructed after July 1, 1976
Hickory	Yes subject to conditions	180 days following removal of the previous manufactured home	Replacement manufactured home has to be constructed after July 1, 1976
Mooreville	No		
Morganton	Yes with double wide only, rezoning to Manufactured Home Overlay and subject to design standards		Replacement manufactured home has to be constructed after July 13, 1994
Newton	Yes subject to conditions	180 days (If a nonconforming use ceases for a total of more than 180 days in any consecutive two year period, subsequent use must conform.)	Replacement manufactured home has to be constructed after July 1, 1976
Shelby	Yes subject to conditions		
Spencer	No		
Statesville	Yes.	1 year following removal of previous manufactured home	
Troutman	Yes with double wide only and subject to design standards		Replacement manufactured home has to be constructed after June 15, 1976

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

Case No. ZTA-3-2020

Applicant: City of Lincoln Planning Department

Request: Application requesting amendment to Section 153.136, Nonconforming Uses Other Than Manufactured Home Parks, Signs and Junk Yards, of the Unified Development Ordinance to modify the regulations for replacement of nonconforming manufactured homes that are located on their own lot.

Proposed Consistency and Reasonableness Statement:

The proposed amendment is not addressed by the adopted Lincoln Land Use Plan. **Approval of the amendment is reasonable and in the public interest** in that it will limit replacement manufactured homes to the Rural Residential (R-25) zoning district and help to protect property values in more urban residential areas.

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

Case No. ZTA-3-2020

Applicant: City of Lincoln Planning Department

Request: Amend Section 153.057 (Accessory Structures) of the Unified Development Ordinance
to modify accessory structure size requirements

Proposed Consistency and Reasonableness Statement:

The proposed amendment is not addressed by the adopted Lincoln Land Use Plan. **Denial of the proposed amendment is reasonable and in the public interest** in that it will continue to allow legal, nonconforming manufactured homes to be replaced with other manufactured homes.