

**LINCOLNTON PLANNING BOARD
AGENDA
October 20, 2020
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the August 18, 2020 meeting
4. ZMA-5-2020 – Application from Jacob Putnam requesting rezoning of 0.474 acres from Neighborhood Business (N-B) to General Business (G-B).
5. CU-ZMA-4-2020- Application from Lom Realty requesting conditional use rezoning from Residential-25 (R-25) to CU-General Manufacturing and Commercial (CU-GMC).
6. Adjournment



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
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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, August 18, 2020 Meeting

Present: Gene Poinsette, Änd Lynn, Jerry Hoffman, Rebecca Abernethy and Greg McBryde

Absent: Stephen Silva and Jamel Farley

Call to Order

Chair Änd Lynn called the meeting to order and recognized that Stephen Silva and Jamel Farley were absent.

Approval of Minutes

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

Motion: Gene Poinsette made a motion to approve the minutes. Rebecca Abernethy seconded. Motion carried unanimously.

CUP-4-2020 Application for conditional use permit amendment from Townhomes at Lincoln Country Club, LLC to amend the screening requirements.

Laura Elam presented the staff report provided in the agenda packet to the board.

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

Motion: Gene Poinsette made a motion to recommend approval. Rebecca Abernethy seconded. Motion carried unanimously.

Chair Änd 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. Gene Poinsette seconded.
Motion carried unanimously.*

Jean Derby

PB082020 minutes

MEMO TO: Lincolnton Planning Board

FROM: City Of Lincolnton Planning Staff

DATE: October 20, 2020

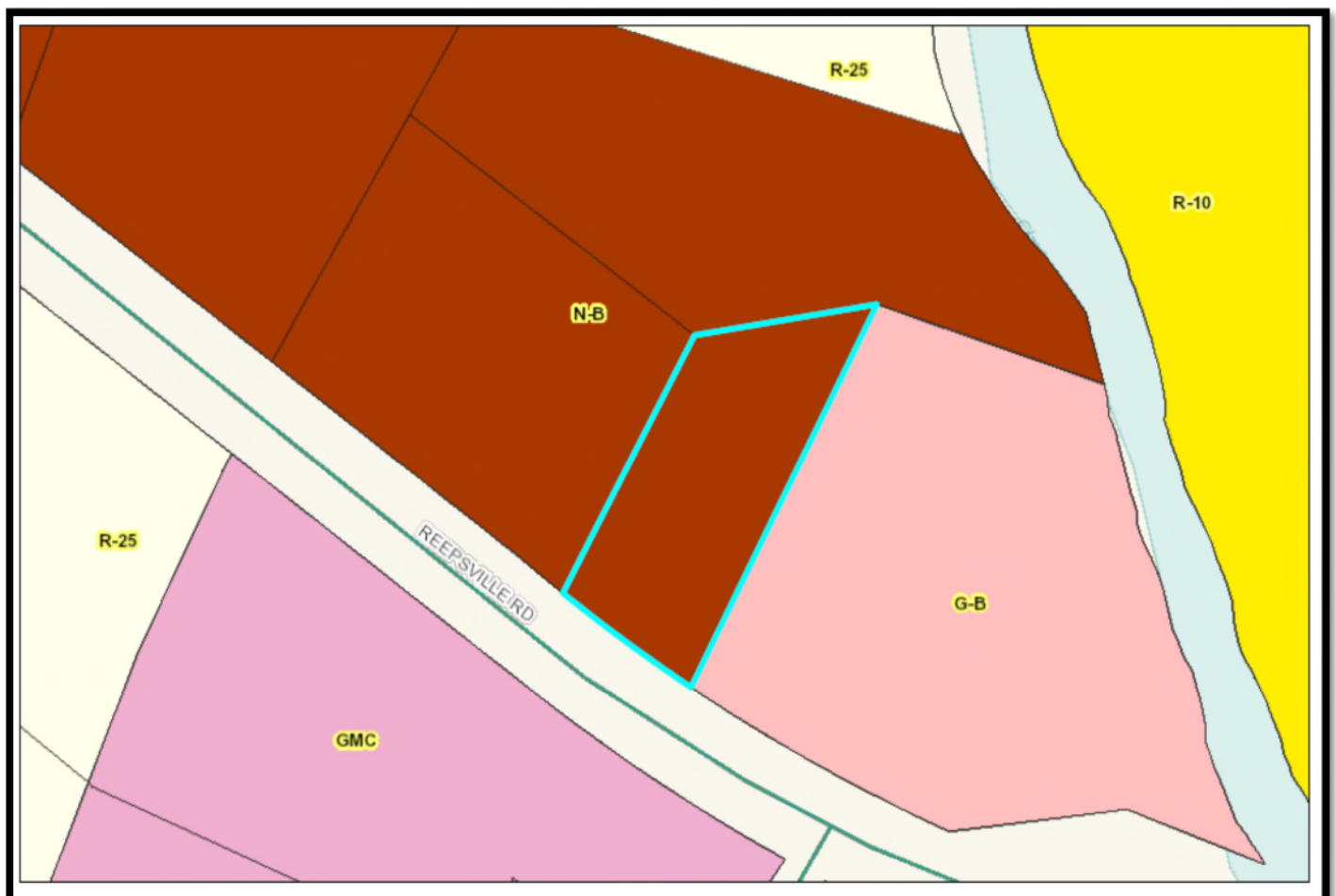
SUBJECT: ZMA-5-2020 – Application from Jacob Putnam requesting rezoning of 0.474 acres from Neighborhood Business (N-B) to General Business (G-B).

SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of a parcel totaling approximately 0.474 acres from the Neighborhood Business (N-B) district to the General Business (G-B) district. The subject property is located on the north side of Reepsville Road approximately 300 feet west of the intersection of Reepsville Road and Elm Grove Road (Parcel ID 90949).

The subject property and surrounding properties to the north are zoned N-B, to the east properties are zoned GB and to the south and west properties are zoned GMC. This commercial zoned area is naturally separated from the City's residential districts to the east by Clarks Creek.

The site is currently vacant. Surrounding properties are devoted to commercial uses and vacant land.





LAND USE PLAN

The Lincolnton Land Use Plan shows the property in the Neighborhood Business Planning Area which is described as “small business clusters that cater to the needs of a relatively small trading area.” 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 Neighborhood Business use designation. However, staff views the request as consistent with the spirit and intent of the Land Use Plan in that the site is adjacent to GB and GMC zoning and has a natural buffer, Clarks Creek, between it and the residential district to the east.

STAFF RECOMMENDATION

Staff recommends the following two actions:

1. Recommend approval of rezoning of the property from N-B to G-B.
2. If request is recommended for approval, also recommend amendment of the Land Use Plan to show the property as part of the General Business Planning Area.

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

Case No. ZMA-5-2020

Applicant: Jacob Putnam

Parcel ID#: 90949

Location: Reepsville Road

Request: Rezone from N-B to G-B

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Neighborhood Business Planning Area. Therefore, the proposed rezoning request **is not strictly consistent** with the Land Use Plan. However, the site immediately adjoins GB and GMC 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-5-2020

Applicant: Jacob Putnam

Parcel ID#: 90949

Location: Reepsville Road

Request: Rezone from N-B to G-B

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Neighborhood Business 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: Planning Board Members

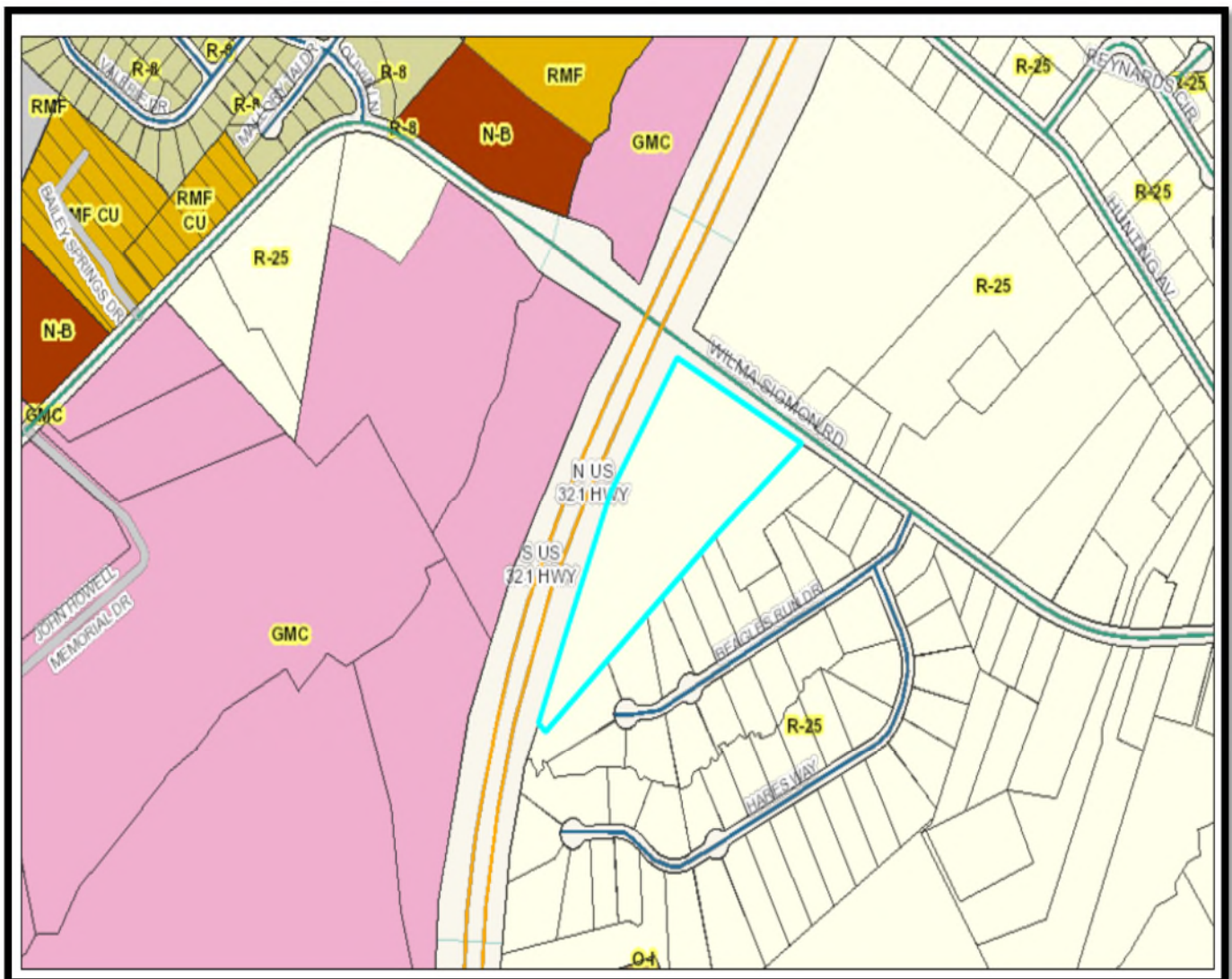
FROM: City of Lincolnton Planning Department

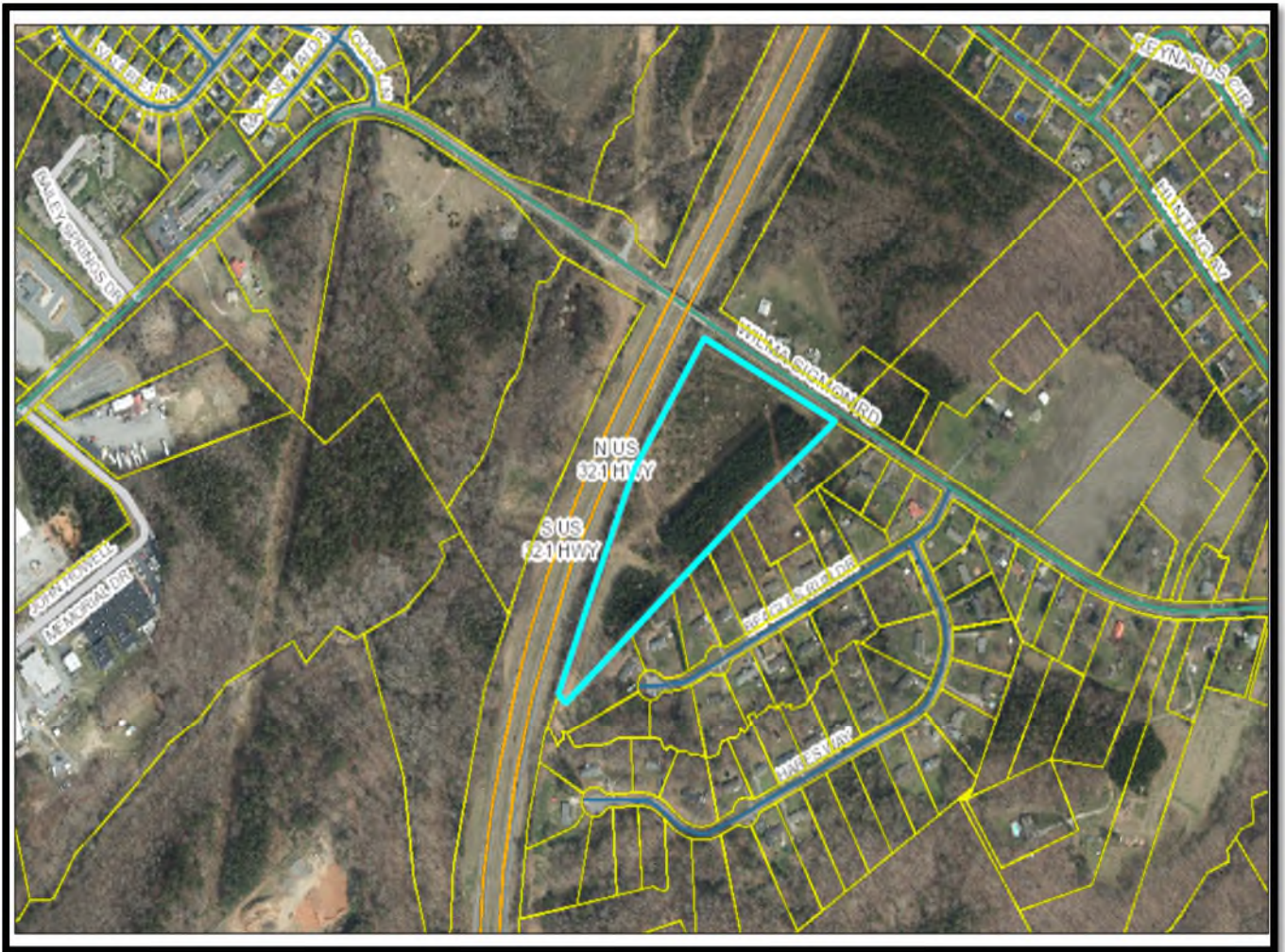
SUBJECT: CU-ZMA-4-2020- Application from Lom Realty requesting conditional use rezoning from Residential-25 (R-25) to CU-General Manufacturing and Commercial (CU-GMC)

DATE: October 20, 2020

SITE AND AREA DESCRIPTION

The subject property is a 10.225-acre site located at the southeast corner of Wilma Sigmon Road and U.S. Highway 321 (Parcel ID 78033). The property is currently vacant and zoned R-25. Properties located east of Highway 321 are zoned R-25 and properties located west of Highway 321 are zoned GMC as shown on the map below. Land uses in the vicinity of the site are mostly single family residential. Several nearby properties are undeveloped.







PROPOSED USE AND SITE PLAN

The applicant requests conditional use rezoning in order to construct climate controlled storage units. There will potentially be five (5) total buildings ranging in size from 22,400 square feet to 17,300 square feet for a total of 106,000 square feet.

Access would be provided by one driveway to Wilma Sigmon Road. (Access will have to be approved by NCDOT). Gravel parking is permitted as shown on the plan. Landscaping must be provided along U.S. Highway 321 and screening shall be provided along the property boundary adjacent to single family residential.

Existing trees should be maintained, as feasible, along the property boundaries in compliance with Special Highway (321) overlay district requirements. Street landscaping will be required along Wilma Sigmon Road.

The buildings will be constructed of metal with a masonry facade and partial masonry skirt.

The impervious surface amount on the property is limited to 70%. The site plan is showing 50.4% of the site as impervious.

The proposed site plan is below:

S1



JUDAVIOLEDFORD, FLA



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 interior climate controlled storage/mini warehouse units.

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. Proposed phasing, and approximate completion time of project
2. Proposed number, size, and type of freestanding signs.

LAND USE PLAN

The Lincolnton Land Use Plan shows this property in the Residential Suburban Planning area. This is not in compliance with the Land Use Plan.

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 review and approval will be needed PRIOR to any disturbance taking place including cutting tree canopy.
- (4) A driveway permit is required from NCDOT. Per their comments the driveway location will need to be moved to the eastern end of property frontage for sight distance purposes.
- (5) Utilities will need to be coordinated and approved by the City of Lincolnton prior to development. Utility Plan will need to be submitted.

- (6) A detailed tree plan shall be provided showing what trees will be maintained and what trees will be cut. Existing natural plantings shall be maintained along property boundaries as to the greatest extent possible.

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 Lincolnnton 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 substantially injure the value of adjoining properties.
4. The use is not in compliance with the Lincolnnton Land Use Plan.

STAFF RECOMMENDATION

Staff recommends the following actions:

- (1) If the applicant satisfactorily proves the findings of fact, recommend approval of rezoning of the property from R-25 to CU-GMC.
- (2) If the applicant satisfactorily proves the findings of fact, recommend approval of the Conditional Use Permit for climate controlled mini storage units subject to Ordinance requirements and the Staff Review Committee conditions.

- (3) If the rezoning request is approved, the land use plan will need to be amended to show the property in the mixed use residential/commercial area. This area is shown currently on the west side of Highway 321.

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

Case No. CU-ZMA-4-2020

Applicant: Lom Realty

Parcel ID#: 78033

Location: Wilma Sigmon Road

Request: Rezone from R-25 to CU-GMC to permit Climate Controlled Storage Units

Proposed Consistency and Reasonableness Statement:

The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan. However, the proposed storage use should have minimal impact on nearby residential uses. The use should also be low impact in terms of traffic. Since properties located to the west of U.S. Highway 321 in this area are also zoned GMC and the proposed use is likely to have little impact on surrounding areas, the request is viewed as **reasonable and in the public interest**.

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

Case No. CU-ZMA-4-2020

Applicant: Lom Realty

Parcel ID#: 78033

Location: Wilma Sigmon Road

Request: Rezone from R-25 to CU-GMC to permit Climate Controlled Storage Units

Proposed Consistency and Reasonableness Statement:

The proposed amendment **is not consistent** with the Lincolnnton Land Use Plan in that the property is part of an area designated by the Lincolnnton Land Use Plan as Residential Suburban. Denial of the proposed amendment **is reasonable and in the public interest**.

Cu-zma-420 report