

**LINCOLNTON PLANNING BOARD
AGENDA**

**September 21, 2021
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the August 17, 2021 meeting
4. CZ-9-2021-Application from Prestige Acquisitions, LLC requesting the rezoning of approximately 59.8 acres of land from Residential-25 (R-25) district to Planned Residential District (PRD) for the purpose of developing a community of Single family detached housing and Attached Townhomes. The subject property consists of two lots located at the southeast corner of Startown Road and Clarks Creek Road (Parcel ID 90684 and 15415).
5. Adjournment



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

BOARD MEMBERS: Jamel Farley, Chair afarley2351@gmail.com; Greg McBryde, Vice-Chair, Gregory.McBryde@gmail.com; Gene Poinsette, poinsetteg@charter.net; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net; Stephen Silva, soundcity1@ymail.com; Trent Mason, trentonmason@gmail.com; Joy Smith, joysmithmsnrm@gmail.com

Tuesday, August 17, 2021 Meeting

Present: Gene Poinsette, Jamel Farley, Jerry Hoffman, Rebecca Abernethy, Greg McBryde, Steve Silva and Trent Mason

Absent: Joy Smith

Call to Order

Chair Jamel Farley called the meeting to order and recognized that Joy Smith was absent.

Approval of Minutes

Chair Jamel Farley asked the Board if there were any additions or corrections to the minutes of the July 20, 2021 meeting.

Motion: Gene Poinsette made a motion to approve the minutes. Trent Mason seconded. Motion carried unanimously.

CZ-6-2021-Application from Piedmont Companies Inc. requesting the rezoning of 0.75 acres of land from Central Business (CB) District to the Transitional Infill Development (TID) District. The applicant is proposing to construct eight (8) townhomes. The subject property consists of two lots, One located 119 East Pine Street (Parcel ID 01117) and the second on the west side of North Academy Street approximately 90 feet North of the intersection of East Pine Street and North Academy Street (Parcel ID 89317).

Mark Carpenter presented the staff report provided in the agenda packet to the board.

Craig Upshaw spoke about the project.

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

Motion: Rebecca Abernethy made a motion to approve with staff review committee conditions. Gene Poinsette seconded. Motion carried unanimously.

CZ-7-2021- Application from Brandy White requesting a conditional district rezoning of 0.54 acres from the Planned Business(PB) District to the General Business(Conditional District) GB(CD) for the purpose of opening an auto sales lot. The subject property is located at 799 W. NC Highway 27 (Parcel ID 17410).

Mark Carpenter presented the staff report provided in the agenda packet to the board.

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

Motion: Jerry Hoffman made a motion to approve with staff review committee conditions. Trent Mason seconded. Motion carried unanimously.

CZ-8-2021- Application from TrueCraft Properties, LLC requesting a conditional district rezoning of approximately eleven (11) acres from the Residential-25 (R-25) District to the General Business(Conditional District) GB(CD) for the purpose of constructing a new office building for a construction company. The subject property is located on the south side of Bethel Church Road approximately 1,200 feet east of the intersection of Bethel Church Road and Maiden Highway (Portion of Parcel ID 16976).

Mark Carpenter presented the staff report provided in the agenda packet to the board.

Caleb Williams spoke about his company and the project.

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

Motion: Gene Poinsette made a motion to approve with staff review committee conditions. Trent Mason seconded. Motion carried unanimously.

Chair Jamel Farley 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 approve with staff review committee conditions. Trent Mason seconded. Motion carried unanimously.

Jean Derby

MEMO TO: Planning Board Members

FROM: City of Lincolnton Planning Department

SUBJECT: CZ-9-2021 Request for rezoning of approximately 59.8 acres from R-25 to PRD

DATE: September 21, 2021

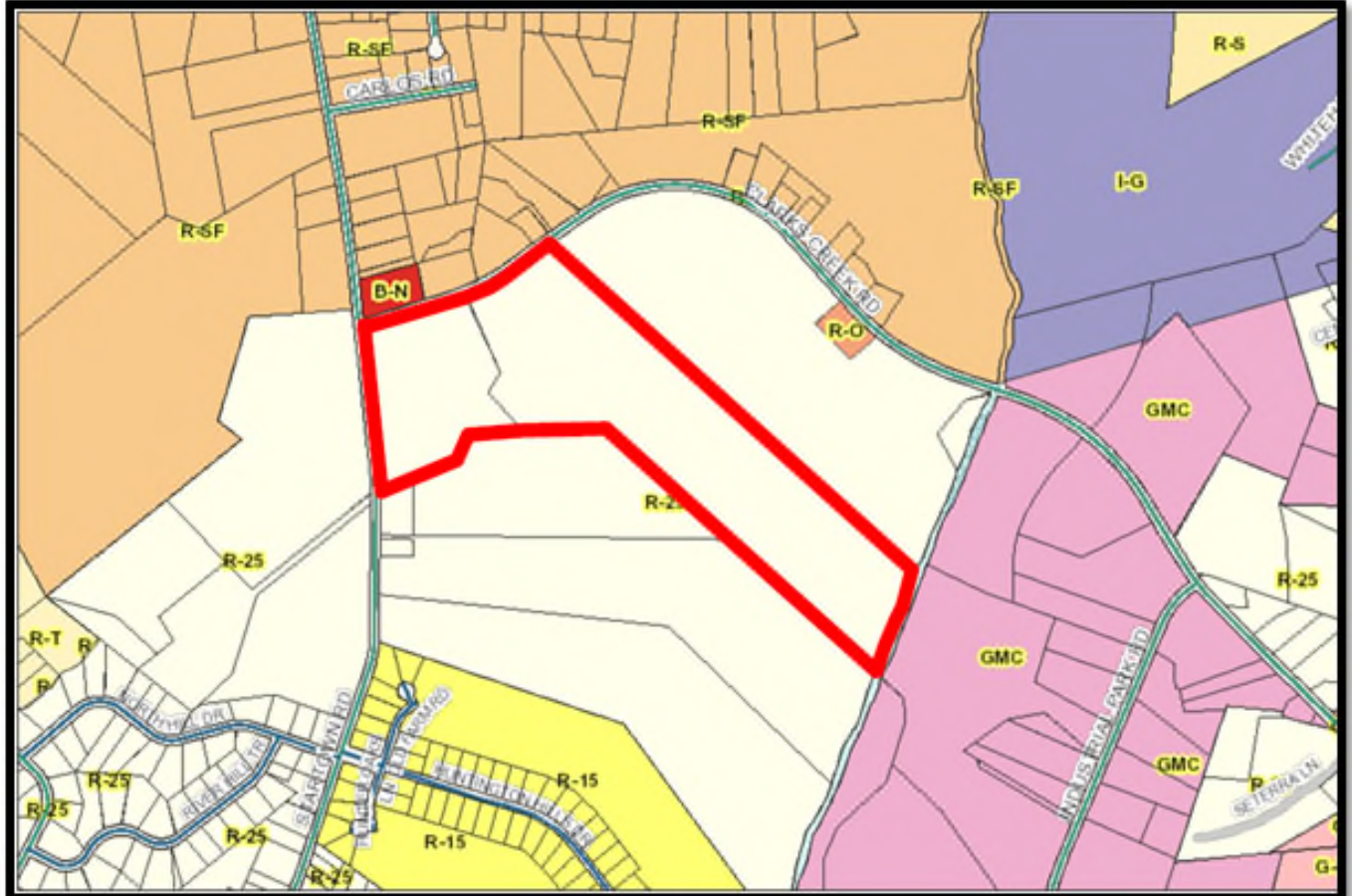
SITE AND AREA DESCRIPTION

The applicant is requesting a conditional rezoning from R-25 to the Planned Residential District (PRD) for the purpose of developing a community of Single Family detached housing and attached townhomes.

The subject property consists of two (2) lots located at the southeast corner of Startown Road and Clarks Creek Road (Parcel ID 90684 and 15415). The property currently is vacant. The site is located outside of the city limits but within the ETJ.

The adjacent properties are primarily commercial or multifamily with several single family dwellings in the vicinity. Zoning around the site is a mixture of commercial and residential.

CURRENT ZONING MAP



AERIAL VIEWS



STREET VIEWS



PROJECT DETAILS

- The site is 59.8 acres in size.
- The site plan allows up to 125 single family lots and up to 140 lots for attached townhomes for a total of up to 265 dwelling units and an overall density of approximately 4.43 units per acre.
- The site plan provides 11.96 acres (20 percent) for common open space.
- There will be two entrances into the development. The main entrance will be off Startown Road with a second entrance onto Clarks Creek Road.
- Sidewalks will be located on both sides of all streets within the site.
- The single family lots will be 40 feet x 125 feet.
- The townhome lots will be 20 feet x 60 feet.
- Building height will not exceed 45 feet.
- The plan outlines the below minimum standards:

Minimum Lot Standards (Single Family Detached):

- Minimum Lot Width: 40'
- Minimum Lot Area: 5,000 S.F.
- Setbacks:
 - *Front: 20' from ROW
 - *Side: 5'
 - *Rear: 10'
- Max Building Height: 3 Stories
- Minimum Parking Provided: 2 Spaces per Unit (2 Spaces Provided in Driveway)

Minimum Lot/Unit Standards (Attached Townhomes):

- Minimum Unit Width: 20'
- Minimum Lot Area: 1,800 S.F.
- Setbacks:
 - *Front: 20' from ROW
 - *Side: 0'
 - *Rear: 10'
- Max Building Height: 3 Stories
- Minimum Parking Provided: 1 Space per Unit (1 Space Provided in Driveway)

- The site plan submitted by the applicant is below.

CLARK CREEK LANDING

REZONING PLAN

Located in:
Lincolnton, North Carolina



Vicinity Map

Not to Scale



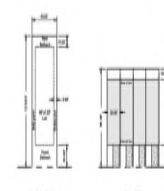
Development Data:	
Tax Parcel:	362408473 & 362408480
Total Site Acreage:	± 100.0 Acres (per GDS)
Location:	Lincolnton, NC
Proposed Land Use:	Single Family Detached Attached Townhomes
Zoning:	R-20 RDS
Total Proposed Units:	Up to 100 Units Single Family Detached: Up to 120 Units (40' x 120') Attached Townhomes: Up to 140 Units (30' x 90')
Proposed Density:	Up to 4.03 DUs/AC (200 Units/50 AC)
Common Open Space:	Proposed: ± 11 AC Acres (10%)
Minimum Standards:	
Minimum Lot Standards (Attached Townhomes):	
Minimum Lot Width:	30'
Minimum Lot Area:	1,800 S.F.
Setbacks:	
Front:	30' from RDSW
Side:	0'
Back:	10'
Max Building Height:	3 Stories
Minimum Parking Provided:	1 Space per Unit (1 Space Provided in Parkway)
Minimum Lot Standards (Single Family Detached):	
Minimum Lot Width:	40'
Minimum Lot Area:	3,600 S.F.
Setbacks:	
Front:	30' from RDSW
Side:	5'
Back:	10'
Max Building Height:	3 Stories
Minimum Parking Provided:	2 Spaces per Unit (2 Spaces Provided in Driveway)

- CLARK CREEK LANDING - DEVELOPMENT STANDARDS**
- GENERAL PROVISIONS**
 - THESE DEVELOPMENT STANDARDS SHALL BE A PART OF THE CONDITIONAL REZONING SITE PLAN AND SHALL BE SUBJECT TO THE APPROVAL OF THE PETITIONER BY THE PETITIONER'S ATTORNEY. THE PETITIONER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE PETITIONER'S ATTORNEY. THE PETITIONER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE PETITIONER'S ATTORNEY. THE PETITIONER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE PETITIONER'S ATTORNEY.
 - TRAFFIC/TRANSPORTATION**
 - VEHICULAR ACCESS TO THE PROPERTY SHALL BE AS GENERALLY SHOWN ON THE CONDITIONAL REZONING SITE PLAN. THE PETITIONER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE PETITIONER'S ATTORNEY. THE PETITIONER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE PETITIONER'S ATTORNEY.
 - STREETSCAPE / LIGHTING / LANDSCAPING / UTILITIES**
 - STREET LIGHTING, STREET SIGNAGE AND MAIL BOXES WITHIN THE PROPOSED DEVELOPMENT SHALL ADHERE TO CITY REQUIREMENTS. RECOMMENDED SCALING OF STREET LIGHTS IS SUBJECT TO APPROVAL BY THE UTILITIES AND ENGINEERING DEPARTMENT. THE DEVELOPER SHALL BE RESPONSIBLE FOR MONTHLY GROUNDING OF THE PUBLIC ROADWAYS ARE ACCEPTED FOR MAINTENANCE.
 - LANDSCAPING TO MEET OR EXCEED ALL REQUIREMENTS**
 - WATER AND SEWER CONNECTIONS TO BE COORDINATED WITH CITY UTILITIES & ENGINEERING DEPARTMENT.
 - SEWERAGE AND UTILITY PLACEMENT SHALL BE IN ACCORDANCE WITH THE CITY'S STANDARD SPECIFICATIONS AND DETAILS.**
 - ARCHITECTURE**
 - WHERE PRACTICAL, BUILDINGS SHALL BE ORIENTED TOWARDS THE INTERNAL STREET SYSTEM TO REINFORCE THE STREETSCAPE.
 - BUILDING HEIGHT SHALL NOT EXCEED 40'.
 - ACCESSORY STRUCTURES SHALL BE CONSISTENT WITH THE PRINCIPAL BUILDING IN MATERIAL, TEXTURE, AND COLOR.
 - AMENDMENTS TO REZONING PLAN**
 - FUTURE AMENDMENTS TO THE CONDITIONAL REZONING SITE PLAN AND THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF A PARTICULAR TRACT WITHIN THE SITE INVOLVED IN ACCORDANCE WITH THE PROVISIONS IN THE ORDINANCE.
 - BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS**
 - IF THIS CONDITIONAL REZONING PETITION IS APPROVED, CONDITIONS APPLICABLE TO DEVELOPMENT OF THE SITE INVOLVED UNDER THE CONDITIONAL REZONING SITE PLAN AND THESE DEVELOPMENT STANDARDS SHALL UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
 - THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS "PETITIONER" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, EXECUTORS, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF THE PETITIONER OR THE OWNER OR OWNERS OF ANY PART OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

Adjoiners	PG	Owner	Zoning
1	362408473	WILLIAM & DIANNE PAINTER LE	R-20
2	362479018	PHOENIX & REAL CO INC	R-10 COUNTY
3	362479018	PHOENIX & REAL CO INC	R-10 COUNTY
4	362479018	PHOENIX & REAL CO INC	R-10 COUNTY
5	362479018	PHOENIX & REAL CO INC	R-10 COUNTY
6	362408473	WILLIAM & DIANNE PAINTER LE	R-20
7	362408473	WILLIAM & DIANNE PAINTER LE	R-20
8	362408473	WILLIAM & DIANNE PAINTER LE	R-20
9	362408473	WILLIAM & DIANNE PAINTER LE	R-20
10	362408473	WILLIAM & DIANNE PAINTER LE	R-20
11	362408473	WILLIAM & DIANNE PAINTER LE	R-20

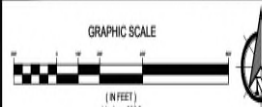
Typical Lot Details:

N.T.S.



Single Family - Detached
40' x 120' Lot

Attached Townhomes
30' Townhome Unit



COMMUNITY FEATURES



QUALITY HOMES OUTSIDE



LAND USE PLAN

The Land Use Plan shows the property in the Residential Suburban Planning area. The Plan notes these areas are primarily single family in character and the primary development pattern should continue to be single family dwellings.

The Land Use Plan also includes the following recommendations:

- Future residential development should be located in areas where City infrastructure and services can be economically provided.
- Promote home ownership throughout the City's planning jurisdiction by providing a mix of housing choices and lot sizes to promote affordability.
- Promote innovative zoning to accommodate home ownership.
- Ensure that residential development promotes pedestrian and bicycle use.
- Provide for sidewalks within and on the outside boundaries of new residential developments.

The proposed development is not consistent with the land use plan's Residential Suburban designation. However, the proposed development is consistent with the Land Use Plan in the following ways:

- The site has access to city utilities with available capacity.
- Additional home ownership opportunities are provided.
- Additional housing type choices are provided.
- Additional lot sizes are provided.

CONDITIONAL ZONING

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan. Any major modification or change in use would require approval by the City Council through a public hearing process.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

1. Prior to final approval, an engineered plan meeting all requirements for planned residential development, major subdivision, and all UDO requirements must be submitted to and approved by staff.
2. Sidewalks constructed to City of Lincoln specifications must be constructed along the frontage of Clarks Creek Road, Startown Road and throughout the subdivision meeting all city sidewalk and subdivision requirements.
3. Required minimum unobstructed open space is fifty (50) percent of the site. This must be detailed on plan.
4. Detailed phasing of when units will be constructed must be shown on the plans.

5. Detailed water and sewer plans will need to be submitted and approved by the City prior to development.
6. The applicant will be responsible for making the utility tap.
7. City Fire Inspector will need to review and approve all plans prior to development. Hydrant locations will need to be determined, no more than 400 feet between hydrants, Appendix D of the Fire Code will need to be met. Eight inch minimum water line dedicated for fire hydrants.
8. An off-site easement providing additional emergency vehicle access to the site may be required in order to meet Appendix D.
9. Detailed landscaping and screening plan will need to be provided.
10. NCDOT driveway permit required with the following offsite improvements:
 - Clarks Creek access point will require a 50 foot westbound left turn lane and eastbound right taper
 - Startown access point will require a 50 foot northbound right turn lane
11. Erosion control plans must be submitted to and approved by Lincoln County Soil and Erosion prior to development. Wetland and stream surveys will need to be conducted. If this area exists and will be disturbed a 404 and 401 permit approval will need to be submitted with the original erosion control plan packet.
12. Building plans must be submitted to and approved by Lincoln County Inspections prior to development.
13. Townhomes must have parking for at least one and half cars at each dwelling unit.
14. The HOA is responsible for ongoing maintenance of the detention pond and will make any necessary repairs to the pond to ensure its continued effectiveness. Ongoing maintenance is to include:
 - Vegetation management including mowing, trimming, invasive/ nuisance vegetation treatment and weed control
 - Slope stabilization and erosion control
 - Debris and trash removal
 - Removal of sediment buildup from the basin
 - Maintenance of the inlet and outlet pipes to ensure they do not get clogged.
15. In the event the site is annexed by the City, the City reserves the right to require the internal streets to be brought up to minimum standards prior to acceptance of the streets for maintenance. This includes but is not limited to repaving all or a portion of the street system prior to acceptance by the City.
16. Setbacks along Startown Road and Clark Creek Road are to be a minimum of 50 feet from the right of way.
17. Screening that meets minimum ordinance standards is to be provided in the 50 foot setback areas along Startown Road and Clark Creek Road and other areas required to be screened under the ordinance.
18. The HOA is responsible for ongoing maintenance of all required screening areas. Ongoing maintenance is to include replacement of any required vegetation that dies or is removed.
19. Building elevations need to include depictions of the sides and rears of buildings.

20. All sides of the buildings are to include materials and design characteristics consistent with those on the front. Large expanses of blank walls will not be permitted.
21. Building design is to be generally consistent with the quality, character and fenestration portrayed in the renderings. Minor variations from the renderings that do not detract from the quality, character and fenestration may be permitted.

STAFF RECOMMENDATION

Staff views the request as appropriate for approval subject to the staff review committee comments being made conditions of approval and recommends the following actions:

- approval of the request for rezoning from R-25 to the Planned Residential District (PRD) subject to the staff review committee comments being made conditions of approval,
- approval of the statement of consistency for approval of the rezoning request, and
- the rezoning being effective upon receipt by the Zoning Administrator of written agreement from the applicant and property owner to abide by the conditions of approval.
- amendment of the Land Use Plan to show the properties in the Residential High Density Planning Area.

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

Case No. CZ-9-2021

Applicant: Prestige Acquisitions, LLC

Parcel ID#: 90684 & 15415

Location: Clarks Creek Road and Startown Road

Request: Rezone from R-25 to PRD for the use of the property for Single Family Detached Housing and Attached Townhomes. 240 Units Total

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Residential Suburban Planning Area. The Plan notes these areas are primarily single family in character and the primary development pattern should continue to be single family family dwellings.

The proposed rezoning request **is not consistent** with the area's Residential Suburban designation by the land use plan.. However, the proposed development is consistent with the Land Use Plan in the following ways:

- The site has access to city utilities with available capacity.
- Additional home ownership opportunities are provided.
- Additional housing type choices are provided.
- Additional lot sizes are provided.

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. CZ-9-2021

Applicant: Prestige Acquisitions, LLC

Parcel ID#: 90684 & 15415

Location: Clarks Creek Road and Startown Road

Request: Rezone from R-25 to PRD for the use of the property for Single Family Detached Housing and Attached Townhomes. 240 Units Total

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Residential Suburban Planning Area. The Plan notes these areas are primarily single family in character and the primary development pattern should continue to be single family dwellings.

The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan. In addition, the proposed development is not consistent with the established rural/suburban character of the area. Therefore, **denial of the proposed amendment is reasonable and in the public interest.**