

**LINCOLNTON PLANNING BOARD
AGENDA
March 15, 2022
At 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of minutes from the February 15, 2022 meeting
4. CZ-2-2022-Application from Century Communities requesting the rezoning of approximately 96.85 acres from Residential-25 (R-25) District to Planned Residential District (PRD) for the purpose of developing a community of 218 Single family detached housing units. The subject property is located on the east side of Startown Road approximately 950 feet south of the intersection of Clarks Creek Road and Startown Road (Parcel ID 16937, 21509, 21507, 21508, and 21510).
5. Adjournment

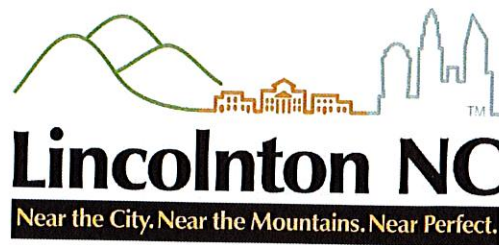
Absences(A=absent, C=cancelled)/Not in Good Standing

Member	Sept 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2022	Feb 2022
Gene Poinsette	A	C	✓	✓	✓	✓
Rebecca Abernethy	✓	C	✓	✓	✓	✓
Greg McBryde	✓	C	✓	✓	✓	✓
Steve Silva	A	C	A	A	A	A
Trent Mason	✓	C	✓	✓	A	✓
Joy Smith	A	C	A	A	A	A
Monte Tyson	n/a	n/a	n/a	n/a	✓	A

ARTICLE VI, Attendance, Section 6-1 of the Lincolnton Planning Board Rules of Procedure states the following:

In order for the Planning Board to carry out its duties and responsibilities, it is necessary for all members to attend the meetings. If any member is absent for three (3) consecutive Planning Board meetings, the Chairperson may direct the

Secretary to notify such member in writing of his/her absences and if such member fails to attend the next regular meeting, the Planning Board, by a majority vote of the remaining members, may request that the position be vacated and that a replacement be made by the City Council or Lincoln County Board of Commissioners.



**CITY OF LINCOLNTON
PLANNING BOARD
PO DRAWER 617, LINCOLNTON, NC 28092
www.LincolntonNC.org**

BOARD MEMBERS: Greg McBryde, Vice-Chair, Gregory.McBryde@gmail.com; Gene Poinsette, poinsetteg@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net; Stephen Silva, soundcity1@ymail.com; Trent Mason, trentonmason@gmail.com; Joy Smith, joysmithmsnrm@gmail.com; Monte Tyson, monte@cbdeastmain.com

Tuesday, February 15, 2022 Meeting

Present: Gene Poinsette, Rebecca Abernethy, Greg McBryde and Trent Mason

Absent: Steve Silva, Monte Tyson and Joy Smith

Call to Order

Vice-Chair Greg McBryde called the meeting to order and recognized that Steve Silva, Trent Mason and Joy Smith were absent.

Approval of Minutes

Vice-Chair Greg McBryde asked the Board if there were any additions or corrections to the minutes of the January 18, 2022 meeting.

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

Election of Officers

After some discussion, Vice-Chair Greg McBryde asked if there was a motion. The motion is as follows:

Motion: Gene Poinsette made a motion to nominate Trent Mason as Chair of Planning Board. Rebecca Abernethy seconded. Motion carried unanimously.

Gene Poinsette made a motion to nominate Greg McBryde as Vice-Chair of Planning Board. Rebecca Abernethy seconded. Motion carried unanimously.

ZMA-1-2022-Application from Ronald G. Leonhardt requesting the rezoning of 1.534 acres of land from NB, R-8, and R-10 to General Business (GB) District. The subject property consists of four lots starting at the southwest corner of West Main Street Extension and Riverside Drive and runs approximately 500 feet west down Riverside Drive. (Parcel ID 19322, 16335, 20743, and 15888). A portion of Parcel ID 19322 is located on the south side of Riverside Drive.

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

Several neighbors spoke in opposition to the rezoning.

After some discussion, Vice-Chair Greg McBryde asked if there was a motion. The motion is as follows:

Motion: Trent Mason made a motion to deny the request for rezoning. Rebecca Abernethy seconded. Gene Poinsette voted in favor of the rezoning. motion for rezoning was denied 3-1.

Vice-Chair Greg McBryde asked the Board if there was any other business to be addressed, to which there was none.

Adjournment

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

Jean Derby

MEMO TO: Planning Board Members

FROM: City of Lincoln Planning Department

SUBJECT: CZ-2-2022 Application from Century Communities Southeast, LLC requesting the rezoning of approximately 97 acres from R-25 to PRD

DATE: March 15, 2022

NOTE:

Century Communities had previously requested rezoning of the same site associated with this application and that request was denied in December 2021.

The Unified Development Ordinance contains the following provision regarding conditional rezoning requests that have been denied:

If a request for a conditional district is denied by the City Council, a similar application for the same property or any portion thereof shall not be filed until the expiration of a 12-month period from the date of the most recent denial by the City Council. This waiting period shall not be applicable where the application for a conditional district is substantially different from the application that most previously had been denied.

Since December, the applicant has held a community meeting and modified the conditional zoning site plan to include several changes. The City Attorney has determined that the extent of the changes make the new application substantially different from the previous application and therefore not subject to the 12-month waiting period.

The below summarizes the differences between the previous application and the new application:

- The total number of lots has been reduced from 261 to 218.
- The overall density has been reduced from 2.68 dwelling units per acre to 2.24 dwelling units per acre.
- The total amount of common open space has been increased from 40.2 acres to 49.14 acres.
- The 30 foot project boundary setback along a portion of the southern project edge has been revised to be a 30 foot buffer.

- The single family lots to be located along the southern edge of the site have been modified as follows:
 - Minimum lot size has decreased from 7,200 square feet to 7,150 square feet.
 - Minimum lot width has been increased from 60 feet to 65 feet.
 - Side yards have been increased from 8 feet to 12.5 feet.
 - Rear yards have been increased from 20 feet to 25 feet.
- The other single family lots would continue to be a minimum of 6,600 square feet and have been modified as follows:
 - Minimum lot width has been increased from 55 feet to 60 feet.
 - Side yards have been increased from 8 feet to 10 feet.
 - Rear yards have been increased from 20 feet to 25 feet.

The following chart summarizes some of the project details and development standards for the previous application in comparison with the new application.

		CZ-11-2021	CZ-2-2022
Overall Project	Zoning Classification	PRD	PRD
	Permitted Uses	Single Family Homes	Single Family Homes
	Number of Lots	261	218
	Common Open Space	40.2 ac	49.14 ac
	Overall Density	2.68	2.24
Lots Located Along Southern Edge	Minimum Lot Size	7,200 sq ft	7,150 sq ft
	Minimum Lot Width	60 ft	65 ft
	Front Setback	20 ft	20 ft
	Side Yard	8 ft	12.5 ft
	Rear Yard	20 ft	25 ft
Other Lots	Minimum Lot Size	6,600 sq ft	6,600 sf ft
	Minimum Lot Width	55 ft	60 ft
	Front Setback	20 ft	20 ft
	Side Yard	8 ft	10 ft
	Rear Yard	20 ft	25 ft

SITE AND AREA DESCRIPTION

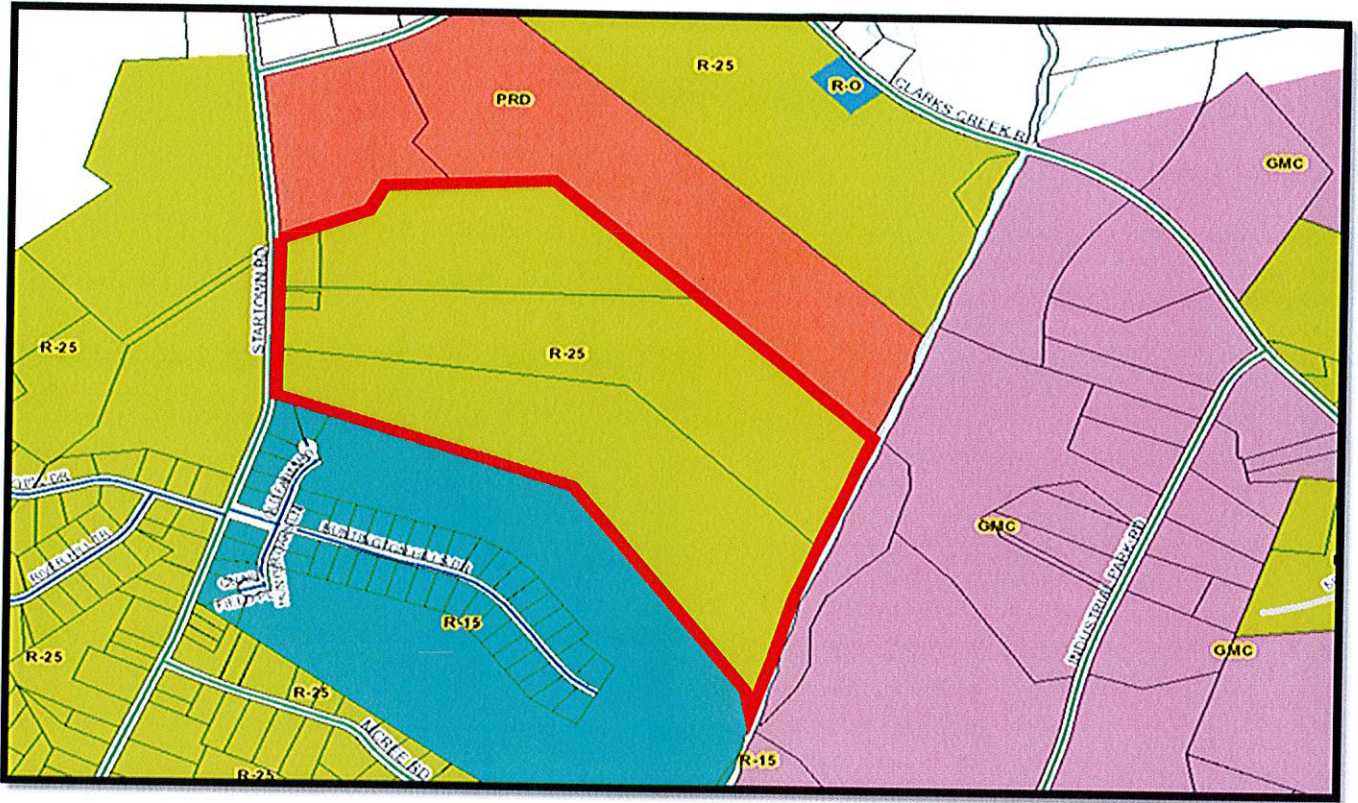
The applicant is requesting a conditional rezoning from R-25 to the Planned Residential District (PRD) for the purpose of developing a single family residential community with 218 homes.

The subject property is located on the east side of Startown Road approximately 950 feet south of the intersection of Clarks Creek Road and Startown Road (Parcel ID's 16937, 21509, 21507, 21508, and 21510).

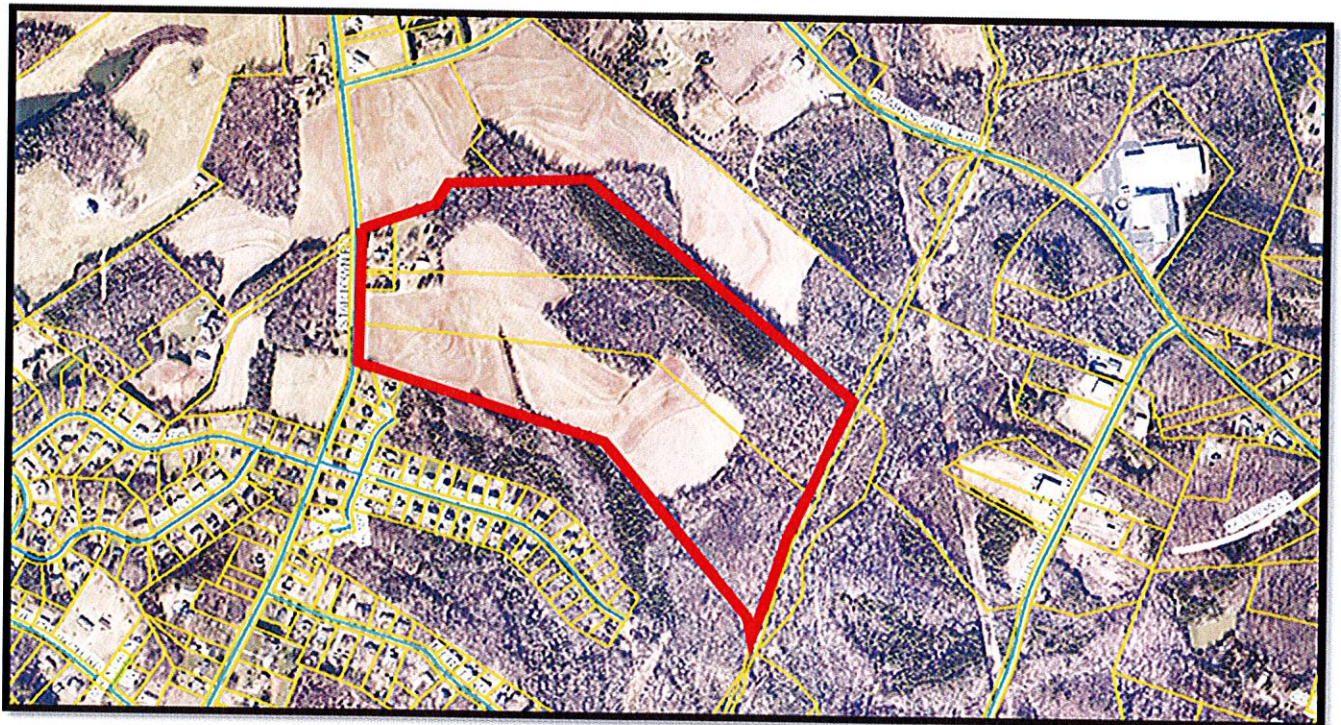
The property is undeveloped with the exception of two homes and several barns. Adjacent properties include single family homes and vacant properties.

The site is located outside of the city limits but within the ETJ.

CURRENT ZONING MAP



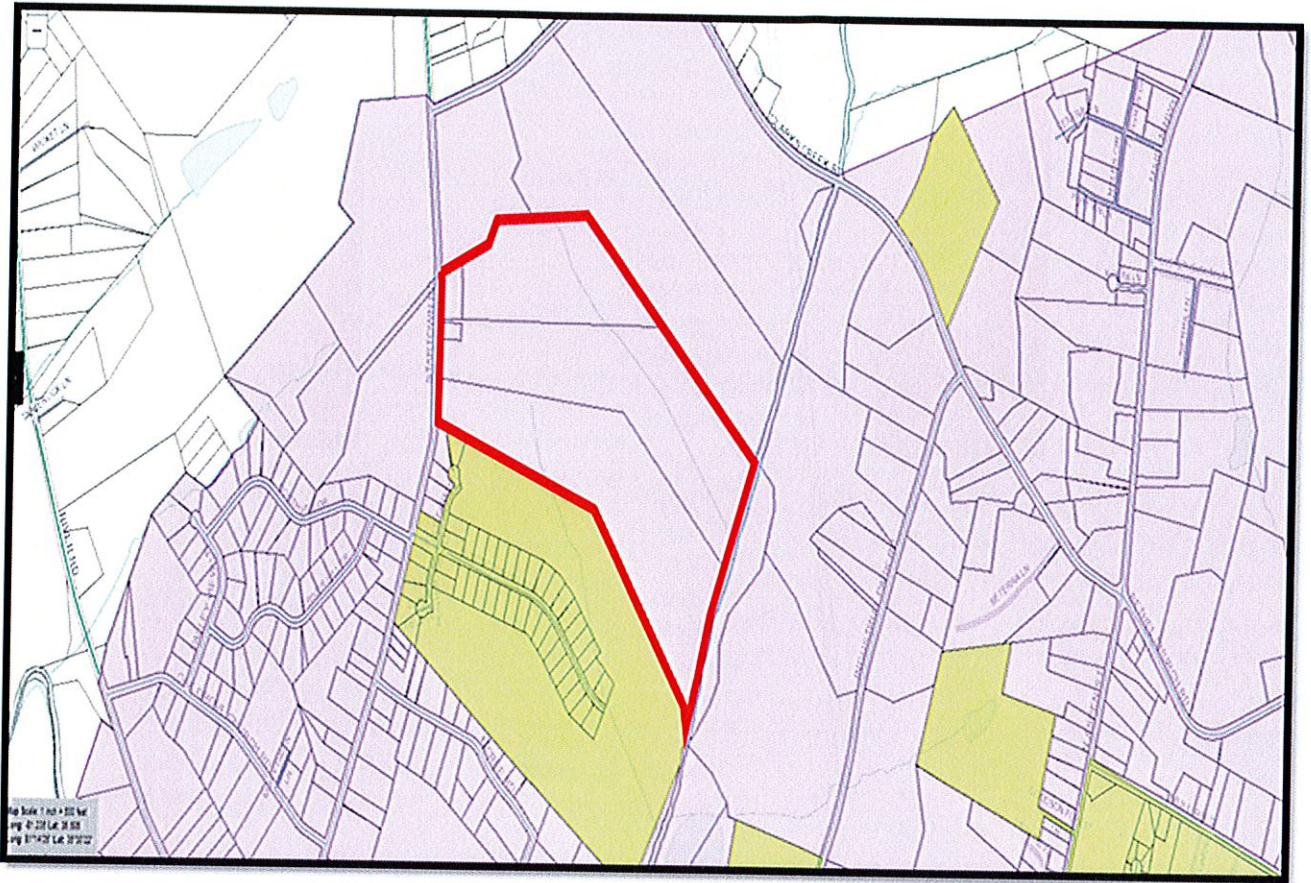
AERIAL VIEW



STREET VIEWS



CITY LIMITS/ETJ



PROJECT DETAILS

- The project is a proposed single family residential subdivision.
- The site includes 97.16 acres.
- The site plan allows up to 218 single family lots with an overall density of approximately 2.24 units per acre.
- The site plan provides 49.14 acres of common open space.
- Access will be provided by two public street connections to Startown Road.
- Sidewalks will be located on both sides of all streets within the site.
- Buildings will be a maximum of two stories in height.

- Lots located along the southern edge of the site:

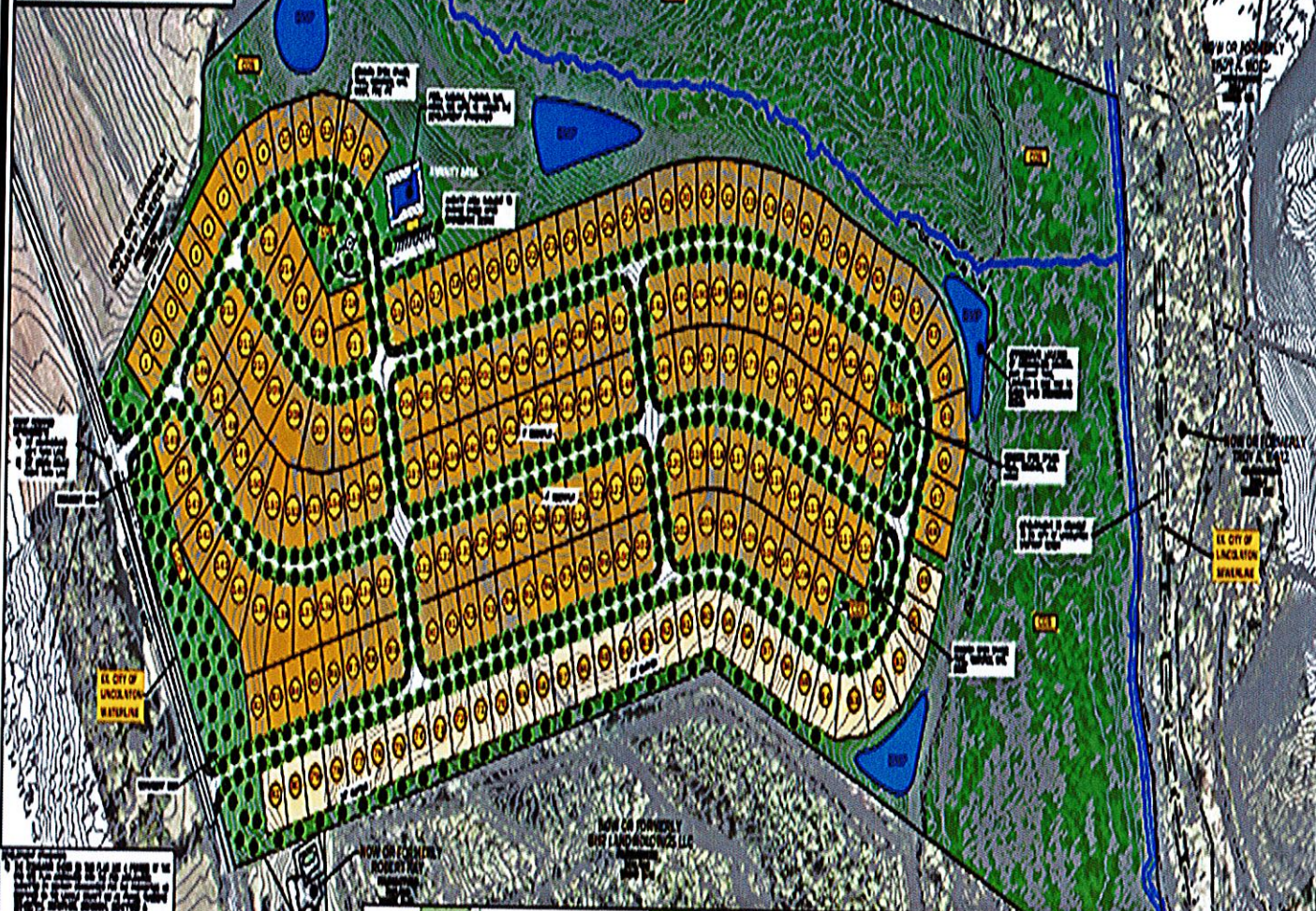
- *Minimum Lot Size: 7,150 sq ft
 - *Minimum Lot Width: 65'
 - *Front Setback : 20'
 - *Side Setback: 12.5'
 - *Rear Yard: 25'

- Other lots:

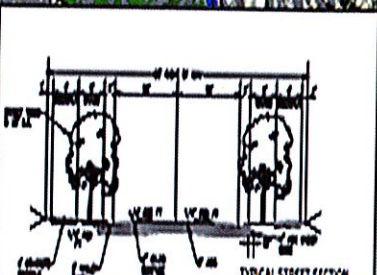
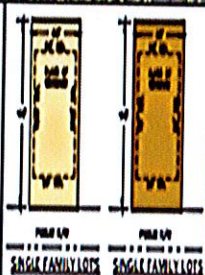
- *Minimum Lot Size: 6,600 sq ft
 - *Minimum Lot Width: 60'
 - *Front Setback : 20'
 - *Side Setback: 10'
 - *Rear Yard: 25'

- The site plan submitted by the applicant is below.

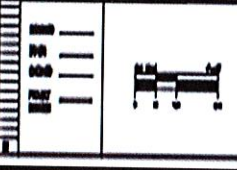
- LEGEND**
- 1. EXISTING LOT LINES
 - 2. PROPOSED LOT LINES
 - 3. EXISTING STREETS
 - 4. PROPOSED STREETS
 - 5. EXISTING WATERLINES
 - 6. PROPOSED WATERLINES
 - 7. EXISTING SEWER LINES
 - 8. PROPOSED SEWER LINES
 - 9. EXISTING POWER LINES
 - 10. PROPOSED POWER LINES
 - 11. EXISTING FLOOD PLAIN
 - 12. PROPOSED FLOOD PLAIN
 - 13. EXISTING EROSION CONTROL
 - 14. PROPOSED EROSION CONTROL
 - 15. EXISTING UTILITIES
 - 16. PROPOSED UTILITIES
 - 17. EXISTING LAND USE
 - 18. PROPOSED LAND USE
 - 19. EXISTING ZONING
 - 20. PROPOSED ZONING
 - 21. EXISTING SURVEY DATA
 - 22. PROPOSED SURVEY DATA
 - 23. EXISTING ADJACENT PROPERTIES
 - 24. PROPOSED ADJACENT PROPERTIES
 - 25. EXISTING CITY OF LINCOLN WATERLINE
 - 26. PROPOSED CITY OF LINCOLN WATERLINE
 - 27. EXISTING CITY OF LINCOLN SEWER LINE
 - 28. PROPOSED CITY OF LINCOLN SEWER LINE
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 - 34. PROPOSED CITY OF LINCOLN EROSION CONTROL
 - 35. EXISTING CITY OF LINCOLN UTILITIES
 - 36. PROPOSED CITY OF LINCOLN UTILITIES
 - 37. EXISTING CITY OF LINCOLN LAND USE
 - 38. PROPOSED CITY OF LINCOLN LAND USE
 - 39. EXISTING CITY OF LINCOLN ZONING
 - 40. PROPOSED CITY OF LINCOLN ZONING
 - 41. EXISTING CITY OF LINCOLN SURVEY DATA
 - 42. PROPOSED CITY OF LINCOLN SURVEY DATA
 - 43. EXISTING CITY OF LINCOLN ADJACENT PROPERTIES
 - 44. PROPOSED CITY OF LINCOLN ADJACENT PROPERTIES



- NOTES**
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CHANGES & REVISIONS

DATE: 10/10/2010

BY: [Signature]

FOR: [Signature]

Carpenter Farms

CENTURY COMMUNITIES

1000 CARRILL & 1000 CARRILL DRIVE

SUITE 100

CHARLOTTE, NC 28204

CONDITIONAL ZONING PLAN

CITY OF LINCOLN

NORTH CAROLINA

DEVELOPMENT STANDARDS:

- 1) THE STANDARDS SHOWN ON THIS PLAN ARE A PORTION OF THE PRD SITE PLAN ASSOCIATED WITH THE PRD APPLICATION SUBMITTED BY CENTURY COMMUNITIES FOR THE PROPERTIES AS IDENTIFIED ON THE LINCOLN COUNTY GIS AS PARCEL NUMBERS: 3624867814, 3624878468, 362488004, 3624771920 & 3624771628
- 2) THE DEVELOPMENT OF THIS SITE SHALL BE GOVERNED BY THE PRD PLAN AND THE CITY OF LINCOLNTON UDO
- 3) THE EXISTING INFORMATION SHOWN ON THIS PLAN ARE TAKEN FROM THE LINCOLN COUNTY GIS SYSTEM.
- 4) ACCESS TO THE PROPERTY SHALL BE AS GENERALLY DEPICTED ON THE PRD PLAN. THE FINAL ACCESS LOCATIONS SHALL BE SUBJECT TO NCDOT REVIEW AND/OR THE CITY OF LINCOLNTON AND ARE SUBJECT TO MINOR CHANGES.
- 5) THE DEVELOPMENT WILL BE SERVED BY AN INTERNAL STREET SYSTEM. ALL STREETS WILL BE BUILT TO THE CITY OF LINCOLNTON AND/OR NCDOT STANDARDS. SOME MINOR ADJUSTMENTS MAY INCUR DURING THE REVIEW PROCESS.
- 6) ALL STREET TREES AND LANDSCAPING SHALL INSTALLED PER THE CITY OF LINCOLNTON STANDARDS.
- 7) WATER AND SEWER DESIGN SHALL MEET THE CITY OF LINCOLNTON STANDARDS.
- 8) SIDEWALK PLACEMENT SHALL BE TO THE CITY OF LINCOLNTON STANDARDS.
- 9) ALL HOMES SHALL BE CONSTRUCTED TO FACE THE INTERNAL ROAD SYSTEM.
- 10) COMMON OPEN SPACE MAY CONSIST OF OPEN AIR PAVILIONS, PLAYGROUNDS, FIRE PITS, WALKING TRAILS



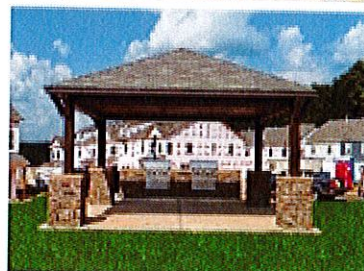
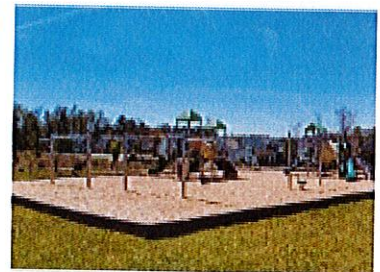
Century Communities



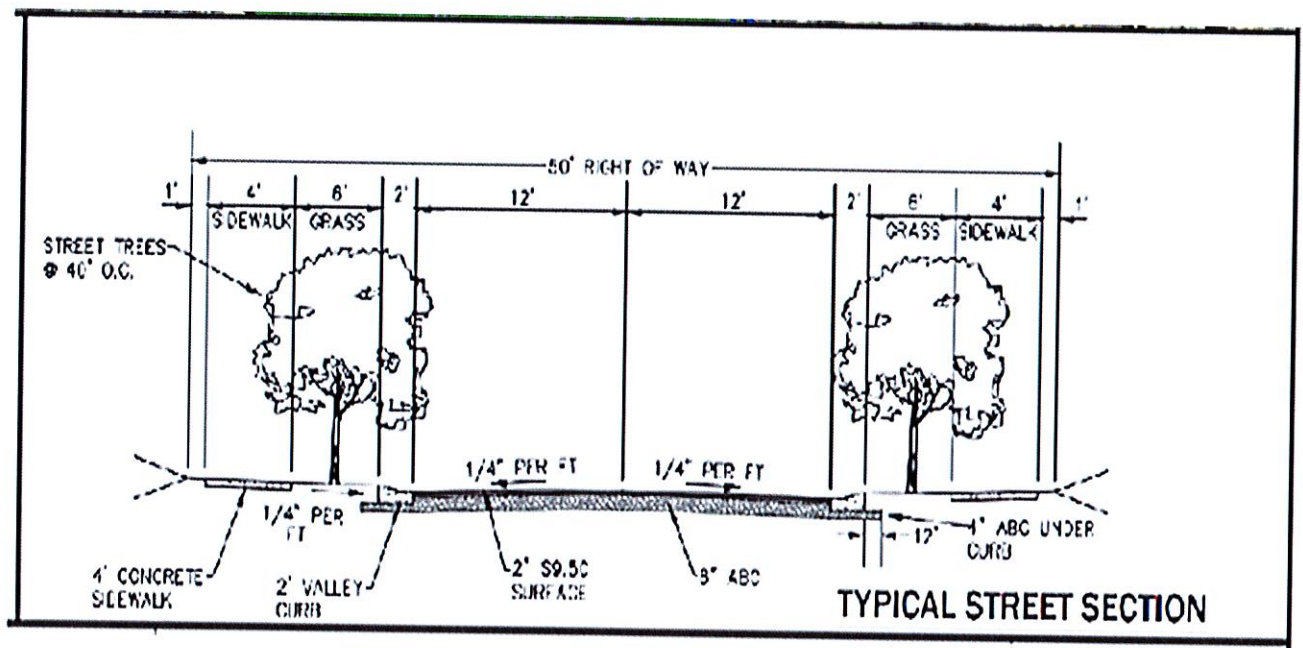
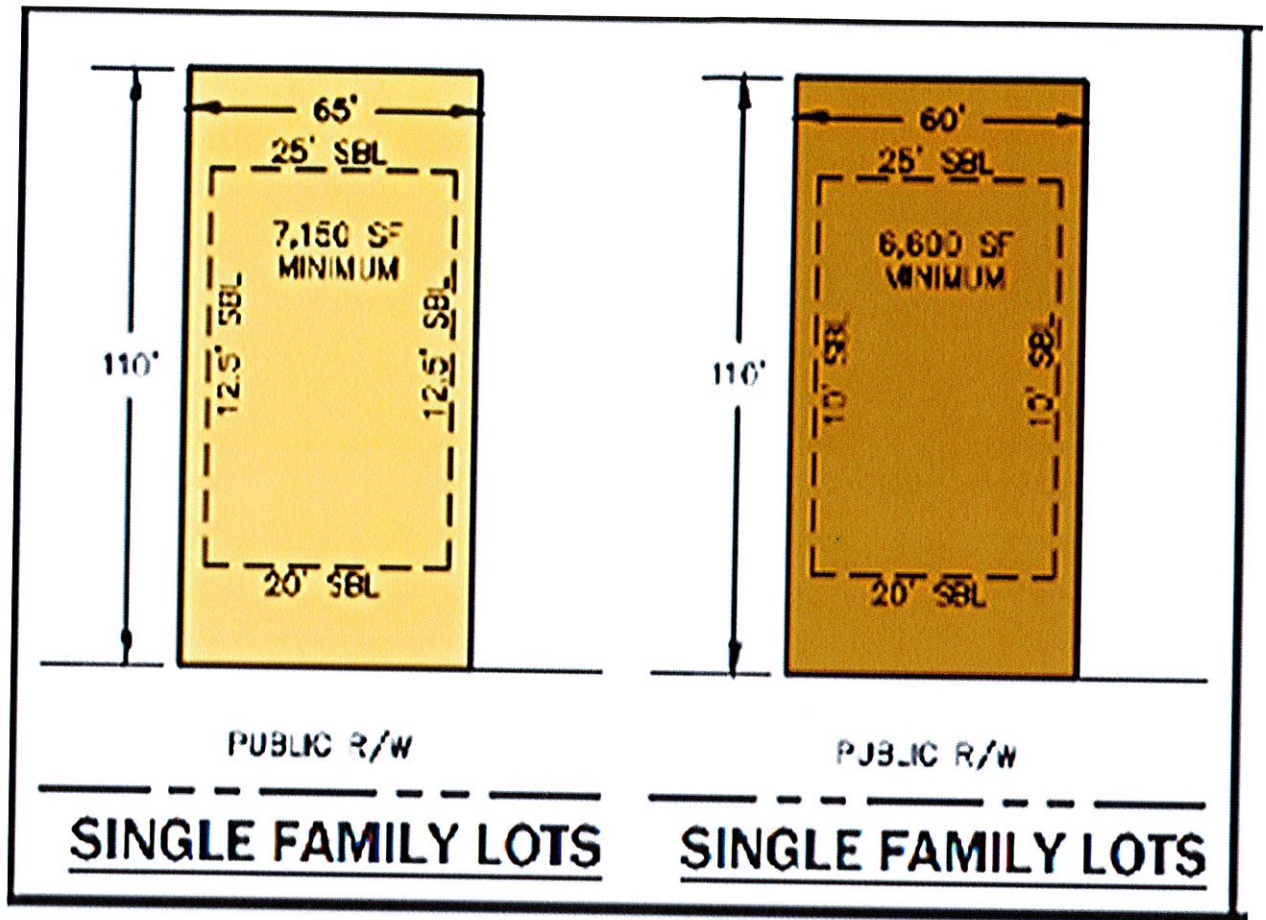
 CENTURY
COMMUNITIES



Amenity Examples



 CENTURY
COMMUNITIES



EXISTING AND PROPOSED ZONING

The below chart outlines several of the minimum standards for the existing R-25 zoning district in comparison to the proposed conditional zoning district.

Zoning District	Existing R-25	Proposed PRD
Permitted Uses	Single Family Homes Duplexes Manufactured Homes	Single Family Homes
Minimum Lot Size	20,000 sf *	6,600 and 7,150 sf
Minimum Lot Width	100 ft**	60 and 65 ft
Front Setback	40 ft***	20 ft
Side Yard	10 ft**	10 and 12.5 ft
Rear Yard	40 ft	25 ft

*For single family lot with public water and public sewer

**For single family use

***For lot with public water and public sewer

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. Such areas currently have public water and sewer or are likely to have such facilities within the next ten years. Most new single family residential development within Lincolnton is likely to occur in such areas.

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 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.

Staff views the proposed development as consistent with the Land Use Plan's Residential Suburban designation and 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 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. Detailed phasing of when units will be constructed must be shown on the plans.
2. Sidewalks constructed to City of Lincoln specifications must be constructed along the frontage of Startown Road.
3. Detailed water and sewer plans will need to be submitted and approved by the City prior to development.
4. The applicant will be responsible for making the utility tap.
5. City Fire Inspector will need to review and approve all plans prior to development.
6. Buildings to be no further than 400 feet from a hydrant.
7. Appendix D of the Fire Code will need to be met.
8. If buildings are over 30 feet in height, internal streets must be a minimum of 26 feet in width.
9. "No Parking" signs required on internal streets.
10. Fire Marshal will require the secondary access to be provided after the 99th home is constructed.
11. The City is currently having a hydraulics study performed to determine water capacity. Approval of the proposed development is contingent upon the City's review of the hydraulics study and subsequent determination of available capacity.

12. Sewer to be coordinated with Huntington Hills sewer.
13. City will need a 30 foot access easement in order to access utilities in the rear of the site.
14. NCDOT driveway permit required. Turning lanes will be required.
15. Street trees are subject to NCDOT's Guidelines For Planting Within Highway Right-of-Way (should not be larger than 4 inch diameter).
16. Detailed landscaping and screening plan will need to be provided.
17. 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 wetlands exist and will be disturbed, a 404 and 401 permit approval will need to be submitted with the original erosion control plan packet. Civil plans are subject to review and approval of Lincoln County Natural Resources.
18. No flood zone encroachments permitted. Stream buffers required.
19. The HOA is responsible for ongoing maintenance of the detention ponds and will make any necessary repairs to the ponds to ensure their continued effectiveness. Ongoing maintenance is to be in accordance with NC DEQ Stormwater Standards. These standards include but are not limited to scheduled visual structure inspections and yearly inspection report to be submitted to the City of Lincoln for review and compliance with the standards.
20. Building plans must be submitted to and approved by Lincoln County Inspections prior to development.
21. 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.
22. Setbacks along Startown Road are to be a minimum of 50 feet from the right of way.
23. Screening that meets minimum ordinance standards is to be provided in the 50 foot setback areas along Startown Road.
24. The 30 foot buffer along the southern edge of the site needs to be extended to the back side of the southernmost detention pond. Natural plantings that meet or exceed the screening requirements of the UDO are to be provided in the 30 foot buffer. No structures are to be placed in the 30 foot buffer area. The 30 foot buffer area is to be part of the common open space maintained by the HOA.
25. The HOA is responsible for ongoing maintenance of screening and buffer areas. Ongoing maintenance is to include replacement of any required vegetation that dies or is removed.
26. 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.
27. 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.

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

Case No. CZ-11-2021

Applicant: Century Communities Southeast, LLC

Parcel ID#: 16937, 21509, 21507, 21508, and 21510

Location: Startown Road

Request: Rezone from R-25 to PRD for the purpose of developing a single family residential subdivision with 218 lots.

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 consistent** with the area's Residential Suburban designation by the land use plan and is also 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 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-11-2021

Applicant: Century Communities Southeast, LLC

Parcel ID#: 16937, 21509, 21507, 21508, and 21510.

Location: Startown Road

Request: Rezone from R-25 to PRD for the purpose of developing a single family residential subdivision with 218 lots.

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 consistent** with the Lincolnton Land Use Plan. However, 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.**