

CITY OF LINCOLNTON PLANNING BOARD MINUTES

PO DRAWER 617, LINCOLNTON, NC 28093

www.lincolntonnc.org

BOARD MEMBERS: Greg McBryde, Gregory.McBryde@gmail.com; Trent Mason, trentonbmason@gmail.com;
Becky Shaw beckygreer82@gmail.com; Monte Tyson, monte@cbdeastmain.com; Kristin Radebaugh, kradebaugh6r6@gmail.com;
John Waters, jh2osk@aol.com; Steve Lackey, stevelackey88@gmail.com

Tuesday, June 20, 2023

Present: Greg McBryde, Trent Mason, Kristin Radebaugh, John Waters, Steve Lackey

Absent: Becky Shaw, Monte Tyson

Call to Order

Chair Trent Mason called the meeting to order and recognized that Becky Shaw and Monte Tyson were absent.

Approval of Minutes

Chair Trent Mason asked the Board if there were any additions or corrections to the minutes of the May 16, 2023, meeting.

*Motion: Greg McBryde made a motion to approve the minutes.
Members voted 5-0 in favor of the motion.*

CZ-4-2023-Application from Carolina Elite Builders, LLC requesting a Conditional District Rezoning of 10.637 acres of land to Residential-25 Conditional District (R-25 CD). (Parcel ID 54844)

Jean Derby presented the staff report included in the agenda packet to the Board regarding CZ-4-2023.

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

*Motion: John Waters made a motion to approve.
Members voted 5-0 in favor of the motion.*

CZ-5-2023- Application from Bean Brothers Real Estate LLC requesting revisions to an approved conditional zoning plan (CZ-10-22). (Parcel ID 00512)

Jean Derby presented the staff report included in the agenda packet to the Board regarding CZ-5-2023.

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

*Motion: John Waters made a motion to allow a 30 day extension.
Members voted 3-2 in opposition of the motion.*

*Motion: Greg McBryde made a motion to deny.
Members voted 4-1 in favor of the motion.*

ZTA-2-2023- Zoning Text Amendments to Chapter 153 Unified Development Ordinance

Jean Derby presented the staff report included in the agenda packet to the Board regarding ZTA-2-2023.

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

*Motion: Greg McBryde made a motion to approve.
Members voted 5-0 in favor of the motion.*

MJS-1-2023- Review of Major Subdivision Plat submitted by Carolina Development Services (Huntington Hills)

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding MJS-1-2023.

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

*Motion: John Waters made a motion to approve.
Members voted 5-0 in favor of the motion.*

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

Adjournment

*Motion: Greg McBryde made a motion to adjourn.
Members voted 5-0 in favor of the motion.*

Ashley Jones



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Public Hearing Staff Analysis
CZ-6-2023
1221 East Pine Street
PID 20471

SUMMARY

Location

1221 East Pine Street
PID 20471

Zoning

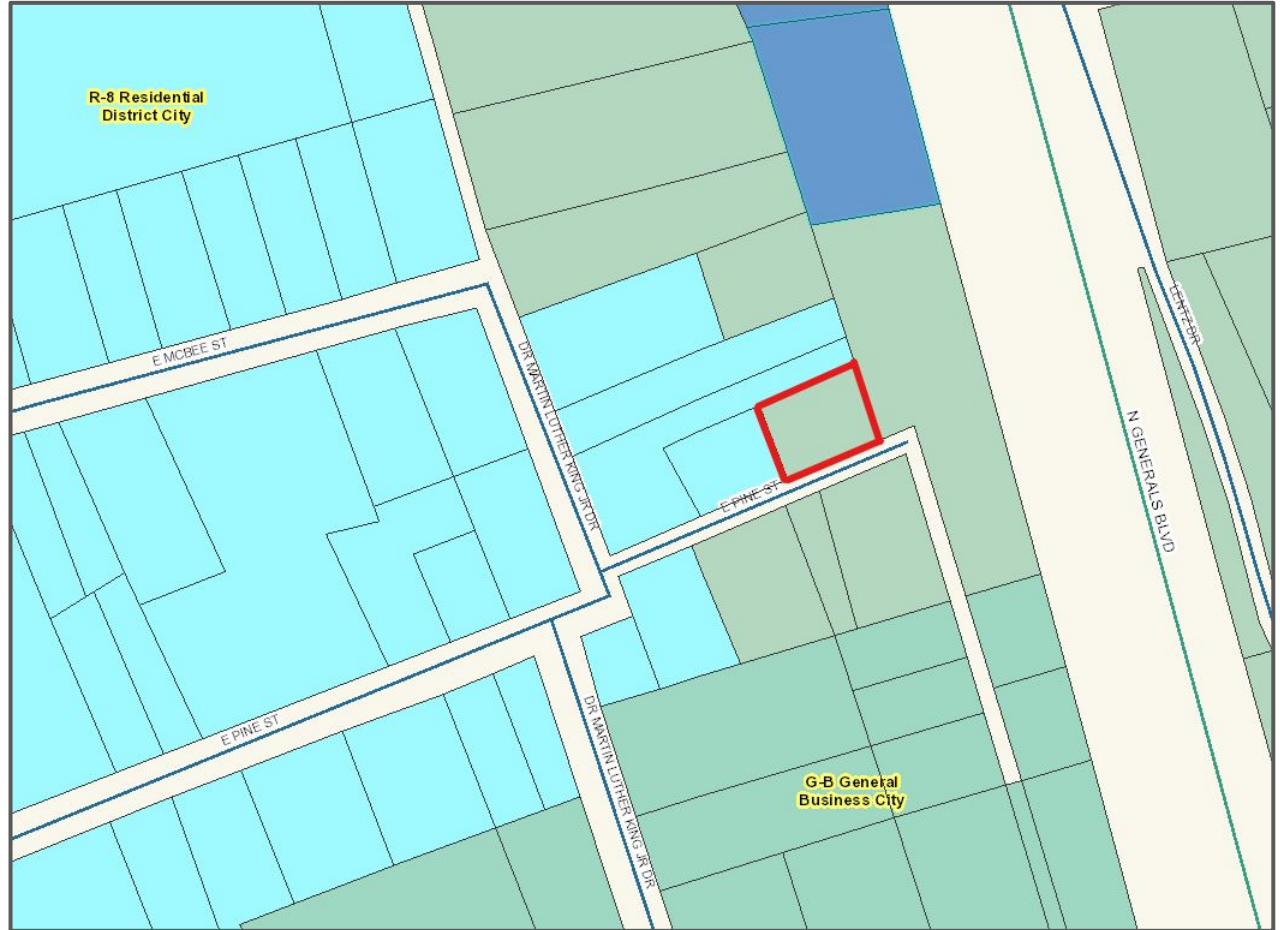
Existing: PB Proposed: R-8

Use

Existing: The site is currently undeveloped.
Proposed: Two Family Residential

Request Summary

The applicant is requesting to change the zoning of the .139 acre parcel from Planned Business to Residential-8 to build a two family home.



PROJECT AREA



SITE INFO AND BACKGROUND

Site Summary

The subject property is vacant land. Land uses in the area include a mixture of residential and commercial uses. The property is surrounded by Planned Business and Residential-8 zoning.

Permitted Uses Under Current Zoning

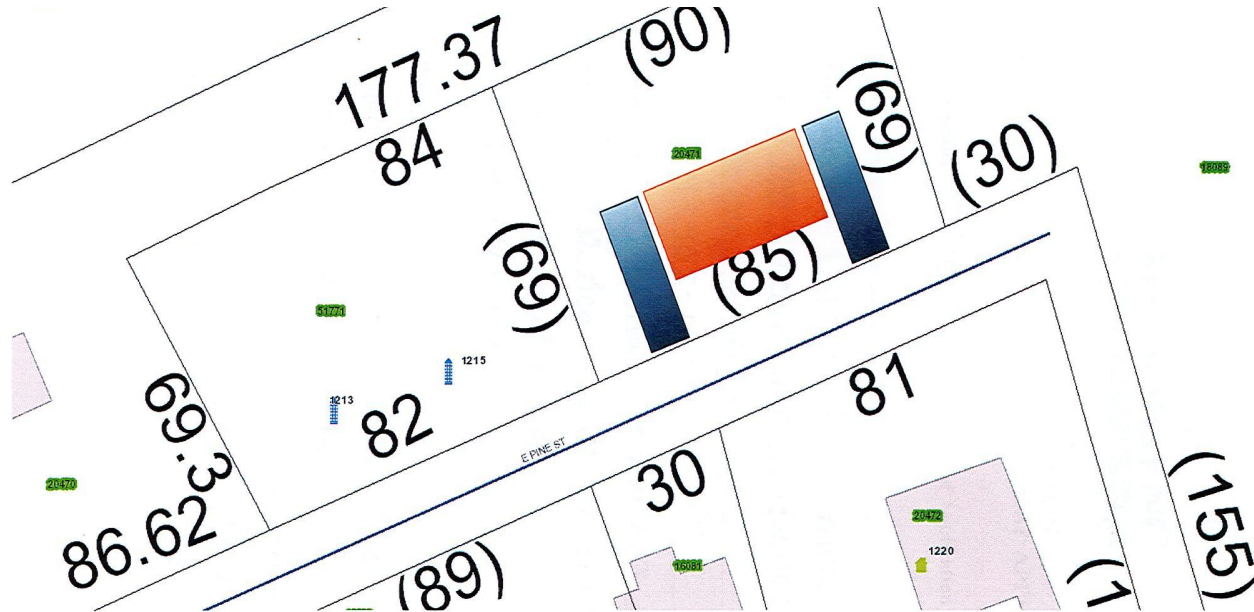
Retail stores, appliance/appliance repair shop, gas station, office building, second hand store, barber or beauty shop, laundry mat, dry cleaner. These are examples of permitted uses. There are over 82 permitted uses in the Planned Business zoning district. Permitted use means it does not come to council for approval.



STREET VIEWS



SITE PLAN



Depth of Duplex – 28 feet
 Width of Duplex – 46 feet
 Distance from Property Lines – Matched with Neighboring Lot 1213-1215 E Pine Street
 Rear 29 feet
 Sides 19 feet
 Front 12 feet

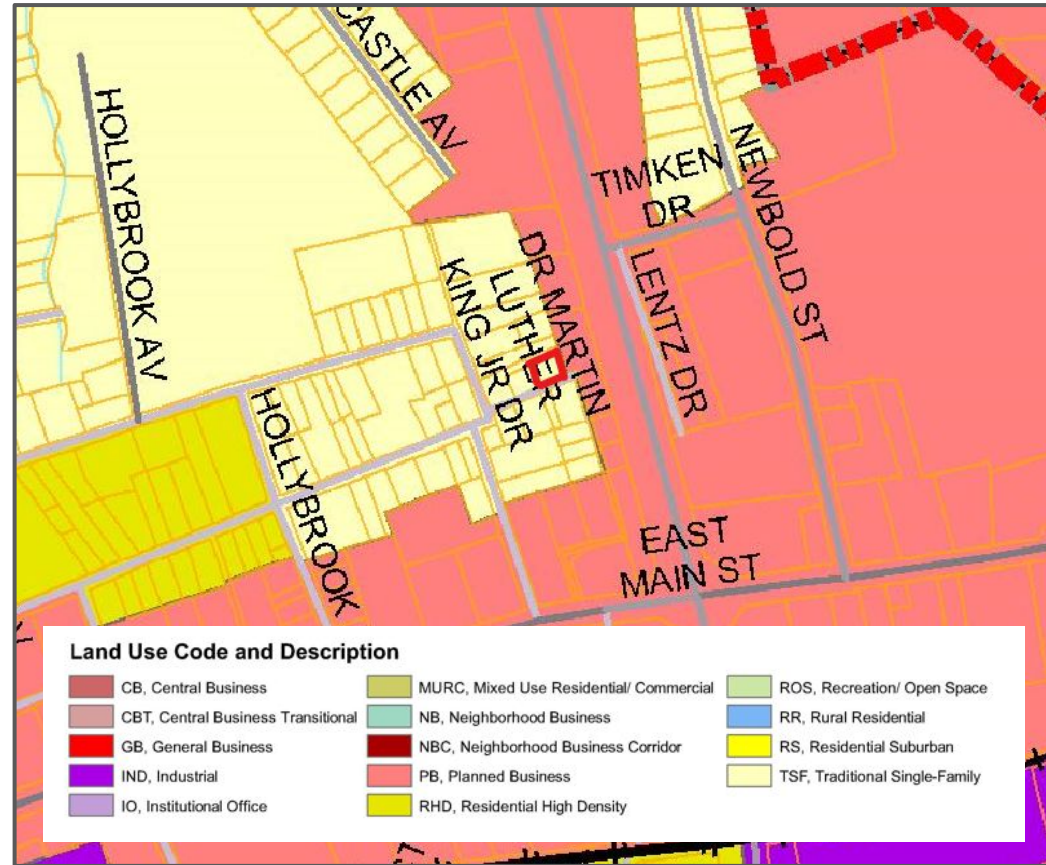
LAND USE PLAN

LAND USE PLAN COMPLIANCE

The land use plan shows the property in the Traditional Single Family Planning Area.

These planning areas consist of single-family uses on smaller to medium sized lots in older established portions of the community. As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.

When you look at the current zoning versus the land use map, there are multiple residential properties in this area that are zoned GB but in the Traditional Single-Family Planning Area. The current zoning is not consistent with the Land Use Plan. However, if the property were rezoned to a residential use, it would then be consistent with the Land Use Plan.



STAFF COMMENTS

Planning Department

- On the front setback, they will need to push it back to 15 feet.
- Coordinate with City Electric Department for pole setup/mark property lines
- Coordinate with Utility Billing for purchase of connections
- Driveway permit required with the City of Lincoln

Fire

- No comments

Public Works

- No comments

NCDOT

- No comments

Soil and Erosion

- No comments

STATEMENTS

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

Case No. CZ-6-2023
Applicant: Carolina Elite Builders
Parcel ID#: 20471
Location: 1221 East Pine Street
Request: Rezone from PB to R-8

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is consistent** with the Lincolnnton Land Use Plan.

The property is currently zoned Planned Business. A commercial use is not consistent with the Land Use Plan. Rezoning to R-8 would make it consistent.

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

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

Case No. CZ-6-2023
Applicant: Carolina Elite Builders
Parcel ID#: 20471
Location: 1221 East Pine Street
Request: Rezone from PB to R-8

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is consistent** with the Lincolnnton Land Use Plan. However, the proposed use is not viewed as desirable in the area and therefore, **denial of the proposed amendment is reasonable and in the public interest.**

STAFF RECOMMENDATIONS

Staff recommend the following action:

1. Recommend approval of rezoning of the property from PB to R-8
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval



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Public Hearing Staff Analysis
CZ-7-2023
502 N. Aspen Street
PID 20343

SUMMARY

Location

502 N. Aspen Street

Zoning

Existing: R-8

Proposed: R-O

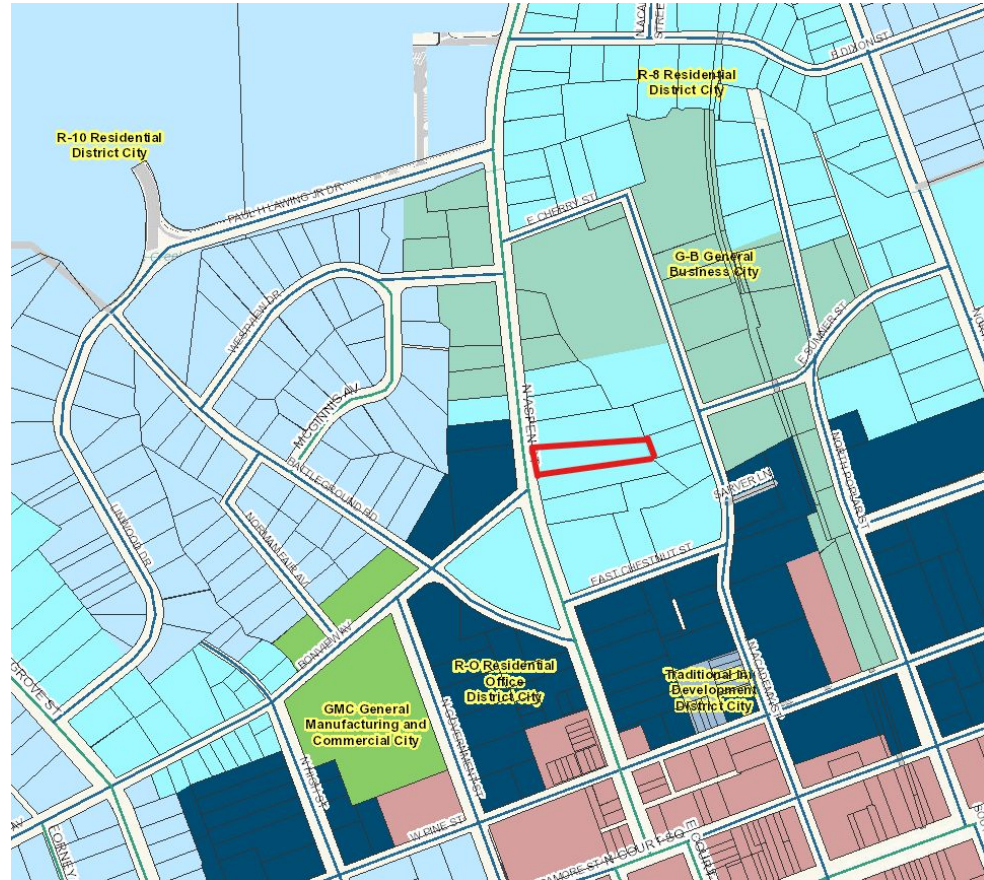
Use

Existing: The site is currently a single family home.

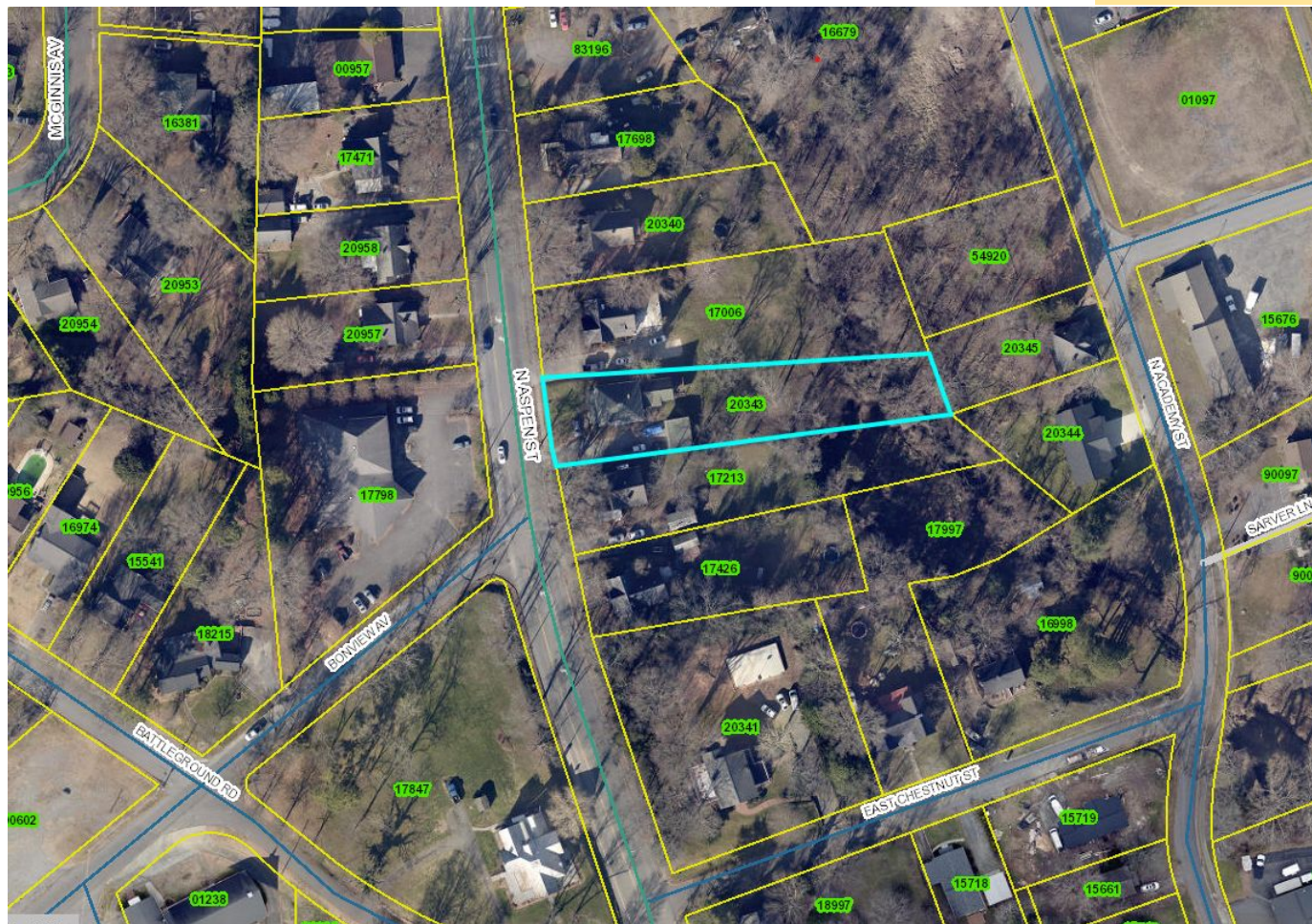
Proposed: home and office

Request Summary

The applicant is requesting to change the zoning of the .519 acre parcel from Residential-8 to Residential Office to use the home as her law office and residence.



PROJECT AREA



SITE INFO AND BACKGROUND

Site Summary

The subject property is a single family home. Land uses in the area include a mixture of residential and commercial uses. The property is surrounded by General Business, Residential Office and Residential-8 zoning.





Adjacent properties to the north



Adjacent properties to the south



Across the street

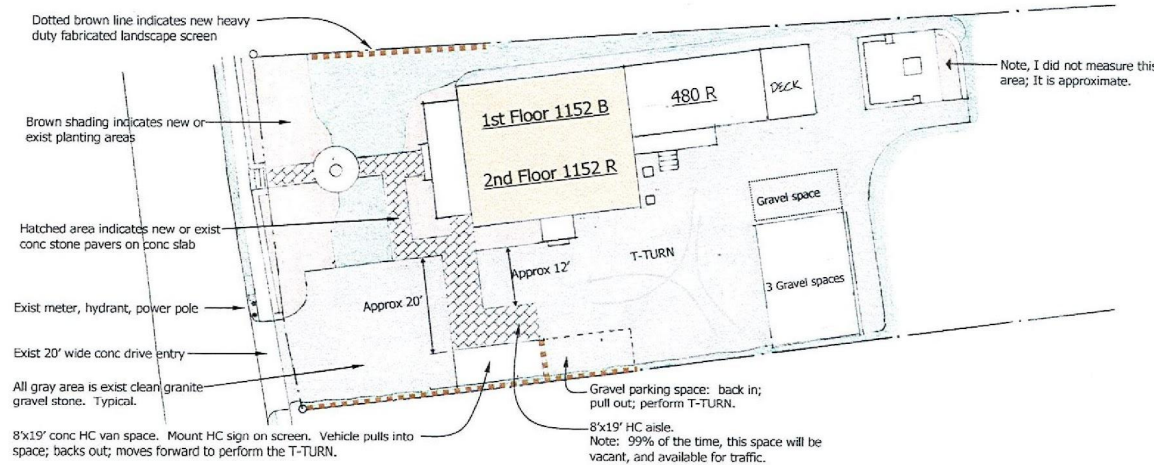
STREET VIEWS

SITE PLAN

STEPHEN WIDDOWS

1415 Depot Street
Iron Station, N.C. 28080
s@widdows.org
(704) 732-1831

*The secret of the Lord...
is with them that fear Him.*



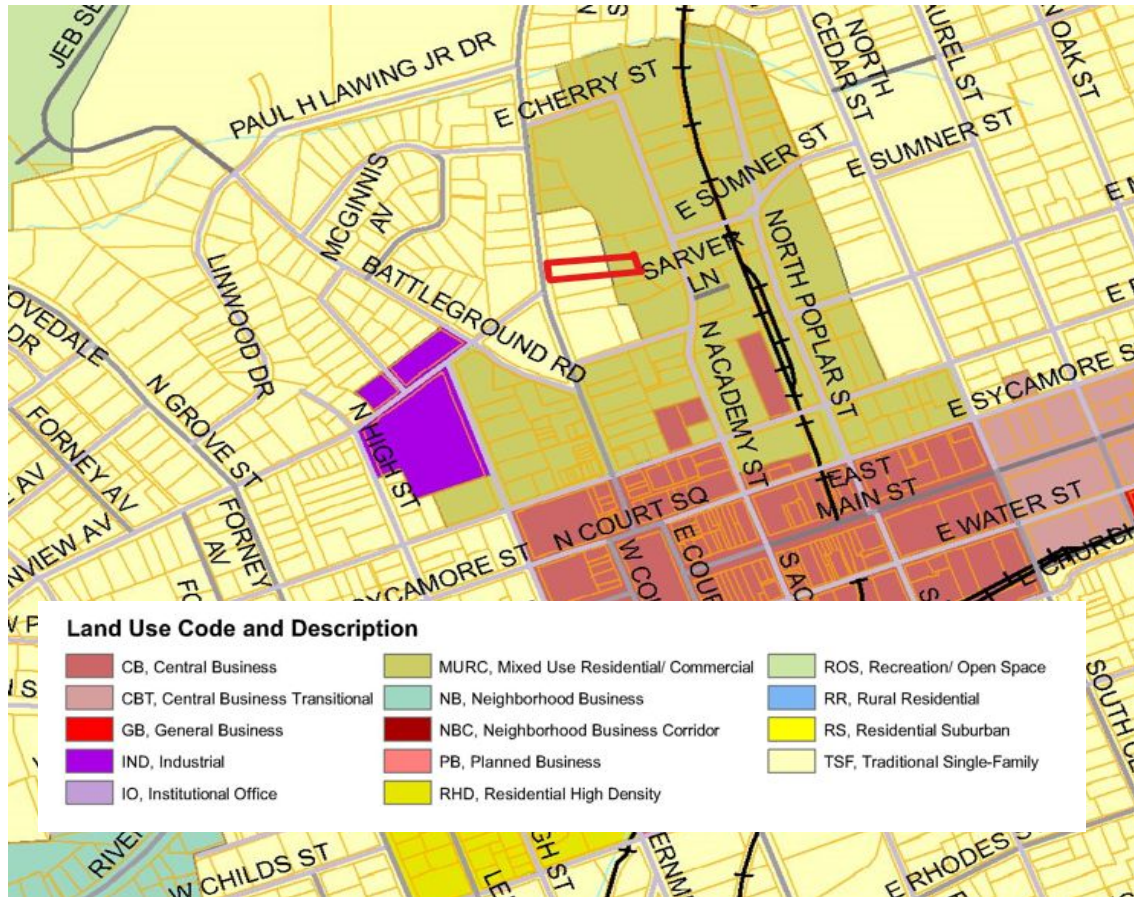
NOTE. A survey has been done. The edge of the gravel and toe of existing grass hill on south property line, - is approximate. Likewise, the location of the building; location of the garage; etc.

502 NORTH ASPEN

North

PRELIMINARY SITE PLAN 1" = 20'

LAND USE PLAN



Traditional Single Family These planning areas will consist of single-family uses on smaller to medium sized lots in older established portions of the community. As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.

Mixed-Use Residential/Commercial These are planning areas in select, 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 offices and retail uses may be located. The thrust behind these planning areas is to create areas in which persons are able to both live, work and shop. They are designed to emulate development patterns from the early and mid portions of the twentieth century when reliance on the automobile was not paramount. In order for such a concept to be feasible, an area of significant size must be so designated thus ensuring that there will be ample room for the variety of uses needed to create a "village."

Strategies from the Land Use Plan

STRATEGY R-G1: Encourage mixed-use development (in a more urban manner) in areas other than Downtown.

STRATEGY D-A7: Re-examine the boundaries of the City's "Central Business District" and peripheral areas. Allow "downtown" type residential buildings and settings to develop in areas that are not specifically located in the Downtown Lincolnton core

STAFF COMMENTS

Planning Department

- A landscape plan is required. The street landscaping, as well as the screening between residential and commercial properties, must meet the UDO requirements
- Limit sign area to 16 square feet
- Driveway apron needs to be 15' of pavement from the road a minimum of 24' wide.
- Ordinance requires a 24' driveway, will need to obtain a variance from the Board of Adjustment for a 20' driveway
- Handicap spaces need to meet building code requirements
- Dotted area on the plan that indicates heavy duty fabricated landscape screen would need to be natural plantings or a wooden fence

Fire

- Coordinate with Fire Marshall for compliance with Fire Code. He stated that there would need to be fire separation between residential and commercial floors and a separate egress

Public Works

- After January 1, 2024, may have to pay for a commercial rollout fees

NCDOT

- No driveway permit will be required

STATEMENTS

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

Case No. CZ-7-2023
Applicant: Tracy Calhoun
Parcel ID#: 20343
Location: 502 N. Aspen
Request: Rezone from R-8 to R-O

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area and Mixed-Use Residential/Commercial. The proposed rezoning request **is consistent** with the Lincolnton Land Use Plan.

The following strategies from the Land Use Plan make this consistent and reasonable:

- to encourage mixed-use development (in a more urban manner) in areas other than Downtown
- to re-examine the boundaries of the City's "Central Business District" and peripheral areas. Allow "downtown" type residential buildings and settings to develop in areas that are not specifically located in the Downtown Lincolnton core

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

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

Case No. CZ-7-2023
Applicant: Tracy Calhoun
Parcel ID#: 20343
Location: 502 N. Aspen
Request: Rezone from R-8 to R-O

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area and Mixed-Use Residential/Commercial. The proposed rezoning request **is partially consistent** with the Lincolnton Land Use Plan. However, the proposed use is not viewed as desirable in the area. Therefore, **denial of the proposed amendment is reasonable and in the public interest.**

STAFF RECOMMENDATIONS

Staff recommend the following action:

1. Recommend approval of rezoning of the property from R-8 to R-O
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval



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Public Hearing Staff Analysis
ZTA-3-2023

Amendment to Section 153.031 of the UDO

PROPOSED AMENDMENT TO SECTION

153.031 Definitions

Applicant
Troy Motz

PROPOSED DEFINITION IN SECTION 153.031

EXPRESS FUEL/MINI MART. A one-story retail store ~~containing less than 3,600 square feet of gross floor area~~ that is designed and stocked to sell a large volume of fuel and may also sell prepared and/or packaged foods, beverages, and household and picnic supplies, and automobile incidentals. It is designed to attract and depends upon a large volume of fueling and stop-and-go traffic. Automotive mechanical and/or maintenance services are not provided. Any retail business which generally meets the forgoing description and which sells fuel between the hours of 12:00 midnight and 6:00 a.m. shall be deemed an ***EXPRESS FUEL/MINI-MART.***

REASON FOR THE AMENDMENT

Lot size, setbacks, parking requirements and landscaping dictate the size a structure can be. We don't feel it is necessary to have a square footage in the definition.

STATEMENTS

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

Case No. ZTA-3-2023
Applicant: Troy Motz
Parcel ID#: 21380
Location: W NC 27 Hwy
Request: Amendment to definition

Proposed Consistency and Reasonableness Statement:

The text amendment is consistent with the goal to encourage neighborhood-oriented commercial development that front the City's major and minor thoroughfares.

The change to the UDO is reasonable as it gives property owners more flexibility in how they develop their property.

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

Staff's Proposed Statement of Consistency for **DENIAL** of Application

Case No. ZTA-3-2023
Applicant: Troy Motz
Parcel ID#: 21380
Location: W NC 27 Hwy
Request: Amendment to definition

Proposed Consistency and Reasonableness Statement:

The text amendment is inconsistent with the Land Use Plans strategy to continue to encourage the reuse of existing commercial zoned properties rather than the development of greenfields

Therefore, **denial of the proposed amendment is reasonable and in the public interest.**

STAFF RECOMMENDATIONS

Staff recommend the following action:

1. Recommend approval of the text amendment
2. Approval of the statement of consistency for approval of the amendment request



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Public Hearing Staff Analysis
CZ-8-2023
W NC Highway 27
PID 21380

SUMMARY

Location

W NC Hwy 27, PID 21380

Zoning

Existing: PB

Proposed:GB-CD

Use

Existing:The site is currently vacant.

Proposed: Express Fuel/Mini Mart

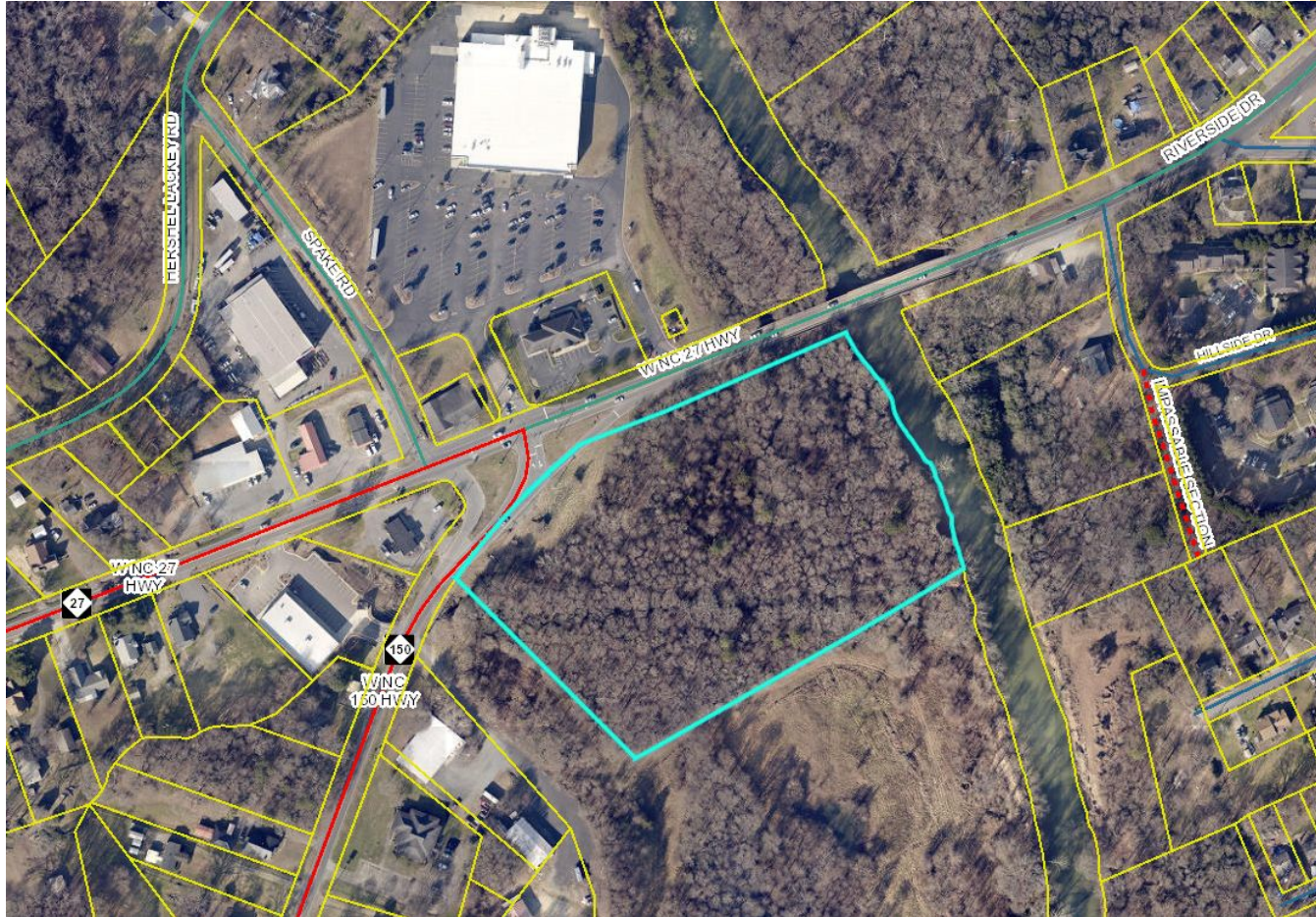
Request Summary

The applicant is requesting to change the zoning of the 8.5 acre parcel from Planned Business to General Business Conditional District for an express fuel/mini mart.

Site Summary The subject property is vacant land. Land uses in the area include a mixture of residential and commercial uses. The property is surrounded by General Business, Planned Business, and Residential-8 zoning.

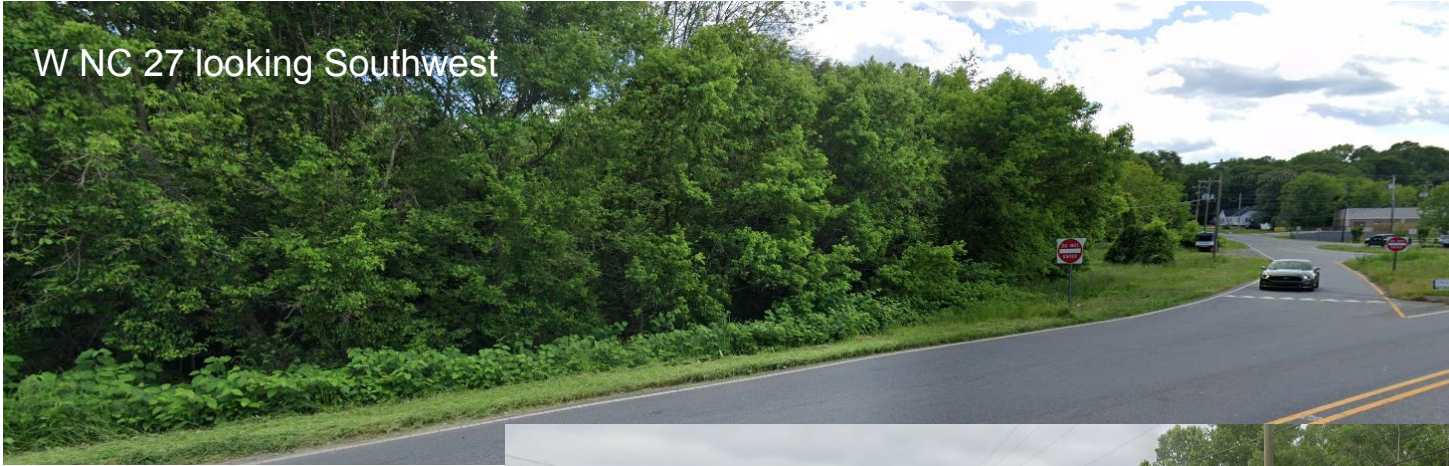


PROJECT AREA



STREET VIEWS

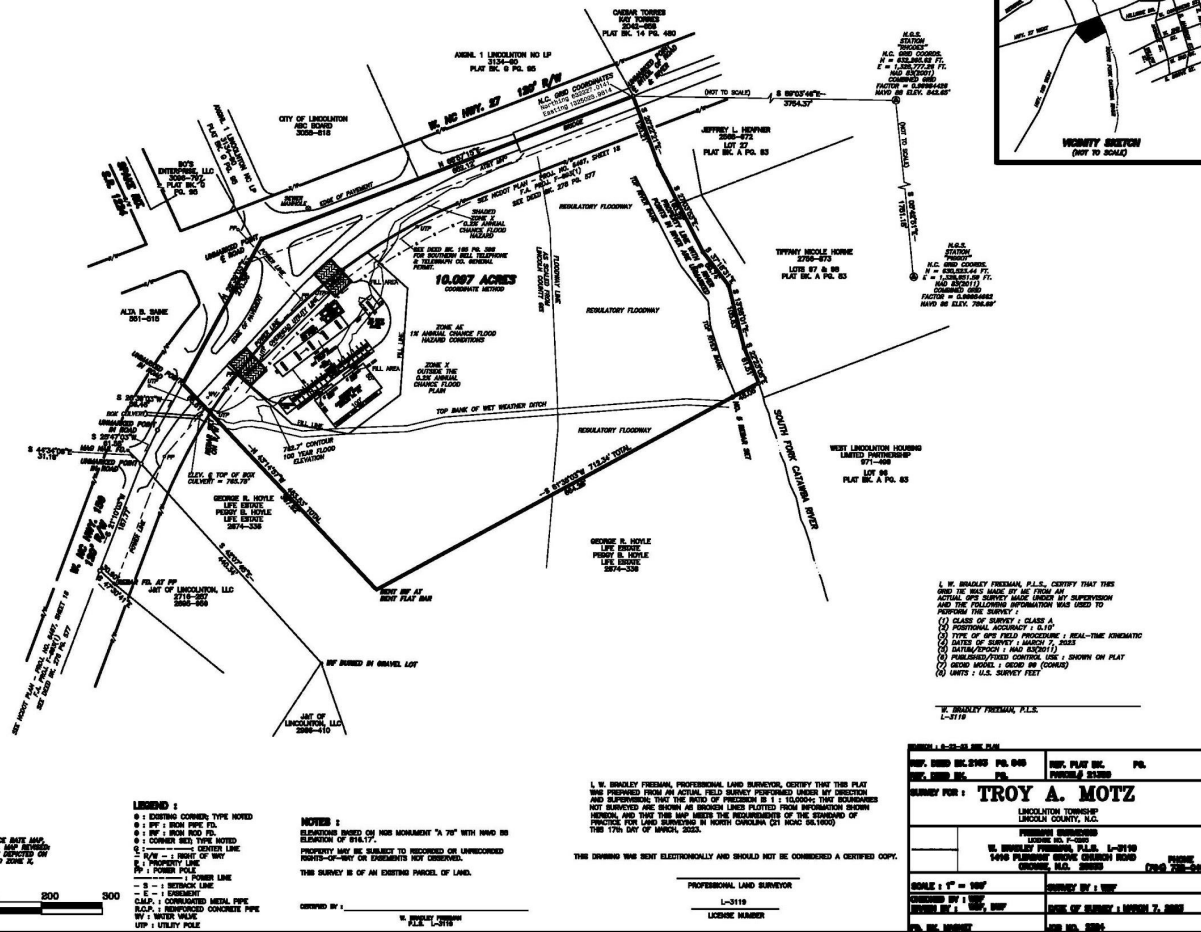
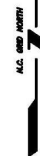
W NC 27 looking Southwest



W NC 150 looking Northeast



SITE PLAN



Example of Project

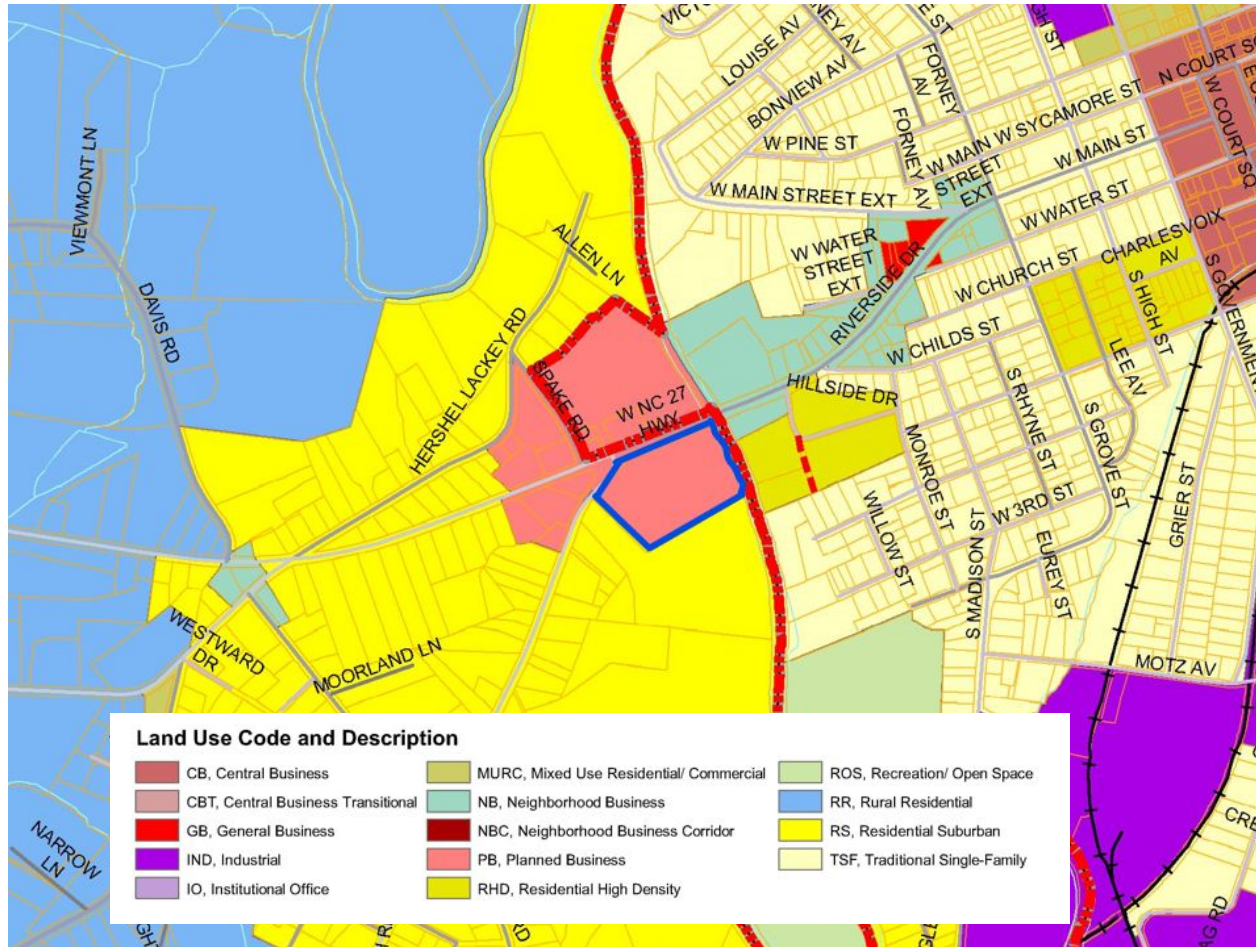
Shell Station, 3561 East NC 27



LAND USE PLAN

The Land Use Plan shows the property in the Planned Business Planning Area. The large majority of commercial uses (outside Downtown Lincolnton) are likely to occur in planned business areas. Planned business areas are designed to be the City's "destination shopping areas." They encompass most larger shopping centers and commercial areas along the City's major corridors.

The rezoning of the property is consistent with the land use plan in the staff's opinion.



STAFF COMMENTS

Planning Department

- Construction (other than fill) cannot begin until applicant receives Letter of Map Revision Fill from FEMA
- Applicant needs to submit detailed site plans meeting UDO requirements prior to construction
- Applicant needs to submit a detailed landscape plan including street trees, parking lot landscaping and screening
- Applicant needs to submit WSW IVP calculations

Fire

- Coordinate with Fire Marshall for compliance with Fire Code
- Verify location of hydrant, needs to be within 400'

NCDOT

- Needs a driveway permit and will need to extend grass median in NCDOT right of way

Soil and Erosion

- Will need approved soil and erosion plan

Water/Sewer Department

- Will need a 1000 gallon grease trap
- water/sewer plans need to be approved prior to construction

STATEMENTS

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

Case No. CZ-8-2023
Applicant: Troy Motz
Parcel ID#: 21380
Location: W NC 27 Hwy
Request: Rezone from PB to GB

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Planned Business Zoning Area. The proposed rezoning request **is consistent** with the Lincolnnton Land Use Plan.

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

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

Case No. CZ-8-2023
Applicant: Troy Motz
Parcel ID#: 21380
Location: W NC 27 Hwy
Request: Rezone from PB to GB

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Planned Business Zoning Area. The proposed rezoning request **is consistent** with the Lincolnnton Land Use Plan. However, the proposed use is not viewed as desirable in the area and therefore, **denial of the proposed amendment is reasonable and in the public interest.**

STAFF RECOMMENDATIONS

Staff recommend the following action:

1. Recommend approval of rezoning of the property from PB to G-B(CD)
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval