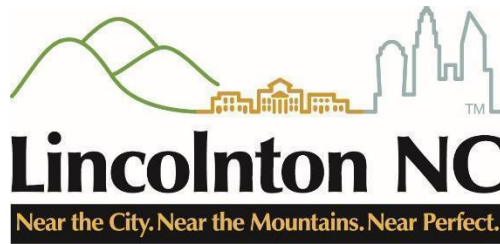




**LINCOLNTON PLANNING BOARD
AGENDA
December 19, 2023
4:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Approval of Minutes**
 - 3a November 21, 2023 meeting minutes**
- 4. Public Hearing**
 - 4a CZ-13-2023 Application from Jonathan Hoyle requesting a conditional district rezoning of 3.05 acres of land from GMC to TID district to construct a housing development. The subject property is located on the east side of South Edwards Street, approximately 450 feet south of the intersection of South Edwards Street and East Main Street (Parcel ID 00621).**
 - 4b ZTA-4-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance**
- 5. Adjournment**



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, November 21, 2023

Present: Greg McBryde, Becky Shaw, Trent Mason, John Waters, and Steve Lackey

Absent: Monte Tyson, Kristin Radebaugh

Call to Order

Chair Trent Mason called the meeting to order. It is to be noted that Monte Tyson and Kristin Radebaugh were absent.

Approval of Minutes

Chair Trent Mason asked the Board if there were any additions or corrections to the minutes of the October 17, 2023, meeting.

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

CZ-11-2023 Application from Chris Brogden of The Millukie Company LLC requesting a conditional district rezoning of 0.731 acres of land from R-O to the CB (CD) district for the purpose of creating a multi-use gathering facility including food trucks, outdoor dining, offices, and retail. The subject property is located at the northeast corner of East Pine Street and North Poplar Street. The address is 300 North Poplar Street (Parcel ID 53652).

Jean Derby presented the staff report included in the agenda packet to the Board regarding CZ-11-2023.

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 with staff recommendations.
Members voted 5-0 in favor of the motion.*

CZ-12-2023 Application from John Sullivan requesting a conditional district rezoning of 0.627 acres of land from NB-CU to GMC (CD) district to construct a meat processing facility. The subject property is located on the east side of Startown Road, approximately 800 feet north of the intersection of Startown and Reepsville Road (Parcel ID 94076).

Jean Derby presented the staff report included in the agenda packet to the Board regarding CZ-12-2023.

*Motion: Becky Shaw made a motion to approve with staff recommendations and the extension of fencing along the side of the property.
Members voted 4-1 in favor of the motion*

MJS-4-2023 Review of Major Subdivision Plat submitted for Burris Acres located off Jerry Crump Rd

Mark Carpenter presented the staff report included in the agenda packet to the Board regarding MJS-4-2023.

Chair Trent Mason asked if there was a motion. The motion is as follows:

*Motion: John Waters made a motion to approve the rezoning request with the Staff Review Committee conditions being met.
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



Lincolnton NC

Near the City. Near the Mountains. Near Perfect.

Public Hearing Staff Analysis
CZ-13-2023
Edwards Street, PID 00621

Zoning

Existing: GMC and R-8

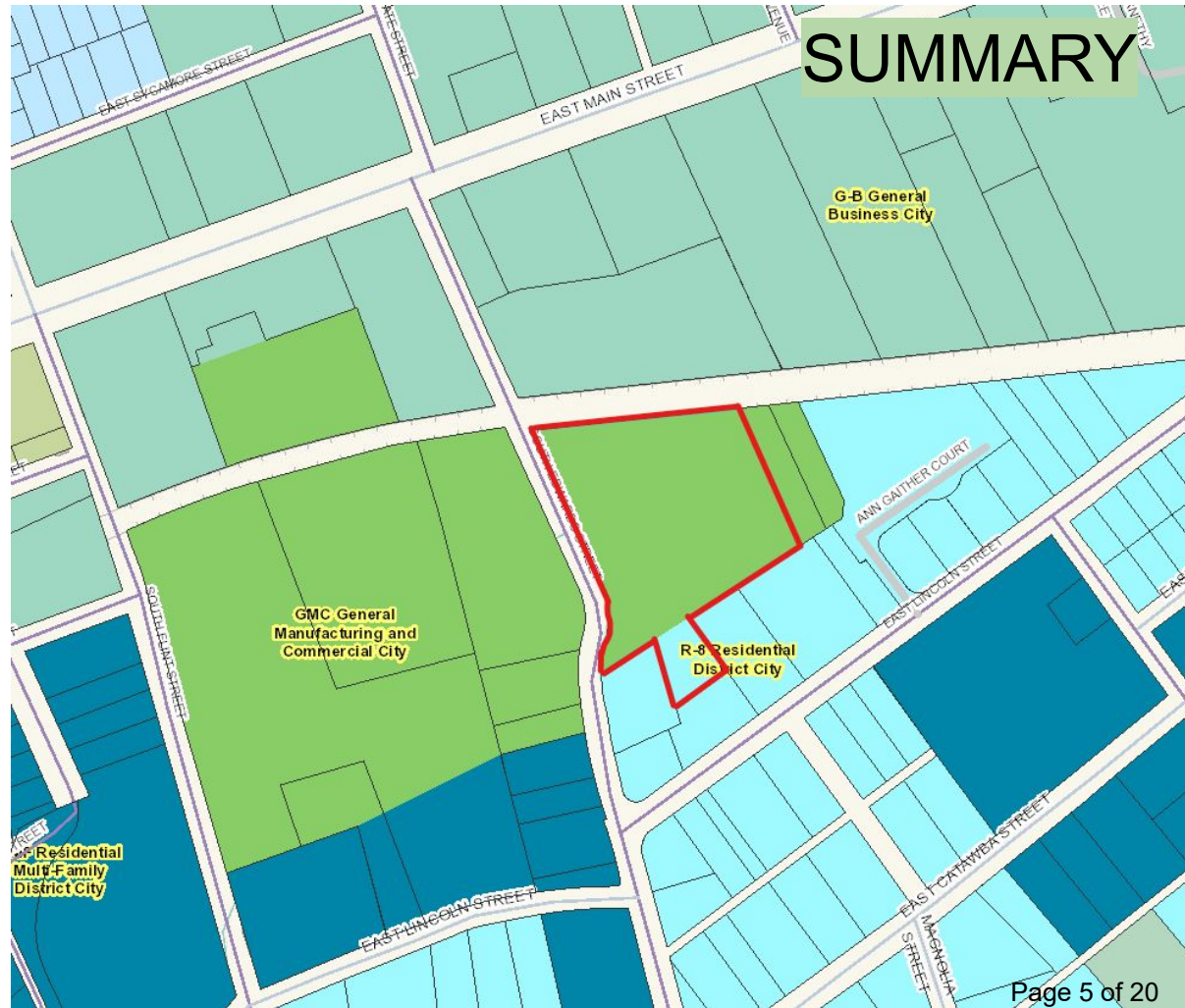
Proposed: Transitional Infill
Development (TID)

Current Use

Vacant land

Proposed Use

Housing



STREET VIEWS



Looking South on Edwards Street



Looking North on Edwards Street



Aerial of adjacent properties and businesses

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LAND USE PLAN COMPLIANCE

The land use plan shows the property in the mostly in the Industrial Planning Area with a portion in Traditional Single Family Planning Area.

Industrial These are areas in use or designated for future industrial/manufacturing use. As industrial uses play a vital role in the local economy, any such planning areas designated on the Future Land Use Map should be reserved for industrial uses and should be protected from encroachment from other uses. Industrial park development is encouraged.

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.

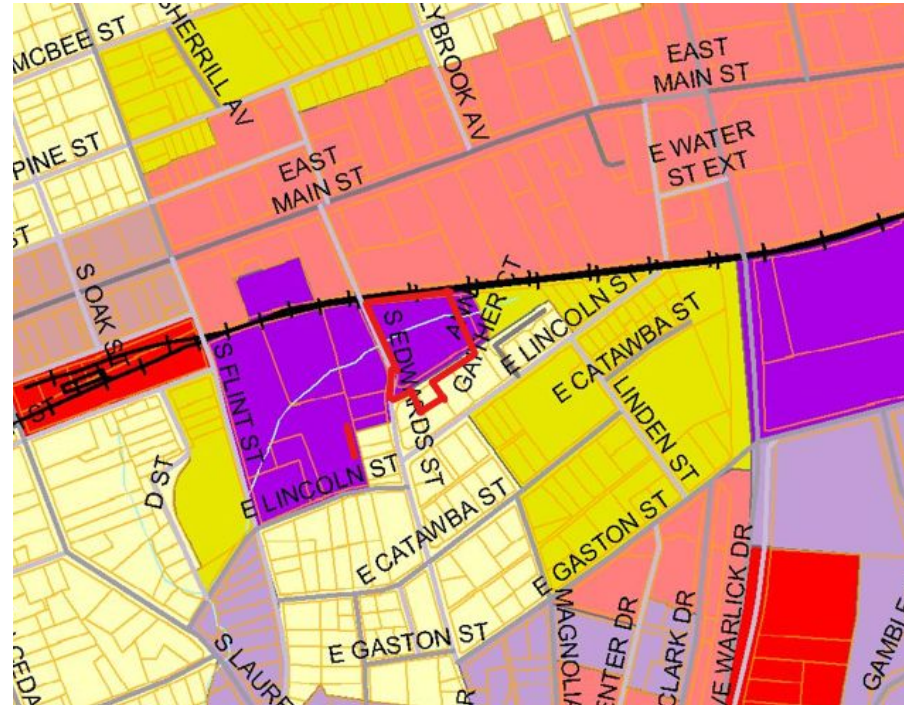
Staff recommends amending the FLUP to show this area in Residential High Density.

Residential High-Density

Multi-family developments in such planning areas are encouraged, preferably in a clustered manner so as to preserve open space and to heighten pedestrian accessibility. Overall densities should be 6-8 units per acre, except as part of a planned residential development where higher densities are allowed. Physical and aesthetic compatibility with neighboring land uses in more developed portions of the community is of high importance.

While the rezoning is not consistent with the future land use map, strategies outlined in the Land Use Plan make this rezoning reasonable.

LAND USE PLAN



Land Use Code and Description

CB, Central Business	MURC, Mixed Use Residential/ Commercial	ROS, Recreation/ Open Space
CBT, Central Business Transitional	NB, Neighborhood Business	RR, Rural Residential
GB, General Business	NBC, Neighborhood Business Corridor	RS, Residential Suburban
IND, Industrial	PB, Planned Business	TSF, Traditional Single-Family
IO, Institutional Office	RHD, Residential High Density	

STAFF COMMENTS /CONDITIONS OF APPROVAL

Planning Department

- Prior to final approval, an engineered plan meeting all requirements for transitional infill development and UDO requirements must be submitted to and approved by staff.
- A maximum of 70% of the site can be impervious surface, due to water supply watershed restrictions. Detailed calculations must be given.
- Detailed landscaping and screening plan will need to be provided.
- Building plans must be submitted and approved by Lincoln County Inspection prior to development.
- No portion of any structure can be located on the railroad right of way as determined by a boundary survey of the property showing the railroad right of way dimensions. Any use of the railroad right of way will require approval of CSX railroad prior to development.

Fire

- City Fire Inspector will need to review and approve all plans prior to development.

Public Works

- A sidewalk constructed to City of Lincoln specifications and ADA must be constructed along the entire frontage along Edwards Street as well as both sides of any interior roads.
- Schedule pre-construction meeting prior to sidewalks being poured.

City Water/Sewer

- The City Utility Department is suggesting a master meter for the project.
- The property owner will be responsible for all utility lines within the project boundaries and to the tap.
- Coordinate with utilities to determine what size waterline would be needed.

Soil and Erosion

- Erosion control plans must be submitted and approved by Lincoln County Soil and Erosion prior to development.

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

Case No. CZ-13-2023
Applicant: Jonathan Hoyle
Parcel ID#: 00621
Location: Edwards Street
Request: Rezone from GMC and R-8 to TID

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Industrial Planning Area. The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan.

CONSISTENT: While the rezoning is not consistent with the future land use map, the following objective and strategies from the land use plan make it reasonable:

STRATEGY R-B1: Identify specific areas of the City for a mix of housing choices in order to promote affordability. OBJECTIVE C: Promote a healthy mix of well-maintained rental units for persons in a variety of income brackets. STRATEGY R-C1: Provide for variety in the density and construction types of rental property (apartment "complexes," individual rental units, duplexes, and single-family).

Therefore, **approval of the proposed amendment from Industrial to Residential High Density is reasonable and in the public interest.**

STATEMENTS

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

Case No. CZ-13-2023
Applicant: Jonathan Hoyle
Parcel ID#: 00621
Location: Edwards Street
Request: Rezone from GMC and R-8 to TID

Proposed Consistency and Reasonableness Statement:

The Lincolnnton Land Use Plan designates this property as part of the Industrial Planning Area. The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan. Additionally, 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 recommend the following action:

1. Recommend approval of rezoning of the property from GMC/R-10 to TID.
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval
4. Amend Land Use Plan to show this area in the Residential High Density Planning Area.

MEMO TO: Planning Board Members

FROM: Planning Staff

SUBJECT: ZTA-4-2023 - Zoning Text Amendments to Chapter 153 Unified Development Ordinance

DATE: December 19, 2023

Background

Sometimes, minor errors occur in the text or circumstances change, which require amendments to the Unified Development Ordinance (UDO). To improve the enforceability and effectiveness of the UDO, it is necessary to modify, update, or add certain sections of the ordinance. The proposed changes are identified with yellow highlight, and the language intended to be removed is marked with a strikethrough. Below are the sections that require modification.

Proposed Amendment Section:

§ 153.382 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

(B) *Final plat for minor subdivisions.*

(1) A registered land surveyor currently licensed and registered in the state by the State Board of Registration for Professional Engineers and Land Surveyors shall prepare the final plat. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. § 47-30 and the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the County Register of Deeds.

(2) At least eight complete copies and a digital copy of the final plat shall be submitted to the Administrator with one of these copies being on reproducible material. The remaining copies shall be black or blue line paper prints. The copies shall be considered complete if they contain all of the information as required by § 153.387 of these regulations. Material and drawing medium for the original shall be in accordance with the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the County Register of Deeds.

§ 153.385 FINAL SUBDIVISION PLAT SUBMISSION AND REVIEW.

(D) *Submission procedure.*

(1) At least eight complete copies and a digital copy of the final plat shall be submitted to the Administrator.

Staff Comment: Digital copies of site plans are used via email to share and communicate with other departments/entities and are vital to streamline planning processes.

Proposed Amendment Section:

§ 153.117 GMC GENERAL MANUFACTURING AND COMMERCIAL DISTRICT.

- (42) Restaurants, including fast-food restaurants;
- (43) Retail: All uses permitted in § 153.113(A) of this chapter
- ~~(43)~~ (44) Roofing manufacturing, repair and installation facilities;
- ~~(44)~~ (45) Sign painting and manufacturing shops;
- ~~(45)~~ (46) Slaughterhouse/abattoir;
- ~~(46)~~ (47) Tin and sheet metal shops;
- ~~(47)~~ (48) Tire recapping shops;
- ~~(48)~~ (49) Towers and antennas 50 feet or less in height;
- ~~(49)~~ (50) Truck sales and repair;
- ~~(50)~~ (51) Trucking terminals;
- ~~(51)~~ (52) Union halls, fraternal and civic organization meeting facility;
- ~~(52)~~ (53) Vehicular and equipment outdoor storage (as a principal use) not for

retail sales where:

(a) The items are owned and/or operated by the owner of the lot upon which they are located; and

(b) The items are in operating condition or intended to be operated.

- ~~(53)~~ (54) Warehouses, including mini-warehouses;
- ~~(54)~~ (55) Wholesaler, jobbers, bulk warehouses; and
- ~~(55)~~ (56) Accessory outlet store, provided that parking for the store shall be computed separately from the principal use and reserved for those purposes.

Staff Comment: GMC is designed primarily for general commercial and industrial land uses, including manufacturing, processing, and assembling of parts and products; distribution of products at wholesale outlets, and retail outlets; transportation terminals; various public and utility uses; and a broad variety of specialized commercial and industrial operations. However, adding retail uses would not compromise this zoning district and would allow for a broader choice of locations for retail.

Proposed Amendment Section:

§ 153.030 INTERPRETATION OF TERMS AND WORDS.

Smoke Shop A commercial establishment, operated as a principal use, engaged in the retail sale of tobacco, nicotine, hemp-derived compounds, including CBD, for the purpose of human ingestion as authorized for sale by the State, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, or any other preparation of tobacco, tobacco-related paraphernalia of any type, electronic cigarettes, any electronically-actuated device or inhaler meant to simulate cigarette smoking that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation.

§ 153.115 G-B GENERAL BUSINESS DISTRICT.

(A) Permitted uses. The following uses are permitted by right.

(1) Retail uses.

(hhh) Shoe store;

(iii) Shoe repair shop;

(jjj) Smoke Shop with the following prescribed standards:

- Shall not be located within 500 feet of any school, childcare facility, public park, or other building used for education or recreational programs for persons under the age of 18 years.
- Shall not be located within 1,000 feet of any other tobacco shop, alternative nicotine shop, or vapor shop.
- Separation is required to prevent overconcentration, which is defined as three or more of these uses existing within a 1,000-foot radius of the business. Required separation distance shall be measured as a radius from the front door of one business to the front door of the surrounding business located within or outside the City's corporate limits.
- Must meet all sign regulations in the UDO including but not limited to (a) Flashing signs or any signs with flashing or intermittent light or lights or reflective devices of changing degree of intensity or color **are prohibited** (b) A maximum of 10% of the wall area of any wall on the building.

Staff Comment: Currently, smoke shops are not identified separately in our ordinance so they fall under retail. Adding the definition and putting them in a specific zoning district will help regulate location. Prescribed standards will help regulate the number of shops and proper signage.

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

Case No. ZTA-4-2023

Applicant: City of Lincoln Planning Department

Request: ZTA-4-2023 - Zoning Text Amendments to Chapter 153 Unified
Development Ordinance

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **consistent** with the adopted Lincoln Land Use Plan in that it is not contrary to the goals and objectives outlined by the Plan and **approval of the amendment is reasonable and in the public interest.**

CONSISTENT: Because it updates text language to match current procedures and best practices and it provides additional direction to assist citizens in understanding the regulations.

REASONABLE: The text amendment is reasonable because it makes the ordinance clearer and more easily understood.

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

Case No. ZTA-4-2023

Applicant: City of Lincoln Planning Department

Request: ZTA-4-2023 - Zoning Text Amendments to Chapter 153
Unified Development Ordinance

Proposed Consistency and Reasonableness Statement:

The proposed amendment is **not consistent** with the adopted Lincoln Land Use Plan in that it is contrary to the goals and objectives outlined by the Plan and **denial of the proposed amendment is reasonable and in the public interest.**