



**CITY OF LINCOLNTON
PLANNING BOARD
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BOARD MEMBERS: Änd Lynn, Chair, andmlynn@gmail.com; Worth Roberts, Vice-Chair, worth.roberts@charter.net;
Gene Poinsette, poinsetteg@charter.net; Kathryn Yarbrow, kyarbro206@gmail.com; Jamel Farley, afarley2351@gmail.com;
Becky Burke, beckyburke940@gmail.com; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, rabernethy21@bellsouth.net

Tuesday, February 20, 2018 Meeting

PRESENT: Änd Lynn, Gene Poinsette, Becky Burke, Worth Roberts, Jerry Hoffman, Jamel Farley, Rebecca Abernethy

ABSENT: none

Call to Order

Chairman Änd Lynn called the meeting to order and recognized that all members were present.

Approval of Minutes

Chairman Änd Lynn asked the Board if there were any additions or corrections to the minutes of the January 16, 2018 meeting.

Motion: Gene Poinsette made a motion to approve. Jamel Farley seconded.
Motion carried unanimously.

CUP-1-2018 – A Conditional Use Permit Application from 3PM Brewing Company requesting to operate a 12,000 square foot brewery (3PM Brewing Company) in the Central Business (C-B District). The subject property has frontage on East Water Street and is located at 414 East Water Street (Parcel ID 00488).

Laura Elam addressed the Board and presented the following:

PROPOSED USE

The applicant proposes use of the existing building for a brewery.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The application meets all requirements.

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires that four findings be determined by City Council. They are 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 SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The use is in conformity with the Lincolnnton Land Use Plan in that the site is located within the Central Business Planning Area.

STAFF REVIEW COMMITTEE

The Staff Review Committee made the following comments:

1. Building plans must be approved by Lincoln County Inspections. A permit may be required from Environmental Health.
2. Coordinate electrical connection with City of Lincolnnton Public Works.
3. Coordinate water/sewer connection with City of Lincolnnton Public Works.
4. Stormwater should be discharged to the railway area.
5. The City will provide up to six (6) rollouts for solid waste pickup. If additional solid waste services are desired, they would need to be provided by a private contractor. All recyclables must be handled via private contractor.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the Staff Review Committee comments.

Fritz Steckler, John Brinsfield, and Craig Upshaw spoke on behalf of this project and answered various questions.

Motion: Worth Roberts made a motion to approve. Rebecca Abernethy seconded. Motion carried unanimously.

CUP-2-2018 – A Conditional Use Permit Application from Teramore Development, LLC requesting a change in conditions of CUP-9-2017 to remove hours of operations restrictions for a 9,100 square foot retail building (Dollar General) in the Planned Business (PB District). The subject property has frontage on both W. NC Highway 27 and W NC Highway 150 and is approximately 300 feet west of the intersection of these two roads (Parcel ID 21439).

Laura Elam addressed the Board and presented the following:

SITE AND AREA DESCRIPTION

Teramore Development LLC is requesting amendment of the conditions on the previously approved conditional use permit to allow a 9,100 square foot retail building on a 1.22 acre site located approximately 300 feet west of the intersection of West Highway 27 and West Highway 150 (Parcel ID 21439).

The subject property and all surrounding properties are primarily zoned Planned Business (P-B). Several properties located at the intersection of West Highway 27 and Spake Road are zoned General Business (G-B). Properties located further out West Highway 27 and West Highway 150 are zoned R-25.

The subject property is vacant. Properties located to the north and across West Highway 27 and West Highway 150 are used for commercial purposes. The parcel located to the west along West Highway 27 is used for office purposes. Properties located further west along West Highway 27 and to the south are residential or vacant.

REQUESTED CHANGE IN CONDITIONS

The previously approved conditional use permit for this site allows a new retail building of approximately 9,100 square feet. The intended buyer of the site is Dollar General. The conditional use permit was approved with the following conditions:

- (1) Erosion control plan must be submitted to and approved by Lincoln County.
- (2) Building plans must be approved by Lincoln County Inspections.
- (3) Driveway permits must be reviewed and approved by NCDOT.

- (4) The owner/operator is responsible for storm water leaving the site. Storm water must be configured so as to have no more harmful effect on streets and adjacent properties than the current situation. A storm water management plan is to be reviewed and approved by the Public Works Department prior to issuance of a certificate of occupancy.
- (5) Hours of operation should be limited to between 8:00 am and 10 pm.
- (6) The building design should blend with the character of the area by incorporating brick or brick veneer facades, windows and roof pitch and should avoid long, uninterrupted expanses of blank wall, use of concrete block walls and flat roof.
- (7) Signage should be designed to blend with the character of the area. Wall signage should be limited to the portion of the building wall above the entrance. No window signage should be used and detached signage should be limited to a monument type sign generally similar in scale to the sign at the nearby Peoples Bank. Sign colors should be neutral.
- (8) Any outdoor lighting is to be downwardly directed so as not to cast glare on adjoining properties used for residential purposes.
- (9) An opaque fence or other form of screening along the southern property line should be provided.

During the conditional use permit process, the applicant agreed to the conditions. However, subsequent to the approval of the conditional use permit, the applicant was notified that the hours of operation provision (#5) raises concerns for Dollar General. The applicant is requesting elimination of the hours of operation condition.

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 of the UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan needs to include the following information:

- Parking calculations
- A landscaping plan noting parking lot landscaping and street landscaping
- Built upon area calculations for watershed overlay district purposes

OTHER CONDITIONAL USE PERMIT REQUIREMENTS

Section 153.237 of the Unified Development Ordinance requires that four findings be determined by City Council. They are 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 Lincoln Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

COMPLIANCE WITH SECTION 153.237

1. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications with the exception of the items listed above.
3. The applicant will need to provide evidence that the use will not substantially injure the value of adjoining or abutting properties.
4. The use is in conformity with the Lincoln Land Use Plan in that the site is located within the Planned Business Planning Area. The applicant will need to provide evidence that the use will be in harmony with the area.

STAFF RECOMMENDATION

Staff recommends approval of the conditional use permit subject to the applicant satisfactorily proving the findings of fact and subject to the ordinance requirements.

Rob Brown, from Jonas Law Firm, spoke on behalf of Teramore explaining that they do not intend to extend the hours; they just do not want this restriction in the wording of the conditional use permit. He stated that Dollar General would not build if this wording is not removed.

Motion: Worth Roberts made a motion to approve. Jamel Farley seconded. Motion carried unanimously.

ZTA-1-2018 – A Zoning Text Amendment from the Planning Department for changes to the Planned Business (P-B) district to modify development restrictions.

Laura Elam addressed the Board and presented the following:

BACKGROUND

Outside of the downtown area along the City's commercial corridors, there are mixtures of commercial zoning classifications including primarily G-B (General Business), P-B (Planned Business) and N-B (Neighborhood Business).

The P-B district places the following three restrictions on new development:

- 1) All land uses are limited to a maximum of 5,000 square feet of gross floor area;
- 2) Only one principal building is permitted on a lot; and
- 3) Only one principal use is permitted per principal building.

New development that does not comply with the restrictions would be allowed only through the issuance of a conditional use permit or through the approval of a rezoning to a different commercial zoning district.

As noted on the below chart, none of the City's other commercial zoning districts impose these development restrictions.

ZONING DISTRICT	SQUARE FOOTAGE CAP ON ALL NEW LAND USES?	# OF PRINCIPAL BUILDINGS ALLOWED PER LOT	# OF PRINCIPAL USES ALLOWED PER BUILDING
P-B	Y- 5,000	One	One
N-B	N	No cap	No cap
C-B/CBT	N	No cap	No cap
G-B	N	No cap	No cap
GMC	N	No cap	No cap

From staff's perspective, the above development restrictions do not provide any benefit to the City and are an unnecessary impediment to growth.

Proposed Amendment

The proposed amendment would eliminate the above three development restrictions from the P-B district so that it is in alignment with the City's other commercial zoning districts.

Staff Recommendation

Staff recommends approval of the amendment.

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

Chairman And 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. Jerry Hoffman seconded. Motion carried unanimously.

Jean Derby