



**CITY OF LINCOLNTON
PLANNING BOARD
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BOARD MEMBERS: Änd Lynn, Chair, andmyynn@gmail.com; Worth Roberts, Vice-Chair, worth.roberts@charter.net;
Gene Poinsette, poinsetteg@charter.net; Kathryn Yarbrow, kathryny@charter.net; Jamel Farley, afarley2351@gmail.com;
Becky Burke, beckyburke@charter.net; Jerry Hoffman, jlskhoffman@charter.net; Rebecca Abernethy, ravernethy21@bellsouth.net

Tuesday, March 21, 2017 Meeting

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

ABSENT: None

Call to Order

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

Approval of Minutes

Chairman Lynn asked the Board if there were any corrections or additions to the minutes of the January 17, 2017 meeting.

Motion: Gene Poinsette made a motion to accept the minutes as written and distributed. Kathryn Yarbrow seconded. Motion carried unanimously.

CUZMA-1-2017

Application from The BTR Communities Group, LLC requesting the conditional use rezoning of approximately 3.5 acres of land from General Business (GB) District to the Conditional Use-Residential-Office (CU-RO) District. The conditional use permit would allow for the construction of a 48 unit Planned Residential Multi-Family Development. The subject property is located on East Main Street (formerly 2480/2490 East Main Street) and Ross Street (Parcel ID 00448, 90927, 90928, 90929).

Mark Carpenter addressed the Board noting the following:

The BTR Communities Group is requesting the conditional use rezoning of approximately 3.5 acres of land from General Business (GB) District to the Conditional Use Residential Office (CU-RO) District. The subject property is located on East Main Street and Ross Street. (See

attached map). The property is vacant but was formerly used as First Citizens Bank and a Used Car Lot. (All structures have been demolished.)

The applicant requests conditional use rezoning in order to construct a 48 unit planned residential multifamily development complex on the property. The proposed density will be 13.7 units per acre. The CU-RO District would allow up to 14 units per acre. There will be eight (8) one bedroom units, 22 two bedroom units, and 18 three bedroom units. The proposed buildings will be three stories in height. Maximum building height is 48 feet. A one story community building will be constructed in the center of the complex. Screening will be required adjacent to all residentially zoned properties.

The plan proposes 96 parking spaces (2 per unit). Amenities include playgrounds, covered picnic areas, outdoor sitting areas with benches, exercise room, and a computer center.

There will be one access onto Ross Street with a private driveway into the development. A sidewalk constructed to city standards will be required along the frontage of Ross Street (sidewalk already exists on East Main Street). Sidewalks will be constructed throughout the interior of the project. Public water and sewer will be provided to the site by the developer.

Property surrounding the site is R-8 to the south and west, GB to the North, and a combination of GB and R-8 to the east. Land uses in the area are primarily single family dwellings to the south and west, commercial properties to the north, with single family dwellings and the city fire department to the east. (See attached maps for zoning and land use)

COMPLIANCE WITH WATER SUPPLY WATERSHED

The site is located inside the Watershed IV protected area. The applicant will be disturbing more than one acre of land. Therefore, compliance with the Water Supply Watershed standards is required. Seventy (70%) percent impervious surface is the maximum allowed on the site.

CONDITIONAL USE DISTRICT REZONING PROCESS

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The Unified Development Ordinance (UDO) specifically describes the procedures for conditional use rezoning. The use that is proposed in the conditional use permit portion of the process must be the use developed on the property after it is rezoned. Unlike a standard rezoning in which all the uses permitted in the district are potentially allowed in the rezoned area, a conditional use rezoning limits the potential use of the property. In this case, the applicant wishes to limit the use of the property to a 48 unit multifamily Planned Residential Development (PRD).

PLANNED RESIDENTIAL DEVELOPMENT

The UDO allows for “Planned Residential Developments” consisting of single family dwellings, duplexes or multi-family dwellings or a mixture of housing types and notes the purpose for special regulations for PRD’s is to promote variety, innovation and flexibility by allowing certain variations in lot sizes, dwelling unit types and / or design requirements. PRD’s must comply with the applicable standards of the Ordinance and are subject to the approval of a conditional use permit by City Council.

STAFF REVIEW COMMITTEE COMMENTS

The Staff Review Committee met on March 14, 2017 and the following comments were made:

1. A street name for the private drive into the site will be required for 911 purposes.
2. Lincoln County Natural Resources must review and approve plans for erosion control.
3. Building permits must be reviewed and approved by Lincoln County Inspections.
4. All utilities must be approved by the City of Lincolnton Public Works and Utilities Director prior to construction. Easements may be required. Any necessary new utility lines, pump stations, etc. are the responsibility of the developer. Water and sewer on site will be private.
5. The existing trees located along the perimeter of the site are to be preserved to the extent feasible.
6. Exact impervious surface amounts must be shown on the plan not to exceed 70% of the site.
7. Permanent onsite retention will be required to control storm water. The system will need to be designed and engineered so that no additional storm water will be leaving the site than prior to construction. The City must approve the storm water system prior to construction.
8. New fire hydrants will be required at the entrance and internally on the site as approved by the City Fire Inspector.
9. The fire system must be separate from the domestic metering on site.
10. A sidewalk constructed to city standards will be required along the frontage of Ross Street

COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS

Section 153.236 and Section 153.215 of the UDO requires that a conditional use permit application and a Planned Residential Development contain specific terms and meet specific requirements. The application meets all of the requirements with the following exceptions:

1. A complete set of final civil drawings will be required to be submitted and approved by both the Planning Department and Public Works and Utilities Staff prior to issuance of final permits.
2. Additional street landscaping will be required along the frontage of East Main Street
3. Additional parking lot landscaping will be required within the interior of the site.
4. Detailed sign information will need to be provided if signage is to be erected for the project.
5. The four parcels and right of ways through the parcels, will need to be recombined into one parcel with all alleyways legally closed. All alleyways and easements must be closed prior to development

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 Lincolnton Land Use Plan and other plans for the physical development of the City as officially adopted by the City Council.

Section 153.238 of the UDO requires that the following specific review criteria for Planned Residential Developments be addressed by the City Council in addition to the general review criteria noted above.

1. The location and character of the development will be in keeping with the stated purpose for allowing Planned Residential Developments.
2. The proposed ingress and egress points will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets (non-collector / non-thoroughfare streets).

COMPLIANCE WITH FINDINGS OF FACT

1. The applicant will need to provide sufficient evidence that the use will not endanger the public health or safety.
2. The use meets all required conditions and specifications with the exception of the items listed earlier in the report.
3. The developer will need to provide sufficient evidence that the use will not substantially injure the value of adjoining or abutting property.
4. The developer will need to provide sufficient evidence that the use, if approved, will be in harmony with the area.

COMPLIANCE WITH SECTION 153.238

1. The development meets the requirements for Planned Residential Developments (PRD's) as outlined in the ordinance subject to the Staff Review Committee comments.
2. The developer will need to provide sufficient evidence that the development will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets.

LAND USE PLAN COMPLIANCE

The Lincolnnton Land Use Plan shows the property in the Neighborhood Business Corridor Planning Area. The development as proposed does not comply with the Land use Plan. If the

development is approved the land use plan will need to be amended to show the property in a Residential High Density Planning area.

CONCLUSION AND RECOMMENDATION

Staff cannot make a positive recommendation unless the developer can provide evidence showing how the findings of facts will be met. If the developer can show that all findings are satisfactorily met, the following action would need to be taken for approval:

1. Approve the rezoning from GB to CU-RO.
2. Approve the Conditional Use Permit for a 48 unit multifamily Planned Residential Development provided all requirements for conditional uses and Planned Residential Developments are met and all Staff Review Committee comments are addressed.
3. Amend the Lincolnnton Land Use Plan to show the properties in the Residential High Density Planning Area.

The BTR Communities Group representative and one of the developers of this project, Bill Scantland appeared before the Board and made brief comments. There was discussion between Mr. Scantland and the Board regarding the placement of the buildings, screening from the road and neighboring property owners, the price range expected for rent, and an explanation for what is considered “workforce housing.”

Anthony Morrison, owner of Lincolnnton Pawn Shop that neighbors the site of the proposed apartments, spoke in opposition to the proposed project. His concerns were that the apartments are not consistent with the current surrounding uses, the effect that the apartments may have on traffic, and about the possibility of small children playing near a four-lane road.

Christine Ziemba-Tolbert, owner of several parcels of land directly behind the proposed apartments, spoke in opposition of the proposed project. Her concerns were that her family would lose all privacy in their backyard (even with 6 ft privacy fences) because of the proposed 3 story buildings, the amount of additional traffic that the development would produce, that Ross Street is the only street that the apartment residents could use to enter and exit the development, and the physical condition in which Ross Street currently remains.

There was a brief discussion between the Board and Mrs. Ziemba-Tolbert regarding the conditions of Ross Street and how the causes of most her concerns were already existing, but may be exacerbated by the new traffic the development would produce.

The Board requested more information regarding the commercial lots, asking how long they had been on the market and how much interest had been shown by outside parties during that time.

Bill Spurrier, the owner and listing agent for the lots responded, stating that the lots had been on the market for approximately 8 years and that very little interest had been shown by potential buyers for commercial uses.

And Lynn asked if the landscaping and trees on the rendering are going to be planted or if those are existing features. Bill Scantland responded that those were included on the rendering to show how it could possibly look, but that they planned on using as many existing trees as possible for a buffer.

There was further discussion between the Board and Mr. Scantland regarding the site layout and landscaping plans.

Mrs. Ziemba-Tolbert added to her previous opposition, that while The BTR Communities Group had successfully completed other projects in Lincoln, none of the previous projects were built as close to mature, residential neighborhoods. That while the proposal only includes two buildings, those buildings are going to be three stories tall, meaning that with completion of the development, the population of the existing neighborhood on Ross Street almost doubles.

Danny Tolbert spoke in opposition to the proposed development, citing concerns about the ability of the local Fire Department to adequately cover and protect the added structures. He mentioned the possible need for an additional ladder truck or more staff at that particular station. Mr. Tolbert also said that he was concerned about the water runoff and drainage issues that may be caused by the new development.

There was discussion among the Board regarding several issues they would like to see addressed before a positive recommendation could be made, which were as follows:

1. More separation than landscaping to address the privacy concerns.
2. A meeting including more residents of the surrounding neighborhood, rather than just the adjoining property owners.
3. A different layout for the proposed buildings to avoid one of the buildings facing Main Street and address privacy concerns.
4. The condition of Ross Street improved.

Rebecca Abernethy recommended a layout that she believed would be more aesthetically pleasing from the road and also address the privacy concerns raised by Mrs. Ziemba-Tolbert.

And Lynn asked Bill Scantland if reorganization of the proposed development would be possible. Mr. Scantland said that reorganization of the layout is possible, but not reorganization of the actual structures (i.e. lowering the height of the proposed buildings).

There was a brief discussion between the Board and Staff regarding their options for this case since there were multiple reservations among members of the Board.

Motion: Chairman Ånd Lynn makes a motion to table the case to the next Planning Board meeting to allow the developer an opportunity to revise the site plan. Jamel Farley seconded. Motion carried unanimously.

Chairman Ånd Lynn recused himself for the following case.

ZTA-1-2017

Application from the Downtown Steering Committee to revise the permitted uses in the CB District by allowing automobile service stations, bail bond services, check cashing establishments, churches, Financial institutions, and pawn shops as conditional uses rather than permitted uses.

Laura Elam addressed the Board noting the following:

The Downtown Steering Committee is requesting a change to the downtown (Central Business District) zoning regulations in order to make changes to several permitted land uses. Currently, bail bonds services, check cashing establishments, gas stations, pawn shops, banks and churches are permitted uses in the CBD.

The proposed amendment would change the regulations so that these uses would become conditional uses rather than permitted uses and require the approval of a conditional use permit by City Council.

The purpose of the proposed amendment is to try to maintain the charm and character of downtown Lincolnton while also helping it to be better positioned to attract more retail and restaurant uses and potentially a microbrewery or tavern type of use.

Bail bonds, Check-Cashing and Pawn Shops

The Steering Committee felt that land uses like bail bonds services, “quick-cash” type check cashing services and pawn shops do not help to promote downtown Lincolnton as a retail or restaurant destination and may not necessarily be consistent with its character. The proposed amendment would make these uses subject to the approval of a conditional use permit with City Council evaluating the merits on a case by case basis.

Churches

Uses like taverns and microbreweries are required by State ABC laws to be at least 50 feet from churches. It can be difficult to find locations in the downtown area that meet the 50 foot separation due to the number of churches. As additional churches locate in the downtown area and as existing churches expand, it will become more and more challenging to find locations downtown that could potentially meet the State ABC separation requirements and be eligible for

a microbrewery or tavern. The proposed amendment would allow churches in the CBD subject to the approval of a conditional use permit.

Banks

The Steering Committee noted that there are several banks in the downtown area. They tend to be located in relatively large buildings that can tend to have an institutional type character. There was some concern that downtown could reach a point of having so many banks that the historic character starts to diminish. The amendment proposes that banks become a conditional use rather than a permitted use and evaluated through the conditional use permit process.

Gas Stations

The Steering Committee noted that it can be difficult to find new uses for abandoned gas stations due to the expense associated with environmental clean up and limited re-use possibilities. The amendment proposes that gas stations become a conditional use rather than permitted use and evaluated through the conditional use permit process.

NOTE:

If the proposed amendment is approved, any existing bail bonds services, check cashing establishments, gas stations, pawn shops, banks and churches would continue to be permitted in the CBD. Any new or expanding bail bond services, check cashing establishments, gas stations, pawn shops, banks or churches would be subject to the approval of a conditional use permit.

STAFF RECOMMENDATION

Planning Staff recommends amendment of the UDO as outlined above.

Änd Lynn speaks on behalf of the steering committee.

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

Chairman Änd Lynn returned to the Planning Board.

ZTA-2-2017

Application from Natalie Ridge and Will Fox requesting a text amendment to the Unified Development Ordinance (Section 153.106). The proposed text amendment would allow for Open-Air Venue/Outdoor Venue as a Conditional use in the R-15 and R-10 zoning districts.

Mark Carpenter addressed the Board and noted as follows:

The proposed text amendment would change Section 153.106 (B) Conditional Uses in the R-15 District of the UDO by adding a new subsection: **(9) Open Air Venue/Outdoor Venue**

Also a definition would be created under Section 153.031 Definitions of Specific Terms and Words. The definition would read as follows:

Open-Air Venue/Outdoor Venue- A facility which would be used for such events as weddings, rehearsal dinners, dinner parties, graduation parties, birthday parties, retirement parties, bridal showers, baby showers, luncheons and similar uses. The use shall have limited days and hours of operation and must be able to either provide parking on site or by contract with a nearby lot.

The R-15 is primarily a single family residential district but does allow limited number of private and public uses as conditional uses. Current uses allowed as conditional uses include churches, country clubs, indoor community center or meeting facility, schools, public safety stations, and publically owned and operated outdoor recreation facilities. The use as described appears to be comparable to conditional uses allowed already in R-15 District.

The conditional use permitting process would allow the Planning Board and City Council to look at specific locations to ensure they would be compatible with the neighborhood and to place reasonable conditions on the permit to ensure that the public health and safety would be protected.

The text amendment would also apply to the R-10 district since the list of conditional use in R-15 is also allowed in R-10.

STAFF RECOMMENDATION

Staff feels that this use would be appropriate for the R-15 and R-10 Districts but only as a conditional use. This would allow for specific locations to be considered for neighborhood compatibility.

There was a brief discussion between the Board and Staff.

Motion: Jerry Hoffman made a motion to approve. Jamel Farley seconded. Motion carried unanimously.

Adjournment

Motion: Worth Roberts made a motion to adjourn the meeting. Becky Burke seconded. Motion carried unanimously.

Becky Shaw