



**CITY OF LINCOLN  
PLANNING BOARD  
PO DRAWER 617, LINCOLN, NC 28092  
[www.ci.lincolnton.nc.us](http://www.ci.lincolnton.nc.us)**

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

**Tuesday, April 18, 2017 Meeting**

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

**ABSENT:** Jamel Farley

**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 March 21, 2017 meeting.

*Motion:* Worth Roberts made a motion to accept the minutes as written and distributed. Gene Poinsette 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).

Chairman Lynn recognized that this matter has been withdrawn by the applicant.

**CUZMA-2-2017**

Application from Piedmont Companies requesting the conditional use rezoning of 0.93 acres of land from Residential-Office (R-O) to Conditional Use-Central Business (CU-

CB) District. The conditional use permit would allow for the construction of a 13 unit Townhome (Multi-Family Dwelling) complex. The subject property is located at the northwest corner of North Aspen Street and West Pine Street. (Parcel ID 21017)

Mark Carpenter addressed the Board noting the following:

Piedmont Companies is requesting the conditional use rezoning of approximately 0.93 acres of land from Residential Office (R-O) District to the Conditional Use Central Business (CU-CB) District. The subject property is located at the northwest corner of North Aspen Street and West Pine Street. (Parcel ID 21017).

The conditional use permit would allow for the construction of a 13 unit Townhome complex. The plan proposes 29 parking spaces. There will be one access onto North Aspen Street and one access onto West Pine Street.

Property surrounding the site is residential-office (R-O) to the north and west. R-O and CB to the east, and CB to the south.

Land uses in the area are townhomes to the north, a mixture of residential and commercial to the east, governmental and commercial to the south, and single family residential to the west.

Screening will be required adjacent to the residentially zoned properties to the north and west of the site.

#### **COMPLIANCE WITH WATER SUPPLY WATERSHED**

The Site is less than one acre in size so the Water Supply Watershed standards do not apply.

#### **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 13 unit Townhome Development.

#### **STAFF REVIEW COMMITTEE COMMENTS**

The Staff Review Committee met on April 11, 2017 and the following comments were made:

1. Lincoln County Natural Resources must review and approve plans for erosion control.

2. Building permits must be reviewed and approved by Lincoln County Inspections.
3. Developer needs to coordinate all Electrical Distribution with Chris Wilson, Electrical Department Superintendant, prior to development. The developer will be responsible for the electrical connections as determined by Chris Wilson.
4. Decorative lighting within the site is the responsibility of the developer.
5. All utility taps are to be made on West Pine Street.
6. NCDOT Driveway permit and encroachment agreements are required for access onto North Aspen Street.
7. Developer is responsible for storm water leaving the site. Storm water must be configured as to have no more harmful effect onto streets and adjacent properties than the current situation.

### **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 of the requirements of this section.

### **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.

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

1. 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. It does not appear that the use will endanger the public health or safety.
2. The use meets all required conditions and specifications.
3. It does not appear that the use will not substantially injure the value of adjoining or abutting property.
4. The use, if approved, will be in harmony with the area.

#### **COMPLIANCE WITH SECTION 153.238**

1. The development will not result in a substantial amount of vehicular traffic to be channeled onto adjacent local streets.

#### **LAND USE PLAN COMPLIANCE**

The Lincolnton Land Use Plan shows the property in the mixed use residential/commercial planning area. These planning areas are described as “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 office and retail uses may be located.”

The plans for the townhome development and rezoning to CB would be in compliance with the land use plan as adopted by the City Council.

#### **STAFF RECOMMENDATIONS**

Staff feels that the plan meets all the requirements for the conditional use rezoning and would recommend the following.

1. Approve the rezoning from R-O to CU-CB
2. Approve the Conditional Use Permit for a 13 unit multifamily provided all Staff Review Committee comments are addressed.

Craig Upshaw spoke on behalf of Piedmont Companies. He noted that they had a meeting with members of the community surrounding the site and that the only concern neighboring residents had was in regards to a dumpster being on site.

There was discussion between the Board members and Mr. Upshaw regarding alternatives to having a dumpster on site and whether the townhomes would be individually owned.

Dennis Williams addressed the Board. He is the architect for the project. He focused on all the issues raised by the Staff Review Committee and briefly explained how each one of those concerns will be addressed. They hope to break ground on the project by late June/July.

*Motion:* Gene Poinsette made a motion to approve. Worth Roberts seconded. Motion carried unanimously.

### **ZMA-1-2017**

Application from Bobby G. Humphrey requesting the rezoning of approximately 2.91 acres of land from Residential-15 and 25 (R-15 & R25) to the Residential-8 (R-8) District. The subject properties are located on the north side of Highland Drive approximately 150 feet west of the intersection of Highland Drive and Periwinkle Street. The address is 330 Highland Drive (Parcel ID 22598 and 72742).

Mark Carpenter addressed the Board and noted as follows:

The applicant is requesting the rezoning of approximately 2.91 acres of land from Residential-25 (R-25) and Residential -15 (R-15) to the Residential-8(R-8) District. The subject properties are located on the north side of Highland Drive approximately 150 feet west of the intersection of Highland Drive and Periwinkle Street. The address is 330 Highland Drive (Parcel ID 22598 and 72742).See attached maps.

The land requested for rezoning is 2.93 acres in size and is occupied by one single family dwelling. The remaining land is vacant. The majority of the land is located in the City Limits and is zoned R-15. The back portion of the land is in the ETJ and is zoned R-25.

Zoning surrounding the site is all R-15 and R-25. Land uses in the area are primarily single family dwellings.

### **COMPLIANCE WITH THE LAND USE PLAN**

The Lincolnton Land Use Plan shows the property in the Traditional Single Family Planning Area. The rezoning of the property to Residential-8 (R-8) District will not be in compliance with the Land Use Plan.

If rezoned the R-8 District permits uses such as one and two family dwellings. Multi-Family Dwelling would be a conditional use in this district.

## **STAFF RECOMMENDATION**

Staff recommends that the rezoning of the property to R-8 be denied due to the allowance of dwellings other than single family which would not be in compliance with the land use plan.

As an alternative, the property could be rezoned to a more restricted zoning district. The R-10 district would allow for smaller lot sizes but maintain the single family character of the community.

There was a brief discussion between the Board and Staff regarding minimum lot size for R-10 and whether double wide or single wide trailers would be allowed in those districts.

Bobby G. Humphrey addressed the Board, explaining that originally he wanted to build duplexes on the lot, but would be just as content to build smaller (approx. 1000 Sq ft) homes. He explained that he desires to get the entire lot zoned the same, since the front portion of the lot (City) and the back part of the lot (County) are zoned differently.

There was a brief discussion between the Board and Mr. Humphrey regarding whether the current house is Mr. Humphrey's residence (no, it is a rental) and whether he would be opposed to the R-10 zoning, as the Planning Staff had suggested (no, he wouldn't be opposed).

Regina Stewart, who owns property next to the back portion of Mr. Humphrey's lot, addressed the Board. She had no issue with Mr. Humphrey's plans, but requested that if he were to build homes, that he leave the existing trees as a buffer to her property.

There was a brief discussion between the Board and Staff.

*Motion:* Worth Roberts made a motion to approve a zoning District of R-10, rather than the R-8 District. Jerry Hoffman seconded. Motion carried unanimously.

## **Adjournment**

*Motion:* Kathryn Yarbrow made a motion to adjourn the meeting. Gene Poinsette seconded. Motion carried unanimously.