



**CITY OF LINCOLNTON  
PLANNING BOARD  
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**BOARD MEMBERS:** Änd Lynn, Chair, [andmlynn@gmail.com](mailto:andmlynn@gmail.com); Jamel Farley, Vice-Chair [afarley2351@gmail.com](mailto:afarley2351@gmail.com); Worth Roberts, [worth.roberts@charter.net](mailto:worth.roberts@charter.net); Gene Poinsette, [poinsetteg@charter.net](mailto:poinsetteg@charter.net); Jerry Hoffman, [jlskhoffman@charter.net](mailto:jlskhoffman@charter.net); Rebecca Abernethy, [rabernethy21@hellsouth.net](mailto:rabernethy21@hellsouth.net); Greg McBryde, [Gregory.McBryde@gmail.com](mailto:Gregory.McBryde@gmail.com); Stephen Silva, [soundcity1@ymail.com](mailto:soundcity1@ymail.com)

**Tuesday, February 18, 2020 Meeting**

**Present:** Worth Roberts, Gene Poinsette, Änd Lynn, Jerry Hoffman, Stephen Silva, Jamel Farley, Rebecca Abernethy and Greg McBryde

**Absent:** n/a

**Call to Order**

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

**Approval of Minutes**

Chair Änd Lynn asked the Board if there were any additions or corrections to the minutes of the January 21, 2020 meeting.

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

**ZTA-1-2020-** Application from the Lincoln County Coalition Against Domestic Violence requesting a zoning text amendment to Section 153.031 of the Unified Development Ordinance in regards to the definition of Domestic Violence Shelters and to Section 153.117 (GMC District) to add Domestic Violence Shelter as a permitted use.

Jean Derby addressed the board noting the following:

**Background**

The UDO allows domestic violence shelters for up to 15 people in the R-8 (Single and Two-Family Medium Density Residential) district.

Domestic violence shelters are not permitted in other zoning districts.

### **Proposed Amendment**

The Lincoln County Coalition Against Domestic Violence is requesting amendment of the UDO to add domestic violence shelters for up to 35 people as a permitted use in the GMC (General Manufacturing and Commercial) district.

### **Staff Recommendation**

Staff recommends approval of the amendment.

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

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

**ZTA-2-2020-** Application from Travis Dellinger/Visual Inception requesting a zoning text amendment to Section 153.113 (Central Business District) of the Unified Development Ordinance, to add the use “Sign Printing and Manufacturing” as a permitted use

Jean Derby addressed the board noting the following:

### **Background**

The UDO allows sign shops as a permitted use in the General Business (GB) and the General Manufacturing and Commercial (GMC) districts.

Sign manufacturing is not permitted in the Central Business district.

### **Proposed Amendment**

Visual Inception is requesting amendment of the UDO to add sign painting and manufacturing in the C-B district as a permitted use.

### **Staff Recommendation**

Staff recommends approval of the amendment with the following stipulations:

- Sign shops in the C-B district will not be permitted in the downtown fire district (see attached map) and
- Sign shops in the C-B district will not be permitted to have any outdoor storage or activities.

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

*Motion: Greg McBryde made a motion to table this case until the next meeting. Rebecca Abernethy seconded. Motion carried unanimously.*

**CU-ZMA-3-2020-** Application from Jamie Policz requesting the conditional use rezoning of approximately 0.8 acres of land from General Manufacturing and Commercial (GMC) District to Conditional Use Residential Multi Family (CU-RMF) District for a proposed church expansion. The subject property is located at 1008 North Aspen Street (Parcel ID 01095).

Mark Carpenter addressed the board noting the following:

### **SITE AND AREA DESCRIPTION**

The subject property is a 0.795-acre site located at 1008 North Aspen Street (Parcel ID 01095). The property is currently developed with a 2080 square foot church building. Land uses in the area are a variety of uses including multifamily residential, City Park, American Legion, and the National Guard Armory. The subject property is zoned GMC. Adjacent land uses are zoned RMF and GMC.

### **PROPOSED USE AND SITE PLAN**

The applicant requests conditional use rezoning in order to allow for the expansion of the church to the rear of the property by approximately 1,500 square feet. The rezoning to RMF from GMC would allow for a reduced rear setback of 25 feet instead of 50 feet as required in the GMC District. The current church building would remain the same. Access would be provided by one driveway to North Aspen Street (Access will have to be approved by NCDOT). Gravel parking is permitted provided the church does not hold services more than four days per week.

### **DESCRIPTION OF CONDITIONAL USE DISTRICT REZONING PROCESS**

Conditional use rezoning is a process whereby a conditional use permit and a rezoning are acted upon simultaneously. The use that is proposed in the conditional use permit portion of the process must be the use constructed on the property after it is rezoned. Unlike a standard zoning in which all the uses permitted in the district are potentially allowed on the rezoned site, 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 church.

### **COMPLIANCE WITH CONDITIONAL USE PERMIT APPLICATION REQUIREMENTS**

The UDO requires that a conditional use permit application contain specific terms and meet specific requirements. The site plan meets the requirements of this section with the following exception:

1. Plan needs to show amount of impervious surface on the site per the Water Supply watershed standards. Any applicable watershed requirements must be met per the ordinance.
2. Number of seating capacity for church needs to be provided.

### **LAND USE PLAN**

The Lincolnton Land Use Plan shows this property in the General Business Planning area. Staff feels that the proposed zoning is consistent with the Land Use Plan. The General Business Planning area would allow for a Church.

## **STAFF REVIEW COMMITTEE**

The Staff Review Committee had the following comments:

- (1) Building plans must be approved by Lincoln County prior to issuance of building permits.
- (2) Fire Code requirements must be reviewed and approved by the Fire Inspector.
- (3) Lincoln County Soil Erosion and Sedimentation will need a single lot disturbance permit if all land disturbance is less than 20k square feet. Will need an approved erosion control plan if land disturbance is 20k or greater. Either or will be needed PRIOR to any disturbance taking place including cutting tree canopy.
- (4) A driveway permit is required from NCDOT. Changes to the driveway will need to be done so that traffic can be channeled in and out of the site.
- (5) Street Landscaping will be required along North Aspen Street.
- (6) Sidewalk will be required along North Aspen Street. This will need to be designed based on the requirement of the NCDOT Driveway Permit.

## **FINDINGS OF FACT**

Section 153.237 of the UDO requires that four findings be determined by City Council 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.

## **COMPLIANCE WITH FINDINGS OF FACT**

1. It does not appear that the use will endanger the public health or safety.
2. The proposed use meets all required conditions and specifications with the exception of the items noted above.
3. The use should not have any negative impacts on the value of adjoining or abutting properties.
4. The use is in compliance with the Lincolnton Land Use Plan.

## **STAFF RECOMMENDATION**

Staff recommends the following two actions:

- (1) If the applicant satisfactorily proves the findings of fact, recommend approval of rezoning of the property from GMC to CU-RMF.
- (2) If the applicant satisfactorily proves the findings of fact, recommend approval of the Conditional Use Permit for an expansion of the Church subject to Ordinance requirements and the Staff Review Committee conditions.

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

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

Chair Änd 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. Jamel Farley seconded.  
Motion carried unanimously.*

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Jean Derby

PB022020 minutes