

**LINCOLN TON PLANNING BOARD**  
**AGENDA**  
**January 15, 2019**  
**AT 4:00 P.M. in City Council Chambers**

1. Roll Call
2. Call to Order
3. Approval of Minutes from the December 18, 2018 meeting
4. Election of Officers
5. ZMA-1-2019- Application from Bonnie Ball requesting the rezoning of approximately 0.838 acres of land from Office Institutional (O-I) to Rural Residential (R-25). The subject property is at 2511 East Highway 150 (PID 28082).
6. ZMA-2-2019- Application from Candance Heavner requesting the rezoning of approximately 0.732 acres of land from Office Institutional (O-I) to Rural Residential (R-25). The subject property is at 2523 East Highway 150 (PID 52275).
7. Adjournment



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

**BOARD MEMBERS:** Änd Lynn, Chair, [andmlynn@gmail.com](mailto:andmlynn@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 Yarbro, [kyarbro206@gmail.com](mailto:kyarbro206@gmail.com); Jamel Farley, [afarley2351@gmail.com](mailto:afarley2351@gmail.com);  
Becky Burke, [beckyburke940@gmail.com](mailto:beckyburke940@gmail.com); Jerry Hoffman, [jlskhoffman@charter.net](mailto:jlskhoffman@charter.net); Rebecca Abernethy, [rabernethy21@bellsouth.net](mailto:rabernethy21@bellsouth.net)

**Tuesday, December 18, 2018 Meeting**

**Present:** Gene Poinsette, Becky Burke, Jamel Farley, Worth Roberts, Rebecca Abernethy, Tommy Huskey

**Absent:** Änd Lynn, Jerry Hoffman

**Call to Order**

Vice Chairman Worth Roberts called the meeting to order and recognized Änd Lynn and Jerry Hoffman were absent.

**Approval of Minutes**

Vice Chairman Worth Roberts asked the Board if there were any additions or corrections to the minutes of the November 20, 2018 meeting.

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

**CUP-3-2018-** Application from Preston Kendall, representing Ingles Markets, Inc., requesting a conditional use permit to construct a Zips Car Wash in the CU-PB District. The subject property is located on an out-parcel located at 2130 East Main Street (PID 901308)

Brett Hicks addressed the Board and presented the following:

Ingles Markets, Inc. is requesting a conditional use permit to allow a car wash on an outparcel at the Ingles Market shopping center at 2130 East Main Street. The proposed car wash site is located beside the Gas Express convenience store.

The Ingles Market center is zoned CU-PB. Surrounding properties are zoned a combination of GMC (General Manufacturing and Commercial), GB (General Business), PB (Planned Business) and R-15 (Single Family Residential).

The subject property and surrounding properties along East Main Street are used for commercial purposes. The CSX rail line is located to the south.

## **BACKGROUND**

A conditional use permit was approved in 2010 for the Ingles shopping center. The associated site plan includes an Ingles supermarket, a gas station /convenience store and three (3) outparcels.

## **PROPOSED USE AND ADDITIONAL OUTPARCEL**

The applicant proposes a car wash as an additional (fourth) outparcel on the site along with the previously approved three outparcels. The car wash includes self – serve vacuum stations, a pay station and floor mat cleaning machines. The existing internal driveway serving the outparcels is to be realigned to the south on the car wash outparcel to allow additional developable area.

## **COMPLIANCE WITH WATER SUPPLY WATERSHED**

The Applicant will be disturbing less than one acre of land so compliance with the water supply watershed standards is not required.

## **STAFF REVIEW COMMITTEE COMMENTS**

The Staff Review Committee made the following comments:

1. Electricity will be provided by Duke Energy. The Developer will need to coordinate electrical items directly with Duke Energy.
2. All utilities must be coordinated with the City Utilities Supervisor. Water lines should be accessed from East Main Street. All necessary easements will need to be provided and recorded per the City Utilities Supervisors request.
3. The relocation of any utility lines must be completed at the owner's expense and coordinated with and approved by the City Public Works and Utilities Director prior to construction. A detailed utility plan must first be submitted showing all water lines on the site for a determination to be met.
4. The oil/water separator will need to be increased to 1,000 gallons and the grit separation will need to be addressed. This will need to be approved by the City Utilities Supervisor.
5. The City Fire Inspector must approve all plans for fire hydrants, sprinkler systems, and fire equipment access prior to development.
6. Detailed building plans must be submitted and approved by the Lincoln County Building and Inspections.
7. City solid waste pick-up will not be available to the site.

8. Erosion and Sedimentation control permits will be required and must be obtained from the Lincoln County Natural Resources Department.

### **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 the requirements of that 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.

### **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 Lincoln Land Use Plan in that the site is located within the Planned Business Planning 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 Staff Review Committee comments.

After a brief discussion, Vice Chairman Worth Roberts asked if there was a motion.

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

Vice Chairman Worth Roberts asked the Board if there was any other business to be addressed, to which there was none.

### **Adjournment**

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

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Jean Derby

**MEMO TO:** City of Lincolnton Planning Board Members

**FROM:** City of Lincolnton Planning Department

**SUBJECT:** Elections of Officers for Planning Board

**DATE:** January 15, 2019

Section IV.1 of the Rules of Procedure for the Planning Board outlines the procedure for election of officers as follows:

- Annually, at the regular meeting of the Planning Board held in the month of January, a Chairperson and Vice-Chairperson shall be elected.
- Officers shall be elected for a term of one year and may be re-elected for successive terms to the same office.

**MEMO TO:** Lincolnton Planning Board

**FROM:** City of Lincolnton Planning Department

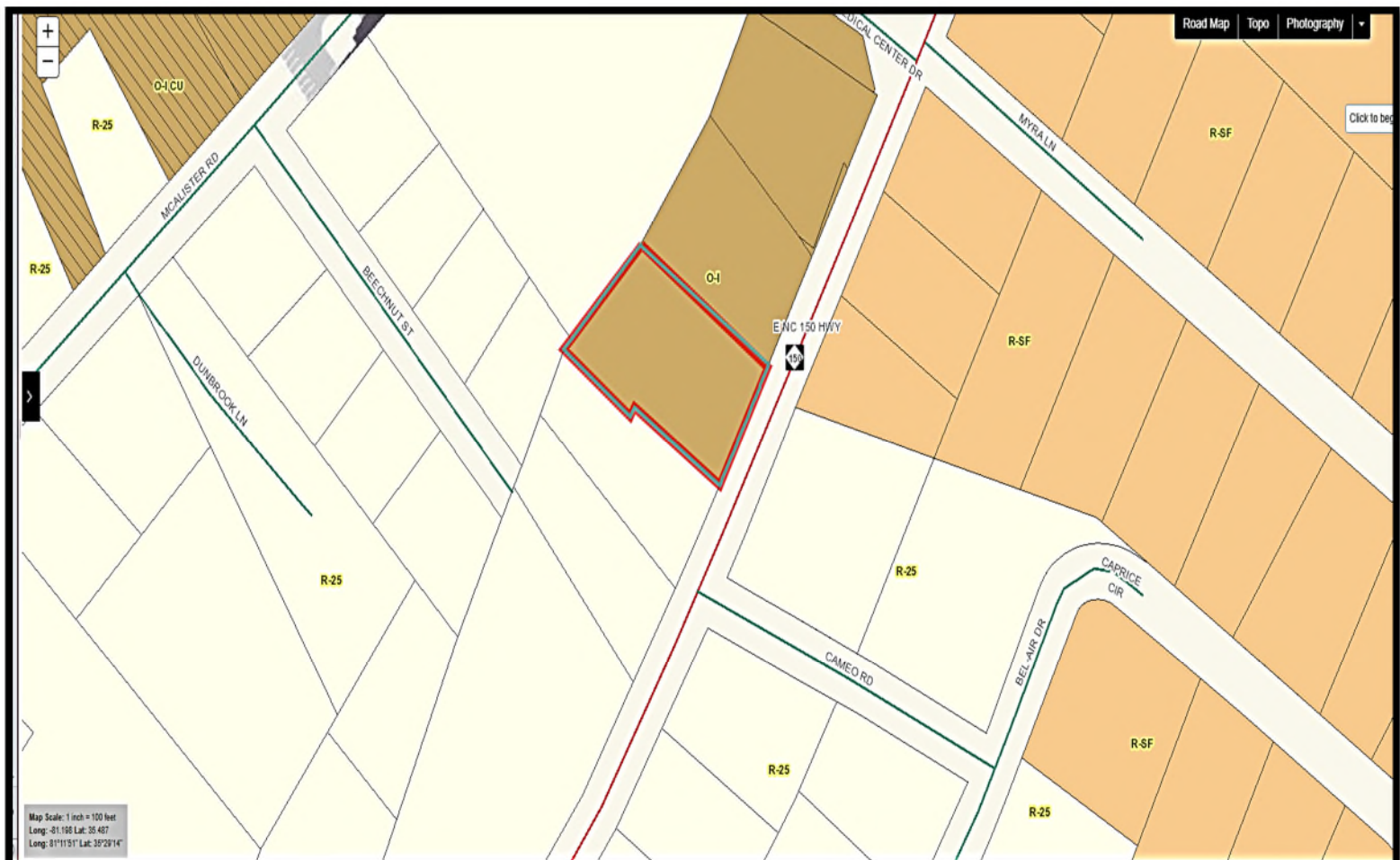
**SUBJECT:** ZMA-1-2019 – Application from Bonnie Ball requesting the rezoning of 0.838 acres from O-I to R-25

**DATE:** January 15, 2018

### SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of a parcel totaling approximately 0.83 acres from the Office Institutional (O-I) district to the Rural Residential (R-25) district. The subject property is located on the north side of East NC 150 Highway approximately 370 feet west of Medical Center Drive at 2511 East Highway 150.

The subject property and properties to the northeast are zoned O-I. The property included in this application (ZMA-1-2019) and the property included in application ZMA-2-2019 were rezoned from R-25 to O-I in 2009 at the request of the property owners at that time. Surrounding properties are zoned single family residential.





The subject property is developed with a single family residence. Land uses in the area include single family homes along Highway 150. The new hospital and other medical uses are located along Medical Center Drive.





## **LAND USE PLAN**

The originally adopted Lincolnnton Land Use Plan designated the subject property and all surrounding properties along this section of East Highway 150 as a Residential Suburban Planning Area. With the 2009 rezoning of the site from R-25 to O-I, the Land Use Plan was amended to designate the property within an Institutional / Office Planning Area.

## **COMPLIANCE WITH LAND USE PLAN**

The Land Use Plan designates the subject property as an Institutional / Office Planning area. Therefore, the proposed rezoning request is not consistent with the Land Use Plan.

However, staff views the request as consistent with the spirit and intent of the Land Use Plan's original designation of the area as a Residential Suburban area and with the character of the surrounding community.

## **STAFF RECOMMENDATION**

Staff recommends the following two actions:

1. Recommend approval of rezoning of the property from O-I to R-25.
2. Amend the land use plan to show the property in the Residential Suburban Planning Area.

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

**Case No.** ZMA-1-2019

**Applicant:** Bonnie Ball

**Parcel ID#:** 28082

**Location:** 2511 East NC 150 Highway

**Request:** Rezone from O-I to R-25

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Institutional-Office Planning Area. Therefore, the proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan. However, the request is viewed as consistent with the spirit and intent of the Land Use Plan's original designation of this section of the East Highway 150 corridor as a Residential Suburban Planning Area and the character of the surrounding community. Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

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

**Case No.** ZMA-1-2019

**Applicant:** Bonnie Ball

**Parcel ID#:** 28082

**Location:** 2511 East NC 150 Highway

**Request:** Rezone from O-I to R-25

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Institutional-Office Planning Area. Therefore, the proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan and **denial of the proposed amendment is reasonable and in the public interest.**

**MEMO TO:** Lincolnton Planning Board

**FROM:** City of Lincolnton Planning Department

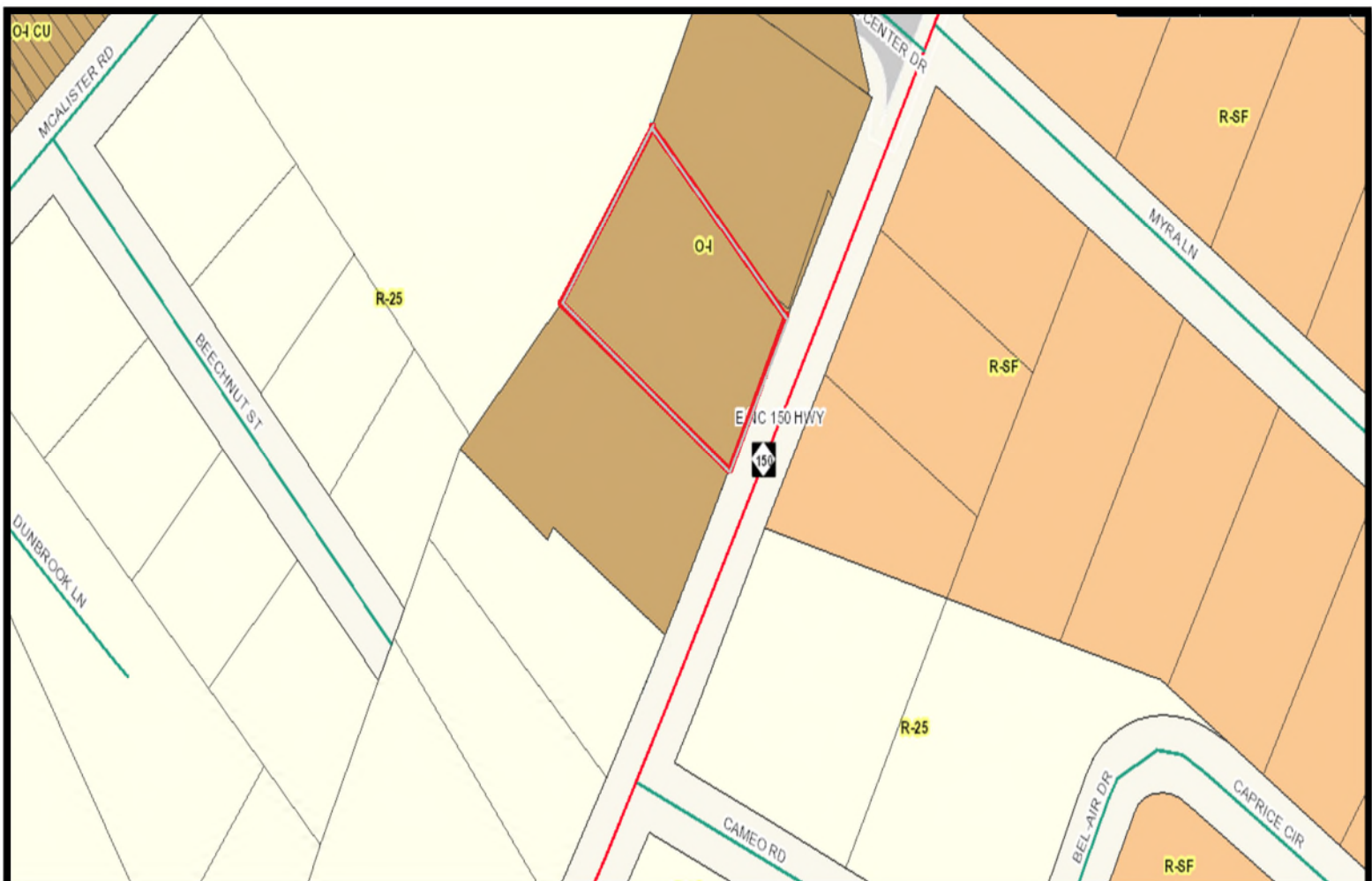
**SUBJECT:** ZMA-2-2019 – Application from Candance Heavner requesting the rezoning of 0.732 acres from O-I to R-25

**DATE:** January 15, 2018

**SITE AND AREA DESCRIPTION**

The applicant is requesting the rezoning of a parcel totaling approximately 0.732 acres from the Office Institutional (O-I) district to the Rural Residential (R-25) district. The subject property is located on the north side of East NC 150 Highway approximately 250 feet west of Medical Center Drive at 2523 East Highway 150.

The subject property and properties to the northeast are zoned O-I. The property included in this application (ZMA-2-2019) and the property included in application ZMA-1-2019 were rezoned from R-25 to O-I in 2009 at the request of the property owners at that time. Surrounding properties are zoned single family residential.





The subject property is developed with a single family residence. Land uses in the area include single family homes along Highway 150. The new hospital and other medical uses are located along Medical Center Drive.





## **LAND USE PLAN**

The originally adopted Lincolnnton Land Use Plan designated the subject property and all surrounding properties along this section of East Highway 150 as a Residential Suburban Planning Area. With the 2009 rezoning of the site from R-25 to O-I, the Land Use Plan was amended to designate the property within an Institutional / Office Planning Area.

## **COMPLIANCE WITH LAND USE PLAN**

The Land Use Plan designates the subject property as an Institutional / Office Planning area. Therefore, the proposed rezoning request is not consistent with the Land Use Plan.

However, staff views the request as consistent with the spirit and intent of the Land Use Plan's original designation of the area as a Residential Suburban area and with the character of the surrounding community.

## **STAFF RECOMMENDATION**

Staff recommends the following two actions:

1. Recommend approval of rezoning of the property from O-I to R-25.
2. Amend the land use plan to show the property in the Residential Suburban Planning Area.

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

**Case No.** ZMA-2-2019

**Applicant:** Candance Heavner

**Parcel ID#:** 52275

**Location:** 2523 East NC 150 Highway

**Request:** Rezone from O-I to R-25

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Institutional-Office Planning Area. Therefore, the proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan. However, the request is viewed as consistent with the spirit and intent of the Land Use Plan's original designation of this section of the East Highway 150 corridor as a Residential Suburban Planning Area and with the character of the surrounding community. Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

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

**Case No.** ZMA-2-2019

**Applicant:** Candance Heavner

**Parcel ID#:** 52275

**Location:** 2523 East NC 150 Highway

**Request:** Rezone from O-I to R-25

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Institutional-Office Planning Area. Therefore, the proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan and **denial of the proposed amendment is reasonable and in the public interest.**