

MEMO TO: Lincoln Planning Board
FROM: City of Lincoln Planning Department
SUBJECT: ZMA-2-2023 – Application from Carolina Elite Builders
DATE: March 21, 2023

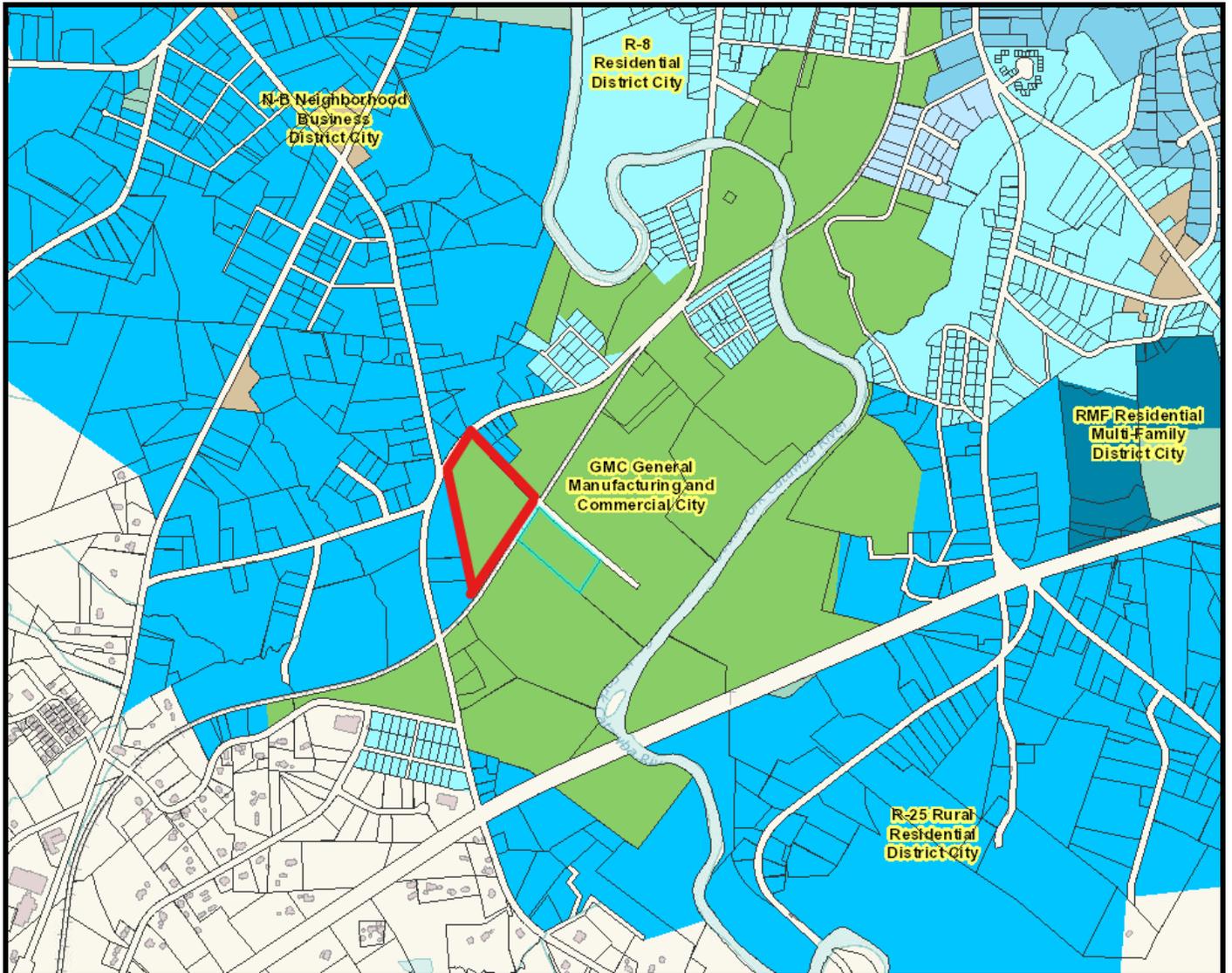
SITE AND AREA DESCRIPTION

The applicant is requesting the rezoning of 11.844 acres of land from General Manufacturing Commercial (GMC) District to Residential-25 (R-25) District. The subject property is located at Burriss Boulevard at the intersection of S. Grove Street (Parcel ID 52489).

AERIAL VIEW:



ZONING



The subject property is vacant land. Land uses in the area include a mixture of residential and commercial uses. The property is surrounded by GMC and Residential-25 zoning.

The change to R-25 zoning would allow for any permitted R-25 use to be constructed on the property.

PERMITTED USES:

When a use is permitted it **does not** come before City Council for approval, the use would only require site plan approval by staff and a zoning permit.

<u>CURRENT ZONING - GMC*</u>	<u>PROPOSED ZONING - R-25*</u>
Manufacturing, refining, processing or assembly of goods or products;	Single-family dwellings
Auction houses, indoors, excluding livestock;	Two-family dwellings
Automobile service stations	Manufactured homes, Class A
Contractors storage and equipment yards	Agriculture uses
Machinery repair	Family care homes
Manufactured home and recreational vehicle sales and service	Day care centers, small group
Product distribution plants	Customary home occupations in accordance with § 153.045 of this chapter
Recycling terminals and yards or sorting facility	Essential services, Class I
Trucking terminals	Churches with a maximum sanctuary seating capacity of not greater than 500 seats. Customary accessory uses shall also be permitted. Church owned and maintained cemeteries as an accessory use are permitted

****These are just some of the permitted uses, complete lists for GMC and R-25 are attached***

DESCRIPTION OF EACH ZONING DISTRICT:

GMC General Manufacturing and Commercial. This district is designed primarily for general commercial and industrial land uses, including manufacturing, processing and assembling of parts and products; distribution of products at wholesale outlets, retail outlets; transportation terminals; various public and utility uses; and a broad variety of specialized commercial and industrial operations.

R-25 Rural Residential District. This district is intended to accommodate very low density residential and agricultural uses in fringe areas of the zoning jurisdiction that generally are non-intensely developed. This district is established to accommodate very low-density

development where public utilities are nonexistent or partially existent, and to accommodate greater densities where services are present, therefore, density levels are variable to the existence of the facilities. The continuance of agricultural operations is encouraged within this district.

STREET VIEW:



SURROUNDING PROPERTIES TO THE SOUTH:



SURROUNDING PROPERTIES TO THE EAST (DIRECTLY ACROSS BURRIS):



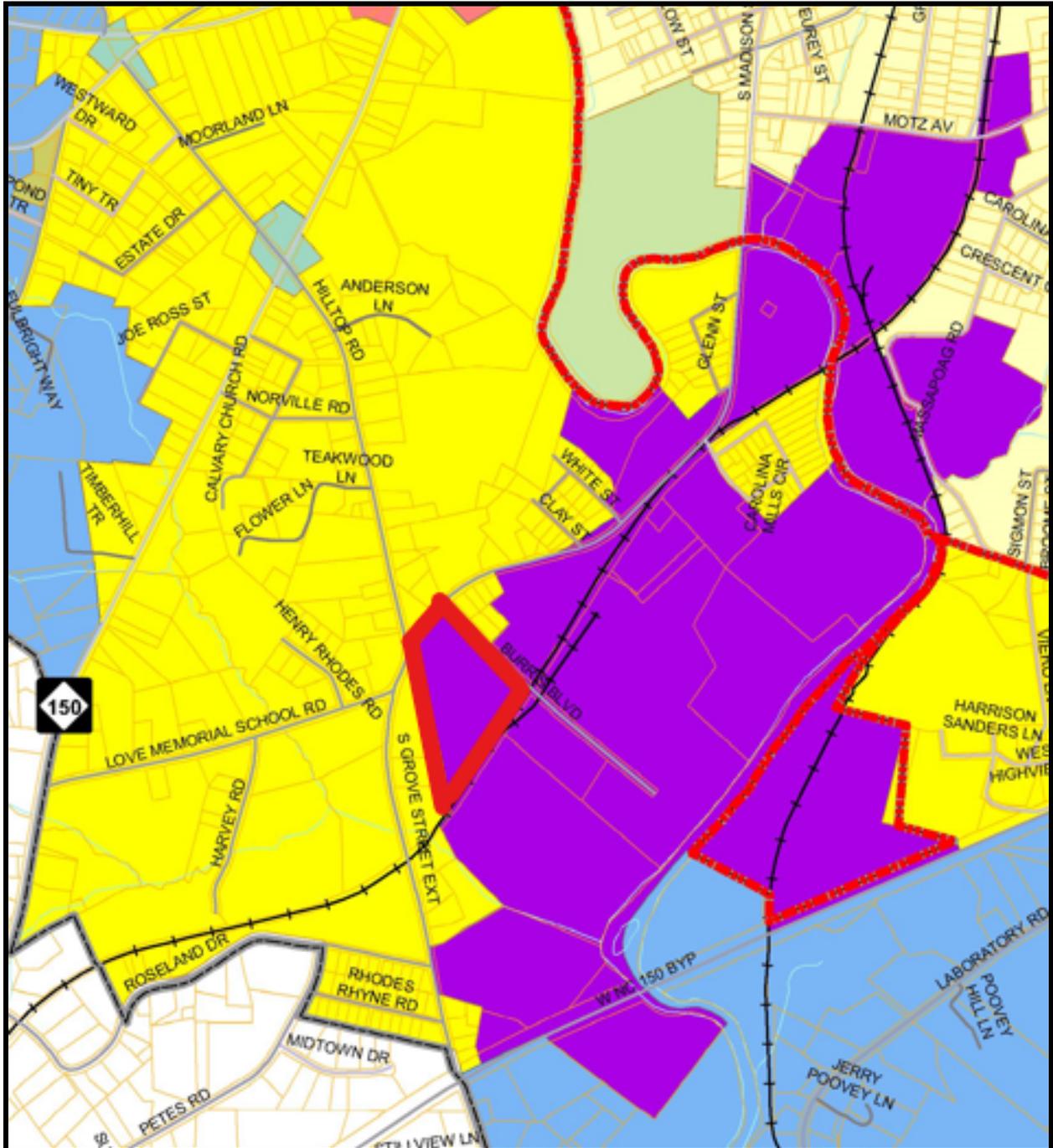
SURROUNDING PROPERTIES TO THE NORTH (DIRECTLY ACROSS S. GROVE):



SURROUNDING PROPERTIES TO THE WEST (ADJACENT TO SITE ON S. GROVE):



LAND USE PLAN COMPLIANCE



Land Use Code and Description

 CB, Central Business	 MURC, Mixed Use Residential/ Commercial	 ROS, Recreation/ Open Space
 CBT, Central Business Transitional	 NB, Neighborhood Business	 RR, Rural Residential
 GB, General Business	 NBC, Neighborhood Business Corridor	 RS, Residential Suburban
 IND, Industrial	 PB, Planned Business	 TSF, Traditional Single-Family
 IO, Institutional Office	 RHD, Residential High Density	

The land use plan shows the property in the **Industrial Planning Area**.

These are areas in use or designated for future industrial/manufacturing use. As industrial uses play a vital role in the local economy, any such planning areas designated on the Future Land Use Map should be reserved for industrial uses and should be protected from encroachment from other uses. Industrial park development is encouraged. Industrial developments located along or in close proximity to the City's major thoroughfares should be developed so as to protect and enhance the viewsheds from these thoroughfares. Adaptive reuse of older manufacturing buildings (for both manufacturing and other compatible non-industrial uses) is also encouraged.

Residential Suburban These planning areas are primarily single-family in character and where the primary development pattern should continue to be single-family dwellings. Such areas currently have public water and sewer, or are likely to have such facilities within the next twenty years. Most new single-family residential development within Lincolnton is likely to occur in such areas.

The proposed rezoning request would be inconsistent with the Land Use Plan. However, the area surrounding the property is primarily zoned for residential development and the owner is requesting to use it for residential purposes. Amending the Land Use Plan to Residential Suburban could be considered.

STAFF RECOMMENDATION

Staff recommends the following action:

1. Recommend approval of rezoning of the property from GMC to R-25
2. If the rezoning is approved, the land use plan would need to be amended 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-2-2023

Applicant: Carolina Elite Builders

Parcel ID#: 52489

Location: Burris Boulevard at S. Grove Street

Request: Rezone from GMC to R-25

Proposed Consistency and Reasonableness Statement:

The Lincoln Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** with the Lincoln Land Use Plan but is reasonable in the following way:

A large portion of the area surrounding the property is primarily zoned for residential development and the owner is requesting to use it for residential purposes

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-2-2023

Applicant: Carolina Elite Builders

Parcel ID#: 52489

Location: Burris Boulevard at S. Grove Street

Request: Rezone from GMC to R-25

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. 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.**

§ 153.117 GMC GENERAL MANUFACTURING AND COMMERCIAL DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right.

- (1) Manufacturing, refining, processing or assembly of goods or products;
- (2) Agriculture equipment, sales and service;
- (3) Assembly halls, coliseums, and ballrooms;
- (4) Auction houses, indoors, excluding livestock;
- (5) Automobile parking lots;
- (6) Automobile painting, upholstering, repairs, reconditioning and body work;
- (7) Automobile sales;
- (8) Automobile service stations;
- (9) Automobile wash establishments;
- (10) Bookbinding shops;
- (11) Building materials and lumber sales;
- (12) Cabinet, woodworking and upholstery shops;
- (13) Commercial schools and schools providing training in any of the arts, sciences, trades and professions;
- (14) Contractors storage and equipment yards;
- (15) Convenience stores;
- (16) Domestic violence shelter;
- (17) Dry cleaning and laundry plants;
- (18) Electric, plumbing, heating ventilating and air conditioning and construction supply houses;
- (19) Essential services, Class I and II;
- (20) Farm equipment sales and service;
- (21) Financial institution;
- (22) Florist, wholesale;
- (23) Food catering service and food vending supply;

- (24) Freezer lockers;
- (25) Government facilities not otherwise listed (excluding jails, prisons and similar penal institutions);
- (26) Greenhouses and horticultural nurseries;
- (27) Ice plants;
- (28) Laboratories: dental, medical, optical and research;
- (29) Machinery repair;
- (30) Manufactured home and recreational vehicle sales and service;
- (31) Moving and storage facilities (including mini-warehouses);
- (32) Office-business, medical, optical and professional;
- (33) Passenger bus terminal;
- (34) Photo processing laboratories;
- (35) Postal and parcel service processing facility;
- (36) Post office;
- (37) Product distribution plants;
- (38) Public safety stations;
- (39) Railroad terminals and yards;
- (40) Recycling terminals and yards;
- (41) Recycling sorting facility;
- (42) Restaurants, including fast-food restaurants;
- (43) Roofing manufacturing, repair and installation facilities;
- (44) Sign painting and manufacturing shops;
- (45) Slaughterhouse/abattoir;
- (46) Tin and sheet metal shops;
- (47) Tire recapping shops;
- (48) Towers and antennas 50 feet or less in height;
- (49) Truck sales and repair;

(50) Trucking terminals;

(51) Union halls, fraternal and civic organization meeting facility;

(52) Vehicular and equipment outdoor storage (as a principal use) not for retail sales where:

(a) The items are owned and/or operated by the owner of the lot upon which they are located; and

(b) The items are in operating condition or intended to be operated.

(53) Warehouses, including mini-warehouses;

(54) Wholesaler, jobbers, bulk warehouses; and

(55) Accessory outlet store, provided that parking for the store shall be computed separately from the principal use and reserved for those purposes.

(B) *Uses subject to prescribed standards.* The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ [153.255](#) through [153.259](#) of this chapter and subject to the associated below prescribed standards.

(1) Tavern provided the site is located a minimum of 100 feet from any residential use, vehicular access is not provided by a local residential road and the use is screened from any abutting property located in a residential district in accordance with § [153.046](#).

§ 153.105 R-25 RURAL RESIDENTIAL DISTRICT.

(A) *Permitted uses.* The following uses are permitted by right.

(1) Single-family dwellings;

(2) Two-family dwellings;

(3) Manufactured homes, Class A;

(4) Agriculture uses;

(5) Family care homes;

(6) Day care centers, small group;

(7) Customary home occupations in accordance with § [153.045](#) of this chapter;

(8) Essential services, Class I;

(9) Churches with a maximum sanctuary seating capacity of not greater than 500 seats. Customary accessory uses shall also be permitted. Church owned and maintained cemeteries as an accessory use are permitted;

(10) Publicly owned and operated outdoor recreation facilities which are one acre or less in area. No facility shall contain a swimming pool or indoor community center or meeting facility;

(11) Private recreation facilities constructed pursuant to a permit authorizing the construction of some residential development and intended primarily for the use and enjoyment of the residents thereof;

(12) Public and private elementary and secondary schools and private schools district administrative offices where located on the same parcel as a school;

(13) Stands for the in-season sale of produce out of a home garden located on the premises where the produce is being sold;

(14) Accessory structures in accordance with § [153.057](#) of this chapter;

(15) Signs in accordance with §§ [153.160](#) through [153.172](#) of this chapter;

(16) Off-street parking in accordance with §§ [153.185](#) through [153.188](#) of this chapter; and

(17) Private residential quarters provided there is sufficient off-street parking to accommodate the private residential quarters in addition to the spaces required for the principal dwelling.

(B) *Uses subject to prescribed standards.* The following uses are allowed upon the issuance of a zoning permit by the Zoning Administrator in accordance with §§ [153.255](#) through [153.259](#) of this chapter and subject to the associated below prescribed standards.

(1) Cemeteries as a principal use (setbacks apply to both buildings and graves) provided primary vehicular access is not provided by a local residential road;

(2) Customary home occupations which meet all the criteria as set forth in § [153.045](#) of this chapter except § [153.045](#)(B) of the section; provided however, if an accessory or outside storage building is used in connection with a home occupation it shall not exceed 800 square feet in floor area and not more than one building shall be devoted to the home occupation and the building is located in the rear yard and not less than 50 feet from any property line.

(3) Auto hobbyist (see Definitions, § [153.031](#)) provided the use is screened from any abutting property located in a residential district in accordance with § [153.046](#);

(4) Churches having a sanctuary seating capacity in excess of 500 seats provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district in accordance with § [153.046](#);

(5) Country clubs and privately-owned outdoor recreation facilities provided that go-cart tracks and outdoor vehicular racing facilities shall not be permitted provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district in accordance with § [153.046](#);

(6) Publicly owned and operated outdoor recreation facilities in excess of one acre in area and/or containing a swimming pool, or indoor community center or meeting facility provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district in accordance with § [153.046](#);

(7) Bed and breakfast inns provided the use is screened from any abutting property located in a residential district in accordance with § [153.046](#);

(8) Public safety stations provided that the use is screened from any adjoining property located in a residential district in accordance with § [153.046](#);

(9) Rest homes, nursing care facilities and continuing care communities provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district in accordance with § [153.046](#);

(10) Public schools administrative offices (freestanding) provided that primary vehicular access is not provided by a local residential road and the use is screened from any adjoining property located in a residential district in accordance with § [153.046](#);

(11) Communication towers subject to the following standards.

(a) The height of the communication tower may not exceed 199 feet above ground level;

(b) The tower may only be placed on a property containing a minimum of three acres;

(c) The tower must be set back a distance of at least 200 feet from any public right-of-way and 200 feet from any property line;

(d) The tower must provide technically-suitable space for at least four users;

(e) The tower shall be constructed using a monopole design;

(f) A new communication tower cannot be placed within a one-quarter mile radius of an existing tower that could accommodate an additional user;

(g) No equipment, mobile or immobile, not used in direct support of the transmission or relay facility shall be stored or parked on the site unless repairs to the facility are being made;

(h) Towers shall not be artificially lighted except to insure human safety as required by the Federal Aviation Administration (FAA) regulations;

(i) Screening in accordance with § [153.046](#) shall be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing on-site trees and other vegetation shall be preserved to the extent possible;

(j) No more than one communication tower shall be constructed on a single tract of land;

(k) The tower will not result in interference with the safe operation of aircraft in relation to existing or planned airport facilities; and

(l) All obsolete or unused facilities must be removed within 12 months of cessation of operations at the site.