



# Lincolnton NC

**Near the City. Near the Mountains. Near Perfect.**

Public Hearing Staff Analysis  
CZ-9-2023  
416 Louise Ave  
PID 01233

# SUMMARY

## Zoning

Existing: R-10  
Proposed: Office  
Institutional (O-I)

## Use

Daycare Center

## Request Summary

Applicant is requesting a conditional zoning from R-10 to O-I for the re-use of the former church for a daycare





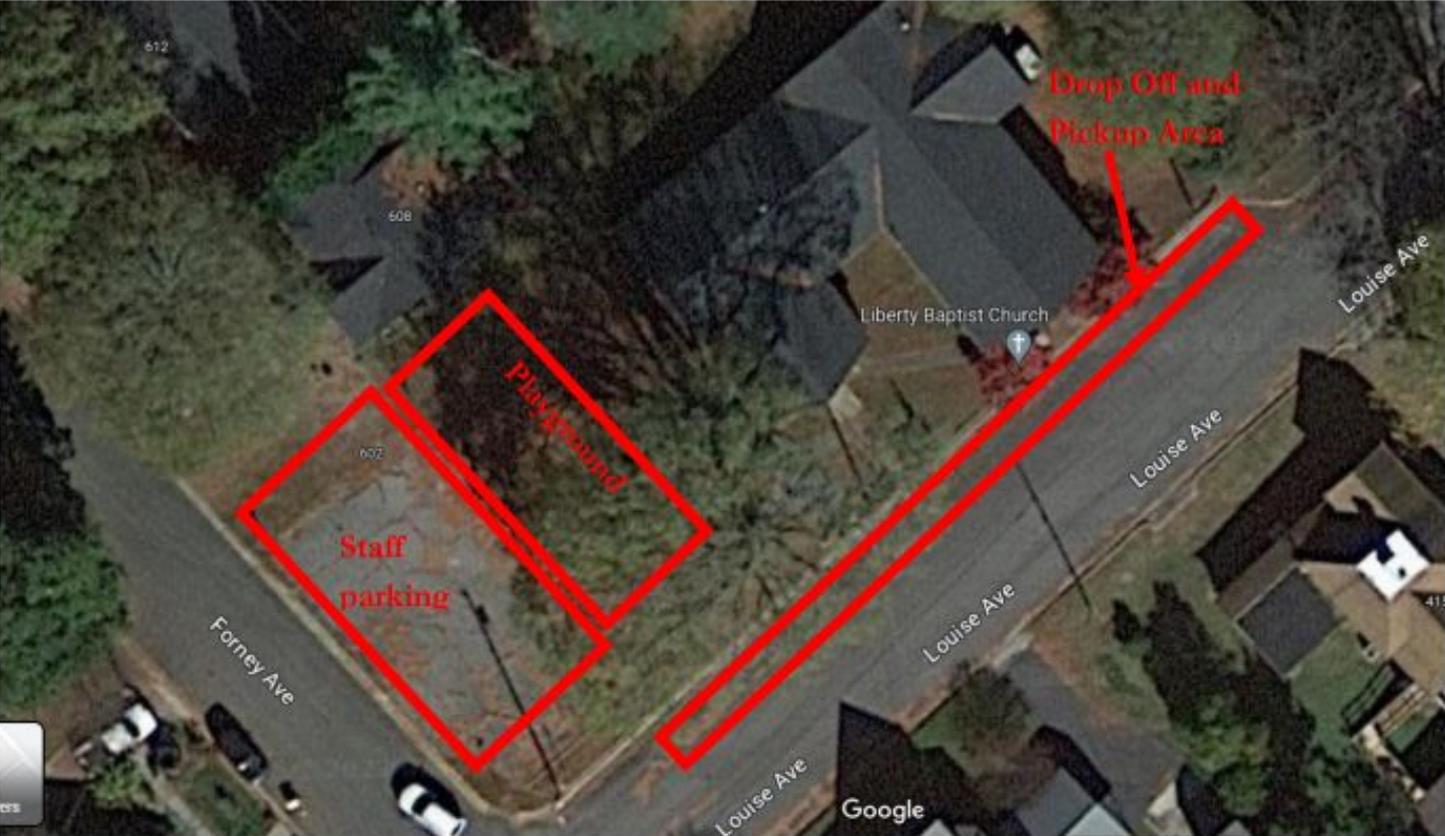
# SITE INFO AND BACKGROUND

## Site Summary

- .361 acres
- Formerly Liberty Baptist Church
- Plan on converting the existing 4500 SF church into a daycare
- Building currently has 2 bathrooms, a fellowship area with a kitchen, several small classrooms, a nursery, two offices and a storage area in addition to the sanctuary



# SITE PLAN





# STAFF COMMENTS /CONDITIONS OF APPROVAL

## **Planning Department -**

- Day care centers, nurseries, preschools and kindergartens require one space per employee during the shift of greatest employment, plus one space per ten children of certification capacity. Parking lot would need to have appropriate number of spaces and meet the ordinance guidelines.
- Screening would be required between commercial and residential areas
- Need a carpool line plan
- Zoning be effective upon receipt of signed conditions of approval
- Obtain City of Lincoln Zoning permits and Lincoln County Building permits if approved

**Fire -** Fire Marshall stated that even with the carpool line the road does meet Fire Code standards.

**City Water/Sewer -** Existing structure currently on City water and sewer, will need to check grease trap requirements if serving food.

**Soil and Erosion -** N/A

## LAND USE PLAN COMPLIANCE

The land use plan shows the property is mostly in the Neighborhood Business area with a portion in Traditional Single Family Planning Area.

### Traditional Single Family

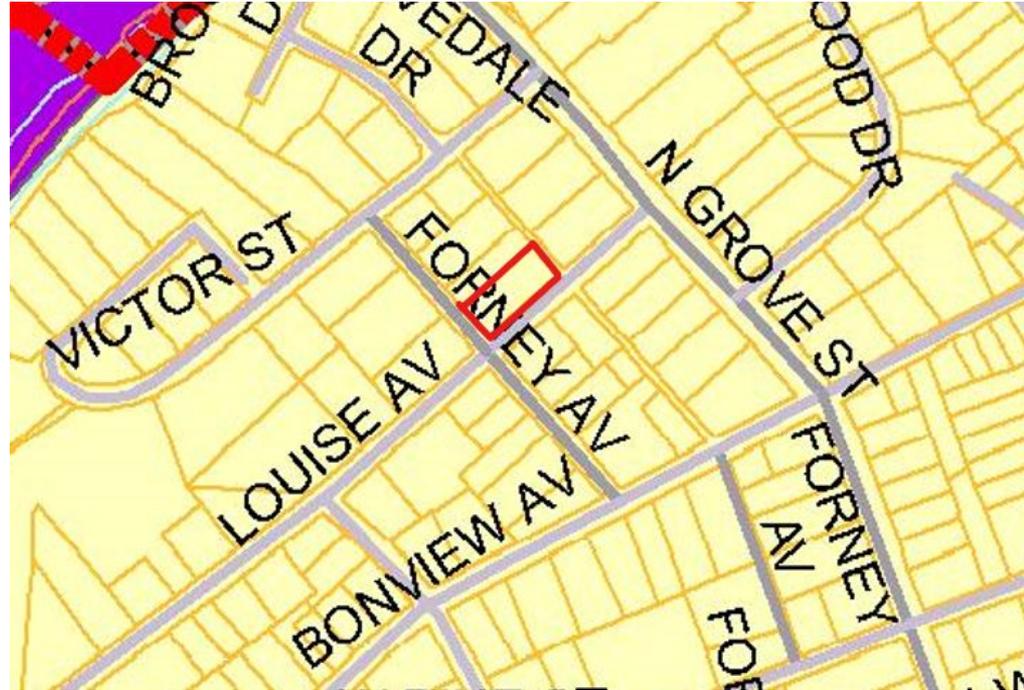
These planning areas will consist of single-family uses on smaller to medium sized lots in older established portions of the community. As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.

**Mixed-Use Residential/Commercial** These are planning areas in select, 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 offices and retail uses may be located. The thrust behind these planning areas is to create areas in which persons are able to both live, work and shop. They are designed to emulate development patterns from the early and mid portions of the twentieth century when reliance on the automobile was not paramount. In order for such a concept to be feasible, an area of significant size must be so designated thus ensuring that there will be ample room for the variety of uses needed to create a "village."

### Staff Recommendation:

Staff has a neutral recommendation on this case. In reviewing the land use plan, an argument could be made for either side of this case. Childcare is much needed in our community and that need is going to continue to grow. The land use plan strategies encourage walkable community businesses in and near neighborhood. In addition, the plan also strongly encourages the re-use of existing buildings. On the flip side, the plan calls for protecting neighborhoods and not increasing traffic within those areas.

# LAND USE PLAN



### 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	

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

**Case No.** CZ-9-2023  
**Applicant:** Edward McFadden  
**Parcel ID#:** 01233  
**Location:** 416 Louise Ave  
**Request:** Rezone from R-10 to O-I (CD)

**Proposed Consistency and Reasonableness Statement:**

The Lincolnnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan however the following strategies from the plan make it consistent and reasonable for approval:

**CONSISTENT:** Encourage "neighborhood-friendly" types of new commercial development in residential neighborhoods.

**REASONABLE:** Work with the landlords of vacant and under-utilized commercial buildings to develop strategies for adaptive reuse (including the possibility of mixed commercial-residential use.)

Therefore, **approval of the proposed amendment is reasonable and in the public interest.**

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

**Case No.** CZ-9-2023  
**Applicant:** Edward McFadden  
**Parcel ID#:** 01233  
**Location:** 416 Louise Ave  
**Request:** Rezone from R-10 to O-I (CD)

**Proposed Consistency and Reasonableness Statement:**

The Lincolnnton Land Use Plan designates this property as part of the Traditional Single Family Planning Area. The proposed rezoning request **is not consistent** with the Lincolnnton Land Use Plan. The following strategies and objectives from the plan make it consistent and reasonable for denial:

**INCONSISTENT:** The plan states that new commercial development in residential neighborhoods **be small in scale, not generate a lot of customer or vehicular traffic, not be open for extended hours, and be aesthetically congruent with its surroundings.** Such uses shall be subject to a conditional rezoning.

**NOT REASONABLE:** To **reduce** traffic impacts of commercial development on adjacent thoroughfares and adjacent residential neighborhoods. As these areas are primarily residential in character, they should be protected from encroachment of incompatible business and industrial development.

The proposed use is not viewed as desirable in the area and therefore, **denial of the proposed amendment is reasonable and in the public interest.**

# STAFF RECOMMENDATIONS

## **Staff recommend the following action if you choose to APPROVE:**

1. Approve the rezoning of the property from R-10 to Office Institutional(C-D)
2. Approval of the statement of consistency for approval of the rezoning request
3. Zoning be effective upon receipt of signed conditions of approval
4. Land map to be amended to show this area in the Mixed-Use Residential/Commercial

## **Staff recommend the following action if you choose to DENY:**

1. Denial of the rezoning of the property from R-10 to Office Institutional(C-D)
2. Approval of the statement of consistency for denial of the rezoning request