

MEMO TO: Mayor and City Council

FROM: City of Lincoln Planning Department

SUBJECT: CZ-2-2023-Application from Adam Jacob Whitener requesting a Conditional District Rezoning of 2.39 acres of land from Planned Business (PB) District to General Business Conditional District (GB-CD)

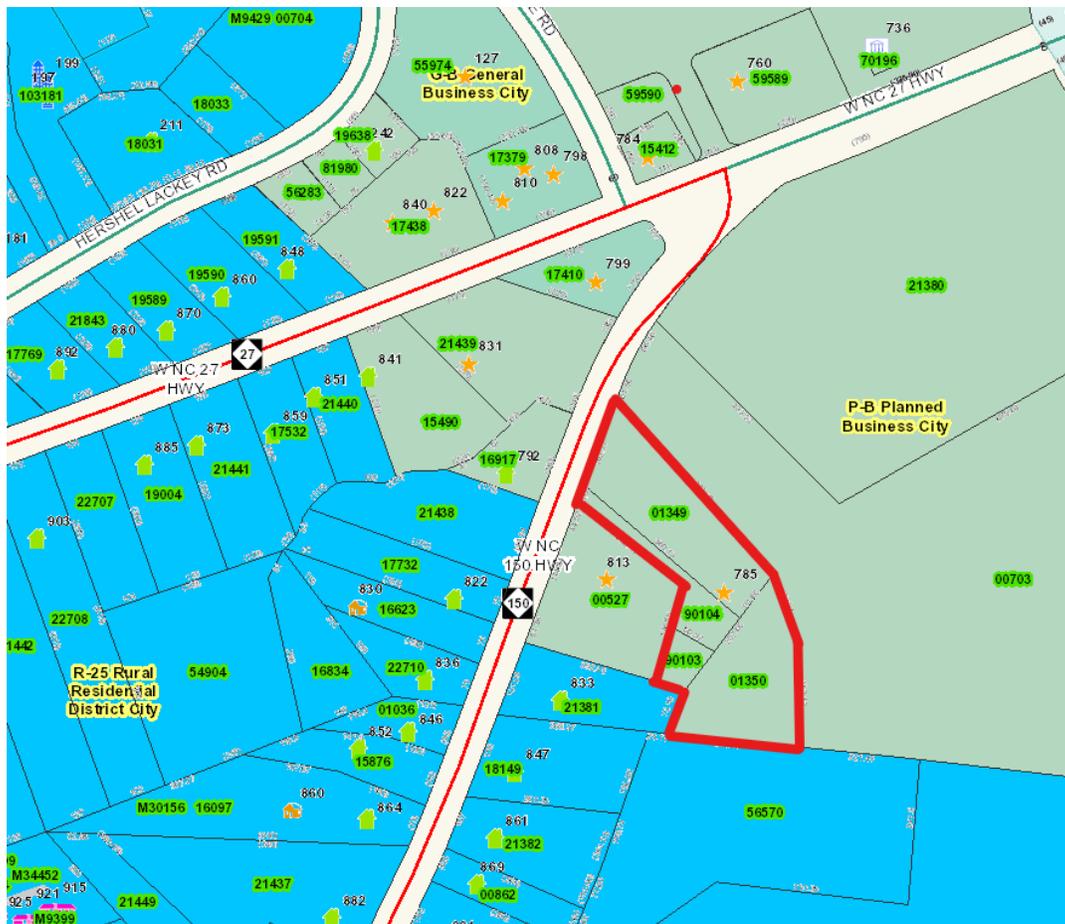
DATE: June 1, 2023

SITE AND AREA DESCRIPTION

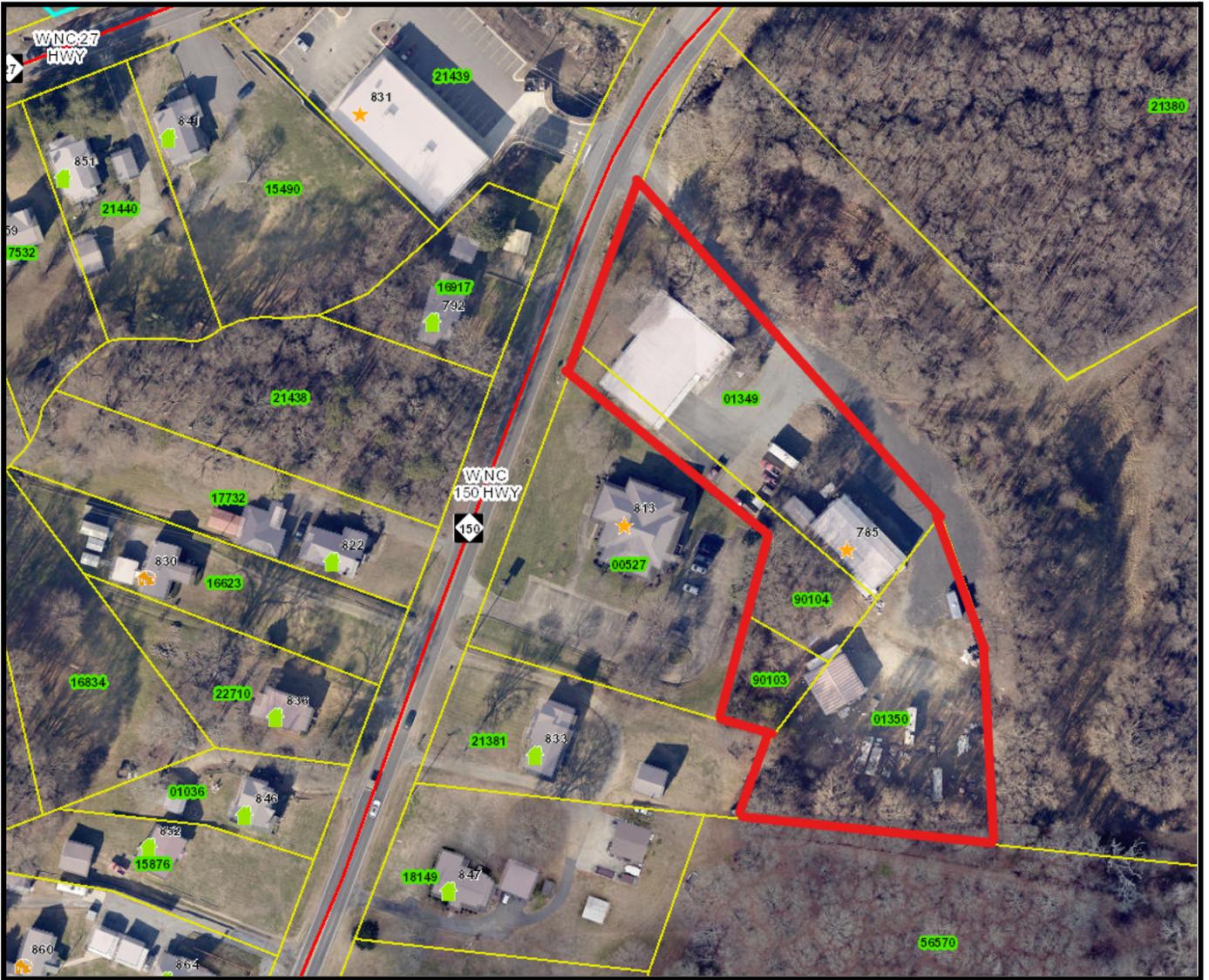
The applicant is requesting a Conditional District Rezoning of 2.39 acres of land from Planned Business (PB) District to General Business Conditional District (GB-CD) for the purpose of operating an Auto Sales Lot. The subject property is located at 785 West NC 150 Hwy. (Parcel ID 01349, 01350, 90103, and 90104)

The subject property has 4 existing buildings and was used previously as a camper repair business. Land uses in the area include a mixture of residential and commercial uses. The property is surrounded by Planned Business, General Business and Residential-25 zoning.

CURRENT ZONING MAP



AERIAL VIEW



STREET VIEWS



SURROUNDING PROPERTIES (DIRECTLY ACROSS 150):

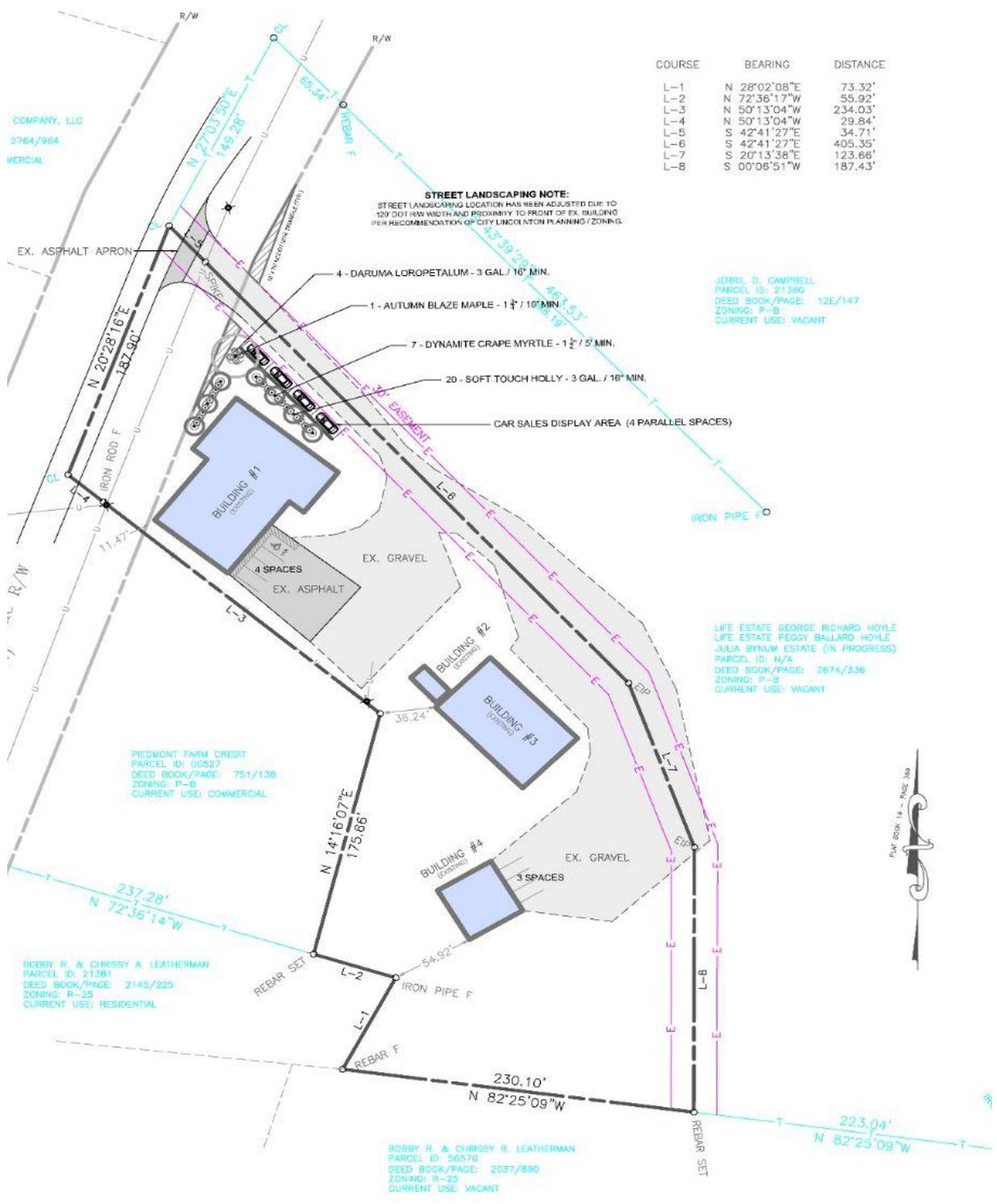


SURROUNDING PROPERTIES (ADJACENT TO SITE ON 150):



PROJECT DETAILS

- Will be using the 4 existing buildings
- No new buildings will be constructed
- Adding 7 parkings spaces for employees and customers
- 4 spaces for vehicle display



COURSE	BEARING	DISTANCE
L-1	N 28°02'08"E	73.32'
L-2	N 72°36'17"W	55.92'
L-3	N 50°13'04"W	234.03'
L-4	N 50°13'04"W	29.84'
L-5	S 42°41'27"E	34.71'
L-6	S 42°41'27"E	405.35'
L-7	S 20°13'36"E	123.66'
L-8	S 00°06'51"W	187.43'

STREET LANDSCAPING NOTE:
 STREET LANDSCAPING LOCATION HAS BEEN ADJUSTED DUE TO 120' DOT ROW WIDTH AND PROXIMITY TO FRONT OF EX. BUILDING PER RECOMMENDATION OF CITY UNCLINOTON PLANNING / ZONING.

JERRIL D. CAMPBELL
 PARCEL ID: 21380
 DEED BOOK/PAGE: 12E/147
 ZONING: P-B
 CURRENT USE: VACANT

LIFE ESTATE GEORGE RICHARD HOYLE
 LIFE ESTATE PEGGY BALLARD HOYLE
 JULIA SYMUM ESTATE (IN PROGRESS)
 PARCEL ID: N/A
 DEED BOOK/PAGE: 2674/536
 ZONING: P-B
 CURRENT USE: VACANT

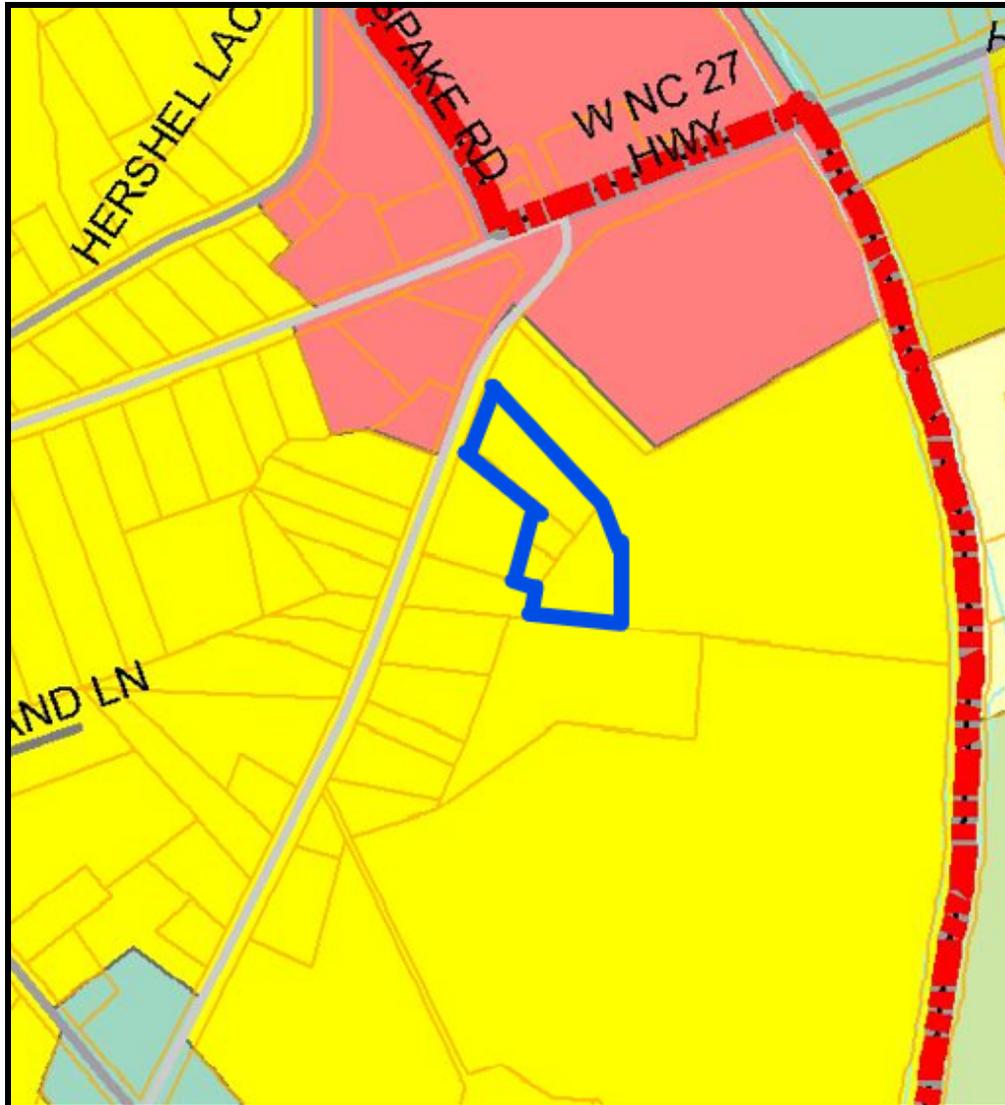
PIEDMONT FARM CREDIT
 PARCEL ID: 00527
 DEED BOOK/PAGE: 751/138
 ZONING: P-B
 CURRENT USE: COMMERCIAL

BOBBY R. & CHRISSE A. LEATHERMAN
 PARCEL ID: 21381
 DEED BOOK/PAGE: 2145/225
 ZONING: R-25
 CURRENT USE: RESIDENTIAL

BOBBY R. & CHRISSE R. LEATHERMAN
 PARCEL ID: 56570
 DEED BOOK/PAGE: 2037/890
 ZONING: R-25
 CURRENT USE: VACANT



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 **Residential Suburban Planning Area**.

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. Amending the Land Use Plan to Planned Business could be considered. The Plan notes that a large majority of commercial uses outside Downtown are likely to occur in planned business areas. These areas are designed to be the City's destination shopping areas and encompass most larger shopping centers and commercial areas along the City's major corridors.

CONDITIONAL ZONING

Because this is a proposed rezoning to a conditional zoning district, if the request is approved, the property could only be used for the specified use in accordance with the approved site plan. Any major modification or change in use would require approval by the City Council through a public hearing process.

STAFF REVIEW COMMITTEE

The Staff Review Committee had the following comments:

1. NC DOT will not require a driveway permit. Keep the corner clear for sight distance with a 10x70 sight triangle.
2. Driveway apron needs to be 15' of pavement from the road a minimum of 24' wide.

PLANNING BOARD VOTE

7-0 motion to approve

STAFF RECOMMENDATION

Staff recommends the following actions:

- approval of the request for rezoning from PB to GB-CD subject to the staff review committee comments being made conditions of approval,
- approval of the statement of consistency for approval of the rezoning request, and
- the rezoning being effective once the Zoning Administrator receives written agreement from the applicant and property owner with the conditions of approval
- Amend the Land Use Map to show the property in the Planned Business Planning Area and include the neighboring bank property (PID 00527) to be amended as well.

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

Case No. CZ-2-2023

Applicant: Adam Jacob Whitener

Parcel ID#: Parcel ID 01349, 01350, 90103, and 90104

Location: 785 W. NC 150

Request: Rezone from PB to GB-CD

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Residential Suburban Planning Area. The proposed rezoning request **is not consistent** with the Lincolnton Land Use Plan but amending the property to Planned Business Planning Area 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.

The following strategies from the land use plan support the amendment:

STRATEGY C-B4: Encourage "neighborhood-friendly" types of new commercial development in residential neighborhoods. Any such development should 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.

STRATEGY C-E3: Continue to encourage the reuse of existing commercial zoned properties rather than the development of greenfields.

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. CZ-2-2023

Applicant: Adam Jacob Whitener

Parcel ID#: Parcel ID 01349, 01350, 90103, and 90104

Location: 785 W. NC 150

Request: Rezone from PB to GB-CD

Proposed Consistency and Reasonableness Statement:

The Lincolnton Land Use Plan designates this property as part of the Residential Suburban 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.**