

MINUTES
LINCOLN COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 5, 2001

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on February 5, 2001 at the Citizens Center, Commissioner's Room, Third Floor, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 PM.

Commissioners Present:

Jerry W. Cochrane, Chairman
Beth H. Saine, Vice Chair
Thomas R. Anderson, PE
Larry S. Craig
Dr. John R. Gamble, Jr.

Planning Board Members Present:

James "Buddy" Funderburk
Dean Lutz
Stanley Roseboro
Jerry Geymont
Phil Hunt
Eddie Sigmon
Mike Baker
Gerald Johnson

Others Present:

Stan B. Kiser, County Manager
Jeffrey A. Taylor, County Attorney
Amy S. Long, Clerk to the Board
Lee Lawson, Land Use Coordinator
Kelly Atkins, Director of BALD
Shane Stewart, Zoning Administrator
Leon Harmon, Finance Director

Call to Order: Chairman Cochrane called the February 5, 2001 meeting of the Lincoln County Board of Commissioners to order.

Adoption of Agenda: Chairman Cochrane presented the agenda for the Board's approval.

UPON MOTION by Commissioner Gamble the Board voted unanimously to adopt the agenda as presented.

AGENDA
LINCOLN COUNTY BOARD OF COMMISSIONERS
PUBLIC HEARINGS
FEBRUARY 5, 2001

- | | | |
|----|---------|--|
| | 6:30 PM | Call to Order |
| 1. | 6:30 PM | Adoption of Agenda |
| 2. | 6:31 PM | Approval of Minutes <ul style="list-style-type: none">- November 20, 2000- December 21, 2000- January 15, 2001 |
| 3. | 6:35 PM | New Business / Advertised Public Hearing |

Parallel Conditional Use Rezoning No. 75 - Beazer Homes, applicant The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 150.9 acres to Conditional Use Planned Residential (CU-PR) to accommodate a major subdivision with 346 Single Family Dwelling units. This parcel is presently zoned Residential Single Family (R-SF) and is located off North Ingleside Farm Road.

Conditional Use Permit No. 182 - Spectra Site Communications, applicant The applicant is requesting a Conditional Use Permit in order to accommodate a 200 foot telecommunication tower on a 40.87 acre parcel that is zoned Residential Transitional (R-T). The property is located off North Pilot Knob Road in the Catawba Springs Township.

Conditional Use Permit No. 183 - Southern Concrete, applicant The applicant is requesting a Conditional Use Permit in order to accommodate a ready mixed concrete batch plant on a 5.6 acre portion of a 49.9 acre tract located off Quarry Lane in the Catawba Springs Township. The property is zoned General Industrial (I-G) and currently contains an abandoned asphalt plant.

Conditional Use Permit No. 184 - RCB Management, applicant The applicant is requesting a Conditional Use Permit in order to accommodate a multi-tenant development with approximately 20 units totaling 66,000 square feet in floor area proposed off North

Highway 16. The 8.19 acre parcel is zoned Neighborhood Business (B-N) with a designated Highway Overlay District (D-H).

Zoning Text Amendment No. 358 Lincoln County, applicant
The following text addition has been proposed: Amend Section 10.12.2 B in the Lincoln County Zoning Ordinance to list retail as a conditional use in the General Industrial (I-G) district.

Zoning Text Amendment No. 359 Lincoln County, applicant
The following text addition has been proposed: Amend Section 16.2 C in the Lincoln County Zoning Ordinance to state: 1) The Zoning Administrator shall have up to twenty-one (21) days to review and approve a complete plat. 2) A complete application shall be filed with the following information....

Zoning Map Amendment No. 360 Ambrose Flowers, applicant
The applicant is requesting to rezone one multi-zoned parcel, which is located off Flay Road and Bess Chapel Road, totaling approximately 248 acres parcel from Residential Single-Family (R-SF) and Residential Rural (R-R) to Residential Rural. The request is being made in order to add a single wide mobile home to the property for a farm employee.

4. 7:30 PM Water Meter Testing Fee – Brad Jewell, County Engineer
5. 7:40 PM Designation of Lead Agency for HCCBG Funds for Aging Programs
6. 7:50 PM Permission to Apply for SmartStart Grant – Mike Futrell, Fire Marshal
7. 8:05 PM Department Head Presentation
- John Avery, Solid Waste Department
8. 8:20 PM Other Business
9. 8:30 PM Recommendations from the Planning Board – January 8, 2001
 - Parallel Conditional Use Rezoning No. 75 – Beazer Homes, applicant.
 - Conditional Use Permit No. 182 – Spectra Site Communications, applicant.
 - Conditional Use Permit No. 183 – Southern Concrete, applicant.
 - Conditional Use Permit No. 184 – RCB Management, applicant.

- Zoning Text Amendment No. 358 – Lincoln County, applicant.
- Zoning Text Amendment No. 359 – Lincoln County, applicant.
- Zoning Map Amendment No. 360 – Ambrose Flowers, applicant.

Adjourn

Approval of Minutes – November 20, 2000; December 21, 2000; and January 15, 2001: Chairman Cochrane presented the minutes of the November 20, 2000, December 21, 2000 and January 15, 2001 minutes for approval.

UPON MOTION by Commissioner Craig, the Board voted unanimously to accept the November 20, 2000 minutes as presented.

UPON MOTION by Commissioner Saine, the Board voted unanimously to accept the December 21, 2000 minutes as presented.

UPON MOTION by Commissioner Craig, the Board voted unanimously to adopt the January 15, 2001 minutes for approval.

New Business: Advertised Public Hearings: Chairman Cochrane announced that this was the date, Monday, February 5, 2001 and the time, 5:30 PM, which was advertised in the *Lincoln Times-News* on January 26, 2001 and February 2, 2001.

NOTICE OF PUBLIC HEARING

The Lincoln County Board of Commissioners and Planning Board will hold a joint meeting and public hearing at 5:30 P.M. on Monday, February 5, 2001, to consider the following zoning related matters:

PCUR #75 Beazer Homes, applicant (Parcel ID #02383) The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 150.9 acres to Conditional Use Planned Residential (CU-PR) to accommodate a major subdivision with 346 Single Family Dwelling units. This parcel is presently zoned Residential Single Family (R-SF) and is located off North Ingleside Farm Road.

CUP #182 Spectra Site Communications, applicant (Parcel ID #34536) The applicant is requesting a Conditional Use Permit in order to accommodate a 200 foot telecommunication tower on a 40.87 acre parcel that is zoned Residential Transitional (R-T). The property is located off North Pilot Knob Road in the Catawba Springs Township.

CUP #183 Southern Concrete, applicant (Parcel ID #02860) The applicant is requesting a Conditional Use Permit in order to accommodate a ready mixed concrete batch plant on a 5.6 acre portion of a 49.9 acre tract located off Quarry Lane in the Catawba Springs Township. The property is zoned General Industrial (I-G) and currently contains an abandoned asphalt plant.

CUP #184 RCB Management, applicant (Parcel ID #34517) The applicant is requesting a Conditional Use Permit in order to accommodate a multi-tenant development with approximately 20 units totaling 66,000 square feet in floor area proposed off North Highway 16. The 8.19 acre parcel is zoned Neighborhood Business (B-N) with a designated Highway Overlay District (D-H).

ZTA #358 Lincoln County, applicant The following text addition has been proposed: Amend Section 10.12.2 B in the Lincoln County Zoning Ordinance to list retail as a conditional use in the General Industrial (I-G) district.

ZTA #359 Lincoln County, applicant The following text addition has been proposed: Amend Section 16.2 C in the Lincoln County Zoning Ordinance to state: 1) The Zoning Administrator shall have up to twenty-one (21) days to review and approve a complete plat. 2) A complete application shall be filed with the following information....

ZMA #360 Ambrose Flowers, applicant The applicant is requesting to rezone one multi-zoned parcel totaling approximately 248 acres from Residential Single-Family (R-SF) and Residential Rural (R-R) to Residential Rural. The property is being used as farmland and currently contains two single-family residences and one mobile home. The request is being made in order to accommodate a single wide mobile home to the property for a farm employee.

The public is invited to attend this meeting which will be held in the Commissioners' Board Room on the third floor of the Citizens Center, 115 W. Main Street in Lincolnton, NC. For more information, contact the Department of Building and Land Development at (704) 736-8440.

Parallel Conditional Use Rezoning No. 75 – Beazer Homes, applicant:

Chairman Cochran asked the speakers present for this case to limit it to five people and for those to be between three and five minutes.

Having been sworn by the Clerk, Shane Stewart, Zoning Administrator, presented the following information concerning Parallel Conditional Use Rezoning No. 75 – Beazer Homes, applicant.

The applicant is requesting a Parallel Conditional Use Rezoning (PCUR) to rezone 150.9 acres to Conditional Use Planned Residential (CU-PR) to accommodate a major subdivision with 346 Single Family Dwelling units. This parcel is presently zoned Residential Single-Family (R-SF).

The parcel is located on Ingleside Farm Road in the Catawba Springs Township and is joined on the north, southwest, and east sides by properties that are zoned Residential Transitional (R-T) and to the northwest and south by R-SF. The Lincoln County Land Development Plan calls for higher residential density development in this area.

Marcella Avery stated that she lives on Ingleside Farm Road and she is all for progress. She stated that East Lincoln is being overdeveloped, pointing out some new developments in the area.

David McCord stated that he is representing Beazer Homes, which is a large national builder with a local connection to the Charlotte Metropolitan area through Squires Homes. He stated that they are committed to first-time, first-time move up, and even the next tier of home ownership. He stated that they have built in Iredell, Cabarrus, and Union Counties. He stated that this subdivision will be a 346 lot subdivision, with an average lot size of about 14,000 square feet. There will be 19 acres of open space with walking trails and other amenities. Mr. McCord stated that a traffic study has been done.

Jerry Geymont asked the average square footage on the houses.

David McCord stated that the range will be between 1,000 square feet and 1,700 square feet.

Commissioner Anderson asked if Mr. McCord had any figures on average numbers of children in developments like this.

Mr. McCord stated that he thinks the state uses 2.1, but they find in their first-time buyer and in the first-time move-up, that they are either young professionals that do not have children or young families that have young children that are not yet in school. Mr. McCord stated that in their Charlotte communities it's more like 1 child per household.

Mike Newsome stated that he lives on Ingleside Farm Road and his property backs up to this property. He stated that there are some wetlands on the property that he assumes they will make into the open area. He stated that he is concerned with wetlands preservation, water supply for these homes, fire hydrants, property values, and the consistency with other developments in the area. He asked the Board to be smart and consider the growth impact.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Parallel Conditional Use Rezoning No. 75 – Beazer Homes, applicant, closed.

Conditional Use Permit No. 182 – Spectra Site Communications: Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No.182 – Spectra Site Communications, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a 200 foot telecommunication tower on a 40.87 acre parcel that is zoned Residential Transitional.

The parcel is located off North Pilot Knob Road in the Catawba Springs Township and is joined on all sides by properties that are also zoned R-T. A telecommunication tower over 60 feet in height requires the issuance of a Conditional Use Permit in the R-T zoning district.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 182 – Spectra Site Communications, applicant.

Ben Skipper stated that he is representing Spectra Site. He stated that this is a heavily wooded 41 acre site, with a Duke Power Substation on one side and the Duke over land transmission power lines to the other side. The facility is located approximately 1,050 feet off the road, and the tower meets the county's setback requirements of 110% of the tower height, with would be 220 feet from any property line. Mr. Skipper stated that they could not co-locate on the additional tower due to wind loads. If Nextel's antennae were added to the tower, it would make the tower unsafe and it could fall. He stated that the tower they are building will have the structural integrity to co-locate up to six carriers on this one additional tower. Mr. Skipper stated that their tower will not be visible from the road, with the exception of the top, and if it is they will plant landscaping to buffer that from the road.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 182 – Spectra Site Communications, applicant, closed.

Conditional Use Permit No. 183 – Southern Concrete, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 183– Southern Concrete, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a ready mixed concrete batch plant on a 5.6 acre portion of a 49.9 acre tract. The property is zoned General Industrial (I-G) and currently contains an abandoned asphalt plant.

The parcel is located off Quarry Lane in the Catawba Springs Township and is joined on all sides by properties that are also zoned I-G and to the north by a small portion that is zoned Residential Transitional (R-T). A concrete batch plant requires the issuance of a Conditional Use Permit in the I-G zoning district.

Chairman Cochrane asked if there will be any dust collection facilities.

Jeff Lamm stated that they are required to have dust collection devices by an air quality permit.

Commissioner Craig asked about the entrance off the Highway.

Mr. Lamm stated that they will be using the existing quarry entrance.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 183 – Southern Concrete, applicant.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 183 – Southern Concrete, applicant, closed.

Conditional Use Permit No. 184 – RCB Management, applicant: Shane Stewart, Zoning Administrator, presented the following information concerning Conditional Use Permit No. 184 – RCB Management, applicant.

The applicant is requesting a Conditional Use Permit in order to accommodate a multi-tenant development with approximately 20 units totaling 66,000 square feet in floor area. The 8.19 acre parcel is zoned Neighborhood Business (B-N) with a designated Highway Overlay District (D-H).

The parcel is located off North Carolina Highway 16 in the Catawba Springs Township and is joined to the east by parcels zoned Neighborhood Business (B-N DH), to the south by Residential Transitional (R-T DH), to the west by Conditional Use Residential Suburban (CU R-S), and to the north by Residential Single-Family (R-SF). A multi-tenant development over 50,000 square feet in floor area requires the issuance of a Conditional Use Permit in the B-N zoning district.

Commissioner Anderson asked if any information has been given by DOT as to what this would do to 16.

Shane Stewart stated that he has not received any information on this.

Commissioner Gamble asked what will happen to the surface water with all this impervious space.

Chairman Cochrane opened the Public Hearing on Conditional Use Permit No. 184 – RCB Management, applicant.

Jim Walters, with Latham Walters Engineering spoke for the applicant. He stated that at this stage they would like to find out if he can get the Conditional Use Permit before they begin with the engineering. He stated that they believe they will have to do a pump station at the southern end of the property, because of the location of the existing sewer lines. He stated that the building will be on county water and sewer.

Joe Turbyfill stated that he owns Turbyfill Hardware and his biggest concern is the traffic that backs up mornings and afternoons. He stated that if it is zoned for 50,000 that seems to be enough.

Being no additional speakers, Chairman Cochrane declared the Public Hearing on Conditional Use Permit No. 184 – RCB Management, applicant, closed.

Zoning Text Amendment No. 358: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 358.

The following text addition has been proposed:

- Amend Section 10.12.2 B in the Lincoln County Zoning Ordinance to list retail as a conditional use in the General Industrial (I-G) district.

Chairman Cochrane suggested that staff take ZTA No. 358 to Economic Development Association and review it with them. He suggested deferring a decision until there is a recommendation from EDA.

Chairman Cochrane deferred a decision until there is a recommendation from EDA.

Zoning Text Amendment No. 359: Shane Stewart, Zoning Administrator, presented the following information concerning Zoning Text Amendment No. 359.

The following text addition has been proposed:

Amend Section 16.2 C in the Lincoln County Zoning Ordinance to state:

1. The Zoning Administrator shall have up to twenty-one (21) days to review and approve a complete plat.
2. A complete application shall be filed with the following information:

Chairman Cochrane opened the Public Hearing on Zoning Text Amendment No. 359.

Tom Howard stated that he would like this public hearing extended, because unlike zoning changes and Conditional Use Permit's no notices are sent out. The only notice is what goes in the newspaper, but the people this affects the most, homebuilders, realtors, general contractors, and developers knew nothing about this.

Being no one wishing to speak, Chairman Cochrane declared the Public Hearing on Zoning Text Amendment No. 359 closed.

Zoning Map Amendment No. 360 – Ambrose Flowers, applicant- Chairman Cochrane announced that Zoning Map Amendment No. 360 has been tabled, so there will not be a public hearing on it.

Shane Stewart stated that staff has looked at this bona fide farm exemption, and surrounding counties are doing that by right. He stated that after speaking with the Institute of Government and other municipalities, they actually do allow a mobile home for a farm worker. He stated that this will be by right, exempt from zoning.

Chairman Cochrane announced that at this time, the Planning Board would retreat to the 2nd floor balcony.

Chairman Cochrane called for a five minute recess.
Chairman Cochrane called the meeting back to order.

Water Meter Testing Fee: Brad Jewell, County Engineer, stated that the Public Works Department is requesting authorization to establish a Water Meter Testing Fee. This fee will only be applied against a Customer's Account if the meter is not found to be overcharging the Customer. If the meter is found to be overcharging the Customer, no

fee will be applied, and Staff will investigate the account and adjust the Customer's bill, pending Board approval.

Recently, the Department has started to receive, on average, one to two meter change out requests per week. In all cases, the Customer is convinced that their excessive water consumption is due to an inaccurate meter, and not a leak or a change in water use habits. If a water meter is changed out, the old meter cannot be used again in the system. The County's billing software will not allow a water meter's unique identification number to be moved from one account to another. Lincoln County has been testing these meters instead. This allows the meter to be used again, and most importantly, proves that the past water bills are accurate. To perform the test, the Customer's meter is removed, and tested at the Water Plant using a certified meter test bench. To test a meter, 100 gallons of water is passed through the meter, with the water flowing into a calibrated tank. After the meter is tested, it is returned to the Customer's location. Lincoln County has never tested a water meter that is not accurate or favors the customer. Water meters used for customer billing are designed to prevent "fast" readings. The meter mechanism relies upon a measuring chamber located within the meter. The size of this chamber would need to be altered for a meter to register more water than what has flowed through it. Screens in the meter prevent any debris buildup inside of this chamber.

The entire process uses roughly three (3) hours of Staff time to complete. The Department's Maintenance Supervisor performs all testing to insure consistency and accuracy. This service is costing Lincoln County \$75 per test. With this service currently being free, Customers have requested this test before looking for leaks. Staff anticipates that by accessing a fee for the test, a majority of the customers with high consumption will look for leaks (and find them) before requesting a meter test.

Staff is recommending that a ¾ inch meter test fee be established at \$75 per test. Larger meters will be tested at the actual cost to the County. This fee will be applied to the customer's bill only if the meter is found to be accurate or reading in their favor.

UPON MOTION by Commissioner Gamble, the Board voted unanimously to adopt staff's recommendation that a ¾ inch meter test fee be established at \$75 per test and larger meters will be tested at the actual cost to the County.

Commissioner Craig stated that he thinks it's important to let customers know about this policy before they have problems.

Designation of Lead Agency – Erma Deen Hoyle: Erma Deen Hoyle requested that the Board approve the designation of Centralina Council of Government as the lead agency for the development of the County Aging Funding Plan for Home and Community Care Block Grants. She also requested that the Board appoint the Lincoln County Council on Aging as the advisory committee for these grants.

UPON MOTION by Commissioner Craig, the Board voted unanimously to approve the designation of Centralina Council of Government as the lead agency for the development of the County Aging Fund Plan for Home and Community Care Block Grants and to appoint the Lincoln County Council on Aging as the advisory committee for these grants.

Permission to Apply for SmartStart Grant – Mike Futrell, Fire Marshal: Mike Futrell requested the Board’s permission to apply for a SmartStart Grant to help fund a position through the Fire Marshal’s Office. The title of the position would be Fire & Life Safety Educator/Inspector/Investigator. This duties of this position would be fire and life safety education, fire inspections, and investigations. This position would be on a yearly basis as long as there is funding from SmartStart or until the County would want to fund it fully.

UPON MOTION by Commissioner Craig, the Board voted unanimously to allow the Fire Marshal to apply for funding, which will be taken into the budget process and if it is a do-able project at that time the Board can do it.

Department Head Presentation – John Avery: John Avery, Solid Waste Director, gave a presentation on the Solid Waste Department. In his presentation, he reviewed the duties, staff, goals and needs of the Solid Waste Department.

Other Business: Leon Harmon, Finance Director presented the following Resolution for the Board’s approval.

**Resolution to Increase Fixed Asset
Capitalization Amount**

WHEREAS, Lincoln County owns a number of fixed assets, including land, buildings, vehicles and equipment,

WHEREAS, Lincoln County is responsible to keeping accurate records of fixed assets owned by the County,

WHEREAS, Lincoln County currently capitalized fixed assets, as items costing \$300 and having a useful life of more than two years,

WHEREAS, It has been the recommendation of the Government Finance Officers Association to increase the capitalization to \$1,000 up to possibly \$5,000,

WHEREAS, Government Accounting Standards Board statement 34 which will require that fixed assets be depreciated for financial reporting,

THEREFORE BE IT RESOLVED, That the capitalization of all fixed assets owned by Lincoln County shall be increased from the current \$300 to \$1,000 per asset.

Adopted this the _____ day of February, 2001

UPON MOTION by Commissioner Anderson, the Board voted unanimously to adopt the Resolution to Increase Fixed Asset Capitalization Amount.

Chairman Cochrane presented the Board with a proposal to not require the Planning Board to come back with their decision the same night as the public hearing. He stated that some of these cases are of such magnitude that the Board needs time to digest what has been said at this meeting and investigate it further. He stated that he would like the recommendations to be delayed to the 3rd Monday of the month.

Commissioner Gamble stated that he would like to get a letter telling him the Board's decision.

Chairman Cochrane stated that it will also give them time to come up with the Findings of Fact.

County Attorney Jeff Taylor stated that the Ordinance may be changed to accomplish this, but subject to this, he doesn't see anything wrong with the change.

A MOTION by Commissioner Saine to change the procedure to not require the Planning Board to come back with the recommendations at the public hearing meeting, but to have these recommendations at the 2nd monthly meeting, with the Clerk faxing the Planning Board's recommendations and the recommended findings of fact to the Board of Commissioners as soon as possible.

Chairman Cochrane stated that one thing that Commissioner Craig had asked about were emergency situations that may need to be expedited, in which the Board may want to hear the same night. He asked staff to work on something for this.

VOTE: Unanimously approved.

Chairman Cochrane called for a five minute recess.
Chairman Cochrane called the meeting back to order.

Recommendations from the Planning Board – February 5, 2001:

Parallel Conditional Use Rezoning No. 75 – Beazer Homes, applicant:

Shane Stewart, Zoning Administrator, stated that the Planning Board unanimously recommended approval with the condition that if a grave site is found on the property it would have to meet state guidelines.

Chairman Cochrane presented the findings of fact for Parallel Conditional Use Rezoning No. 75 – Beazer Homes, applicant.

**RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT**

LINCOLN COUNTY, NORTH CAROLINA

Application Number: PCUR#75

Date: February 5, 2001

Applicant's Name: Beazer Homes
Address: 5501 Executive Center Drive, #120
Charlotte, NC 28212

Property Owner's Name: Redlands Limited Partnership
Address: c/o Lincoln Bonded Whse
PO Box 2035
Lincolnton, NC 28092

Property Location: Ingleside Farm Road

Existing Zoning: R-SF

Proposed Conditional Use: Residential subdivision

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No____
Factual Reason Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan due to the design of the subdivision.
Motioned by Commissioner Gamble.
Vote: 4 – 1 AYES: Gamble, Cochrane, Anderson, Craig
NOES Saine
2. The use meets all required conditions and specifications. Yes X No____
Factual Reason Cited: The use meets all required conditions and specifications based on what information the Planning Board and staff requested.
Motioned by Commissioner Craig. Vote: Unanimously approved.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No____
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, based on testimony, being the size, type, and quality of the development.
Motioned by Commissioner Gamble. Vote: Unanimously approved.
4. The location and character of 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 Land Use Plan for the area in question.
Yes X No____
Factual Reasons Cited: The location and character of 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 Land Use Plan for the area in question based on the characteristics.

Motioned by Commissioner Gamble.

Vote: 4 – 1 AYES: Gamble, Cochrane, Craig, Anderson

NOES: Saine

After having held a public hearing on February 5, 2001, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Gamble to approve Conditional Use Permit and grant the rezoning subject to the Conditional Use Permit with the following condition.

1. If a gravesite were found on the property, it would have to meet state guidelines

There was discussion with the developer about limiting the number of homes allowed per year.

Commissioner Saine stated that her greatest concern is the impact that this development will have on Highways 16 and 73 and the negative impact on the school system.

Commissioner Craig **amended the motion** to limit the amount of homes to 100 units each 12-month period, beginning with the time of the sale of the first lot in the subdivision and for a twelve months period, being tied with building permits.

Vote on Amended motion: 4 – 1 AYES: Craig, Gamble, Cochrane, Anderson

NOES: Saine

Vote on Commissioner Gamble's motion: 4 – 1

AYES: Craig, Gamble, Cochrane, Anderson

NOES: Saine

Chairman
Lincoln County Board of Commissioners

Date

Conditional Use Permit No. 182 – Spectra Site Communications, applicant:

Shane Stewart, Zoning Administrator, stated that the Planning Board unanimously recommended approval with the condition that the tower install the minimum lighting required by the FAA/FCC (white flashing).

Chairman Cochrane presented the findings of fact for Conditional Use Permit No. 182 - Spectra Site Communications, applicant.

RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP# 182 Date: February 5, 2001

Applicant's Name: Spectra Site Communications
Address: 100 Regency Forest Dr.
Cary, NC 27511

Property Owner's Name: Larry Jones
Address: 438 S. Hwy 16
Stanley, NC 28164

Property Location: 236 N. Pilot Knob Road

Existing Zoning: R-T

Proposed Conditional Use: cell tower

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No ____
Factual Reason Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan, due to proximity of location and the fact that it is well away from residential dwellings. Motioned by Commissioner Craig. Vote: Unanimously approved.
2. The use meets all required conditions and specifications. Yes X No ____
Factual Reason Cited: The use meets all required conditions and specifications due to the information given. Motioned by Commissioner Craig. Vote: Unanimously approved.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No ____
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, due to the fact that the base is hidden, and per the analysis report and also the power line right of way buffering to the rear. Motioned by Commissioner Craig. Vote: Unanimously approved.
4. The location and character of 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 Land Use Plan for the area in question.
Yes X No ____

Factual Reasons Cited: The location and character of 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 Land Use Plan for the area in question, based on the fact that it is well hidden and not intrusive to the area. Motioned by Commissioner Craig. Vote: Unanimously approved.

After having held a public hearing on February 5, 2001, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Craig to approve Conditional Use Permit No. 182 – Spectra Site Communications, applicant, with the conditions that the minimum lighting required by FAA/FCC (white flashing) be installed and that the applicant must make the tower available to other carriers.

Vote: Unanimously approved.

Chairman	Date
Lincoln County Board of Commissioners	

Conditional Use Permit No. 183 – Southern Concrete, applicant:

Shane Stewart, Zoning Administrator, stated that the Planning Board unanimously recommended approval with no conditions.

Chairman Cochran presented the findings of fact for Conditional Use Permit No. 182 - Spectra Site Communications, applicant.

RECOMMENDATION ON FINDINGS OF FACT
FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP# 183 Date: February 5, 2001

Applicant's Name: Southern Concrete Materials
Address: PO Box 5395
Asheville, NC 28813

Property Owner's Name: B.V. Hedrick Gravel and Sand Co.
Address: 6941 Quarry Lane,
Stanley, NC 28164

Property Location: Quarry Lane off Highway 16

Existing Zoning: I-G

Proposed Conditional Use: ready mixed concrete plant

FINDINGS OF FACT

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan. Yes X No _____
Factual Reason Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan, based on the fact that there was a pre-existing asphalt plant on the property.
Motioned by Commissioner Gamble. Vote: Unanimously approved.
2. The use meets all required conditions and specifications. Yes X No _____
Factual Reason Cited: The use meets all required conditions and specifications per current zoning. Motioned by Commissioner Gamble. Vote: Unanimously approved.
4. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No _____
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity, due to the fact that it is surrounded by owner owned properties. Motioned by Commissioner Gamble. Vote: Unanimously approved.
4. The location and character of 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 Land Use Plan for the area in question. Yes X No _____
Factual Reasons Cited: The location and character of 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 Land Use Plan for the area in question, based on the fact that it is in the middle of a General Industrial zoning district. Motioned by Commissioner Gamble. Vote: Unanimously approved.

After having held a public hearing on February 5, 2001, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

A MOTION by Commissioner Craig to approve Conditional Use Permit No. 183 – Southern Concrete, applicant, based on all the reasons for that being held in the affirmative.

Vote: Unanimously approved.

Chairman
Lincoln County Board of Commissioners

Date

Conditional Use Permit No. 184 – RCB Management, applicant:

Shane Stewart, Zoning Administrator, stated that the Planning Board's recommendation unanimous to defer until the next meeting for input from NCDOT and their recommendations.

A MOTION by Commissioner Anderson to defer Conditional Use Permit No. 184 – RCB Management, applicant, until a recommendation is made from the Planning Board.

Vote: Unanimously approved.

Zoning Text Amendment No. 359 – Lincoln County, applicant: Shane Stewart, Zoning Administrator, stated that the Planning Board's recommendation was to defer this until the next meeting to mail notification to the Home Builders Association and Realtors.

A MOTION by Commissioner Craig to defer Zoning Text Amendment No. 359 until the next meeting to mail notification to the Home Builders Association and Realtors.

Vote: Unanimously approved.

Chairman Cochrane asked if the Board has looked over the Lincoln County Schools Long Range Plan. He stated that the Board needs to affirm that they have seen it.

It was the consensus of the Board that they have seen this information.

Chairman Cochrane stated that Commissioner Craig has requested that someone from Centralina or the Institute of Government come in and give the Board a training session on planning for major subdivisions. This way the Board can see what can be done legally.

Adjourn: **UPON MOTION** by Commissioner Gamble, the Board voted unanimously to adjourn.

Amy S. Long, Clerk
Board of Commissioners

Jerry W. Cochrane, Chairman
Board of Commissioners