

**LINCOLN COUNTY
BOARD OF COMMISSIONERS**

**MINUTES
MARCH 3, 1997**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on March 3, 1997 at the Citizens Center, Commissioners Room, 115 West Main Street, Lincolnton, North Carolina, the regular place of meeting at 6:30 p.m. for the purpose of conducting public hearings on zoning issues. The following were present:

Louis E. McConnell, Chairman
James A. Hallman, Vice Chairman
Terry L. Brotherton
Larry S. Craig
Beth H. Saine

Jeffrey Taylor, Assistant County Attorney
Richard French, County Manager

Planning Board Members present were:

John H. Black, Jr.
Mike Baker
Ronald Smith
Gary Garlow
James Funderburk
Stanley Roseboro
Mike Allred

Also present were Jeff Vernon, Director of Building and Land Development; Julie Mosteller, Zoning Administrator; Jack Chandler, Public Service Coordinator; Steve Smith, Land Use Coordinator and Rebecca B. Shoupe, Clerk to the Board of Commissioners.

CALL TO ORDER

Chairman McConnell called the March 3, 1997 meeting to order.

AGENDA

LINCOLN COUNTY BOARD OF COMMISSIONERS

AND

PLANNING BOARD

MARCH 3, 1997

PUBLIC HEARINGS

6:30 PM Call to Order

1. 6:30 PM Public Hearing -- Zoning Text Amendment No. 184 -- Various Text Amendment for Chapter 12 Overlay Districts and Chapter 10, Section 10.10 B-N Neighborhood Business District

2. Public Hearing -- Zoning Text Amendment No. 187-- Amendment to Chapter 7 Nonconforming Uses Amendment to Chapter 10 General Zoning District Regulations Amendment to Chapter 8 General Provisions Amendment to Chapter 2 Definitions

3. Public Hearing--Zoning Map Amendment No. 190--Claude Ray Shrum, Applicant

4. Public Hearing--Zoning Map Amendment No. 191--Gerald and Peggy Dyke, Applicant

5. Public Hearing--Zoning Map Amendment No. 192--Flint Morris Calaway, Applicant

6. Public Hearing--Zoning Map Amendment No. 193--Todd S. Beam, Applicant

7. Public Hearing--Zoning Map Amendment No. 194--Donald Norman, Applicant

8. Public Hearing--Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants

9. Public Hearing -- Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner

10. Public Hearing -- Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner

11. Public Hearing -- Parallel Conditional Use Rezoning No. 22-- Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner

12. Public Hearing--Parallel Conditional Use Rezoning No. 23-- Gary Dellinger, Applicant and Property Owner

13. Public Hearing--Parallel Conditional Use Rezoning No. 24-- Gary Dellinger, Applicant and Property Owner

14. Public Hearing--Parallel Conditional Use Rezoning No. 25--
Angie Mackey, Applicant; Denise Houser, Owner

15. Public Hearing--Parallel Conditional Use Rezoning No. 26--
East Lincoln Health Investors, Applicant; Lee Killian, Owner

16. Public Hearing--Parallel Conditional Use Rezoning No. 28--
Madgalene Hallman, Applicant

17. 7:00 PM Public Hearing--Renaming of Road--Panoramic Lane

18. Approval of Minutes
February 14, 1997 Meeting with Local Legislative Delegation

19. Resolution Authorizing the Filing of an Application for
Approval of a Financing Agreement Authorized by North
Carolina General Statute 160A-20-Construction of Aircraft
Hanger

20. Vacancies
Solid Waste Advisory Board (1 City of Lincolnton)
Council on Aging (2)
Board of Variances and Appeals, Alternates (2)

21. 7:30 PM Recommendations from Planning Board Meeting -- March 3,
1997
Zoning Text Amendment No. 184--Various Text Amendment
for Chapter 12 Overlay Districts and Chapter 10, Section
10.10 B-N Neighborhood Business District
Zoning Text Amendment No. 187--Amendment to Chapter 7
Nonconforming Uses
Amendment to Chapter 10 General Zoning District
Regulations
Amendment to Chapter 8 General Provisions
Amendment to Chapter 2 Definitions
Zoning Map Amendment No. 190--Claude Ray Shrum,
Applicant
Zoning Map Amendment No. 191--Gerald and Peggy Dyke,
Applicant
Zoning Map Amendment No. 192--Flint Morris Calaway,
Applicant
Zoning Map Amendment No. 193--Todd S. Beam, Applicant
Zoning Map Amendment No. 194--Donald Norman,
Applicant

Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants
Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner
Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner
Parallel Conditional Use Rezoning No. 22--Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner
Parallel Conditional Use Rezoning No. 23--Gary Dellinger, Applicant and Property Owner
Parallel Conditional Use Rezoning No. 24--Gary Dellinger, Applicant and Property Owner
Parallel Conditional Use Rezoning No. 25--Angie Mackey, Applicant; Denise Houser, Owner
Parallel Conditional Use Rezoning No. 26--East Lincoln Health Investors, Applicant; Lee Killian, Owner
Parallel Conditional Use Rezoning No. 28--Madgalene Hallman, Applicant

22. Closed Session

Adjourn

Please note the Board of Commissioners Regular Meeting will be March 17, 1997 at 7:00 p.m. and the East Lincoln Water and Sewer District Meeting will also be March 17, 1997 at 6:30 p.m. The Board of Commissioners will meet on March 24, 1997 at 6:30 p.m. to discuss the David Griffith Study.

PUBLIC HEARING - ZONING ISSUES

Chairman McConnell announced that this was the date, Monday, March 3, 1997 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on February 21, 1997 and February 28, 1997 for a Public Hearing on zoning requests.

NOTICE
LINCOLN COUNTY PUBLIC HEARING
ZONING MAP AMENDMENTS
ZONING TEXT AMENDMENTS
CONDITIONAL USE PERMITS
PARALLEL CONDITIONAL USE REZONING

Notice is hereby given that a public hearing will be held by the Lincoln County Board of Commissioners on March 3, 1997 at 6:30 P.M. in the Citizen Center, Commissioners Room, third floor, 115 West Main Street, Lincolnton, N.C. concerning the following zoning matters:

ZMA 184

Amend **Chapter 12 Overlay Districts, Section 12.1.2 Permitted and Conditional Uses** to make some uses conditional in the D-H District and to leave others as prohibited. Delete **Section 12.1.3 Minimum Lot Size** (minimum lot size would then be determined by the underlying zoning district). Amend **Section 12.1.4 Yard Requirements** to require all uses including single and two family dwellings to meet a minimum fifty foot front setback. Delete **Sections 12.1.5 Minimum Lot Width and 12.1.3 Maximum Floor Area Ratio**. Amend **Section 12.1.7 Ingress and Egress Points** to meet the requirements set forth by NCDOT. Delete **Sections 12.1.8 Landscaping and 12.1.10 Signs**. Amend the third paragraph of **Section 10.10 B-N Neighborhood Business District** to remove the portion of the paragraph that reads "In all cases, however, a B-N district shall consist of a contiguous area which is at least three (3) acres in size."

ZTA 189

Amend **Chapter 7 Non Conforming Uses, Section 7.12.1** to read, "There are no more than two mobile homes on the lot in question". Amend **Section 10.3 Residential Suburban** to: add **Section 10.3.1Q -- Class A Mobile Homes** with the following added conditions: the mobile home must be underpinned with brick or rock, have a shingle roof, vinyl siding, must be considered real property, and it must face the road. Amend the last sentence of **Section 10.3.1P** to state, "The initial placement of a Class A (that does not meet the added requirements shown in 10.3.1Q), Class B or C mobile home on a lot shall require the issuance of a conditional use permit per Section 10.3.2(L). Amend **Section 10.3.2(L)** to state, "Mobile homes (Class A, B, or C) except as allowed in **Section 10.3.1Q** - A conditional use permit shall be required for the initial placement of such a mobile home on a lot." Amend **Section 10.4 Residential Single Family, Section 10.4.3A Minimum Lot Size** to allow smaller lots if there are public utilities. Amend **Chapter 8, Section 8.3A Fences or Walls Permitted** to increase the maximum height of a fence to 8' for residential uses and not require a permit be issued for fences. Amend **Chapter 2 Definitions** to add a definition for fence to the Ordinance.

ZMA 190

Claude Shrum requests to rezone 3.61 acres from Residential Single Family Designated Highway (R-SF/D-H) to Business Neighborhood and Designated Highway (B-N/D-H). The property is located at intersection of Hwy 16 and Mundy Rd. PIN 369501173859, 369501183002, 369501182135, 369501182204.

ZMA 191

Gerald and Peggy Dyke are requesting to rezone 4.86 acres from Business General (B-G) to Residential Suburban (R-S). The property is located off Hwy 155 S on Taswell Ln. PIN 364103421565.

ZMA 192

Flint Morris Calaway requests to rezone approx. 9 acres from Residential Single Family (R-SF) to Residential Suburban (R-S). The property is located at approx 2146 Shuford Rd. PIN 364412970405.

ZMA 193

John Mosteller, Owner; Todd Beam, applicant. Requests to rezone approximately 10 acres from Residential Single Family (R-SF) to Business Neighborhood (B-N). The property is located on Shoal Rd, south of West Lincoln Middle School and north of Westwinds Rd. PIN 268300850731.

ZMA 194

Donald Norman requests to rezone approximately 1.4 acres from Business Neighborhood Designated Highway (B-N/D-H) to Residential Rural Designated Highway (R-R/D-H). The property is located on Hwy 10, east of the intersection of Hwy 10 and Hwy 18. PIN 265600662557.

ZMA 195

Ralph Sherrill and Terry Brotherton are requesting to rezone approximately 55 acres to I-G. Currently the property consists of R-SF, R-T, B-N zoning. Located on the west side of Hwy 16 N. PIN 460300473939, 460302578547, 460300369985, 460302573254.

CUP 97

Ralph and Louise Engle, Owner; Nina Bumgardner, Applicant requests to place a 1974 mobile home on property zoned Residential Transitional (R-T). The property is located at lot 29 Nicholson Rd. PIN 364501493414.

CUP 99

Jack Garrison is requesting conditional use approval to place a multi family development which will consist of six duplexes and maintenance building. The property is located on Jaclyn Lane, off Salem Church Rd. PIN 364102478442.

PCUR 22

Kenneth and Kelli Hogue are requesting conditional use rezoning to place a doublewide mobile home on property located on Unity Church Rd. The property is currently zoned R-SF and the proposal is for R-T/C-U. PIN 461309052647.

PCUR 23

Gary Dellinger is requesting conditional use rezoning to allow for the subdivision of lots on which to place site built homes. The property is located off Las Brisas Ln. 461310357803, 461310456787.

PCUR 24

Gary Dellinger is requesting conditional use rezoning to R-S/ C-U from R-SF to allow for the subdivision of lots on which to place site built homes. Located at the end of Malibu Pointe Ln. PIN 460320900928.

PCUR 25

Angie Mackey and Denise Houser are requesting conditional use rezoning to place mini warehouses on property located at approximately 2177 Cat Square Rd. The request is to rezone property from Business Neighborhood (B-N) to Business General/ Conditional Use(B-G/C-U). PIN 268600207426.

PCUR 26

East Lincoln Health Investors is requesting conditional use rezoning from Residential Single Family (R-SF) to Residential Suburban/Conditional Use (R-S/C-U) to place an assisted living facility on property located at approximately 4077 Hwy 16 N. PIN 369501157970.

PCUR 28

Madgaline Hallman is requesting a conditional use rezoning of approximately 1 acre of land to allow for the placement of a 1995 doublewide mobile home on property located off Gainsville Church Rd. The current zoning is Residential Single Family (R-SF) and the proposed change is to Residential Suburban/Conditional Use(R-S/C-U). PIN 361300435195.

By the Order of the Lincoln County
Board of Commissioners,
Rebecca Shoupe, Clerk to the Board

Advertise: February 21 , 1997 and February 28, 1997

Public Hearing--Zoning Text Amendment No. 184--Various Text Amendment for Chapter 12 Overlay Districts and Chapter 10, Section 10.10 B-N Neighborhood Business District

Julie Mosteller, Zoning Administrator, presented information on Zoning Text Amendment No. 184--Various Text Amendment for Chapter 12 Overlay Districts and Chapter 10, Section 10.10 B-N Neighborhood Business District.

Amend Chapter 12 Overlay Districts as follows:

Amend Section 12.1.2 Permitted and Conditional Uses to read, The uses in the DH district shall be limited to those uses listed in the underlying general zoning district.

A. In no case shall any of the following uses be allowed in any DH District:

1. The following manufacturing industries identified by their SIC Group Number, Division or Industry Number(s): (items 1 - 38 currently in the ordinance).
 2. Abattoir
 3. Junkyards, automobile graveyards
 4. Manufactured home parks

B. The following uses are permitted subject to the issuance of a Conditional Use Permit from the Lincoln County Board of Commissioners:

1. Amusement park
2. Auction facility, livestock
3. Auto body shop
4. Auto repair shop (as a principal use)
5. Contractors storage and equipment yards
6. Farmers' Market
7. Firing range, outdoors
8. Flea market
9. Movie theater, outdoors
10. Racetrack
11. Tire recap facility
12. Off Premise advertising signs - with the following exception:
Seasonal farm agricultural businesses may use up to four temporary off premises signs in the D-H District with the following restrictions:
 - a. must obtain authorization permits from Lincoln County
 - b. must have landowners written permission to post signs
 - c. must be a definite location established for the purpose of selling vegetables or fruits produced by the seller and which is located in the D-H District
 - d. signs may not be more than 32 square feet in size
 - e. signs are to be permitted for only ninety (90) days each calendar year, have no lights, and are to be removed during the off-season

When the requirements of the DH District are more restrictive than in the underlying district, the regulations of the DH District shall prevail.

Delete Section 12.1.3 Minimum Lot Size: The lot size requirements of the underlying zoning district will apply.

Amend Section 12.1.4 Yard Requirement: Section B.1. as follows:

B. The following regulations shall apply to all lots which abut any other Designated Special Highway or which about a Designated Corridor Road:

1. Minimum Front Setback

All lots containing any use (~~other than a single family or two family dwelling~~) shall observe a minimum front setback of fifty (50) feet as measured from the edge of the road right-of-way.

This amendment will require any structure to be at least fifty (50) feet off of the edge of the right-of-way of any Designated Highway.

Delete **Section 12.1.5 Minimum Lot Width**

Delete **Section 12.1.6 Maximum Floor Area Ratio**

Amend **Section 12.1.7 Ingress and Egress Points**, Section B:

B. The following regulations shall apply to any lot (other than one which contains a single-family or two-family dwelling as its sole principal use) which abuts and accesses a non-limited access Designated Special Highway or a Designated Corridor Road:
The points of ingress and egress must meet the requirements of the North Carolina Department of Transportation (NCDOT) and this must be shown by submitting a copy of the driveway permit issued by NCDOT for the project.

This is all new text for section 12.1.7.B.

Delete **Section 12.1.8 Landscaping**

Delete **Section 12.1.10 Signs**:

Section 12.1.10 applies to signs located in the DH, under this amendment **Chapter 13 Signs** would be the regulations for all signs in the county.

Amend **Chapter 10 General Zoning District Regulations**, Section 10.10 B-N Neighborhood Business Districts as follows:

Delete the last sentence of the third paragraph, "~~In all cases, however, a B-N District shall consist of a contiguous area which is at least three (3) acres in size.~~"

This was the only section in chapter 10 that addressed a minimum size of a district.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Text Amendment No. 184--Various Text Amendment for Chapter 12 Overlay Districts and Chapter 10, Section 10.10 B-N Neighborhood Business District.

Chairman McConnell read a letter that he received from Mr. Harry Huss suggesting to keep the landscape requirement and the lot width no less than one hundred and fifty feet (150') to keep our communities attractive.

Being no speakers, Chairman McConnell declared the Public Hearing on Zoning Text Amendment No. 184--Various Text Amendment for Chapter 12 Overlay Districts and Chapter 10, Section 10.10 B-N Neighborhood Business District, closed.

Public Hearing--Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, and Amendment to Chapter 2 Definitions

Julie Mosteller, Zoning Administrator, presented information on Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, and Amendment to Chapter 2 Definitions.

Amend **Chapter 7 Non-Conforming Uses**, Section 7.12 Non Conforming mobile homes, Subsection 1.

~~7.12.1 “The mobile home is the only principal residential use on the lot in question”~~ would be amended to read, “There are no more than two mobile homes on the lot in question”.

This amendment would allow for easier replacement of a mobile home(s) as long as the replacement mobile home would be an upgrade. This would not apply to mobile homes which are located in unregistered parks, these would still be required to get a non-conforming use change approval from the Planning Board. ex. If there are two mobile homes and a house on a lot, each mobile home could be replaced with a newer mobile home of the same or higher class; but if there were three mobile homes on this lot, each replacement would require approval of the Planning Board unless they register as a mobile home park and meet the requirements of Chapter 14 Mobile Home Park Requirements.

Amend Chapter 10 General Zoning District Regulations, Section 10.3 R-S Residential Suburban, by adding subsection 10.3.1Q.

10.3.1.Q - Mobile Homes, Class A with the following conditions:

- The home must be underpinned with brick or rock.
- The home must have vinyl siding.
- The home must have a shingle roof.
- The home must face the road, and
- The home must be real property.

This would allow certain doublewides to be a use by right in the Residential Suburban (R-S) District. If they do not meet the above restrictions they would still be able to apply for a conditional use permit.

Amend Chapter 10, General Zoning District Regulations Section 10.4 Residential Single Family 10.4.3A Minimum Lot Size

~~10.4.3.A1 All uses - Twenty two thousand five hundred (22,500) square feet (Except Governmental facilities and essential services) Fourteen thousand (14,000) square feet if public water and sewer are available at the site; twenty thousand (20,000) square feet if either public water or sewer is available at the site; twenty-two thousand five hundred (22,500) if neither public water nor sewer is available at the site.~~

These are the same lot sizes used in the Residential Suburban (R-S) District.

Amend Chapter 8, General Provisions Section 8.3 Fences and Walls Permitted, Subsection 8.3.1 In Residential (R).

A. For any residential use, ~~the maximum wall or fence height in any side or rear yard shall be six (6) feet. The maximum height of any fence or wall in the front yard shall be four (4) feet. The maximum wall or fence height shall be eight (8) feet. Fences and walls shall not require the issuance of a permit.~~

Amend Chapter 2 Definitions to include the following:

Fence - A structure serving as an enclosure, a barrier, or a boundary; made of material commonly considered fencing material.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, and Amendment to Chapter 2 Definitions.

Being no speakers, Chairman McConnell declared the Public Hearing on Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, and Amendment to Chapter 2 Definitions, closed.

Public Hearing--Zoning Map Amendment No. 190--Claude Ray Shrum, Applicant

Julie Mosteller, Zoning Administrator, presented information on Zoning Map Amendment No. 190--Claude Ray Shrum, Applicant.

The applicant is requesting to rezone approximately 3.61 acres from Residential Single Family and Designated Highway (R-SF/D-H) to Neighborhood Business and Designated Highway (B-N/D-H).

The property is located on Hwy 16N at the intersection of Mundy Road. The property consists of four lots which are zoned Residential Single Family and Designated Highway. The property is bordered to the north and west by R-SF across the road to the south is also R-SF and Across Hwy 16 to the east is both R-SF and Industrial General (I-G). There is an existing home on the property. There is a mixture of business and residential uses in this area. The Lincoln County Land Development Plan calls for Higher Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 190--Claude Ray Shrum, Applicant.

Being no speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 190--Claude Ray Shrum, Applicant, closed.

Public Hearing--Zoning Map Amendment No. 191--Gerald and Peggy Dyke, Applicant

Julie Mosteller, Zoning Administrator, presented information on Zoning Map Amendment No. 191--Gerald and Peggy Dyke, Applicant.

The applicant is requesting to rezone a portion of a 4.86 acre tract from General Business (B-G) to Residential Suburban (R-S). A portion of this lot is in the Designated Highway (D-H). Currently there are residential uses on this property.

The property is located off Hwy 155 S at Taswell Lane. The property in question is a portion of a tract that fronts on Hwy 155 S and a small portion of a lot which has been cut out of the side of the larger tract. Please see the enclosed map for the location of the part included in this request. The larger tract is zoned B-G with a portion in the D-H and the smaller lot is zoned R-S except for a small portion which is zoned B-G. The property is bordered to the north and south by R-S; across the road to the west by R-S and the east by R-T. There is a mixture of business and residential uses in this area. The Lincoln County Land Development Plan calls for Medium Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 191--Gerald and Peggy Dyke, Applicant.

Peggy Dyke stated the reason for this request is to give her grandson a lot to build a home.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 191--Gerald and Peggy Dyke, Applicant, closed.

Public Hearing--Zoning Map Amendment No. 192--Flint Morris Calaway, Applicant

Julie Mosteller, Zoning Administrator, presented information on Zoning Map Amendment No. 192--Flint Morris Calaway, Applicant.

The applicant is requesting to rezone a portion of an approximately 9 acre tract from Residential Single Family (R-SF) to Residential Suburban (R-S). Currently there is one home on the property.

The property is located at approximately 2146 Shuford Road. The property in question is a portion of a 9.129 acre tract that fronts on Shuford Road and borders Colonial Heights Subdivision to the rear. The entire tract is zoned R-SF. The property is bordered on all but the road side by property zoned R-SF. The property across Shuford Road is R-S. The Lincoln County Land Development Plan calls for Higher Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 192--Flint Morris Calaway, Applicant.

Mrs. Mosteller stated that she had received a handwritten note in opposition to this request.

Flint Calaway stated the reason he wants to get property rezoned is so his son could place a mobile home on the property. The doublewide will be underpinned.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 192--Flint Morris Calaway, Applicant, closed.

Public Hearing--Zoning Map Amendment No. 193--Todd S. Beam, Applicant

Julie Mosteller, Zoning Administrator, presented information on Zoning Map Amendment No. 193--Todd S. Beam, Applicant.

The applicant is requesting to rezone approximately 10 acres from Residential Single Family (R-SF) to Neighborhood Business (B-N). The request is to rezone a portion of an approximately 226 acre tract. A similar request was submitted recently. This application has been changed from the one submitted earlier in the following manner:

- application is under a different name
- request is for B-N not B-G
- a right of way has been obtained giving access to Shoal Road.

The property is located on Shoal Rd., just south of the West Lincoln Middle School property and near Westwinds Road. The property is currently zoned Residential Single Family (R-SF). The property is bordered on the east, west, and south by R-SF and to the north by Residential Suburban (R-S). The Lincoln County Land Development Plan calls for Medium Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 193--Todd S. Beam, Applicant.

Skip Steele stated that he was one of five families who would like to operate a family owned restaurant on this property. Mr. Steele presented a petition from residents in the area supporting the request.

Joe Leatherman presented a petition from residents within a one mile radius of the property who are in opposition of the request. Mr. Leatherman asked the Board to leave the property zoned R-SF.

Pat Smith stated that one of the major concerns is how the request will affect the property values. Mr. Smith stated that he had talked to several realtors and was told that it would have a drastic effect on deed restricted areas.

Judy Caudill stated that she does not believe the residents have changed their mind from when this property was before the Commissioners previously. Ms. Caudill stated that she is in opposition to this request.

Diane Rudisill stated that she owns property within one and fourth miles of this property. Ms. Rudisill stated that she is in opposition of the request.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 193--Todd S. Beam, Applicant, closed.

Public Hearing--Zoning Map Amendment No. 194--Donald Norman, Applicant

Julie Mosteller, Zoning Administrator, presented information on Zoning Map Amendment No. 194--Donald Norman, Applicant.

The applicant is requesting to rezone approximately 1.4 acres from Neighborhood Business and Designated Highway (B-N/D-H) to Residential Rural and Designated Highway (R-R/D-H). The request is to rezone the rear portion of

the applicants lot and keep the front portion of the lot zoned Neighborhood Business (B-N).

The property is located on Hwy 10N near the intersection of Hwy 10 and Hwy 18. The property is currently zoned B-N/D-H and is bordered on the west and across the road to the south by B-N/D-H zoning; the property to the north and east is zoned R-R and partially in the D-H. There is a mixture of business and residential uses on this property. The Lincoln County Land Development Plan calls for Regional Commercial development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 194--Donald Norman, Applicant.

Being no speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 194--Donald Norman, Applicant, closed.

Public Hearing--Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants

Commissioner Terry Brotherton stated that he has a financial interest in this request and would like to be excused.

A motion by Commissioner Larry Craig to excuse Commissioner Terry Brotherton from this request.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Commissioner Terry Brotherton excused himself to the lobby.

Julie Mosteller, Zoning Administrator, presented information on Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants.

The applicants are requesting to rezone approximately 55 acres to Industrial General (I-G). Currently the area consists of Residential Single Family (R-SF), Residential Transitional (R-T) and Neighborhood Business(B-N) districts. The property fronts on Hwy 16 N.

The property is located on the west side of Hwy 16 N. The property is currently zoned Residential Single Family (R-SF). The property is bordered on the east, west, and south by R-SF and to the north by Residential Suburban (R-S). The Lincoln County Land Development Plan calls for Medium Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants.

Larry Williams, small businessman and developer in Lincoln County, stated that he was disappointed with the article in the Lincoln Times-News supplied by Mr. Brotherton. Mr. Williams stated that he is also disappointed that he is a rookie member of this Committee already trying to feather his own nest. Mr. Williams stated that he does not believe Lincoln County needs another industrial park. Mr. Williams stated that this is a conflict of interest.

Todd Wulfforst, attorney, stated that he was speaking on behalf of Mr. Sherrill and Mr. Brotherton. Mr. Wulfforst stated what is being proposed is a small industrial park that will have an impact on Lincoln County. It will be a good addition to the county and to the tax base. The lot sizes will range from one-half acre to one acre or larger and will have water and sewer access. There is a need for industrial property in Lincoln County.

Commissioner Larry Craig reported to the Planning Board that Lincoln County recently missed about a \$20 million project because it did not have available industrial land where the gentleman wanted to go. There is a need for industrial property.

Marvin Phillips stated there is a need for industrial property in Lincoln County.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants, closed.

Public Hearing--Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individual presented information regarding Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner.

Julie Mosteller presented Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner.

The applicant is requesting conditional use permit approval to allow the placement of a 1974 singlewide mobile home in the R-T zoning district. This property is located on lot 29 Nicholson Rd. The property is surrounded by property zoned R-T. The Lincoln County Land Development Plan calls for medium density residential development in this area.

Commissioner Larry Craig stated that he received a telephone call from J. C. Bynum, Jr. opposing this request. Mr. Bynum's property is adjacent to this property.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner.

Being no speakers, Chairman McConnell declared the Public Hearing on Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner, closed.

Public Hearing--Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner.

Julie Mosteller, Zoning Administrator, stated that Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner application came in after the 21 day deadline and the Planning Board will have to vote to hearing this request.

John Black, Jr., Chairman of the Planning Board, reconvened the Planning Board meeting from February 11, 1997.

Planning Board member, Ronald Smith motioned to hear Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner at the March 3, 1997 public hearing, seconded by Mike Baker. Motion carried unanimously.

Julie Mosteller presented Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner.

The applicant is requesting conditional use permit approval to allow for the placement of six duplexes and a utility building on property located on Jaclyn Lane. The property is located off of Salem Church Road and is zoned Residential Suburban (R-S). The property is bordered on all sides by Residential Single Family (R-SF) zoning. The Lincoln County Land Development Plan calls for medium density residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner.

Helen Hester stated to leave the utility building off of this request.

Kenneth Hester stated that he would like for the Commissioners and Planning Board to stand behind what is a clear majority. Mr. Hester stated that his main objection was the utility building.

Richard O'Dell stated that he has no objection to the duplexes but if he is going to building them to make him divide the property like he is suppose to. Mr. O'Dell stated that he is opposed to the utility building.

Larry Edison stated that he does not want a mini warehouse whether it is called an utility building or any other name.

Elizabeth Edison presented a petition of opposition. Ms. Edison stated that she is concerned about crime and opposed to the utility building.

Jack Garrison explained his request. Mr. Garrison stated the reason he is asking for this request is to be able to use the same pads he previously had graded . The utility building will be to keep tools for the upkeep of the apartments.

Susan McCaslin, Mr. Garrison's daughter, stated that this building called a utility building is going to be a small maintenance building where the maintenance man will keep his tools. Ms. McCaslin stated the building will be locked, framed, and landscaped.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner, closed.

Public Hearing--Parallel Conditional Use Permit No. 22--Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Parallel Conditional Use Permit No. 22--Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner.

Julie Mosteller presented Parallel Conditional Use Permit No. 22--Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner.

Kenneth and Kelli Hogue are requesting a conditional use rezoning to allow for the placement of a doublewide mobile home on Martha Gaskill's property located off Unity Church Rd. The property is currently zoned Residential Single Family (R-SF) and the proposal is to change the zoning to Residential Transitional and Conditional Use (R-T/C-U).

The property is located off Unity Church Rd. It is zoned R-SF and is surrounded by R-SF zoning. The Lincoln County Land Development Plan calls for Higher Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Permit No. 22--Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner.

Kelli Hogue stated that she had previously received nonconforming use approval from the Planning Board to replace a singlewide with a doublewide but since approval from Planning Board has purchased land from her mother and now requesting approval to place a doublewide on the purchased land.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Permit No. 22--Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner, closed.

Public Hearing--Parallel Conditional Use Permit No. 23--Gary Dellinger, Applicant and Property Owner

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Parallel Conditional Use Permit No. 23--Gary Dellinger, Applicant and Property Owner

Julie Mosteller presented Parallel Conditional Use Permit No. 23--Gary Dellinger, Applicant and Property Owner.

The applicant is requesting to rezone approximately 3.4 acres from Residential Single Family (R-SF) to Residential Suburban Conditional Use (R-S C-U). This property is located off of Las Brisas Lane. The request is to allow for the placement of stick built homes on lots to be created in accordance with the survey plat which is attached. According to the applicant water and sewer are available to this lot. A lot zoned Residential Suburban (R-S) with both water and sewer would have a minimum lot size of 14,000 square feet. The property is bordered on all sides by Residential Single Family (R-SF), there is Residential Suburban (R-S) across Unity Church Road. The Land Development Plan calls for Higher Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Permit No. 23--Gary Dellinger, Applicant and Property Owner.

Terri Chomicz stated that she owns property on Las Brisas Road. Ms. Chomicz asked 1) Where is Mr. Dellinger going to access his property? 2) Since his land crosses a cove on Lake Norman what is he going to do at the cove?

Gary Dellinger addressed Ms. Chomicz's questions. Mr. Dellinger stated that he owns land on the left and right sides of Las Brias Lane. Crossing the cove he is going to place a 24" culvert for ingress and egress of water. Mr. Dellinger also stated that the homes will all be stick built and have size restrictions - no modulars.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Permit No. 24--Gary Dellinger, Applicant and Property Owner, closed.

Public Hearing--Parallel Conditional Use Permit No. 24--Gary Dellinger, Applicant and Property Owner

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Parallel Conditional Use Permit No. 24--Gary Dellinger, Applicant and Property Owner

Julie Mosteller presented Parallel Conditional Use Permit No. 24--Gary Dellinger, Applicant and Property Owner.

The applicant is requesting to rezone approximately 6 acres from Residential Single Family (R-SF) to Residential Suburban Conditional Use (R-S C-U). This property is located at the end of Malibu Pointe Lane off Hwy 16. The request is to allow for the placement of stick built homes on lots to be created in accordance with the survey plat which is attached. According to the applicant water and sewer are available to this lot. A lot zoned Residential Suburban (R-S) with both water and sewer would have a minimum lot size of 14,000 square feet. The property is bordered on all sides by Residential Single Family (R-SF). The Land Development Plan calls for Higher Density Residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Permit No. 24--Gary Dellinger, Applicant and Property Owner.

Gary Dellinger stated the homes will be restricted to 1600 square foot site built.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Permit No. 24--Gary Dellinger, Applicant and Property Owner, closed.

Public Hearing--Parallel Conditional Use Permit No. 25--Angie Mackey, Applicant; Denise Houser, Owner

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Parallel Conditional Use Permit No. 25--Angie Mackey, Applicant; Denise Houser, Owner

Julie Mosteller presented Parallel Conditional Use Permit No. 25--Angie Mackey, Applicant; Denise Houser, Owner.

The applicants are requesting conditional use rezoning to allow for the placement of mini warehouses on property located on Cat Square Rd. The current zoning is Neighborhood Business (B-N) and the request is to change it to General Business/Conditional Use (B-G/C-U). The property is bordered to the north, south and east by B-N zoning; it is bordered to the west by Residential Suburban (R-S). The Lincoln County Land Development Plan calls for local commercial development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Permit No. 25--Angie Mackey, Applicant; Denise Houser, Owner.

Denise Houser of 6902 Reeps Grove Church Road stated that she is the current owner of the property in question and Ms. Mackey will be purchasing one tract of this property and the other tract she will keep.

Angie Mackey stated that she would be purchasing the land and building mini storage buildings if request is approved.

Maxine Parker lives in Cat Square spoke in opposition to this request because she feels this would be a terrible eye sore and depreciate her property.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Permit No. 25--Angie Mackey, Applicant; Denise Houser, Owner, closed.

Public Hearing--Parallel Conditional Use Permit No. 26--East Lincoln Health Investors, Applicant; Lee Killian, Owner

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Parallel Conditional Use Permit No. 26--East Lincoln Health Investors, Applicant; Lee Killian, Owner.

Julie Mosteller presented Parallel Conditional Use Permit No. 26--East Lincoln Health Investors, Applicant; Lee Killian, Owner.

The applicant is requesting a conditional use rezoning to allow for the placement of an assisted living facility on property located on Hwy 16 N. The property is currently zoned Residential Single Family (R-SF) and the request is for that to be changed to Residential Suburban/Conditional Use (R-S/C-U). The property borders R-S zoning to the southeast; R-SF to the north and west and Neighborhood Business (B-N) to the northeast. This property is across Hwy 16 from Denver Industrial Park. The Lincoln County Land Development Plan calls for Regional Commercial development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Permit No. 26--East Lincoln Health Investors, Applicant; Lee Killian, Owner.

Jeff Mullis of Hickory, North Carolina stated that he represents East Lincoln Health Investors. Mr. Mullis stated that the East Lincoln Health Investors are made up of four doctors from Hickory, North Carolina. All the doctors are medical directors of nursing homes in western North Carolina.

Mr. Mullis stated that the proposed facility is an assisted living facility which means that it is a cross between a rest home and a nursing home. An assisted living facility would allow care for intermediate care patients which are now usually cared for in a nursing home. Patients would be given services they need at a decreased cost. There is a definite need for this in the county.

Lee Killian stated that he feels this would be a great asset to eastern Lincoln County. Mr. Killian stated that he and his wife visited one of the facilities in Kannapolis, North Carolina and was very pleased. The facility was beautiful and very nice.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Permit No. 26--East Lincoln Health Investors, Applicant; Lee Killian, Owner, closed.

Public Hearing--Parallel Conditional Use Permit No. 28--Madgalene Hallman, Applicant

Having been duly sworn by the Clerk, Rebecca Shoupe, the following individuals presented information regarding Parallel Conditional Use Permit No. 28--Madgalene Hallman, Applicant.

Julie Mosteller, Zoning Administrator, stated that Parallel Conditional Use Permit No. 28--Madgalene Hallman, Applicant application came in after the 21 day deadline and the Planning Board will have to vote to hear this request.

Planning Board member, Mike Baker motioned to accept Parallel Conditional Use Permit No. 28--Madgalene Hallman, Applicant application for the March 3, 1997 public hearing, seconded by Gary Garlow. Motion carried unanimously.

Julie Mosteller presented Parallel Conditional Use Permit No. 28--Madgalene Hallman, Applicant

The applicant is requesting conditional use rezoning to place a 1995 mobile home on property located off Gainsville Church Rd. The property is currently zoned Residential Single Family (R-SF) and the requested change is to Residential Suburban/Conditional Use (R-S/C-U). The applicant plans to cut out approximately one acre for this home. The property is surrounded by property zoned R-SF.

Chairman McConnell asked if there was anyone wishing to speak regarding Parallel Conditional Use Permit No. 28--Madgalene Hallman, Applicant

Madge Hallman stated that she would like to have permission to rezone for purpose of placing a doublewide for her daughter and infant son for a place of residences.

Chairman McConnell asked if anyone else would like to speak. Being no additional speakers, Chairman McConnell declared the Public Hearing on Parallel Conditional Use Permit No. 28--Madgalene Hallman, Applicant, closed.

The Planning Board reconvened to the balcony of the auditorium on the second floor of the Citizen Center for a Planning Board meeting and to deliberate on the following recommendations:

Zoning Text Amendment No. 184--Various Text Amendment
for Chapter 12 Overlay Districts and Chapter 10, Section
10.10 B-N Neighborhood Business District
Zoning Text Amendment No. 187--Amendment to Chapter 7
Nonconforming Uses
 Amendment to Chapter 10 General Zoning District
 Regulations
 Amendment to Chapter 8 General Provisions
 Amendment to Chapter 2 Definitions
Zoning Map Amendment No. 190--Claude Ray Shrum,
 Applicant
Zoning Map Amendment No. 191--Gerald and Peggy Dyke,
 Applicant
Zoning Map Amendment No. 192--Flint Morris Calaway,
 Applicant
Zoning Map Amendment No. 193--Todd S. Beam, Applicant

Zoning Map Amendment No. 194--Donald Norman,
Applicant
Zoning Map Amendment No. 195--Ralph Sherrill and Terry
Brotherton, Applicants
Conditional Use Permit No. 97--Nina Bumgardner, Applicant;
Ralph and Louise Engle, Owner
Conditional Use Permit No. 99--Jack Garrison, Applicant and
Owner
Parallel Conditional Use Rezoning No. 22--Kenneth and Kelli
Hogue, Applicant; Martha Gaskill, Owner
Parallel Conditional Use Rezoning No. 23--Gary Dellinger,
Applicant and Property Owner
Parallel Conditional Use Rezoning No. 24--Gary Dellinger,
Applicant and Property Owner
Parallel Conditional Use Rezoning No. 25--Angie Mackey,
Applicant; Denise Houser, Owner
Parallel Conditional Use Rezoning No. 26--East Lincoln
Health Investors, Applicant; Lee Killian, Owner
Parallel Conditional Use Rezoning No. 28--Madgalene
Hallman, Applicant

PUBLIC HEARING--RENAMING OF ROAD--PANORAMIC LANE

This is Monday, March 3, 1997 and the time 7:00 p.m., which was
advertised in the *Lincoln Times-News* on February 21, 1997 and February 28,
1997 for a Public Hearing on Renaming of Road--Panoramic Lane.

NOTICE PUBLIC HEARING FOR RENAMING OF ROADS

In accordance with G.S. 153A-240, it is hereby declared that a public hearing will
be held in the Lincoln County Citizens Center, Third Floor, 115 West Main
Street, Lincolnton, North Carolina on Monday March 3, 1997 at 7:00 p. m.. At
that time the Board will receive comments from the public concerning the naming
of the following roads.

DENVER POSTAL DISTRICT

Existing Name

Panoramic
In Denver Shores Mobile Home Park

Proposed

Todd Lane

The public is invited. Maps which show the locations of these roads are
available for viewing in the Lincoln County Building And Land Development

Office, 302 North Academy Street, Lincolnton, NC, or in the County Manager's Office, 115 West Main street, Third Floor Citizen's Center, Lincolnton, NC..

By Order of the Lincoln County
Board of Commissioners
Rebecca Shoupe
Clerk to the Board

Published: February 21, and February 28, 1997

Jeff Vernon stated that Gerald and Carolyn Johnson, owners of Denver Shores Mobile Home Park, request to rename a portion of Panoramic Lane to Todd Lane.

Chairman McConnell asked if there was anyone wishing to speak regarding Renaming of Road--Panoramic Lane.

Being no speakers, Chairman McConnell declared the Public Hearing on Renaming of Road--Panoramic Lane, closed.

A motion by Commissioner James Hallman to rename a portion of Panoramic Lane in Denver Shores Mobile Home Park to Todd Lane.

Seconded by Commissioner Larry Craig.
Unanimous approved.

APPROVAL OF MINUTES

February 14, 1997 Meeting with Local Legislative Delegation

Chairman McConnell presented the minutes of February 14, 1997 Meeting with Local Legislative Delegation.

A motion by Commissioner Beth Saine to approve the minutes of February 14, 1997 Meeting with Local Legislative Delegation.

Seconded by Commissioner Terry Brotherton.
Unanimous approved.

Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20-Construction of Aircraft Hanger

Chairman McConnell presented the Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20-Construction of Aircraft Hanger.

NORTH CAROLINA
LINCOLN COUNTY

RESOLUTION AUTHORIZING THE FILING OF
AN APPLICATION FOR APPROVAL OF A
FINANCING AGREEMENT AUTHORIZED BY
NORTH CAROLINA GENERAL STATUTE I60A-20

WHEREAS, the County of Lincoln, North Carolina, has an acute, urgent and immediate need for a common aircraft hanger to provide safe and adequate storage of aircraft; and

WHEREAS, the County of Lincoln desires to finance the project by the use of an installment contract authorized by North Carolina General Statute I60A, Article 3, Section 20, and

WHEREAS, the amount to be financed is \$185,000.00 to be amortized over a period of twelve (12) years at a 5.67% interest rate. BB&T has agreed to finance said amount for said project in accordance with NC General Statute 160A-20 granting to the Lender a security interest in the land and improvements, and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute I59, Article 8, Section I51 prior to approval of the proposed contract.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Lincoln County, North Carolina, meeting in regular session on the 3rd day of March, 1997, makes the following findings of fact:

1. The proposed contract is necessary to furnish and provide safe and adequate storage of aircraft at the Lincoln County Airport for the general public.
2. The amount to be financed is \$185,000.00 to be amortized over a period of twelve (12) years at a 5.67% interest rate in accordance with NC General Statute 160A-20 granting to the Lender a security interest in the land and improvements.
3. The proposed financial arrangement is preferable to a bond issue for the same purpose, because there are not adequate funds in the current budget to finance the total cost of this project. Lincoln County has strived to improve its fund balance to an amount that is acceptable to the Local Government Commission, and an amount necessary for sound financial management. Although there is now an adequate fund balance, there are not adequate funds to finance this project without spreading the payments over several years. This financing is preferred over general obligation bonds, because of the comparable interest rate and the lower issuance cost associated with private placement.

This is also preferable to two-thirds debt issuance, because currently there is no two-thirds debt authorization available. Also this form of financing is faster than general obligation bonds and needs to be completed within the next several months in order to meet the acute need for safe storage for aircraft at the Lincoln County Airport.

4. The sums to fall due under the financing contract are adequate and not excessive for the proposed purpose, because bids have been taken for the project, and the amount of the lowest bid is felt to be reasonable for its construction, and the amount financed is sufficient to complete the project within the bid price.

5. The County of Lincoln's debt management procedures and policies are good, because such practices have been carried out in strict compliance with the law, as evidenced by the additional general obligation debt that has been issued over the last several years for school and water projects.

6. No increase in taxes are anticipated. The revenue generated from the new hanger should be sufficient to meet the sums to fall due under the proposed contract; however, if this was not the case, the increase in taxes necessary to meet the sums to fall due under the proposed contract will be \$0.076 cents per \$100.00 valuation and is not deemed to be excessive.

7. The County of Lincoln is not in default in any of its debt-service obligations.

8. The attorney for the County of Lincoln has rendered an opinion that the proposed project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Chairman of the Board of Commissioners and/or County Manager be authorized to act on behalf of the County of Lincoln in filing an application with the North Carolina Local Government Commission for approval of the Project and the proposed financing contract and other actions not inconsistent with this resolution.

This resolution is effective upon its adoption, on the 3rd day of March, 1997.

The motion to adopt this resolution was made by Commissioner _____, seconded by Commissioner _____, and _____, and passed by a vote of 5 to 0.

Louis E. McConnell, Chairman

Board of Commissioners

ATTEST:

Rebecca B. Shoupe, Clerk to the Board
of the Lincoln County Board of Commissioners.

A motion by Commissioner Larry Craig to approve the Resolution
Authorizing the Filing of an Application for Approval of a Financing Agreement
Authorized by North Carolina General Statute 160A-20-Construction of Aircraft
Hanger.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Vacancies

Solid Waste Advisory Board (1 City of Lincolnton)
Council on Aging (2)
Board of Variances and Appeals, Alternates (2)

A motion by Commissioner James Hallman to appoint Larry Mac Hovis to
the Solid Waste Advisory Board for the City appointment.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Rick French, County Manager, reminded the Board that there is no
meeting scheduled for March 10, 1997.

Mr. French asked the Board if they could meet on March 17, 1997 at 6:00
p.m. for the East Lincoln Water and Sewer Board instead of 6:30 p.m.

A motion by Commissioner Beth Saine to meet at 6:00 p.m. on March 17,
1997 for the East Lincoln Water and Sewer Board Meeting.

Seconded by Commissioner Terry Brotherton.
Unanimously approved.

Mr. French reminded the Board of the meeting on March 24, 1997 at 6:30
p.m. for the Operations review (David Griffith Study) and six month financial
review. Also on March 11, 1997 at 6:30 p.m. is the Howard's Creek Community
Center Anniversary Dinner.

Mr. French stated that he is working on developing a policy to protect
employees of profanity and violence from the public.

CLOSED SESSION

Rick French, County Manager, advised that there was a need for a Closed Session for the purpose of discussing a personnel matter.

Commissioner Larry Craig motioned that the Board go in to Closed Session.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Commissioner James Hallman motioned for the Board to come out of Closed Session.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Chairman McConnell advised that the Board would return to Open Session.

OPEN SESSION

A motion by Commissioner Larry Craig that the Board approve up to \$5,000 for the old Zettie Huss house. The purpose of the money is to make renovations for the house to become operable.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Rick French, County Manager, reported to the Board that the City of Lincolnton is interested in having someone from the Institute of Government talk to the County about a water authority. It was a consensus of the Board not to meet with the City of Lincolnton regarding a water authority.

Chairman McConnell called for a recess.

RECOMMENDATIONS FROM PLANNING BOARD MEETING -- MARCH 3, 1997

Zoning Text Amendment No. 184--Various Text Amendment for Chapter 12 Overlay Districts and Chapter 10, Section 10.10 B-N Neighborhood Business District

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval as written.

A motion by Commissioner Terry Brotherton to accept the Planning Board's recommendation of approval on Zoning Text Amendment No. 184--Various Text Amendment for Chapter 12 Overlay Districts and Chapter 10, Section 10.10 B-N Neighborhood Business District.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, Amendment to Chapter 2 Definitions

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval with the following correction:

In Section 10.4 Residential Single Family 10.4.3A Minimum Lot Size change "all uses" to only lots with single family dwellings.

A motion by Commissioner Larry Craig to accept the Planning Board's recommendation of approval on Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, Amendment to Chapter 2 Definitions with correction.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Zoning Map Amendment No. 190--Claude Ray Shrum, Applicant

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval for this request.

A motion by Commissioner Terry Brotherton to approve Zoning Map Amendment No. 190--Claude Ray Shrum, Applicant as requested by applicant.

Seconded by Commissioner James Hallman.
Unanimous approved.

Zoning Map Amendment No. 191--Gerald and Peggy Dyke, Applicant

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval of this request.

A motion by Commissioner James Hallman to approve Zoning Map Amendment No. 191--Gerald and Peggy Dyke, Applicant based on Planning Board's recommendation.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Zoning Map Amendment No. 192--Flint Morris Calaway, Applicant

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval.

A motion by Commissioner Larry Craig to approve Zoning Map Amendment No. 192--Flint Morris Calaway, Applicant based on Planning Board's recommendation.

Seconded by Commissioner Terry Brotherton.
Unanimously approved.

Zoning Map Amendment No. 193--Todd S. Beam, Applicant

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of disapproval for this request.

A motion by Commissioner James Hallman to disapprove Zoning Map Amendment No. 193--Todd S. Beam, Applicant, based on the Planning Board's recommendation.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Zoning Map Amendment No. 194--Donald Norman, Applicant

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval.

A motion by Commissioner James Hallman to approve Zoning Map Amendment No. 194--Donald Norman, Applicant, based on the Planning Board's recommendation.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants

A motion by Commissioner Larry Craig to exclude Commissioner Terry Brotherton from voting due to a personal interest.

Seconded by Commissioner James Hallman.
Unanimously approved.

Julie Mosteller, Zoning Administrator, stated that the Planning Board's recommendation was an unanimous vote of approval.

A motion by Commissioner Larry Craig to approve Zoning Map Amendment No. 195--Ralph Sherrill and Terry Brotherton, Applicants, based on the Planning Board's recommendation and the need for industrial zoning in that area.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Conditional Use Permit No. 97--Nina Bumgardner, Applicant; Ralph and Louise Engle, Owner

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval.

Chairman McConnell presented the findings of fact.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 97 Date: March 3, 1997

Applicant's Name: Nina Bumgardner
Address: 207 Nicholson Road
Lincolnton, NC 28092

Property Owner's Name: Ralph and Louise Engle
Address: 217 Nicholson Road
Lincolnton, NC 28092

Property Location: Nicholson Road
Map 3645 01 49 3414

Existing Zoning: R-T

Proposed Conditional Use: 1974 singlewide mobile home

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
Motioned by Commissioner James Hallman.
Seconded by Commissioner Beth Saine.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No
Motioned by Commissioner James Hallman.
Seconded by Commissioner Beth Saine.
Factual Reasons Cited: The use meets all required conditions and specifications.
Vote: Unanimous.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No
Motioned by Commissioner James Hallman.
Seconded by Commissioner Beth Saine.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Vote: Unanimous.
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
Motioned by Commissioner James Hallman.
Seconded by Commissioner Beth Saine.
Factual Reason Cited: The location and character of use, if developed according to the plan as submitted and approved, will be in harmony with the area.
Vote: Unanimous.

After having held a public hearing on March 3, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner James Hallman motioned that the Conditional Use Permit be approved with the one "fair and reasonable conditions" attached based on all the findings of fact being found in the affirmative. Seconded by Commissioner Beth Saine.

Vote: 4-1

Ayes: Commissioners McConnell, Hallman, Saine, Brotherton
Nays: Commissioner Craig

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1. Verification be shown that home is a Lincoln County home.
- 2.

Chairman
Lincoln County Board of Commissioners

March 3, 1997

Clerk to Board of Commissioners

March 3, 1997

Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner, an unanimous vote of approval with the following conditions:

1. Maintenance building not be for rental use.
2. Screening be placed along the rear property line behind the accessory building for a distances of 156' centered on the building. The screening should consist of evergreens and would meet the requirements of screening for a mobile home park.

A motion by Commissioner James Hallman to table Conditional Use Permit No. 99--Jack Garrison, Applicant and Owner until Board visits the site.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Parallel Conditional Use Rezoning No. 22--Kenneth and Kelli Hogue, Applicant; Martha Gaskill, Owner

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval.

Chairman McConnell presented the Findings of Fact.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR-# 22 Date: March 3, 1997

Applicant's Name: Kelli Hogue
Address: 8374 Unity Church Road
Denver, NC 28037

Property Owner's Name: Martha Gaskill
Address: 8394 Unity Church Road
Denver, NC 28037

Property Location: Unity Church Road
Map 4613 09 05 2647

Existing Zoning: R-SF

Proposed Conditional Use: Home

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
Motioned by Commissioner Beth Saine.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No
Motioned by Commissioner Beth Saine.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use meets all required conditions and specifications.
Vote: Unanimous.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No
Motioned by Commissioner Beth Saine.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Vote: Unanimous.
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
Motioned by Commissioner Beth Saine.
Seconded by Commissioner Terry Brotherton.
Factual Reason 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.
Vote: Unanimous.

After having held a public hearing on March 3, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner James Hallman motioned that the Rezoning Request and Conditional Use Permit be approved with the no "fair and reasonable conditions" attached based on all findings of fact being found in the affirmative. Seconded by Commissioner Larry Craig.

Vote: Unanimous.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

- 1.
- 2.

March 3, 1997

Chairman
Lincoln County Board of Commissioners

March 3, 1997

Clerk to Board of Commissioners

Parallel Conditional Use Rezoning No. 23--Gary Dellinger, Applicant and Property Owner

Julie Mosteller stated that Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, and Amendment to Chapter 2 Definitions approved earlier took care of this request.

Gary Dellinger, applicant, agreed to withdraw application.

Parallel Conditional Use Rezoning No. 24--Gary Dellinger, Applicant and Property Owner

Julie Mosteller stated that Zoning Text Amendment No. 187--Amendment to Chapter 7 Nonconforming Uses, Amendment to Chapter 10 General Zoning District Regulations, Amendment to Chapter 8 General Provisions, and Amendment to Chapter 2 Definitions approved earlier took care of this request.

Gary Dellinger, applicant, agreed to withdraw application.

Parallel Conditional Use Rezoning No. 25--Angie Mackey, Applicant; Denise Houser, Owner

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval.

Chairman McConnell presented the Finding of Facts.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR-#25 Date: March 3, 1997

Applicant's Name: Angie Mackey
Address: 1067 Whispering Pines Drive
Newton, NC 28658

Property Owner's Name: Denise Houser
Address: 6902 Reeps Grove Church Road
Vale, NC 28168

Property Location: Cat Square Road
Map 2686 00 20 7426

Existing Zoning: B-N

Proposed Conditional Use: Mini Warehouses

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
Motioned by Commissioner James Hallman.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No
Motioned by Commissioner Larry Craig.
Seconded by Commissioner Terry Brotherton.
Factual Reasons Cited: The use meets all required conditions and specifications.
Vote: Unanimous.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No
Motioned by Commissioner Terry Brotherton.
Seconded by Commissioner Larry Craig.

Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Vote: Unanimous.

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

Motioned by Commissioner Terry Brotherton.

Seconded by Commissioner Beth Saine.

Factual Reason 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.

Vote: Unanimous.

After having held a public hearing on March 3, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner James Hallman motioned that the Rezoning Request and Conditional Use Permit be approved with no "fair and reasonable conditions" attached based on all finding of facts being found in the affirmative. Seconded by Commissioner Larry Craig.

Vote: Unanimous.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1.

2.

March 3, 1997

Chairman
Lincoln County Board of Commissioners

March 3, 1997

Clerk to Board of Commissioners

**Parallel Conditional Use Rezoning No. 26--East Lincoln Health Investors,
Applicant; Lee Killian, Owner**

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval.

Chairman McConnell presented the Findings of Fact.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR-# 26 Date: March 3, 1997

Applicant's Name: East Lincoln Health Investors, LLC
Address: 56 Third Street, NW
Hickory, NC 28601

Property Owner's Name: Lee Killian
Address: P. O. Box 022
Denver, NC 28037

Property Location: Highway 16
Map 3695 01 15 7970

Existing Zoning: R-SF

Proposed Conditional Use: Assisted Living Facility

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
Motioned by Commissioner Beth Saine.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Vote: Unanimous.

2. The use meets all required conditions and specifications. Yes X No
Motioned by Commissioner Beth Saine.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use meets all required conditions and specifications.
Vote: Unanimous.

3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No
Motioned by Commissioner Beth Saine.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Vote: Unanimous.

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

Motioned by Commissioner Beth Saine.

Seconded by Commissioner Larry Craig.

Factual Reason 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.

Vote: Unanimous.

After having held a public hearing on March 3, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner James Hallman motioned that the Rezoning Request and Conditional Use Permit be approved with no "fair and reasonable conditions" attached based on affirmative findings of fact and recommendation from Planning Board. Seconded by Commissioner Terry Brotherton.

Vote: Unanimous.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1.

2.

March 3, 1997

Chairman
Lincoln County Board of Commissioners

March 3, 1997

Clerk to Board of Commissioners

Parallel Conditional Use Rezoning No. 28--Madgalene Hallman, Applicant

Julie Mosteller, Zoning Administrator, stated the Planning Board's recommendation was an unanimous vote of approval based on comments made by legal counsel regarding spot zoning.

Chairman McConnell presented the Findings of Fact.

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

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUR# 28

Date: March 3, 1997

Applicant's Name: Madgalene H. Hallman
Address: 162 Gainesville Church Road
Lincolnton, NC 28092

Property Owner's Name: Same as above.
Address:

Property Location: 162 Gainesville Church Road
Map 3613 00 43 5195

Existing Zoning: R-SF

Proposed Conditional Use: 1995 Doublewide Mobile Home

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
Motioned by Commissioner Larry Craig.
Seconded by Commissioner Beth Saine.
Factual Reasons Cited: The use will not materially endanger the public health or safety if located where proposed and developed according to plan.
Vote: Unanimous.
2. The use meets all required conditions and specifications. Yes X No
Motioned by Commissioner Larry Craig.
Seconded by Commissioner Beth Saine.
Factual Reasons Cited: The use meets all required conditions and specifications.
Vote: Unanimous.
3. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity. Yes X No
Motioned by Commissioner Larry Craig.
Seconded by Commissioner Beth Saine.
Factual Reasons Cited: The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity.
Vote: 4-1
Ayes: Commissioners McConnell, Craig, Saine, Brotherton.
Nays: Commissioner Hallman.
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
Motioned by Commissioner Larry Craig.

Seconded by Commissioner Terry Brotherton.

Factual Reason 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.

Vote: Unanimous.

After having held a public hearing on March 3, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Larry Craig motioned that the Rezoning Request and Conditional Use Permit be approved with no "fair and reasonable conditions" attached based on the affirmative findings of fact. Seconded by Commissioner Terry Brotherton.

Vote: Unanimous.

In recommending said conditional use, the following conditions were recommended by the Lincoln County Board of Commissioners:

1.

2.

March 3, 1997

Chairman
Lincoln County Board of Commissioners

March 3, 1997

Clerk to Board of Commissioners

ADJOURNMENT

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the March 3, 1997 meeting.

Commissioner Larry Craig motioned that the Board adjourn.

Seconded by Commissioner James Hallman.
Unanimously approved.

030397ph.min