

**LINCOLN COUNTY
BOARD OF COMMISSIONERS****MINUTES
SEPTEMBER 8, 1997**

The Lincoln County Board of County Commissioners and the Planning Board met in a joint session on September 8, 1997 at the Citizens Center, Auditorium, 115 West Main Street, Lincolnton, North Carolina, 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 Black, Mike Baker, Ron Smith, James Funderburk, Jerry Geymont, Gary Garlow, Stanley Roseboro, and Mike Allred.

Also present were Jeff Vernon, Director of Building and Land Development, Judy Francis, Zoning Administrator, and Amy S. Long, Clerk to the Board of Commissioners.

CALL TO ORDER

Chairman McConnell called the September 8, 1997 meeting to order.

AGENDA**LINCOLN COUNTY BOARD OF COUNTY COMMISSIONERS****AND****PLANNING BOARD****SEPTEMBER 8, 1997****PUBLIC HEARINGS**

- 6:30 PM Call to Order
1. 6:30 PM Proclamation of The Lincoln County Apple Festival
 2. 6:35 PM Proclamation for Hunting and Fishing Day

3. 6:45 PM Sheriff's Report - Law Enforcement and Detention Ground Breaking Ceremony
4. 7:00 PM Public Hearings
- Zoning Map Amendment No. 223--Virgil King, Applicant Request R-S Zoning, Currently Zoned R-SF, Location Hallman Mill Road in the North Brook Area
- Zoning Map Amendment No. 225--Reginald Hurt, Applicant Request B-N Zoning, Currently Zoned R-SF, Location Buffalo Shoals Road
- Zoning Map Amendment No. 226--Ark Ventures, Inc., Applicant, Request RL-ZO Zoning, Currently Zoned R-SF, Location--Fairfield Forest Road
- Zoning Map Amendment No. 228--Charles Saine, Applicant Request R-R Zoning, Currently Zoned R-SF, Location Richland Lane, Karen Goodman, Owner
- Zoning Map Amendment No. 229--Minnie Bullis, Applicant Request R-R Zoning, Currently Zoned R-SF, Location Norman Parker Road
- Conditional Use Permit No. 112--Joseph Howard, Applicant Request CUP to Allow Mobile Home On His Property for Disabled Relatives, Currently Zoned R-T and Lies Partially Within the DH, Location--Henry Dellinger Road
- Conditional Use Permit No. 113--Todd McGee, Applicant Request CUP to Allow Class B or C Mobile Home on Relative's Property, Currently Zoned R-S, Location Lenhaven Trail
- Conditional Use Permit No. 114--Silas Hart, Jr., Applicant Request CUP to Allow Class C Mobile Home on Relative's Property, Currently Zoned R-S, Location--West Ridge Lane at Springdale Road in Ironton
5. 7:20 Old Business/No Public Hearing
- Zoning Text Amendment 221: Telecommunication Towers

6. 7:30 At this time the Board of Commissioners will recess the September 8, 1997 meeting and open the September 8, 1997 Board of Variances and Appeals Meeting.
7. 8:00 Appointments
8. 8:15 Calendar
9. 8:20 County Commissioners' Report
10. 8:30 County Manager's Report
11. 8:45 Other Business
12. 9:00 Recommendations from the Planning Board
- Zoning Map Amendment No. 223--Virgil King, Applicant
- Zoning Map Amendment No. 225--Reginald Hurt, Applicant
- Zoning Map Amendment No. 226--Ark Ventures, Inc., Applicant
- Zoning Map Amendment No. 228--Charles Saine, Applicant
- Zoning Map Amendment No. 229--Minnie Bullis, Applicant
- Conditional Use Permit No. 112--Joseph Howard, Applicant
- Conditional Use Permit No. 113--Todd McGee, Applicant
- Conditional Use Permit No. 114--Silas Hart, Jr., Applicant
- Zoning Text Amendment 221: Telecommunication Towers
13. 9:30 Closed Session--Personnel and Contractual
- Adjourn

PROCLAMATION OF THE LINCOLN COUNTY APPLE FESTIVAL

The following proclamation was presented to the Commissioners:

PROCLAMATION
CITY MAYOR AND CITY COUNCIL
BOARD OF COUNTY COMMISSIONERS
1997

WHEREAS, the income from apple production is a significant part of the agricultural income of Lincoln County, and

WHEREAS, Lincoln County is a part of the second largest apple producing region in North Carolina, and

WHEREAS, the Lincoln County Apple Festival came into being in 1972 for the purpose of celebrating the apple harvest, and

WHEREAS, the 1997 Lincoln County Apple Festival marks the twenty-sixth year of this celebration.

WHEREAS, the Lincoln County Apple Festival continues to expand and give opportunity to numerous civic and charitable organizations to finance their humanitarian projects through the year, and

WHEREAS, the Lincoln County Apple Festival affords "down-home" togetherness and a time of fellowship and family fun for thousands of people from near and far,

WE, THEREFORE, Jerry Campbell, Mayor of Lincolnton, and Louis E. McConnell, Chairman of the Lincoln County Board of Commissioners, do hereby proclaim the period of September 14 through September 20, 1997 as Apple Festival Week in Lincolnton and Lincoln County and do further call upon all its citizens to participate to the fullest in the week's activities.

Adopted at the County of Lincoln, this 8th day of September, 1997.

Jerry Campbell
Mayor of Lincolnton

Louis E. McConnell
Chairman, Board of Commissioners

Commissioner James Hallman made a motion to adopt the Proclamation of the Lincoln County Apple Festival.

Seconded By Commissioner Terry Brotherton.
Unanimously approved.

PROCLAMATION OF HUNTING AND FISHING DAY

The following proclamation was presented to the Commissioners:

PROCLAMATION HUNTING AND FISHING DAY SATURDAY, SEPTEMBER 27, 1997

WHEREAS, hunting and fishing have always been an important part of the North Carolina tradition. And most Americans believe that such activities continue to be popular. Their perceptions are right on target. For example, the number of women involved in the shooting sports has increased by more than 80% in the past ten years.

WHEREAS, hunting and fishing are so much more than recreational pursuits. For over 100 years, hunters and anglers have been at the forefront of the conservation movement giving of their time and finances. In fact, they have provided over \$20 billion to wildlife management programs, contributing \$3.5 million per day nationally. In 1996, North Carolinians contributed nearly 30 million for licenses and wildlife stamp and excise taxes of sporting equipment.

WHEREAS, this financial support has provided the basis for scientific research, habitat restoration, and education which have led to the dramatic come back of wildlife in North Carolina such as wild turkey, river otters, tundra swans, and other waterfowl, alligators, shore birds, bald eagles, and other raptures and fur bearers.

WHEREAS, hunters and anglers are also important to the economy. With the average sportsman spending \$1024 on food, lodging, equipment, real estate leases, and conservation fees, it is hardly a surprise that one million jobs are directly or indirectly supported by hunting and fishing.

WHEREAS, dollars and cents alone do not represent the true worth of our outdoor traditions. Wealthier than any millionaire is one with greater awareness, understanding, and respect of the natural environment and its wildlife. Wealthier still are the ethical hunters and anglers who share this treasure with a youngster, friend or relative.

THEREFORE, in recognition of past and current conservation achievements of ethical hunters and anglers in Lincoln County, we the Commissioners of Lincoln County do hereby proclaim **Saturday, September 27, 1997** as **Hunting and Fishing Day in Lincoln County**.

ADOPTED this the 8th day of September, 1997.

ATTEST:

Louis E. McConnell, Chairman
Board of Commissioners

Amy S. Long, Clerk
Board of Commissioners

Commissioner Larry Craig made a motion to adopt the Proclamation for Hunting and Fishing Day.

Seconded by Commissioner Beth Saine.
Unanimously approved.

SHERIFF'S REPORT – LAW ENFORCEMENT AND DETENTION GROUND BREAKING CEREMONY

Sheriff Barbara Pickens gave a report on the Lincoln County Law Enforcement and Detention Center. She stated that in the past 6 months she has been working with M.B. Kahn on plans for the jail. On September 16, 1997 at 2:00 p.m. bids will be open for the construction site work. She stated that the City of Lincolnton is requiring a new public hearing for the Conditional Use Permit, which is scheduled for October 2, 1997. The Groundbreaking for the Law Enforcement and Detention Center is set for Friday, September 26, 1997, 2:00 p.m.

Commissioner James Hallman made a motion to add item 3a – Heart Walk – Emily Robinson to the agenda.

Seconded by Commissioner Larry Craig.
Unanimously approved.

HEART WALK – EMILY ROBINSON

Emily Robinson, Personnel Assistant, stated that this year 34 participants from Lincoln County will be walking in the Heart Walk on October 4, 1997 to raise money for the American Heart Association. Rick French, County Manager, will be running 100 miles on October 4, 1997, in the Arkansas Traveler 100 Mile Run in Little Rock, Arkansas. Rick French will also be raising money for the American Heart Association.

Zoning Text Amendment No. 221—Staff Initiated Text Amendment: Telecommunications/Transmission Tower

Judy Francis, Zoning Administrator, presented information on Zoning Text Amendment No. 221—Telecommunications/Transmission Tower.

Amend Chapter 2: Definitions and Rules of Construction as follows:

Include in Section 2.4 Definitions the following definition:

Telecommunication / Transmission Tower

Any tower that supports an antennae or antennas erected for the purpose of transmitting or receiving signals over the airwaves as a commercial service. This definition shall not include any structures erected solely for a residential, non-commercial individual use such as residential television antennas. Furthermore, the definition shall not include any structures less than forty (40) feet in height for and on the same lot as a commercial use that is purely incidental to other business activities of the owner.

Amend Chapter 8: General Provisions as follows:

Add the following:

Section 8.35 Telecommunication / Transmission Towers

- 8.35.1 No commercial signs or advertising shall be allowed on a telecommunication / transmission tower.
- 8.35.2 All telecommunication / transmission towers must comply with all FCC and FAA guidelines, as well as applicable portions of the Lincolnton - Lincoln County Airport Zoning Ordinance. The telecommunications / transmission tower owner shall provide the County each year with a copy of any FCC and FAA licenses required.
- 8.35.3 The telecommunication / transmission tower owner shall provide the Zoning Administrator with a map or description of the service area(s) for the proposed tower antenna(s) as part of the Conditional Use Permit application. The applicant shall also identify all other possible alternatives considered within the service area for the proposed tower's antenna(s) and explain why existing towers and structures can not accommodate the proposed antenna(s).
- 8.35.4 Telecommunication / transmission towers shall not be constructed unless the tower owner has general liability coverage of at least \$1,000,000. The owner of the tower shall provide the County with a certificate of insurance showing evidence of its coverage and the

certificate shall contain a requirement that the insurance company notify the County thirty (30) days prior to cancellation, modification, or failure to renew the insurance coverage required. Lapse of this insurance shall be deemed by the County to be sufficient grounds to revoke the Conditional Use Permit.

8.35.5 (Option 1: applicant / landowner contract) As a condition of issuance of a permit under this section, the applicant shall be required to provide evidence that provisions have been made for the removal of the tower once its use has been discontinued for more than 180 days. Such evidence shall consist of a contract between the landowner and the owner or operator of the telecommunications / transmission tower requiring the owner or operator to dismantle and remove the tower within 90 days after the end of such 180-day period.

The use shall not be deemed "discontinued", as that term is used in this subsection, during any reasonable period of time in which the tower may be temporarily out of use while repairs, upgrades, or improvements are being made to the tower.

8.35.5 (Option 2: cash bond / letter of credit) As a condition of issuance of a permit under this section, the applicant shall be required to make provisions for the removal of the tower once its use has been discontinued for more than 180 days as stated in this subsection. The cash bond or letter of credit provided shall be in effect for the length of the property lease and any successive leases.

The applicant and / or owner or operator of the tower may satisfy this requirement by entering into an agreement with Lincoln County whereby this applicant and / or owner or operator, as the case may be, shall agree to dismantle and remove the tower at its or their expense within 90 days after continuance of use. The applicant and/or the owner or operator of the tower shall be required to submit evidence satisfactory to Lincoln County of the estimated costs of dismantling and removal. All such agreements and guarantees shall be subject to the approval of the Lincoln County Board of Commissioners and shall be made payable to Lincoln County, and such agreement shall be secured by one of the following methods, in an amount equal to 1.25 times the estimated cost of dismantling and removal:

1. Surety performance bond(s): a performance bond issued by a surety bonding company duly authorized to do business in North Carolina; and such bond(s)

shall remain in effect until the tower is dismantled and removed to the satisfaction of Lincoln County.

2. Cash or equivalent security; cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value. Such security shall be deposited with the County or in escrow with a financial institution designated as an official depository of Lincoln County.

If cash or other instrument is deposited in escrow with a financial institution as herein provided, the responsible party shall then file with the Board of Commissioners an agreement between the financial institution and himself guaranteeing the following:

- (i) That said escrow account shall be held in trust until released by the Board of Commissioners and may not be used or pledged by the depositor in any other matter during the term of the escrow; and
- (ii) That in case of a failure on the part of the responsible party to complete said dismantling, the financial institution shall immediately either pay to the County the funds (estimated by an engineer licensed in the state of North Carolina) to complete the dismantling, up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

Upon default, meaning failure on the part of the responsible party to complete the dismantling in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Board of Commissioners, pay all or any portion of the bond or escrow fund to Lincoln County up to the amount needed to complete the dismantling based on the County Engineer's estimate. Upon payment, the Board of Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required dismantling. The County shall return to the bonding firm any funds not spent in completing the dismantling. Should the amount of funds needed to complete the dismantling exceed the amount in the bond or escrow account, the responsible party shall nonetheless be responsible for providing the funds to cover such costs. The responsible party shall at all times bear the financial burden for the required dismantling.

Upon completion of dismantling, The Board of Commissioners shall authorize the County Manager to release any remaining portions of any security posted by the responsible party. Such funds shall be released within ten (10) days after the dismantling has been approved.

Amend 10.1.1(U), 10.1.2(K), 10.2.1(U), 10.2.2(K), 10.3.1(N), 10.4.1(M), 10.5.1(N), 10.10.1(C), 10.10.2(D), 10.11.1(C), 10.11.2(E), and 10.12.2(T) as follows:

Strike the word Towers and replace with Telecommunication / Transmission Towers.

PUBLIC HEARING - ZONING ISSUES

Chairman McConnell announced that this was the date, Monday, September 8, 1997 and the time, 6:30 p.m., which was advertised in the *Lincoln Times-News* on August 29, 1997 and September 5, 1997 for a Public Hearing on zoning requests.

NOTICE LINCOLN COUNTY PUBLIC HEARING

Zoning Map Amendments Conditional Use Permits Parallel Conditional Use Rezonings

Lincoln County Board of Commissioners will hold a public hearing on Monday, September 8, 1997 at 6:30 p.m. in the Commissioner's Board Room, Third Floor Citizens Center, 115 W. Main Street, Lincolnton, NC. A public hearing will be held for the following requests:

ZMA 223-Virgil King, applicant, Request to rezone the applicants property on Hallman Mill Road in the North Brook area from R-SF to R-S.

ZMA 225- Reginald B. Hurt, applicant, Request to rezone property located at 700 Buffalo Shoals Road from R-SF to B-N to bring a convenience store which existed prior to zoning into conformance.

ZMA 226-Ark Ventures, Inc., applicant, Request to rezone property located on Fairfield Forest Road in the Denver area from R-SF to RL-ZO to allow for the development of a 54 unit subdivision of zero lot line homes.

ZMA 228- Charles Dwight Saine, applicant, Request to rezone property on Richland Lane in the Vale area from R-SF to R-R.

ZMA 229- Minnie & Ronnie Bullis, applicants, Request to rezone property on Norman Parker Road in the North Brook area from R-SF to R-R.

CUP 112- Joseph Monroe Howard, applicant, Request to allow applicant to place a mobile home on his property, at 1371 Henry Dellinger Road in Denver, for his in-laws who are disabled.

CUP 113- Todd McGee, applicant, Request to allow applicant to place a Class B or C mobile home on his father's property at 148 Lenhaven Trail in Lincolnton.

CUP 114- Silas & Sharon Hart, Jr. applicants, Request to allow applicants to place a Class C mobile home on his father's property on West Ridge Lane at Springdale Road in Ironton.

Interested parties and citizens may obtain further information from the Lincoln County Planning Department, 302 North Academy Street, Lincolnton, N.C. 28092 or by calling (704) 736-8724.

By the order of the Lincoln County
Board of Commissioners,
Amy S. Long, Clerk to the Board

Zoning Map Amendment No. 223—Virgil King, Applicant

Judy Francis, Zoning Administrator presented information on Zoning Map Amendment No. 223—Virgil King, Applicant.

The applicant is requesting a Zoning Map Change for his property on Hallman Mill Road in the North Brook area from R-SF to R-S to allow him to place a Class A mobile home Subdivision there.

The applicant's property, which consists of approximately 8 acres, is located on Hallman Mill Road in the North Brook area and is currently zoned R-SF. An existing mobile home and two acres will be subdivided out if the rezoning is approved. The parcel is surrounded by R-S zoning to the west and north. Surrounding properties have single family residences and mobile homes on them. 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. 223—Virgil W. King, Applicant.

Clyde King stated that his son had invested a lot of money in this property and the payments are too high. He is trying to get out of debt by selling this property.

Joyce Houser, 7416 Hallman Mill Road, spoke in opposition of the request, stating that she would like to see the zoning stay as it is. She commented that 100 percent of the residents on Hallman Mill Road and Cooper Road signed a petition against this request.

Judy Smith, 7419 Hallman Mill Road, spoke in opposition of the request. She stated that she has nothing against trailers, but a mobile home subdivision brings in different lifestyles.

Katherine Franz, 7632 Hallman Mill Road, spoke in opposition of the request stating that she represents 5 generations of Housers that live on Hallman Mill Road. She stated that many residents on Hallman Mill Road are interested in purchasing the land from Mr. King.

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. 223—Virgil King, Applicant, closed.

Zoning Map Amendment No. 225—Reginald B. Hurt, Applicant

Judy Francis, Zoning Administrator presented information on Zoning Map Amendment No. 225—Reginald Hurt, Applicant.

The applicant is requesting a Zoning Map Change for his property at 700 Buffalo Shoals Road from R-SF to B-N to bring a convenience store which existed prior to zoning into conformance.

The applicant's property, which consists of approximately one-half acre (.55) acre, is located at 700 Buffalo Shoals Road and is currently zoned R-SF. An existing business is located on the lot. The parcel is surrounded by R-S zoning to the west and R-SF to the east. Surrounding properties have single family residences and mobile homes on them. 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. 225—Reginald B. Hurt, Applicant.

Reginald Hurt, Applicant, stated that twelve years ago he operated a business here. He plans to go back into the convenience store business. He stated that it had been zoned wrong to start with and he is trying to get into compliance.

Alex Sawyer, 1798 Water Falls Drive, stated that he lives in the Quail Hollow Development. He is concerned that if the convenience store is allowed here, and is taken into the city, it will be allowed to sell beer and wine. He is 100 percent for a “family mart” but does not want alcohol sold there.

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. 225—Reginald B. Hurt, Applicants, closed.

Zoning Text Amendment No. 226—Ark Ventures, Inc., Applicant

Judy Francis, Zoning Administrator presented information regarding Zoning Text Amendment No. 226—Ark Ventures, Inc., Applicant.

The applicant is requesting a Zoning Map Change for his property on Fairfield Forest Road from R-SF to zero lot line district (RL-ZO) to allow for the development of a 54 unit subdivision of zero lot line homes.

The parcels in question, which consist of approximately 23 vacant acres, are owned by Crescent Resources, located on Fairfield Forest Road and are currently zoned R-SF. The parcels are surrounded by residential districts to the north, east, and south, and business districts to the southwest. Surrounding properties have single family residences, businesses, and a church on them. The applicant is proposing a zero lot line development of 54 units to be hooked in to the county sewer and water system. The development will be accessible to the Westport golf course and will contain over twenty-five percent of the total area in common open space. This subdivision was platted prior to the adoption of the Lincoln County Subdivision Ordinance. The Lincoln County Land Development Plan calls for higher density residential development and public recreational / open space in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Text Amendment No. 226—Ark Ventures, Inc., Applicant.

Noah Lazes, with Ark Ventures, gave a brief description on the subdivision planned on Fairfield Forest Road. He stated that the development has been designed to provide upscale, maintenance free living, with homes no less than 1300 square feet, with a 900 square foot first floor requirement. He commented that all patio homes would be constructed using brick veneer, using white vinyl windows, trim, and gutters. The typical homes will be 1600-1900 square feet and \$120,000-\$150,000. He stated that only appropriate builders will be allowed and all driveways must be paved. He commented that the Subdivision would pay half of the fees to tap on to Lincoln County Water and Sewer.

Mr. Lazes stated that the development would feature more than 25% of open green space, with a landscaped walking trail, a proposed small lake, and a gazebo. Residents of the community will also be provided with a dedicated access way to the Westport Golf Course.

Ernie Godshall spoke in favor of the request, stating that he has been a resident of Westport for 20 years, and that he strongly supports this development.

Jack Morgan, Fox Run, asked what would happen to the green space later on. He also stated that he served on a zoning board for 20 years.

Rebecca Cox stated that she has lived in Denver for 21 years. She commented that the zoning signs need to be bigger.

Judy Francis, Zoning Administrator, reviewed the policy on Public Hearing Notification.

Chairman Louis McConnell thanked Ms. Cox for her suggestion, and stated that it would be looked into.

Andy Stram stated that letters sent out about zoning should be sent to different homeowner's associations. He asked for further explanation about access to the golf course, and if elevations were available. He also asked about the number of bedrooms planned and garages.

Noah Lazes stated that there would be at least 25% open space that will not be developed. He commented that access to the golf course would be internally, through the community. He stated that the homes will have 2 to 3 bedrooms, and all homes will have attached garages, no detached garages are allowed.

Milton Starnes stated that he lives in the Westport community and is concerned about the traffic. He commented that slow-moving golf carts would have to cross the road, in a 45-mile per hour zone.

Tom Cox stated that there is a prestigious subdivision in Cramer Mountain that is having financial problems and is concerned that this subdivision might have the same situation.

Dick Carlson stated that the property values on these homes was too low. He commented that they would affect the value of all of the homes.

Fred Meyer stated that the density in the development is a little too high. He stated that Lake Norman Times would publish notices of meetings at no

charge. He commented about the lack of a Land Development Plan. He stated that the Commissioners needed better microphones.

Commissioner Larry Craig stated that the Planning Board staff could look at advertising in the Lake Norman Times, since there would be no charge.

Clara Alexander asked which type of meeting would be appropriate to address concerns about roads, access, and schools in East Lincoln with the development.

Commissioner Larry Craig commented that there is a public comments section at the regular monthly meeting.

Cathy Hines stated that she has read the 1992 Land Use Plan. She stated that if zoning is changed every time it is requested, the Land Use Plan might as well be thrown out. She stated that this plan was also done before the sewer system was put in. She commented that no more zoning changes should be done until there is another Land Use Plan.

Dortha Strand stated that she lives in the Westport community and she believes that the developer should upgrade and bring better homes into the community.

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. 226—Ark Ventures, Inc., Applicant, closed.

Chairman McConnell called for a five minute recess.

Chairman McConnell called the meeting back to order.

Zoning Map Amendment No. 228—Charles Dwight Saine, Applicant

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 228—Charles Dwight Saine, Applicant.

The applicant is requesting a Zoning Map Change for Karen Goodman's property on Richland Lane from residential single-family (R-SF) to rural residential (R-R) for his son to locate a mobile home there.

The property, which consists of approximately one acre, is located on Richland Lane in the Vale area and is currently zoned residential single family (R-SF). The lot is currently vacant and is surrounded by R-SF zoning to the east and south and R-R zoning to the north and west. Surrounding properties have single family residences and mobile homes on them. The Lincoln County Land Development Plan calls for low density residential development in this area.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 228—Charles Dwight Saine, Applicant.

Charles Dwight Saine, applicant, stated that his son lives in a rented mobile home adjoining this property. He would like to buy the land and put a new mobile home on it.

Scott Saine stated that he has rented a mobile home next to this land for 7 years and would like to have something that is his own.

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. 228—Charles Dwight Saine, Applicant, closed.

Zoning Map Amendment No. 229—Minnie & Ronnie Bullis, Applicant

Judy Francis, Zoning Administrator, presented information on Zoning Map Amendment No. 229—Minnie & Ronnie Bullis, Applicant.

The applicant is requesting a Zoning Map Change for a portion of the Bullis' property on Norman Parker Road from residential single-family (R-SF) to rural residential (R-R) which would allow them to locate a mobile home there.

The total parcel, which consists of approximately twenty three (23) acres, is located on Norman Parker Road in the North Brook area and is currently zoned residential single family (R-SF). The lot is currently vacant and is surrounded by R-SF and R-R zoning. Surrounding properties have single family residences and mobile homes on them. It is the applicant's intention to only rezone the portion of the property on the east side of Norman Parker Road (approx. 10.5 acres) and locate a single Class C mobile home there. The Lincoln County Land Development Plan calls for low density residential development in this area.

Judy Francis, Zoning Administrator, stated that after consulting with the applicants, they are willing to rezone approximately one acre to R-R to place one mobile home there.

Chairman McConnell asked if there was anyone wishing to speak regarding Zoning Map Amendment No. 229—Minnie & Ronnie Bullis, Applicant.

Minnie Bullis, applicant, stated that she grew up on this farm and is now living on a rented trailer space in Bessemer City. She commented that she would like to have her mobile home moved on this space.

Berta Parker stated that she does not like to see zoning changed, but she is in favor of Ms. Bullis being able to put trailer on the land.

Grady Cook stated that Minnie Bullis is his sister and he has no objection to her putting the mobile home on the land.

Bill Dedmon stated that he owns the adjacent land and does not see a problem with Ms. Bullis putting the mobile home there.

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. 229—Minnie & Ronnie Bullis, Applicants, closed.

Conditional Use Permit No. 112—Joseph Monroe Howard, Applicant

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 112—Joseph Monroe Howard, Applicant.

Judy Francis, Zoning Administrator, presented information on Conditional Use Permit No. 112—Joseph Monroe Howard, Applicant.

The applicant is requesting a Conditional Use Permit to allow him to place a mobile home on his property for his in-laws who are disabled.

The applicant's property, which consists of approximately nine and one-half (9 ½) acres, is located at 1371 Henry Dellinger Road off of Highway 150 in Denver and is currently zoned residential transition (R-T). The parcel is entirely surrounded by R-T zoning and lies partially within the highway overlay district (DH). Surrounding properties have single family residences and mobile homes on them. 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 Conditional Use Permit No. 112—Joseph Monroe Howard, Applicant.

Waynette Cox stated that she lives in a restricted community close to Mr. Howard's property. She asked where the mobile home would be placed, and stated that there is currently only one mobile home on Henry Dellinger Road. She stated she has no problem with this if the mobile home is placed behind his house, where it cannot be seen from the road. She commented that she is concerned about her property value.

Commissioner Terry Brotherton stated that he had spoken with the applicant, Joe Howard, and the mobile home would be place in the back of the yard.

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. 112—Joseph Monroe Howard, applicant, closed.

Conditional Use Permit No. 113—Todd McGee, Applicant

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 113—Todd McGee, Applicant.

Judy Francis, Zoning Administrator, presented Conditional Use Permit No. 113—Todd McGee, Applicant.

The applicant is requesting a Conditional Use Permit to allow him to place a Class B or C mobile home on his father's property. If approved, a lot and easement will be subdivided from the parcel for this purpose.

The applicant's property, which consists of approximately thirty-two and one-half (32 1/2) acres, is located at 158 Lenhaven Trail in Lincolnton and is currently zoned residential suburban (R-S). The parcel is surrounded by R-S zoning to the east and south, and neighborhood business (BN) to the north. The City of Lincolnton ETJ boundary is immediately west of the parcel. Surrounding properties have single family residences, mobile homes, and businesses on them. 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. 113—Todd McGee, Applicant.

Todd McGee, applicant, stated that he rents an apartment in Lincolnton, but he wants to move to this location. He commented that he cannot afford to build a house right now.

David McGee stated that he owns this land and the mobile home would be out of sight. He commented that his son is currently paying back college loans and cannot afford to build a house.

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. 113—Todd McGee, applicant, closed.

Conditional Use Permit No. 114—Silas & Sharon Hart, Jr., Applicants

Having been duly sworn by the Clerk, Amy Long, the following individuals presented information regarding Conditional Use Permit No. 114—Silas & Sharon Hart, Jr., Applicants.

Judy Francis, Zoning Administrator, presented Conditional Use Permit No. 114—Silas & Sharon Hart, Jr., Applicants.

The applicants are requesting a Conditional Use Permit to allow them to place a Class C mobile home on his father's property. If approved, a lot (3-3 1/2 acres) will be subdivided from the parcel for this purpose.

The property, which consists of approximately eighteen (18) acres, is located on West Ridge Lane at Springdale Road in Ironton and is currently zoned residential suburban (R-S). The parcel is surrounded by R-S zoning to the east, west, and south, and residential single family (R-SF) to the north. Surrounding properties have single family residences and mobile homes on them. 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 Conditional Use Permit No. 114—Silas & Sharon Hart, Jr., Applicants.

Silas Hart, Sr. stated that he wants to give this land to his children for them to live at this location. He commented that his son, Silas Hart, Jr. cannot afford to build a house right now. He stated that 2-3 acres would be surveyed off and put in his son's name. The mobile home is a 1988 model singlewide, and it will have a masonry foundation. He stated that that his daughter already has a singlewide on the land.

Ron Ramsey stated that he is selling the home to Mr. Hart. He purchased this mobile home about three years ago, and lived in it while he was building his home.

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. 114—Silas & Sharon Hart, Jr., applicants, closed.

Motion by Commissioner James Hallman to recess the public hearing meeting to hold the Board of Variances and Appeals meeting.

Seconded by Commissioner Beth Saine.
Unanimously approved.

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 above public hearing recommendations.

Chairman Louis McConnell called the public hearing meeting back to order.

RECOMMENDATIONS FROM PLANNING BOARD MEETING -- SEPTEMBER 8, 1997

Judy Francis, Zoning Administrator, presented the Planning Board's recommendations as follows:

Zoning Text Amendment No. 221—Staff Initiated Text Amendment: Telecommunications/Transmission Towers

Unanimous vote to approve using option 2 for Section 8.35.5—Letter of Credit/Cash Bond.

Commissioner Larry Craig made a motion to accept the Planning Board's recommendation and approve Zoning Text Amendment No. 221—Staff Initiated Text Amendment: Telecommunications/Transmission Towers using option 2 for Section 8.35.5—Letter of Credit/Cash Bond.

Seconded by Commissioner James Hallman.
Unanimously approved.

Zoning Map Amendment No. 223—Virgil W. King, Applicant.

Vote to deny as requested (4-1).

A motion by Commissioner James Hallman to deny this request due to the Planning Board's vote of 4-1 to deny this request.

Seconded by Commissioner Beth Saine.
Vote: 4-1 (Brotherton)

Zoning Map Amendment No. 225—Reginald B. Hurt, Applicant

Unanimous approval as requested.

A motion by Commissioner Larry Craig to accept the Planning Board's recommendation and approve the request.

Seconded by Commissioner James Hallman.
Unanimously approved.

Zoning Text Amendment No. 226—Ark Ventures, Inc., Applicant

Unanimous approval as requested.

A motion by Commissioner Larry Craig to approve the request based on the recommendation of the Planning Board and allow the zoning to be changed from R-SF to RL-ZO.

Seconded by Commissioner Terry Brotherton.
Unanimously approved.

Zoning Text Amendment No. 228—Charles Dwight Saine, Applicant

Unanimous approval as requested.

A motion by James Hallman to approve based on the Planning Board's unanimous approval.

Seconded by Commissioner Larry Craig.
Unanimously approved.

Zoning Map Amendment No. 229—Minnie & Ronnie Bullis, Applicants

Unanimous approval to allow rezoning on one acre in the rear of parcel that abuts the R-R district now, leaving remainder of parcel zoned R-SF.

A motion by Commissioner Larry Craig to approve the request based on the facts received and on the Planning Board's decision to change the zoning from R-SF to R-R on one acre for one mobile home.

Seconded by Commissioner James Hallman.
Unanimously approved.

Conditional Use Permit No. 112—Joseph Monroe Howard, Applicant

Unanimous approval with the condition that the mobile home be placed well behind the existing house to minimize the visual impact from the street.

Chairman McConnell presented the Findings of Fact for Conditional Use Permit No. 112—Joseph Monroe Howard, Applicant.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP-# 112

Date: September 8, 1997

Applicant's Name: Joseph Monroe Howard

Address: 1371 Henry Dellinger Road
PO Box 64
Denver, NC 28037

Property Owner's Name: Same as above
Address:

Property Location: 1371 Henry Dellinger Road, Off Highway 150 in Denver

Existing Zoning: R-T

Proposed Conditional Use: To Place a Mobile home on property for applicant's in-laws who are disabled.

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 Terry Brotherton.
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: Unanimously approved.
2. The use meets all required conditions and specifications. Yes X No
Motioned by Commissioner Terry Brotherton.
Seconded by Commissioner Beth Saine.
Factual Reasons Cited: The use meets all required conditions and specifications.
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
Motioned by Commissioner Terry Brotherton.
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: 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
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.

After having held a public hearing on September 8, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Terry Brotherton motioned that the Conditional Use Permit be approved with the following "fair and reasonable condition" attached. Seconded by Commissioner Larry Craig.

Vote: Unanimously approved.

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

1. The mobile home be placed in rear of the existing home.
 - 2.

Chairman
Lincoln County Board of Commissioners

September 8, 1997

Clerk to Board of Commissioners

September 8, 1997

Conditional Use Permit No. 113—Todd McGee, Applicant

Unanimous approval as requested.

Chairman McConnell presented the findings of fact for Conditional Use Permit No. 113—Todd McGee, Applicant.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Application Number: CUP #113 Date: September 8, 1997

Applicant's Name: Todd McGee
Address: 1440 Victor Woods Lane
Lincolnton, NC 28092

Property Owner's Name: David McGee

Address: 158 Lenhaven Trail
Lincolnton, NC 28092

Property Location: 158 Lenhaven Trail in Lincolnton

Existing Zoning: R-S

Proposed Conditional Use: To place a Class B or C mobile home on his father's property.

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: Unanimously approved.
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: 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
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: 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
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 in which it is to be located and will be in general conformity with the Land Use Plan for the area in question.
Vote: Unanimously approved.

After having held a public hearing on September 8, 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 no "fair and reasonable conditions" attached. Seconded by Commissioner Beth Saine.

Vote: Unanimously approved.

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

1.

**Chairman
Lincoln County Board of Commissioners**

September 8, 1997

Clerk to Board of Commissioners

September 8, 1997

Conditional Use Permit No. 114—Silas & Sharon Hart, Applicants

Unanimous approval with the condition that mobile home have masonry underpinning.

Chairman McConnell presented the findings of fact for Conditional Use Permit No. 114—Silas & Sharon Hart, Applicants.

RECOMMENDATION ON FINDINGS OF FACT FOR A CONDITIONAL USE PERMIT

LINCOLN COUNTY, NORTH CAROLINA

Applicant's Name: Silas Edgar Hart, Jr. & Sharon E. Hart
Address: P.O. Box 1454
Lincolnton, NC 28092

Property Owner's Name: Silas Edgar Hart, Sr. & Patricia W. Hart
Address: PO Box 1454
Lincolnton, NC 28092

Property Location: West Ridge Lane at Springdale Road

Existing Zoning: R-S

Proposed Conditional Use: To place a Class C mobile home on his father's property.

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: Unanimously approved.
2. The use meets all required conditions and specifications. Yes X No
Motioned by Commissioner James Hallman.
Seconded by Commissioner Larry Craig.
Factual Reasons Cited: The use meets all required conditions and specifications.
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
Motioned by Commissioner James Hallman.
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: 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
Motioned by Commissioner James Hallman.
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: Unanimously approved.

After having held a public hearing on September 8, 1997, and in light of the finding of facts listed herein, the following action was taken by the Lincoln County Board of Commissioners:

Commissioner Beth Saine motioned that the Conditional Use Permit be approved with one "fair and reasonable conditions" attached. Seconded by Commissioner Larry Craig.

Vote: Unanimously approved.

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

1. The mobile home must have masonry underpinning.
- 2.

September 8, 1997

Chairman
Lincoln County Board of Commissioners

September 8, 1997

Clerk to Board of Commissioners

Chairman McConnell called for a five minute recess.

Chairman McConnell called the meeting back to order.

APPOINTMENTS/VACANCIES

Commissioner James Hallman presented the following list of appointments:

321 Corridor Study Committee

Sam Houser
1680 Peeler Road
Vale, NC 28168

Danny Richard
207 Smith Farm Road
Lincolnton, NC 28092

Mike Baker
631 Hoyle Street
PO Box 1388
Lincolnton, NC 28092

Alex Patton
2740 Goldrush Drive
Lincolnton, NC 28092

Region F Aging Advisory Committee

Elizabeth Neal
3172 Lakeshore Road South
Denver, NC 28037

Also 1 Alternate needed.

Mrs. Neal wants to take her husband Ben Neal's position.

Planning Board

North Brook

ETJ

Commissioner James Hallman made a motion to appoint Sam Houser, Danny Richard, Mike Baker, and Alex Patton to the 321 Corridor Study Committee, and Elizabeth Neal to the Region F Aging Advisory Committee.

Seconded by Commissioner Beth Saine.
Unanimously approved.

Commissioner Larry Craig stated that Darrell Harkey had two vacancies on the Historic Properties Commission.

Commissioner Terry Brotherton stated that he would like to see a committee put together with the landowners in East Lincoln County to get some input.

COUNTY MANAGER'S REPORT

MEMORANDUM

TO: Louis E. McConnell, Chairman
Board of Commissioners

FROM: Richard L. French, County Manager

SUBJECT: County Manager's Report

DATE: September 4, 1997

1. County staff has met with Eddie Knox and representatives of the Verdict Development on August 29, 1997. County staff presented a proposal based on four annual payments of availability fees (remember the availability fees increase 10% per year on sewer) based on 150 lots per year. The reason County staff selected 150 lots per year was this total would pay debt service on the loan to construct the utilities. The East Lincoln Water and Sewer District has no fund balance. The loan would have to be guaranteed by the tax rate in the district. County staff

discussed this proposal with Knox in detail. Eddie Knox had some concerns about paying such a large sum of money up front and how his development was paying for a bulk of the sewer cost. County staff explained the financial situation in the sewer district. Eddie Knox and staff will speak again after all the numbers are crunched. County staff believes this project can happen and there is some flexibility in the county proposal. A copy of the proposal is enclosed.

2. The next meeting of the East Lincoln Water and Sewer Advisory Board will be September 9, 1997 at 7:00 p.m. at the water plant.
3. Doug Chapman, County Engineer, will report on the "impact fee" at our September 22, 1997 meeting. A summary of Union County's impact fees is also enclosed.
4. County staff would like to recommend the old School Instructional Services Building which presently houses Gaston College G.E.D. program to be reserved for the EDA. The first floor would provide more than reasonable space and would be available at the completion of the Gaston College/Senior Center project (June 98). County staff would also like to seek approval in discussing joint use of the first floor with the City of Lincolnton.
5. County staff would like to have approval to develop numbers (renovation cost) for the old Northwestern building which is located downtown. This building could house the Tax Department, which would free up needed space in the courthouse. The building has parking, drive-thru and is two stories. I recently met with Dennis Williams and an elevator will not be necessary as long as service can be provided on the main floor. County staff has had preliminary discussions with the agent (representing the owner) in regards to a long lease - 10 year.
6. Copies of the last two County Manager's Reports are enclosed in case you have any questions. August 22 and August 28 reports are enclosed.
7. County staff received a nice thank-you letter from new City Manager Jeff Emory concerning the landscaping project at City Hall. A copy of the letter is enclosed.
8. The North Carolina Board of Transportation will hold public meetings in October and November to receive information on priority and candidate projects for inclusion in the 1999-2005 Transportation Improvement Program (TIP). Our meeting is scheduled for November 5, 1997 in Dallas at the Gaston College, Garrison Auditorium. Please note this date on your calendars. I will provide more detail at our next meeting.

9. During the budget process, the update of the Land Development Plan was discussed. County staff have requested and received a proposal from Benchmark to update our plan focusing on Eastern Lincoln County. County staff would like to request acceptance of this proposal. The proposed fixed fee is \$19,000. This study which will involve serious time commitment for County staff, County Commissioners and County Planning Board members, will take approximately 8 months. A copy of the proposal is enclosed.
10. Enclosed is a copy of a "Comparison of Building Permits" for 1994, 95, 96 and 97 (thru August). Please note the increasing number of permits for this year.

/lth

Enclosures

Commissioner Terry Brotherton stated that he would like for Rick French, County Manager, and Doug Chapman, County Engineer to look into Impact fees and bring the findings back to the Board, who could then decide to move ahead or table them.

Commissioner Larry Craig stated that a mechanism should be included to have an exemption or something that gives the opportunity to move forward without paying.

CLOSED SESSION-CONTRACTUAL AND PERSONNEL

A motion by Commissioner James Hallman to go into closed session.

Seconded by Commissioner Larry Craig.
Unanimously approved.

A motion by James Hallman to come out of closed session.

Seconded by Commissioner Larry Craig.
Unanimously approved.

ADJOURNMENT

Being no further business to come before the Board of Commissioners at this time, Chairman McConnell entertained a motion to adjourn the September 8, 1997 meeting.

Commissioner James Hallman motioned that the Board adjourn.

Seconded by Commissioner Larry Craig.
Unanimously approved.