



PLANNING & INSPECTIONS DEPARTMENT  
Joshua L. Grant, Manager

To: Board of County Commissioners

From: Jeremiah Combs, Planner

Date: February 12, 2024

Re: SR #89  
D.R. Horton, Inc., applicant  
Parcel ID# 50192

*The following information is for use by the Lincoln County Board of Commissioners at their meeting/public hearing on March 4, 2024.*

Request

The applicant is requesting a waiver from the subdivision standards in Section 5.4.11.B of the Unified Development Ordinance to permit a cul-de-sac shorter than 200 feet and to permit a cul-de-sac longer than ten times the minimum lot width in a proposed subdivision with up to 173 townhomes on 26.14 acres.

Under Section 9.6.9 of the UDO, the Board of Commissioners is authorized to grant waivers from the subdivision standards if it makes certain findings based upon the evidence presented. An excerpt of the UDO section that contains the standards from which the applicant is requesting a waiver is included in this packet.

Site Area and Description

The 26.14-acre site is located on the north side of N.C. 73 and the west side of N. Ingleside Farm Rd. at the intersection of the two roads in Catawba Springs Township. The subject property is zoned R-T (Transitional Residential), but a concurrent rezoning request (PD #2022-9) proposes to rezone this property to PD-R (Planned Development-Residential). The subject property is adjoined by property zoned R-T and R-SF (Residential Single-Family). Land uses in this area include residential and civic uses.

## Cul-de-sac Roads

**§5.4.11. Cul-de-sac Roads**

A. Cul-de-sac roads shall be used only when it is determined by the Board of Commissioners that extension of the road to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential roads serving six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and other necessary truck traffic.

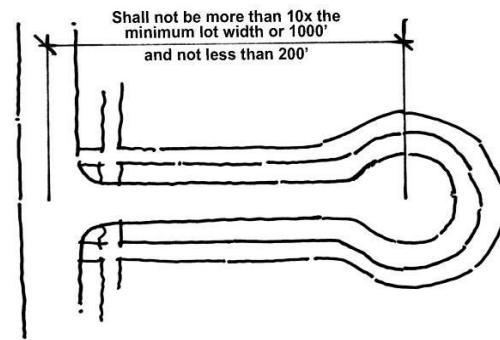


Figure 79. Cul-de-sac Roads

B. Cul-de-sac roads shall not be less than 200 feet or longer than ten times the minimum lot width or 1000 feet, whichever is less, and shall be terminated by a circular road having a minimum diameter as determined by NCDOT. The length of cul-de-sac roads shall be measured from the center point of its turnaround, along the centerline of its right-of-way and that of any intervening roads, to the centerline of the right-of-way of the nearest through road.

**§5.4.12. Half Roads**

The dedication of half roads at the perimeter of a new subdivision is prohibited. When a half road exists along the perimeter of an adjoining subdivision, the remaining half must be provided by the proposed subdivision.

**§5.4.13. Road Signs**

The subdivider shall either provide and erect road name signs at all road intersections within the subdivision in accordance with all NCDOT standards or be required to reimburse Lincoln County for providing said signs. Any such fee shall be paid to the Director prior to final plat approval.

**§5.4.14. Road Names**

Road names shall be subject to the approval of the Board of Commissioners. New road names shall not duplicate or be similar to existing road names in Lincoln County. Existing road names, however, shall be protected where appropriate in accordance with the Lincoln County Addressing Ordinance.

**§5.5. Sidewalks**

A. In order to enhance pedestrian safety and mobility, sidewalks a minimum of five feet in width shall be required on one side of all roads, provided however that sidewalks shall not be required on the following roadways:

1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, recreation and open space, trail or greenway lies within  $\frac{1}{4}$ -mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required;



## Application for Subdivision Waiver

### PART I

Name of Subdivision Villages at Ingleside

Applicant Name DR Horton, Inc.

Applicant Address 8025 Arrowridge Boulevard Charlotte, NC 28273

Applicant Phone Number 704-534-1533

Property Owner Name David Clark Jr. & Allison Thorne Clark

Property Owner Address PO Box 9 Lincolnton NC 28093

Property Owner Phone Number

### PART II

Property Location North Ingleside Farm Road and Highway 73

Property ID (12 digits) 3692476327 Parcel # (5 digits) 50192

### PART III

#### PURPOSE OF REQUEST

To the Lincoln County Board of Commissioners,

I DR Horton, Inc. (Name of Applicant) hereby petition for a waiver from Article 5, Subdivision Standards, of the Lincoln County Unified Development Ordinance. The extraordinary hardships or practical difficulties which may result from strict compliance can be described as follows:

Ordinance section(s) Number UDO §5.4.11.B, affecting Lot number(s)  may cause Cul-de-sac roads shall not be less than 200 feet or longer than ten times the minimum lot width or 1000 feet, whichever is less. This means that the plan must have cul-de-sac length between 200 feet - 220 feet for a 22 foot wide lot. This portion of the UDO is intended to be applied for SFD and not SFA. Connecting the the dead end roads to create looped roads without dead ends would impact existing trees. In particular, four of these trees measure between 42" and 55" dbh. See Exhibit A attached to this request for aerial map of onsite trees.

(Describe hardship(s) in specific terms)



## Application for Subdivision Waiver

### APPLICANT'S JUSTIFICATION

Where the Board of Commissioners finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Board of Commissioners shall not grant a waiver unless the Board of Commissioners makes findings based upon the evidence presented in each case that:

- 1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.**  
This waiver would not have any negative effect on public safety, health or welfare. Fire Turn arounds are available at the end of the cul-de-sac .
- 2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.**  
This property has numerous large diameter oak trees. Four of the trees measure between 42" and 55" at dbh. There is growing interest nationally to maintain old growth oak trees. An early concept plan for the site located a looped road through the area with the oak trees which conformed to the requirements of the UDO. However, the public expressed a desire to have these trees maintained in place. By adjusting the street network to avoid the trees, the dead end roads were created which do not conform to the UDO.
- 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.**  
Applying this UDO requirement strictly would limit the possible street network layout options. Preserving the oak trees not only limits development directly around these trees, but due to the location of the trees, creating a road network that surrounds the area is unachievable without the use of dead end roads.
- 4. The purpose of the waiver is not based primarily upon financial consideration.**  
This request is not based on financial considerations. Feedback received from the public and from the County has been a desire to maintain the mature trees on site. By preserving these trees, the development is yielding less townhomes, thus having a negative impact financially.

### Affirmation

I hereby affirm that to the best of my ability, knowledge, information and belief, I have provided all information requested on this form and that it is accurate.

A handwritten signature in black ink, appearing to read "Tim D. Dyer".

Applicant's Signature

# North Ingleside Farms

Existing trees aerial plan overlay

## EXHIBIT A



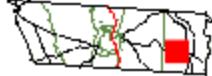


## Lincoln County, NC

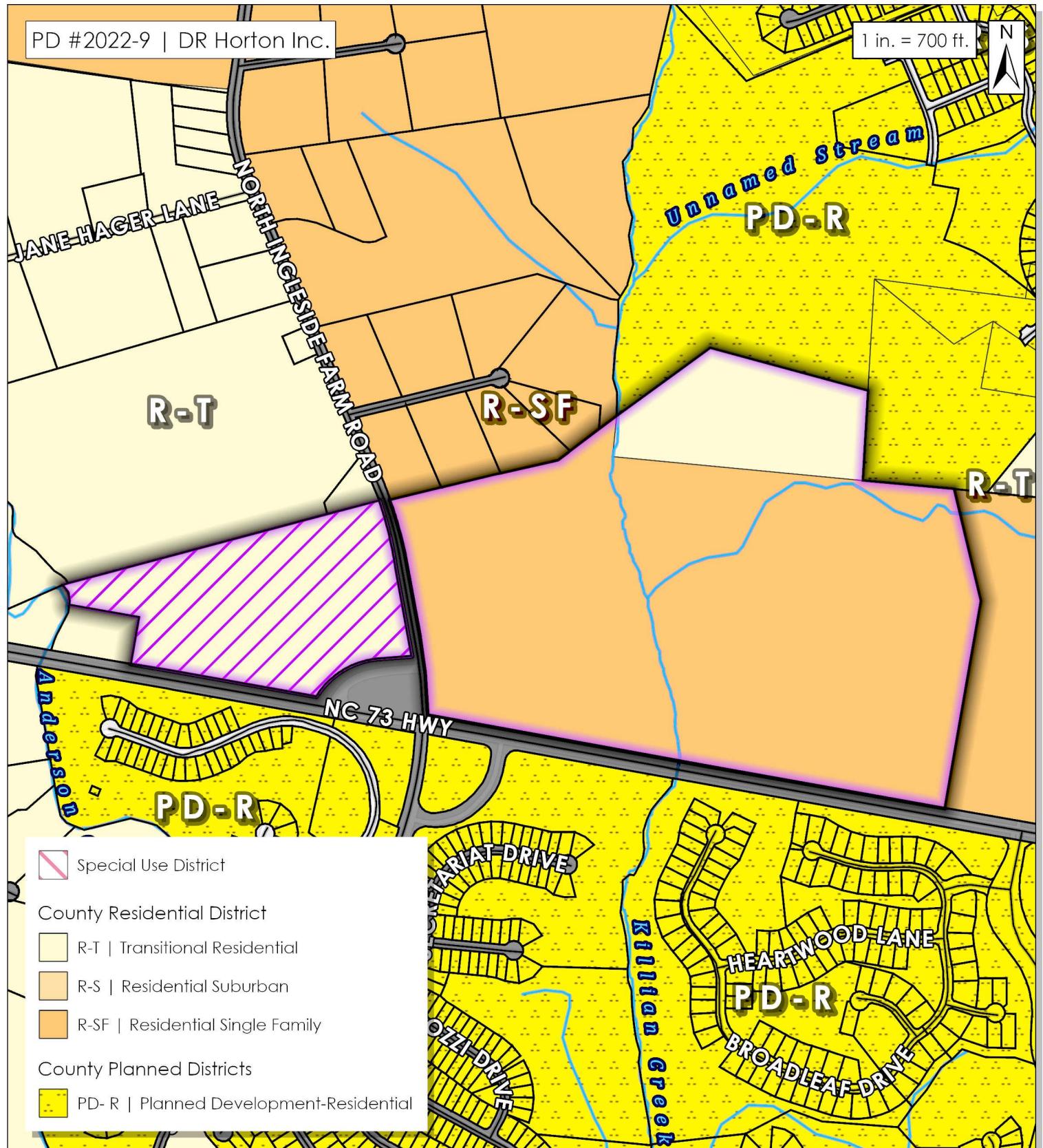
Office of the Tax Administrator, GIS Mapping Division

Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD. 1:250,000 Scale 1:50,000 1:25,000 1:10,000 1:5,000 1:2,500 1:1,000 1:500 1:250 1:100 1:50 1:25 1:10 1:5 1:2 1:1

Date: 11/15/2023 Scale: 1 Inch = 400 Feet



<b>Parcel ID</b>	50192	<b>Owner</b>	CLARK DAVID JR CLARK ALLISON THORNE
<b>Map</b>	3692	<b>Mailing</b>	PO BOX 9
<b>Account</b>	0113106	<b>Address</b>	LINCOLNTON, NC 28093-0009
<b>Deed</b>	928 112	<b>Last Transaction Date</b>	07/21/2020
<b>Plat</b>		<b>Subdivision</b>	<b>Sale Price</b> \$0
<b>Land Value</b>	\$1,515,991	<b>Improvement Value</b>	\$0
<b>Previous Parcel</b>			<b>Total Value</b> \$1,515,991
<b>-----All values for Tax Year 2023 -----</b>			
<b>Description</b>	VACANT LAND HWY 73 & 1383	<b>Deed Acres</b>	0
<b>Address</b>	N INGLESIDE FARM RD	<b>Tax Acres</b>	144.641
<b>Township</b>	CATAWBA SPRINGS	<b>Tax/Fire District</b>	EAST LINCOLN
<b>Main Improvement</b>		<b>Value</b>	
<b>Main Sq Feet</b>	<b>Stories</b>		<b>Year Built</b>
<b>Zoning District</b>	<b>Calc Acres</b>	<b>Voting Precinct</b>	<b>Calc Acres</b>
R-SF	103.22	TA37	77.87
R-T	41.42	DW28	66.77
<b>Watershed</b>		<b>Sewer District</b>	
			144.62
	144.64	SEWER	0.02
<b>Census County</b>	<b>Tract</b>	<b>Block</b>	
109	070902	1032	40.09
109	070902	1043	0.14
109	071101	2025	77.84
109	070902	1034	0.03



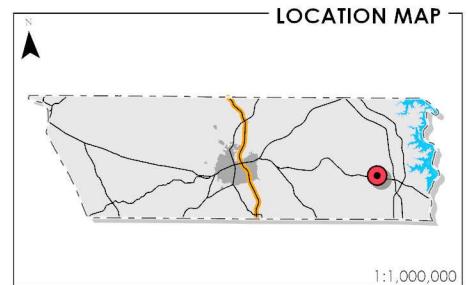
Parcel ID # 50192

- Property Location(s)



Lincoln County  
Planning & Inspections  
115 W. Main St  
3rd Floor  
Lincolnton, NC 28092

See Attached Application for Parcel Information



Property Location(s)



ANE-HAGER-LAN

NORTH INCLESIDE FARM ROAD

**SFN**

Unnamed Stream

**SFN**

WN

SD

SFN

NC 73 Hwy

LLR

SFN

## Land Use Plan

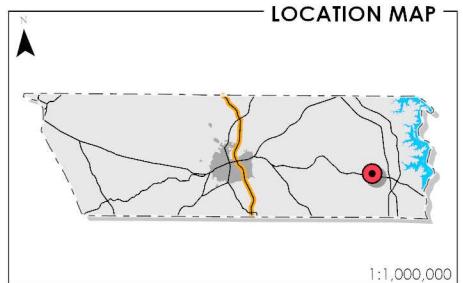
- Large Lot Residential (LLR)
- Special District (SD)
- Single-Family Neighborhood (SFN)
- Walkable Neighborhood (WN)



Lincoln County  
Planning & Inspections  
115 W. Main St  
3rd Floor  
Lincolnton, NC 28092

Parcel ID # 50192

See Attached Application for Parcel Information



## LOCATION MAP -

1:1,000,000

### Property Location(s)

